

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



U.S. Customs and
Border Protection

AUDITOR			
Name of Auditor:	(b)(6)(b)(7)(C)	Organization:	Creative Corrections, LLC
Email Address:	(b)(6)(b)(7)(C)	Telephone Number:	(b)(6)(b)(7)(C)
AGENCY			
Name of Agency:	U.S. Customs and Border Protection		
PROGRAM OFFICE			
Name of Program Office:	Office of Field Operations		
SECTOR OR FIELD OFFICE			
Name of Sector or Field Office:	Los Angeles International Airport		
Name of Director:	(b)(6)(b)(7)(C)		
PREA Field Coordinator:	(b)(6)(b)(7)(C)		
Sector or Field Office Physical Address:	1 World Trade Center, Suite 705, Long Beach, CA 90831		
Mailing Address: (if different from above)	NA		
SHORT-TERM HOLDING FACILITY BEING AUDITED			
Information About the Facility			
Name of Facility:	Los Angeles Airport		
Physical Address:	380 World Way, Los Angeles, California		
Mailing Address: (if different from above)	NA		
Telephone Number:	(b)(6)(b)(7)(C)		
Facility Leadership			
Name of Officer in Charge:	(b)(6)(b)(7)(C)	Title:	Chief CBP Officer
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 initial Prison Rape Elimination Act (PREA) audit of the Customs and Border Protection (CBP) Office of Field Operations, Los Angeles International Airport (LAX) Port of Entry (POE) Holding Facility, Los Angeles, California, was conducted on April 2-3, 2019. The Audit was conducted by (b)(6)(b)(7)(C), Certified PREA Auditor, contracted through Creative Corrections, LLC. The PREA audit is to determine compliance with the Department of Homeland Security (DHS) PREA Standards. LAX POE has a holding area for detainees who require further inspection before being admitted into the United States, or returned to the country where travel was initiated.

The Auditor arrived at LAX POE April 2, 2019, at 7:00 a.m. at which time the Auditor was met by CBP personnel and escorted to the secondary holding area referred to as the Admissibility Review Unit (ARU). (b)(6), (b)(7)(C) arrived and identified himself as the point of contact for the audit. The Auditor was escorted to the Port Director's conference room where an opening meeting was conducted by the Acting Assistant Port Director with the following staff present:

(b)(6)(b)(7)(C), Acting Assistant Port Director (A/ADP)
(b)(6)(b)(7)(C), PSA Coordinator, Privacy and Diversity Office (PDO), HQ
(b)(6)(b)(7)(C), Deputy PSA Coordinator, PDO, HQ
(b)(6)(b)(7)(C), OFO National PREA Coordinator, OFO, HQ
(b)(6)(b)(7)(C), PREA Field Coordinator, LAX POE
(b)(6)(b)(7)(C), Chief, LAX POE

The purpose of the audit, audit activities and a tentative schedule was discussed. Questions were addressed and comments were shared. After the entrance meeting, the Auditor was escorted back to ARU. Staff selected to be interviewed were identified from the shift roster and a tour of the operation commenced. The Auditor was present for the audit as follows: April 2, 2019 7:00 a.m. to 8:00 p.m.; April 3, 2019 7:00 a.m. to 4:30 p.m.

LAX POE has four terminals that receive international flights. Each terminal has a primary processing area where passengers/detainees are held while initial processing is conducted to determine if they will be admitted into the country, held due to pending warrants, or require further inspection. "Each terminal has a primary processing area where initial determinations are reached regarding admissibility into the United States. Passengers requiring more extensive examination and/or those with pending warrants are referred to secondary. Each terminal's secondary processing area (b)(7)(E)." (b)(7)(E) are in the primary processing areas but not in the holding cells. The holding cells are located behind staff offices and the not in view of the waiting area. Each cell has a toilet with an approximate three-foot barrier wall for privacy, and a sink. There are no showers available in the (b)(7)(E). If continued detention is warranted, detainees are escorted to ARU.

ARU is located at the Tom Bradley Terminal. Detainees are typically held in ARU for 24 hours or less. Passenger initially referred to ARU sit in a waiting area (soft secondary) in chairs while Officers review their individual referral reason and/or process them for an admissibility case. An Officer is assigned to supervise the area while other Officers work on the individual cases. Behind this area is a bathroom with multiple private stalls; the Officer controls who enters and exits the bathroom. There are (b)(7)(E) are in the bathroom.

If a determination is reached that additional scrutiny is warranted for processing a specific individual, the individual is typically placed in the main hold room (hard secondary). This area consists of (b)(7)(E) which separates adult detainees by gender with two gender specific bathrooms of individual occupancy containing a shower, a toilet, a sink. These bathrooms are private and detainees can lock the door upon entry for privacy. (b)(7)(E) are not in the bathroom. Lounge chairs and cots are provided as well as a television. One Officer is stationed in the area providing direct, continuous supervision in addition to (b)(7)(E). The ARU also has a room utilized for conducting pat down searches and (b)(7)(E). Staff can observe detainees in these holding cells through a window in the door. There is (b)(7)(E) for the holding area; (b)(7)(E) are located in the Supervisors' office.

