

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



U.S. Customs and  
Border Protection

<b>AUDITOR</b>			
Name of Auditor:	(b)(6)(b)(7)(C)	Organization:	Creative Corrections, LLC
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<b>AGENCY</b>			
Name of Agency:	U.S. Customs and Border Protection		
<b>PROGRAM OFFICE</b>			
Name of Program Office:	Office of Field Operations		
<b>SECTOR OR FIELD OFFICE</b>			
Name of Sector or Field Office:	Chicago, Illinois		
Name of Chief or Director:	(b)(6)(b)(7)(C), Director		
PREA Field Coordinator:	(b)(6)(b)(7)(C)		
Sector or Field Office Physical Address:	610 South Canal Street, Room 300, Chicago, Illinois 60607		
Mailing Address: <i>(if different from above)</i>	610 South Canal Street, Chicago, Illinois 60607		
<b>SHORT-TERM HOLDING FACILITY BEING AUDITED</b>			
<b>Information About the Facility</b>			
Name of Facility:	O'Hare International Airport, Terminal 5		
Physical Address:	10000 West O'Hare Drive, Terminal 5, Lower Level, Chicago IL 60666		
Mailing Address: <i>(if different from above)</i>			
Telephone Number:	(b)(6)(b)(7)(C)		
<b>Facility Leadership</b>			
Name of Officer in Charge:	(b)(6)(b)(7)(C)	Title:	Area 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.

A Prison Rape Elimination Act (PREA) on-site audit of the Customs and Border Protection (CBP) Office Of Field Operations (OFO) O'Hare International Airport Terminal Five Port of Entry (O'Hare POE) Holding Facility was conducted on Tuesday, March 19, 2019, from 05:30 hours until 19:15 hours. The audit was conducted by (b)(6)(b)(7)(C), Certified PREA Auditor, contracted through Creative Corrections, LLC of Beaumont, Texas. This was the first PREA audit for the O'Hare International Airport POE Holding Area. The Holding Area is a short-term processing and holding area detaining male and female adults, Unaccompanied Alien Children (UAC) and family units for a time period specified to be under 24 hours in normal operations; and pending the inadmissible traveler's flight back to their point of origination or transfer for removal or detention. The goal of OFO staff at O'Hare POE is to determine the admissibility of all travelers as soon as possible and to return or transfer inadmissible travelers in the shortest and safest amount of time possible. The purpose of the audit was to determine compliance with 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 Point of Contact for O'Hare POE was Chief CBP Officer (CCBPO)/PREA Field Coordinator (PFC) (b)(6)(b)(7)(C).

An entry-briefing, led by CBP Prevention of Sexual Assault (PSA) Coordinator (b)(6), (b)(7)(C) and the Auditor was conducted at 08:00 on the day of the on-site review. Those in attendance at the entry-briefing were:

(b)(6)(b)(7)(C), PSA Coordinator, Privacy and Diversity Office (PDO), HQ  
(b)(6)(b)(7)(C), Acting Area Port Director (APD), O'Hare POE  
(b)(6)(b)(7)(C), Assistant Area Port Director (AAPD), O'Hare POE  
(b)(6)(b)(7)(C), National OFO PREA Coordinator, OFO, HQ  
(b)(6)(b)(7)(C), Senior Policy Advisor, Office of Civil Rights/Civil Liberties, DHS  
(b)(6)(b)(7)(C), Language Access Coordinator, Privacy and Diversity Office (PDO), HQ  
(b)(6)(b)(7)(C), Program Manager, Creative Corrections

Immediately following the entry-briefing, all parties were given a tour of the O'Hare POE operations by the APD, which followed the path a traveler would follow from their gate; through secured airport corridors monitored and controlled by airport security; to the OFO passenger reception area for primary screening, into secondary screening, and into processing and holding. The O'Hare POE contains both (b)(7)(E) area. (b)(7)(E) are separated by gender for single adults. There are also (b)(7)(E) (b)(7)(E). UAC's are not placed in holding rooms, unless they are being held overnight or are disruptive. They are then placed in a family unit room by themselves. Supervisors' report UACs are normally seated on a bench across from the Officer at the secondary screening counter.

O'Hare POE facility is comprised of two very large rectangular passenger processing areas on the ground level of Terminal 5; fitted with numerous Global Entry and OFO self-service kiosks leading to passenger lanes directing passengers to OFO screening booths or podiums. There is also a large adjacent luggage search/scan/claim area and an agriculture/food screening area. On the perimeter of this area is a kennel for search canines, several OFO office areas, a search room, a raised Supervisor's station with an (b)(7)(E), and a staff-secured corridor leading to the secondary screening area and small waiting/monitoring, processing and holding areas.

The holding area is to the rear of the secondary screening counter and processing rooms. All hold rooms have a (b)(7)(E). Fifteen minute visual checks are mandated by policy and were witnessed by the Auditor during the on-site visit. There are partitioned toilets in the (b)(7)(E) and UACs are escorted to a private bathroom where parents can assist their children.

All staff with direct contact to travelers/detainees are law enforcement Officers. Detainees are escorted in any area where janitorial or maintenance contractors' work and the workers are escorted in and out by law enforcement staff.

There is no CBP on-site medical staff. Medical emergencies are addressed by Chicago EMS personnel or traveler/detainees are taken to Presence Resurrection Hospital.

The number of Officers working in the processing/holding area remains fluid and varies in accordance with the flow of travelers/detainees. At the height of the afternoon arrivals, staffing levels were increased. Supervisors report due to an increased flow, primary screening Officers can assist with processing tasks, but not all primary screening Officers have been trained in the secondary processing tasks. Newer Officers are cross-trained in primary, secondary and holding job duties.

(b) (7)(E) The (b) (7)(E) solely by OFO law enforcement staff. Airport security corridors leading to traveler OFO screening areas can also be monitored by OFO staff.

