



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

Fiscal Year 2022



U.S. Customs and
Border Protection



Table of Contents

Message from the Acting Commissioner..... iii

1. Purpose 1

2. About CBP..... 1

3. Background..... 1

4. Definitions 3

5. Accomplishments 5

6. Incident Classification 6

7. Summary of Allegations in CBP Holding Facilities 7

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

9. Data Collection and Comparison..... 11

10. The Way Forward..... 13

11. Conclusion 14

12. Reporting Sexual Abuse/Assault and Agency Contact Information..... 14

13. Data Tables 15



Message from the Acting Commissioner

On behalf of U.S. Customs and Border Protection (CBP), I am pleased to present the Fiscal Year (FY) 2022 *Annual Report Assessing CBP Efforts to Prevent, Detect, and Respond to Sexual Abuse in Holding Facilities*. This report, prepared pursuant to Subpart B of the *Department of Homeland Security (DHS) Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities* (hereafter the “DHS Standards”) – DHS’s final rule setting forth standards to implement the Prison Rape Elimination Act (PREA), summarizes allegation data and ongoing efforts and accomplishments by CBP to enhance the effectiveness of sexual abuse prevention, detection, and response efforts nationwide.



Compliance with the DHS Standards remains a top priority for CBP as the agency strives to provide a safe environment where detainees are free from sexual abuse and/or assault. CBP’s Zero Tolerance Policy mandates zero tolerance toward all forms of sexual abuse and/or assault in holding facilities and outlines the agency’s approach to preventing, detecting, and responding to such conduct.

This report covers the time period of Oct. 1, 2021 to Sept. 30, 2022, and is based on data collected from reports maintained by the Office of Professional Responsibility.

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

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 whole;
- Comparing data and corrective actions 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, including 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, 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 2022, the Office of Field Operations inspected 868,867 passengers and pedestrians at ports of entry.¹ During FY 2022, U.S. Border Patrol apprehended 2,214,652 individuals attempting to enter the country illegally.² In addition, the Office of Field Operations arrested 10,389 individuals wanted by other law enforcement agencies for serious crimes and identified 502,473 inadmissible individuals at land ports of entry.³

3. Background

On Sept. 4, 2003, President George W. Bush signed the Prison Rape Elimination Act of 2003 (P.L. 108-79) ([PREA](#)) into law. 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.

¹ CBP Stats and Summaries: On a Typical Day in Fiscal Year 2022 (<https://www.cbp.gov/newsroom/stats/typical-day-fy2022>).

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

³ CBP Enforcement Statistics and Nationwide Encounters (<https://www.cbp.gov/newsroom/stats/nationwide-encounters>).



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."⁴ 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."⁵ 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 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

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

⁵ 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."



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).⁶

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;

⁶ In accordance with the regulation, CBP’s Annual PREA Reports are publicly posted on its website, available at: <https://www.cbp.gov/about/care-in-custody/annual-reports-assessing-cbp-efforts-prevent-detect-and-respond-sexual-abuse-holding>.



- 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 2022, 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. Risk Assessment: Developed an objective instrument for use at USBP holding facilities to assess detainees for risk of sexual abuse *by* other detainees (victimization) and/or *toward* other detainees (abusiveness).
2. Job Aids: Created and issued nine *In Focus* job aids to help CBP holding facilities implement DHS Standards and educate employees, contractors, and volunteers who may have contact with holding facility detainees.
3. Reporting and Responding to Potential PREA Allegations: Developed and disseminated guidance to CBP employees on how to respond to and report allegations of sexual abuse and assault.
4. Guide to Facilitating Effective Communication: Developed and disseminated a job aid to provide guidance to CBP employees on facilitating effective communication with members of the public, including individuals who identify as lesbian, gay, bisexual, transgender, queer or questioning, intersex, non-binary and gender non-conforming.
5. Youth Educational Posters: Displayed age-appropriate posters to convey 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 for juveniles at CBP holding facilities.
6. 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.
7. National Sexual Assault Awareness and Prevention Month: Reaffirmed 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.
8. Knowledge Management Materials: Developed and disseminated knowledge management materials to CBP employees and contractors who had potential for contact with holding facility detainees regarding their responsibilities under the DHS Standards.
9. Employee Training: Used post-training survey feedback from employees to evaluate the effectiveness and make improvements to the web-based training course completed by all employees who may have contact with holding facility detainees.
10. Volunteer Training: Continued to ensure that DHS Volunteer Force members deployed to CBP holding facilities were trained to fulfill their responsibilities under the DHS Standards.



