

PREA Audit: Subpart B

Short-Term Holding Facilities Audit Report



U.S. Customs and
Border Protection

AUDITOR			
Name of Auditor:	(b)(6)(b)(7)(C)	Organization:	Creative Corrections, LLC
Email Address:	(b)(6)(b)(7)(C)	Telephone Number:	(b)(6)(b)(7)(C)
AGENCY			
Name of Agency:	U.S. Customs and Border Protection		
PROGRAM OFFICE			
Name of Program Office:	U.S. Border Patrol		
SECTOR OR FIELD OFFICE			
Name of Sector or Field Office:	Rio Grande Valley Sector		
Name of Chief or Director:	(b)(6)(b)(7)(C), Chief Patrol Agent		
PREA Field Coordinator:	(b)(6)(b)(7)(C), Supervisory Border Patrol Agent		
Sector or Field Office Physical Address:	4400 South Expressway 281, Edinburg, Texas 78539		
Mailing Address: (if different from above)	N/A		
SHORT-TERM HOLDING FACILITY BEING AUDITED			
Information About the Facility			
Name of Facility:	Brownsville Station		
Physical Address:	940 N. FM 511, Olmito, TX 78575		
Mailing Address: (if different from above)	N/A		
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)

FINDINGS

NARRATIVE OF AUDIT PROCESS AND DESCRIPTION OF FACILITY CHARACTERISTICS:

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

The initial Prison Rape Elimination Act (PREA) audit of the U.S. Customs and Border Protection (CBP), U.S. Border Patrol (USBP), Brownsville Station was conducted on August 29, 2019, by PREA certified Auditor (b)(6)(b)(7)(C), a contractor for Creative Corrections, LLC. The facility is located in Brownsville, Texas, and is utilized by CBP for short-term detention of individuals arriving at the border pending return to their country of origin, release from custody or transfer to a court, jail, prison, other agency or other unit of the agency.

The PREA audit is 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").

(b)(6)(b)(7)(C), CBP's Preventive Sexual Assault (PSA) Coordinator, Privacy and Diversity Office (PDO), Headquarters (HQ); (b)(6)(b)(7)(C), Deputy Director, Personnel Security Division (PDO) (HQ); (b)(6)(b)(7)(C), Employee Relations Specialist (HQ); (b)(6)(b)(7)(C), Branch Chief, Recruitment and Consulting Staffing Services in lieu of (b)(6)(b)(7)(C), Branch Chief CBP Hiring Center (HQ); (b)(6)(b)(7)(C), Sexual Abuse and Assault Investigations Coordinator (HQ); and (b)(6)(b)(7)(C), Assistant Chief, Policy Division, Strategic Planning and Analysis Directorate provided the (HQ) Pre-Audit Questionnaires (PAQ) along with supporting documents for Brownsville Station on the secure CBP SharePoint website prior to the on-site portion of the audit. Pre-audit preparation included a thorough review of all supplied documentation and supporting materials provided by the facility along with the data included in the completed PAQs. The documentation received included agency policies with corresponding attachments, procedures, forms, training curricula, and other PREA-related materials provided to demonstrate compliance with the PREA Standards.

The Auditor arrived at Brownsville Station at 5:45 a.m. on August 29, 2019, and proceeded to the office of PREA Field Coordinator, (b)(6)(b)(7)(C). At approximately 8:00 a.m. the Auditor proceeded to the facility conference room where the in-briefing was conducted. Those in attendance were:

(b)(6)(b)(7)(C), Special Operations Supervisor
(b)(6)(b)(7)(C), Special Operations Supervisor
(b)(6)(b)(7)(C), National USBP PREA Coordinator, HQ
(b)(6)(b)(7)(C), Watch Commander
(b)(6)(b)(7)(C), Policy and Compliance Branch, Rio Grande Valley Sector
(b)(6)(b)(7)(C), Supervisory BP Agent, PREA Field Coordinator

After introductions and a brief question and answer period, the in-briefing ended, and the tour of Brownsville Station began. There are (b)(7)(E) in the entire facility, including the exterior. There are (b)(7)(E) in the general

(b)(7)(E)
(b)(7)(E) There are also (b)(7)(E) in the sally port. Each holding room contains a toilet with a half-wall, posters on the walls in Spanish and English informing detainees of how and whom to report (in writing, anonymously to the Office of Inspector General (OIG)) any allegations of sexual abuse, or they may report an incident of sexual abuse by telling a CBP official. There are sitting areas inside the hold rooms as well as outside of the holding rooms in the processing area. Brownsville Station is staffed around the clock by BP Agents, volunteers, and medical contractors. The only contractors with access to detainees are the medical staff which their contract and corporate office require PREA training. The DHS contract was provided to this auditor for review and verification. Volunteers prepare meals, hand-out supplies, and distribute hygiene materials. There are National Guard members present to support the operations and contractors who may have contact with detainees. Any detainee contact is always in the view and presence of BP agents.