Scope of the Audit: Prior to the on-site audit, the Auditor was able to review the HQ and Local Pre-Audit Questionnaires (PAQs), the HQ Responsive Documents and Data Requests, local documents, including O'Hare POE specific documents, HQ Participation documents, and medical provider websites. The Auditor was also able to conduct six HQ SME interviews and speak to the author of the local PAQ.

Following the entry briefing, the Auditor was given a complete tour of the the facility. The Auditor had complete access to the facility and observed primary screening, secondary screening, processing, and holding areas. The Auditor was provided with a private interview room for staff and detainee interviews with a speaker telephone to access interpretive services. Early in the interviewing process, the Auditor was advised the interview rooms were capable of

(b) (7)(E). Staff interviews were immediately relocated to rooms/offices with (b) (7)(E). The Auditor was able to use a telephone line to privately call OIG.

During the on-site audit, the Auditor was able to interview staff from all three shifts. In total, interviews were conducted with 6 Local SMEs and 15 random staff. Fifteen staff members were male and six were female. The Auditor had been given a target number of five staff interviews and completed 21. Note: Two of the Local SMEs interviewed were the AAPD and the PFC. The Auditor was referred to the Performance and Learning Management System (PALMS) for training curricula.

The Auditor interviewed four detainees. No detainees were accompanied by dependent children and there were no UACs held during the on-site audit. Of the four detainees, three were male and one was female. The detainees were all from Mexico and spoke Spanish. Three of the detainees were Limited English Proficient (LEP) and Language Services Associates was utilized for interpretive services. No detainee reported a disability. None of the detainees identified as Lesbian, Gay, Bi-Sexual, Transgender, Intersex (LGBTI).

## 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.

On Tuesday, March 19, 2019, an exit briefing for Chicago O'Hare POE was held at 15:45. The exit briefing was opened by PSA Coordinator (b)(6)(b)(7)(C) and conducted by Creative Corrections Cetified PREA (b)(6)(b)(7)(C) (b)(6)(b)(7)(C)

Those in attendance for the briefing were:

(b)(6)(b)(7)(C), PSA Coordinator, Privacy and Diversity Office, (PDO), HQ  
(b)(6)(b)(7)(C), Acting APD, O'Hare POE  
(b)(6)(b)(7)(C), AAPD, O'Hare POE  
(b)(6)(b)(7)(C), National OFO PREA Coordinator, OFO, HQ  
(b)(6)(b)(7)(C), CCBPO/PFC, O'Hare POE  
(b)(6)(b)(7)(C), Senior Policy Advisor, Office of Civil Rights/Civil Liberties, DHS  
(b)(6)(b)(7)(C), Language Access Coordinator, Privacy and Diversity Office, (PDO), HQ

During the audit process, the Auditor reviewed the compliance of 25 Subpart B standards at Chicago O'Hare POE. The Auditor found O'Hare POE met 18 standards: 115.111; 115.114; 115.117; 115.118; 115.121; 115.122; 115.131; 115.132; 115.161; 115.162; 115.163; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182, and 115.186; and did not meet eight standards which require corrective action: 115.113; 115.115; 115.116; 115.141; 115.151; 115.154, and 115.164.

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded:	0
Number of standards met:	18
Number of standards not met:	7
OVERALL DETERMINATION	
<input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards)	<input type="checkbox"/> Low Risk <input checked="" type="checkbox"/> Not Low Risk
<input type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period)	
<input checked="" type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	

## PROVISIONS

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

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

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

#### Notes:

The facility meets the standard. The agency has taken definitive steps to inform the public, all employees, and detainees of its adherence to the PREA Standards. CBP Directive 2130-030 Prevention, Detection and Response to Sexual Abuse/Assault in CBP Holding Facilities (1/19/2018), the Commissioner's Memorandum on CBP Policy on Zero Tolerance of Sexual Abuse and Assault, dated 3/11/15; and the Commissioner's Memorandum on UACs in Extended Detention (undated, posted 12/21/18) to all CBP employees clearly outline the duty of all CBP staff members to prevent, detect and respond to all allegations or observations of sexual abuse. Zero tolerance posters were observed throughout the facility. Interviews with HQ and Local SMEs emphasize staff training on zero tolerance and local random staff interviews verify staff has been trained.

### §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 through appropriate levels of supervision, operational procedures and (b) (7)(E) in detainee monitoring. Directive 2130-030 requires OFO to develop facility based guidelines to meet the supervision needs of each facility. Interviews with the PFC and Supervisors verify shift Supervisors have both the responsibility and latitude to move shift staff or request additional staff from adjoining ports of entry as supervision needs require. During the on-site audit, the Auditor never witnessed a level of supervision lower than best practice for holding facilities. All law enforcement staff at O'Hare POE are cross-trained amongst primary screening, secondary screening, processing and holding tasks.

(b) The facility does not meet the standard provision. CBP Directive 2130-030 requires each Field Office implement an annual review process for all detention facilities. The PFC detailed regular meetings where supervisory personnel discuss security concerns, special incidents, and circumstances and strategies to meet supervision demands from day to day. Notes from these monthly meetings are shared when necessary with the AAPD. While the PFC described the reviews of supervision from shift to shift/day to day, he did not indicate a more in-depth review is completed to meet the requirement of an annual review to determine if overall supervision levels are appropriate for the number of travelers/detainees being processed and/or held in comparison to previous years. Corrective action is required.

**Corrective Action:** Provide evidence of a formalized annual supervision review.

(c) The facility does not meet the standard provision. Elements detailed in the standard provision are regularly discussed by supervisory personnel from day-to-day, including the layout of the facility, the current size and composition of the traveler/detainee population, and other relevant factors including the length of time detainees are in custody. This practice was confirmed by interviews with the PFC and Supervisors. However, there is not a formalized annual supervision review that includes consideration of all areas required by the standard provision. Corrective action is required. **Corrective Action:** Provide evidence all areas are reviewed during the annual formalized review of overall supervision.

