

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, Texas 77706
Email Address:	(b) (6), (b) (7)(C)	Telephone Number:	(b) (6), (b) (7)(C)

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:	Laredo Field Office
Name of Chief or Director:	(b) (6), (b) (7)(C)
PREA Field Coordinator:	(b) (6), (b) (7)(C)
Physical Address:	109 Shiloh Dr., Suite 300, Laredo, Texas, 78045
Mailing Address: (if different from above)	

SHORT-TERM HOLDING FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Gateway International Bridge		
Physical Address:	1500 University Blvd, Brownsville, Texas, 78521		
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:	Assistant 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), Gateway International Bridge was conducted June 6, 2024, by (b) (6), (b) (7)(C), a Certified PREA Auditor, contracted through Creative Corrections, LLC., of Beaumont, Texas. This audit was conducted to determine facility compliance with the Department of Homeland Security (DHS) PREA Standards. As such, along with the on-site portion of the audit, the audit also involved a review of CBP's PREA policies and procedures, agency, and facility-based documents, as well as interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs).

This was the second PREA audit for Gateway Bridge Point of Entry (POE), with the first audit having occurred on August 29, 2019. For the current audit, the possible detainee population includes adult males, adult females, family units, and juveniles. However, it should be noted that at the time of the on-site audit, while there were adults, family units, and juveniles being processed through the POE (POE), there weren't any adults being detained at the facility. At the time of the on-site audit, there were only three unaccompanied children (UC) being temporary held pending process completion.

Upon entering the Gateway Bridge POE at 0600, the Auditor conducted an informal meeting with the Gateway Bridge leadership team to advise them of the audit format and schedule. Immediately thereafter, the Auditor was directed to a private office for commencement of interviews with staff from all shifts: (b) (7)(E). Supervisor (b) (6), (b) (7)(C) was the point of contact throughout the audit.

At 0745 hours, all areas of the Gateway Bridge POE were inspected. In total, the Gateway Bridge POE can hold up to (b) (7)(E) detainees. Detainees are held according to their gender, age, and other necessary protective measures. The facility can hold detainees with mental, physical, and/or developmental disabilities, as well as detainees who self-identify as gay, lesbian, bi-sexual, transgender, intersex, and gender non-conforming.

Gateway Bridge POE consists of two distinct structures, each divided into multiple sections. The primary structure is the permanent Gateway Bridge facility. Inside of that building, there are sections that contain only administrative areas utilized by SMEs, officers, and contracted personnel. There is also a secondary processing area within that building, with (b) (7)(E) primary hold rooms located in the immediate vicinity. The (b) (7)(E) primary hold rooms contain their own toilets and sinks. If necessary, the facility can utilize the three interview rooms adjacent the processing area as hold rooms. There is also (b) (7)(E) family hold room that is utilized strictly for families and UC. There are no shower facilities within the Gateway Bridge POE. Rather, if needed, persons may be transported to the Ursula Central Processing Center for showering. (b) (7)(E)

As well, a non-movable half-wall constructed adjacent to each hold room toilet to provide persons with privacy from other detainees and staff while in use. Additionally, the second structure consists of a large, air-conditioned Soft Sided Facility (SSF) capable of holding (b) (7)(E) of people in the facility's primary processing area. Persons awaiting processing are seated in accordance with gender and family status. All families with children are seated separately from adult males and adult females. Additionally, adult males are seated in separate sections from adult females. There are portable bathrooms available for use, with said bathrooms being segregated by gender. It should be noted that upon entrance into the primary processing area, there is a large display of age-appropriate sexual abuse awareness posters in five languages: Creole, English, Farsi, Russian, and Spanish.

When present, females are held separately from male detainees. Also, when present, UC are held according to their gender and age in separate designated areas away from adult detainees. The family hold room contains a television, coloring books, games, and stuffed animals. When present, and as medically appropriate, juveniles are provided unlimited access to water, juice, and snacks. There is bedding, clothing, and personal hygiene products available for both juveniles and adults. They are also given frequent access to the toilet as requested. (b) (7)(E). It should also be noted that the hold rooms used for juveniles, when present, are in the direct line of sight of an officer workstation designated for the sole purpose of monitoring persons within any hold rooms.

During the Gateway Bridge POE on-site inspection, the Auditor reviewed the (b) (7)(E) of the facility and the layout of the holding areas. The layout of the facility allows for a clear view into all hold rooms via officer workstations or by staff conducting routine security checks. (b) (7)(E)

During the on-site inspection, the Auditor observed age appropriate PREA posters (child, juvenile, and adult age ranges printed in in Creole, English, Farsi, Russian, and Spanish, throughout the facility.

The Brownsville Police Department acts as the local law enforcement agency with jurisdiction for conducting investigations of allegations of sexual assault and/or sexual abuse made by individuals being held at the Gateway Bridge POE. Gateway Bridge POE has a memorandum of understanding, effective December 3, 2021, in place with this agency. The memorandum requests that all investigations are conducted in accordance with Section 115.121(a) through (d) of Subpart B of the Department of Homeland Security Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities.

Scope of Audit: Prior to the on-site inspection, the Auditor reviewed the HQ and Local Pre-Audit Questionnaires (PAQs), HQ Responsive Documents and Data Requests, local documents, including Gateway Bridge POE specific documents, and HQ Participation documents. During the on-site portion of the audit, Notice of Audit postings were displayed throughout the facility. The local SME confirmed the Notice of Audit postings had been displayed in accordance with the required time frames of the audit. The Auditor was provided with a facility roster to select local SMEs, officers, and contractors for interviews. The Auditor conducted four local SME interviews, seven officer interviews, two contractor interviews (one medical staff and one security staff), and three UC interviews. There weren't any volunteers working within the facility on the date of the on-site audit. All interviews were conducted in a private setting. The Auditor spoke with the Lead SANE Nurse of the Valley Baptist Hospital, a local hospital offering a comprehensive medical forensic program available for detainee use as needed and free of charge. The Auditor spoke with staff from Just Detention International, a nationally based advocacy service with extensive resources to offer incarcerated individuals. The Auditor conducted a test call to the Department of Homeland Security (DHS) Office of Inspector General (OIG) Hotline. During the 12-month audit time frame, the Gateway Bridge POE did not receive any allegations of sexual abuse.

On June 6, 2024, at approximately 1500 hours, an exit briefing was held to discuss on-site observations. The exit briefing was conducted by Certified PREA Auditor (b) (6), (b) (7)(C). During this exit briefing, the Auditor reiterated how the triangulation process between agency/facility documents, agency/facility interviews, and on-site observations accumulates into the final determination of facility compliance.