Across from the Supervisor's office area in view of the Supervisor and all staff working in the area are additional lounge chairs used for passengers with disabilities, Unaccompanied Alien Children (UACs) or other special needs detainees. Near this area is a family unit room with couches, television and some toys. Detainees use the bathroom in the holding room or in the Secondary 1 waiting room with an escort to ensure their safety. Down the hall are nine individual interview rooms and another holding areas utilized for detainees with special needs or concerns. This area is similar to the Secondary 1 waiting area.

Scope of the Audit: The Auditor was provided documentation on the secure CBP SharePoint website approximately three weeks prior to the on-site portion of the audit. Pre-audit preparations included a thorough review of all supplied documentation and supporting materials provided by the facility and Headquarters (HQ) along with data included in the completed HQ and Local Pre-Audit Questionnaires (PAQs). The documentation received included agency policies with corresponding attachments, procedures, forms, training curricula, and other PREA-related materials provided to demonstrate compliance with the PREA Standards. Interviews were conducted via telephone with HQ Subject Matter Experts (HQ SMEs) from the following departments: Office of Field Operations (OFO); Personnel Security Division (PSD); Sexual Abuse and Assault Investigations Coordinator (SAAI); Office of Human Resource Management (HRM) Labor and Employee Relations (LER); Prevention of Sexual Assault (PSA) Coordinator, and HRM Hiring Center. The Auditor contacted Just Detention International, Inc. located in Los Angeles, California, prior to conducting the audit. No specific concerns were provided from this advocacy organization as none had been received about LAX POE. While on-site, the Auditor conducted records review of 12 verifications for staff background checks, 12 staff training records, and 10 detainee files. There were no allegations of sexual assault within the last 12 months. No strip searches or body cavity searches were conducted in the previous 12 months as verified by reports generated by the Chief. The Auditor had free access to watch operations, see documentation requested, and interview detainees and Officers/Supervisors as requested.

The Auditor interviewed a total of 16 staff (12 Officers, 3 Supervisors/Local SMEs, 1 PREA Field Coordinator, the A/ADP) and 5 detainees (4 adults and 1 adult with a toddler, two males, three females) from five countries. One staff and one detainee declined to be interviewed. The Auditor used Language Services Associates to provide interpretative services for one detainee interview; the other four understood and spoke English.

During the on-site portion of the audit, the Auditor was able to observe various aspects of the detainee intake process. The facility does not utilize volunteers or contract staff to supplement operations. The only non-CBP staff observed in the areas during the two days of the audit was airline staff. The Auditor observed airline staff with detainee contact in CBP detention areas with direct one-on-one CBP supervision.

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 April 3, 2019, an exit briefing was held. In attendance were the following:

(b)(6)(b)(7)(C), A/ADP

(b)(6)(b)(7)(C), PSA Coordinator, PDO, HQ

(b)(6)(b)(7)(C), Deputy PSA Coordinator, PDO, HQ

(b)(6)(b)(7)(C), OFO National PREA Coordinator OFO, HQ

(b)(6)(b)(7)(C), PREA Field Coordinator, LAX POE

(b)(6)(b)(7)(C), Chief, LAX POE

The Auditor discussed observations made during the on-site audit and gave preliminary findings of the audit. It was noted final determinations would be made upon a re-review of documents and Auditor notes for the final report to be provided within 30 days.

The Auditor reviewed compliance with 25 DHS Subpart B Standards. Overall documentation, interviews and observation of LAX POE led the Auditor to conclude 22 standards are in substantial compliance: 115.111; 115.114; 115.116; 115.17; 115.121; 115.122; 115.131; 115.132; 115.141; 115.151; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182, and 115.186; one standard, 115.118, was found not-applicable. The Auditor found 2 standards not in compliance: 115.113 documentation of an annual assessment and 115.115 staff training on cross gender, transgender, and intersex searches.

SUMMARY OF AUDIT FINDINGS

Number of standards exceeded: 0

Number of standards met: 22 + 1 not applicable

Number of standards not met: 2

OVERALL DETERMINATION

☐ Exceeds Standards (Substantially Exceeds Requirements of Standards)

☐ Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period)

☒ Does Not Meet Standards (Requires Corrective Action)