During the site visit, the Auditor was able to observe the facility detainee intake process. The Auditor observed as Agents demonstrated the arrival and intake process that each detainee receives. The typical time to be held at Brownsville Station for detainees is normally just a few hours and is dependent on schedules BP can return the detainee to their country of origin, transfer to a court, jail, prison other agency or other unit of agency. Detainees are provided food and bedding to sleep on for the duration of the time they are there.

Scope of the Audit: The Auditor reviewed all relevant policies, procedures and documents in assessing the Brownsville Station PREA procedures. A sampling of 15 personnel training dates (including one volunteer) were verified to be in the proper time frames. Additionally, 14 staff background investigations and timeliness were reviewed. The Auditor reviewed four detainee risk assessment forms. The Auditor had access to all parts of the facility and observed the (b)(7)(E) and (b)(7)(E). While on-site, the Auditor interviewed 12 line agents, two local SMEs, one volunteer, and four detainees (Adult) from two countries. The Auditor used Language Services Associates to provide interpretative services for the detainee interviews. There were no allegations of sexual assault reported at the Brownsville Station within the last 12 months.

OVERALL FINDINGS:

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

On August 29, 2019, an exit briefing was held in the Brownsville Station conference room. Those in attendance were:

(b)(6)(b)(7)(C), Special Operations Supervisor
 (b)(6)(b)(7)(C), Special Operations Supervisor
 (b)(6)(b)(7)(C), National USBP PREA Coordinator, (HQ)
 (b)(6)(b)(7)(C), Supervisory BP Agent and PREA Field Coordinator

The Auditor discussed observations made during the on-site audit and gave preliminary findings of the audit. He informed those present of the initial concerns but advised a final determination would not be made until the on-site notes from interviews, policies and standard requirements were reviewed.

The Auditor did not find compliance with two standards: 115.113 (b) no annual review for detainee supervision guidelines as required; and 115.115 (f) no transgender and intersex search training as required. Standard 115.118 was not applicable.

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded: 0	
Number of standards met: 22 + 1 not applicable	
Number of standards not met: 2	
OVERALL DETERMINATION	
<input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards) <input type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period) <input checked="" type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	<input type="checkbox"/> Low Risk <input checked="" type="checkbox"/> Not Low Risk

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, is the agency's zero tolerance policy which constitutes CBP's policy on zero tolerance of sexual abuse and assault. CBP Directive 2130-030, dated January 19, 2018, was also issued to staff on February 5, 2018, and reissued on February 12, 2018, through CBP Central. These two policies mandate zero tolerance toward all forms of sexual abuse and sexual assault and outlining their approach to preventing, detecting, and responding to such abusive conduct. It defines in detail for all staff and detainees the prohibited acts. This policy is supplemented with CBP National Standards on Transport, Escort, Detention, and Search (TEDS), dated October 2015, which sets forth nationwide standards that govern CBP's interaction with detained individuals. The random staff interviews confirm they were provided and are familiar with CBP Directive 2130-030 and the Commissioner's Memorandum. The policy is available to all staff on the agency webpage. Interviews with the PSA Coordinator, SME, and random staff reflect the local leadership and staff commitment to zero tolerance. All were aware of the procedures in place to minimize any issues or threat to detainees, which include separation of all UAC's, maintaining parent child contact, separation of detainees by gender and age, and constant Agent monitoring and visual oversight. All Agents interviewed were aware of methods to separate potential problematic detainees and how to report any issues to the chain of command. Posters regarding PREA information and compliance are located in all rooms, along all key walls in transit areas and at each desk used to intake detainees.

§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 each facility to maintain sufficient supervision of detainees, appropriate staffing levels and, where applicable, (b)(7)(E), to protect detainees against sexual abuse. The Auditor spoke with the facility SMEs and the PREA Field Coordinator who discussed at length the supervision guidelines. There are no definitive daily staffing numbers established at Brownsville Station as staffing levels are driven by the number of detainees brought in. Brownsville Station always maintains enough Agents to provide a safe and secure environment for detainees and all staff are subject to be realigned to detainee management at any time in order to ensure detainee safety. The local SME staff and the PREA Field Coordinator state the established staff positions are appropriate and flex from day to day. (b)(7)(E) is used to supplement staff but is not to substitute for staff presence.

(b)(c) CBP Directive No. 2130-030 indicates that OFO and USBP shall develop and document comprehensive detainee supervisions guidelines for facilities under their respective control, which it has done in the issuance of the CBP National Standards on Transport, Escort, Detention, and Search. The Directive also requires an annual review of the comprehensive detainee supervision guidelines and their application at each facility to determine and meet each facility's detainee supervision needs and review the supervision guidelines and their application at each facility at least annually. The results of the review are to be provided to the PSA Coordinator. The standard further requires staff to determine adequate levels of detainee supervision and (b)(7)(E) by taking into consideration the physical layout of the facility, composition of the detainee population, prevalence of substantiated and unsubstantiated incidents of sexual abuse, findings and recommendations of sexual abuse incident review reports, and any other relevant factors, to include but not limited to the length of time detainees spend in agency custody. Interviews with SME's and the PREA Field Coordinator indicated there is no definitive daily staffing numbers established at Brownsville

(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, officers/agents are to 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. Interviews with random staff indicate staff is aware of the prohibition on searching detainees to determine their gender.