Those in attendance for the exit briefing were:

- (b) (6), (b) (7)(C), HQ Deputy Prevention of Sexual Assault (PSA) Coordinator, via Teams
- (b) (6), (b) (7)(C), National PREA Coordinator, via Teams
- (b) (6), (b) (7)(C), Supervisory Program Manager, PREA Field Coordinator (PFC), via Teams
- (b) (6), (b) (7)(C), Assistant Port Director, Gateway Bridge Point of Entry (POE)
- (b) (6), (b) (7)(C), Watch Commander
- (b) (6), (b) (7)(C), Watch Commander, Gateway Bridge POE
- (b) (6), (b) (7)(C), Supervisory CBP Officer, Gateway Bridge POE
- (b) (6), (b) (7)(C), Program Manager, Creative Corrections, via Teams
- (b) (6), (b) (7)(C), PREA Auditor, Creative Corrections

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.

The Gateway Bridge POE on-site audit was completed on Tuesday, June 6, 2024, with the findings report being submitted on July 5, 2024.

The audit process included a review of all documentation, interviews with both agency and facility-based staff, as well as on-site observations of facility procedures and holding conditions. This process has found the Gateway Bridge POE in compliance with 23 standards and exceeding in two (2) standards for a total of 25 DHS Subpart B Standards.

Gateway Bridge POE meets 23 standards: 115.111, 115.113; 115.114, 115.115, 115.117, 115.118, 115.121, 115.122, 115.131, 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.

Gateway Bridge POE exceeds 2 standards: 115.116, 115.132.

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded: 2	
Number of standards met: 23	
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. The agency is required to have a written policy mandating zero tolerance toward all forms of sexual abuse and outlining the agency's approach to preventing, detecting, and responding to such conduct. On March 12, 2014, the Commissioner informed all staff through email communication of the adoption of the final rule of the PREA standards and the agency's commitment of protecting the safety of individuals in CBP custody. The memorandum further stated CBP is committed to a zero-tolerance of sexual abuse and or sexual assault in all CBP holding facilities. The agency developed CBP Directive 2130-030, Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities, dated January 19, 2018, establishing procedures for zero tolerance of sexual abuse and/or assault within CBP holding facilities. The agency designated an upper-level, agency-wide Prevention of Sexual Assault (PSA) Coordinator, as well as a Deputy PSA Coordinator, who have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA Standards for DHS holding facilities. In speaking with the HQ Privacy and Diversity Office (PDO) PSA Coordinator, it was noted that this role is a fulltime position within the upper hierarchy of the agency. As such, the PSA Coordinator has both sufficient time and authority to command the responsibility. In speaking with the local SMEs they stated that officers receive training specific to the agency's zero-tolerance policy through several means: Required online training through Acadis, agency emails containing both information regarding sexual abuse and resource links for relevant PREA concerns, yearly and subsequent trainings with signature sheets acknowledging receipt and understanding of policies, zero tolerance advisement posters throughout the facility, as well as verbalizing agency policy to all staff during muster. All interviewed officers and contractors stated they received training on the agency's zero-tolerance policy during the academy or through their initial onboarding process. They further stated that they were familiar with the policy and have received subsequent trainings and information regarding it, in addition to biannual refresher courses via Acadis. During the onsite inspection, the Auditor noted that the display of zero tolerance posters throughout the facility. The facility provides zero tolerance advisement cards given to staff, and PREA information they can access through their internal CBP website.

§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 Gateway Bridge POE to maintain sufficient supervision of detainees, through appropriate staffing levels, (b) (7)(E), to protect detainees against sexual abuse. As noted within agency policy, the safety of CBP employees, detainees, and authorized visitors is paramount during all aspects of CBP operations. CBP National Standards on Transport, Escort, Detention, and Search (TEDS), dated October 2015, require Gateway Bridge POE officers to closely supervise hold rooms when in use. The Gateway Bridge POE consists of two large structures, each divided into multiple sections. One structure serves as the primary processing center. It consists of a large, air-conditioned SSF capable of holding (b) (7)(E) people in the facility's primary processing area. Persons awaiting processing are seated in accordance with gender and family status. All families with children are seated separately from adult males and adult females. Additionally, adult males are seated in separate sections from adult females. There are portable bathrooms available for use, with said bathrooms being segregated by gender. It should be noted that upon entrance into the primary processing area, there is a large display of age-appropriate sexual abuse awareness posters in five languages: Creole, English, Farsi, Russia, and Spanish. The second structure is the permanent Gateway Bridge facility. Inside of that building, there are sections that contain only administrative areas utilized by SMEs, officers, and contracted personnel. There is also a secondary

processing area within that building, with (b) (7)(E) primary hold rooms located in the immediate vicinity. The (b) (7)(E) primary hold rooms contain their own toilets and sinks. Local SMEs stated that, if necessary, the facility can utilize the three interview rooms adjacent the processing area as hold rooms. There is also (b) (7)(E) family hold room that is utilized strictly for families and UC. There are no shower facilities within the Gateway Bridge POE. Local SMEs further noted, that if needed, persons may be transported to the Ursula Central Processing Center for showering. The on-site inspection found that while some hold rooms (b) (7)(E) to increase detainee safety, (b) (7)(E) The toilet area also has a non-movable half-wall constructed adjacent the toilet to provide persons with privacy from other detainees and staff while in use.

(b)(c): The facility meets the standard provisions. The standard requires Gateway Bridge POE to develop and document comprehensive detainee supervision guidelines and review the supervision guidelines at least annually. CBP Directive 2130-030, and a memorandum dated August 12, 2014, from the Acting Assistant Commissioner, was sent out to all Directors, Office of Field Operations supplementing the agency's Standard to Prevent, Detect, and Respond to Sexual Assault in CBP holding facilities. The supplement includes management requirements of developing and documenting comprehensive detainee supervision guidelines, which has been accomplished through TEDS. If there is an influx of detainees, the local SMEs indicated the facility would continue to hold the detainees for which it had the capacity to hold. The remaining detainees would be sent to the neighboring Central Processing Centers (CPC) or other facilities as coordinated through the CPCs. The Directive also requires Gateway Bridge POE to review the detainee supervision guidelines at least annually and consider its applicability based on the physical layout, the composition of the detainee population, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, the findings and recommendations of sexual abuse incident review reports, and any other relevant factors, including but not limited to the length of time detainees spend in agency custody. Gateway Bridge POE conducted its last review of the detainee supervision guidelines on November 28, 2023. The Auditor reviewed the assessment conducted by management at the facility. The report was comprehensive and provided detailed information. At that time, a determination was made by Gateway Bridge POE that the facility maintains sufficient supervision of detainees. The report was submitted to the PSA Coordinator for final review.