☐ Low Risk

☒ Not Low Risk

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) CBP Directive 2130-030, Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities, dated 1/19/2018, is the agency's main policy mandating zero tolerance toward all forms of sexual abuse and sexual assault and outlining CBPs approach to preventing, detecting, and responding to such abusive conduct. It defines in detail for all staff and detainees the prohibited acts. In addition, the Agency has the CBP Policy on Zero Tolerance of Sexual Abuse and Assault signed by CBP's Commissioner on March 11, 2015. These policies are supplemented with CBP National Standards on Transport, Escort, Detention, and Search (TEDS), dated October 2015, which sets forth nationwide standards that govern CBPs interaction with detained individuals. A Quick Reference Card (pocket size) summarizing the requirements of the policy have been issued to staff. It addresses zero tolerance for sexual abuse and sexual assault; zero tolerance for retaliation for reporting sexual abuse or sexual assault; definitions of prohibited behavior; a brief overview of risk assessments conducted for victimization and abusiveness; heightened protection for those deemed to be at high risk of victimization; provision to give detainees instructions on reporting (which addresses disability and language accommodations); no cross gender viewing unless exigent circumstances are present; reporting and responding to sexual abuse and sexual assault allegations; maintaining confidentiality, and effective communication with non-gender conforming detainees. Based on interviews with randomly selected staff, the Auditor finds LAX POE staff knowledgeable regarding the policy and their role in preventing, detecting and responding to sexual abuse/assault concerns.

§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) CBP Directive 2130-030 requires the agency ensure each facility maintains sufficient supervision of detainees, including through appropriate staffing levels and where applicable, (b) (7)(E), to protect detainees against sexual abuse. The Auditor interviewed the A/ADP and Chief. It was indicated staffing is analyzed seasonally in coordination with the airline authority. As stated in the interviews with the Chief and the A/ADP, the flights are pre-determined and the occupants are reviewed prior to boarding; therefore, CBP has a substantial idea of who is arriving and what needs will be presented prior to arrival. Staffing is flexible from terminal to terminal. Overtime can be utilized if needed in the event there is a significant influx in passengers/detainees. Overtime was used during the two-day period the Auditor was on-site. The Auditor was informed LAX POE has sufficient staffing to provide a safe and secure environment for detainees. This was confirmed by the interview with the A/ADP and the Chief. (b) (7)(E) (b) (7)(E) is used to provide additional supervision. During the on-site audit, all detainees were observed to be under direct and continuous supervision by Officers in addition to the (b) (7)(E). (b)(c) The standard requires the agency develop and document comprehensive detainee supervision guidelines to determine and meet each facility's detainee supervision needs, and review these guidelines and their application annually. The annual review is to take into account the physical layout of the facility, composition of detainees, the prevalence of substantiated and unsubstantiated instances of sexual abuse, findings and recommendations of incident reviews and any other relevant factors. Interviews with supervisors confirm they have the latitude to move staff as needed as well as utilize overtime. It was further stated, that the staffing is assessed twice a year based on the flying season, however, no documentation was provided to this Auditor. **Corrective Action:** Provide documentation of an annual review of the supervision guidelines taking into account all areas listed in the standard.

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

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

Notes:

(a) CBP TEDS requires each holding facility place UACs in the least restrictive setting appropriate to their age and special needs, provided the setting is consistent with the need to ensure the safety and security of the detainee and that of others. The Auditor reviewed a report generated by the Chief which supports no UACs have been held at LAX POE in the past 12 months. The Auditor interviewed Officers regarding the detention of juveniles. All indicate UACs are held separately from any adult under the direct supervision of an Officer. The auditor viewed the area UACs are held during the tour. The physical layout affords CBP the ability to hold UACs in the direct supervision of not only the Supervisor in the office, but all Officers working in the area.

(b) When asked regarding the vetting of adults who accompany minors, all Officers indicate vetting is addressed by investigating legitimate documentation, using consulates, and interviews, to include asking the juvenile if they are of an age they can address the question.

§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) CBP TEDS details the type and conditions under which searches can and will be performed to ensure the safety of officers, civilians and detainees. It prohibits cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances including consideration of officer safety, or when performed by medical practitioners. If performed, the policy requires strip/body cavity searches be recorded in the electronic system of record. CBP TEDS details Officers must not conduct visual body cavity searches and are to refer all such body cavity searches to a medical practitioner. Supervisor approval is required to conduct a strip search. During interviews the Officers and Supervisors indicate strip searches and body cavity searches are not done at LAX POE.

(c) There is a place in the electronic detainee file where strip searches and body cavity searches would be documented. This was demonstrated to the Auditor when showing the query used to report no cross-gender strip searches or visual cavity searches have been conducted.

(d) CBP TEDS specifies the requirement that enables detainees to shower (where showers are available), 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 cell checks or is otherwise appropriate in connection with a medical examination or under medical supervision. There are (b) (7)(E) in any of the holding rooms in the primary processing terminals; there is a half barrier wall around the toilets in each of the holding rooms which affords privacy yet does not hinder security checks. There are no showers in these areas. Detainees are held until transported to ARU. The holding rooms at ARU (b) (7)(E) Auditor confirmed this by (b) (7)(E). There are no showers in this area. The two bathrooms (with showers) in the (b) (7)(E)

(b) (7)(E) If an Officer needs to enter, the Officer would ensure it was by an Officer of the same gender as the detainee. Interviews with Officers confirm they knock on the door or window and announce upon entering which involves unlocking the door. The knocking and announcing was observed by the Auditor during the site visit. All detainee interviews confirm they are able to shower, use the toilet and change clothes in a private single use bathroom.

