

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



U.S. Customs and
Border Protection

AUDITOR INFORMATION

Name:	(b) (6), (b) (7)(C)	Company Name:	Creative Corrections, LLC
Mailing Address:	(b) (6), (b) (7)(C)	City, State, Zip:	Beaumont, TX 77706
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AGENCY INFORMATION

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

Name of Program Office:	Office of Field Operations
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SECTOR OR FIELD OFFICE

Name of Sector or Field Office:	Buffalo, New York
Name of Chief or Director:	(b) (6), (b) (7)(C)
PREA Field Coordinator:	(b) (6), (b) (7)(C)
Physical Address:	726 Exchange Street, Suite 400, Buffalo, NY 14210
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SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Rainbow Bridge Port of Entry (POE)		
Physical Address:	1 Rainbow Bridge Plaza, Niagara Falls, NY 14303		
Mailing Address: (if different from above)			
Telephone Number:	(b) (6), (b) (7)(C)		
Facility Leadership			
Name of Officer in Charge:	(b) (6), (b) (7)(C)	Title:	Port Director
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) Office of Field Operations (OFO) Rainbow Bridge Port of Entry (RB POE) was conducted on September 14, 2023, by (b) (6), (b) (7)(C), a Certified PREA Auditor, contracted through Creative Corrections, LLC., of Beaumont, Texas. This was the second audit for RB POE. RB POE is a short-term processing and holding area for male and female adults, Unaccompanied Children (UC), and family units. Detention time is normally not longer than 24 hours depending on factors such as the Port's ability to allow a detainee to voluntarily withdraw their application for admission and return to their point of origin, make a custody determination, or transfer the inadmissible detainee to another agency.

The purpose of the audit was to determine compliance with Subpart B of the Department of Homeland Security (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 Auditor thoroughly reviewed relevant policies, procedures, and documents related to RB POE. During the on-site audit, the Auditor conducted interviews with randomly selected local SMEs and officers, reviewed training records, background checks, applicable log books, and conducted an onsite inspection to determine PREA compliance.

The Auditor was met by (b) (6), (b) (7)(C), Watch Commander (WC) and the Point of Contact for RB POE. RB POE operates (b) (7)(E). The Auditor discussed the agenda with WC (b) (6), (b) (7)(C) and was provided a private area to conduct confidential interviews with staff. The Auditor promptly initiated random interviews to guarantee input from staff across all shifts.

Following interviews conducted during the midnight shift, the Auditor received a tour of RB POE operations and facilities, guided by (b) (6), (b) (7)(C). The tour included primary screening stations for pedestrians, tour buses, and vehicle crossings. There is a clear separation between buses and vehicles, with separate processing for buses. Adjacent to this area, there is a holding facility, (b) (7)(E), enabling (b) (7)(E) to maintain oversight. This holding area can temporarily accommodate multiple individuals. Above the primary bus screening area, there are (b) (7)(E) and a (b) (7)(E). Across from the primary bus screening section, a separate building serves as the secondary reception area. Access to both structures is available via ground-level entrances. There is a bridge structure above the four-lane traffic, (b) (7)(E). In the pedestrian/vehicle screening area, there is a spacious seating section for travelers requiring extra screening or temporary holding. Staff members are (b) (7)(E) in front of the seating area. A (b) (7)(E) (b) (7)(E), which includes two hold rooms for temporary detention.

During the audit, a juvenile accompanied by a family member was present, and they were not located in a holding room but rather seated in an area with an (b) (7)(E) door. The juvenile had (b) (6) personal belongings, including (b) (6) cell phone, in (b) (6) possession and had been in this setting for a couple of hours. The adult, (b) (7)(E) was lawfully present in the U.S. Near to this area, there was a PREA poster, which the juvenile could read as she was proficient in English. She noted that staff had shown her the poster and explained its purpose. Additionally, (b) (7)(E) (b) (7)(E) the area, providing (b) (7)(E) and the ability to always observe the juvenile. Adjacent to this location, (b) (7)(E) under the observation of another officer. (b) (7)(E)

Scope of the Audit: Before the on-site audit, the Auditor had the opportunity to thoroughly examine the HQ and Local Pre-Audit Questionnaires (PAQs), the HQ Responsive Documents and Data Requests, local documents (inclusive of RB POE specific materials), and HQ Participation documents. During this preparatory phase, the Auditor identified the medical provider for RB POE. Telephonic interviews were conducted with HQ SMEs, and direct discussions took place with the local WC responsible for overseeing the completion of the local PAQ.

During the on-site tour/inspection, the Auditor observed postings regarding the RB POE PREA Audit. The posting was in English and Spanish with the Auditor's contact information. To date, no detainee contact has been with the Auditor.

After the site tour and inspection, the Auditor continued to conduct staff interviews. Interviews included staff from all three shifts, randomly selected by the Auditor. The Auditor conducted a total of [REDACTED] local SMEs and [REDACTED] officer interviews. To verify the status of the detainee telephone line the Auditor used the designated line to reach the DHS Office of Inspector General (OIG). The Auditor confirmed the hotline's functionality as DHS OIG promptly responded via a sequence of prompts. In addition to this verification, the Auditor conducted an interview with the sole detainee currently in custody. Staff interactions with the travelers and detainees was conducted in a professional manner.

The Auditor conducted a review of PREA initial and refresher staff training records via the Acadis training portal. The Auditor made requests for background check data for a randomly selected group of staff members. These requests were given to RB POE, and further transmitted to the HQ Privacy and Diversity Office (PDO) Prevention of Sexual Assault (PSA) Coordinator and HQ Human Resources Management (HRM) Office. Post-audit, the background information was received, and it was confirmed that the facility is following the relevant requirements.

At approximately 1500 hours on September 14, 2023, an exit briefing for the RB POE PREA audit was conducted by Certified PREA Auditor [REDACTED] from Creative Corrections. The exit briefing included Peace Bridge, Lewiston Bridge, and Rainbow Bridge.