11. PREA Field Coordinator Training: Provided training and guidance to PREA Field Coordinators in each field office and sector to support ongoing compliance with the DHS Standards.
12. Contracting Officer's Representative (COR): Trained a staff member to serve as a COR for the PREA audit contract via attendance at a 40-hour Level II COR Training Course.
13. Investigator Training: Provided specialized training on sexual abuse and effective cross-agency coordination to investigators assigned to the CBP Office of Professional Responsibility who conduct investigations into allegations of sexual abuse and/or assault at CBP holding facilities.

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 concerning 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.⁷

- *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 involve touching 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 involve touching of the detainee's buttocks, thighs, penis, breasts, or vulva in a sexual way, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire.
- *"Willing" sex with staff* describes sexual relationships between an employee, contractor, or volunteer and a detainee. Such relationships are inherently coercive by nature and CBP recognizes that an individual in CBP custody cannot consent to sex with staff.
- *Voyeurism* refers to inappropriate visual surveillance of an individual in CBP custody for reasons unrelated to official duties.
- *Harassment* describes any behavior that meets the agency definition of sexual abuse and assault that does not involve physical contact, to include "indecent exposure," and not to include voyeurism.

⁷ United States Dep't of Justice, Regulatory Impact Assessment for PREA Final Rule (May 17, 2012), available at <https://www.prearesourcecenter.org/sites/default/files/library/prearia.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 <https://www.federalregister.gov/documents/2012/06/20/2012-12427/national-standards-to-prevent-detect-and-respond-to-prison-rape>.



The next section details the types of reported allegations received in FY 2022.

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 April 14, 2023. 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 2022, CBP experienced a substantial increase in migrant apprehensions on the Southwest land border, including 482,962 family units⁸ and 149,093 Unaccompanied Noncitizen Children who were apprehended between the ports of entry.⁹ CBP detained 2,776,971¹⁰ individuals in its holding facilities, constituting a 41.3% increase from FY 2021 (1,965,498) and a 531.0% increase from FY 2020 (440,039). **Thirty-seven (37) detainees (or 0.0013% of the detainee population) reported 32 allegations of sexual abuse and/or assault in a CBP holding facility; four allegations involved multiple alleged victims.** The allegations originated from 21 different CBP holding facilities.

- a. Fifteen 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, two involved alleged contractor-on-detainee sexual abuse or assault, and ten involved alleged detainee-on-detainee sexual abuse or assault.
- b. Seventeen reported allegations involved incidents that allegedly took place while the detainee was in Office of Field Operations (OFO) custody. All seventeen involved alleged staff-on-detainee sexual abuse or assault.
- c. Of the total 32 allegations of sexual abuse and/or assault reported, 20 involved alleged staff-on-detainee sexual abuse or assault, two involved alleged contractor-on-detainee sexual abuse or assault, and ten involved alleged detainee-on-detainee sexual abuse or assault.

⁸ A family unit represents the number of individuals (either a child under 18 years old, parent, or legal guardian) apprehended with a family member by the U.S. Border Patrol.

⁹ Southwest Land Border Encounters (<https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>).

¹⁰ Includes Title 8 Inadmissibles, Title 8 Apprehensions, Title 42 Expulsions, and arrests of individuals wanted by other law enforcement agencies. Inadmissibles refers to individuals encountered at ports of entry who are seeking lawful admission into the United States but are determined to be inadmissible, individuals presenting themselves to seek humanitarian protection under our laws, and individuals who withdraw an application for admission and returned to their countries of origin within a short timeframe. Apprehensions refer to the physical control or temporary detention of a person who is not lawfully in the U.S. which may or may not result in an arrest. Expulsions refer to individuals encountered by USBP and OFO and expelled to the country of last transit or home country in the interest of public health under Title 42 U.S.C. 265. (<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>).