(f) TEDS 3.4, states, "Whenever operationally feasible, officers/agents conducting a search or that are present at a medical examination, must be of the same gender, gender identity, or declared gender as the detainee being searched. Cross-gender strip searches or cross-gender visual body cavity searches must not be conducted except in exigent circumstances including consideration of officer safety, or when performed by medical practitioners. When officers/agents of the opposite gender perform a strip search or are present at a medical examination such as a body cavity search, monitored bowel movement (MBM), or X-ray, it is mandatory that two officers/agents be present." Random staff indicated in their interviews all pat searches are required to be performed in a professional manner but the specific manner of conducting searches of transgender detainees is not identified. They stated that same sex pat searches are the norm but in a situation involving safety of the Agent and no females are available to conduct the search of a female detainee; a male Agent may conduct the pat search. Some interviewees informed the Auditor they have not yet received pat search training specific to transgender and intersex detainees that is aligned with new guidance and direction. The interviewed staff gave answers that reflected two different understandings of transgender search policies and procedures. One based on the old policy of assigning staff based on detainee's biological anatomy; the other one based on assigning staff of the same gender, gender identity, or declared gender. A review of both policy and the training curriculum for staff at Brownsville Station reveals Law Enforcement staff did not receive specific training on conducting pat down searches of intersex and transgender detainees in a professional and respectful manner and as required by the standard provision. The standard provision is not compliant. **Corrective Action:** Provide documentation all staff have been trained on the procedures for conducting searches of transgender and intersex detainees as required by the standard.

§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)(b)(c) CBP TEDS and CBP Directive 2130-030 requires 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) to 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 are to 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. During the staff interviews, the Auditor was informed if a communication problem exists during processing the Agent utilizes Interpreters and Translations Incorporated to provide information to detainees in a language they understand. During the staff interviews the Auditor was informed if a LEP (Limited English Proficiency) communication problem exists during processing the Agent utilizes the CBP interpreter service, Language Line to provide information to detainees in a language they understand. The Agents further state visually challenged detainees would be dealt with individually with the Agents reading them information and/or providing visual information to hearing-challenged detainees as with the posters through an interpreter, if necessary, and could even include referral to outside medical authorities for assistance. The Agents also informed the Auditor other detainees would not, under normal circumstances, be allowed to interpret for another detainee unless the detainee expresses a preference for the detainee to provide interpretation, and the Brownsville Station Shift Duty Officer or Watch Commander determines that such interpretation would be consistent with DHS policy. However, interpretation would never be provided by minors, alleged abusers, detainees who witnessed the alleged abuse, and detainees who have a significant relationship with the alleged abuser.

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

☐ Exceeded Standard (substantially exceeds requirement of standard)

☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does not meet Standard (requires corrective action)

Notes:

(a)(b)(e)(f) CBP Directive 2130-030 requires the Office of Human Resource Management (HRM) to establish policy and procedures and ensure CBP does not hire or promote personnel who have had previous substantiated allegations of

engaging in sexual abuse and/or assault to any positions where the employee may interact with detainees in CBP holding facilities. The Auditor interviewed the HQ HRM SME prior to the site visit and was informed 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. She also states interviews conducted with new applicants as well as any applicants for promotion include specific questions about any previous sexual abuse misconduct, and material omissions regarding this type of misconduct or providing false information are grounds for termination or withdrawal of an offer of employment. The HQ HRM SME informed the Auditor all staff have an affirmative duty to disclose any such misconduct, false information and any material omissions. This information is provided to them upon hiring when they are issued the U.S. Customs and Border Protection Standards of Conduct document and they are reminded annually during training on the Performance and Learning Management System (PALMS).

(c)(d) CBP Directive 2130-030 requires the Office of Professional Responsibility (OPR) to ensure background investigations are conducted for applicants for employment and contractors having contact with detainees to determine suitability and that updated background investigations be conducted every five years for CBP personnel who may have contact with detainees. The HQ OPR/Personnel Security Division (PSD) SME indicates background checks (Tier 4, Tier 5) for CBP are the most thorough investigations performed for DHS. She informed the Auditor that all credentialed background investigators ask the applicants, "Have you even engaged in or have you ever been charged with sexual abuse?" According to her, an affirmative response results in the individual not be hired. The SME also informed the Auditor rechecks are initiated every five years. The Auditor submitted 14 names to OPR to review for background rechecks and all were compliant and timely. Documentation provided by HQ demonstrated the five year recheck were initiated within five years resulting in compliance.

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

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

Notes:

(a)(b) Brownsville Station was opened and dedicated in 2008. There has been no substantial expansion or modification to the Station since that time, but the (b)(7)(E) has been added to and improved since that date.

