



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

Fiscal Year 2020



U.S. Customs and
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MESSAGE FROM THE ACTING COMMISSIONER

On behalf of U.S. Customs and Border Protection (CBP), I am honored to present the Fiscal Year (FY) 2020 *Annual Report Assessing CBP Efforts to Prevent, Detect, and Respond to Sexual Abuse in Holding Facilities*. This report is prepared pursuant to Subpart B of the *Department of Homeland Security (DHS) Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities* (hereafter the “DHS Standards”) – DHS’s final rule setting forth standards to implement the Prison Rape Elimination Act (PREA). This report, published annually, summarizes allegation data and ongoing efforts and accomplishments by CBP to enhance effectiveness of sexual abuse prevention, detection, and response efforts nationwide from Oct. 1, 2019 to Sept. 30, 2020.



CBP is unwavering in its commitment to creating environments free from sexual abuse and sexual assault for both personnel and detainees. Compliance with the DHS Standards is a top priority for CBP as the agency continues to maintain a zero-tolerance policy against sexual abuse and assault in CBP holding facilities. CBP recognizes these safeguards benefit our personnel, our detainees, our law enforcement partners, and our society.

During FY 2020, CBP encountered and detained fewer individuals at and between the ports of entry compared to prior years. This overall decrease is attributed, in part, to the coronavirus pandemic. As a result, fewer sexual abuse and/or assault allegations were reported in FY 2020 than in the previous fiscal year. Despite the challenges that the coronavirus presented to operations, CBP remained steadfast in its commitment to prevent, detect, and respond to sexual abuse and assault while balancing coronavirus considerations for CBP personnel and persons in custody.

CBP will continue to evaluate its policies and procedures and incorporate best practices to enhance the safety and security of those in our care. I extend my gratitude to CBP’s personnel - both on and behind the front lines - whose professionalism, dedication, integrity, service, and vigilance helps to ensure the safety and dignity of all personnel and detainees.

Troy A. Miller
Acting Commissioner



1. Purpose

The Department of Homeland Security (DHS) *Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities* require that the agency review data collected and aggregated to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training. See 6 C.F.R. § 115.188. This report meets this standard as well as by:

- Identifying corrective actions for the agency as a whole¹;
- Comparing data for the reporting period with those from prior years; and
- Providing an assessment of the agency's progress in preventing, detecting, and responding to sexual abuse.

2. About CBP

With more than 63,000 employees, which includes more than 25,000 CBP officers and more than 19,000 Border Patrol agents, CBP is one of the world's largest law enforcement organizations. CBP is tasked with facilitating lawful international travel and trade while simultaneously protecting the United States from security threats posed by illegal travel and trade, including threats from terrorism, international crime, and the importation of dangerous contraband. As the United States' first unified border entity, CBP takes a comprehensive approach to border control and management, thereby combining customs, immigration, border security, and agricultural protection into one coordinated and supportive activity. CBP personnel are responsible for enforcing hundreds of U.S. laws and regulations at the border. On a typical day in FY 2020, the Office of Field Operations inspected 650,178 passengers and pedestrians at ports of entry.² During FY 2020, U.S. Border Patrol apprehended 405,036 individuals attempting to enter the country illegally.³ In addition, the Office of Field Operations arrested 7,108 individuals wanted for serious crimes⁴ and identified 78,245 inadmissible individuals at land border ports of entry.⁵

3. Background

¹ As of the date of this report, none of the investigations into allegations reported in FY 2020 resulted in substantiated findings or necessitated corrective actions. As such, this report does not compare corrective actions from FY 2020 with those from prior years.

² CBP Stats and Summaries: On a Typical Day in Fiscal Year 2020 (<https://www.cbp.gov/newsroom/stats/typical-day-fy2020>).

³ CBP Enforcement Statistics FY 2020 (<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>).

⁴ CBP Enforcement Statistics FY 2020.