- Alleged *non-consensual sexual acts* accounted for six staff-on-detainee allegations. Four staff-on-detainee investigations are closed and resulted in three unsubstantiated findings and one unfounded finding. The remaining two 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 ten detainee-on-detainee allegations. Seven investigations are closed, which resulted in substantiated findings. The remaining three allegations are still under active investigation.
 - Alleged *staff sexual misconduct/touching* accounted for seven staff-on-detainee allegations. Seven allegations involved employee sexual misconduct/touching and one allegation involved contractor sexual misconduct/touching. Three investigations are closed, which resulted in two unsubstantiated and one unfounded finding. The remaining four allegations are still under active investigation.
 - Alleged *harassment/indecent exposure* accounted for six staff-on-detainee allegations and one contractor-on-detainee allegation. Four staff-on-detainee allegations are closed, which resulted in one unsubstantiated and three unfounded findings. The remaining three allegations are still under active investigation.
 - Alleged *voyeurism* accounted for one staff-on-detainee allegation. The investigation is closed and resulted in an unfounded finding.
 - The incident classification for one reported allegation is *unknown*.
- d. Twenty-three of the 37 total alleged victims were adults (18 years and above). Fourteen of the alleged victims were juveniles (under the age of 18 years).
- e. Nineteen of the 37 total alleged victims were female of which four were juveniles. Seventeen of the alleged victims were male of which four were juveniles. The gender for one alleged juvenile victim is unknown.
- f. Four reported allegations involved multiple alleged male juvenile victims.
- g. Twenty-one of the 32 allegations were reported by the alleged victim either directly to CBP or through intermediaries of which four were reported by juveniles. Nine allegations were reported by third parties.

8. Investigations and Corrective Actions

In all instances where sexual abuse and/or assault of a detainee in a CBP holding facility is alleged, it is CBP’s policy to provide timely notification 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. CBP investigates allegations of sexual abuse in a “prompt, thorough, and objective manner conducted by specially trained, qualified investigators[,]” as required by 6 C.F.R. § 115.171(a). Recognizing the need for robust oversight of CBP’s holding facilities and CBP’s responsibility for investigating allegations of sexual abuse, CBP designated PREA allegations as “critical incidents.” However, CBP is currently facing staffing shortages for investigator positions. And, while the CBP Office of Professional Responsibility received appropriations¹¹ from Congress to expand the size of its investigator cadre and engaged in efforts in FY 2022 and FY 2023 to recruit, hire, and onboard investigators to fill these positions, the Agency continues to face staffing shortages. These staffing issues, coupled with the competing priorities of death reviews and other critical incident responses, have resulted in delays in the completion of investigations for all critical incident categories (i.e., vehicular pursuits, use of force, incidents involving serious injury or death, detention standards, in-custody and other deaths).

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 32 total allegations of sexual abuse and/or assault in CBP holding facilities in FY 2022, seven allegations were substantiated, six were unsubstantiated, six were unfounded, and 13 continue to be actively investigated. All substantiated allegations involved detainee-on-detainee abusive sexual contacts. Corrective actions were developed to reduce sexual abuse and/or assault following the completion of sexual abuse incident reviews conducted in accordance with the requirements set forth in 6 C.F.R. § 115.186(a).

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

Substantiated Allegations of Sexual Abuse				
Date of Incident	Location	Summary	Victim	Corrective Action
October 2021	Laredo Centralized Processing Center	An adult detainee was subjected to abusive sexual contact by an adult detainee of the same gender.	Venezuela Female 24 yrs. of age	<ul style="list-style-type: none"> Ensured display in multiple locations of CBP’s adult zero tolerance of sexual abuse and assault poster.
November 2021	Donna Processing Center	A juvenile detainee was subjected to abusive sexual contact by a juvenile	Honduras Female 17 yrs. of age	<ul style="list-style-type: none"> Displayed signage containing an illustration and instructions for detainees on how to maintain safe personal

¹¹ Department of Homeland Security Appropriations Act of 2021, H.R. 7669.



