



# Annual Report Assessing CBP Efforts to Prevent, Detect, and Respond to Sexual Abuse in Holding Facilities

Fiscal Year 2019



U.S. Customs and  
Border Protection

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## Table of Contents

Message from the Chief Operating Officer and Senior Official Performing the Duties of the Commissioner..... iii

1. Purpose ..... 1

2. About CBP..... 1

3. Background..... 1

4. Definitions ..... 3

5. Accomplishments ..... 5

6. Allegation Types..... 7

7. Summary of Allegations in CBP Holding Facilities ..... 7

8. Investigations and Corrective Actions..... 9

9. Data Collection and Comparison..... 10

10. The Way Forward..... 12

11. Conclusion ..... 13

12. Reporting Sexual Abuse/Assault and Agency Contact Information..... 13

13. Data Tables ..... 15



## MESSAGE FROM THE CHIEF OPERATING OFFICER AND SENIOR OFFICIAL PERFORMING THE DUTIES OF THE COMMISSIONER

On behalf of U.S. Customs and Border Protection (CBP), I am pleased to present the Fiscal Year (FY) 2019 *Annual Report Assessing CBP Efforts to Prevent, Detect, and Respond to Sexual Abuse in Holding Facilities*. This report, prepared pursuant to Subpart B of the *Department of Homeland Security (DHS) Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities*, provides a summary of CBP's efforts to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training.



Compliance with the Prison Rape Elimination Act (PREA) is a top priority for CBP as this agency strives to provide a safe environment where detainees are free from sexual abuse and/or assault. CBP's Zero Tolerance Policy mandates zero tolerance toward all forms of sexual abuse and/or assault in holding facilities and outlines the agency's approach to preventing, detecting, and responding to such conduct.

Annually, CBP publishes this report based on data collected from records maintained by the Office of Professional Responsibility. The report includes PREA related activities from October 1, 2018, through September 30, 2019. Additionally, this report highlights CBP efforts during this timeframe to improve sexual abuse and assault detection, prevention, and response efforts.

CBP will continue to evaluate its policies and procedures and implement best practices to enhance sexual abuse and assault prevention, detection, and response strategies to further reduce, with the ultimate goal to eliminate, sexual abuse and/or assault from its holding facilities. I extend my gratitude to CBP's frontline personnel whose professionalism and dedication to integrity, service, and vigilance helps to ensure the safety and dignity of all individuals in our custody.

Mark A. Morgan  
Chief Operating Officer and  
Senior Official Performing the Duties of the Commissioner



## 1. Purpose

The Department of Homeland Security (DHS) *Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities* (hereafter the “DHS Standards”) require U.S. Customs and Border Protection (CBP) to review data collected and aggregated to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies and training. The DHS Standards also require CBP to identify problem areas and take corrective action on an ongoing basis to address those concerns.

This report provides a review of the incident-based sexual abuse data for Fiscal Year (FY) 2019 and compares aggregate sexual abuse data with data from prior fiscal years. It also compares corrective actions developed during FY 2019 to help reduce sexual abuse and/or assault in holding facilities to past corrective actions and includes an assessment of the agency’s progress in these areas.

## 2. About CBP

With more than 61,000 employees, which includes more than 24,000 CBP officers and more than 19,000 Border Patrol agents, CBP is one of the world’s largest law enforcement organizations. CBP is tasked with facilitating lawful international travel and trade while simultaneously protecting the United States from security threats posed by illegal travel and trade, including threats from terrorism, international crime, and the importation of dangerous contraband. As the United States’ first unified border entity, CBP takes a comprehensive approach to border control and management, thereby combining customs, immigration, border security, and agricultural protection into one coordinated activity. The men and women of CBP are responsible for enforcing hundreds of U.S. laws and regulations at the border. On a typical day in FY 2019, the Office of Field Operations inspected 1,124,075 passengers and pedestrians at ports of entry.<sup>1</sup> During FY 2019, U.S. Border Patrol apprehended 859,501 individuals attempting to enter the country illegally.<sup>2</sup> In addition, the Office of Field Operations arrested 8,546 individuals wanted for serious crimes and identified 288,523 inadmissible individuals at ports of entry.<sup>3</sup>

## 3. Background

On September 4, 2003, President George W. Bush signed into law the Prison Rape Elimination Act of 2003 (P.L. 108-79) ([PREA](#)). The goal of PREA is to prioritize and facilitate the development of procedures to prevent sexual abuse and assault in detention and holding facilities

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<sup>1</sup> CBP Stats and Summaries: On a Typical Day in Fiscal Year 2019 (<https://www.cbp.gov/newsroom/stats/typical-day-fy2019>).

<sup>2</sup> CBP Enforcement Statistics FY 2019 (<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy2019>).

<sup>3</sup> CBP Enforcement Statistics FY 2019.



in the United States. PREA required the U.S. Attorney General to promulgate regulations that adopt national standards for the detection, prevention, reduction, and punishment of prison rape.

