

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



U.S. Customs and  
Border Protection

## AUDITOR

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

## AGENCY

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

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

<b>Name of Sector or Field Office:</b>	Tucson Sector
<b>Name of Chief or Director:</b>	(b)(6)(b)(7)(C)
<b>PREA Field Coordinator:</b>	(b)(6)(b)(7)(C)
<b>Sector or Field Office Physical Address:</b>	2430 S. Swan Rd Tucson, AZ
<b>Mailing Address: (if different from above)</b>	

## SHORT-TERM HOLDING FACILITY BEING AUDITED

<b>Information About the Facility</b>			
<b>Name of Facility:</b>	Brian A. Terry (Naco) Border Patrol Station		
<b>Physical Address:</b>	2136 S. Naco Highway, Bisbee, AZ 85603		
<b>Mailing Address: (if different from above)</b>			
<b>Telephone Number:</b>	(b)(6)(b)(7)(C)		
<b>Facility Leadership</b>			
<b>Name of Agent in Charge:</b>	(b)(6)(b)(7)(C)	<b>Title:</b>	Patrol Agent in Charge
<b>Email Address:</b>	(b)(6)(b)(7)(C)	<b>Telephone Number:</b>	(b)(6)(b)(7)(C)

## AUDIT FINDINGS

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

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

A Prison Rape Elimination Act (PREA) on-site audit of the Customs and Border Protection (CBP) U.S. Border Patrol (USBP), Brian A. Terry (Naco) Station, Bisbee, Arizona was conducted on Friday, July 19, 2019, from 0600 hours until 1630 hours. The audit was conducted by (b)(6)(b)(7)(C), Certified PREA Auditor, contracted through Creative Corrections, LLC of Beaumont, Texas. This was the first PREA audit for the Brian A. Terry (Naco) Station. The station has a short-term processing and holding area for male and female adult detainees, unaccompanied alien children (UAC) and family units. Under normal operating circumstances, detainees are held less than 24 hours pending transfer for removal or detention.

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 on-site audit followed the auditor's electronic review of CBP's PREA policies and procedures and telephonic interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs).

The point of contact for the Brian A. Terry (Naco) Station was (b)(6)(b)(7)(C), Supervisory Border Patrol Agent.

Upon arrival at the facility, the Auditor was met by (b)(6)(b)(7)(C), Assistant Chief USBP HQ, and (b)(6)(b)(7)(C), Supervisory Border Patrol Agent. After a brief introduction, the Auditor conducted a tour of the facility. (b)(6)(b)(7)(C), Tucson Sector Compliance Officer, joined the facility tour. Upon completion of the tour, agent interviews were initiated.

The Brian A. Terry (Naco) Station is located in Bisbee, Arizona. The overall station is comprised of multiple buildings; however, the detainee holding area is located in a single building.

The facility consists of administrative offices located outside of the holding cell area. These offices are occupied by the staff at the station. The detention area is located in a separate secured building. Upon entering, you enter into the main control area. The main control is occupied by a supervisor and agents who are assigned to processing for the day. The control room has the (b)(7)(E)

The cell areas consist of (b)(7)(E), with an overall housing capacity of (b)(7)(E). The cells have a toilet/sink combination located within each cell. These are located behind block walls that are approximately three feet high and provide privacy while detainees use the toilet. All of the cells throughout the facility have large windows that provide a direct view into each cell. The facility does not have showers.

The facility is staffed by Border Patrol Agents who deal directly with the intake and processing of the detainees. The facility also has G4S Transportation Officers who provide transportation for the Tucson Sector. These officers do not handle any detention responsibilities at the facility.

The facility also has DHS volunteers who assist with general functions at the facility. These volunteers are separated into two groups: sworn law enforcement officers and mission support volunteers. The sworn law enforcement officers can assist with direct supervision of the detainees. The mission support volunteers assist with general duties that include assisting in feeding, food cart replenishment, and searching detainee belongings.

The facility can house unaccompanied children, family units, and single male and single female detainees. The family units and unaccompanied children are housed separately from any single adult detainees.

The facility receives detainees in several different ways: Agents assigned to the station will apprehend detainees and bring them to the station for processing; the facility will assist the Tucson Coordination Center with processing detainees; and the facility will receive detainees from other Border Patrol facilities to assist in processing.