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

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

**Notes:**

(a) The facility meets the standard provision. CBP National Standards on Transport, Escort, Detention and Search (TEDS) (October, 2015) requires juveniles be treated at all times in their best interest in the least restrictive environment and all guidelines for special populations be taken into consideration. All UACs received at O'Hare POE are immediately moved to the top of the list for processing. If admissible, an appropriate relative or responsible adult who has secured parental permission to assume custody will be contacted to accept the UAC. If the UAC is determined to be inadmissible, arrangements are made to return them to their country of origin and the consulate arranges for family or an appropriate guardian to meet them at the airport. The UAC is not placed in holding unless they are disruptive and then they are placed by themselves. Normally, UACs are seated across from the secondary screening desk and continuously monitored by assigned Officers. This procedure was confirmed by both SME and random staff interviews. No UAC was available for interview during the on-site audit.

(b) The facility meets the standard provision. All UACs who are determined to have arrived without a confirmed family member are held in the monitoring area under direct supervision until escorted to a flight, released to an approved relative or released to the Department of Human Services (DHS). This procedure was explained and verified through local SME interviews. Processing Officers perform a two-fold vetting process of document verification with consulates and focused interviews to determine if non-parental adults accompanying juveniles, or stated relatives juveniles are released to, are actually who they are reported to be.

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

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

**Notes:**

(b) The facility meets the standard provision. CBP TEDS sets specific restrictions for cross-gender viewing and searches, in the absence of truly exigent circumstances. Interviews with Local SMEs and random staff provided answers consistent with TEDS, with PREA refresher pat-search training, and in determining under what circumstances and how strip searches and body cavity searches would be performed. There have been no strip or cavity searches at O'Hare POE in the past 12 months. The Auditor witnessed the pat search of a male detainee conducted by staff of the same gender. Routine pat searches are not performed on juveniles at O'Hare POE with the exception of an immediate targeted pat search for a suspected weapon. If necessary UACs are transported to a medical facility for a strip or body cavity search by a licensed medical practitioner. This practice was verified by the PFC.

(c) The facility meets the standard provision. CBP TEDS requires all strip and body cavity searches be documented. The Auditor was informed by the PFC no strip or body cavity searches were performed at O'Hare POE in the past 12 months and this information was confirmed by the Auditor during random staff interviews.

(d) The facility does not meet the standard provision. O'Hare POE has developed internal procedures and practices which allow for privacy during detainee changing and toileting as required in the standard provision and CBP TEDS; showers are not routinely provided at O'Hare POE. The facility has not established the firm practice of making deliberate announcements or knocking when opposite gender staff enter a holding room, area, search room or lavatory. This practice is required by the standard provision. An interview with the Training SME confirms all Officers have been trained to make cross-gender announcements and the practice is reinforced on their PREA Quick-Reference Cards. Random staff and detainee interviews reveal announcements or knocking are not consistently practiced and the Auditor witnessed them not being made on two occasions. Corrective Action is required. **Corrective Action:** Provide documentation cross-gender announcements or some other active method such as knocking are always made by staff when entering Holding rooms, changing rooms and lavatories.

(e) The facility meets the standard provisions. CBP TEDS prohibits the search or examination of a detainee's person solely to determine their gender. Several interviewed random staff report they would ask a detainee to self-identify if they had a need to know the detainee's gender. They all report strip searches cannot be performed except in exigent circumstances and with supervisory review when they have reasonable suspicion contraband is present.

(f) The facility does not meet the standard provision. The agency produced no specific training materials for pat-searches, searches of transgender detainees, or cross-gender searches of any detainee; specifically how to properly search the breast and groin areas. This lapse in training has created a situation where Officers perform differently when performing searches. Further, more than half of interviewed random staff members report transgender detainees would be pat searched according to biological status, and as necessary male biological areas would be searched by male Officers and female biological areas would be searched by female Officers. Some Officers respond to the detainee's self-identification and they are pat searched by an Officer of the same gender as how they identify. Some Officer's ask the detainee the status of their genitalia and they are searched by an Officer of the same biological



gender as they indicate, regardless of their gender identification. Cross-gender and transgender pat searches have not taken place at O'Hare-POE in the past 12 months, but staff training needs to be repeated and reinforced. **Corrective Action:** Provide documentation of specific consistent training on searches to include the breast and groin area, cross-gender searches, and transgender searches.

**§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 does not meet the standard provision. CBP Directive 2130-030 requires staff provide detainees with disabilities (e.g. hearing, sight, intellectual, psychiatric or developmental disabilities), access to CBP efforts to prevent, detect and respond to sexual abuse and assault. A majority of interviewed random staff at O'Hare POE could not explain how they would accommodate detainees with such special needs. Corrective action is required. **Corrective Action:** Provide documentation of staff training in accommodating detainees with special needs access to CBP efforts to prevent, detect and respond to sexual abuse/sexual assault.

(b) The facility meets the standard provision. CBP Directive 2130-030 requires LEP detainees be provided in-person or accurate, effective and impartial telephonic interpretation services. All PREA posters are posted in both English and Spanish, but also provide direction in commonly spoken languages. Most interviewed staff are fluent in Spanish and English. All staff report they have been able to assist LEP detainees via the available U.S. Citizenship and Immigration Service (USCIS) interpretive language telephone line.

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

**§115.117(a) through (f) – Hiring and promotion decisions.**

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

**Notes:**

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

(b) The facility meets the standard provision. Interview with the HQ Hiring Center SME verifies new employees and employees seeking promotion must complete an application which asks about previous sexual misconduct and informs staff of an affirmative duty to disclose any such future misconduct.