On May 17, 2012, President Barack Obama issued a Memorandum for the Heads of Executive Departments and Agencies titled *Implementing the Prison Rape Elimination Act*. This memorandum directed all agencies with federal confinement facilities, which were not subject to the Department of Justice (DOJ) regulations, to propose rules or procedures necessary to satisfy the requirements of PREA. On June 20, 2012, the DOJ published the National Standards to Prevent, Detect, and Respond to Prison Rape ([DOJ Regulations](#)). The DOJ regulations do not govern DHS facilities. DOJ recognized that each federal agency responsible for incarcerating or detaining individuals “... is accountable for, and has statutory authority to regulate, the operations of its own facilities and, therefore, is best positioned to determine how to implement the Federal laws and rules that govern its own operations, the conduct of its own employees, and the safety of persons in its custody.”<sup>4</sup> In addition, the Violence Against Women Reauthorization Act of 2013 directed DHS to establish national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in its facilities (P.L. 113-4) ([VAWA](#)).

On March 7, 2014, DHS issued its PREA regulations, the DHS Standards. DHS published its regulations in three separate subparts - Subparts A, B, and C. Subpart A of the DHS Standards applies to U.S. Immigration and Customs Enforcement immigration detention facilities. 6 C.F.R. § 115.10. Subpart B of the DHS Standards applies to all DHS “holding facilities.”<sup>5</sup> 6 C.F.R. § 115.110. Lastly, Subpart C of the DHS Standards provides for external auditing of compliance with the applicable set of standards and established processes for corrective action if a particular facility does not meet the relevant standard. 6 C.F.R. §§ 115.201 – 205.

On May 6, 2014 (and again on March 11, 2015), CBP issued written policy prohibiting all forms of sexual abuse and/or assault of individuals in CBP custody. CBP’s [Zero Tolerance Policy](#) mandates zero tolerance toward all forms of sexual abuse and/or assault in holding facilities and outlines the agency’s approach to preventing, detecting, and responding to such conduct, as required by Subpart B of the DHS Standards. Then on January 19, 2018, CBP issued CBP Directive No. 2130-030, *Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities*, to establish CBP’s procedures for prevention, detection, and response to sexual abuse and assault in CBP holding facilities and to coordinate efforts to implement the DHS Standards among offices and personnel. This directive also represents CBP’s written institutional plan pursuant to 6 C.F.R § 115.165(a) for using a coordinated multidisciplinary team approach to respond to sexual abuse and/or assault.

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<sup>4</sup> 77 FR 37105 (<https://www.ojp.gov/sites/g/files/xyckuh186/files/media/document/PREA-Final-Rule.pdf>).

<sup>5</sup> A facility that contains holding cells, cell blocks, or other secure enclosures that are under the control of CBP and primarily used for the short-term confinement of individuals who have recently been detained, or are being transferred to or from a court, jail, prison, other agency, or elsewhere in CBP. See 6 C.F.R. § 115.5 for the definition of “Holding Facility.”



This report specifically focuses on CBP’s implementation of *Subpart B—Standards for DHS Holding Facilities Coverage*, as all CBP-impacted facilities are “holding facilities” under the DHS Standards. 6 C.F.R. 115.188(a) of the DHS Regulations require that CBP –

“... review data collected and aggregated pursuant to § 115.187 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (1) Identifying problem areas; (2) Taking corrective action on an ongoing basis; and (3) Preparing an annual report of its findings and corrective actions for the agency as a whole.”

Furthermore, the regulation requires that “[s]uch report shall include a comparison of the current year’s data and corrective actions with those from prior years and shall provide an assessment of the agency’s progress in preventing, detecting, and responding to sexual abuse.” 6 C.F.R. § 115.188(b). Finally, the regulations require that CBP’s report be made “readily available to the public through its Web site.” 6 C.F.R. § 115.188(c).

## 4. Definitions

### **Sexual Abuse of a Detainee by Another Detainee is defined as:**

Any of the following acts by one or more detainees of the facility in which the detainee is housed who, by force, coercion, or intimidation, or if the victim did not consent or was unable to consent or refuse, engages in or attempts to engage in:

- Contact between the penis and the vulva or anus and, for purposes of this subparagraph, contact involving the penis upon penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration, however slight, of the anal or genital opening of another person by a hand or finger or by any object;
- Touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, with an intent to abuse, humiliate, harass, degrade or arouse or gratify the sexual desire of any person; or
- Threats, intimidation, or other actions or communications by one or more detainees aimed at coercing or pressuring another detainee to engage in a sexual act.

See 6 C.F.R. § 115.6.