Upon the arrival of a detainee, they will be unloaded from the transport vehicle under the supervision of an agent. The detainees will be separated by the family units, unaccompanied children, single males and single females. The agents will conduct pat searches, and search and tag the detainee's belongings. An agent will start the intake process. The detainee will be asked questions related to their safety. All of the information is uploaded into the Detention Module. Upon finishing the intake process, the detainees will be escorted into the facility and placed in a cell.

The location of the cell is determined by the assigned agent, who acts as the coordinator for the processing center. The Auditor was informed the detainees would be under direct supervision at all times while outside of the cells. Multiple agents are assigned to the facility and would continuously monitor the detainees both inside and outside the cells.

An entrance meeting was held with the facility administration at approximately 1300 hours. The following were present at the meeting:

- (b)(6)(b)(7)(C), Certified PREA Auditor, Creative Corrections
- (b)(6)(b)(7)(C), Assistant Chief USBP HQ
- (b)(6)(b)(7)(C), Branch Chief of Compliance, Tucson Sector
- (b)(6)(b)(7)(C), Patrol Agent in Charge (PAIC)
- (b)(6)(b)(7)(C), Assistant Patrol Agent in Charge (APAIC)
- (b)(6)(b)(7)(C), Supervisory Border Patrol Agent

At this meeting, the Auditor explained the audit process and answered any questions. The audit to that point in time was also discussed.

Upon the completion of the interviews, an exit conference was held. The following were present:

- (b)(6)(b)(7)(C), Certified PREA Auditor, Creative Corrections
- (b)(6)(b)(7)(C), Assistant Chief USBP HQ
- (b)(6)(b)(7)(C), Patrol Agent in Charge (PAIC)
- (b)(6)(b)(7)(C), Assistant Patrol Agent in Charge (APAIC)
- (b)(6)(b)(7)(C), Supervisory Border Patrol Agent

At this time, the Auditor provided an overview of the audit and interviews.

**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.

Scope of the Audit: Before the on-site audit, the Auditor was able to review the HQ and Local Pre-Audit Questionnaires (PAQs), the HQ Responsive Documents and Data Requests, local documents, including YSL specific documents, HQ Participation documents, and medical provider websites. The Auditor was also able to conduct four HQ SMEs interviews and to speak to the author of the local PAQ.

The Auditor had complete access to the facility and detention areas. The Auditor was provided with a private interview room for agent interviews with a speaker telephone to access interpretive services if needed.

During the on-site audit, the Auditor was able to interview agents from all three shifts. In total, the Auditor interviewed one local SME and ten random agents. At the time of the audit, no detainees were present.

During the Audit Process, the Auditor reviewed the compliance of 25 Subpart B standards at Brian A. Terry (Naco) Station. The Auditor found Brian A. Terry (Naco) Station met 22 standards (115.111; 115.114; 115.116; 115.117; 115.121; 115.122; 115.131; 115.132; 115.141; 115.151; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182, and 115.186. One standard not applicable (115.118). The facility has not met standard (115.113 and 115.115).

Corrective Action 115.113: The facility needs to conduct an annual review of the detainee supervision guidelines and its application at the Brian A. Terry (Naco) Station, taking all enumerated provisions of standard provision (c) into consideration. Upon completion of the review, this information shall be forwarded to the HQ-PSA Coordinator.

Corrective action 115.115: The facility needs to develop a specific transgender and intersex pat search training and present this to all agents. Although the random interviewed agents knew how to conduct these searches, they were conducted out of common sense versus a formal training curriculum.

<b>SUMMARY OF AUDIT FINDINGS</b>	
Number of standards exceeded:	0
Number of standards met:	22 + 1 not applicable
Number of standards not met:	2
<b>OVERALL DETERMINATION</b>	
<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)	











sensitive information provided by detainees during this risk assessment. Agents can disclose this information only to those with a need to know. The supervisors and agents understood their obligation on not disclosing any information from the assessment.

**§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)(b) CBP Directive 2130-030 requires detainees be provided with multiple ways to privately report sexual abuse and assault, retaliation for reporting sexual abuse and assault, or staff neglect or violations of responsibilities that may have contributed to such incidents. It further requires the facility to provide at least one way for detainees to report sexual abuse to a public or private entity not connected to the agency, this established reporting avenue is through the OIG. Detainees must be able to report confidentially and anonymously, if desired, as well as both verbally and in writing. CBP's procedures for reporting alleged sexual abuse and assault are to be visible or continuously and readily available to detainees at holding facilities and posted on the CBP public website. The Auditor confirmed during the local SME and Agent interviews the detainees are provided the reporting information through posters placed in the holding area. During the facility tour, the Auditor observed the posters in both English and Spanish. The interviewed agents further confirm they utilize Interpreters and Translators Incorporated for any other language interpretation. The posters state the detainee can report to the DHS OIG. The posters provide the telephone number to call. During the supervisor and agent interviews, they confirmed if a detainee indicated they wanted to call OIG they would be taken into an office to call and placed in the room by themselves. The interviewed supervisors and agents indicated the detainee would not have to provide a specific reason for wanting to call OIG. They also indicated they would dial the number for them and leave the room to ensure they were contacting OIG. The phone line was operational. All agents and supervisors stated they would accept any report of sexual abuse, including in writing and verbally, and document in a report.

