

# 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:	RGV Sector		
Name of Chief or Director:	Chief Patrol Agent (b)(6)(b)(7)(C)		
PREA Field Coordinator:	Special Operations Supervisor/PREA Field Coordinator (SOS/PFC) (b)(6)(b)(7)(C)		
Sector or Field Office Physical Address:	4400 South Expressway 281, Edinburg, Texas 78539		
Mailing Address: (if different from above)			
SHORT-TERM HOLDING FACILITY BEING AUDITED			
Information About the Facility			
Name of Facility:	Rio Grande Valley Centralized Processing Center (RGV-CPC)		
Physical Address:	3700 West Ursula Avenue, McAllen, Texas 78503		
Mailing Address: (if different from above)			
Telephone Number:	(b)(6)(b)(7)(C)		
Facility Leadership			
Name of Agent in Charge:	(b)(6)(b)(7)(C)	Title:	Acting Deputy Patrol Agent in Charge (A)(DPAIC)
Email Address:	(b)(6)(b)(7)(C)	Telephone Number:	(b)(6)(b)(7)(C)

## AUDIT FINDINGS

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

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

The Prison Rape Elimination Act (PREA) on-site audit of Customs and Border Protection (CBP) Border Patrol (BP) Rio Grande Valley Centralized Processing Center (RGV-CPC) in McAllen, Texas, was conducted on Tuesday, August 13, 2019, from 07:00 hours until 17:00 hours and on Wednesday, August 14, 2019 from 06:00 until 15:30. 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 RGV-CPC. The RGV-CPC is a short-term processing area detaining male and female adults, Unaccompanied Alien Children (UAC), and family units for a time period specified to be under 72 hours, pending transfer for removal, detention, or placement.

The purpose of the audit was to determine compliance with the 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 Points of Contact for the RGV-CPC audit was (b)(6)(b)(7)(C), Special Operations Supervisor (SOS).

Following a review of staff, contractor and detainee rosters with the RGV-CPC SOS and selection of potential interviewees, an Entry Briefing was held at 8:00 a.m.

Those present at the Entry Briefing were:

(b)(6)(b)(7)(C), Executive Director, Privacy and Diversity Office (PDO), HQ  
(b)(6)(b)(7)(C), Prevention of Sexual Assault (PSA) Coordinator, Privacy and Diversity Office (PDO), HQ  
(b)(6)(b)(7)(C), Deputy PSA Coordinator, Privacy and Diversity Office (PDO), HQ  
(b)(6)(b)(7)(C), Civil Rights/Civil Liberties Program Coordinator, Privacy and Diversity Office (PDO), HQ  
(b)(6)(b)(7)(C), Acting Deputy Patrol Agent in Charge (A) (DPAIC), USBP RGV-CPC  
(b)(6)(b)(7)(C), Assistant Chief, USBP, HQ  
(b)(6)(b)(7)(C), Acting Special Operations Supervisor (SOS), USBP, McAllen Sector  
(b)(6)(b)(7)(C), Special Operations Supervisor (SOS), USBP, RGV-CPC  
(b)(6)(b)(7)(C), RGV-CPC

Immediately following the Entry-Briefing, all parties were given a tour of RGV-CPC by the SOS/PFC, which followed the path someone would follow from their arrest/custody, booking/processing, and being placed into holding. Once determined that a person or family unit is to be held, the process and housing becomes different.

RGV-CPC is comprised of a large masonry converted warehouse which was renovated prior to 2014 to provide a sally port and secure holding and processing for single persons, UACs and family units. The building is located about two miles from the Mexican border and one mile from the McAllen Border Patrol Station. The common name for this building is Building 22K. Adjacent to this structure is Building 55K, which was constructed during the immigration surge of 2014. Adjacent to the sally port area of Building 22K is a fenced-in reception area, where an initial medical screening takes place for common communicable health conditions. A similar screening takes place for detainees leaving RGV-CPC. Both screenings are performed by medical support staff (Nursing Assistants (NAs) or Emergency Medical Technicians (EMTs) Coast Guard personnel also operate in this area to search and secure detainee property, to assist medical personnel, to provide immediate food and water to detainees in need, and to transport detainees within RGV-CPC under the supervision of CBP personnel.

Building 22K has a secured public entrance which leads to an administrative area, staff areas, a muster area, a secure armory, and secured weapon storage. Supervisors, Agents, and allied law enforcement personnel do not enter detainee holding areas with their sidearm. Entry to the secure holding area is gained via an electronic locking system. Upon entering the secure holding area, there is a small control area, referred to as the "Bubble" where supervisory staff are located, and (b)(7)(E) by both Agents and supportive military personnel. There are medical screening and treatment areas and a large processing area for detainees staffed by USBP and assigned Office of Field Operations

(OFO) personnel. Building 22K's perimeter is comprised of a series of holding areas which are fenced on all sides with a gate, are lined with benches and have two chest-high toilet stalls.

Building 55K contains a very large chain-link fenced area that is sectioned off to separate different populations of detainees. Each area allows room for sleeping mats, large muscle exercise, portable private toileting facilities, TV viewing and supervision. This supervision is provided by both assigned USBP detention Agents and private security officers contracted with G4S Security. Detainees are separated into several categories including UAC males, ages 10 and under; UAC males, ages 10 and over; UAC females, ages 10 and under; UAC females, ages 10 and over, families with both parents; female head-of-household families; and male head-of-household families. Children of a tender age (under 10) remain with their families and older children's placement is determined on an individual basis. Unaccompanied infants, toddlers and tender children are fed, cared for and showered by contracted professional caregivers. All children and UACs are prioritized for placement and are discharged from RGV-CPC within 48 hours under normal circumstances.