(b)(7)(E)
(b)(7)(E)
(b)(7)(E)

There are no shower facilities at the present time; however a portable shower modular facility will shortly be activated. The standard is not applicable since no major modifications have been made since 2008.

§115.121(c) through (e) – Evidence protocols and forensic medical examinations.

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

Notes:

(c)(d) CBP Directive 2130-030 requires the Brownsville Station to provide emergency medical treatment and crisis intervention services, including a forensic medical exam, in accordance with professionally accepted standards of care to alleged victims of sexual assault. The treatment is without financial cost to the detainee and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. CBP TEDS requires if the detainee (alleged victim) is transported for a forensic examination to a medical facility that offers victim advocacy services, Officers/Agents will permit the detainee to use such services to the extent available, consistent with security needs. Both staff interviewed and policy reviewed confirm detainee victims receive medical and mental health treatment at no cost as well as allowing advocacy personnel access to detainees if available at the hospital where the detainee is sent. Detainees are sent to Valley Regional Medical Center where services are bilingual and bi-cultural. Forensics are completed at Valley Regional Medical Center and detainees are afforded advocacy services if requested. The Auditor was told by HQ Sexual Assault and Abuse Investigator (SAAI) SME that local law enforcement would, in most cases, be notified of any sexual assault and handle criminal investigations for allegations of sexual abuse. Facility staff informed the Auditor the local law enforcement agency would be the Brownsville Station Police Department or CBP OPR if USBP staff is involved in the allegations.

(e) To the extent that the agency is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (d) of this section. The facility

SME confirmed in his interview and in a subsequent telephone call that he has personally interacted and negotiated with the police department and hospital resources, including the Victim Advocate, and is aware of their compliance with PREA requirements. The SME provided the auditor a letter to local law enforcement verifying the requested compliance and the auditor contacted the hospital Sexual Assault Forensic Examination/Sexual Assault Nurse Examination (SAFE/SANE) staff at Valley Regional Medical Center, responsible for forensic exams and verified the SAFE/SANE capabilities, adherence to providing PREA requirements, and victim advocate access, available 24/7 through the hospital's Sexual Assault Response Team. The facility had no sexual abuse allegations made and investigated during the prior 12 months.

§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) and the Commissioner's Situation Room. The HQ SAAI SME and the local SME both indicate sexual abuse allegations are reported to JIC and the Commissioner's Situation Room in accordance with policy. The PREA Field Coordinator states the Watch Commander would submit an Incident Report to the JIC and the Commissioner's Situation Room upon learning of an incident. The Directive also requires Brownsville Station report allegations of sexual assault/abuse to law enforcement agencies with the legal authority to conduct criminal investigations. According to the PREA Field Coordinator, the facility Watch Commander would be required to notify local Law Enforcement after notification to the JIC. This notification becomes part of the Incident Report. The PSA Coordinator indicates in her interview that upon any notification of sexual abuse or sexual assault made to the JIC she is notified by the JIC and/or the Commissioner's Situation Room, as stipulated in CBP Directive 3340-025E, Reporting Significant Incidents to the Commissioner's Situation Room, dated May 21, 2018. The facility had no sexual abuse allegations made and investigated during the prior 12 months.

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

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

Notes:

(a)(b)(c) CBP Directive 2130-030 requires all uniformed agents and officers, special agents, fact finders, contractors, and volunteers who may have contact with detainees in CBP holding facilities receive PREA training as required in Subpart B of the DHS Standards. The Auditor reviewed 14 training records regarding compliance with training schedule requirements provided to staff at Brownsville Station through PALMS and all staff training dates were in compliance. This training includes the agency's zero-tolerance policy for all forms of sexual abuse, the definitions and examples of prohibited and illegal sexual behavior, the right of detainees to be free from sexual abuse, and the right of staff and detainees to be free from retaliation for reporting it. The training also provides information on where sexual abuse may occur, recognition of physical, behavioral, and emotional signs of sexual abuse, and methods of preventing and responding to such occurrences. Staff are instructed on how to avoid inappropriate relationships with detainees, and how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, and transgender, intersex, or gender non-conforming detainees. Interviews with random staff and Local SMEs confirm the information is provided to staff in this training. They informed the Auditor that mandatory PREA training is provided to all staff every two years in annual training and more frequently in staff muster training. The PALMS system provides a current listing of staff trained and those needing training. Based on provided information from the Local SME, all individuals currently assigned to Brownsville Station have had the required initial and refresher PREA training. The Auditor was informed training records for staff are maintained for their entire employment and an additional five years. There are contractors who may have contact with detainees (e.g., transportation, medical), and volunteers and their training meet requirements even though detainees are always under the immediate supervision of CBP staff. The volunteer completed the required PREA training but is never alone with detainees. The Auditor was informed that if contractors or volunteers were to come in contact with detainees, they would be required to attend the same PREA training as required by policy. CBP Directive 2130-030 was provided to all staff through the agency email program referred to as CBP Central. The Auditor interviewed 12

random staff members, two SMEs, and one volunteer. All training records were verified and meet PREA training requirements.