(c) The facility meets the standard provision. The Auditor selected the names of 20 random staff members of all ranks from O'Hare POE. The OFO HQ Program Manager and PSA Coordinator submitted these names to Personnel Security Division (PSD). A computer check of these employees found the agency to be in compliance with pre-hire and five-year updated investigations.

(d) The facility meets the standard provision. O'Hare POE currently uses no contractors who have direct contact with the detainees.

(e) The facility meets the standard Provision. CBP Directive 2130-030 requires HRM promulgate policies and procedures insuring compliance with the requirements of the standard provision. Interview with the HQ Hiring Center SME confirms it is agency policy to rescind an offer of employment to a prospective employee or to terminate the employment of any employee who makes false statements or a material omission regarding sexual abuse misconduct. Employees are advised of this requirement in CBP Directive 2130-030.

(f) The facility meets the standard provision. CBP Directive 2130-030 allows for the provision of any substantiated allegation of sexual abuse regarding a former employee upon receiving a request to do so from an institutional partner for whom such an employee has applied to work, unless prohibited by law. Interview with the HQ Hiring Center SME verifies this practice by the agency.

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

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

**Notes:**

(a) The standard provision is not applicable as O'Hare POE has acquired no new facility or undergone a major expansion since May 6, 2014.

(b) The facility meets the standard provision. When (b) (7)(E) at O'Hare POE, the AAPD verified PREA supervision and privacy concerns were taken into consideration.

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

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

**Notes:**

(c) The facility meets the standard provision. CBP Directive 2130-030 specifies the treatment services to be provided to a detainee victim of sexual assault. O'Hare POE utilizes the services of Presence Resurrection Hospital, Chicago, for forensic examinations of sexual abuse victims determined to be evidentiary or medically appropriate at no cost to the detainee and only with the detainee's consent. The examination is to be performed by a Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE). This practice was confirmed via Local SME interviews with shift Supervisors. The Auditor confirmed the services with Presence Resurrection Hospital Emergency Department. O'Hare POE leadership retain the responsibility to insure these services are provided in accordance with this standard.

(d) The facility meets the standard provision. The Auditor determined Presence Resurrection Hospital has sexual abuse forensic examination services in-house in the Emergency Department. However, the interview with the hospital's Emergency Department Supervisor reveals the hospital does not have on-site victim advocacy services and uses an outside agency to provide victim advocacy services.

(e) The facility meets the standard provision. SME interview with the PFC verifies the Chicago Police Department Airport Division has been advised of and are agreeable to following PREA requirements.

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

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

**Notes:**

(c) The facility meets the standard Provision. CBP Directive 2130-030 requires prompt reporting of all sexual assaults/allegations to the facility administrator or agency office. All interviewed Local SMEs and random staff report they will immediate report such incidents up the chain-of-command and to the Joint Intake Center (JIC). Interviewed SMEs also reported the incident, if in violation of the law, would be reported to local law enforcement. Additional confirmation of the reporting was received during the interview with the AAPD who reports they are informed of all allegations and ensure all appropriate agency offices and local law enforcement are notified immediately. These requirements are also specified on the PREA Quick Reference Card.

(d) The facility meets the standard provision. Interview with the HQ PSA Coordinator verifies they are advised of all incidents/allegations of sexual abuse by both JIC and OIG.

**§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 mandates training requirements for all employees, contractors and volunteers. Staff interviews confirm O'Hare POE staff have received the mandatory eight-point PREA training including the agency's zero tolerance policies, detainee's rights to be free of sexual abuse and staff duty to report all allegations of sexual abuse. Staff indicate training is required annually via PALMS. Note: Contract staff (maintenance, janitorial and external security) is not required to receive PREA training as O'Hare POE insures the contractors and detainees have no direct contact. The facility has addressed this issue by initiating internal procedures requiring detainees be removed from any area where contractors need to clean or conduct maintenance. The contract employees are then escorted to the empty area. This practice was witnessed by the Auditor during the on-site audit in two separate areas. There is no CBP medical staff at O'Hare POE and there are no volunteers at CBP holding facilities.

(b) The facility meets the standard provision. Review of training records verifies all staff at O'Hare POE were trained on PREA within two years of the effective date of the standards issuance or upon their hire, if hired after the initial training. Training records also confirm staff receive refresher training as required. Staff interviews confirm PALMS training and pat search refresher training.

(c) The facility meets the standard provision. Training records are maintained electronically and are maintained for a minimum of five years as required by the standard. Local SME interview with the PFC verifies compliance.

**§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. CBP Policy on Zero Tolerance for Sexual Abuse and Sexual Assault in all of its holding areas was released on 3/11/2015. This policy requires notification of all persons being held of the agency's Zero Tolerance policy. O'Hare POE maintains colorful, large print posters of DHS's Zero Tolerance Policy in all detainee holding areas, in all processing areas, in all staff lounges and office areas, and in all secondary traveler screening areas. The posters are printed and posted in English and Spanish, but also contain a box providing zero tolerance and reporting information in all common languages. Detainee interviews verify most read the posters in Spanish and understood them. One detainee reports no staff member pointed to the posters or explained them and they did not know how to report sexual abuse. SME and random staff interviews verify staff are relying on travelers/detainees to read the PREA posters. They do not point to them, explain them or make any PREA statements as part of their screenings. The agency addresses zero-tolerance prominently on its website at <https://www.cbp.dhs.gov/about/care-in-custody>. This posting was reviewed by the Auditor.