The attendees of the briefing included:

- [REDACTED], Watch Commander (WC), RB
- [REDACTED], HQ PDO, Deputy PSA Coordinator, via TEAMS
- [REDACTED], HQ PDO/PSA Coordinator via TEAMS
- [REDACTED], CBP Officer, Program Manager (PM) via TEAMS
- [REDACTED], Program Manager, Creative Corrections, LLC via TEAMS
- [REDACTED], HQ EPD, Program Manager, via TEAMS

During the exit meeting, the Auditor discussed the observations made during the on-site audit. The Auditor provided preliminary findings of the audit and did not have any deficiencies to report, however, the Auditor stated that a final determination would be made after a complete review of the interviews, and standard requirements.

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.

POE met 25 standards: 115.111; 115.113; 115.114; 115.115; 115.116; 115.117; 115.118; 115.121; 115.122; 15:131; 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.

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded: 0	
Number of standards met: 25	
Number of standards not met: 0	
OVERALL DETERMINATION	
<input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards)	<input checked="" type="checkbox"/> Low Risk
<input checked="" type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period)	<input type="checkbox"/> Not Low Risk
<input type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	

PROVISIONS

Directions: In the notes, the auditor shall include the evidence relied upon in making the compliance or non-compliance determination for each provision of the standard, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet the standard. These recommendations must be included in the Corrective Action Plan Final Determination, accompanied by information on specific corrective actions taken by the facility. Failure to comply with any part of a standard provision shall result in a finding of "Does not meet Standard" for that entire provision, unless that part is specifically designated as Not Applicable. For any provision identified as Not Applicable, provide an explanation for the reasoning. If additional space for notes is needed, please utilize space provided on the last page.

§115.111(a) – Zero tolerance of sexual abuse; Prevention of Sexual Assault Coordinator.

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 – Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities (dated 1/19/2018), Commissioner's Memorandum dated March 11, 2015, CBP Policy on Zero Tolerance of Sexual Abuse and Assault; Assistant Commissioners Memorandum, Office of Internal Affairs, dated July 15, 2015 Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Holding Facilities/Prison Rape Elimination Act (PREA); Assistant Commissioner's Memorandum, Office of Air and Marine dated July 25, 2014, Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault; CBP's Policy on Zero-Tolerance of Sexual Abuse and Assault; Acting Commissioner's memorandum dated August 12, 2014 referencing the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities provide mandates to RB POE staff of CBP's zero tolerance of sexual abuse. During Sexual Assault Awareness and Prevention Month observed in April, HQ PDO messaged information to all employees regarding CBP's Zero-Tolerance Policy of Sexual Abuse and Assault through payroll notice statements and CBP Central. Zero tolerance of sexual abuse and assault posters in English and Spanish and are positioned in the corridors and inside the search rooms. RB POE has also displayed a "Report Sexual Assault" poster in English and Spanish as well as in seven different languages to provide detainees CBP's zero tolerance of sexual abuse. CBP's translated PREA posters may be accessed by officers at CBP's internal website if a specific language is needed based on the current detainee population. Local SMEs and officers demonstrated a clear understanding of the zero-tolerance policy, PREA standards, and reporting protocols. The agency has enacted policies and procedures to facilitate effective communication of CBP PREA standards to the general public, staff, and detainees. The facility displays many PREA posters in areas where detainees are held and officers stated it also a constant reminder for them on how to report.

§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 standard requires that each facility maintain adequate levels of detainee supervision through appropriate staffing levels (b) (7)(E) to protect detainees against sexual abuse. CBP TEDS, requires RB POE officers to assure continued supervision of detainees being held in the hold rooms. The Auditor observed the staff frequently checking on the detainees in the hold rooms, in at least 15-minute intervals. During the onsite visit, the Auditor observed hold rooms upstairs and downstairs of the building. They are located in areas with frequent foot traffic by staff which allows constant observation. In each hold room, there is a layout that includes seating arrangements and a partial privacy wall positioned at the rear section for toilet usage.

(b)(c): The facility meets the standard provisions. CBP Directive 2130-030 directs that detainee supervision guidelines and its application at RB POE are to be reviewed at least annually considering the physical layout, composition of detainees, the prevalence of substantiated and unsubstantiated instances of sexual abuse, findings and recommendations of incident reviews, and any other relevant factors. The Directive further requires the results of the

annual review to be forwarded to the HQ PDO/PSA Coordinator. The local SMEs affirmed their ongoing reassessment of supervision strategies. They indicated that, to the best of their recollection, there has not been a notable surge in detainees. This is partly attributed to the physical distance between the entry point and the bridge connecting to the Canadian side, which predominantly serves frequent tourist travelers between the U.S. and Canada. Travelers cross between the two countries via a pedestrian turnstile on the bridge or by vehicle. The reverse journey involves travelers accessing waiting areas and vehicles. On the Canadian side of the bridge lies the iconic Niagara Falls. The local SMEs conveyed that should an unexpected surge of detainees occur; they have contingency plans in place. These measures include the option to augment staffing levels through overtime or realigning staff schedules. The Auditor reviewed the annual review of detainee supervision guidelines which was conducted on January 23, 2023, by two Assistant Port Directors A(PD), an Acting PD, two WCs, two Acting WCs, four Chiefs, two Acting Chiefs, and three Supervisory CBP Officers. A review of the assessment and the level of participation noted by the Auditor revealed the assessment was comprehensive and concluded RB POE maintains sufficient supervision of detainees as required by the standard.

§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 TEDS, Acting Assistant Commissioner, Office of Field Operations memorandum dated August 12, 2014, titled "Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities," directs that juveniles are to be held in a manner that aligns with their age and special needs, ensuring the least restrictive environment while safeguarding their well-being, as well as compliance with all relevant laws, regulations, and legal requirements. SMEs and officers confirm that juveniles, whether part of a family unit or identified as UC, are consistently placed in the least restrictive setting possible. This was clearly observed during the audit, with the Auditor noting a solitary juvenile detainee at that time. According to the local SMEs and officers, juveniles are generally accommodated alongside their families. In cases where the hold rooms have limited space, juveniles are seated in areas where officers maintain continuous, direct supervision. All interviewed officers affirm that upon arrival at the facility, juveniles are promptly placed in a hold room equipped with direct observation and unlocked doors. These rooms are furnished with provisions for food, snacks, and television to ensure the comfort of the juveniles in custody.