§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:

Brownsville Station makes the zero tolerance policy available to the general public through its webpage (<https://www.cbp.gov/about/care-in-custody>) and to all detainees through posters located in the processing area and outside the detainee living areas. The posters observed were in English and Spanish. Information on the posters includes: CBP has zero tolerance for sexual abuse/assault; reporting can be anonymous and confidential; be safe and get help; tell a CBP official; call the DHS OIG (toll free number provided), and telecommunication devices available by calling a toll-free number provided. The four detainees interviewed were all aware of the postings and all had been made further aware of the zero-tolerance policy via questions and risk assessment processes during intake by the Agents.

§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)(d) CBP TEDS states before placing any detainees together in a holding room, the processing Agent must 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; is the detainee identified as LGBTI or gender non-conforming; any prior sexual victimization and the detainee's own concerns about his/her physical safety. The Auditor reviewed the training all staff receives (PALMS) in order to perform this assessment. It is provided at the same time as the zero tolerance training and is part of that curriculum. The random Agent interviews conducted by the Auditor confirm this assessment is performed on each detainee arriving at Brownsville Station to assess the detainee's potential vulnerability and potential abusive behavior. The Assessment form was provided to the auditor for review. They further state if the assessment indicates any vulnerability or abusive behavior with any detainee, he/she is provided with heightened protection. If the detainee is abusive, he/she is kept separate from those who are vulnerable. This may include direct sight and sound supervision, single room placement or seated in front of the Agent in the process room. The random interviews with detainees confirm they were asked about their own safety concerns on admission. At the time of the site visit there were no detainees processed into the Brownsville Station for the Auditor to observe the process.

(e) CBP TEDS requires Brownsville Station to implement appropriate controls on the dissemination of private and/or sensitive information provided by detainees during this risk assessment. Agents can disclose this information only to those personnel with a need to know, per TEDS Section 4.2, Privacy. The staff interviews detailed for the Auditor the handling of this information: the written assessment is placed in the detainee folder after completion and at the end of the shift the supervisor removes the assessments and turns the documents over to the SOS where they remain in an office under lock and key. Staff interviewed (Agents, Supervisor and SOS staff) indicate this information is never shared and only provided on a need to know basis or under investigation questioning.

§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 to be provided multiple ways to privately report sexual abuse and/or assault, retaliation for reporting sexual abuse and/or assault, or staff neglect or violations of responsibilities that may have contributed to such incidents. It further 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. Detainees must be able to report confidentially and anonymously, and in writing. CBP's 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. Interviews with the local SMEs, random Agents and Supervisors confirm detainees are provided PREA information, through posters (Spanish and English), on how to report sexual assault, retaliation and staff failure to perform their duties while remaining confidential and anonymous. Posters regarding PREA information and compliance are displayed in several locations in the intake area including each desk used to intake detainees. They are also located in all rooms and along all key walls in transit areas. Posters indicate detainees may report, verbally or in writing, to any CBP Official or by utilizing the toll-free telephone number to DHS OIG. DHS OIG is a government agency, open to public reporting that is not part of CBP. The Auditor tested the OIG toll-free report number, from the same telephone detainees would use, and found it operational. The Agents utilize Interpreters and Translators Incorporated which provides over the telephone translations for over 150 languages for those who are not English or Spanish fluent in speaking or writing. The Auditor also asked the random Agents about the process for making anonymous and confidential reports to OIG as there are no telephones in any of the holding rooms. Agents state the detainee only needs to tell the Agent they wish to report something, not disclose what they wish to report, and the Agent would escort the detainee to a private interview room and give them an outside line to call. The Agents indicate they would step out of the room and close the door observing the detainee through the glass in the door. The Auditor interviewed four random detainees. Most were aware there was a telephone number available to them and all were aware they could inform staff of any allegation of sexual abuse confidentially.

(c) CBP TEDS requires Agents at Brownsville Station to receive allegations reported to them from third parties and promptly record such reports according to operational procedures. During random interviews with Agents and Supervisors, the Auditor was informed all verbal allegations of sexual abuse or sexual assault made to them are documented in writing to their supervisor. Normally, their reports are made verbally immediately, and the written report submitted before departing at the end of the shift.

§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. Posters throughout the processing area inform detainees of the DHS OIG reporting telephone number for them to report an allegation and detainee interviews supported that they had read and were aware of poster contents. SME and staff interviews reported that telephone calls are received from family members, which can be for reporting detainee issues or assistance with locating relatives, and detainees can also make phone calls in cases where they may have issues. Third party reporting can also be accomplished via contact to or from the consulate of the detainee's country of origin or legal aid organizations or attorneys.