⁵ FY 2020 Nationwide Enforcement Encounters: Title 8 Enforcement Actions and Title 42 Expulsions (<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics-fy2020>).



On Sept. 4, 2003, President George W. Bush signed into law the Prison Rape Elimination Act of 2003 (P.L. 108-79) ([PREA](#)). The goal of PREA is to prioritize and facilitate the development of procedures to prevent sexual abuse and assault in detention and holding facilities in the United States. PREA required the U.S. Attorney General to promulgate regulations that adopt national standards for the detection, prevention, reduction, and punishment of prison rape.

On May 17, 2012, President Barack Obama issued a Memorandum for the Heads of Executive Departments and Agencies titled *Implementing the Prison Rape Elimination Act*. This memorandum directed all agencies with federal confinement facilities, which were not subject to the Department of Justice (DOJ) regulations, to propose rules or procedures necessary to satisfy the requirements of PREA. On June 20, 2012, the DOJ published the National Standards to Prevent, Detect, and Respond to Prison Rape ([DOJ Regulations](#)). The DOJ regulations do not govern DHS facilities. DOJ recognized that each federal agency responsible for incarcerating or detaining individuals “... is accountable for, and has statutory authority to regulate, the operations of its own facilities and, therefore, is best positioned to determine how to implement the Federal laws and rules that govern its own operations, the conduct of its own employees, and the safety of persons in its custody.”⁶ In addition, the Violence Against Women Reauthorization Act of 2013 directed DHS to establish national standards for the detection, prevention, reduction, and punishment of rape and sexual assault in its facilities (P.L. 113-4) ([VAWA](#)).

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

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

⁶ 28 CFR Part 115 (<https://www.ojp.gov/sites/g/files/xyckuh186/files/media/document/PREA-Final-Rule.pdf>).

⁷ A facility that contains holding cells, cell blocks, or other secure enclosures that are under the control of CBP and primarily used for the short-term confinement of individuals who have recently been detained, or are being transferred to or from a court, jail, prison, other agency, or elsewhere in CBP. See 6 C.F.R. § 115.5 for the definition of “Holding Facility.”



institutional plan pursuant to 6 C.F.R § 115.165(a) for using a coordinated multidisciplinary team approach to respond to sexual abuse and/or assault.

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

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

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

4. Definitions

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

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

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

6 C.F.R. § 115.6.

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



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

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

6 C.F.R. § 115.6.

Investigative Findings are Defined as:

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

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



- An *unfounded* allegation is an allegation that was investigated and determined not to have occurred.

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

5. Accomplishments

CBP works diligently to reduce and eliminate sexual abuse and assault in its holding facilities and continues to improve its sexual abuse and assault prevention, detection, and response efforts in accordance with Subparts B and C of the DHS Standards. Specifically, during FY 2020, CBP completed the following actions or initiatives related to preventing or addressing sexual abuse and assault and/or enhancing CBP's compliance with the DHS Standards.

1. Facility Audits: Implemented corrective action plans at 33 holding facilities that were audited in FY 2019 during CBP's first audit cycle resulting in low-risk determinations at 100% of these audited facilities. The final audit reports containing corrective actions may be accessed on the agency's public [website](#).
2. Publication of Audit Reports: Made final PREA audit reports for 33 holding facilities readily available to the public by publishing them on the agency's public [website](#).
3. Post Audit Analysis: Conducted a review of the first cycle of PREA audits to identify best practices and opportunities to enhance efficiency and effectiveness, reduce cost, and enhance CBP's implementation of the DHS Standards.
4. Compliance Assessment: Assessed compliance with the DHS Standards through annual self-assessments and reporting through CBP's self-inspection program. When warranted, corrective action was taken.
5. PREA Resource Center: Established a central repository of resources on the CBPnet, an internal site, for employees to locate policies, guidance, job-aids, training, and other resources to assist with implementing the DHS PREA Standards and preparing for PREA audits.
6. National Sexual Assault Awareness and Prevention Month: Observed National Sexual Assault Awareness and Prevention Month and launched a communication plan across the agency to celebrate and reaffirm CBP's commitment to protecting the safety of our personnel and those in custody.
7. Knowledge Management Materials: Developed and disseminated knowledge management materials to CBP employees and contractors who had potential for contact with holding facility detainees regarding their responsibilities under the DHS Standards.