### **Sexual Abuse of a Detainee by a Staff Member, Contractor, or Volunteer is defined as:**

Any of the following acts, if engaged in by one or more staff members, volunteers, or contract personnel who, with or without the consent of the detainee, engages in or attempts to engage in:



- Contact between the penis and the vulva or anus and, for purposes of this subparagraph, contact involving the penis upon penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration, however slight, of the anal or genital opening of another person by a hand or finger or by any object that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Intentional touching of the genitalia, anus, groin, breast, inner thighs or buttocks, either directly or through the clothing, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Threats, intimidation, harassment, indecent, profane or abusive language, or other actions or communications, aimed at coercing or pressuring a detainee to engage in a sexual act;
- Repeated verbal statements or comments of a sexual nature to a detainee;
- Any display of his or her uncovered genitalia, buttocks, or breast in the presence of a detainee; or
- Voyeurism, which is defined as inappropriate visual surveillance of a detainee for reasons unrelated to official duties. Where not conducted for the reasons relating to official duties, the following are examples of voyeurism: staring at a detainee who is using a toilet in his or her cell to perform bodily functions; requiring a detainee to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a detainee's naked body or of a detainee performing bodily functions.

See 6 C.F.R. § 115.6.

### **Investigative Findings are Defined as:**

All investigations of detainee sexual abuse and/or assault relating to conduct in a CBP holding facility are closed with a finding of *substantiated*, *unsubstantiated*, or *unfounded*.

- A *substantiated* allegation is an allegation that was investigated and determined to have occurred.
- An *unsubstantiated* allegation is an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- An *unfounded* allegation is an allegation that was investigated and determined not to have occurred.



See 6 C.F.R. § 115.5. To determine whether an allegation of sexual abuse is substantiated, CBP does not use any standard higher than a preponderance of the evidence standard. See 6 C.F.R. § 115.172.

## 5. Accomplishments

CBP works diligently to reduce and eliminate sexual abuse and assault in its holding facilities and continues to improve its sexual abuse and assault prevention, detection, and response efforts in accordance with Subparts B and C of the DHS Standards. Specifically, during FY 2019, CBP completed the following actions or initiatives related to preventing or addressing sexual abuse and assault and/or enhancing CBP's compliance with the DHS Standards.

1. Auditor Training: Provided agency-specific training to auditors and key personnel employed on the PREA auditing services contract.
2. Facility Audits: Ensured comprehensive audits were conducted at all holding facilities identified for audit during the first audit cycle to assess compliance with the DHS Standards. The aggregate compliance rate for all standards audited at these facilities, prior to the corrective action period, was 88.7%. CBP's audit findings improved throughout the audit cycle as additional resources and guidance were implemented across the agency.
3. Sexual Abuse Investigations Audit: Ensured a comprehensive audit was conducted to assess compliance with relevant sexual abuse and/or assault investigative provisions of the DHS Standards. The audit resulted in a determination of full compliance with no required corrective action plans.
4. Reporting: Enhanced the Significant Incident Report module utilized to provide CBP senior management accurate and timely information of alleged incidents of sexual abuse and/or assault.
5. Contracting Officer's Representative: Trained a staff member to serve as a Contracting Officer's Representative (COR) for the PREA audit contract via attendance at a 40-hour Level II COR Training Course.
6. Employee Development: Trained a staff member assigned to assist with development, implementation, and oversight of agency efforts to comply with the DHS Standards via attendance at the PREA Resource Center 40-hour training course titled *PREA Implementation and Audit Preparedness Training for Jails*.
7. Compliance Assessment: Assessed compliance with the DHS Standards through annual self-assessments and reporting through CBP's Self-Inspection Program. When warranted, corrective action was taken.



8. Knowledge Management Materials: Developed and disseminated knowledge management materials to CBP employees and contractors who had potential for contact with holding facility detainees regarding their responsibilities under the DHS Standards.
9. Job Aids: Developed and issued job aids to assist CBP employees and contractors communicate effectively with members of the Lesbian, Gay, Bisexual, Transgender, Intersex (LGBTI) and gender non-conforming community as well as individuals with disabilities.
10. Pocket Cards: Provided PREA pocket (quick reference) cards to frontline officers and agents who had potential for contact with holding facility detainees to assist them to fulfill their responsibilities under the DHS Standards.
11. Volunteer Training: Trained members of the DHS Volunteer Surge Force with potential for contact with holding facility detainees regarding their responsibilities under the DHS Standards.
12. National Guard Training: Trained members of the National Guard deployed to CBP holding facilities regarding their responsibilities under the DHS Standards.
13. Detainee Education: Updated the sexual abuse and assault reporting poster for display at CBP holding facilities and translated it into the languages most frequently encountered among detainees.
14. Survey Instruments: Utilized a web-based survey instrument to obtain feedback from PREA auditors and CBP staff on the quality and effectiveness of the audit tool and process.
15. Guidance: Developed written procedures and conferred with the DHS Office for Civil Rights and Civil Liberties on the process for determining whether a sexual abuse and/or assault allegation falls within the scope of the DHS Standards.
16. Detainee Supervision Guidelines: Developed a standardized process and template to document reviews of detainee supervision guidelines and their application at CBP holding facilities at least annually.
17. Specialized Training: Provided specialized training on how to conduct PREA investigations to newly hired special agents during the Office of Professional Responsibility's biannual Special Agent's Training Program. Additionally, the Sexual Abuse and Assault Investigations Coordinator attended a 40-hour training course on conducting juvenile forensic interviews sponsored by the National Children's Advocacy Training Center.
18. Disciplinary Reviews: To promote fairness and consistency in addressing alleged employee misconduct, established procedures to refer closed investigations of alleged staff-on-detainee sexual abuse and/or assault to a panel of senior managers for review and to propose or take appropriate action, when warranted.