Substantiated Allegations of Sexual Abuse				
		detainee of the opposite gender.		space from other detainees.
March 2022	Imperial Beach Station	An adult detainee was subjected to abusive sexual contact by an adult detainee of the same gender.	Colombia Female 31 yrs. of age	<ul style="list-style-type: none"> Issued job aids to provide refresher information to staff on requirements associated with detainee supervision and monitoring and reporting allegations of sexual abuse and/or assault.
March 2022	Donna Processing Center	Two juvenile detainees were subjected to abusive sexual contact by a juvenile detainee of the same gender.	El Salvador Male 13 yrs. of age Nicaragua Male 13 yrs. of age	<ul style="list-style-type: none"> Provided refresher information during musters on requirements associated with assessing detainees for risk of victimization and abusiveness, updating the electronic system of records, and hold room monitoring.
March 2022	Donna Processing Center	Two juvenile detainees were subjected to abusive sexual contact by a juvenile detainee of the same gender.	Guatemala Male 9 yrs. of age Honduras Male 12 yrs. of age	<ul style="list-style-type: none"> Same as above.
May 2022	Donna Processing Center	Two juvenile detainees were subjected to abusive sexual contact by a juvenile detainee of the same gender.	Guatemala Male 9 yrs. of age Guatemala Male 10 yrs. of age	<ul style="list-style-type: none"> Same as above
May 2022	Donna Processing Center	Two juvenile detainees were subjected to abusive sexual contact by a juvenile detainee of the same gender.	Honduras Male 10 yrs. of age Honduras Male 8 yrs. of age	<ul style="list-style-type: none"> Issued a reminder to staff and contractors that the CBP policy on zero tolerance of sexual abuse and assault prohibits all forms of sexual abuse and assault of individuals in CBP custody and directed familiarization



Substantiated Allegations of Sexual Abuse				
				<ul style="list-style-type: none"> – particularly in areas where vulnerable populations (unaccompanied children) are held. • Displayed age-appropriate youth educational posters containing key information regarding CBP’s policy of zero tolerance of sexual abuse and assault and how to report such incidents.

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 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 after each investigation that closed in FY 2022 to assess whether the allegation or investigation indicated that a change in policy or practice could better prevent, detect, or respond to sexual abuse, as required by 6 C.F.R. § 115.186(a). CBP’s corrective actions to prevent future incidents of sexual abuse are documented in Section 8 (Investigative Findings and Corrective Actions) above. There were no corrective actions recommended or taken on allegations that closed in FY 2022 with an investigative finding of unsubstantiated or unfounded.

As outlined in the table above, CBP’s corrective actions in FY 2022 at the CBP holding facilities where the allegations of sexual abuse was substantiated focused on ensuring sufficient display of adult and youth educational PREA posters, providing refresher information to employees and contractors regarding their responsibilities under the DHS Standards, reminding staff to instruct detainees and displaying signage on how to maintain an appropriate safe personal distance from other detainee. In the previous fiscal year, CBP implemented corrective actions involving the development and display of age-appropriate youth educational posters and Informational Display System slides at the CBP holding facility where the allegations of sexual abuse were substantiated.

The Prevention of Sexual Assault (PSA) coordinator aggregated and assessed data on FY 2022 sexual abuse and assault allegations. 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 the 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. Of the total 19 substantiated allegations of sexual abuse, 17 case involved detainee-on-detainee (D-D) abusive sexual contacts, one case involved detainee-on-detainee harassment/indecent exposure, and one case involved contractor-on-detainee (C-D) harassment. Fifteen of the 17 substantiated cases of detainee-on-detainee abusive sexual contacts involved juvenile detainee victims. Five substantiated cases in FY2022 occurred at the Donna Processing Center¹², one occurred at the Laredo Centralized Processing Center, and one occurred at the Imperial Beach Station. Five substantiated cases in FY 2021 occurred at the Donna Processing Center. One substantiated case in FY 2020 and four substantiated cases in FY 2019 occurred at the Rio Grande Valley Centralized Processing Center. One substantiated case in FY 2018 occurred at the Chula Vista Station. 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 2018	FY 2019	FY 2020	FY 2021	FY 2022
Total Allegations	8	37	17¹³	45	32
OFO	3	9	8	14	17
USBP	5	28	8	31	15
Substantiated	1 (D-D)	4 (D-D)	1 (C-D) 1 (D-D) ¹⁴	5 (D-D)	7 (D-D)
Unsubstantiated	7	24	7	17	6
Unfounded	0	6	5	6	6
Open	0	3	3	17	13