8. General Training: Used feedback from employees to update course materials to train employees with potential for contact with holding facility detainees to enable them to fulfill their responsibilities under the DHS Standards. Disseminated the course as refresher training to officers, agents, and special agents with potential for contact with holding facility detainees to enable them to fulfill their responsibilities under the DHS Standards.
9. Specialized Training: Provided specialized training on sexual abuse and effective cross-agency coordination to special agents assigned to the CBP Office of Professional Responsibility who conduct investigations into allegations of sexual abuse and/or assault at CBP holding facilities.
10. PREA Audits Data Management System: Established requirements and identified a platform that will allow CBP to track the full life cycle of PREA audits, have configurable workflows, a high degree of data integrity, and reporting/dash-boarding capabilities.
11. PREA Allegations Data Management System: Established requirements and identified a platform that will allow CBP to track incident-based sexual abuse data with a high degree of data integrity and reporting/dash-boarding capabilities.

6. Incident Classification

CBP differentiates among the types of abuse allegations in CBP holding facilities strictly for reporting and data collection purposes. This helps CBP detect possible patterns that develop with respect to allegations in its holding facilities. For the limited purpose of compiling this data, CBP has borrowed from the definitions in the regulatory impact analysis of the DOJ regulations.⁸

- *Nonconsensual sexual acts* involve unwanted contact with another detainee or with a staff member, contractor, or volunteer that involve oral, anal, or vaginal penetration, or fondling genitalia with hands.
- *Abusive sexual contacts (detainee-on-detainee only)* are unwanted contacts with another detainee that involved touching of the detainee's buttocks, thighs, penis, breasts, or vulva in a sexual way.
- *Staff sexual misconduct/touching only* refers to contacts by a staff member that involved touching of the detainee's buttocks, thighs, penis, breasts, or vulva in a sexual way, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.

⁸ United States Dep't of Justice, Regulatory Impact Assessment for PREA Final Rule (May 17, 2012), available at http://www.ojp.usdoj.gov/programs/pdfs/prea_ria.pdf. The rule to which this Report pertains is published at Title 28, Part 115, Code of Federal Regulations. The Notice of Final Rule is available at <http://www.federalregister.gov>.



- “*Willing*” *sex with staff* describes sexual relationships between an employee, contractor, or volunteer and a detainee. Such relationships are inherently coercive by nature and CBP recognizes that an individual in CBP custody cannot consent to sex with staff.
- *Voyeurism* refers to inappropriate visual surveillance of an individual in CBP custody for reasons unrelated to official duties.
- *Harassment* describes any behavior that meets the agency definition of sexual abuse and assault that does not involve physical contact, to include “indecent exposure,” and not to include voyeurism.

The next section details the types of reported allegations received in FY 2020.

7. Summary of Allegations in CBP Holding Facilities

All allegation information in this report is derived from data contained in electronic investigative case files maintained by the CBP Office of Professional Responsibility as of July 22, 2021. An allegation is within the scope of the DHS Standards if it meets the definition of “sexual abuse” pursuant to Section 4 above and was alleged to have occurred in a CBP “holding facility” as defined in 6 C.F.R. § 115.5. In some situations, CBP may receive a sexual abuse allegation that falls outside the scope of the DHS Standards. In these situations, CBP follows agency protocol to respond to and investigate the allegations; however, these allegations are not reflected in this report.