(e) CBP TEDS prohibits staff from searching or physically examining a detainee for the sole purpose of determining the detainee's gender-related characteristics. If the detainee's gender is unknown, Officers are to ask the detainee their gender or gender identity. If the detainee declines to state their gender, the gender is to be recorded in the appropriate electronic system(s) of record as unknown. Interviews with random staff indicate staff is aware of the prohibition on searching detainees to determine their gender. There were no transgender/intersex detainees being held during the on-site audit and therefore not available for interview.

(f) The standard requires staff be trained on proper procedures for conducting pat searches, including cross gender pat searches and searches of transgender and intersex detainees. The standard further requires all searches be conducted in a professional and respectful manner. During random staff interviews, staff state they have been trained to conduct pat searches in a professional and respectful manner. CBP has recently changed the process for searching

transgender/intersex detainees to using the gender of staff of the detainee's self-identification. Officer interviews indicate they are aware of this change. However, when asked, Officers indicate they did not receive pat search training specific to transgender and intersex detainees, nor cross-gender pat search training other than as noted in the CBP TEDS on "Immediate Pat-down/Terry Frisk"; this does not include specifications on searches of breast and groin areas. Staff state same gender pat searches are the norm but in situations involving safety of the Officer and no same gender staff are available to conduct the search, opposite gender staff may conduct an "Immediate Pat-down/Terry Frisk" in accordance with CBP TEDS. Officers report this is a rare occurrence and if a more thorough search is needed, they would have a same gender staff from another terminal conduct the search. A review of the training curriculum confirms specifics on conducting searches of transgender people and cross-gender searches are not included.

Corrective Action: Provide updated training and documentation confirming all Officers required to perform pat searches have been trained on the procedures for conducting cross gender pat searches and searches of transgender and intersex detainees, to include how to search the breast/groin areas.

§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) CBP TEDS and CBP Directive 2130-030 require detainees with disabilities (e.g., detainees who are hearing impaired, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have access to CBPs efforts to prevent, detect, and respond to sexual abuse and/or assault. LAX POE Secure Detention and Transport Procedures supports that immigration processing is triaged; priority is given to those detainees with medical needs, and disabilities. A Job Aid was developed by CBP and posted in each interview room which addresses the specifics on how to effectively communicate with detainees with disabilities. Staff was aware of the reference guide available to them, which includes provisions such as providing telephones that are wheelchair accessible, providing in-person sign language, use of a video relay telephone, the ability to amplify telephones, use of large font, and verbally providing individualized information. While staff are generally familiar with the Job Aid, it is recommended information be provided to staff regarding the services and equipment specifically available at LAX POE. The Auditor witnessed the processing of one detainee who had a physical disability (missing part of a limb) and noted he was placed in a holding area where he could receive expedited processing, was directly observed, was able to communicate effectively with staff (as observed by the auditor), and was not required to be detained with the other adult passengers.

(b) CBP TEDS and CBP Directive 2130-030 require Foreign Language Assistance to Persons with limited English proficiency (LEP) to provide access to CBPs efforts to prevent, detect, and respond to sexual abuse/assault. LAX POE has several bi-lingual staff (Spanish, Chinese) and staff have access to Interpreters and Translators Incorporated for interpretative service. (c) CBP Directive 2130-030 requires interpretation services not be provided by another detainee unless the detainee expresses a preference for the detainee to provide interpretation, and CBP determines that such interpretation would be consistent with DHS policy. The Directive states interpretations will not be provided by minors, alleged abusers, detainees who witnessed the alleged abuse and detainees who have a significant relationship with the alleged abuser. Staff interviews confirm they would not use another detainee to interpret unless they could verify it is appropriate in accordance with policy. Detainees indicate they were able to communicate effectively with staff. They noted they observed the posters and understood the information provided on them. Officers acknowledged they have sufficient resources to ensure they have effective communication with detainees.

§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)(b)(e) CBP Directive 2130-030 requires the Office of Human Resource Management (HRM) establish policy and procedures and ensure CBP does not hire or promote personnel who have previous substantiated allegations of engaging in sexual abuse and/or assault to any position where the employee may interact with detainees in CBP holding facilities. The Auditor interviewed the HQ Hiring Center SME prior to the site visit and was informed CBP will not hire or promote any employee, or enlist service of any contractor or volunteer, who has been found to have engaged, been convicted of engaging, or civilly or administratively adjudicated to have engaged in sexual abuse as defined in the standard and agency policy. She also states interviews conducted with new applicants as well as any applicants for promotion include specific questions about any previous sexual abuse misconduct, and informs the

applicant material omissions regarding this type of misconduct or providing false information are grounds for termination or withdrawal of an offer of employment. The HQ Hiring Center SME informed the Auditor all staff has an affirmative duty to disclose any such misconduct, false information and any material omissions. This information is provided to them on hiring when issued the Employee Code of Conduct document and they are reminded annually during training on the Performance and Learning Management System (PALMS).