## 6. Allegation Types

CBP differentiates among the types of abuse allegations in CBP holding facilities strictly for reporting and data collection purposes. This helps CBP detect possible patterns that develop with respect to allegations in its holding facilities. For the limited purpose of compiling this data, CBP has borrowed from the definitions in the economic impact analysis of the DOJ regulations.<sup>6</sup>

- *Nonconsensual sexual acts* involve unwanted contact with another detainee or with a staff member, contractor, or volunteer that involve oral, anal, or vaginal penetration, or fondling genitalia with hands.
- *Abusive sexual contacts (detainee-on-detainee only)* are unwanted contacts with another detainee that involved touching of the detainee's buttocks, thighs, penis, breasts, or vulva in a sexual way.
- *Staff sexual misconduct/touching only* refers to contacts by a staff member that involved touching of the detainee's buttocks, thighs, penis, breasts, or vulva in a sexual way, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- *"Willing" sex with staff* describes sexual relationships between an employee, contractor, or volunteer and a detainee. Such relationships are inherently coercive by nature and CBP recognizes that an individual in CBP custody cannot consent to sex with staff.
- *Voyeurism* refers to inappropriate visual surveillance of an individual in CBP custody for reasons unrelated to official duties.
- *Harassment* describes any behavior that meets the agency definition of sexual abuse and assault that does not involve physical contact, to include "indecent exposure," and not to include voyeurism.

The next section details the types of reported allegations received in FY 2019.

## 7. Summary of Allegations in CBP Holding Facilities

All allegation information in this report is derived from data contained in electronic investigative case files maintained by CBP's Office of Professional Responsibility as of June 2, 2020. An allegation is within the scope of the DHS Standards if it meets the definition of "sexual abuse" pursuant to Section 4 above, and was alleged to have occurred in a CBP "holding facility" as defined in 6 C.F.R. § 115.5. In some situations, CBP may receive a sexual abuse allegation that falls outside the scope of the DHS Standards. In these situations, CBP follows agency protocol

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<sup>6</sup> 77 FR 37105.



to respond to and investigate the allegations; however, these allegations are not reflected in this report.

In FY 2019, CBP experienced a dramatic increase in illegal border crossings on the Southwest border including 473,682 family units<sup>7</sup> and 76,020 Unaccompanied Alien Children (UACs) who were apprehended between the ports of entry.<sup>8</sup> CBP detained 1,156,570<sup>9</sup> individuals in its holding facilities, which constitutes a 67.1% increase from FY 2018 and a 116.4% increase from FY 2017. **Forty (40) detainees (or .00345%) reported 37 allegations of sexual abuse and/or assault in a CBP holding facility; three allegations involved two alleged victims.** The allegations originated from 20 different CBP holding facilities.

- a. Twenty-eight reported allegations involved incidents that allegedly took place while the detainee was in U.S. Border Patrol (USBP) custody. Twenty-one involved alleged detainee-on-detainee sexual abuse or assault and seven involved alleged staff-on-detainee sexual abuse or assault.
- b. Nine reported allegations involved incidents that allegedly took place while the detainee was in Office of Field Operations (OFO) custody. Two involved alleged detainee-on-detainee sexual abuse or assault and seven involved alleged staff-on-detainee sexual abuse or assault.
- c. Of the total 37 allegations of sexual abuse and assault reported, 23 involved detainee-on-detainee sexual abuse or assault and 14 involved staff-on-detainee alleged sexual abuse or assault.
  - Alleged *non-consensual sexual acts* accounted for six detainee-on-detainee allegations and three staff-on-detainee allegations. Five detainee-on-detainee investigations are closed and resulted in three unsubstantiated findings and two unfounded findings. One staff-on-detainee allegation is closed and resulted in an unfounded finding. The remaining three allegations are actively being investigated.
  - Alleged *abusive sexual contacts (detainee-on-detainee only)* accounted for 17 detainee-on-detainee allegations. Fifteen investigations are closed and resulted in ten

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<sup>7</sup> A family unit represents the number of individuals (either a child under 18 years old, parent, or legal guardian) apprehended with a family member by the U.S. Border Patrol.

<sup>8</sup> Southwest Border Migration FY 2019 (<https://www.cbp.gov/newsroom/stats/sw-border-migration/fy-2019>).

<sup>9</sup> Includes the physical control or temporary detainment of a person who is not lawfully in the United States which may or may not result in an arrest; individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under U.S. laws, and individuals who withdraw an application for admission and return to their countries of origin within a short timeframe; and CBP arrests of individuals, including U.S. citizens, who are wanted by other law enforcement agencies (<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy2019>).