(c) CBP TEDS requires agents at Brian A. Terry (Naco) Station to receive allegations reported to them from third parties and promptly record such reports according to operational procedures. The interviewed local SME, supervisors, and agents confirm 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:**

CBP Directive 2130-030 states detainees may utilize third-party individuals to report allegations of sexual abuse. The agency provides reporting information for anyone wishing to report any allegation on behalf of a detainee on their webpage <https://www.cbp.gov/about/care-and-custody/how-make-report>. The information on the webpage provides a toll-free telephone number, USPS address and email, address to the JIC, and a toll-free telephone number, a direct complaint link and USPS address for DHS OIG for anyone wishing to make an allegation on behalf of a detainee. The interviewed SME stated that the third party reporting avenues go directly to the CBP Headquarters, and are immediately reported back to the facility supervisor on duty.

**§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 requires staff 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 Directive 2130-030 also requires all staff to report any misconduct upon becoming aware of it. 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. CBP Directive 51735-013A, Standards of Conduct, dated March 13, 2012, not only allows staff to report within their chain of command, it requires them to report outside of their chain of command to either JIC, or by contacting CBP Office of Professional Responsibility, OPR, and contacting DHS OIG to report all allegations of misconduct. The Auditor confirmed the reporting requirements during the local SME,

supervisor, and agent interviews. They stated they would immediately report any allegation of sexual abuse, retaliation, or staff failure to perform their duties utilizing the reporting avenues outlined in the policy. The facility has not had any reports of sexual abuse within the past 12 months.

(c) CBP Directive 2130-030 requires staff not reveal any information related to a sexual abuse report except as necessary to aid the detainee, protect other detainees or staff, or to make security and management decisions. This information about confidentiality is provided to all staff in the mandatory PALMS PREA training, as well as in policy. Interviews with the local SME, supervisors, and agents confirm information would not be shared with other staff except on a need to know basis or during an investigation into the matter.

(d) CBP Directive 2130-030, requires CBP staff to notify relevant agencies if the alleged victim of a sexual assault is a vulnerable adult or under the age of 18. Interviews with the local SME and supervisors confirm should a vulnerable adult or person under 18 be sexually assaulted at Brian A. Terry (Naco) Station the supervisor would submit an Incident Report to the JIC and the Commissioner's Situation Room. Notifications would be completed as required by CBP Directive 3340-025E. The PREA Field Coordinator stated he would make the notification to the proper State Agencies. Staff at Brian A. Terry (Naco) Station indicate the facility has not had any incidents requiring this type of notification during the last 12 months.

**§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 agent has a reasonable belief a detainee may be subject to a substantial risk of imminent sexual abuse, he or she shall take immediate action to protect the detainee. The local SME, supervisors, and agents interviewed indicate any detainee believed to be in imminent danger of being sexually abused will be separated from other detainees. They all confirm the facility can place a detainee in a holding cell by themselves for protection if needed.

**§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 staff at Brian A. Terry (Naco) Station to notify the prior agency or administrator upon receiving an allegation that a detainee was sexually abused while confined at another facility. Notification will be made as soon as possible, but no later than 72 hours. This requirement is outlined in the memorandum, titled Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities, on August 13, 2014, by the Chief, USBP. An Incident Report to JIC and the Commissioner's Situation Room would be submitted as required by CBP Directive 3340-025E. Interviews with the local SME and supervisors confirm these notifications would be done immediately. There were no notifications made by this facility during the last 12 months as no alleged incidents at other facilities have been reported to any Brian A. Terry (Naco) Station staff.

(c)(d) CBP Directive 2130-030 requires staff who make notification to other confinement facilities document the date and time the administrator at the other facility was notified of the allegation. Local SME and supervisors confirm notification and documentation of the notification would be done immediately by the on-duty facility supervisor. They further indicate if an allegation was received, it would be referred for an immediate investigation as outlined in the policy.