Additional analysis of the incident-based sexual abuse data available to the PSA coordinator is contained in Section 13 (Data Tables) on pages 15–18 below. Section 10 (The Way Forward)

¹² The Donna Processing Center is CBP’s largest holding facility. It has capacity to hold up to 1,625 detainees and is utilized for processing unaccompanied children and family units apprehended throughout the region.

¹³ The custodial office for one allegation of sexual abuse is unknown.

¹⁴ The investigation of this allegation concluded in Fiscal Year 2022 and therefore is not reflected in a previous edition of the *CBP Annual Report Assessing CBP Efforts to Prevent, Detect, and Respond to Sexual Abuse in CBP Holding Facilities*. Two male juvenile detainees subjected three male juvenile detainees to abusive sexual contacts. One of the male juvenile detainees also subjected the three male juvenile detainees to harassment/indecent exposure. The incident occurred at the Rio Grande Valley Centralized Processing Center. One victim was a citizen of El Salvador, 13 years of age; and two victims were citizens of Guatemala, 15 and 17 years of age. As corrective action, age-appropriate youth educational posters and Informational Display System slides were developed and displayed at the holding facility.



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 of sexual abuse, including age-appropriate materials explicitly developed for juveniles, 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 anonymously, either verbally or in writing, if desired. 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 to 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:

- Ensure comprehensive audits are conducted at CBP holding facilities by certified PREA auditors to assess compliance with the DHS Standards.
- Disseminate an updated and expanded training course to CBP employees who have contact with holding facility detainees to enable them to fulfill their responsibilities under the DHS Standards.
- Provide training and guidance to PREA Field Coordinators in each field office and sector to support ongoing compliance with the DHS Standards and to prepare for and support external audits of CBP holding facilities.
- 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 Awareness and Prevention 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 Acting 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.
- Enhance the Significant Incident Report module utilized to provide CBP management accurate and timely information on alleged incidents of sexual abuse and/or assault.

11. Conclusion

CBP’s commitment to maintaining an aggressive PREA program focused on eliminating sexual abuse and/or assault within its holding facilities remains at the forefront of the agency’s mission. As in previous annual reports, the activities in this report continue to align with CBP’s goal of 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 enhance prevention, detection, and response protocols.

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 Tables¹⁵

Table 1. Allegations by Office

Office	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022	
	#	%	#	%	#	%	#	%	#	%
OFO	3	37.5%	9	24.3%	8	47.1%	14	31.1%	17	53.1%
USBP	5	62.5%	28	75.7%	8	47.1%	31	68.9%	15	46.9%
Unknown	0	0.0%	0	0.0%	1	5.9%	0	0.0%	0	0.0%
Total	8	100.0%	37	100.0%	17	100.0%	45	100.0%	32	100.0%

Table 2. Allegations by Type of Alleged Perpetrator

Alleged Perpetrator	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022	
	#	%	#	%	#	%	#	%	#	%
Employee	4	50.0%	14	37.8%	10	58.8%	21	46.7%	20	62.5%
Contractor	0	0.0%	0	0.0%	3	17.6%	2	4.4%	2	6.3%
Volunteer	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Detainee	4	50.0%	23	62.2%	2	11.8%	21	46.7%	10	31.3%
Unknown	0	0.0%	0	0.0%	2	11.8%	1	2.2%	0	0.0%
Total	8	100.0%	37	100.0%	17	100.0%	45	100.0%	32	100.0%

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

Table 3. Allegations by Incident Classification

Incident Classification	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022	
	#	%	#	%	#	%	#	%	#	%
Nonconsensual Sexual Acts	1	12.5%	9	24.3%	9	50.0%	12	26.7%	6	18.8%
“Willing” Sex with Staff	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Abusive Sexual Contacts	2	25.0%	17	45.9%	2	11.1%	16	35.6%	10	31.3%
Staff Sexual Misconduct*	2	25.0%	8	21.6%	2	11.1%	10	22.2%	7	21.9%
Harassment/Indecent Exposure	2	25.0%	1	2.7%	4	22.2%	6	13.3%	7	21.9%
Voyeurism	1	12.5%	2	5.4%	1	5.6%	1	2.2%	1	3.1%
Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	3.1%
Total	8	100.0%	37	100.0%	18	100.0%	45	100.0%	32	100.0%

*Touching Only

¹⁵ All allegation information is drawn from data contained in electronic investigative case files as of April 14, 2023.