(b): The facility meets the standard provision. CBP TEDS and Acting Assistant Commissioner, Office of Field Operations Memorandum dated August 12, 2014, Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities requires UC are to be held separately from adult detainees. The memorandum and TEDS also state the juvenile may temporarily remain with a non-parental adult family member where the family relationship has been vetted to the extent feasible and RB POE determines that remaining with the non-parental adult family member is appropriate, under the totality of the circumstances. Local SMEs and officers have confirmed that UC are consistently segregated from adults and, furthermore, they are separated by gender. This is achieved through thorough intake processing to minimize their proximity to adult detainees. The interviews with local SMEs and officers corroborate that juveniles are promptly isolated from accompanying adults, except when a rigorous vetting process has been completed to validate the appropriateness of their relationship prior to detention. The vetting process is comprehensive and involves searches in agency and State Department databases, separate interviews with both the minor and the accompanying adult, as well as scrutiny of accompanying documents. During the audit, one detainee, under the age of 14, from Ecuador was in the company of her aunt. Her aunt, who had lawful status, stated facility staff had treated them with the utmost respect. The minor's detention was due to an inadvertent crossing into Canadian territory, leading to an overstay situation. The minor was accommodated in a room with an open door, directly supervised by a designated officer and out of view of other travelers. This setting was non-restrictive, and it was not immediately distinguishable from the common seating area.

§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)(c): The facility meets the standard provisions. CBP TEDS details the type and conditions under which searches can be performed to ensure the safety of officers, civilians, and detainees. TEDS also requires all searches be conducted under the appropriate legal authority and standards as well as being diligent in their efforts to protect a detainee's legal rights and treat the detainees with respect, dignity, and an appropriate level of privacy. The policy further prohibits cross-gender partial body searches and cross-gender visual body cavity searches, except in exigent circumstances including consideration of officer safety, or when performed by medical practitioners. If such a search is required, the searches must be recorded in an electronic system of record. CBP TEDS details that officers must not conduct visual body cavity searches of juveniles and are to refer all body cavity searches of juveniles to a medical practitioner. Interviews with local SMEs and officers indicate that only medical personnel are authorized to perform strip (partial body) or visual body cavity searches on juveniles. According to the information provided by the local SMEs and officers, body cavity searches are prohibited at RB POE. Regarding cross-gender searches, the consensus from the local SMEs and officers is that the searching person should match the detainee's identified gender, whenever operationally feasible.

(d): The facility meets the standard provision. As outlined in CBP TEDS, officers will enable detainees to shower (where available), perform bodily functions, and change clothing without being viewed by staff of the opposite gender except in urgent situations or when such viewing is incidental to routine hold room checks or is otherwise appropriate with a medical examination or monitored bowel movement. CBP TEDS further requires all officers of the opposite gender announce their presence when entering an area where detainees might be showering, attending to bodily functions, or changing clothes, unless in urgent scenarios or as part of routine inspections. In interviews, local SMEs and officers conveyed they adhere to this requirement by knocking on doors to announce their presence. Rainbow Bridge does not have any showers for detainees. An interview was conducted with the juvenile detainee who stated she was allowed her privacy.

(e): The facility meets the standard provision. CBP TEDS prohibits staff from searching or physically examining a detainee for the sole purpose of determining the detainee's gender. If the detainee's gender is unknown, CBP TEDS states officers will ask the detainee their gender or gender identity and conduct the search accordingly. If the detainee declines to state their gender, the gender will be recorded as "unknown" in the appropriate electronic system(s) of record. Officials at the facility confirm that they refrain from searching detainees solely for gender determination, but they would perform a search based on the gender declared by the detainee. There were no transgender detainees at the facility to interview.

(f): The facility meets the standard provision. CBP TEDS directs staff to conduct searches in a professional, thorough, and a reasonable manner consistent with the type of search required and that a search must be of the same gender, gender identity, or declared gender when operationally feasible. A weekly muster titled "Professionalism when Processing Transgender Applicants for Admission", was also provided to officers at RB POE reiterating their responsibilities in regard to the appropriate handling of transgender persons into the U.S. The memorandum further reminds staff of their commitment of treating all persons with dignity and respect. The interviewed officers emphasized their adherence to a policy of not conducting searches of detainees of the opposite gender, except in exigent circumstances. They elaborated on their method of performing cross-gender pat-down searches, which aligns with their training and established guidelines. Officers described the technique of using the blade of their hands during pat-down searches of female detainees. Local SMEs and officers affirmed that they have received comprehensive training in pat-down search procedures, which includes guidance on conducting cross-gender searches. During officer interviews, they clarified that they have never actually conducted cross-gender pat-down searches. Officers also shared that they consistently adhere to searching detainees based on the gender with which the detainee identifies. An interview with the juvenile detainee indicated that she had not been searched.

§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 provide detainees with disabilities (hearing impaired, blind, or visually impaired, or who have intellectual or mental health disabilities) access to CBP's efforts to prevent, detect, and respond to sexual abuse and assault. CBP TEDS also provides a requirement that reasonable accommodations be made for detainees with disabilities. Directive 2130-033, Nondiscrimination for Individuals with Disabilities in CBP Conducted Services, Programs, and Activities (Non-Employment), with an effective date of July 8, 2021, also includes a job aid providing guidance to staff on effective communication with individuals with disabilities. The job aid further defines several types of disabilities and examples on how to address those disabilities. The Auditor reviewed the PAQ pre-audit documentation submitted by RB POE which revealed the facility has not detained any individuals with the disabilities as described above. Interviews with local SMEs and officers validate the various steps they take to support detainees with disabilities. These efforts include reading PREA notifications aloud for those with visual impairments, providing written materials for individuals who are deaf, and utilizing plain language to communicate effectively with those having intellectual or mental health disabilities.