§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. The standard requires Gateway Bridge POE to ensure juveniles are detained in the least restrictive setting appropriate to the juvenile's age and special needs, while still maintaining the welfare of the juvenile and the overall detainee population. CBP TEDS and a memorandum from the Acting Assistant Commissioner of Field Operations issued on August 12, 2014, to the Directors of Field Operations, Director of Preclearance Operations, and the Office of Field Operations referencing the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP/OFO Hold Room Facilities stating that juveniles are to be held in the least restrictive setting appropriate to the juveniles age and special needs, provided that the setting is consistent with the need to protect the juvenile's well-being and that of others as well as with any other laws, regulations, or legal requirements. Interviewed officers stated that the facility does contain a hold room specifically for families and UC. Local SMEs stated that this family hold room contains a television for juveniles to use. At the time of the on-site inspection, this television was playing a cartoon, which was age-appropriate for the UC being held in said room. Juveniles also had access to coloring books, games, and stuffed animals designed for children of differing ages. Juveniles are provided unlimited access to drinks and snacks. Local SMEs and officers state juveniles are also given frequent access to toilet facilities, which do require juveniles to be escorted to bathroom facilities. They further stated there are additional single person hold rooms where UC can be placed as needed. It should be noted that both officer and UC interviews confirm that UC are held separately, in accordance with their gender, and escorts to bathroom facilities are done by persons of the same gender as the UC being escorted. The hold rooms that contained juveniles are in the direct line of sight of an officer workstation and located immediately outside of the juvenile hold rooms for the purpose of closer supervision. Per a local SME, officers are also required to conduct welfare checks of juvenile hold rooms (b) (7)(E). The current monitoring log in use was inspected on-site to determine that welfare checks were being done and documented in accordance with policy.

(b): The facility meets the standard provision. As required by CBP TEDS and noted by a local SME, UC were held separately from adults. During a local SME interview, it was explained that when present, unaccompanied juveniles can remain with a non-parental adult family member if their relationship has been vetted to the extent feasible and remaining with the non-parental adult family member is appropriate given the totality of the circumstances. The agents stated that all persons are interviewed and the appropriate government agencies within countries of origin are contacted to ensure the documents being presented are legitimately authorized by the persons possessing them. However, when interviewed, all three UC being detained during the on-site portion of the audit were traveling alone.

§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 restricts the use of cross-gender strip (partial body) searches or cross-gender visual body cavity searches except in exigent circumstances, including consideration of officer safety or when performed by medical practitioners. Local SMEs and officers stated that if an opposite gender staff member must perform a strip (partial body) search or be present at a medical examination, it is mandatory that two staff are present. They were knowledgeable of policy and documentation requirements should an exigent circumstance result in a cross-gender search. Local SMEs and staff articulated the need to conduct all searches in a professional manner appropriate to the gender of the person being searched. During the audit time frame, Gateway Bridge POE has not conducted any strip (partial body) searches or body cavity searches. As such, there wasn't any documentation to review. Interviews with local SMEs confirm that all pat-down searches are conducted by officers of the same gender as the detainee. When asked, the local SMEs stated that there was always sufficient staff available of the same gender to conduct a pat-down search if needed.

(d): The facility meets the standard provision. CBP TEDS has outlined requirements to allow detainees to shower, perform bodily functions, and change clothing without being viewed by staff of the opposite gender, except in exigent circumstances or when such viewing is incidental to routine hold room checks. When received at the Gateway Bridge POE, if detainees are placed in hold rooms, it is with other detainees of the same gender. If staff of the opposite gender enter those hold rooms, policy requires said staff to knock and announce their presence before entering. During employee/contractor interviews, it was further noted that staff of the opposite gender do not enter hold rooms. Interviewed staff stated they stand at the door to call for a detainee, who then approaches the officer at the doorway. This effort is made to provide detainees with as much privacy as possible while still ensuring an overall safe environment. Given the short processing time, which officers state to be generally no more than four to six hours, Gateway Bridge POE does not have shower facilities. (b) (7)(E)

(b) (7)(E)

To allow for additional privacy, a modesty barrier prevents viewing of the toilet area both from those persons outside of the hold room, as well as from other detainees within it. It should be noted that all UC interviewed stated that they were given sufficient privacy when using the toilet. They further stated that staff call for the detainees to approach the door instead of entering the hold room.

(e)(f): The facility meets the standard provisions. CBP TEDS clearly outlines the requirements of all pat-down searches. As noted during SME and officer interviews, all officers stated that they have been trained on proper search procedures and stated that whenever operationally feasible, the search would be conducted by the same gender, gender identity, or declared gender as the detainee being searched. CBP Directive 2130-030 prohibits staff from searching or examining detainees for the sole purpose of determining the person's gender. During local SME and officer interviews, all staff were aware that searching detainees to determine their gender was not within policy guidelines. They further asserted that if the gender of an individual was unknown, they would ask the individual how that person identified and would address them accordingly. If a pat-down search of a transgender person was necessary, officers stated that the search would be performed in a manner appropriate for the declared gender of the detainee being searched. When interviewed, the UC stated they had not been subject to a pat-down search. However, as noted by the officers, any personal searches, as well as the articulated facts leading up to any search, would be documented in the search log.

§115.116(a) through (c) – Accommodating detainees with disabilities and detainees who are limited English proficient.

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

Notes:

(a)(b): The facility exceeds the standard provisions. CBP Directive 2130-033, Nondiscrimination for Individuals with Disabilities in CBP-Conducted Services, Programs, and Activities (Non-Employment), dated July 8, 2021, clearly states it is CBP's policy not to discriminate against members of the public because of disability (hearing impaired, blind or low vision, or those who have intellectual, psychiatric, speech disabilities or Limited English Proficient (LEP) and for all persons to have access to CBP's efforts to prevent, detect, and respond to sexual abuse and/or sexual assault. All persons are afforded an equal opportunity to participate in, or benefit from, CBP-conducted services, programs, and activities. CBP Directive 2130-031, Roles and Responsibilities of CBP and Personnel Regarding Provision of Language Access, provides additional instruction on the agency's accommodation effects. As well, CBP Directive 2130-030 further directs staff to provide reasonable modifications to detainees who have disabilities (hearing impaired, blind, or low vision, or those who have intellectual, psychiatric, or speech disabilities) to have access to CBP's efforts to prevent, detect, and respond to sexual abuse and/or sexual assault. During the on-site inspection, phone numbers and web addresses for providers of accommodation services were readily accessible and observed. Additionally, agency policy requires that any written materials related to sexual abuse should be provided in formats that ensure effective communication with detainees with disabilities. During the on-site portion of the audit, all sexual abuse awareness posters were provided in five different languages: English, Spanish, Creole, Farsi, and Russian. As stated by the local SME, posters in Creole, Farsi, and Russian were produced after the facility recognized a significant number of persons entering the Gateway Bridge POE spoke said dialects. There was also an *I Speak* poster at the Intake Station desk to assist staff in determining what language is spoken by detainees. During interviews, officers stated they were aware of different resources, such as language assistance lines for detainees who were LEP, to assist in relaying Gateway Bridge POE's zero-tolerance policies. They further stated that with the use of video communications, they also have to ability to provide sign languages services for those in need of such. Additionally, officers consistently confirmed that a reasonable effort would be made to communicate with detainees in a manner so that all detainees could receive and comprehend the information provided. Specifically, local SMEs and officers noted that they can make accommodations by providing relevant information in braille, using translator services, using hand signals, or by downloading sign language applications on their phones to provide for sign language services. At the time of the on-site audit, there were no disabled detainees at the facility to interview. However, all LEP UC interviewed stated that staff were able to accommodate for their language and subsequently provided them zero tolerance information in a language that they understood.