- unsubstantiated findings, one unfounded finding, and four substantiated findings. The remaining two allegations are actively being investigated.
- Alleged *staff sexual misconduct/touching* accounted for eight staff-on-detainee allegations. Six investigations are closed and resulted in five unsubstantiated findings and one unfounded finding. The remaining two allegations are actively being investigated.
  - Alleged *harassment/indecent exposure* accounted for one staff-on-detainee allegation. The investigation is closed and the allegation was unsubstantiated.
  - Alleged *voyeurism* accounted for two staff-on-detainee allegations. Both investigations are closed and the allegations were unsubstantiated.
- d. Twenty-four of the 40 total alleged victims were juveniles (under the age of 18 years). Sixteen of the 40 total alleged victims were adults (18 years and above). Three allegations involved multiple alleged victims who were juveniles.
- e. Twenty-one of the 40 alleged victims were female. Nineteen of the forty alleged victims were male. Three allegations involved multiple alleged victims who were male.
- f. Thirty-two of the 37 allegations were reported by the alleged victim either directly to CBP or through intermediaries. Two were reported by staff members and three were reported by third parties.

## 8. Investigations and Corrective Actions

In all instances where sexual abuse and/or assault of a detainee in a CBP holding facility is alleged, it is CBP's policy to provide timely notification and work closely with appropriate local law enforcement agencies. Criminal investigations are conducted by local law enforcement agencies and/or the DHS Office of Inspector General or the CBP Office of Professional Responsibility. Internal administrative investigations are conducted by investigators from CBP's Office of Professional Responsibility. All investigators assigned to the CBP Office of Professional Responsibility are trained in gathering evidence and interviewing alleged victims and witnesses of sexual abuse and/or assault in accordance with the requirements set forth in 6 C.F.R. § 115.134.

Of the 37 total allegations of sexual abuse and/or assault in CBP holding facilities in FY 2019, 21 allegations were unsubstantiated, five allegations were unfounded, and four allegations were substantiated. Seven investigations of sexual abuse and/or assault allegations are ongoing. All substantiated allegations involved detainee-on-detainee abusive sexual contacts. Corrective actions were developed following reviews of PREA incidents.

Details of the substantiated allegations and corrective actions are provided in the table below.



Substantiated Allegations of Sexual Abuse				
Date of Incident	Location	Summary	Victim(s)	Corrective Action
October 2018	Rio Grande Valley Centralized Processing Center	A juvenile detainee was subjected to abusive sexual contact by a juvenile detainee of the same gender.	Honduras Male 13 yrs. of age	<ul style="list-style-type: none"> <li>Reissued the CBP Prevention, Detection, and Response to Sexual Abuse and/or Assault in CBP Holding Facilities Directive and briefed at musters.</li> </ul>
April 2019	Rio Grande Valley Centralized Processing Center	A juvenile detainee was subjected to abusive sexual contact by a juvenile detainee of the same gender.	Honduras Male 11 yrs. of age	<ul style="list-style-type: none"> <li>Posted a notice in (English and Spanish) that the facility is under 24-hour surveillance and that inappropriate behavior will not be tolerated.</li> <li>Instituted a practice to verbally inform detainees during intake that the facility is under 24-hour surveillance and that inappropriate behavior will not be tolerated.</li> </ul>
June 2019	Rio Grande Valley Centralized Processing Center	A juvenile detainee was subjected to abusive sexual contact by a juvenile detainee of the same gender.	El Salvador Female 12 yrs. of age	<ul style="list-style-type: none"> <li>Same as above.</li> </ul>
September 2019	Rio Grande Valley Centralized Processing Center	Two juvenile detainees were subjected to abusive sexual contact by the same juvenile detainee of the same gender.	Guatemala Male 14 yrs. of age  Unknown Male Juvenile	<ul style="list-style-type: none"> <li>Same as above.</li> </ul>

## 9. Data Collection and Comparison

The DHS Standards require that CBP’s annual report include “a comparison of the current year’s data and corrective actions with those from prior years and shall provide an assessment of the agency’s progress in preventing, detecting, and responding to sexual abuse.” 6 CFR §



115.188(b). CBP’s corrective actions to prevent future incidents of sexual abuse are documented in Section 8 (Investigative Findings and Corrective Actions) above.

As outlined above, CBP’s corrective actions in FY 2019 pertain to the requirements of Subpart B of the DHS Standards for providing refresher information/training to employees, and notifications to detainees of the agency’s zero tolerance policy. Specifically at the holding facility where the allegations of sexual abuse were substantiated, CBP issued refresher information/training to agents regarding their responsibilities under the DHS Standards and instituted a practice to verbally advise detainees during intake and by posting additional information in writing of conduct expectations at the facility. In the previous fiscal year, CBP’s corrective action also focused on issuing refresher training/information to agents; however, the training was tailored to the process for assessing detainees to determine their risk of being sexually abused by other detainees or sexually abusive toward other detainees.