**§115.134 – Specialized training: Investigations.**

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

**Notes:**

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

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

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

**Notes:**

(a) The facility does not meet the standard provision. CBP TEDS and CBP Directive 2130-030 require all detainees be assessed for being at high risk of sexual abuse before being placed in a hold room or holding facility. If a detainee is found to be at high risk, staff are to take steps to mitigate the danger. SME interviews report O'Hare POE Officers consider if detainees are at high risk of sexual abuse and consider the 11 factors detailed in CBP TEDS. However, random staff interviews did not consistently support this practice, with nearly half of the interviewed Officers reporting they do not do any type of assessment for PREA concerns. One new Officer did not know of the assessments at all. Corrective action is required. **Corrective Action:** Provide documentation all detainees are assessed for their risk of being at high risk of sexual abuse and dangers are mitigated when necessary.

(b) The facility does not meet the standard provision. All detainees at O'Hare POE are not asked about their personal safety. Interviewed random staff overwhelmingly report they do not ask detainees about their concerns towards their personal safety while in holding. Staff also report there is no assessment for a detainee's potential as a sexual abuse victim or abuser. As indicated in (a) nearly half of the interviewed Officers report they do not do any type of assessment for PREA concerns. Most processing interviews focus solely on a detainee's immigration status and the confirmation of credible fear if so declared. Corrective action is required. **Corrective Action:** Provide documentation Officers are trained to ask detainees about their safety concerns. Provide documentation Officers are trained to conduct assessments to determine the potential of detainees being sexual abuse victims or abusers.

(c) The facility does not meet the standard provision. CBP TEDS requires processing Officer consider factors outlined in the standard provision. Some randomly interviewed Officers were able to refer to the factors on the PREA Quick Reference Card. However, referencing the random staff interview replies listed in standard provision (a) above, the majority of randomly interviewed staff indicate they are not considering all 11 factors with regard to determining if detainees are at risk of being sexual abused, or sexually abusive. Corrective action is required. **Corrective Action:** Provide documentation all detainees being placed in holding are being reviewed in accordance with the standard provisions.

(d) The facility meets the standard provision. Interviewed Local SMEs report upon a detainee being identified as high risk of victimization and no single cell being available, Officers will consult with the on-duty Supervisor and an Officer will be detailed to provide continuous sight and sound supervision. The majority of Officers confirm they would report concerns regarding high risk detainees to the Supervisor and either a single cell placement or continuous supervision would be provided.

(e) The facility meets the standard provision. CBP TEDS requires staff ensure assessments are conducted in private where sensitive information cannot be learned by other parties. The dissemination of sensitive information is to be controlled on a "need to know" basis. Random staff interviews verify this practice and were also supported by detainees reporting they were asked questions in private.

**§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 does not meet the standard provision. Both CBP TEDS and CBP Directive 2130-030 provide multiple ways for detainees to report sexual abuse/assault, retaliation and/or staff neglect, or violations leading to sexual assault. HQ and Local SME interviews verify detainees may report abuse orally or in writing to staff; third party reports are accepted, and detainees may request to make private anonymous telephone calls to OIG. However only two interviewed random Officers out of 15 interviewed knew detainees at O'Hare POE may call OIG in private from an office in the processing area with the Officer standing outside. They were also largely unaware detainees do not have to state the reason for the call. Corrective action is required. **Corrective Action:** Provide documentation all O'Hare POE Officers have been trained on procedures allowing detainees to privately report sexual abuse to OIG.

(b) The facility does not meet the standard provision. Local random staff interviews confirm Officers do not know how detainees are informed on reporting sexual abuse to an outside entity privately and anonymously. The Auditor was able to reach OIG via the hotline number from the secondary processing area at O'Hare POE. Corrective action is required. **Corrective Action:** Provide documentation all OFO Officers at O'Hare POE have been trained on detainee reporting procedures of sexual abuse/sexual assault privately and anonymously to an outside entity.

(c) The facility meets the standard provision. Random staff interviews confirm they must accept oral, written or third party reports of sexual abuse. Staff also verified all reports, regardless of type, must immediately be forwarded to their Supervisor and an incident report must immediately be generated electronically.

**§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 does not meet the standard provision. CBP Directive 2130-030 directs third parties may report sexual abuse on behalf of detainees. DHS posters direct third parties on how to make written or telephonic reports to OIG. Random staff interviews did not confirm this practice as only two Officers out of 15 interviewed were aware of the third-party reporting guarantees on the PREA poster. CBP informs the public of reporting procedures on their website

at <https://www.cbp.gov/about/care-in-custody>. Corrective action is required. **Corrective Action:** Provide documentation all OFO Officers have been trained in procedures to allow families and third parties to make private reports of sexual abuse/assault directly to OIG.

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

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

**Notes:**

(a) The facility meets the standard provision. CBP Directive 2130-030 requires all staff report immediately any knowledge, suspicion or information regarding an incident of sexual abuse/assault; retaliation against detainees or staff who made such a report, or participated in an investigation of sexual abuse, or any staff neglect or violation of responsibilities contributing to an incident of sexual abuse/assault. All interviewed Local SMEs and random staff affirm these responsibilities and most responded with the phrase "duty to report". All interviewed random staff state they could report sexual abuse outside of the chain-of-command by reporting to another Supervisor or calling OIG.

(b) The facility meets the standard provision. O'Hare POE staff have been issued PREA Quick Reference Cards. Staff report during random staff interviews they must immediately report incidents to their Supervisors and the Supervisor must ensure the incident is reported to local law enforcement, JIC, and the Commissioner's Situation Room.

(c) The facility meets the standard provision. Random staff interviews verify dissemination of information regarding sexual assault is limited to their immediate Supervisor, staff necessary to protect the detainee and the crime scene, and anyone else with a need to know.

(d) The facility meets the standard provision. Interview with the HQ Sexual Abuse and Assault Investigations (SAAI) SME reveals sexual assaults of victims under age 18 and vulnerable adults are to be reported to the designated State or local services agency by the APD or their designee and at the direction of SAAI.