In the front of Building 55K is a large processing area manned by USBP Agents and OFO Officers. Adjacent to this area is a secondary medical treatment area staffed by contract employees from Loyal Services and to the right of medical is a small infant/toddler area manned by contracted caregivers also from Deployed Services. The caregivers are assisted by Coast Guard personnel. To the right of the caregiver area is a laundry staffed by contract employees who have no contact with detainees. The Auditor performed a field interview of two of the three laundry staff. They confirmed no contact with detainees and training in Zero-Tolerance for Sexual Abuse/Sexual Assault and mandatory reporting of sexual abuse/sexual assault. To the right of the laundry area are shower trailers which allow detainees of the same gender and age group to privately shower. Adult showering is supervised by corresponding gender USBP Agents and Coast Guard personnel and youth showering is supervised by appropriate gender care givers. Tender aged children are assisted by caregivers or parents, if detained as families.

Detainees are supervised by patrolling Border Patrol Agents, G4S Security staff per shift and Border Patrol Agents/G4S Security staff assigned to an elevated watch tower located centrally in Building 55K. Border Patrol Agents supervising detainees at RGV-CPC are not permanently assigned to the facility. They are detailed for pre-determined periods of time from USBP stations throughout the RGV sector. Often, this detail is extended. In addition, detainees in both buildings are (b)(7)(E) in Building 22K and (b)(7)(E) in Building 55K. These (b)(7)(E) around the clock by assigned USBP Agents, U.S. Army personnel and U.S. Army National Guard personnel.

All staff with direct contact with detainees are law enforcement officers or enlisted members of the United States Coast Guard. Coast Guard activities are limited to collecting, tagging and storing detainee property; escorting detainees throughout the compound; serving food; and monitoring showers with a sworn CBP Agent/Officer present. Each time a Coast Guard detail was observed, there was a non-commissioned or commissioned officer present to ensure Coast Guard personnel were operating within the purview of their agreed upon orders. At no time were Coast Guard personnel operating outside the direct view of sworn law enforcement officers.

Detainees are removed from any area where janitorial or maintenance contractors must work, and the workers are escorted in and out by law enforcement staff. The number of Agents/Assigned OFO Officers working in the holding areas remains fluid and varies in accordance with the flow of arrestees/detainees.

Note: In addition to the United States Coast Guard, there are regular United States Army and National Guard Units providing logistical support and Control Room surveillance under the direction of assigned superior officers. Neither of these military units is situated to have detainee contact. The Auditor has no authorization to interview military personnel and did not do so.

## 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.

An Exit Briefing was held in the RGV-CPC Main Conference Room in Building 22K. The Exit Briefing was opened by Kristy Montes, PSA Coordinator (PDO) and was conducted by (b)(6)(b)(7)(C), Creative Corrections Certified PREA Auditor. Present at the Exit Briefing were:

(b)(6)(b)(7)(C), Executive Director, Privacy and Diversity Office (PDO), HQ  
(b)(6)(b)(7)(C), Prevention of Sexual Assault (PSA) Coordinator, Privacy and Diversity Office (PDO), HQ  
(b)(6)(b)(7)(C), Deputy PSA Coordinator, Privacy and Diversity Office (PDO), HQ  
(b)(6)(b)(7)(C), Civil Rights/Civil Liberties Program Coordinator, Privacy and Diversity Office (PDO), HQ  
(b)(6)(b)(7)(C), Acting Deputy Patrol Agent in Charge (A) (DPAIC), USBP RGV-CPC  
(b)(6)(b)(7)(C), Assistant Chief, USBP, HQ  
(b)(6)(b)(7)(C), Acting Special Operations Supervisor (SOS), USBP, McAllen Sector  
(b)(6)(b)(7)(C), Special Operations Supervisor (SOS), USBP, RGV-CPC  
(b)(6)(b)(7)(C), RGV-CPC

Scope of the Audit: Prior to 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 RGV-CPC specific documents, HQ Participation documents, and medical provider websites. The Auditor also conducted four HQ Subject Matter Expert (SME) interviews.

The Auditor was given a comprehensive tour of RGV-CPC. The Auditor had complete access to the facility and observed all custody areas, the processing area and holding rooms/areas. The Auditor was also able to revisit areas upon request. The Auditor was provided with a private interview area for staff interviews and a processing room in the secure holding area to interview single detainees/UAC's. No detainee families agreed to be interviewed by the Auditor. The Auditor was able to use a private telephone line to privately access OIG.

During the on-site audit, the Auditor interviewed law enforcement personnel (Agents) from all three shifts. In total, the Auditor interviewed 17 USBP Agents and supervisors, one OFO Officer, four local SMEs, three medical contractors, five security contractors including one supervisor and two caregiver contractors. The Auditor also field interviewed two contracted staff who do the laundry and clean the shower facilities. The latter have no detainee contact. Ten detainees were interviewed including five UACs. One detainee was with her child. Of the ten detainees interviewed, all ten were Limited English Proficient (LEP). Two detainees were disabled, one was hearing/sight disabled and one had a diagnosed mental illness. The detainees were from six different countries: El Salvador, Nicaragua, Romania, Honduras, Ecuador and Guatemala. The Auditor conducted a total of 42 interviews at RGV-CPC.