During FY 2020, CBP detained over 440,000⁹ individuals in its holding facilities, constituting a 62% decrease from FY 2019 (1,148,024) and a 36% decrease from FY 2018 (683,178). CBP believes the decrease, in large part, was due to the global coronavirus pandemic resulting in decreased travel and the implementation of the Centers for Disease Control and Prevention *Order Suspending Introduction of Certain Persons from Countries Where a Communicable Disease Exists* issued on March 20, 2020, and its subsequent renewals throughout FY 2020.¹⁰ **Seventeen (17) detainees (or 0.0053% of the detainee population) reported 26 allegations of**

⁹ Includes persons apprehended between ports of entry and individuals deemed inadmissible at ports of entry under CBP’s Title 8 immigration authority (<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics-fy2020>) without the exercise of Title 42 authority in FY 2020 (<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics-fy2020>).

¹⁰ *Order Suspending the Right to Introduce Certain Persons from Countries Where a Quarantinable Communicable Disease Exists*, 85 Fed. Reg. 17060 (Mar. 24, 2020), *Extension of Order Under Sections 362 and 365 of the Public Health Service Act*; *Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists*, 85 Fed. Reg. 22424 (Apr. 22, 2020), *Amendment and Extension of Order Under Sections 362 and 365 of the Public Health Service Act*; *Order Suspending Introduction of Certain Persons From Countries Where a Communicable Disease Exists*, 85 Fed. Reg. 31503 (May 26, 2020).



sexual abuse and/or assault in a CBP holding facility; five allegations involved multiple alleged victims. The allegations originated from 13 different CBP holding facilities.¹¹

- a. Eight reported allegations involved incidents that allegedly took place while the detainee was in U.S. Border Patrol (USBP) custody. Three involved alleged staff-on-detainee sexual abuse or assault, three involved alleged contractor-on-detainee sexual abuse or assault, and two involved alleged detainee-on-detainee sexual abuse or assault.
- b. Eight reported allegations involved incidents that allegedly took place while the detainee was in Office of Field Operations (OFO) custody. All eight involved alleged staff-on-detainee sexual abuse or assault.
- c. The custodial office for one allegation of sexual assault is unknown.
- d. Of the total 17 allegations of sexual abuse and/or assault reported, 10 involved alleged staff-on-detainee sexual abuse or assault, three involved alleged contractor-on-detainee sexual abuse or assault, and two involved alleged detainee-on-detainee sexual abuse or assault. The alleged perpetrator type for two allegations is unknown.
 - Alleged *non-consensual sexual acts* accounted for six staff-on-detainee allegations, one contractor-on-detainee allegation and two allegations with an unknown perpetrator type. Five staff-on-detainee investigations are closed and resulted in three unsubstantiated findings and two unfounded findings. One allegation with an unknown perpetrator type is closed and resulted in an unsubstantiated finding. The remaining three allegations are still under active investigation.
 - No instances of “*willing*” *sex with staff* were alleged during the reporting period or any prior year since the effective date of the DHS Standards.
 - Alleged *abusive sexual acts (detainee-on-detainee only)* accounted for two detainee-on-detainee allegations. Both allegations are still under active investigation.
 - Alleged *staff sexual misconduct/touching* accounted for two staff-on-detainee allegations. One investigation is closed and resulted in an unsubstantiated finding. The remaining allegation is still under active investigation.
 - Alleged *harassment/indecent exposure* accounted for one staff-on-detainee allegation and two contractor-on-detainee allegations. One staff-on-detainee allegation is closed and resulted in an unsubstantiated finding. One contractor-on-detainee allegation is closed and resulted in an unfounded finding. The remaining allegation is still under active investigation.

¹¹ One allegation was reported without a location and it could not be determined during the course of the investigation.