**§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/agency meets the standard. CBP TEDS requires when any agency employee has a reasonable belief circumstances may exist placing a detainee at imminent risk of sexual assault, the employee has a duty to take immediate action to protect the detainee. Local interviews with the AAPD and Local SMEs affirm the detainee must immediately be protected by isolation or direct constant supervision (sight and sound) or both. Random staff interviews confirm they would protect any detainee at imminent risk of sexual abuse/assault by isolation or direct supervision as directed by their Supervisor who they would discuss the risk with.

**§115.163(a) through (d) – Report to other confinement facilities.**

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

**Notes:**

(a) The facility meets the standard provision. CBP Directive 2130-030 requires should a detainee report having been sexually abused/assaulted at another facility prior to arriving at O'Hare POE, the agency or administrator of the sending facility must be notified. Interview with the PFC and the AAPD verify the Acting O'Hare POE APD or designee would make this notification.

(b) The facility meets the standard provision. The standard requires the notification be made within 72 hours of receiving the allegation. The PFC and AAPD state the Acting O'Hare POE APD or their designee will make the notification immediately.

(c) The facility meets the standard provision. The PFC indicates the notification would be documented in the detainee's record

(d) The facility meets the standard provision. The PFC reports the advised agency, if outside CBP, would be notified of the PREA requirements. If part of CBP, the agency receiving the notice is required by Directive 2130-030 to notify the Joint Intake Center (JIC). Interviewed Supervisors verify they are aware of this requirement and would ensure an allegation received from another facility of sexual abuse occurring at O'Hare POE would be referred for investigation as required.

**§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 agency/facility does not meet the standard provision. CBP Directive 2130-030 requires upon learning of a detainee sexual assault, the first responding Officer or their Supervisor is to perform all first responder duties delineated in the standard provision. In addition to training all law enforcement personnel on first responder duties, all law enforcement Officers have been provided with pocket reference cards of their first responder duties. Random staff interviews however, revealed 7 of 15 Officers did not know any of the responder tasks or only knew to separate the alleged victim and abuser. Corrective action is required. **Corrective Action:** Provide documentation all O'Hare POE staff have been re-trained and understand their responsibilities as law enforcement first responders.

(b) The standard provision is not applicable. Only law enforcement Officers interact with detainees during their entire hold at O'Hare 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. CBP Directive 2130-030 is the agency's coordinated institutional plan for prevention, detection and response to sexual abuse. The Directive provides a clear progressive plan for the prevention, detection and response components of addressing sexual abuse in holding.

(b)(c) The facility meets the standard provision. CBP Directive 2130-030 requires O'Hare POE notify another DHS facility if the victim of sexual abuse/assault is transferred. The O'Hare POE Assistant APD or designated Supervisor makes the notification. This notification also includes the detainee's need for medical or social services. O'Hare POE must also make the same notifications to a non-DHS facility, if the law allows for this notification. This notification is also be made by the O'Hare POE AAPD or their designated Supervisor. These requirements were verified by the PFC.

**§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 TEDS requires detainee victims be protected from contact with alleged abusers. SME interviews verify any employee alleged to have engaged in sexual abuse would be removed from contact with the victim pending the outcome of an investigation. O'Hare POE by practice does not allow contact between contractors and detainees and has no volunteers. Interview with the HQ Labor and Employee Relations (LER) SME reports Officers do not supervise contractors, but control detainee exposure. Should contractor/detainee contact somehow occur and there is an allegation of sexual abuse/assault; the contractor would be removed from detainee contact by the Supervisor and the Acting APD would seek the removal of the contractor from the facility. This practice was verified by the O'Hare POE AAPD.

**§115.167 – Agency protection against retaliation.**

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

**Notes:**

The facility meets the standard. CBP TEDS prohibits all CBP staff from retaliating against any person, including a detainee, who alleges or complains about mistreatment, participates in an investigation into an allegation of staff misconduct, including sexual abuse, or for participating in sexual activity as a result of force coercion, threats, or fear of force. The training on and implementation of this policy was verified by Interviews with the HQ SAAI SME and PFC. Random Staff interviews resulted in a consistent response any form of retaliation by either a detainee or a staff

member cannot be tolerated and would be reported either up the chain-of-command or to OIG if circumstances required such a report.

**§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 agency/facility meets the standard provision. There were no substantiated allegations of sexual abuse at O'Hare POE during the last 12 months. Interviews with HQ HRM/LER SME verifies disciplinary action is pursued in all cases of substantiated sexual assault or violating sexual abuse policies and removal is always the presumptive action. CBP Directive 2130-030 states CBP personnel may be subject to disciplinary or adverse action up to and including removal from their position and Federal service for substantiated allegations of sexual abuse and/or assault and/or for violating CBP's sexual abuse policies.

(c) The agency meets the standard provision. Interview with the HQ LER SME reveals there were no reports of substantiated sexual abuse/violation of sexual abuse policies for staff at O'Hare POE. Interview with the HQ SAAI SME confirms all substantiated cases of sexual abuse are referred to appropriate law enforcement agencies by the APD and notification is coordinated by HQ SAAI SME. The O'Hare AAPD reports this notification would be directed by HQ OPR/SAAI.

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

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

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

**Notes:**

(a) The facility meets the standard provision. CBP Directive 2130-030 requires any contractor or volunteer suspected of perpetrating sexual abuse and/or assault is to be removed from all duties requiring detainee contact pending the outcome of the investigation. Interviews with Local SMEs reveal all suspected perpetrators of sexual abuse are to immediately be removed from contact with detainees. CBP facilities do not utilize volunteers and O'Hare POE has excluded contractors from direct contact with detainees by local procedure and practice. Interview with the HQ SAAI SME verifies any substantiated allegations of sexual abuse would result in notification of the allegation to appropriate law enforcement agencies and to the Office of Acquisition to have the contractor barred from federal service. They would also notify any appropriate licensing bodies of any substantiated allegations of sexual abuse.