(b): The facility meets the standard provision. CBP Directive 2130-030 requires all holding facilities offer effective, accurate, and unbiased interpretation services, either in-person or via telephone, to Limited English Proficient (LEP) detainees. CBP TEDS also requires the facility to communicate instructions and relevant information to detainees in a language they understand. Directive 2130-031, Roles and Responsibilities of U. S. Customs and Border Protection and Personnel Regarding Provision of Language Access, provide information and guidance to all CBP staff. During the site inspection, the Auditor noted the presence of PREA posters displayed in English and Spanish, alongside other commonly spoken languages, offering clear and accessible guidance. Particularly in the new admission interview room, posters facilitate detainees in effectively conveying their language preferences to officers. CBP equips its officers with a mobile application on their CBP-issued phones, which allows real-time language interpretation in both field operations and processing procedures. Local SMEs and officers have affirmed the consistent use of language line services to address interpretation requirements, given the facility's regular intake of LEP detainees. It is important to note that, during the audit, a detainee in custody was fluent in English, while her accompanying aunt was not. In such cases, an officer from Lewiston Bridge played a pivotal role in facilitating translation when they were initially held. An interview was conducted with the juvenile detainee who spoke English. She stated she had reviewed the policies regarding sexual abuse while pointing at the poster. She stated that she had the ability to communicate with staff.

(c): The facility meets the standard provision. CBP Directive 2130-030 specifies that detainees should not be used as interpreters in cases of alleged sexual abuse or confirmed sexual abuse. Local SMEs and officers underlined their commitment to avoiding the engagement of other detainees in interpretation tasks, particularly in cases related to sexual abuse and/or assault.

§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 HRM to oversee compliance with hiring, promotion, and discipline standards. HRM Standard Operating Procedures (SOP) states the agency is not to enlist the services of any contractor or volunteer who may have contact with detainees who has engaged in sexual abuse in a prison, jail, holding facility, community confinement facility, juvenile facility, or other institutions who has been convicted of engaging or attempting to engage in sexual activity facilitated by force, overt or implied threats of coercion, or if the victim did not consent, or unable to consent, or refuse or who has been civilly or administrative adjudicated to have engaged in such activity. The Directive further requires the Office of Acquisition place procedures and policies to ensure the facility does not hire contractors who have a history of sexual abuse and/or assault. The Auditor was provided with documents prior to the audit which included a PREA Questionnaire for contractors and

volunteers. The questionnaire asks specific questions regarding any history of sexual abuse and/or assault whether it is criminal, a civil matter, or administratively adjudicated. The contractor and/or volunteer must also sign the questionnaire and responses which advises them that false information would result in a negative finding regarding their fitness as a contractor or volunteer. They are also required to accept the responsibility of reporting any future changes to their responses. The HQ HRM/Hiring Center SME confirmed knowledge and compliance during interviews. Interview with the HQ Office of Professional Responsibility (OPR)/Personnel Security Division (PSD) SME confirmed the agency conducts suitability determination and screens out anyone who has engaged in or attempted to engage any sexual abuse conduct as required by the standard by using (b) (7)(E) checks. RB POE does not hire or enlist the services of contractors or volunteers who have contact with detainees. Maintenance and housekeeping services are contracted by the (b) (7)(E) and do not have contact with detainees.

(b): The facility meets the standard provision. HRM SOP states when hiring external applicants or promoting or reassigning internal candidates, HRM shall ask specific questions related to previous misconduct as stated in standard provision (a). These mission specific questions were provided to the Auditor prior to the onsite audit. The Auditor reviewed the questions and concluded they were specific to the standard. Interview with the HQ/HRM Hiring Center SME verified that new employees and those seeking promotion are obligated to complete a document indicating if they have a history of sexual misconduct. The HQ/Hiring Center SME also stated employees have an affirmative duty to report any future instances of such misconduct.

(c)(d): The facility meets the standard provisions. CBP Directive 2130-030 establishes the requirement for background investigations of prospective job applicants who could come into contact with detainees. It also mandates periodic updates to the background investigations of CBP personnel in detainee contact roles, to be conducted every five years. The Auditor requested a random sample of 16 background checks on all ranks at RB POE and submitted the names to HRM. The Auditor reviewed the background information and found RB POE to be following the standard provision. The Directive specifies that contractors with detainee interaction responsibilities must undergo background investigations. RB POE does not hire contractors who have contact with detainees, (b) (7)(E), provide housekeeping and maintenance services and are contracted by the (b) (7)(E). The contractors do not have contact with detainees. An interview with the HQ PSD SME was conducted, who confirmed that comprehensive background checks are performed on all new employees with potential detainee contact, along with five-year reinvestigations. She further stated they had implemented a system that delivers real-time notifications of any potential criminal activities involving staff members.

(e): The facility meets the standard provision. An interview was conducted with the HQ HRM//Labor Employee Relations (LER) SME. The HQ HRM/LER SME confirmed offers of employment to potential employees can be revoked or the employment of existing employees can be terminated if they omit significant information or provide false details about sexual abuse misconduct. The HQ LER SME further stated staff members are informed of their responsibility to report any instances of sexual misconduct, false information, or significant omissions through the CBP Standards of Conduct, which is provided to staff upon employment and also addressed in their annual mandatory ethics training conducted via the Acadis training portal.

(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. The HQ LER SME verified this practice.

§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 facility meets the standard provision. During an interview with the WC, he advised the Auditor they have not had any renovations since the last audit which was conducted in May 2019. However, considerations of the PREA standard provision would be followed if there was a future expansion or modification. The local PAQ received prior to the audit also indicates that no renovations or modifications have been made.

(b): The standard provision is not applicable. RB POE has not [REDACTED] (b) (7)(E).