- Alleged *voyeurism* accounted for one of the staff-on-detainee allegations. The allegation is still under active investigation.
- e. Fourteen of the 26 total alleged victims were adults (18 years and above). Twelve of the victims were juveniles (under the age of 18 years).
- f. Seventeen of the 26 total alleged victims were female. Nine of the alleged victims were male.
- g. Five reported allegations involved multiple alleged victims. Two of the five allegations involved multiple male alleged victims; two allegations involved multiple female alleged victims, and one allegation involved an alleged male and an alleged female victim.
- h. Thirteen of the 17 allegations were reported by the alleged victim either directly to CBP or through intermediaries. One allegation was reported by a staff member, one allegation was reported by a third party, and two were reported by an unknown source.

8. Investigations and Corrective Actions

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

Of the 17 total allegations of sexual abuse and/or assault in CBP holding facilities in FY 2020, three allegations were unfounded, six allegations were unsubstantiated, and eight allegations continue to be actively investigated. As of the date of this report, none of the investigations into allegations reported in FY 2020 resulted in substantiated findings or necessitated corrective actions.

9. Data Collection and Comparison

The DHS Standards require that CBP's annual report include "a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in preventing, detecting, and responding to sexual abuse." 6 C.F.R. § 115.188(b). CBP conducted a sexual abuse incident review at the conclusion of each investigation that closed in FY 2020, none of which resulted in a substantiated finding, to assess whether the allegation or investigation indicated that a change in policy or practice could better



prevent, detect, or respond to sexual abuse. Although there were no recommendations made based upon these reviews in FY 2020, in previous fiscal years CBP implemented corrective actions involving providing refresher information/training for employees regarding their responsibilities under the DHS Standards and enhancing notifications to detainees on the agency’s zero tolerance policy.

The Prevention of Sexual Assault (PSA) coordinator aggregated and assessed data on FY 2020 allegations of sexual abuse and assault. These efforts were undertaken to help detect possible patterns and prevent future incidents of sexual abuse, and to improve CBP’s sexual abuse prevention, detection, and response policies, practices, and training. The coordinator considered incident-based sexual abuse data available, including the number of reported sexual abuse allegations determined to be substantiated, unsubstantiated, or unfounded, or for which an investigation is ongoing. The coordinator also considered information, where available, regarding the demographic background of the alleged victim and perpetrator, the location, and nature of the incident.

The table below provides a comparative overview of the sexual abuse allegations that occurred in a CBP holding facility during the past five fiscal years. Seven substantiated cases involved detainee-on-detainee (D-D) contact and one substantiated case involved staff-on-detainee (S-D) contact. The eight substantiated cases over this five-year period occurred at three different CBP holding facilities and one CBP contracted facility. Four substantiated cases in FY 2019 occurred at the Rio Grande Valley Centralized Processing Center and involved juvenile detainees. Two of the substantiated cases – one in FY 2017 and one in FY 2018 – originated from the Chula Vista Station and involved female detainee victims of sexual abuse; however, the nature of the abuse, the location of its occurrence within the facility, and the gender of the abuser were different. CBP will continue to maintain a proactive approach to reviewing sexual abuse allegations for possible patterns to detect and prevent sexual abuse. Aggregate sexual abuse data for incidents found to be substantiated in prior years may be accessed on the agency’s public [website](#).

Allegations of Sexual Abuse by Fiscal Year					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Total Allegations	16	7	8	37	17
OFO	7	4	3	9	8
USBP	9	3	5	28	8
Unknown	N/A	N/A	N/A	N/A	1
Substantiated	1 (D-D) 1 (S-D)	1 (D-D)	1 (D-D)	4 (D-D)	0
Unsubstantiated	7	5	7	23	6
Unfounded	7	1	0	6	3
Open	0	0	0	4	8



Additional analysis of the incident-based sexual abuse data available to the PSA coordinator is contained in Section 13 (Data Tables) on pages 14–17 below. Section 10 (The Way Forward) below describes next steps based on the results of the analysis, as well as CBP’s sexual abuse and assault prevention and response efforts to date.