The Auditor was able to review the staff training completion records. There were no strip (partial body search) or body cavity search records for the audit period, as SME staff reported none had been conducted.

During the Audit Process, the Auditor reviewed the compliance of 25 DHS Subpart B Standards at RGV-CPC. The Auditor found RGV-CPC met 23 standards (115.111; 115.114; 115.116; 115.117; 115.118; 115.121; 115.122K; 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; 115.186 and did not meet two standards (115.113; 115.115).

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded:	0
Number of standards met:	23
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:

The facility meets the standard. The agency has taken definitive steps to inform the public, all employees, and detainees of its adherence to the PREA Standards. CBP Directive 2130-030 Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities (January 19, 2018), the Commissioner's Memorandum dated March 11, 2015, "CBP's Policy on Zero-Tolerance of Sexual Abuse and Assault" and the Commissioner's Memorandum on Unaccompanied Alien Children (undated) issued to all CBP employees clearly outline the duty of all CBP staff members to prevent, detect and respond to all allegations or observations of sexual abuse. Zero-Tolerance posters are posted throughout the custody, processing and holding area of the facility. Interviews with the HQ and local SMEs emphasize staff training on Zero-Tolerance and local random staff interviews verify staff has been trained. The Auditor was able to interview both the HQ PSA Coordinator and the two PREA Field Coordinators, one from RGV Sector and one from RGV-CPC. These interviews verify both the agency and the facility have provided dedicated personnel to insure PREA provisions are in compliance.

### §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 facility meets the standard provision. The Auditor was able to determine appropriate levels of supervision through observation of staff supervision of detainees, operational procedures and (b)(7)(E). (b)(7)(E) capabilities appear to be adequate. CBP Directive 2130-030 requires the development of staffing guidelines to meet the detainee supervision needs of each facility. The USBP Chief's memorandum of August 13, 2014, provides broad guidelines for supervision as required by the standard. Interviews with the Special Operations Supervisor/Sector PREA Field Coordinator (SOS/ YSPFC) and the Special Operations Supervisor/PREA Field Coordinator (SOS/SPFC) verify shift supervisors have both the responsibility and the authority to bring Border Patrol Agents in the field back into RGV-CPC when supervision needs require them to do so.

(b) The facility does not meet the standard provision. CBP Directive 2130-030 requires each Sector Office implement an annual review process for all holding facilities. RGV-CPC does not have a formal process for reviewing detainee supervision guidelines and their application at the holding facility at least annually. Corrective Action is required.

**Corrective Action:** Provide documentation of the annual review of the detainee supervision guidelines and its application for RGV-CPC.

(c) The facility meets the standard provision. In determining adequate levels of detainee supervision and in determining the need for video supervision, the agency has taken into consideration the physical layout of RGV-CPC, the composition of the detainee population, the prevalence of substantiated and unsubstantiated abuse and the findings and recommendations of sexual abuse incident review reports, including but not limited to the length of time detainees spend in agency custody. The Auditor was able to interview Agents, contract staff and local SMEs who reported supervision adjustments in response to recent incidents involving UACs at RGV-CPC. The Auditor has also detailed concerns regarding sexual abuse incident reviews under 115:186. Areas of consideration detailed in the standard provision are regularly discussed by PAIC, the DPAIC and the SOSs; but are not formally discussed as part of the annual review required under Standard Provision (b).

**§115.114(a) and (b) – Juvenile and family detainees.**

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

**Notes:**

(a) The facility meets the standard provision. CBP National Standards on Transport, Escort, Detention and Search (TEDS) (October 2015), requires juveniles be treated at all times in their best interest and all guidelines for special populations be taken into consideration. SME and random staff interviews verify that UACs will be held in the least restrictive environment while maintaining safety. Sector procedures mirror agency requirements for USBP stations to transfer UAC's to Department of Health and Human Services, Office of Refugee Resettlement (ORR) personnel as soon as possible. UAC's are separated from adults and by gender pending this transfer. Holding UACs in the least restrictive setting has been challenged during the audit period by the surge of family units and UACs to the Southwest border. The Agency has responded by the reassignment of USBP Agents and OFO Officers.

(b) The facility meets the standard provision. UACs are immediately separated from accompanying adults, unless the relationship has been properly vetted and determined to be appropriate prior to holding. Local SME and random staff interviews confirm a combination of agency and State Department data base searches with separate interviews of both the minor and the accompanying adult are used to vet the relationship. Interviewed and observed staff were well-versed in dynamic interviewing skills including eye contact, interrupted speech patterns and the observation of the relationship between the parties involved.

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

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

**Notes:**

(b) The facility meets the standard provision. CBP TEDS sets specific guidelines for cross-gender viewing and searches in the absence of truly exigent circumstances. Interviews with local SMEs and random staff support the standards and strip (partial body) and body cavity searches are not performed except in exigent circumstances, with body cavity searches of juveniles being referred to a medical practitioner. Children and UACs are not pat frisked, except for immediate searches in the field as determined by the Agent for personal/public safety. All interviewed SMEs and random staff indicated training proper hand placement when searching breast and groin areas during immediate searches.