(c): The facility meets the standard provision. CBP TEDS requires that when investigating allegations of sexual abuse, interpretation services may not be provided by another detainee, unless the reporting detainee expresses a preference for another detainee to provide interpretation services, and the supervisor determines that such services are appropriate and consistent with the operational office's policies and procedures. The local SMEs and officers expressed caution against ever using another detainee to interpret allegations of sexual abuse.

§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 directs the Office of Human Resources to develop policy and procedures to ensure that CBP does not hire or promote individuals who have had previous substantiated cases of sexual abuse and/or sexual assault. A memorandum by the Executive Director, with an issue date of February 29, 2016, issued Standard Operating Procedures (SOP) to ensure the agency offers protection to all detainees of sexual abuse and/or sexual assault when hiring or promoting individuals within the agency. While interviewing the HQ Human Resource Management (HRM)/Hiring Center SME, the importance of staff suitability for employment was clearly expressed. The SME also stated that applicants are required to answer suitability questions during the application process. Based on their responses, applicants may be screened out for employment and deemed ineligible for further consideration. In speaking with Office of Professional Responsibility (OPR) Personnel Security Division (PSD) SME, it was noted that the agency conducts suitability determinations to screen out job

applicants, as well as screen out contractors and volunteers, prior to hiring or enlisting their services. This is a two-step process. First, the agency engages its internal vetting process, checking at both the state and federal level for any law enforcement contact. Secondly, the agency conducts an intense background investigation on all candidates. During the on-site inspections, the Auditor reviewed background investigation information for twenty-four (24) staff members and six (6) contractors to verify suitability measures were used during the hiring and promotion process of staff. The review indicated Gateway Bridge POE has followed agency requirements.

(b): The facility meets the standard provision. CBP has developed operational guidance through the issuance of the HRM Standard Operating Procedures to provide direction in the hiring and promotion of employees who have direct contact with detainees. CBP HRM developed Mission Specific Questions and a DHS PREA Questionnaire that includes asking applicants, who may have direct contact with detainees, about any previous misconduct as identified in provision (a) of this standard. The HQ HRM/Hiring Center SME reported that all staff must complete a PREA Questionnaire Form, whether the individual is a new hire or applying for promotions, which subsequently determines their suitability. Additionally, the HQ HRM/Labor Employee Relations (LER), stated that as a function of employment, staff must also acknowledge a continuing affirmative duty to disclose any such misconduct. This information is initially relayed to prospective candidates during their on-boarding process, and continuously advised on a yearly basis via virtual training completed by way of Acadis.

(c)(d): The facility meets the standard provisions. CBP Directive 2130-030 requires that background investigations are conducted for all applicants for employment, along with contractor applicants who may have contact with detainees. Additionally, policy requires that subsequent background investigations are conducted every five years for all CBP personnel who may have contact with detainees. The Auditor reviewed a document summarizing the results of a background investigation, which was useful in addressing whether the employee is asked questions as described in standard provision (a). In speaking with the HQ OPR PSD SME, the requirements surrounding continuing background investigations was explained. The SME stated that employees are enrolled in continuous evaluation which provides updated information on employees, therefore, are always under review, thereby, eliminating the need for five-year reinvestigations. The Auditor selected twenty-four (24) staff members and six (6) contractors for continuing background verifications. Their names were submitted to HQ OPR through the DPSA Coordinator. A review of the background checks revealed the agency is following pre-hire background checks, as well as subsequent criminal records checks, as required on employees and contractors.

(e): The facility meets the standard provision. The HQ HRM/LER SME stated CBP mandates that all persons have a continuing affirmative duty to report any acts of sexual abuse as required under the PREA standards. Likewise, the HQ HRM/LER SME explained that material omission or the provision of materially false information regarding such misconduct is grounds for termination or withdrawal for an offer of employment. The HQ HRM/LER SME also reported all employees are made aware of this requirement through the issuance of Directive 51735-013B, Standards of Conduct, with an effective date of December 20, 2020, and the Table of Offenses and Penalties, as well as provided to them via continuing education throughout the year. When interviewed, employees stated that they were aware of their responsibility.

(f): The facility meets the standard provision. CBP Directive 2130-030 stipulates that unless prohibited by law, the agency will provide information on substantiated allegations of sexual abuse involving former employees upon receiving a request from an institutional employer for whom such employee has applied to work. Specifically, in speaking with the HQ HRM/LER SME, it was noted that if a former employee has applied for employment at another agency, and that person has signed a release of records, then the agency will provide the requesting agency with this information.

§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. The SMEs stated that all modifications to the facility, when made, are done with consideration toward the prevention, detection, and response to sexual abuse and/or sexual assault. Also, it should be noted that while the PAQ indicates that no modifications to the facility have been made since the last PREA

audit, it does appear that a large, outdoor SSF has been erected to the side of the facility since the last PREA audit as a review of said audit report does not reflect the presence of that additional processing area. In addition to the SSF, approximately one dozen portal toilets have been set up outside of it. Seating in the SSF has been arranged so that all the male, female, family, and UC seating sections are separate, with UCs and families sitting closest to the toilets.

(b): The facility meets the provision. During the on-site inspection, the SMEs stated that all upgrades to technologies within the audit time frame were made, (b) (7)(E), with consideration toward the prevention, detection, and response to sexual abuse and/or sexual assault. (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)(d): The facility meets the standard provisions. CBP Directive 2130-030 and CBP TEDS require timely, unimpeded medical treatment and crisis intervention, including emergency contraception and sexually transmitted infections prophylaxis be provided to a victim of sexual assault without financial cost to the detainee. Interviews with the local SMEs confirm both forensic medical services, as well as victim advocacy services, would be provided to the alleged victim at no cost. The local SMEs further stated Gateway Bridge POE would transport any person in need of a forensic medical examination to the Valley Baptist Hospital. The Auditor spoke with the Valley Baptist Hospital Lead SANE Nurse who confirmed the SAFE/SANE staff follow a uniform evidence protocol. The local hospital offers a comprehensive medical forensic program available for detainee use as needed. The facility has Sexual Assault Forensic Examiner/Sexual Assault Nurse Examiner (SAFE/SANE) staff continuously available. The Lead Nurse further stated that Valley Baptist Hospital offers rape crisis victim advocates to all persons who undergo a forensic exam. All advocates have received qualified training to assure their effectiveness as a victim advocate. The local SMEs stated that if operationally feasible, these services would be made available for any detainee victim with a continuing need to receive victim advocacy services while held at the Gateway Bridge POE.