(c)(d) CBP Directive 2130-030 requires the Office of Professional Responsibility (OPR) ensure background investigations are conducted for applicants for employment and contractors having contact with detainees to determine suitability, and updated background investigations are to be conducted every five years for CBP personnel who may have contact with detainees. The HQ Personnel Security Division (PSD) SME indicates background checks (Tier 4, Tier 5) for CBP are the most thorough investigations performed for DHS. She informed the Auditor question number three asked by all credentialed background investigators is "have you even engaged in or have you ever been charged with sexual abuse?" According to her, an affirmative response results in the individual not be hired. In addition, a follow-up polygraph examination reviews the responses and any indications of untruthful information further delays the process of approval, possibly resulting in denial. The Auditor submitted 12 names to PSD for background investigation information. Documentation provided by HQ demonstrates background checks have been completed or initiated as required within the five-year time frame.

(f) Unless prohibited by law, as stated by the HQ Hiring Center SME, upon a receipt of a written request, their office will provide information on substantiated sexual abuse allegations involving a former employee to other institution employers.

§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)
- X Not Applicable (provide explanation in notes):

Notes:

(a)(b) There has been no substantial expansion or modification to the detention or updating of (b) (7)(E) systems since 2014 as confirmed by staff interviews. Based on this, the requirements of this standard are not applicable at this time.

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

- ☐ Exceeded Standard (substantially exceeds requirement of standard)
- X 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) CBP Directive 2130-030 requires emergency medical treatment and crisis intervention services be provided, including a forensic medical exam, in accordance with professionally accepted standards of care to alleged victims of sexual assault. The treatment is to be without financial cost to the detainee. The Directive and CBP TEDS requires if the detainee (alleged victim) is transported for a forensic examination to a medical facility that offers victim advocacy services, Officers are to permit the detainee to use such services to the extent available, consistent with security needs. LAX POE Secure Detention and Transport Procedures supports detainees are to receive appropriate medical treatment without financial cost to the detainee. This includes, when medically appropriate, access to Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE), or otherwise by other qualified health care personnel. Appendix C (referenced in the Procedure) provides a list of all local health services Sexual Assault Response Team (SART) centers in the County of Los Angeles; there are fifteen listed. According to the Emergency Medical Services Agency SART Center Standards, the SART team consists of law enforcement, crime laboratory, District Attorney's Office, and medical and advocacy experts to meet the forensic needs of the criminal justice system and the medical and emotional needs of the sexual assault/abuse victim. Supervisor interviews acknowledged these requirements, but noted that Los Angeles World Airport Police Department (LAWAPD) would be the escorting law enforcement agency taking the detainee victim to the hospital. The Auditor did follow up research about these hospitals, there are no concerns regarding forensic medical examinations.

(e) The Auditor was told by the HQ Sexual Assault and Abuse Investigator (SAAI) SME local law enforcement would, in most cases, be notified of any sexual assault and handle criminal investigations for allegations of sexual abuse. The Chief informed the Auditor the local law enforcement agency would be LAWAPD. A letter was sent March 28, 2019, from the Area Port Director to the Chief of Police for the LAWAPD, along with a copy of the standards, requesting the requirements of this standard be followed for future investigations involving CBP detainees held at LAX POE.

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

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

Notes:

(c)(d) CBP Directive 2130-030 requires staff with knowledge, suspicion, or information of any incident of sexual abuse and/or assault of a detainee in a holding facility, retaliation against any person, including a detainee, who reports, complains about, or participates in an investigation about an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation to report this information to the Joint Intake Center (JIC). The HQ SAAI SME and Local SMEs all indicate sexual abuse allegations are reported to JIC and the Commissioner's Situation Room in accordance with policy. The PREA Field Coordinator states the Supervisor would submit an Incident Report to JIC and the Commissioner's Situation Room upon learning of an incident. The Directive also requires LAX POE report allegations of sexual assault/abuse to law enforcement agencies with the legal authority to conduct criminal investigations. According to the PREA Field Coordinator, the Supervisor would be required to notify local Law Enforcement after notification to JIC along with required notification through the LAX POE chain-of-command, as determined by who is on-site and the time of the incident. Interviews with the Chief and Supervisors confirm they are aware of this requirement. The local police department having jurisdiction over the airport property is the LAWAPD. This notification becomes part of the Incident Report. The PSA Coordinator indicates in her interview that upon any notification of sexual abuse or sexual assault made to JIC she is immediately notified by JIC (email) as stipulated in CBP Directive 3340-025E, Reporting Significant Incidents to the Commissioner's Situation Room, dated May 21, 2018. The facility had no sexual abuse allegations made or investigated during the prior 12 months.