(c) The facility meets the standard provision. CBP TEDS requires all strip (partial body) and body cavity searches be documented. The Auditor requested and was shown the search training provided to all law enforcement personnel quarterly when they have firearms re-certification. Random staff interviews verified this training. There was no strip (partial body) or cavity searches performed at RGV-CPC within the past 12 months. Therefore, no search logs were reviewed.

(d) The facility meets the standard provision. RGV-CPC has developed internal procedures and practices which allow for privacy during detainee showering, clothes changing and toileting as required in the standard provision and CBP TEDS. There are private showers available in monitored trailer facilities. Random staff interviews confirm the practice of making deliberate announcements when opposite gender staff enter a holding room or search area. The Auditor observed this practice. Staff at RGV-CPC have received the CBP PREA Quick Reference Cards which detail privacy rights.

(e) The facility meets the standard provision. All supervisory and random staff report they would ask the detainee to self-identify if they had a need to know the detainee's gender. They all report strip searches are not authorized to determine a detainee's gender.

(f) The facility does not meet the standard provision. While interviews with supervisors and Agents confirmed training for pat-down searches, the agency/facility produced no specific training materials for pat-down searches of transgender detainees. This lapse in training has created a situation where staff interviews reveal Agents perform differently when searching transgender detainees. Some Agents respond to the detainee's self-identification and they are patted-down by an Agent or Law Enforcement Agent of the same gender as how they identify. Some Agents ask the detainee the status of their genitalia and they are searched by an Agent of the same biological gender as they indicate, regardless of their gender identification. Corrective Action is required. **Corrective Action:** Provide documentation all law enforcement staff at RGV-CPC have received and understand specific training regarding the searching of transgender detainees.

**§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) The facility meets the standard provision. CBP Directive 2130-030 requires staff in holding facilities to provide reasonable accommodations to detainees who are hearing impaired, blind or have low vision, or who have intellectual or mental health disabilities. Staff interviews verified the steps Agents and supervisors would take to provide accommodations to detainees with these disabilities. These include processing staff reporting having read PREA notices to visually impaired and functionally illiterate detainees. Interviewed SMEs and random staff report they have been able to assist detainees with pervasive disabilities and these detainees normally cross the border with family members who also assist them.

(b) The facility meets the standard provision. CBP Directive 2130-030 requires all holding facilities to provide effective, accurate and impartial in-person or telephonic interpretation services to detainees who are Limited English Proficient (LEP). All PREA posters are posted in both English and Spanish, but also provide direction in commonly spoken languages. All staff report they have been able to communicate with LEP detainees via the available "Interpreters and Translators Incorporated" line. Many staff at RGV-CPC speak fluent Spanish. All interviewed random staff members report they have used the interpretive services when necessary. Two of three interviewed detainees indicated there were many bilingual staff members who they could speak to as they were LEP.

(c) The facility meets the standard provision. CBP Directive 2130-030 directs other detainees are not to be utilized as interpreters when a detainee has alleged sexual abuse or has been found to be sexually abused. The Auditor was able to verify local practice at RGV-CPC is consistent with the Directive through interviews with local SMEs. All interviewed Agents reinforced other detainees may not be used in these circumstances and state they would use a neutral staff member, if appropriate, or the language line as referenced in their directions in their written musters.

**§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) The facility meets the standard provision. CBP Directive 2130-030 requires the Office of Human Resources Management (HRM) to ensure compliance with hiring, promotion and discipline requirements as outlined in the standard provision. The Directive requires the Office of Acquisition to place policies and procedures in place to ensure CBP does not hire any contractors who have a history of sexual abuse. An Interview with the HQ HRM SME and documents downloaded from HRM verify compliance with the standard provision for employees.

(b) The facility meets the standard provision. An interview with the HQ HRM SME verifies new employees and employees seeking promotion must complete an application which asks about previous sexual misconduct and imposes a continuing duty to disclose any such future misconduct.

(c) The facility meets the standard provision. The Auditor selected the names of 14 random staff members and contractors of all ranks and titles from RGV-CPC. The Deputy PSA Coordinator, HQ submitted these names to the Office of Professional Responsibility, Personnel Security Division. Review of a computer check of these employees by the Auditor found the Agency to be compliant with pre-hire and five-year updated background investigations.

(d) The facility meets the standard provision. RGV-CPC currently uses contractors to perform security/detainee supervision, medical screenings, and as child caregivers. Contract staff who have contact with the detainees received background investigations as required by the standard. The Auditor chose ten names of contract staff and the Deputy PSA Coordinator submitted those names to the Office of Professional Responsibility, Personnel Security Division. Review of a computer check of these contractors by the Auditor revealed that the Agency was compliant with pre-hire and five-year updated background investigations. Local procedures require staff to remove any detainees from an area where maintenance or janitorial contractors must work.

(e) The facility meets the standard provision. An interview with the HQ HRM SME confirms it is agency policy to rescind an offer of employment to a prospective employee or to terminate the employment of any employee who makes a material omission or provides false information regarding sexual abuse misconduct. Staff are informed of the policies regarding material omissions and providing false information in the CBP Code of Conduct which is referenced in their yearly required ethics training taken online.

(f) The facility meets the standard provision. CBP Directive 2130-030 allows for the provision of any substantiated allegations of sexual abuse regarding former employees upon receiving a request to do so from an institutional partner

for whom such an employee has applied to work, unless prohibited by law. An interview with the HQ HRM SME verifies this practice by the agency.