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

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

**Notes:**

(a)(b) CBP Directive 2130-030 details the responsibilities of the first staff on the scene of a reported allegation of sexual abuse. The Directive requires staff members to separate the alleged victim and abuser, preserve and protect the crime scene, and if the abuse occurred within a 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 evidence. This is further outlined in the PALMS training that all staff complete. Brian A. Terry (Naco) Station does not allow contractors, volunteers, or civilian staff into the holding area by themselves. Supervisors or agents are always present. The policy does, however, address their responsibilities if they do encounter a detainee and something is reported to them. The policy requires a contractor, volunteer, or civilian staff to request the alleged victim not to take any actions that could destroy physical evidence and notify law enforcement staff. The interviewed agents indicate they would separate the victim from the abuser, provide

medical assistance if needed, preserve evidence to the extent possible, and notify their supervisor. The DHS volunteers have all been trained on the PREA Policy, and the Auditor confirmed that part of the training is their duty to report immediately to an agent. The interviewed DHS volunteers confirmed they would immediately report to an agent if something was reported to them.

**§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 indicates the entire document constitutes CBP's written institutional plan outlining the coordinated multidisciplinary team approach to responding to sexual abuse. The policy covers all aspects from hiring, training, reporting, responding, medical and mental health services, investigations, and data collection. The local SME stated information about specific responsibilities are explained in the Directive and reinforced in training.

(b)(c) CBP Directive 2130-030 states if an alleged victim of sexual abuse and assault is transferred to another DHS facility, Brian A. Terry (Naco) Station must inform the receiving DHS agency of the alleged incident and the alleged victim's potential need for medical or social services. If the alleged victim of sexual abuse and assault is transferred to a non-DHS facility, Brian A. Terry (Naco) Station must inform the receiving facility or agency, as permitted by law, of the incident and the alleged victim's potential need for such services, unless the alleged victim requests otherwise. The local SME confirms that during the last 12 months, Brian A. Terry (Naco) Station has had no cases requiring any such notification to a DHS or non-DHS facility. All incidents of this type require the supervisor to submit an Incident Report to the JIC and the Commissioner's Situation Room upon notification. Any transfer or move would require the supervisor to update JIC of the incident, and notify the receiving facility. This process was detailed to the Auditor by the local SME and supervisors as Brian A. Terry (Naco) Station has had no incidents for the Auditor to review. Notifications would be completed as required by CBP Directive 3340-025E.

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

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

**Notes:**

CBP Directive 2130-030 requires agency management consider whether any staff, contractor or volunteer alleged to have perpetrated sexual abuse and 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 HQ SAAI Coordinator and the local SME stated any allegation of sexual assault or sexual abuse involving staff, a contractor or volunteer would result in the person being removed from detainee contact pending the outcome of an investigation if the seriousness and possibility of the allegation make removal appropriate. The local SME further stated that the supervisor would remove the staff, contractor or volunteer from contact with the detainees. He further indicates Brian A. Terry (Naco) Station had not had any allegations of sexual abuse made against a staff member requiring this type of response.

**§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 prohibits agents, and other CBP personnel from retaliating against any person or detainee, who reports, complains about, or participates in an investigation of sexual abuse and assault. This retaliation prohibition is also detailed in the PREA training (PALMS) each staff member receives at the Brian A. Terry Station. The Auditor interviewed the local SME, supervisors, and agents. Each was aware of the policy prohibiting retaliation against anyone who makes an allegation of sexual abuse or participates in the investigation. The local SME informed the Auditor there had been no allegations of retaliation made at Brian A. Terry (Naco) Station during the last 12 months.

**§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 informs CBP personnel they may be subject to disciplinary or adverse action up to and including removal from their position and Federal Service for substantiated allegations of sexual abuse and assault and/or for violating CBP's sexual abuse policies. The Auditor confirmed with the HQ LER SME and HQ SAAI Coordinator that 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 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 local SME and HQ SAAI Coordinator confirm CBP would notify law enforcement of all removals or resignations instead of removal for violations of the agency zero-tolerance policy. They further indicate there were no such resignations or removals at Brian A. Terry (Naco) Station within the last 12 months.

(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 local SME and HQ SME from OPR confirm OPR would notify licensing bodies, if known, of all removals or resignations instead of removal for violations of the agency zero-tolerance policy. They confirm there were no such resignations or removals at the Brian A. Terry (Naco) Station within the last 12 months.