The chart below provides the total number of sexual abuse allegations for the past five fiscal years. Seven substantiated cases involved detainee-on-detainee (D-D) contact and one substantiated case involved staff-on-detainee (S-D) contact. The eight substantiated cases over this five-year period occurred at three different CBP holding facilities and one CBP contracted facility. Four substantiated cases in FY 2019 occurred at the Rio Grande Valley Centralized Processing Center and involved juvenile detainees. Two of the substantiated cases – one in FY 2017 and one in FY 2018 – originated from the Chula Vista Station and involved female detainee victims of sexual abuse; however, the nature of the abuse, the location of its occurrence within the facility, and the sex of the abuser were different. CBP will continue to maintain a proactive approach to reviewing sexual abuse allegations for possible patterns to detect and prevent sexual abuse.

<b>Allegations of Sexual Abuse by Fiscal Year</b>					
	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
Allegations	8	16	7	8	37
OFO	3	7	4	3	9
USBP	5	9	3	5	28
Substantiated	0	1 (D-D) 1 (S-D)	1 (D-D)	1 (D-D)	4 (D-D)
Unsubstantiated	5	7	5	7	21
Unfounded	3	7	1	0	5
Open	0	0	0	0	7

The Prevention of Sexual Assault (PSA) coordinator, working with the Office of Professional Responsibility, aggregated and assessed data on FY 2019 allegations of sexual abuse and assault. These efforts were undertaken to help detect possible patterns and prevent future incidents of sexual abuse, and to improve CBP’s sexual abuse prevention, detection, and response policies, practices, and training. The coordinator considered incident-based sexual abuse data available, including the number of reported sexual abuse allegations determined to be substantiated, unsubstantiated, or unfounded, or for which an investigation is ongoing. The coordinator also



considered information, where available, regarding the subject, type, alleged victim demographics, and location. The PSA coordinator's analysis of this data is detailed in Section 13 (Data Tables) on pages 15 – 18 below. Section 10 (The Way Forward) below describes next steps, based on the results of the analysis, as well as CBP's sexual abuse and assault prevention and response efforts to date.

### ***Reporting Sexual Abuse and Assault***

CBP maintains a safe and secure environment for those held in its custody. CBP has zero tolerance policy information and reporting options posted in highly visible areas in holding facilities. This ensures that individuals in CBP custody are aware of multiple options to confidentially and, if desired, anonymously report allegations of sexual abuse and 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 may also report these allegations confidentially and, if desired, anonymously both verbally and in writing. CBP procedures for reporting alleged sexual abuse and/or assault are also posted on the [CBP public website](#).

## **10. The Way Forward**

CBP's commitment to improve its efforts to prevent, detect, and respond to sexual abuse and assault is enduring and includes ongoing work to develop and implement best practices that improve the ability to address allegations of sexual abuse and/or assault in CBP holding facilities. For CBP, sexual abuse and assault is never tolerated, condoned, or ignored.

The PSA coordinator will continue to promptly receive and monitor all incoming allegations of sexual abuse and assault within CBP's holding facilities working with the Office of Professional Responsibility Sexual Abuse and Assault Investigator coordinator. Also at the end of every sexual abuse investigation, the PSA coordinator reviews the information and works diligently with CBP offices conducting sexual abuse incident reviews to identify improvements to policies, procedures, and/or training.

Based on the results of this year's analysis, and CBP efforts to date, the PSA coordinator anticipates focusing on the following items during the next fiscal year:

- Implement corrective action plans at holding facilities, where required, based upon the results of the first cycle of PREA audits to achieve compliance with each standard.
- Conduct an after action review of the first cycle of PREA audits to identify best practices and opportunities to enhance efficiency and effectiveness, reduce cost, and improve results.
- Use feedback from employees to update the Performance and Learning Management System PREA training materials to improve effectiveness for employees who may have contact with holding facility detainees to fulfill their responsibilities under the DHS Standards.



- Develop and disseminate refresher information to all CBP employees and contractors who may have contact with holding facility detainees regarding their responsibilities under the DHS Standards.
- During National Sexual Assault Awareness and Prevention Month, reaffirm CBP's commitment to eliminating sexual abuse and/or assault from holding facilities and call for continued vigilance from frontline officers and agents to keep persons in custody safe.
- Continue assessing compliance with the DHS Standards by performing annual self-assessment and reporting through CBP's self-inspection program and, when warranted, taking corrective action.
- Establish requirements and identify a platform that will allow for tracking the full life cycle of PREA audits, have configurable workflows, a high degree of data integrity and reporting/dashboarding capabilities.
- Establish requirements and identify a platform that will allow for tracking incident-based sexual abuse data with a high degree of data integrity and reporting/dashboarding capabilities.

## 11. Conclusion

CBP's activities described in this report demonstrate CBP's commitment to reducing and eliminating sexual abuse and assault within its holding facilities. CBP's success depends on a responsive and sustained approach to all issues that affect individuals in CBP holding facilities. This includes promptly addressing allegations of sexual abuse and assault. CBP will continue to work closely with our partners across the federal government, and to consider the feedback provided by community representatives and third-party auditors, to improve CBP's ability to prevent, detect, and respond to sexual abuse and/or assault and to build upon the solid progress we have already made.