Reporting Sexual Abuse and Assault

CBP maintains a safe and secure environment for those held in its custody. CBP has information regarding its zero tolerance of sexual abuse and assault policy and options for reporting incidents posted in highly visible areas in its holding facilities. This ensures that individuals in CBP custody are aware of multiple options by which to confidentially and, if desired, anonymously report allegations of sexual abuse and/or assault, retaliation for reporting sexual abuse and/or assault, or staff neglect or violations of responsibilities that may have contributed to such incidents. Third parties may also report these allegations confidentially and, if desired, anonymously, either verbally or in writing. CBP procedures for reporting alleged sexual abuse and/or assault are also posted on the agency’s public [website](#).

10. The Way Forward

CBP’s commitment to ensuring the continued safety and security of all individuals in CBP’s holding facilities is unwavering and includes ongoing work to address areas of change and implement best practices that improve the agency’s ability to prevent, detect, and respond to allegations of sexual abuse and/or assault in CBP holding facilities. Based on the results of this year’s analysis and CBP’s efforts to date, the PSA coordinator intends to focus on the following actions during the next fiscal year:

- Implement pending corrective action plans at CBP holding facilities as a result of the first cycle of PREA audits to achieve compliance with each standard.
- Develop age-appropriate messaging of key information regarding CBP’s policy of zero tolerance of sexual abuse and assault and how to report incidents of sexual abuse and/or assault to juveniles in CBP holding facilities.
- Develop an instrument for use at CBP holding facilities nationwide to assess detainees for risk of being sexually abused by other detainees or sexually abusive toward other detainees.
- Establish PREA Field Coordinator positions in USBP Sectors and OFO Field Offices to support ongoing compliance with the DHS Standards and streamline communications with CBP Headquarters.
- Develop and disseminate refresher information to all CBP employees and contractors who may have contact with holding facility detainees, regarding their responsibilities under the DHS Standards.



- Continue to ensure members of the DHS Volunteer Force deployed to CBP holding facilities are trained to fulfill their responsibilities under the DHS Standards.
- During National Sexual Assault Prevention and Awareness Month, reaffirm CBP's commitment to maintaining a responsive and sustained approach to sexual abuse and assault prevention, detection, and response to the CBP workforce through various methods, to include a message from the Commissioner.
- Continue assessing compliance with the DHS Standards by performing annual self-assessments and reporting through CBP's self-inspection program and, when warranted, taking corrective action.

11. Conclusion

During a year defined largely by the global response to the coronavirus pandemic, CBP has not wavered in its commitment to eliminate sexual abuse and/or assault within its holding facilities and provide support to alleged victims. The activities described in this report align with CBP's continued focus on preventing sexual abuse and/or assault and reflect our sustained efforts to enhance current response capabilities. CBP will continue to work closely with federal, state, and local partners to consider new approaches and feedback to improve prevention, detection, and response protocols. As awareness and conversations around sexual abuse and assault in American society continue to evolve, CBP expects to be part of both the conversation and the solution in keeping its employees and those in custody safe.

12. Reporting Sexual Abuse/Assault and Agency Contact Information

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

- Department of Homeland Security, Office of Inspector General (OIG) by:
 - Calling 1-800-323-8603 or 1-844-889-4357 (TTY);
 - Faxing to (202) 254-4297;
 - Accessing the online DHS OIG Complaint/Allegation Form at <https://hotline.oig.dhs.gov/hotline/hotline.php>; or
 - Writing to DHS OIG/MAIL STOP 0305, Attn: Office of Inspector General - Hotline, 245 Murray Lane SW, Washington, D.C., 20528-0305.
- Joint Intake Center by:
 - Calling the Joint Intake Center Hotline at 1-877-2INTAKE;
 - Faxing to (202) 344-3390;
 - Sending an email message to JointIntake@cbp.dhs.gov; or
 - Writing to the Joint Intake Center at P.O. Box 14475, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20044.