**§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:**

CBP Directive 2130-030 requires any contractor or volunteer suspected of perpetrating sexual abuse and assault be removed from all duties requiring detainee contact pending the outcome of an investigation, as appropriate. As previously stated, Brian A. Terry (Naco) Station does not allow contractors or volunteers in the holding area without the presence of supervisors or agents. The Auditor did not observe any contractors or volunteers alone in the holding rooms during the site visit. The local SME indicates that if sexual misconduct was alleged to have occurred by them; this would result in their removal from duties and contact with any detainees pending investigation. He indicated he would be responsible for notifying both the local law enforcement and any licensing bodies.

**§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 to 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 and supervisors confirm they are aware alleged victims of sexual assault are to receive all medical services and medications without cost even if the detainee does not name the abuser or cooperate with the investigation. The Auditor further confirmed with the SME that



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



U.S. Customs and Border Protection

**AUDITOR**

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

**AGENCY**

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

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

<b>Name of Sector or Field Office:</b>	Tucson Sector
<b>Name of Chief or Director:</b>	(b)(6)(b)(7)(C), Chief Patrol Agent
<b>PREA Field Coordinator:</b>	(b)(6)(b)(7)(C), Supervisory Border Patrol Agent
<b>Sector or Field Office Physical Address:</b>	2430 S. Swan Road, Tucson, Arizona 85711
<b>Mailing Address: (if different from above)</b>	Same as Above

**SHORT-TERM FACILITY BEING AUDITED**

<b>Information About the Facility</b>	
<b>Name of Facility:</b>	Brian A. Terry (Naco) Border Patrol Station
<b>Physical Address:</b>	2136 S. Naco Highway, Bisbee Arizona 85603
<b>Mailing Address: (if different from above)</b>	Same as Above
<b>Telephone Number:</b>	(b)(6)(b)(7)(C)

<b>Facility Leadership</b>			
<b>Name of Officer in Charge:</b>	(b)(6)(b)(7)(C)	<b>Title:</b>	Patrol Agent In Charge
<b>Email Address:</b>	(b)(6)(b)(7)(C)	<b>Telephone Number:</b>	(b)(6)(b)(7)(C)

## FINAL DETERMINATION

### SUMMARY OF AUDIT FINDINGS:

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

An on-site audit of the U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), Brian A. Terry (Naco) Station, Bisbee, Arizona, was conducted on July 19, 2019, by (b)(6)(b)(7)(C), Certified PREA Auditor, Creative Corrections, LLC, and the preliminary findings report was submitted on September 13, 2019. Following comments from CBP Headquarters and from (b)(6)(b)(7)(C) (Certified Reviewing PREA Auditor), the report dated February 10, 2020, was submitted as a Final Draft on February 10, 2020.

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

On March 23, 2020, the Brian A. Terry (Naco) Station submitted a preliminary Corrective Action Plan (CAP) with a completion date of June 30, 2020. Several documents were requested by the Reviewing Auditor. In conjunction with the CAP, an Annual Review of Detainee Supervision guidelines (Standard 115.113) was submitted by the Brian A. Terry (Naco) Station. The Auditor requested that additional information regarding the supervision of detainees including Unaccompanied Alien Children (UAC) be included. On April 29, 2020, an amended Annual Review of Detainee Supervision Guidelines was submitted. This information was reviewed by the Certified PREA Reviewing Auditor and Program Manager for Creative Corrections and was accepted. The Brian A. Terry (Naco) Station is now compliant with standard 115.113.

On December 30, 2020, the Brian A. Terry (Naco) Station submitted a copy of a memorandum from the Chief, Strategic Planning and Analysis Directorate, dated September 17, 2020, to all Chief Patrol Agents and to all Directorate Chiefs reinforcing proper pat down search techniques. In conjunction with the memorandum, a Muster Module was attached which provides requirements of Safety Searches, Threat Assessments and Pat Search Techniques for cross-gender, transgender and intersex detainees. The Brian A. Terry (Naco) Station also submitted all training rosters to the Auditor on December 30, 2020. The Auditor reviewed the Muster Modules and training rosters and determined that they meet the requirements of Standard 115.115. The Brian A. Terry (Naco) Station is now compliant with Standard 115.115. The Brian A. Terry (Naco) Station is now in compliance with all PREA standards.

Although there was regular communication between Creative Corrections and CBP Headquarters, the CAP was not completed within the required 180-day time period.



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

**AUDITOR CERTIFICATION:**

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

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

\_\_\_\_\_  
 January 2, 2021  
**Date**