## 12. Reporting Sexual Abuse/Assault and Agency Contact Information

Individuals in CBP holding facilities or third parties who believe that a holding facility detainee has been subjected to any form of sexual abuse or assault may confidentially and, if desired, anonymously report these incidents to:

- Department of Homeland Security, Office of the Inspector General (OIG) by:
  - Calling 1-800-323-8603 or 1-844-889-4357 (TTY);
  - Faxing to (202) 254-4297;
  - Accessing the online DHS OIG Complaint/Allegation Form at <https://hotline.oig.dhs.gov/hotline/hotline.php>; or
  - Writing to DHS OIG/MAIL STOP 0305, Attn: Office of Inspector General - Hotline, 245 Murray Lane SW, Washington, D.C., 20528-0305.



- Joint Intake Center by:
  - Calling the Joint Intake Center Hotline at 1-877-2INTAKE;
  - Faxing to (202) 344-3390;
  - Sending an e-mail message to [Joint.Intake@dhs.gov](mailto:Joint.Intake@dhs.gov); or
  - Writing to the Joint Intake Center at P.O. Box 14475, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20044.

Individuals in CBP holding facilities or third parties who believe that a holding facility detainee has been subjected to any form of sexual abuse or assault may also file a civil rights and civil liberties complaint with the:

- Department of Homeland Security, Office for Civil Rights and Civil Liberties (CRCL) by:
  - Submitting a Complaint at <http://www.dhs.gov/xlibrary/assets/crcl-complaint-submission-form-english.pdf>;
  - Sending an email message to [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov);
  - Faxing to (202) 401-4708; or
  - Writing to U.S. Department of Homeland Security, Office for Civil Rights and Civil Liberties, Compliance Branch, 2707 Martin Luther King Jr Avenue SE, Mail Stop #0190, Washington, DC 20528-0190.



### 13. Data Tables<sup>10</sup>

**Table 1. Allegations by Office**

Office	FY 2015		FY 2016		FY 2017		FY 2018		FY 2019	
	#	%	#	%	#	%	#	%	#	%
OFO	3	38%	7	43.8%	4	57.1%	3	37.5%	9	24.3%
USBP	5	63%	9	56.3%	3	42.9%	5	62.5%	28	75.7%
<b>Total</b>	<b>8</b>	<b>100.0%</b>	<b>16</b>	<b>100.0%</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>37</b>	<b>100.0%</b>

**Table 2. Allegations by Type of Alleged Perpetrator**

Alleged Perpetrator	FY 2015		FY 2016		FY 2017		FY 2018		FY 2019	
	#	%	#	%	#	%	#	%	#	%
Employee	4	57.1%	8	50.0%	5	71.4%	4	50.0%	14	37.8%
Contractor	1	14.3%	4	25.0%	0	0.0%	0	0.0%	0	0.0%
Volunteer	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	0	0.0%
Detainee	2	28.6%	4	25.0%	2	28.6%	4	50.0%	23	62.2%
<b>Total</b>	<b>7</b>	<b>100.0%</b>	<b>16</b>	<b>100.0%</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>37</b>	<b>100.0%</b>

Volunteers were not utilized in CBP holding facilities from FY 2015 to FY 2018.

**Table 3. Allegations by Incident Classification**

Incident Classification	FY 2015		FY 2016		FY 2017		FY 2018		FY 2019	
	#	%	#	%	#	%	#	%	#	%
Nonconsensual Sexual Acts	1	14.3%	1	6.3%	2	28.6%	1	12.5%	9	24.3%
“Willing” Sex with Staff	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Abusive Sexual Contacts	2	28.6%	3	18.8%	2	28.6%	2	25.0%	17	45.9%
Staff Sexual Misconduct*	4	57.1%	10	62.5%	3	42.9%	2	25.0%	8	21.6%
Harassment/Indecent Exposure	0	0.0%	2	12.5%	0	0.0%	2	25.0%	1	2.7%
Voyeurism	0	0.0%	0	0.0%	0	0.0%	1	12.5%	2	5.4%
<b>Total</b>	<b>7</b>	<b>100.0%</b>	<b>16</b>	<b>100.0%</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>37</b>	<b>100.0%</b>

\*Touching Only

The majority of the allegations classified as inappropriate touching by staff occur during pat-down searches.

<sup>10</sup> All allegation information is drawn from data contained in electronic investigative case files as of June 2, 2020.



**Table 4. Alleged Victims by Age**

Age	FY 2015		FY 2016		FY 2017		FY 2018		FY 2019	
	#	%	#	%	#	%	#	%	#	%
Adult	7	70.0%	10	52.6%	5	71.4%	3	37.5%	16	40.0%
Juvenile	3	30.0%	9	47.4%	2	28.6%	4	50.0%	24	60.0%
Unknown	0	0.0%	0	0.0%	0	0.0%	1	12.5%	0	0.0%
<b>Total</b>	<b>10</b>	<b>100.0%</b>	<b>19</b>	<b>100.0%</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>40</b>	<b>100.0%</b>

A juvenile is below 18 years of age and an adult is 18 years of age or above. Allegations with multiple victims are reflected; therefore, the number of victims exceeds the number of allegations for certain fiscal years. One allegation is categorized as “unknown” because the reporting party did not provide sufficient information to identify the alleged victim.