§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 TEDS and CBP Directive 2130-030 requires timely, unimpeded access to medical treatment and crisis intervention, including emergency contraception and sexually transmitted infections prophylaxis, be provided to a detainee victim of sexual assault in accordance with professionally accepted standard of care. The Directive also mandates the completion of a forensic medical examination to be conducted by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE), or if a SAFE/SANE is not available that the examination be conducted by a qualified medical practitioner. [REDACTED] (b) (7)(E), Niagara Falls, New York is designated to provide forensic examinations for sexual assault and/or abuse victims. The Auditor conducted telephonic calls with the on-duty nurse to confirm the availability of such services. Local SMEs confirmed they utilize the SAFE/SANE services provided by [REDACTED] (b) (7)(E) for detainees who are victims of sexual abuse. Both the local SMEs and the HQ PDO/PSA Coordinator stated RB POE had not received any sexual abuse allegations during the last 12-months.

(d): The facility meets the standard provision. CBP TEDS mandates officers to grant detainee victims access to victim advocacy services during hospital visits for forensic examinations related to sexual abuse or assault, as far as possible and in accordance with security requirements. The Auditor determined there are community-based sexual abuse advocates are accessible through the [REDACTED] (b) (7)(E) through interviews with local SMEs. The local SMEs indicated advocacy services are available during forensic medical examinations, and follow-up services are offered within the community for those seeking victim support. Conversations with local SMEs confirmed that all sexual abuse victims would be granted access to victim services at the [REDACTED] (b) (7)(E).

(e): The facility meets the standard provision. The HQ PDO/PSA Coordinator affirmed that no instances of sexual abuse or sexual assault at RB POE were reported within the 12-month audit period. The HQ PDO/PSA Coordinator further stated that if such an incident were reported, a system is in place to promptly report the incidents for timely investigations. The local SMEs interviewed stated the Niagara Falls Police Department has been identified as the law enforcement agency to report incidents involving criminal matters. RB POE submitted a copy of a notification letter dated April 18, 2019, informing the Niagara Falls Police Department of the PREA requirement standards which must be met by their office. The HQ OPR/Sexual Abuse and Assault Investigator (SAAI) SME also confirmed that reporting responsibilities ensure a thorough and objective investigation is conducted when necessary. The HQ PDO/PSA Coordinator further confirmed in the interview that no allegations were made at RB POE during the 12-month audit period.

§115.122(c) and (d) – Policies to ensure investigation of allegations and appropriate agency oversight.

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

Notes:

(c)(d): The facility meets the standard provision. CBP Directive 2130-030 mandates staff with knowledge, suspicion, or information about sexual abuse and/or assault incidents, retaliation, or staff neglect to promptly report to the Joint Intake Center (JIC) in holding facilities. CBP Directive 3340-025F, Reporting Significant Incidents to [REDACTED],

dated November 21, 2021, states all sexual abuse cases are considered significant incidents and must promptly report incidents of sexual abuse and/or assault of an individual in CBP custody, including holding facilities during transport and during processing; retaliation against any person, including a detainee, who reports, complains about, or participates in an investigation about an incident; or any staff neglect or violation of responsibilities that may contribute to an incident of retaliation. The (b) (7)(E) is a unified hub which is operational 24 hours a day, seven days a week. Local SMEs and officers confirmed their commitment to reporting such incidents up the chain-of-command and the JIC, while on-duty supervisors shall involve local law enforcement when appropriate. The HQ OPR/SAAI SME affirmed a multi-layered oversight process for all allegations, which undergo review. DHS OIG holds initial discretion, followed by the JIC. The HQ PDO/PSA Coordinator verified the JIC's notification of appropriate offices regarding sexual abuse allegations or incidents. The local SMEs stated that the Niagara Falls Police Department, authorized for criminal investigations, would be informed, with notifications being recorded. The HQ OPR/SAAI SME confirmed the recording of all allegations in their case management system.

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

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

Notes:

(a)(b)(c): The facility met the standard provisions. CBP Directive 2130-030 mandates training for staff with potential detainee contact in CBP holding facilities. CBP has developed resources to educate staff on effective communication with detainees with disabilities and LGBTQI+ individuals. CBP's internal PREA Resource Center, responsible for promoting a zero-tolerance approach to sexual abuse and assault, underscores this. All CBP personnel, including contractors and volunteers, must complete the "Preventing and Addressing Sexual Abuse and Assault of Individuals in CBP Holding Facilities" training bi-annually through the Acadis training portal. The Auditor reviewed the training curriculum and confirmed that all required PREA training was included as mandated by standard requirements. The OFO staff at the Buffalo POE's are assigned across all four POE's: Peace Bridge, Lewiston Bridge, Rainbow Bridge, and Whirlpool Bridge. The Auditor reviewed training records in the Acadis portal and noted that mandatory training had been conducted for all (b) (7)(E) staff, except for (b) (7)(E) employees on military leave, medical leave, restricted duty, family leave, long-term TDY, no longer assigned, or for unknown reasons. The staff at Rainbow Bridge are also assigned to work at all the (b) (7)(E) POE's. Local SMEs and officers, during interviews, affirmed that they had received both initial and refresher PREA training through the (b) (7)(E) portal. It was explained that RB along with Peace Bridge and Lewiston Bridge experienced technological issues during the transition of the (b) (7)(E) system, preventing some staff from accessing the required training, resulting in not being able to complete refresher training requirements within the required due date. Training has been completed once all technological issues were resolved. Pre-audit documentation indicated that RB did not employ contractors or enlist volunteers during the 12-month audit period. Maintenance and housekeeping services are contracted by the (b) (7)(E) and do not have contact with detainees. During the on-site tour, no contract staff or volunteers were observed. SMEs further verified that no volunteers were utilized and the contractors who provide maintenance and housekeeping did not have contact with detainees during the 12-month audit period.