(e): The facility meets the standard provision. Gateway Bridge POE has requested through memorandums dated December 3, 2021, that the Brownsville Police Department, which is the local police department that has jurisdiction to conduct investigations of allegations of sexual abuse made by individuals in custody at Gateway Bridge POE, does so in accordance with Section 115.121(a) through (d) of 6 C.F.R., Part 115. Local SMEs noted that the facility could coordinate investigations with the Brownsville Police Department as needed.

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

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

Notes:

(c): The facility meets the standard provision. CBP Directive 2130-030 requires all allegations of sexual abuse and/or assault to be documented on a Significant Incident Report and promptly reported to the Commissioner's Situation Room and the Joint Intake Center (JIC). CBP Directive 3340-025F, Reporting Significant Incident to the U.S. Customs and Border Protection WATCH, dated November 2, 2021, directs staff to report sexual abuse and/or sexual assault through a united hub, which operates 24 hours a day and seven days a week to ensure significant incidents are immediately reported to agency leadership. The HQ OPR/Sexual Assault and Abuse Investigative (SAAI) SME and the HQ HRM/LER SME, reported that there are multiple layers of agency oversight, as well as policies in place to ensure incidents are immediately reported. The local SMEs stated if allegations involve potentially criminal behavior, they are immediately reported to a series of persons: facility supervisors, sector supervisors, HQ OPR, DHS OIG, JIC, and the HQ PDO/PSA, for reporting coordination and investigative purposes. Additionally, reports would be made to the Brownsville Police Department.

(d): The facility meets the standard provision. CBP Directive 2130-030 requires all allegations of sexual abuse and/or assault be promptly reported to the HQ PDO/PSA Coordinator, the Commissioner's Situation Room (CBP WATCH), and

the JIC. If necessary, local SMEs noted that a supervisor on duty would be responsible for notifying the Joint Intake Center and local law enforcement of any sexual abuse allegations, as well as making the appropriate referrals to the PSA Coordinator. The HQ PDO/DPSA Coordinator stated that all allegations of detainee sexual abuse are immediately reported. The DPSA Coordinator also stated that the Gateway Bridge POE has not received any allegations of sexual abuse and/or assault within the 12-month audit period.

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

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 requires that all uniformed officers, special officers, fact finders, contractors, and volunteers who may have contact with detainees in CBP Holding Facilities receive the training in Subpart B of the DHS Standards. The Auditor reviewed the training slides of CBP's mandatory training requirements. The training material specifically covers: (1) the agency's zero-tolerance policies for all forms of sexual abuse; (2) the right of detainees and employees to be free from sexual abuse, and from retaliation for reporting sexual abuse; (3) definitions and examples of prohibited and illegal sexual behavior; (4) recognition of situations where sexual abuse may occur; (5) recognition of physical, behavioral, and emotional signs of sexual abuse, and methods of preventing such occurrences; (6) procedures for reporting knowledge or suspicion of sexual abuse; (7) how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming detainees; and (8) the requirement to limit reporting of sexual abuse to personnel with a need-to-know in order to make decision concerning the victim's welfare and for law enforcement or investigative purposes. The training for employees is through Acadis. During the on-site portion of the audit, twenty-four (24) employee training records and six (6) contractor training records were reviewed to ensure the annual completion of the PREA training requirements and found to be in compliance with the Directive and the Standards. Interviewed staff stated training is required at least on a biannual basis. Additional information is published through Privacy and Diversity Office Payroll Messages, April Sexual Awareness Prevention Month Communication Package, dated April 19, 2022, and the CBP Central CBPnet messaging for employees, memorandums, and email reminders of the mandatory training that continually reminds individuals of CBP's zero tolerance of sexual abuse and/or sexual assault. Additionally, training for volunteers has been developed through FEMA Emergency Management Institute IS0-990, Preventing Sexual Abuse and Assault in CBP Holding Facilities. A review of three training records reflects that have received required PREA training via the FEMA website. The agency has developed a PREA Resource Center to provide information to all CBP employees who have contact with the detainee population. CBP communicates with agency contractors requiring and reminding them of the mandatory training. CBP has also developed two training aids to assist staff in their communications with detainees who have disabilities and how to identify with LGBTQI+ detainees. PDF versions of the Office of the Commissioner - Guide to Facilitating Effective Communication with Individuals who Identify as LGBTQI+ can also be accessed by staff through their internal website. Throughout interviews, it was noted that the local SMEs, officers, and contractors, are aware of the agency's zero-tolerance polices consistent with their required measures of educational training.

(b)(c): The facility meets the standard provisions. CBP Directive 2130-030 requires all current officers, contractors, and volunteers who may have contact with detainees are trained on the DHS PREA Standards and receive subsequent refresher training as appropriate, dependent upon their roles within the agency. During interviews, staff confirmed their initial and subsequent refresher training on the DHS PREA Standards. This training is provided, and records maintained, via Acadis. All training documentation is maintained by the Contracting Officer's Representative for at least five years after course completion for all contractors. Current training records are maintained by FEMA. In speaking with contracted employees, receipt of required training was verified. It was noted that interviewed contractors were consciously aware of the agency's zero-tolerance policy regarding sexual abuse. Contractors are continually trained on the supervision and monitoring of detainees. At the time of the on-site audit, there weren't any volunteers present for interview.

§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 exceeds the standard. CBP has established a significant number of informative methods to notify detainees of the agency’s zero-tolerance policy. During the onsite inspection, the Auditor noted large zero-tolerance policy posters displayed on the walls throughout the holding area. The posters, in Creole, English, Farsi, Russian, and Spanish, provide information on how to report sexual abuse and/or sexual assault. Additionally, CBP addresses the zero-tolerance policy on its public website, <https://www.cbp.gov/about/care-in-custody>. The Auditor observed a substantial number of age appropriate Zero Tolerance Awareness Posters displayed on the walls throughout the facility. While it was noted that these posters were available in the five most prominently spoken languages at Gateway Bridge: Creole, English, Farsi, Russian, and Spanish, interviews with Gateway Bridge POE SMEs and staff further reflect that if detainees spoke a different language, awareness notices could be printed in any of the seventeen languages noted below, and if necessary, could be translated by way of the language line to any language needed. CBP designed age-appropriate posters that provide information and depict cartoon pictures to make juveniles aware of the agency’s zero tolerance of sexual abuse. The posters were colorfully designed for detainees of tender age (13 and below), juveniles (14 and above), and adults. CBP has also developed educational videos depicting a boy and a girl to encourage juveniles to report violations of CBP’s zero tolerance of sexual abuse and sexual assault. Additionally, at the Intake Desk, there was a language identity poster. This poster contained identifying statements for approximately twenty-six different languages, to include distinct dialects of specific languages: namely, Arabic, Farsi, French, Gujarati, Haitian, Hindi, Japanese, Pashto, Portuguese, Punjabi, Romanian, Simplified Chinese, Tagalog, Urdu, and Vietnamese. UC detainees confirmed that the facility did provide information on the agency’s zero-tolerance policy in a language that they could understand.