§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 the JIC hotline or email, or by contacting CBP Office of Professional Responsibility (OPR) or the DHS OIG to report all allegations of misconduct. They all indicate their responsibility to immediately report any allegation of sexual abuse, retaliation or staff failure to perform their duties within and outside of the chain of command if necessary. CBP Commissioner's Memo of March 11, 2015, clearly specifies the mandatory nature of immediate reporting of every incident and that every allegation will be considered significant and major.

(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.

(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. The Auditor confirmed the reporting requirements during the interviews conducted with the 14 random staff and local SME staff. They all indicate their responsibility to immediately report any allegation of sexual abuse, retaliation or staff failure to perform their duties within and outside of the chain of command, if necessary. They also indicate all information they become aware of is not shared except on a need to know basis or during an investigation into the matter. The local SME interviews and the PREA Field Coordinator informed the Auditor that should a vulnerable adult or person under eighteen be sexually assaulted at the Brownsville Station, the normal protocol would be to notify the Watch Commander who 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 that he/or the Watch Commander would make these notifications to the appropriate local State Agencies, if required, and would update the JIC with this information. Staff at Brownsville Station state 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. This specific question was asked of the 12 random Agents interviewed and the two local SMEs. All interviewed staff confirmed any detainee believed to be in imminent danger of being sexually abused would be separated from the other detainees and placed under constant supervision of an Agent. They further stated the safety of the detainee would be their primary focus. Depending on the number of rooms being used at the time, the detainee would be placed in a holding room alone or under direct supervision of an Agent.

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

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

Notes:

(a) CBP Directive 2130-030 requires staff at Brownsville Station make reasonable efforts to promptly report any allegation of sexual abuse the facility becomes aware of occurring at another facility. This notification is required to be made to the appropriate office or Administrator of the facility where the alleged incident occurred. The local SMEs and the PREA Field Coordinator stated the notification is made in the same manner as any incident is reported. The Brownsville Station Watch Commander would submit an immediate Incident Report to the JIC and the Commissioner's Situation Room. Notifications would be completed as required by CBP Directive 3340-025E. Interviews with the Local SME's and the PREA Field Coordinator confirm these notifications would be done immediately in accordance with the policy. 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 Brownsville Station staff.

(b) A policy was issued on August 13, 2014, by the Chief, U.S. Border Patrol, titled "Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse in CBP Holding Facilities" which requires the supervisor to contact the appropriate office of the agency or the administrator of the facility where the alleged abuse occurred and advise them of the allegation. The policy further states the notification will be made as soon as possible, but no later than 72 hours after receiving the allegation, and the supervisor will document that such notification was provided. Staff interviews confirmed this practice. The staff further stated the notification would occur within the same shift.

(c) CBP Directive 2130-030 states once staff become aware of incidents alleged to have occurred in other facilities Brownsville Station staff must report the incident to both the JIC and the Commissioner's Situation Room. Interviews with the Local SMEs and the PREA Field Coordinator confirm these notifications would be done immediately by the facility Watch Commander in accordance with policy. There have been no notifications made by this facility as there have not been any alleged incidents reported to any staff during the last 12 months.

(d) The Standard requires the agency/office receiving a notification of an allegation occurring, in a facility covered by this subpart, must ensure the allegation is referred for investigation. Interviews with Agents, SMEs and the SAAI SME at HQ all stated that this is a required action and that the allegation is immediately reported to the Sector leadership who, in turn, forward the allegation to OPR, JIC and OIG offices. The CBP Memorandum of July 15, 2014 provides guidelines on the implementation of the DHS PREA Standards and requires any CBP Agent, staff or Office receiving a sexual abuse allegation from any source is to ensure the allegation is referred for investigation. The CBP Memoranda of July 15, 2014, and Commissioner's Memorandum of March 11, 2015, provides guidelines on the implementation of the DHS PREA Standards and requires any CBP Agent, staff or Office receiving a sexual abuse allegation from any source is to ensure the allegation is referred for investigation. The policy issued on August 13, 2014, to all Chief Patrol Agents from the USBP Chief also provides guidelines to ensure that a sexual abuse allegation from another facility of an incident occurring at their facility is referred for investigation.

§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 law enforcement staff on scene of a reported allegation of sexual abuse. The Directive and PREA Training in PALMS reinforces the policy by 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 ensure that the alleged abuser does not take any actions that could destroy physical evidence. There are contractors who may have contact with detainees (e.g., transportation, security, medical). Contractors are not allowed in the holding rooms while detainees are present. During the site visit the Auditor did not observe anyone not law enforcement present in the area. CBP Directive 2130-030 does however address non-law enforcement first responder duties if they were ever to allow them in the holding room. The policy requires non-law enforcement staff to request the alleged victim not take any actions that could destroy physical evidence and the notify law enforcement staff. During the random interviews staff detailed their responsibilities as first responders. Each staff told the Auditor they would separate the victim from the abuser, provide medical assistance if needed, preserve evidence to the extent possible and notify their supervisor.