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

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

**Notes:**

(a) The standard provision is not applicable as Building 55 was completed shortly before the standard requirements were instituted and Building 22 was pre-existing.

b) The facility meets the standard provision. When (b)(7)(E) in 2014 with the construction of Building 55, an interview with the DPAIC verifies supervision and privacy concerns were taken into consideration and approved by the sector office.

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

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

**Notes:**

(c) The facility meets the standard provision. CBP Directive 2130-030 specifies the treatment services to be provided to a detainee victim of sexual assault. RGV-CPC utilizes the services of Mission Hospital in Mission, Texas for forensic examinations of sexual abuse victims determined to be evidentiary or medically appropriate at no cost to the detainee and only with the detainee's consent. The examination is to be performed by a Sexual Assault Nurse Examiner (SANE) who is available on-call. The Auditor confirmed the services with the contracted RGV-CPC Medical Supervisor from Loyal Source and an Emergency Room supervisor at Mission Hospital via a telephonic conference on August 21, 2019.

(d) The facility meets the standard provision. The Auditor determined Mission Hospital has sexual abuse advocates available. A local SME interview with the SOS/SPFC verified sexual abuse victims from RGV-CPC would have access to victim services at the hospital.

(e) The facility meets the standard provision. An interview with the SOS/SPFC verifies both the McAllen Police Department and the Hidalgo County Sheriff's Office have been advised of and are agreeable to following PREA requirements. The SOS/SPFC showed the Auditor copies of the letters and PREA requirements sent to both law enforcement agencies.

**§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) The facility meets the standard provision. CBP Directive 2130-030 requires prompt reporting of all sexual assaults/allegations to the facility administrator or agency office. All interviewed local SMEs and random staff report they will immediately report such incidents up the chain of command and to the Joint Intake Center (JIC). After discussion with the PAIC or APAIC, the SBPA or delegated supervisor is to inform local law enforcement, as appropriate. This report was confirmed by the SOS/SPFC and the SOS/SPFC during their SME interviews.

(d) The facility meets the standard provision. An interview with the HQ PSA Coordinator verifies the appropriate offices are advised of all incidents/allegations of sexual abuse by the JIC or the Commissioner's Situation Room.

**§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) The facility meets the standard provision. All RGV-CPC employees have completed the mandatory PREA training including all eight elements of sexual abuse prevention, detection and response specified in the standard provision. The Auditor reviewed the training curriculum and training records while on-site. Staff interviews verified the above training

via DHS PALMS. The Auditor also reviewed training records for contractor security, medical and care-giver staff. Random interviews with Agents, Supervisors and the afore-mentioned contract staff verified the required above-specified training.

Note: Maintenance and janitorial contractor staff are not trained as RGV-CPC ensures these contractors and detainees have no contact. The facility has addressed the issue of contract employees by initiating internal procedures which require detainees to be removed from any area where contractors need to clean or conduct maintenance. RGV-CPC currently utilizes no volunteers.

(b) The facility meets the standard provision. Reviewed training records verify all USBP and specified contractor staff at RGV-CPC were trained within two years of the effective date of the standards or upon their hire, if hired after the initial training. Training records confirm all law enforcement staff and specified contractor staff received annual refresher training as required. Random staff interviews confirm yearly PREA training on PALMS and bi-annual search training.

(c) The facility meets the standard provision. Training records are maintained electronically as required by the standard and local SME interview with the PFC verified compliance. The Auditor had the opportunity to view all required staff training records.

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

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

**Notes:**

The facility meets the standard. RGV-CPC maintains colorful, large print posters of DHS’s Zero-Tolerance Policy in all detainee holding and processing areas. The posters are printed and posted in English and Spanish, but also contain a box providing Zero-Tolerance and reporting information in all common languages. In addition, CBP addresses Zero-Tolerance prominently on its website, <https://www.cbp.gov/about/care-in-custody>.

**§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) The facility meets the standard provision. CBP TEDS requires all detainees be assessed for being at-risk of sexual assault before being placed in a holding room or holding facility. Based on this assessment, the processing Agent is to decide whether the detainee needs to be placed alone or placed away from certain other detainees. Local SME and random staff interviews demonstrate proficiency on the part of staff to establish a dialogue with the detainee to look for and respond to non-verbal cues and to ask additional questions until the Agent determines if the detainee is vulnerable to sexual assault. Vulnerable detainees are removed from contact with other detainees whenever possible. If not possible, continuous sight and sound supervision is required by local procedure and was verified by staff interviews.

(b) The facility meets the standard provision. All detainees at RGV-CPC are asked if they have concerns about their personal safety in holding at RGV-CPC. This practice was verified by interviews of both random staff and local SMEs. Detainee interviews revealed that in eight of ten interviews, detainees reported that staff had asked them if they had any concerns for their personal safety in holding. Staff report they are asking questions to determine the detainee’s safety in custody. They will assess potential victims or perpetrators according to their physical build, available criminal records and subsequent questioning.

(c) The facility meets the standard provision. CBP TEDS requires the processing Agent consider evaluation factors outlined in the standard provision. Randomly interviewed Agents were able to identify the factors they had been trained to look for.

d) The facility meets the standard provision. Interviewed local SMEs report upon a detainee being identified as “high risk” and no appropriate housing unit being available, Agents will consult with the on-duty supervisor and an Agent or

security officer will be detailed to provide continuous sight and sound supervision. This practice was confirmed through Agent and SME interviews.