§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 has developed policies to ensure all detainees taken into custody are provided an assessment for risk of victimization and abusiveness before being placed in any hold room. These policies and procedures include Memorandum for CBP Policy on Zero Tolerance of Sexual Abuse and Assault, dated March 11, 2015; CBP Directive 2130-030; and CBP TEDS. The DHS Standard 115.141 requires that before placing detainees in hold rooms, the facility will consider any known risk factors and take appropriate action to mitigate any known risks to detainee safety. During the on-site portion of the audit, the Auditor observed an intake officer conducting risk assessments. The officer explained to the Auditor that the detainee’s physical state and demeanor are observed during the screening process. If any notable considerations are observed during the risk assessment, they would be recorded in the Unified Secondary System (USEC). Using the detainee’s native language, the detainee was asked three risk assessment questions: (a) if the detainee concerns for their physical safety; (b) if the detainee felt they were at a risk of sexual victimization; and (c) if the detainee had any concerns for being sexually abused. During the observation process, the officer also stated that detainees would be asked the gender by which they identified if there was any doubt as to what they might be. In speaking with the officer performing the risk assessment, the officer explained that these three questions, combined with the officer’s observations and the detainee’s self-determined gender identification, provide the facility sufficient information to make a qualified PREA risk and health assessment. It was also noted that if detainees volunteer to the officer performing the screening that they are a member of a vulnerable population, such as being gay or transgender, then heightened security precautions would be used to

ensure the detainee's safety. During local SME and officer interviews, it was reported that that officers assess detainees to determine if they are at a higher risk of sexual victimization or abusiveness by utilizing the agency's PREA Risk Assessment Instrument, March 15, 2022, which requires officers to consider, to the extent that the information is available, (1) any mental, physical, or developmental disabilities; (2) whether the detainee has an observed or reported serious physical/mental injury or illness, (3) the age of the detainee; (4) the physical build and appearance of the detainee; (4) whether the detainee has indicated that she is pregnant or nursing; (5) detainee's own stated concerns about history his or her physical safety; (6) whether the detainee has self-identified as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (7) whether the detainee has self-identified as having previously experienced sexual victimization; (8) whether the detainee has previously been incarcerated or detained (this should include the nature of the detainee's criminal or violent history, and/or gang affiliation, and whether the detainee has any convictions for sex offenses against an adult or child). It was noted that if they did become aware that a detainee was at risk, that individual would be placed in a hold room by him/herself or with others of similar vulnerabilities to mitigate any identified danger to the detainee or to other detainees. An on-site inspection of the facility, as well as the local SME's willingness to utilize adjacent facilities via coordination with the CPCs, if necessary, indicates that the Gateway Bridge POE has sufficient available space to accommodate such housing needs. All UC interviewed stated that they felt safe at the facility. The UC stated they had been asked questions about their safety and notified that if they felt uncomfortable in any way, they could speak with any staff member to resolve their concerns. All UC interviewed stated they did not have any concerns for their safety, and they felt comfortable speaking with staff if a concern arose.

(e): The facility meets the standard provision. Local SMEs and officers understand and assure the confidentiality during the risk assessment process, or subsequent sexual abuse allegations, and only discuss this on a need-to-know basis. They further stated that written records related to risk assessments are restricted to only unauthorized access.

§115.151(a) through (c) – Detainee reporting.

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

Notes:

(a)(b)(c): The facility meets the standard provisions. CBP has developed policies to ensure all detainees taken into custody are provided an opportunity to report any allegations of sexual abuse. These policies and directives include: CBP Directive 2130-030; Commissioner's Memorandum with attached CBP Policy on Zero Tolerance of Sexual Abuse and Assault, dated March 11, 2015; the Memorandum for Privacy and Diversity Office Prevention, Detection, and Response to Sexual Abuse and Assault in CBP Holding Facilities, dated February 2, 2018; and CBP TEDS. CBP has established a public website that includes the agency's policy regarding Zero Tolerance of Sexual Abuse and Assault. The website provides instructions on how to report sexual abuse and/or sexual assault. The agency policy also requires that key information regarding CBP's Zero-Tolerance Policy is visible or continuously and readily available to detainees. During the on-site portion of the audit, informational posters providing a reporting phone number were observed throughout the facility in Creole, English, Farsi, Russian, and Spanish. The reporting phone number was a direct line to the DHS OIG. The local SMEs and officers reported that if a detainee wished to utilize the reporting hotline, that person would be escorted to a phone room. This room contained a phone, in a private setting, that could be used to contact the DHS OIG directly. Local SMEs and officers stated that detainees wishing to contact the DHS OIG would be directed to use such a phone for privacy to make reports of sexual abuse for themselves or on behalf of another person. The Auditor made a test call to the reporting hotline using the dedicated phone to confirm that the phone was both operational and that the number provided was valid. During employee and contractor interviews, all staff acknowledged their responsibility to accept any verbal or written report of sexual abuse made to them by a detainee, or by another person on behalf of a detainee. They also acknowledged their willingness to allow a detainee alleging sexual abuse to remain anonymous upon request. Upon receipt of an allegation of sexual abuse, staff confirmed that they would immediately notify their supervisor of the complaint and subsequently document the incident as required by policy. All UC interviewed were aware that they could report to staff any problems they were experiencing as a condition of their confinement. They further noted their awareness by way of the PREA posters located throughout the facility.

§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 directs staff that third parties can report sexual abuse and/or sexual assault on behalf of the detainee. Reports can also be made on behalf of the abused detainee by another detainee. During officer interviews, it was noted that all allegations of sexual abuse, including allegations made via third party, would be taken seriously, and investigated regardless of how the agency became aware of said allegations. Additionally, the agency has established a website (<https://www.cbp.gov/about/care-in-custody>) to allow for third parties to report sexual assault and/or sexual assault directly to the DHS OIG. During the on-site portion of the audit, informational posters, in Creole, English, Farsi, Russian, and Spanish, which contained the reporting phone number to DHS OIG, were observed throughout the facility. The Auditor tested the functionality of the reporting phone number and received immediate verification of its use. During interviews with local SMEs and officers, they all stated that they would investigate/address any allegations of sexual abuse to the greatest extent possible, regardless of how they became aware of them.