§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 stipulates this entire document constitutes CBP's written institutional plan outlining the coordinated multidisciplinary team approach to responding to sexual abuse. The 21 sections of this Directive cover aspects form hiring, training, reporting, responding, medical and mental health services, investigations, and data collection. The PREA Field Coordinator during his interview discussed this institutional plan. He 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/or assault is transferred to another DHS facility, Brownsville 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/or assault is transferred to a non-DHS facility, Brownsville 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. Local SMEs interviewed state Brownsville Station has had no cases requiring any such notification to a DHS or non-DHS facility this past year. All incidents of this type require the Watch Commander to submit an Incident Report to the JIC and the Commissioner's Situation Room upon any notice. Any transfer or move would require the Watch Commander to update JIC of the incident update and then he would notify the receiving facility. This process was detailed to the Auditor by the PREA Field Coordinator as Brownsville Station has had no incidents for the Auditor to review. Notifications would be completed as required by CBP Directive 3340-025E. CBP has issued CBP PREA response card to guide staff in their response to sexual abuse.

§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 to 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 HQ SAAI SME interview indicates 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 the investigation when the seriousness of the allegation make removal appropriate. If there is an alleged sexual assault or violations are made by a contractor, the Station Supervisory Agent in Charge would seek the removal of the contractor from the facility. The policy requirements were also verified by the local SMEs and the PREA Field Coordinator. The local SMEs indicate there has not been any allegation 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, officers, and other CBP personnel from retaliating against any person or detainee, who reports, complains about, or participates in an investigation of sexual abuse and/or assault. This retaliation prohibition is also detailed in the PREA training (PALMS) each staff member receives at Brownsville Station. The Auditor interviewed 12 random staff and two local SMEs including the PREA Field Coordinator. Each was aware of the policy prohibiting retaliation against anyone who makes an allegation of sexual misconduct or participates in the investigation. Staff reported they had been trained that retaliation was a major disciplinary issue and would not be tolerated. They noted that every allegation is referred for immediate investigation and receives enhanced attention and follow-up by senior authorities. Another example they stated was that retaliation would be prevented because anyone making an allegation would be separated for their safety and placed where they would be under constant supervision of Agents on duty. There were no detainees at the facility who either made an allegation of sexual abuse or who participated in an investigation to interview. The PREA Field Coordinator informed the Auditor there have been no allegations of retaliation made at Brownsville 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 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. The Auditor interviewed HQ LER SME and HQ SAAI SME who state that staff would be subject to disciplinary action up to and including removal from Federal Service for a substantiated allegation of violating the agency sexual abuse policy or substantiated allegations of sexual abuse.

(c) CBP Directive 2130-030 requires OPR to report all removals or resignations in lieu of removal to appropriate law enforcement agencies for violations of agency or facility sexual abuse and/or assault policies, unless the activity was clearly not criminal. The interview with the HQ SAAI SME indicates CBP would notify law enforcement of all removals or resignations in lieu of removal for violations of the agency zero tolerance policy. The interview with the HQ SAAI SME indicates that local leadership, normally the Special Operations Supervisor or the Station Chief would notify law enforcement of all removals or resignations in lieu of removal for violations of the agency zero tolerance policy. The HQ SAAI SME indicates there were no such resignations or removals at Brownsville Station within the last 12 months.

(d) CBP Directive 2130-030 requires OPR to report all removals or resignations in lieu of removal to any relevant licensing bodies for violations of agency or facility sexual abuse and/or assault policies, to the extent known. The interview with the HQ SME from OPR indicates their office would notify licensing bodies, if known, of all removals or resignations in lieu of removal for violations of the agency zero tolerance policy. She indicated there were no such resignations or removals at the Brownsville 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:

(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. Brownsville Station only allows law enforcement staff contact or oversight with detainees. The Auditor did not observe any unsupervised contractors or volunteers in the holding room during the site visit and interviews with the Brownsville Station SMEs did indicate if the facility changes its policy to allow them in contact with detainees any sexual misconduct alleged to have occurred by them would result in their removal from duties and contact with any detainees pending investigation. The PREA Field Coordinator informed the Auditor that if contractors were ever found to violate CBP zero tolerance policy they would be removed from contact with any detainee. The PREA Field Coordinator would be responsible to notify 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 be provided to the alleged victim without financial cost and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. Interviews with the local SMEs and the PREA Field Coordinator confirm supervisors are aware of alleged victims of sexual assault are to receive all medical service and medications without cost even if they do not name the abuser or cooperate with the investigation. They are also aware all

detainees requiring any forensic medical treatment must be sent to Valley Regional Medical Center as there is SAFE/SANE medical staff, and advocacy services.