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

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



13. Data Tables¹²

Table 1. Allegations by Office

Office	FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
	#	%	#	%	#	%	#	%	#	%
OFO	7	43.8%	4	57.1%	3	37.5%	9	24.3%	8	47.1%
USBP	9	56.3%	3	42.9%	5	62.5%	28	75.7%	8	47.1%
Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	5.9%
Total	16	100.0%	7	100.0%	8	100.0%	37	100.0%	17	100.0%

Table 2. Allegations by Type of Alleged Perpetrator

Alleged Perpetrator	FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
	#	%	#	%	#	%	#	%	#	%
Employee	8	50.0%	5	71.4%	4	50.0%	14	37.8%	10	58.8%
Contractor	4	25.0%	0	0.0%	0	0.0%	0	0.0%	3	17.6%
Volunteer	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Detainee	4	25.0%	2	28.6%	4	50.0%	23	62.2%	2	11.8%
Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	11.8%
Total	16	100.0%	7	100.0%	8	100.0%	37	100.0%	17	100.0%

Volunteers were not utilized in CBP holding facilities from FY 2015 to FY 2018 and in FY 2020.

Table 3. Allegations by Incident Classification

Incident Classification	FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
	#	%	#	%	#	%	#	%	#	%
Nonconsensual Sexual Acts	1	6.3%	2	28.6%	1	12.5%	9	24.3%	9	52.9%
“Willing” Sex with Staff	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Abusive Sexual Contacts	3	18.8%	2	28.6%	2	25.0%	17	45.9%	2	11.8%
Staff Sexual Misconduct*	10	62.5%	3	42.9%	2	25.0%	8	21.6%	2	11.8%
Harassment/Indecent Exposure	2	12.5%	0	0.0%	2	25.0%	1	2.7%	3	17.6%
Voyeurism	0	0.0%	0	0.0%	1	12.5%	2	5.4%	1	5.9%
Total	16	100.0%	7	100.0%	8	100.0%	37	100.0%	17	100.0%

*Touching Only

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

¹² All allegation information is drawn from data contained in electronic investigative case files as of July 22, 2021.



Table 4. Alleged Victims by Age

Age	FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
	#	%	#	%	#	%	#	%	#	%
Adult	10	52.6%	5	71.4%	3	42.9%	16	40.0%	14	53.8%
Juvenile	9	47.4%	2	28.6%	4	57.1%	24	60.0%	12	46.2%
Unknown	0	0.0%	0	0.0%	1	14.3%	0	0.0%	0	0.0%
Total	19	100.0%	7	100.0%	7	114.3%	40	100.0%	26	100.0%

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

Table 5. Alleged Victims by Gender

Gender	FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
	#	%	#	%	#	%	#	%	#	%
Male	7	36.8%	2	28.6%	4	50.0%	19	47.5%	9	34.6%
Female	12	63.2%	5	71.4%	4	50.0%	21	52.5%	17	65.4%
Total	19	100.0%	7	100.0%	8	100.0%	40	100.0%	26	100.0%

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

Table 6. Alleged Victims Self-Identified as Transgender or Gender Nonconforming

Gender Identity	FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
	#	%	#	%	#	%	#	%	#	%
Transgender	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Gender Nonconforming	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.8%
Total	2	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%

Table 7. Allegations by Investigative Finding

Investigative Findings	FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
	#	%	#	%	#	%	#	%	#	%
Substantiated	2	12.5%	1	14.3%	1	12.5%	4	10.8%	0	0.0%
Unsubstantiated	7	43.8%	5	71.4%	7	87.5%	23	62.2%	6	35.3%
Unfounded	7	43.8%	1	14.3%	0	0.0%	6	16.2%	3	17.6%
Ongoing Investigation	0	0.0%	0	0.0%	0	0.0%	4	10.8%	8	47.1%
Total	16	100.0%	7	100.0%	8	100.0%	37	100.0%	17	100.0%