§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 and CBP Policy on Zero Tolerance of Sexual Abuse and Assault mandates all staff to immediately report any knowledge, suspicion, or information of sexual abuse that occurred within the facility. Additionally, staff have an affirmative duty to report all knowledge, suspicion, or information regarding retaliation against detainees or staff for having reported an incident of sexual abuse. Staff also have an affirmative duty to report any negligence or violation of responsibilities that may have contributed to an incident of sexual abuse or retaliation. CBP Directive 3340-025F further directs staff to report significant incidents to CBP WATCH, a unified hub that operates 24 hours a day and seven days a week to assure all significant incidents are reported immediately to all required leadership. CBP Directive 51735-013B mandates staff that they have a duty to report any sexual assault and/or sexual abuse, or any form of retaliation against another staff member or detainee. CBP has provided training in Preventing and Addressing Sexual Abuse in CBP Holding Facilities, which addresses the responsibility of reporting sexual abuse and/or sexual assault, to include retaliation. A review of employee and contractor training records, as well as training curriculum records, reflect that staff have received initial PREA training, as well as subsequent training where appropriate, which includes acknowledgment of their affirmative duty responsibilities. When interviewed, all officers and contractors confirmed their obligation to immediately report any information they might have regarding allegations of sexual abuse. The officers and contractors all knew of at least one way in which to make a formal report, with most knowing other ways to make formal reports, to include reporting mechanisms outside their chain of command. They further stated that reports could be made by informing their direct supervisor, any supervisor, informing the facility's sexual abuse compliance manager, or by reporting it directly to HQ OPR or the Joint Intake Center (JIC).

(c): The facility meets the standard provision. CBP Directive 2130-030 requires that except as necessary to report the incident, staff shall not reveal any information related to an incident of sexual abuse except as necessary to aid the detainee, to protect other detainees or staff, or to make security and management decisions as required under Subpart B of the DHS Standards. In speaking with the HQ OPR/SAAI SME, it was noted that the Gateway Bridge POE has not received any allegations of sexual abuse within the 12-month audit period. During SME, officer, and contractor interviews, staff stated that information related to allegations of sexual abuse would only be shared as a function of their official capacities on a need-to-know basis. The Auditor also observed that risk screening areas provide detainees some measure of privacy while talking to facility staff.

(d): The facility meets the standard provision. CBP Directive 2130-030 requires that staff report sexual abuse and/or assault allegations involving alleged victims under the age of 18, or those considered as vulnerable adults under State and local vulnerable persons statutes, to the designated State or local agency services under applicable mandatory reporting laws. The local SMEs stated that the local authority to whom CBP staff would report alleged victimization of

persons under the age of 18 or of vulnerable adults, is the local Police Department. The Gateway Bridge POE has a Memorandum of Understanding (MOU) with the Brownsville Police Department. Per SME interviews, the supervisor on duty would be responsible for making this report, along with notifying the JIC and the HQ PDO/PSA Coordinator.

§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 instructs officers if they have a reasonable belief that a detainee is at a substantial risk of imminent sexual abuse, immediate action must be taken to protect the detainee. In speaking with Gateway Bridge POE SMEs and officers, they all stated that if a detainee was at substantial risk of imminent sexual abuse, that detainee would be held separately from others to ensure the safety of the individual. As noted by a SME, during the audit time frame, the Gateway Bridge POE did not find any evidence that any detainees assigned to the facility were at substantial risk of sexual abuse. As such, the Gateway Bridge POE did not have any documentation for review. Likewise, no protective actions were required. During the audit time frame, the Gateway Bridge POE did not receive any allegations of sexual abuse. As such, the facility did not have documentation regarding such for review.

§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)(b)(c)(d): The facility meets the standard provisions. CBP Directive 2130-030 requires that upon receipt of an allegation that a detainee was sexually abused while confined at another facility, the Supervisor on duty is required to notify the appropriate office of the agency or the administrator of the facility where the alleged sexual assault occurred within 72 hours of receipt of the information. Interviews with local SMEs confirmed this notification would be made, and subsequently documented, as soon as possible, and prior to 72 hours. Additionally, these SMEs also stated that notifications to JIC, HQ OPR, and local agencies (if not already notified) would also be made. It was also indicated that if the Gateway Bridge POE was notified by another agency that a sexual abuse and/or assault had occurred while the detainee was held at the Gateway Bridge POE, then staff must begin the investigation and notification process, to include local police departments as appropriate, along with JIC, DHS OIG, and HQ OPR. During the 12-month audit period, the facility did not receive any allegations from another facility that detainees previously assigned to the Gateway Bridge POE had been sexually abused while confined at Gateway Bridge POE.

§115.164(a) and (b) – Responder duties.

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

Notes:

(a)(b): The facility meets the standard provisions. CBP Directive 2130-030 provides detailed and concise information on the actions that Gateway Bridge POE first responders should take upon learning of an allegation of sexual abuse and/or assault. Additionally, CBP provides a training course through Acadis (online training portal) that is required annually of all Gateway Bridge POE staff. The course provides detailed information on the responsibilities of first responders regarding all actions to be taken by first responders upon learning of a sexual assault. The Directive and the training course educate Gateway Bridge POE first responders to immediately separate the victim and abuser, preserve and protect the crime scene until evidence collection is possible, request the victim not take any actions that could destroy physical evidence, and direct the abuser does not take any actions to destroy evidence. First responders who are not law enforcement are instructed to request the victim, and direct the alleged abuser, not take actions that could destroy evidence and then immediately notify officers of the allegations. During interviews with local SMEs and officers, it was noted that after the victim was isolated, they would preserve evidence by asking the victim not to do anything that would destroy the evidence. They further stated that they would request alleged victims and direct alleged abusers not perform actions such as using the restroom, brushing their teeth, washing their bodies, changing clothes, eating, and drinking anything. Interviews with contracted staff who routinely have contact with detainees, confirm that notifications of any allegations received would be made immediately to officers. They further noted that

the detainee victim would be isolated for protection and all efforts would be made to ensure the crime scene is preserved. During the audit time frame, the Gateway Bridge POE did not receive any allegations from detainees who alleged to have been sexually abused or sexually assaulted while at the facility. As such, there was no documentation to review.

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

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

Notes:

(a): The facility meets the standard provision. CBP Directive 2130-030 constitutes CBP's written coordinated institutional plan and explains the utilization of a multidisciplinary team approach to respond to sexual abuse and/or sexual assault. The Directive coordinates actions amongst first responders, medical and mental health practitioners, investigators, and facility leadership in response to incidents of sexual abuse. This Directive, along with CBP TEDS, works to coordinate the agency, agency components, and facility efforts, so that victims of sexual abuse receive adequate support services to protect the health, welfare, security, and safety of any individual in CBP custody. On August 15, 2022, CBP developed a job aid which detailed first responder duties, notifications for investigations, forensic medical examinations, and how to report any allegations of sexual abuse; namely, to the Office of the Commissioner - Reporting and Responding to Potential PREA Allegations. This job aid defines sexual assault of a detainee by another detainee, as well as sexual assault of a detainee by an employee, contractor, or volunteer. The job aid can also be accessed by staff through their internal CBP website.