§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 assault, a sexual abuse incident review is to be conducted within 30 days. The review is to determine whether the allegation or investigation indicates a change is needed in policy or practice to better prevent, detect, or respond to sexual abuse. The recommendation(s) for improvement outlined in the review must be implemented or the agency must document the reasons for not doing so in a written response. An interview with the PSA Coordinator revealed the report and response is to be forwarded to the PSA Coordinator. The Auditor interviewed the PSA Coordinator and the PREA Field Coordinator about the incident review process for allegations of sexual abuse. They both informed the Auditor the operational offices conduct sexual abuse incidents reviews are conducted per procedures outlined in Section 18.1 of CBP Directive No. CBP Directive No. 2130-030, Prevention, Detection, and Response to Sexual Abuse and/or Assault in CBP Holding Facilities. They further stated the Station Supervisory Agent in Charge would implement any recommendations made. Brownsville Station had no incident reviews conducted during the audit period as the facility had no allegations of sexual abuse incidents investigated.

§115.187 – Data collection.

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

Notes:

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

ADDITIONAL NOTES

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

None.

AUDITOR CERTIFICATION:

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

(b)(6)(b)(7)(C)

Auditor

January 3, 2020

Date

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



U.S. Customs and
Border Protection

AUDITOR

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

AGENCY

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

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

Name of Sector or Field Office:	Rio Grande Valley Sector
Name of Chief or Director:	(b)(6)(b)(7)(C), Chief Patrol Agent
PREA Field Coordinator:	(b)(6)(b)(7)(C), Supervisory Border Patrol Agent
Sector or Field Office Physical Address:	4400 South Expressway 281, Edinburg, Texas 78539
Mailing Address: (if different from above)	

SHORT-TERM FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Brownsville Station		
Physical Address:	940 N. FM 511, Olmito, TX 78575		
Mailing Address: (if different from above)			
Telephone Number:	(b)(6)(b)(7)(C)		
Facility Leadership			
Name of Officer in Charge:	(b)(6)(b)(7)(C)	Title:	Patrol Agent in Charge
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 Customs and Border Protection (CBP), U.S. Border Patrol (USBP), Brownsville Station was conducted on August 29, 2019, and the preliminary findings report was submitted on October 21, 2019. Following comments from CBP Headquarters and Auditor Review, the report was submitted in Final Draft on January 3, 2020.

At that time, the Auditor reviewed the compliance of 25 Subpart B standards. The Brownsville 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 facility had not met the requirements for two standards: 115.113 and 115.115. Standard 115.118 did not apply to the station.

On February 2, 2020, the Brownsville Station submitted a preliminary Corrective Action Plan (CAP) to the Auditor. The Auditor reviewed the information and accepted the CAP as written. The Brownsville Station submitted a record of an Annual Review of Detainee Supervision Guidelines to comply with standard 115.113 on March 19, 2020. The Auditor reviewed the information and found the document to meet satisfactory compliance. The Brownsville Station is now in compliance with standard 115.113. On December 8, 2020, the Brownsville Station submitted a copy of a memorandum, dated October 30, 2020, from the Acting Patrol Agent in Charge to the Chief Patrol Agent, Rio Grande Valley Sector, confirming training had been provided to agents in accordance with a directive dated September 17, 2020, from the Chief, Strategic Planning and Analysis Directorate to all CBP Customs and Chief Patrol Agents and all Directorate Chiefs reinforcing proper pat search techniques for transgender, intersex, and non-conforming gender detainees. In conjunction with the memorandum, agent sign-offs and a training Muster Module were submitted. The Auditor reviewed the documents and found standard 115.115 to now be in compliance. The Auditor found all non-compliant PREA standards to now achieve compliance.

Although on-going communication occurred between CBP and Creative Corrections, the CAP was not finalized during the 180-day corrective action period.

PROVISIONS

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

§115.113 Detainee supervision and monitoring

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

Notes:

On March 19, 2020, the Brownsville Station submitted a record of an Annual Review of Detainee Supervision Guidelines dated March 9, 2020, as required by standard Provision (b). The Auditor reviewed the document and determined all elements were addressed as required by standard provision (c). The Auditor has determined the document meets compliance. The Brownsville Station is now in compliance with standard provision 115.113 (b).

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

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

Notes:

On December 8, 2020, the Brownsville Station submitted a memorandum dated October 30, 2020, from the Acting Patrol Agent in Charge to the Chief Patrol Agent, Rio Grande Valley Sector, confirming training had been provided to agents in accordance with a directive dated September 27, 2020, from the Chief, Strategic Planning and Analysis Directorate, to all Chief Patrol Agents and Directorate Chiefs providing guidance on conducting pat searches of transgender, intersex, or gender non-conforming individuals. The memorandum also referenced sections 4.3 and 5.5 of the National Standards on Transport, Escort, Detention, and Search (TEDS) policy. In conjunction with the memorandum dated September 17, 2020, a Muster Module and staff training muster sign-offs and acknowledgements were submitted. The Muster Module provides instruction to agents in the safe search of suspects, threat assessments, and pat search techniques for cross gender, same gender, transgender, intersex, and non-conforming detainees. The Auditor reviewed all submitted documents and has determined the Brownsville Station is now in compliance with standard provision 115.115 (f).

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.

(b)(6)(b)(7)(C)
Auditor

December 11, 2020
Date