Allegations containing multiple incident classifications are reflected; therefore, the number of incident classifications exceed the number of allegations for certain fiscal years. The majority of the allegations classified as inappropriate touching by staff involved pat-down searches.

Table 4. Alleged Victims by Age

Age	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022	
	#	%	#	%	#	%	#	%	#	%
Adult	3	37.5%	16	40.0%	14	53.8%	16	29.1%	23	62.2%
Juvenile	4	50.0%	24	60.0%	12	46.2%	39	70.9%	14	37.8%
Unknown	1	12.5%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	8	100.0%	40	100.0%	26	100.0%	55	100.0%	37	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.

Table 5. Alleged Victims by Gender

Gender	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022	
	#	%	#	%	#	%	#	%	#	%
Male	4	50.0%	19	47.5%	9	34.6%	36	65.5%	17	45.9%
Female	4	50.0%	21	52.5%	17	65.4%	19	34.5%	19	51.4%
Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	2.7%
Total	8	100.0%	40	100.0%	26	100.0%	55	100.0%	37	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 2018		FY 2019		FY 2020		FY 2021		FY 2022	
	#	%	#	%	#	%	#	%	#	%
Transgender	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Gender Nonconforming	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%
Total	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%

Table 7. Allegations by Investigative Finding

Investigative Findings	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022	
	#	%	#	%	#	%	#	%	#	%
Substantiated	1	12.5%	4	10.8%	2	11.8%	5	11.1%	7	21.9%
Unsubstantiated	7	87.5%	24	64.9%	7	41.2%	17	37.8%	6	18.8%
Unfounded	0	0.0%	6	16.2%	5	29.4%	6	13.3%	6	18.8%
Ongoing Investigation	0	0.0%	3	8.1%	3	17.6%	17	37.8%	13	40.6%



Total	8	100.0%	37	100.0%	17	100.0%	45	100.0%	32	100.0%
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Table 8. Allegations by Location in USBP Holding Facilities

Location	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022	
	#	%	#	%	#	%	#	%	#	%
Campo Station	0	0.0%	1	3.6%	0	0.0%	0	0.0%	0	0.0%
Chula Vista Station	1	20.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Clint Station	0	0.0%	1	3.6%	0	0.0%	0	0.0%	0	0.0%
Donna Processing Center	0	0.0%	1	3.6%	0	0.0%	14	45.2%	5	33.3%
Eagle Pass South Station	0	0.0%	1	3.6%	0	0.0%	1	3.2%	0	0.0%
El Centro Centralized Processing Center	0	0.0%	0	0.0%	2	25.0%	0	0.0%	2	13.3%
El Paso Centralized Processing Center	0	0.0%	0	0.0%	0	0.0%	8	25.8%	1	6.7%
El Paso Station	0	0.0%	2	7.1%	1	12.5%	0	0.0%	1	6.7%
Harlingen Station	0	0.0%	0	0.0%	0	0.0%	1	3.2%	1	6.7%
Imperial Beach Station	0	0.0%	0	0.0%	1	12.5%	0	0.0%	1	6.7%
Kingsville Station	0	0.0%	0	0.0%	0	0.0%	1	3.2%	0	0.0%
Laredo Centralized Processing Center	0	0.0%	0	0.0%	0	0.0%	1	3.2%	1	6.7%
Laredo South Station	0	0.0%	1	3.6%	0	0.0%	0	0.0%	0	0.0%
McAllen Station	0	0.0%	2	7.1%	0	0.0%	0	0.0%	0	0.0%
Rio Grande Valley Processing Center	3	60.0%	12	42.9%	2	25.0%	0	0.0%	0	0.0%
Rio Grande City Station	0	0.0%	1	3.6%	0	0.0%	0	0.0%	0	0.0%
Santa Teresa Station	0	0.0%	1	3.6%	1	12.5%	0	0.0%	0	0.0%
Sierra Blanca Checkpoint	0	0.0%	1	3.6%	0	0.0%	0	0.0%	0	0.0%
Tucson Coordination Center	0	0.0%	2	7.1%	0	0.0%	0	0.0%	0	0.0%
Uvalde Station	0	0.0%	0	0.0%	0	0.0%	2	6.5%	0	0.0%
Van Horn Station	0	0.0%	0	0.0%	1	12.5%	0	0.0%	0	0.0%
Wellton Station	0	0.0%	1	3.6%	0	0.0%	0	0.0%	0	0.0%
Weslaco Station	0	0.0%	0	0.0%	0	0.0%	1	3.2%	0	0.0%
Yuma Centralized Process Center	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	13.3%
Yuma Station	1	20.0%	1	3.6%	0	0.0%	2	6.5%	0	0.0%
Unknown	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	6.7%
Total	5	100.0%	28	100.0%	8	100.0%	31	100.0%	15	100.0%