(b) The facility meets the standard provision. Local SME interview with the O'Hare POE AAPD verifies any contractor suspected of perpetrating sexual abuse would be removed from all duties where detainee contact could occur pending the outcome of the investigation.

**§115.182(a) and (b) – Access to emergency medical services.**

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

**Notes:**

(a)(b) The facility meets the standard provision. Detainee victims of sexual abuse at O'Hare POE would be immediately transported to Presence Resurrection Hospital. This facility offers the comprehensive medical services as outlined in the standard provision. The services would be provided to the victim at no charge and even if the victim refuses to cooperate with the sexual abuse/assault investigation. Local SME interview with the O'Hare AAPD verifies these services and requirements. Other SME Supervisors verify these services would be provided without cost to the detainee and regardless of cooperation.

**§115.186(a) – Sexual abuse incident reviews.**

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

**Notes:**

The agency meets the standard. The HQ PAQ indicates there have been no investigations of sexual abuse allegations at this facility in the past 12 months. Interview with the HQ PSA Coordinator reveals their office regularly receives sexual abuse incident reviews within 30 days after the conclusion of a sexual abuse investigation at a facility. The Incident Review Committee (IRC) is comprised of three HQ Program Managers. The O'Hare POE AAPD indicates the Acting O'Hare POE APD would implement any recommendations made by the IRC.

**§115.187 – Data collection.**

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

**Notes:**

Data collection is a Headquarters function.

**ADDITIONAL NOTES**

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

**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 11, 2019**  
Date

# **PREA Audit: Subpart B** **Short-Term Holding Facilities** **Corrective Action Plan Final Determination**



U.S. Customs and  
Border Protection

## **AUDITOR**

<b>Name of Auditor:</b>	(b)(6)(b)(7)(C)	<b>Organization:</b>	Creative Corrections, LLC
<b>Email Address:</b>	(b)(6)(b)(7)(C)	<b>Telephone Number:</b>	(b)(6)(b)(7)(C)

## **AGENCY**

<b>Name of Agency:</b>	U.S. Customs and Border Protection
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## **PROGRAM OFFICE**

<b>Name of Program Office:</b>	Office of Field Operations
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## **SECTOR OR FIELD OFFICE**

<b>Name of Sector or Field Office:</b>	Chicago, Illinois
<b>Name of Chief or Director:</b>	(b)(6)(b)(7)(C)
<b>PREA Field Coordinator:</b>	(b)(6)(b)(7)(C)
<b>Sector or Field Office Physical Address:</b>	610 South Canal Street, Room 300, Chicago, Illinois 60607
<b>Mailing Address: (if different from above)</b>	610 South Canal Street, Chicago, Illinois 60607

## **SHORT-TERM FACILITY BEING AUDITED**

<b>Information About the Facility</b>	
<b>Name of Facility:</b>	Chicago O'Hare International Airport, Terminal 5
<b>Physical Address:</b>	10000 West O'Hare Drive, Terminal 5, Lower Level, Chicago IL 60666
<b>Mailing Address: (if different from above)</b>	Same as Above
<b>Telephone Number:</b>	(b)(6)(b)(7)(C)

<b>Facility Leadership</b>			
<b>Name of Officer in Charge:</b>	(b)(6)(b)(7)(C)	<b>Title:</b>	Area Port Director
<b>Email Address:</b>	(b)(6)(b)(7)(C)	<b>Telephone Number:</b>	(b)(6)(b)(7)(C)



## FINAL DETERMINATION

### SUMMARY OF AUDIT FINDINGS:

**Directions:** Please provide summary of audit findings to include the number of provisions with which the facility has achieved compliance at each level after implementation of corrective actions: Exceeds Standard, Meets Standard, and Does Not Meet Standard.

An on-site audit of the Customs and Border Patrol (CBP), Office of Field Operations (OFO), Chicago O'Hare International Airport Terminal Five Port of Entry (Chicago O'Hare Airport POE) was conducted on March 19, 2019, and the preliminary findings report was submitted on April 18, 2019. Following comments from CBP Headquarters and from the Auditor, the report dated August 11, 2019, was submitted as a Final Draft on August 11, 2019.

At that time, the Auditor reviewed the compliance of 25 Subpart B standards and the Chicago O'Hare Airport POE was found to be in compliance with 18 standards: (115.111; 115.114; 115.117; 115.118; 115.121; 115.122; 115.131; 115.132; 115.161; 115.162; 115.163; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182, and 115.186). The Chicago O'Hare POE was found to not be in compliance with seven standards: (115.113; 115.115; 115.116; 115.141; 115.151; 115.154, and 115.164).

On February 20, 2020, the Chicago O'Hare Airport POE submitted a preliminary Corrective Action Plan (CAP) with a completion date of October 1, 2020. In conjunction with the CAP, documents were received to support compliance for standard provision 115.113 (b) (c) and 115.141 (a). The CAP and documentation was reviewed and several documents were requested by the Auditor, particularly as related to the make-up and participation of the required annual staffing review {115.113 (b) (c)}. The Auditor received amended reviews on May 20, 2020, June 4, 2020, September 18, 2020, and September 30, 2020. Issues addressed in the amendments included the populations served at the Chicago O'Hare Airport POE, the handling of passenger surges, the holding and protection of Unaccompanied Alien Children (UAC's) and the scheduled review of POE staffing needs; particularly with regard to the holding of passengers who become detainees.

After review of the amended staffing reviews, the Auditor has gained confidence that the Chicago O'Hare Airport POE has achieved a level of staffing review, which meets the requirements of standard provisions 115.113 (b) and (c). The Chicago O'Hare Airport POE is now compliant with PREA standard 115.113.