§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) CBP Directive 2130-030 requires all uniformed Officers, special Officers, fact finders, contractors, and volunteers who may have contact with detainees in CBP holding facilities receive PREA training as required in Subpart B of the DHS Standards. The Auditor reviewed the training curriculum provided to staff through PALMS. This training includes the agency's zero-tolerance policy for all forms of sexual abuse, the definitions and examples of prohibited and illegal sexual behavior, the right of detainees to be free from sexual abuse, and the right of staff and detainees to be free from retaliation for reporting it. The training also provides information on where sexual abuse may occur, recognition of physical, behavioral, and emotional signs of sexual abuse, and methods of preventing and responding to such occurrences. Staff is instructed in how to avoid inappropriate relationships with detainees, and how to communicate effectively and professionally with detainees, including lesbian, gay, bisexual, transgender, intersex (LGBTI), or gender non-conforming detainees. The Auditor interviewed 12 random Officers. All staff interviews strongly support a sound knowledge of the requirements of the policy and the training.

(b) Training records were verified for the 12 randomly selected staff. All had received the training as required by the standard since the implementation of CBP Directive 2130-030 which was effective 1/19/2018. Interviews with random staff and Local SMEs confirm PREA training is provided every two years.

(c) CBP Directive 2130-030 addresses staff training be documented and records maintained by the Contracting Officer's Representative for at least five (5) years after course completion for all contractors who have completed the training, in accordance with the requirements of the standard.

§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:

CBP Directive 2130-030 requires key information regarding CBP's Zero Tolerance Policy be visible or continuously and readily available to detainees, for example, through posters, pamphlets, and other written formats. CBP makes public its zero tolerance policy through its webpage (<https://www.cbp.gov/about/care-in-custody>) and to all

passenger/detainees through posters located in the terminals, terminal primary processing areas, and in secondary processing areas including the passenger/detainee holding and waiting areas. The posters observed were in English, Spanish, Chinese and Korean. There is also an area on the poster which states the following in Arabic, Chinese, French, Haitian Creole, Portuguese, Vietnamese and Spanish: "Report Sexual Assault Now". Information on the posters includes: CBP has zero tolerance for sexual abuse/assault; reporting can be anonymous and confidential; be safe and get help; tell a CBP official; call DHS Office of Inspector General (OIG) (toll free number provided), and telecommunication devices available by calling a toll-free number (provided). The Auditor spoke with five random detainees. They were all aware of the posters and had a general understanding of the information provided to them on the poster. Most indicate they would call the published telephone number (OIG) if they had any issues related to sexual abuse or sexual assault.

§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)
- X 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)
- X 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) CBP TEDS states before placing any detainees together in a hold room the processing Officer must assess the information before them to determine if the detainee may be considered an at-risk detainee, or at risk of posing a threat to others. This assessment by policy includes: whether the detainee has exhibited a mental, physical or developmental disability; the age of the detainee; their physical build; any prior arrests or incarcerations; is the detainee identified as LGBTI or gender non-conforming; any prior sexual victimization and the detainee's own concerns about his/her physical safety. The Auditor reviewed the training all staff receives (PALMS) in order to perform this assessment. It is provided at the same time as the zero-tolerance training and is part of that curriculum. Staff have been provided a "Risk Assessments – What's Required?" guide. These were posted in the private interview rooms for Officer's reference. The random Officer interviews conducted by the Auditor confirm this assessment is performed on each detainee prior to placement in the detention area to assess the detainee's potential vulnerability and potential abusive behavior. They further state if the assessment indicates any vulnerability or abusive behavior with any detainee, he/she is provided with heightened protection by being placed in the chairs in direct supervision of the Officer in the holding area, the supervisor's office, and all staff working in their area going to and from interview rooms. If the detainee is deemed abusive, he/she is kept separate from those who are vulnerable. This can be direct sight and sound supervision, single room placement or seated in front of the Supervisor. Officers report they have to read legal information to each detainee and ensure they understand these services. All detainees are re-assured in a language they understand their safety is important and to let staff know if they have any concerns regarding their safety. The random interviews with detainees confirm they were asked about their own safety concerns on admission. Three further commented staffs have expressed concern for their safety and due to this, they feel safe. This was affirmed by the five detainee interviews and Officer interviews. The Auditor randomly selected ten folders from a total of approximately 80 folders and found the risk assessment had been completed for each detainee.

(e) CBP TEDS requires implementation on appropriate controls on the dissemination of private and/or sensitive information provided by detainees during this risk assessment. Officers can disclose this information only to those personnel with a need to know. The staff interviews detailed for the Auditor how this information is handled stating the written assessment is placed in the detainee folder after completion. They remain secured until a final review of the detainee file is completed, then they are securely forwarded to where records are stored.