(b)(c): The facility meets the standard provisions. Directive 2130-030 instructs staff that when sexual abuse victims are transferred either between DHS holding facilities, or from a DHS facility to a non-DHS facility, the sending facility should, as permitted by law, inform the receiving facility of the incident and the victim's potential need for medical or social services, unless the victim declines services. Interviews with the local SMEs confirmed both verbal and written notifications would be made by the supervisor on duty in accordance with this Directive.

§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 instructs CBP management of their requirement to consider whether any CBP employee alleged to have perpetrated sexual abuse should be removed from duties requiring detainee contact pending the outcome of an investigation and shall do so if the seriousness and plausibility of the allegation make removal appropriate. Per policy, contractors and volunteers suspected of perpetrating sexual abuse shall be prohibited from contact with detainees pending investigation. In speaking with Gateway Bridge POE SMEs, it was noted that, should an employee be accused of a sexual misconduct with a detainee, supervisors must initiate a formal investigation, remove the employee from contact with all detainees, and place this employee on administrative duties. Disciplinary action, if any, would be based on the outcome of the investigation. During the audit time frame, the Gateway Bridge POE has not received any allegations of sexual abuse. As such, there wasn't any documentation to review.

§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 Directive 2130-030; CBP TEDS; Memorandum for All CBP Employees CBP Policy on Zero Tolerance of Sexual Abuse and Assault, dated March 11, 2015; and CBP Directive 51735-013B prohibits retaliation against any person, to include detainees, for having claimed or participated in an investigation regarding sexual abuse. During interviews with local SMEs, officers, and contractors, all reported that retaliation against a detainee or staff member for reporting, complaining about, or for participating in an investigation about sexual abuse allegations is strictly forbidden.

§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)

Notes:

(a)(c)(d): The facility meets the standard provisions. CBP Directive 2130-030 and CBP Directive 51735-013B indicate that personnel may be subject to disciplinary or adverse action up to and including removal from their position, with the presumptive action being removal and prohibition from future Federal service for substantiated allegations of sexual abuse, sexual assault, and/or violating CBP's sexual abuse policies. The Standards of Conduct provide notice to the employees that disciplinary action will occur, including up to removal, for substantiated allegations of sexual abuse and/or assault. This standard works to ensure agency staff understand the gravity and the criminal nature of engaging in the sexual abuse of detainees. During an interview with the HQ HRM/LER SME, it was noted that CBP has made the consequences of engaging in such behavior exceptionally clear to all employees. The HQ HRM/LER further stated that during the onboarding process, new employees are given the Table of Offenses and Penalties to fully appreciate the consequences of violating agency policy. It was further noted that a formal investigation would be conducted on all staff alleged to have engaged, or attempted to engage, in sexual abuse of a detainee. If substantiated, the presumptive disciplinary sanction is removal from their position and prohibition from future Federal service. In speaking with the HQ LER and HQ HR SMEs, it was noted that any staff member suspected of violating the agency's zero-tolerance policy would be subject to disciplinary sanctions and referred to the HQ OPR, JIC, and DHS OIG for further action as deem appropriate. Pending disposition, however, the employee would be removed from further contact with detainees. The Office of Employee Relations and Disciplinary Review Board would hold a three-person panel to make the determination of staff misconduct. The Board can make a recommendation of disciplinary action, as appropriate. A letter would be sent to the employee, who can then provide a response to the deciding officials. Following that response, the board will determine if disciplinary action is imposed. If deemed appropriate, employees may be required to surrender their CBP issued Personal Identification Verification (PIV) cards, or those cards could be electronically disabled to prevent unauthorized access into the facility. The HQ HRM/LER would engage the removal/resignation process. Additionally, the HQ OPR/SAAI SME noted that the agency would report such disciplinary findings to any relevant licensing bodies and designated law enforcement officials.

§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 provisions. CBP Directive 2130-030 and CBP Policy on Zero Tolerance of Sexual Abuse and Assault states that CBP contractors and volunteers may be subject to disciplinary or adverse action up to and including removal from their position or volunteer capacity for substantiated allegations of sexual abuse, sexual assault, and/or violating CBP's sexual abuse policies. Interviews with the HQ OPR/SAAI SME, as well as the HQ SME,

indicate that pending an investigation of allegations related to sexual abuse of a detainee, all contractors, and volunteers, when applicable, will be removed from all duties requiring detainee contact. Following the conclusion of the investigation, reasonable efforts will be made to report any contractor or volunteer found guilty of sexually abusing detainees to relevant licensing bodies. As appropriate, the findings would be referred to a law enforcement agency. The Auditor also interviewed Gateway Bridge POE SMEs, who stated that the facility would enforce any direction provided to it by the HQ OPR, JIC, or DHS OIG regarding contractor and volunteer facility access. Pending that direction, however, contractors and volunteers would be immediately removed from contact with detainee. Contractor training files and training course content were reviewed and found to contain relevant information regarding consequential results of sexual abuse and/or sexual assault at Gateway Bridge POE.

§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. CBP Directive 2130-030 requires that when an alleged incident of sexual abuse occurs, detainees should be given timely, unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis. This Directive further states that emergency medical treatment services shall be provided to the victim without cost and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. The local SMEs reported that all victims would receive timely and unimpeded access to emergency medical treatment at no cost to the alleged victim. Per the Lead SANE Nurse at Valley Baptist Hospital, all victims receive, if medically necessary, emergency contraception and sexually transmitted infections prophylaxis. Prior to the start of the forensic collection process, victims are offered crisis intervention services.

§115.186(a) – Sexual abuse incident reviews.

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

Notes:

The facility meets the standard. CBP Directive 2130-030 requires that a sexual abuse incident review will be conducted by OFO or USBP within 30 days of the conclusion of every investigation of sexual abuse and/or assault. According to the HQ PDO/PSA Coordinator, the allegations are examined by the Incident Review Committee (IRC), which is comprised of three HQ Program Managers and the PREA Field Coordinator. It was further stated that the purpose of a sexual abuse incident review is to understand and address factors that may have contributed to the allegations. Any recommendations made by the IRC would be implemented by the Port Director or designee, such as the Watch Commander. In speaking with the local SMEs, it was noted that the Gateway Bridge POE has not been required to implement any recommendations by the IRC during the 12-month audit period.

§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

August 21, 2024
Date