Table 8. Allegations by Location in USBP Holding Facilities

Location	FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
	#	%	#	%	#	%	#	%	#	%
Campo Station	0	0.0%	0	0.0%	0	0.0%	1	3.6%	0	0.0%
Chula Vista Station	0	0.0%	1	33.3%	1	20.0%	0	0.0%	0	0.0%
Clint Station	0	0.0%	0	0.0%	0	0.0%	1	3.6%	0	0.0%
Detroit Station	0	0.0%	1	33.3%	0	0.0%	0	0.0%	0	0.0%
Donna Holding Facility	0	0.0%	0	0.0%	0	0.0%	1	3.6%	0	0.0%
Eagle Pass South Station	0	0.0%	0	0.0%	0	0.0%	1	3.6%	0	0.0%
El Centro Centralized Processing Center	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	25.0%
El Paso Station	0	0.0%	0	0.0%	0	0.0%	2	7.1%	1	12.5%
Imperial Beach Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	12.5%
Laredo South	0	0.0%	0	0.0%	0	0.0%	1	3.6%	0	0.0%
McAllen Station	1	11.1%	0	0.0%	0	0.0%	2	7.1%	0	0.0%
Presidio Station	1	11.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Rio Grande Valley Processing Center	4	44.4%	0	0.0%	3	60.0%	12	42.9%	2	25.0%
Rio Grande City Station	2	22.2%	1	33.3%	0	0.0%	1	3.6%	0	0.0%
Santa Teresa Station	0	0.0%	0	0.0%	0	0.0%	1	3.6%	1	12.5%
Sierra Blanca Checkpoint	0	0.0%	0	0.0%	0	0.0%	1	3.6%	0	0.0%
Tucson Coordination Center	0	0.0%	0	0.0%	0	0.0%	2	7.1%	0	0.0%
Van Horn Station	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	12.5%
Wellton Station	0	0.0%	0	0.0%	0	0.0%	1	3.6%	0	0.0%
Yuma Station	1	11.1%	0	0.0%	1	20.0%	1	3.6%	0	0.0%
Total	9	100.0%	3	100.0%	5	100.0%	28	100.0%	8	100.0%

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



Table 9. Allegations by Location in OFO Holding Facilities

Location	FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
	#	%	#	%	#	%	#	%	#	%
Ambassador Bridge	0	0%	0	0%	0	0%	1	11%	0	0%
Calexico POE	1	14%	0	0%	0	0%	0	0%	0	0%
Chicago O'Hare POE	2	29%	1	25%	0	0%	0	0%	1	13%
Donna POE	0	0%	0	0%	0	0%	1	11%	0	0%
Douglas POE	0	0%	2	50%	0	0%	0	0%	0	0%
Houston POE	0	0%	0	0%	1	33%	0	0%	0	0%
John F. Kennedy Airport POE	0	0%	0	0%	0	0%	1	11%	0	0%
Los Angeles Airport POE	2	29%	0	0%	0	0%	0	0%	1	13%
Luis Munoz Marin Airport POE	0	0%	0	0%	0	0%	0	0%	1	13%
Nassau Airport POE	0	0%	0	0%	0	0%	0	0%	1	13%
Otay Mesa POE	0	0%	0	0%	0	0%	0	0%	1	13%
San Luis POE	0	0%	0	0%	0	0%	0	0%	1	13%
San Francisco Airport POE	0	0%	0	0%	1	33%	3	33%	0	0%
San Ysidro POE	1	14%	1	25%	1	33%	2	22%	2	25%
Sweetgrass POE	0	0%	0	0%	0	0%	1	11%	0	0%
Contracted Facility	1	14%	0	0%	0	0%	0	0%	0	0%
Total	7	100.0%	4	100.0%	3	100.0%	9	100.0%	8	100.0%

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