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

- ☐ Exceeded Standard (substantially exceeds requirement of standard)
- X 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) CBP Directive 2130-030 requires detainees be provided multiple ways to privately report sexual abuse and/or assault, retaliation for reporting sexual abuse and/or assault, or staff neglect or violations of responsibilities that may have contributed to such incidents. It further requires the facility provide at least one way for detainees to report sexual abuse to a public or private entity not connected to the agency. Detainees must be able to report confidentially and anonymously. Interviews with Local SMEs and random Officers confirm detainees are provided PREA information through posters (Spanish, English, Korean and Chinese) on how to report sexual assault, retaliation and staff failure to perform their duties while remaining confidential and anonymous. Posters indicate detainees may report sexual abuse/assault verbally or in writing to any CBP Official or by utilizing the toll-free telephone number to DHS OIG. DHS OIG is a public agency that is not part of the CBP. The Auditor interviewed five random detainees. Most were aware there was a telephone number available to them, but all were aware they could inform staff of any allegation of sexual abuse confidentially. The Auditor also asked the random Officers about the process for making anonymous and confidential reports to OIG as there are no telephones in any of the holding areas. Officers state the passenger/detainee only needs to tell the Officer they wish to report something, not disclose what they wish to report, and the Officer would escort the detainee to one of the private interview rooms, dial the number for them, then leave the room and close the door observing the detainee through the glass in the door. Officers also noted detainees can contact their consulate whenever they request. This affords another opportunity for the detainee to report outside the agency and have someone make an allegation on their behalf. For those detainees who do not speak or understand English, Officers indicate they utilize Interpreters and Translators Incorporated for interpretative telephone service, and bi-lingual staff. (c) CBP TEDS requires Officers accept allegations reported to them from third parties and promptly record such reports according to operational procedures. The Auditor was informed by random Officer and Supervisor interviews all verbal allegations of sexual abuse or sexual assault made to them is documented in writing on the established computerized record in addition to being reported to their Supervisor.

§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:

CBP Directive 2130-030 states detainees may utilize third party individuals to report allegations of sexual abuse. The agency provides reporting information for anyone wishing to report any allegation on behalf of a detainee on their webpage <https://www.cbp.gov/about/care-and-custody/how-make-report>. The information on the webpage provides a toll free telephone number, United States Postal Service (USPS) address and email address to JIC, and a toll free telephone number, a direct complaint link and USPS address for DHS OIG. Posters throughout the processing areas inform detainees of the DHS OIG reporting telephone number for them to report an allegation. The Auditor tested the OIG toll free number, from the same telephone detainees would use, and received an immediate response from a live person. During interviews with the detainees they acknowledged they believe someone could make a report on their behalf (most mentioned that they were allowed to make a telephone call to family initially and when final determinations were made). The detainees affirm they believe staff would allow them to make the call to the number if they requested, reaffirming they were confident staff want to ensure their safety.

§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) CBP Directive 2130-030 requires staff to report as promptly as possible any knowledge, suspicion, or information of the following: an incident of sexual abuse and/or assault of a detainee in a holding facility; retaliation against any person, including a detainee, who reports, complains about, or participates in an investigation about an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. CBP Directive 2130-030 also requires staff to report any misconduct upon becoming aware of it. CBP TEDS requires staff to immediately report the following: any knowledge, suspicion, or information regarding an incident of sexual abuse against any detainee; retaliation against detainees or staff who reported or participated in an investigation about such an incident, and staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. CBP Directive 51735-013A, Standards of Conduct, March 13, 2012, not only allows staff to report allegations within their chain-of-command, it requires them to report outside of their chain-of-command to either the JIC hotline, emailing JIC,

contacting CBP Internal Affairs, or contacting DHS OIG. All interviews with Officers confirm they would report any knowledge, suspicion, or information to their Supervisor immediately. If they determined they needed to, all confirmed they could report outside the chain-of-command. All staff interviewed had the recently issued PREA Quick Reference Card which also reinforces the requirements of this standard.

(c) CBP Directive 2130-030 requires staff not reveal any information related to a sexual abuse report except as necessary to aid the detainee, protect other detainees or staff, or to make security and management decisions. Information about confidentiality is provided to all staff in the mandatory PREA training. All Officers interviewed confirm they would maintain confidentiality, reporting only on a need-to know basis. The recently issued PREA Quick Reference Cards also reinforces the requirements of this standard.

(d) CBP Directive 2130-030 requires CBP staff notify relevant agencies if the alleged victim of a sexual assault is a vulnerable adult or under the age of 18. Local SMEs and the PREA Field Coordinator informed the Auditor should a vulnerable adult or person under eighteen be sexually assaulted the normal protocol would be to submit an Incident Report to JIC and the Commissioner's Situation Room. Supervisors indicate they would make these notifications to the appropriate local state agencies, if required, and would update JIC with this information. As noted, there have not been any incidents requiring this type of notification during the last 12 months.

§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:

CBP TEDS states if an Officer has a reasonable belief a detainee may be subject to substantial risk of imminent sexual abuse, he or she is to take immediate action to protect the detainee. This specific question was asked of the 12 random staff interviewed and Local SMEs. All indicate any detainee believed to be in imminent danger of being sexually abused would be separated from the other detainees and placed under constant supervision of an Officer. The safety of the detainee is their primary focus.