(e) The facility meets the standard provision. CBP TEDS requires staff to ensure assessments are provided in privacy where sensitive information cannot be learned by other parties. The dissemination of sensitive information is to be controlled on a "need to know" basis. Random staff and contractor interviews verify this practice. Agents regularly practice field interviews and reported that privacy in and around interviews is standard practice.

**§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) The facility meets the standard provision. Both CBP TEDS and CBP Directive 2130-030 provide multiple ways for detainees to report sexual abuse/assault, retaliation and/or staff neglect or violations leading to sexual assault. Interviews with HQ SME, local SMEs, random staff and contractors verify detainees may report abuse orally or in writing to staff. Third party reports are accepted, and detainees may request to make private anonymous telephone calls to OIG. When questioned about detainee calls to OIG, the Agents report should a detainee request to call OIG or the number on the PREA poster; they will be escorted to the processing room with windows where they can complete their call in privacy. Agents reported they shall supervise the detainee from outside the office. Agents report they will not ask the detainee why they wish to call OIG.

(b) The facility meets the standard provision. Local SME and staff interviews reveal all staff have been trained to allow detainees to report sexual abuse to OIG, or to have a family member or other third-party contact OIG. Detainees simply reported they can report abuse by calling the number on the poster.

(c) The facility meets the standard provision. Random staff and contractor staff interviews confirm they must accept oral, written or third-party reports of sexual abuse. In turn, those reports must immediately be reported to their supervisor.

**§115.154 – Third-party reporting.**

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

**Notes:**

The facility meets the standard provision. CBP Directive 2130-030 directs third parties may report sexual abuse on behalf of detainees. The public can also go to the CBP PREA website at <https://www.cbp.gov/about/care-in-custody>. DHS posters direct third parties on how to make written or telephonic reports to OIG. RGV-CPC staff are required to allow private and anonymous calls from detainees to OIG. Interviewed staff report third parties can call OIG directly on the hotline number. They also report that should a third-party report abuse to them, they would immediately remove the detainee from holding, notify their supervisor and follow the same protocol for a detainee report. During the on-site audit, the Auditor was able to place a call to OIG from an RGV-CPC telephone.

**§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) The facility meets the standard provision. CBP Directive 2130-030 requires all USBP, OFO and contractor staff to report immediately any knowledge, suspicion or information regarding an incident of sexual abuse/assault; retaliation against detainees or staff who made such a report or participated in an investigation of sexual abuse, or any staff neglect or violation of responsibilities contributing to an incident of sexual abuse/assault. All interviews with local SMEs, random staff and contractors affirmed these responsibilities. When staff were asked how they could report outside of the chain of command, they all reported they could call the OIG hotline or the Joint Intake Center (JIC). Contractors identified the on-duty USBP supervisor as the person they would report any allegations or suspicions.

(b) The facility meets the standard provision. RGV-CPC staff addressed the PREA requirements at muster and reported during random staff interviews they must immediately report any incident to their supervisor. Their supervisor, in turn, must ensure the incident is reported to local law enforcement, JIC, and OIG.

(c) The facility meets the standard provision. Random staff and contractor interviews verify dissemination of

information regarding a sexual assault is limited to their immediate supervisor, staff necessary to protect the detainee and the crime scene and anyone else with a "need to know."

(d) The facility meets the standard provision. An interview with the HQ Sexual Abuse and Assault Investigations (SAAI) SME reveals sexual assaults of victims under age 18 and vulnerable adults will be reported to the designated state or local services agency by the PAIC, or their designee, and at the direction of the OPR SAAI SME. This practice was verified by the PAIC. There were five closed redacted investigations for RGV-CPC reviewed by the Auditor from allegations received during the Audit period. The one open investigation was not reviewed. One of the closed investigations contained a substantiated allegation for inappropriate touching over clothes. The other four were not substantiated, but involved allegations of inappropriate touching over clothing, but under the issued blankets. All reviewed allegations involve juvenile inappropriate touching over clothing. During interviews with Agents and G4S security personnel about the incidents, there was a consensus that overcrowding contributed to the incidents occurring. There was also concern that detainees should always be directed and maintained on one sleeping pad and under one blanket. G4S contractors reported there has been meetings regarding the incidents and vigilance was stressed in providing supervision of UACs. This vigilance was also reported by Agents and SMEs.

**§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:**

The facility meets the standard. CBP TEDS requires any agency employee who believes circumstances exist which place a detainee at imminent risk of sexual assault to take immediate action to protect the detainee. Interviews with the PAIC, APAIC and the SBPA affirm the detainee must immediately be protected by isolation or direct constant supervision (sight and sound) or both. Random staff report any detainee who is determined to be of imminent risk of sexual abuse/assault would be removed from contact with other detainees and would be supervised as directed by the local SMEs.

**§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) The facility meets the standard provision. CBP Directive 2130-030 requires should a detainee have been sexually abused/assaulted at another facility prior to arriving at RGV-CPC, the prior agency or administrator must be notified. An interview with the SPFC verifies the PAIC, or their designee, would make this notification.

(b) The facility meets the standard provision. The standard provision requires the notification be made within 72 hours of receiving the allegation. The SPFC reports the PAIC or their designee will make the notification immediately. The DPAIC confirmed the report would be made immediately by the on-duty supervisor.