There are 135 Border Patrol stations within 21 sectors including 36 permanent immigration checkpoints. No allegations were made at locations not reflected.



Table 9. Allegations by Location in OFO Holding Facilities

Location	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022	
	#	%	#	%	#	%	#	%	#	%
Ambassador Bridge	0	0.0%	1	11.1%	0	0.0%	0	0.0%	0	0.0%
Atlanta POE	0	0.0%	0	0.0%	0	0.0%	1	7.1%	0	0.0%
Blaine POE	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	5.9%
Boston POE	0	0.0%	0	0.0%	0	0.0%	1	7.1%	1	5.9%
Calexico West POE	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	5.9%
Chicago O'Hare POE	0	0.0%	0	0.0%	1	12.5%	0	0.0%	1	5.9%
Donna POE	0	0.0%	1	11.1%	0	0.0%	0	0.0%	0	0.0%
Eagle Pass POE	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	5.9%
Hidalgo POE	0	0.0%	0	0.0%	0	0.0%	1	7.1%	0	0.0%
Houston POE	1	33.3%	0	0.0%	0	0.0%	1	7.1%	0	0.0%
John F. Kennedy POE	0	0.0%	1	11.1%	0	0.0%	0	0.0%	0	0.0%
Las Vegas POE	0	0.0%	0	0.0%	0	0.0%	1	7.1%	0	0.0%
Los Angeles POE	0	0.0%	0	0.0%	1	12.5%	3	21.4%	0	0.0%
Puerto Rico POE	0	0.0%	0	0.0%	1	12.5%	0	0.0%	0	0.0%
Lukeville POE	0	0.0%	0	0.0%	0	0.0%	1	7.1%	0	0.0%
Miami POE	0	0.0%	0	0.0%	0	0.0%	1	7.1%	1	5.9%
Nassau POE	0	0.0%	0	0.0%	1	12.5%	0	0.0%	0	0.0%
Newark POE	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	5.9%
Nogales POE	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	5.9%
Otay Mesa POE	0	0.0%	0	0.0%	1	12.5%	0	0.0%	2	11.8%
Paso del Norte Bridge	0	0.0%	0	0.0%	0	0.0%	1	7.1%	1	5.9%
San Luis POE	0	0.0%	0	0.0%	1	12.5%	0	0.0%	0	0.0%
San Francisco POE	1	33.3%	3	33.3%	0	0.0%	1	7.1%	1	5.9%
San Ysidro POE	1	33.3%	2	22.2%	2	25.0%	1	7.1%	4	23.5%
St. Thomas POE	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	5.9%
Sweetgrass POE	0	0.0%	1	11.1%	0	0.0%	0	0.0%	0	0.0%
Ysleta POE	0	0.0%	0	0.0%	0	0.0%	1	7.1%	0	0.0%
Total	3	100.0%	9	100.0%	8	100.0%	14	100.0%	17	100.0%

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