§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. RB POE has posted large print posters of the DHS Zero-Tolerance Policy within detainee processing areas. These posters are in English and Spanish, with an additional feature providing zero-tolerance information and reporting details in various common languages. Additionally, CBP features its zero-tolerance approach on its website, available at <https://www.cbp.gov/about/care-in-custody>. To ensure detainee awareness, CBP has created diverse methods, which include age-appropriate colorful posters, informational display system slides, and scripts, all conveying the zero-tolerance stance on sexual abuse and assault and explaining how to report such incidents in CBP holding facilities. Posters in both English and Spanish were prominently exhibited within all corridors, ensuring visibility from each hold room. Local SMEs and officers additionally informed that RB POE possesses posters

in various languages, depending on the facility's population, with Spanish being the most prevalent language apart from English. An interview conducted with the juvenile detainee indicated she was aware of the prevention of sexual abuse and it is zero tolerance. She stated that she was aware of it by the displayed posters.

§115.134 – Specialized training: Investigations.

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

Notes:

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

§115.141(a) through (e) – Assessment for risk of victimization and abusiveness.

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

Notes:

(a)(b)(c)(d): The facility meets the standard provisions. CBP TEDS mandates that all detainees undergo assessment for sexual assault risk before placement in a hold room or holding facility. This evaluation encompasses factors such as mental, physical, or developmental disabilities, age, physical build, prior arrests or incarcerations, self-identification as LGBTI+ or gender non-conforming, history of sexual victimization, and the detainee's personal safety concerns. Based on this assessment, the processing officer determines whether the detainee should be placed alone or separated from specific individuals, ensuring personal and collective safety. A memorandum was issued to all Directors of Field Operations, Preclearance Director, and the Office of Field Operations, on August 12, 2014, OFO reiterating the importance of risk assessments. The Auditor did not have the opportunity to directly observe the assessment process due to the absence of ongoing intakes at the time. However, the Auditor did witness travelers undergoing secondary screening. There was one juvenile who had undergone processing a few hours earlier. The Auditor conducted a review of the current detainee's risk assessment screening form and examined the previous ten assessments performed on past detainees. In interviews with local SMEs and officers, it was confirmed they actively inquire about the assessment questions to identify any physical safety concerns expressed by detainees. After the assessment, detainees are placed in a suitable hold room based on their security and safety requirements. In addition to risk assessments, officers reported that they also pay close attention to body language, gestures, eye contact, and mannerisms as potential indicators of risks. An interview was conducted with a juvenile detainee who stated she was asked questions regarding sexual abuse and inquired whether she had any concerns regarding her personal safety. There were no other detainees held while the juvenile was present.

(e): The facility meets the standard provision. CBP TEDS requires staff members to conduct confidential risk assessments to prevent unauthorized access to sensitive information. The disclosure of such sensitive details is subject to strict regulation and is restricted solely to individuals with a legitimate "need to know." Interviews with the local SMEs and officers confirm the implementation of this process, as all detainee information is shared with staff only on a need-to-know basis.

§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 requires that detainees should have a confidential means to report incidents of sexual abuse/assault, retaliation, staff neglect, or violations leading to sexual assault. The Directive emphasizes the visibility and availability of procedures for reporting such incidents to include the information being accessible on the public CBP website. The "Keep Detention Safe" posters in

the processing area contain telephone contact information for DHS OIG. The telephone is located at the officers' station and private interview room. An email dated February 2018 by CBP Central also provides CBP employees with links to review all policies and updates. DHS PREA Standards "In Focus", dated July 2022 prepared by HQ PDO was also provided to staff concentrating on this specific standard. It provides information for detainee reporting, defining sexual abuse, staff reporting, and additional tools and resources that staff can refer to. Interviews with officers and the local SMEs verified they were familiar with the different reporting methods. An interview with the juvenile detainee concluded that she was aware that she could report sexual abuse privately, confidentially, anonymously to OIG, RB POE staff, or through her dad.

(b): The facility meets the standard provision. CBP Directive 2130-030 requires the facility to ensure detainees have access to a method for reporting sexual abuse in a confidential manner, whether verbally, written, to staff, or through a third-party to an external entity unaffiliated with the agency. Interviews with the local SMEs and officers corroborate that detainees can indeed report abuse either verbally or in writing to staff, with third-party reports also being accepted. They further stated detainees also have the right to request a private and anonymous telephone call to DHS OIG and are informed through various posters displayed in the processing and holding areas. To ensure the functionality of the anonymous telephone line, the Auditor conducted a test call to the number provided on the "Keep Detention Safe" poster. DHS OIG was reached through accessing different prompts. Staff also indicated that when a detainee requests to contact DHS OIG, they are afforded the opportunity to dial the DHS OIG hotline number with privacy and confidentiality ensured. The telephone is conveniently situated in the interview room, as well as at the officer's desk, facilitating a secure and private communication channel.

(c): The facility meets the standard provision. Interviews with local SMEs and officers have established that staff members are well-versed in the immediate reporting and written documentation processes for allegations of sexual abuse and assault made by third parties. The officers further stated they promptly communicate all such allegations, irrespective of the reporting method, to their supervisors to ensure swift and appropriate action.

§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. CBP Directive 2130-030 advises staff that third parties can report sexual abuse on behalf of detainees. CBP has established public reporting procedures for sexual abuse of detainees, accessible at: <https://www.cbp.gov/about/care-in-custody>. The website offers a toll-free Joint Intake Center Hotline phone number, email address, and physical address, providing various reporting avenues to the Joint Intake Center. The website also provides the phone number, email address, and an online reporting information for DHS OIG. Interviews with local SMEs and officers confirmed that third parties have access to different reporting methods. Officers also stated that in the event of receiving a third-party allegation, they would promptly notify their supervisor.

§115.161(a) through (d) – Staff reporting duties.