(c) The facility meets the standard provision. The SPFC indicates the notification would be documented by notation in the detainee's electronic file.

(d) The facility meets the standard provision. The SPFC reports the advised agency, if outside of the requirements of Subpart B of the DHS PREA Standards, would be notified of the incident. If part of CBP, the facility receiving the notice is required by Directive 2130-030 to notify JIC.

**§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) The facility meets the standard provision. CBP Directive 2130-030 requires upon learning of a detainee sexual assault, the first responding Agent or their supervisor is to perform all first responder duties delineated in the standard provision. In addition to training all law enforcement personnel on first responder duties, RGV-CPC reviews these duties at staff musters. All SMEs and Agents were able to recite their duties, as detailed in the standard, as first responders to a sexual abuse/assault incident.

(b) The facility meets the standard provision. All interviewed contractor staff correctly reported their responsibilities to protect a detainee making an allegation and report the allegation to an agent immediately.

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

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

**Notes:**

(a) The facility meets the standard provision. CBP Directive 2130-030 is the agency's coordinated response plan for prevention, detection and response to sexual abuse. The Directive provides a clear progressive plan for all components of addressing sexual abuse in holding facilities. Interviews with all SME's and random staff verified an awareness of their requirement to provide medical care. They were also aware detainees must have access to the advocates, if provided by either or both hospitals.

(b, c) The facility meets the standard provision. CBP Directive 2130-030 requires RGV-CPC to notify another DHS facility if the victim of sexual abuse/assault is transferred there. This notification must include the detainee's need for medical or social services, if the need exists. RGV-CPC must also make the same notifications to non-DHS facilities, if the law allows for this notification. These requirements were verified by the PFC and would be made by the PAIC or their designated supervisor.

**§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:**

The facility meets the standard. With regard to staff, interviews with both the HQ LER SME and the HQ OPR SAAI SME verified Agency policy is to remove staff from contact with detainees pending the outcome of an investigation when the seriousness and plausibility of the allegations make removal appropriate. The PAIC would reassign any staff member, who allegations of sexual abuse/assault or violations of policy had been made against from public contact. This re-assignment would remain in force until the completion of the investigation. RGV-CPC closely monitors contact between contractors and detainees. Currently, there are no volunteers. The HQ LER SME reports Agents do not supervise contractors, but control detainee proximity to contractors. If contractor/detainee contact somehow did occur and there is an allegation of sexual abuse/assault; the contractor would be removed from any possible detainee contact and the PAIC, through the Sector Chief, would seek the removal of the contractor from the facility. This practice was verified by the SPFC.

**§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:**

The facility meets the standard. CBP TEDS prohibits all CBP staff from retaliating against any person, including a detainee, who alleges or complains about mistreatment, participates in an investigation into an allegation of staff misconduct, including sexual abuse, or for participating in sexual activity as a result of force coercion, threats, or fear of force. The training on and implementation of this policy was verified by interviews with the HQ SAAI SME, the SOS/YSFPC, and the SOS/SPFC. Interviewed random staff and SMEs report retaliation is prohibited by directive and they have been trained to look for signs it was occurring.

**§115.171 – Criminal and administrative investigations.**

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

**Notes:**

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

**§115.172 – Evidentiary standard for administrative investigations.**

- ☐ Exceeded Standard (substantially exceeds requirement of standard)
- ☒ Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does not meet Standard (requires corrective action)
- ☐ 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) The agency/facility meets the standard provision. CBP Directive 2130-030 states CBP personnel may be subjected to disciplinary action up to and including removal from their position and Federal Service for substantiated allegations of sexual abuse/assault and/or for violating CBP's sexual abuse policies. There were no substantiated allegations of sexual abuse at RGV-CPC involving staff, contractors or volunteers during the last 12 months. Interviews with HQ HRM/LER SME verifies disciplinary action is pursued in all cases of substantiated sexual assault or violating sexual abuse policies and removal from their position and federal service is the presumptive action.

(c) The agency meets the standard provision. Interview with the HQ HRM/LER SME reveals there were no reports of substantiated sexual abuse/violation of sexual abuse policies for staff at RGV-CPC. Interview with the HQ SAAI SME confirms all substantiated cases of sexual abuse are referred to appropriate law enforcement agencies by the PAIC/Rio Grande Valley Sector Chief and notification is coordinated by HQ SAAI SME.

(d) The agency meets the standard provision. Interview with the HQ SAAI SME verifies removals for substantiated sexual abuse/violations of sexual abuse policies would be reported to relevant licensing bodies, to the extent known by SAAI staff.

**§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) The facility meets the standard provision. Interviews with the local SMEs reveal all contractors and volunteers who are suspected of perpetrating sexual abuse will immediately be removed from contact with detainees. Interview with the HQ SAAI SME verifies any substantiated allegations of sexual abuse would result in notification of the allegation to appropriate law enforcement agencies and licensing authorities by the Sector Chief or their designee.

(b) The facility meets the standard provision. A local SME interview with the YSPFC verifies any contractor suspected of perpetrating sexual abuse would be removed from all duties where detainee contact could occur pending the outcome of the investigation.

**§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) The facility meets the standard provision. Detainee victims of sexual abuse at RGV-CPC needing medical/mental health services are to be immediately transported to Mission Hospital. This hospital offers the comprehensive medical services as outlined in the standard provision. The services would be provided to the victim at no charge regardless of the victim's cooperation with the sexual assault investigation. Interviews with the SOS/YSFPC and the SOS/SPFC verified these services would be provided, at no charge, regardless of the detainee's cooperation with any investigation.