**Table 5. Alleged Victims by Gender**

Gender	FY 2015		FY 2016		FY 2017		FY 2018		FY 2019	
	#	%	#	%	#	%	#	%	#	%
Male	8	80.0%	7	36.8%	2	28.6%	4	50.0%	19	47.5%
Female	2	20.0%	12	63.2%	5	71.4%	4	50.0%	21	52.5%
<b>Total</b>	<b>10</b>	<b>100.0%</b>	<b>19</b>	<b>100.0%</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>40</b>	<b>100.0%</b>

Allegations with multiple victims are reflected; therefore, the number of victims exceeds the number of allegations for certain fiscal years.

**Table 6. Allegations by Investigative Finding**

Investigative Findings	FY 2015		FY 2016		FY 2017		FY 2018		FY 2019	
	#	%	#	%	#	%	#	%	#	%
Substantiated	0	0.0%	2	12.5%	1	14.3%	1	12.5%	4	10.8%
Unsubstantiated	5	62.5%	7	43.8%	5	71.4%	7	87.5%	21	56.8%
Unfounded	3	37.5%	7	43.8%	1	14.3%	0	0.0%	5	13.5%
Ongoing Investigation	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	18.9%
<b>Total</b>	<b>8</b>	<b>100.0%</b>	<b>16</b>	<b>100.0%</b>	<b>7</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>37</b>	<b>100.0%</b>



**Table 7. Allegations by Location in USBP Holding Facilities**

Location	FY 2015		FY 2016		FY 2017		FY 2018		FY 2019	
	#	%	#	%	#	%	#	%	#	%
Casa Grande Station	1	20.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Campo Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.6%
Chula Vista Station	0	0.0%	0	0.0%	1	33.3%	1	20.0%	0	0.0%
Clint Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.6%
Del Rio Station	1	20.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Detroit Station	0	0.0%	0	0.0%	1	33.3%	0	0.0%	0	0.0%
Donna Holding Facility	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.6%
Eagle Pass South Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.6%
El Paso Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	7.1%
Laredo South	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.6%
Lordsburg Station	1	20.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
McAllen Station	1	20.0%	1	11.1%	0	0.0%	0	0.0%	2	7.1%
Presidio Station	0	0.0%	1	11.1%	0	0.0%	0	0.0%	0	0.0%
RGV* Processing Center	0	0.0%	4	44.4%	0	0.0%	3	60.0%	12	42.9%
Rio Grande City Station	0	0.0%	2	22.2%	1	33.3%	0	0.0%	1	3.6%
Santa Teresa Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.6%
Sierra Blanca Checkpoint	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.6%
Tucson Coordination Center	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	7.1%
Wellton Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.6%
Weslaco Station	1	20.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Yuma Station	0	0.0%	1	11.1%	0	0.0%	1	20.0%	1	3.6%
<b>Total</b>	<b>5</b>	<b>100.0%</b>	<b>9</b>	<b>100.0%</b>	<b>3</b>	<b>100.0%</b>	<b>5</b>	<b>100.0%</b>	<b>28</b>	<b>100.0%</b>

\*Rio Grande Valley

There are 135 Border Patrol stations within 20 sectors including 35 immigration checkpoints. No allegations were made at locations not reflected.



**Table 8. Allegations by Location in OFO Holding Facilities**

Location	FY 2015		FY 2016		FY 2017		FY 2018		FY 2019	
	#	%	#	%	#	%	#	%	#	%
Ambassador Bridge	0	0%	0	0%	0	0%	0	0%	1	11%
Calexico POE	0	0%	1	14%	0	0%	0	0%	0	0%
Chicago O'Hare POE	0	0%	2	29%	1	25%	0	0%	0	0%
Donna POE	0	0%	0	0%	0	0%	0	0%	1	11%
Douglas POE	0	0%	0	0%	2	50%	0	0%	0	0%
Hidalgo POE	1	33%	0	0%	0	0%	0	0%	0	0%
Houston POE	0	0%	0	0%	0	0%	1	33%	0	0%
John F. Kennedy Airport POE	0	0%	0	0%	0	0%	0	0%	1	11%
Los Angeles Airport POE	1	33%	2	29%	0	0%	0	0%	0	0%
San Francisco Airport POE	0	0%	0	0%	0	0%	1	33%	3	33%
San Ysidro POE	0	0%	1	14%	1	25%	1	33%	2	22%
Sweetgrass POE	0	0%	0	0%	0	0%	0	0%	1	11%
Ysleta POE	1	33%	0	0%	0	0%	0	0%	0	0%
Contracted Facility	0	0%	1	14%	0	0%	0	0%	0	0%
<b>Total</b>	<b>3</b>	<b>100.0%</b>	<b>7</b>	<b>100.0%</b>	<b>4</b>	<b>100.0%</b>	<b>3</b>	<b>100.0%</b>	<b>9</b>	<b>100%</b>

There are 328 POEs within 20 field offices. No allegations were made at locations not reflected.