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

Notes:

(a)(b): The facility meets the standard provisions. CBP Directive 2130-030 mandates all staff to promptly report any knowledge, suspicion, or information concerning incidents of sexual abuse/assault, retaliation against detainees or staff who reported or participated in investigating sexual abuse, and any staff neglect or violation contributing to incidents or retaliation. Directive 3340-025F, Reporting Significant Incidents to the U.S. Customs and Border Protection (CBP) [REDACTED], instructs officers to report sexual abuse/assault incidents to a 24/7 unified hub that ensures immediate reporting to all required leadership. Additionally, the Standards of Conduct requires staff to report any type of misconduct and provides them the information to make a report. A memorandum from the Assistant Commissioner, dated August 12, 2014, issued to all Directors of Field Operations, Pre-Clearance Operations, and Office of Field

Operations, advises them to display reporting methods and to muster and record the information provided to officers. All officers interviewed affirmed their familiarity with these obligations and acknowledged their ability to report concerns outside of the chain of command. The majority of officers indicated their intention to promptly notify their direct supervisor and subsequently escalate the matter up the chain of command by reaching out to the Joint Information Center (JIC) or DHS OIG. They also mentioned the availability of quick reference cards that offer essential reporting contact information.

(c): The facility meets the standard provision. CBP Directive 2130-030 specifies that except when essential to report the incident, CBP and its staff are prohibited from disclosing any information pertaining to the incident, except as required to assist the detainee, safeguard other detainees, or staff, or ensure security and management. Local SME and officer interviews verify that the communication of sexual assault information strictly follows a "need to know" principle. Interviews also reiterate that any information sharing is limited to situations where it is essential (need-to-know) or during an active investigation. An interview with the HQ OPR/SAAI SME further confirms that records are securely and confidentially maintained.

(d): The facility meets the standard provision. CBP Directive 2130-030 requires CBP staff to notify relevant agencies if the alleged victim of a sexual assault is a vulnerable adult or under the age of 18. Interview with the local SMEs reveals sexual assaults of victims under age 18 and vulnerable adults are reported by the WC.

§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 mandates that any agency employee who identifies circumstances placing a detainee at imminent risk of sexual assault must take prompt measures to ensure the detainee's safety. Interviews with local SMEs and officers affirm that, when a detainee perceives a risk, immediate protective measures, such as isolation, direct constant supervision (both sight and sound), or a combination of both, are put into practice. In response to such situations, detainees are promptly separated from other detainees and placed under close supervision, as per the instructions of the on-duty supervisor. Officer interviews further validated the procedure, indicating that at-risk detainees are accommodated in dedicated hold rooms to ensure continuous monitoring for their well-being and safety.

§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 stipulates that if a detainee alleges or reports being sexually abused and/or assaulted at another facility before arriving at RB POE, the prior agency or administrator must be informed. A memorandum dated August 12, 2014, was issued to all Directors of Field Operations, Preclearance Operations, and the Office of Field Operations by the Acting Assistant Commissioner, Office of Field operations with an attachment of a Memorandum from the Commissioner on CBP Policy Zero Tolerance of Sexual Abuse. The attached memorandum states that all officers, upon receiving an allegation of sexual abuse while confined at another facility, should notify their immediate supervisor. The memorandum further states the supervisor should contact the appropriate office of the agency or the administrator of the facility where the alleged abuse occurred and advise them of the allegation. In an interview with the local SMEs, it was confirmed that notifications would be promptly made and properly documented. The SMEs also affirmed that RB POE has not received any allegations within the 12-month audit period.

(b): The facility meets the standard provision. CBP Directive 2130-030 mandates that notifications must be issued within 72 hours upon receipt of a sexual assault and/or abuse allegation. The Acting Assistant Commissioners

memorandum

also provides direction to the supervisor that the notification must be made as soon as possible but no later than 72 hours after receiving the allegation. Interviews with local SMEs affirmed their awareness of the 72-hour reporting window, yet they expressed their commitment to reporting immediately, well before the expiration of the 72-hour timeframe.

(c): The facility meets the standard provision. The Acting Commissioner's memorandum directs supervisors to document the notification made to office of the agency or administrator of the facility where the alleged assault occurred. During the interview, the WC confirmed that notifications would be promptly initiated and thoroughly documented by the on-duty supervisor. In the 12 month-period preceding the audit, the facility has no allegations.

(d): The facility meets the standard provision. During the interviews, local SMEs affirmed RB POEs strict adherence to the reporting requirements delineated in CBP Directive 2130-030. They further conveyed that, over the 12-month audit period, no such notifications had been received. However, the local SMEs emphasized their commitment to promptly report to JIC if a notification was received from another facility of a sexual abuse allegation occurring at RB POE for investigatory procedures.

§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 outlines the responsibilities for the first responding officer or supervisor upon learning of a detainee sexual assault. The Directive, along with the PREA training provided through the Acadis portal, provides the necessary steps to be taken in case of a detainee being sexually assaulted. Additionally, staff were provided with PREA Quick Reference Cards that provides guidance as first responders. Interviewed local SMEs and officers were aware of their responsibilities as first responders. They stated they would separate the alleged victim and abuser, securing the crime scene if the abuse occurred within a timeframe conducive to evidence collection, and requesting the alleged victim and directing the abuser to refrain from actions that could destroy evidence. They further stated they would prevent detainees from eating, drinking, using the toilet, or damaging clothing that could contain physical or forensic evidence.

(b): The standard provision is not applicable. Only law enforcement officers have direct contact with detainees while being held at RB POE.

§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. As outlined in CBP Directive 2130-030 is the agency's coordinated institutional plan for prevention, detection, and response to sexual abuse and/or assault. The Directive offers a comprehensive, progressive strategy for handling sexual abuse within holding facilities. On August 15, 2022, CBP introduced a job aid outlining first responder responsibilities pertaining to sexual assaults involving detainees. This encompasses instances of detainee-on-detainee sexual assault, as well as sexual assault involving an officer, employee, contractor, or volunteer. The job aid also covers first responder duties, notification procedures for investigations, forensic medical examinations, and incident reporting.