**§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:**

The agency does not meet the standard. The Auditor was given access to both the redacted investigative reports for the audit period by OPR/IOD/SAAI. Upon reading the reports, the Auditor was concerned all the incidents involved the UAC male holding area (designated as “Blue”) on the sleeping mats and in at least two documented cases with more than one male UAC under the same issued blanket. The surge in population was occurring at the time of all but one incident. The immediate Prevention of Sexual Assault concern for the Auditor is adequate and proper supervision. The Auditor arrived at RGV-CPC with this concern in mind. As the Auditor had the opportunity to visually review the area twice and to interview both supervising Agents and five contracted G4S security staff including a Supervisor. It became clear that supervision was operating at a high level. When asked if there had been discussions about supervision and vigilance following the incidents, all contracted staff indicated that there had been. This information and the observations by the Auditor resulted in a finding that RGV-CPC leadership and staff had correctly responded to supervision concerns. Following the on-site phase of the Audit, the Auditor reviewed the Agency’s Sexual Abuse Incident Review for all the incidents. Each one of the five reviews indicates there was no need to consider any changes in detainee supervision. In analyzing the data, the Auditor was concerned there is a communication lapse between the review by RGV-CPC leadership and the review conducted at Headquarters. This concern has been discussed with and addressed by the Agency.

**§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)  
☒ Not Applicable (provide explanation in notes):

**Notes:**

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

**ADDITIONAL NOTES**

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

None.

**AUDITOR CERTIFICATION:**

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

— **(b)(6)(b)(7)(C)** —  
Auditor’s Signature

January 10, 2020  
Date

# **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)	<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>	Rio Grande Valley 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), Special Operations Supervisor
<b>Sector or Field Office Physical Address:</b>	4400 South Expressway 281, Edinburg, Texas 78539
<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>	Rio Grande Valley Centralized Processing Center (RGV CPC)
<b>Physical Address:</b>	3700 West Ursula Avenue, McAllen, Texas 78503
<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>	Acting Deputy 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), Rio Grande Valley Centralized Processing Center (RGV CPC), was conducted on August 13-14, 2019, by (b)(6)(b)(7)(C) Certified PREA Auditor, Creative Corrections, LLC, and the preliminary findings report was submitted on September 17, 2019. Following comments from CBP Headquarters and from Auditor, the report dated January 10, 2020, was submitted as a Final Draft on January 10, 2020.

At that time, the Auditor reviewed the compliance of 25 Subpart B standards and the RGV CPC was found to be in compliance with 23 standards: (115.111; 115.114; 115.116; 115.117; 115.118; 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 RGV CPC was found to not be in compliance with two standards: (115.113 and 115.115).

On February 2, 2020, the RGV CPC submitted a preliminary Corrective Action Plan (CAP) dated January 27, 2020, with a projected completion date of January 31, 2020. Several documents were sought and received by the Auditor conducting the CAP Final Determination for the RGV CPC. On March 19, 2020, an Annual Review of Detainee Supervision Guidelines document was submitted to comply with standard provision 115.113 (b). The Auditor requested that the Annual Review of Detainee Supervision Guidelines be re-formatted and amended. On April 14, 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 RGV CPC is now compliant with standard 115.113.

On September 29, 2020, the RGV CPC 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 RGV CPC submitted all training rosters to the Auditor on December 27, 2020. The Auditor reviewed the Muster Modules and training rosters and determined that they meet the requirements of Standard 115.115. The RGV CPC is now compliant with Standard 115.115. The RGV CPC 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.

## 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 replied upon in making the compliance or non-compliance determination for each provision that was found non-compliant during the audit.

### §115.113

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

#### Notes:

On April 14, 2020, the RGV CPC submitted a record of an Annual Review of Detainee Supervision Guidelines, which satisfied all elements of the standard. These elements included an accurate listing of all participants, a description of the facility and technologies employed, and a description of how the Center responds to and addresses the population make-up and flow of detainees who enter the Center. Prior Sexual Abuse Incident Review reports were considered to address specific supervision concerns. Finally, there was consideration for the detention of special populations: Families and Unaccompanied Alien Children (UACs), including children of a tender age.

The RGV CPC is now compliant with standard provision 115:113 (b).

### §115.115

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

#### Notes:

On December 27, 2020, the RGV CPC submitted a memorandum from the Chief, Strategic Planning and Analysis Directorate, dated September 17, 2020, to all Chief Patrol Agents and Directorate Chiefs on the pat search techniques of transgender and intersex detainees according to the detainee's declared gender identity. The memorandum references sections 4.3 and 5.5 of the National Standards on Transport, Escort, Detention and Search (TEDS) policy. The memorandum also included a Muster Module that provides instruction to Patrol Agents in the safe search of suspects, threat assessments, and pat search techniques for cross-gender, same gender, transgender, and intersex detainees. In conjunction with the memorandum and the Muster Module, the RGV CPC submitted a training roster, which confirmed substantial compliance for both staff retraining and understanding, with regard to the aforementioned Muster Module. The Auditor had the opportunity to review both documents and found them to meet the requirements of all elements of the standard.

The RGV CPC is now compliant with Standard 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)  
 Reviewing Auditor's Signature

January 2, 2021  
 Date