With regard to 115.115 (d) (f), the Chicago O'Hare Airport POE submitted rosters and training musters which required identification and clarification. On June 25, 2020, the training rosters were resubmitted and clarification was received regarding the use of "flex" officers during traveler surges. The Auditor now finds that the Chicago O'Hare Airport POE is compliant with PREA standard 115.115.

On September 18, 2020, the Chicago O'Hare Airport POE submitted proof of staff retraining including signed training rosters which satisfies the retraining required for the Corrective Action Plans for 115:116 (a); 115:141 (a), (b), (c); 115:151 (a), (b); 115:154; and 115:164 (a). The Auditor has reviewed both the retraining documents and the signed retraining rosters and finds them to be satisfactory. The Auditor now finds that the Chicago O'Hare Airport POE is compliant with PREA standards 115:116; 115:141; 115:151; 115:154; and 115:164.

Although there was regular communication between Creative Corrections and CBP Headquarters, the CAP was not completed within the required 180 day time period.

## PROVISIONS

**Directions:** After the corrective action period, or sooner if compliance is achieved before the corrective action period expires, the auditor shall complete the Corrective Action Plan Final Determination. The auditor shall insert the provision(s) below that required corrective action and state if the facility's implementation of the provision now "Exceeds Standard," "Meets Standard," or "Does not meet Standard." The auditor shall include the evidence replied upon in making the compliance or non-compliance determination for each provision that was found non-compliant during the audit.

### §115.113

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

#### Notes:

The Chicago O'Hare Airport POE submitted a record of an Annual Review of Detainee Supervision Guidelines dated February 20, 2020, which initially did not satisfy all elements of the standard. Elements missing were the correct listing of Port personnel participating in the annual review; a description of responses employed to respond to the different types of populations entering the Port of Entry determined to be inadmissible; the specific holding guidelines for Unaccompanied Alien Children (UAC's); and the POE's planned deployment of additional personnel during frequent traveler surges. The Auditor received amended Annual Review of Detainee Supervision Guidelines via CBP Headquarters and the Creative Corrections Program Manager on May 20, 2020, June 4, 2020, June 9, 2020, September 18, 2020, and September 30, 2020. These additional documents were reviewed by the Auditor and found to be satisfactory. The Chicago O'Hare Airport POE is now compliant with standard provisions 115:113 (b) and (c).

### §115.115

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

#### Notes:

On June 4, 2020, the Chicago O'Hare Airport POE submitted both local and national documents outlining officer performance requirements regarding cross-gender staff announcements upon entering holding rooms, proper personal search techniques, cross-gender searches, determination of detainee gender identification and proper procedures for the pat search of transgender detainees. Also submitted were staff training muster sign-offs and acknowledgements from December 2018. The Auditor questioned the dates of re-training and on June 25, 2020, the Auditor received additional documentation of retraining musters, which were satisfactory and explained the role of "flex" officers during traveler surges. The Chicago O'Hare Airport POE is now compliant with standard provision 115.115 (f).

### §115.116

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

#### Notes:

The Chicago O'Hare Airport POE submitted proof of retraining muster attendance and employee understanding on September 18, 2020, from a muster on "Providing PREA Protections and Services to

Detainees with Physical, Developmental, or Mental Health Disabilities or are Limited English Proficient (LEP).” The Auditor reviewed this training and the staff documentation and found them to be satisfactory for standard compliance. The Chicago O’Hare Airport POE is now compliant with standard provision 115.116 (a).

**§115.141**

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

**Notes:**

The Chicago O’Hare Airport POE submitted proof of retraining muster attendance and employee understanding on September 18, 2020, regarding the responsibility of all processing officers to ask detainees about their safety concerns in confinement during their processing interview. The Auditor reviewed these training musters and found them to be satisfactory for standard compliance. The Chicago O’Hare Airport POE is now compliant with standard provisions 115.141 (a), (b), and (c).

**§115.151**

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

**Notes:**

The Chicago O’Hare Airport POE submitted copies of retraining materials and employee rosters on September 18, 2020, confirming completion and understanding of a training muster regarding the responsibility of officers to respond affirmatively to detainees requesting to make private, confidential calls to the Office of the Inspector General (OIG) or the consulate of their country of origin. Officers were instructed to dial the consulate or OIG office and then leave the office while maintaining visual supervision. The Auditor reviewed these materials and found them to be satisfactory for compliance with the standard. The Chicago O’Hare Airport POE is now compliant with standard provisions 115:151 (a) and (b).

**§115.154**

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

**Notes:**

The Chicago O’Hare Airport POE submitted copies of retraining materials and employee rosters on September 18, 2020, confirming completion and understanding of a training muster regarding the procedure for third parties to make confidential calls to the Office of the Inspector General regarding the alleged sexual abuse of a traveler/detainee. The Auditor reviewed these materials and rosters and found them to be satisfactory for compliance to the standard. The Chicago O’Hare Airport POE is now compliant with standard 115:154.

**§115.164**

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

**Notes:**

The Chicago O'Hare Airport POE submitted copies of retraining materials and employee rosters on September 18, 2020, confirming completion and understanding of a training muster regarding the responsibility of first responding employees when responding to an allegation of sexual abuse of a traveler/detainee. This retraining included the issuance of first responder cards to all employees to be carried while on-duty. The Auditor reviewed these materials and rosters and found them to be satisfactory for compliance to the standard. The Chicago O'Hare Airport POE is now compliant with standard provision 115:164 (a).

OVERALL DETERMINATION - AFTER IMPLEMENTATION OF THE CORRECTIVE ACTION PLAN	
<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)	

**AUDITOR CERTIFICATION:**

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

**(b)(6)(b)(7)(C)** \_\_\_\_\_  
**Reviewing Auditor's Signature**

\_\_\_\_\_  
**Date**