(b)(c): The facility meets the standard provisions. CBP Directive 2130-030 requires the staff to notify another DHS facility if the victim of sexual abuse/assault is transferred. Notification in such cases is the responsibility of the RB POE Watch Commander or the designated supervisor. This notification is mandated to contain information regarding the detainee's requirement for medical or social services. The accuracy of these requirements was validated through interviews with local SMEs. In instances where a victim is transferred from a DHS holding facility to a non-DHS facility,

the RB POE agency, subject to legal considerations, shall inform the receiving facility about the incident and the potential need for medical or social services required by the victim, unless the victim expresses a contrary preference. This notification duty is entrusted to the RB POE WC or the 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. CBP Directive 2130-030 directs RB POE management to evaluate the removal of RB POE officers from detainee contact if an allegation of sexual abuse has been made, pending investigation, or when the seriousness or plausibility warrants such removal. Interviews with local SMEs confirmed that agency policy mandates the removal of staff members from detainee contact during the investigation of alleged sexual abuse/ assault or policy violations. RB POE also ensures detainee protection while in their custody. RB POE does not allow contractors direct contact with detainees and does not enlist the services of volunteers. Interviews with the HQ HRM/ LER SME report officers control contact between contractors and detainees. The contractors do not have direct contact with detainees according to the RB POE PAQ questionnaire and SME interviews. The local SMEs stated they have not had any allegations of sexual abuse during the 12-month audit period. The HQ PDO/PSA Coordinator stated RB POE did not have any reported incidents of sexual abuse and/or assault during the 12-month audit period.

§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 strictly prohibits any form of retaliation by CBP staff, including officers, against individuals, including detainees, who raise allegations or complaints of mistreatment or engage in sexual activity under force, coercion, threat, or fear of force. Directive 51735-013B, titled "Standards of Conduct," modified and effective as of December 9, 2020, clearly prohibits retaliation as well as sexual abuse or assault of detainees. The interviews with local SMEs affirmed the effective implementation of the policy, and the interviewed officers exhibited a clear understanding of the Directive's prohibition of retaliation. The staff stated they received training in recognizing signs of retaliation. The interviewed officers were firm in stating that any instances of retaliation would not be tolerated.

§115.171 – Criminal and administrative investigations.

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

Notes:

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

§115.172 – Evidentiary standard for administrative investigations.

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

Notes:

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

§115.176(a) and (c) through (d) – Disciplinary sanctions for staff.

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 stipulates that CBP personnel can face disciplinary measures, including removal from their position and Federal Service, for substantiated allegations of sexual abuse/assault or for violating CBP's sexual abuse policies. CBP Directive 51735-013B, Standards of Conduct, also notifies all CBP personnel of the potential for disciplinary action based on substantiated allegations of sexual abuse and/or assault. The HQ OPR/SAAI SME and the HQ HRM/LER SME affirmed that staff facing a substantiated complaint of sexual abuse or violating the agency's sexual abuse policy could be subject to disciplinary action, termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.

(c): The agency meets the standard provision. In the interview with the HQ PDO/PSA Coordinator, it was conveyed that RB POE had not experienced any cases of reported sexual abuse in the past 12 months. The interview with the HQ OPR/SAAI SME reiterated the process in place for forwarding sexual abuse allegations to the local law enforcement agency, with coordination and notifications being managed by HQ OPR/SAAI personnel.

(d): The agency meets the standard provision. The HQ OPR/SAAI SME indicated that the agency would communicate disciplinary conclusions to pertinent licensing bodies and designated law enforcement personnel.

§115.177(a) and (b) – Corrective action for contractors and volunteers.

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

Notes:

(a)(b): The facility meets the standard provision. CBP Directive 2130-030 and the Zero-Tolerance of Sexual Abuse and Assault Policy outline that CBP contractors and volunteers are subject to potential disciplinary measures, including removal from their role or volunteer position, when allegations of sexual abuse, sexual assault, or violation of CBPs sexual abuse policies are substantiated. The HQ OPR/SAAI SME also conveyed that any confirmed case of sexual abuse would be reported to the relevant law enforcement agencies by the Watch Commander or their designated representative. The Office of Acquisition would be informed to enforce the contractor's exclusion from federal services. HQ OPR/SAAI staff would also initiate notifications to pertinent licensing bodies. It is important to note that RB POE does not involve the use of volunteers and ensures that contractors with direct detainee contact are not part of their operations. In interviews with local SMEs, it was verified that contractors or volunteers would be restricted from detainee interactions during ongoing investigations. The WC reported contractors are hired through the (b) (7)(E) and do not have contact with detainees.

§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 provisions. According to accepted standards of care, alleged sexual assault victims must receive prompt and unimpeded access to emergency medical care and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis. This requirement is outlined in CBP Directive 2130-030. The Directive mandates that alleged victims receive emergency medical care without any charges, regardless of whether they identify the alleged perpetrator or participate in subsequent investigations. In the past 12 months, this facility has not received any allegations. According to the local SMEs, in the event of sexual assault or abuse incidents at RB POE, prompt action is taken to transport the detainee victim to (b) (7)(E)

(b) (7)(E)

(b) (7)(E) The facility ensures the provision of comprehensive services in accordance with the required standards. Importantly, these services are offered at no cost to the detainee, even if they choose not to cooperate with the sexual abuse or assault investigation. The local SMEs affirmed that these services are free of charge, irrespective of the victim's level of cooperation with the 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 facility meets the standard. CBP Directive 2130-030 mandates that following each investigation of sexual abuse and assault, excluding unfounded cases, a sexual abuse incident review must occur within 30 days. The review would encompass assessing whether the allegation or investigation suggests a need for policy or practice adjustments to prevent, detect, or respond to sexual abuse. The local SME stated that the RB POE Watch Commander would implement any recommendations made by the Incident Review Committee (IRC). The local SME further stated the identified improvement recommendations in the review must be either implemented or explained through a documented response if not followed. The HQ/PDO PSA stated the Incident Review Committee (IRC) consists of three CBP HQ Program Managers and the local PREA Field Coordinator. The HQ PDO/PSA Coordinator further reported that if a sexual abuse/assault investigation were to occur, the IRC would convene within 30 days following the investigation's conclusion to compile a report detailing its findings.

§115.187 – Data collection.

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

Notes:

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

ADDITIONAL NOTES

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

None.

AUDITOR CERTIFICATION:

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

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

Auditor's Signature

December 19, 2023

Date