§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) CBP Directive 2130-030 requires staff make reasonable efforts to promptly report any allegation of sexual abuse the facility becomes aware of occurring at another facility. This notification is required to be made to the appropriate office or Administrator of the facility where the alleged incident occurred. Local SMEs and the PREA Field Coordinator state the notification is made in the same manner as any incident is reported. An Incident Report would be submitted to JIC and the Commissioner's Situation Room and notifications would be completed as required by CBP Directive 3340-025E. Interviews with Local SMEs and the PREA Field Coordinator confirm these notifications would be done immediately in accordance with the policy. There were no notifications made by this facility during the last 12 months of an incident that occurred at another facility.

(b) The standard requires notifications to other facilities be made no later than 72 hours from receipt of the allegation. CBP Directive 2130-030 requires the notification be made promptly. On August 12, 2014, the Director, Field Operations (OFO) issued a memorandum titled Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities, which stipulates "Any CBP officer or employee, upon receiving an allegation that a detainee was sexually abused while confined at another facility, should notify their immediate supervisor. Once notified, the supervisor should contact the appropriate office of the agency or the administrator of the facility where the alleged abuse occurred and advise them of the allegation. This notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation, and the supervisor will document providing the notice." Staff interviews support the notification would be completed immediately, noting all notification and required actions are done immediately.

(c) CBP Directive 2130-030 states once staff becomes aware of incidents alleged to have occurred in other facilities staff must report/document the incident to both the JIC and the Commissioner's Situation Room. Interviews with Local SMEs and the PREA Field Coordinator confirm these notifications would be completed immediately and documented by the Supervisor on site at the time of the awareness in accordance with policy. There have been no notifications made by this facility as there have not been any alleged incidents reported to any staff during the last 12 months.

(d) The standard requires the agency/office receiving a notification of an allegation occurring in a facility covered by

this subpart must ensure the allegation is referred for investigation. On August 12, 2014, the Acting Assistant Commissioner, Office of Field Operations, issued a memorandum titled Standards to Prevent, Detect, and Respond to Sexual Abuse in CBP Holding Facilities which states if any CBP office that receives such notification, shall ensure that the allegation is referred for investigation. CBP Directive 2130-030 directs staff to report as promptly as possible any knowledge, suspicion, or information of an incident of sexual abuse and/or assault of a detainee in a holding facility. CBP Directive 3340-025E states the specific responsibility to notify the Commissioner's Situation Room of significant incidents rests with the on-duty supervisor. It indicates notifications are to be accurate and expeditious. It states all sexual abuse allegations are considered significant incidents and must be immediately reported to the Commissioner's Situation Room and PSA Coordinator. Supervisor interviews supported they are aware that all sexual incident allegations are to be reported immediately to the JIC and PSA which would then initiate an investigation. Therefore, the Auditor finds this standard to be compliant.

§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) CBP Directive 2130-030 details the responsibilities of the first law enforcement staff on scene of a reported allegation of sexual abuse. The Directive and PREA training reinforces the policy by requiring law enforcement staff separate the alleged victim and abuser, preserve and protect the crime scene, and if the abuse occurred within a time period that still allows for the collection of physical evidence, request the alleged victim and ensure the alleged abuser not take any actions that could destroy physical evidence. During random interviews staff detailed their responsibilities as first responders. Each staff told the Auditor they would separate the victim from the abuser, provide medical assistance if needed, preserve evidence to the extent possible and notify their Supervisor. All staff interviewed had the recently issued PREA Quick Reference Card which reinforces the requirements of this standard.

(b) CBP Directive 2130-030 requires non-law enforcement staff request the alleged victim not take any actions that could destroy physical evidence and notify law enforcement staff of the incident. There are no non-law-enforcement staff unescorted in the detainee area; the Auditor only observed airline staff in the direct supervision of CBP Officers.

§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) CBP Directive 2130-030 stipulates this entire document constitutes CBP's written institutional plan outlining the coordinated multidisciplinary team approach to responding to sexual abuse. The 21 sections of the Directive cover aspects from hiring, training, reporting, responding, medical and mental health services, investigations, and data collection. LAX POE Secure Detention & Transport Procedures also addresses sexual abuse and sexual assault response actions required. Additionally, the coordinated response plan is reinforced in the PREA Quick Reference Card. All staff were knowledgeable about the coordinated response plan and had the PREA Quick Reference card in their possession.

(b)(c) CBP Directive 2130-030 states if an alleged victim of sexual abuse and/or assault is transferred to another DHS facility, LAX POE must inform the receiving DHS agency of the alleged incident and the alleged victim's potential need for medical or social services. If the alleged victim of sexual abuse and/or assault is transferred to a non-DHS facility, they must inform the receiving facility or agency, as permitted by law, of the incident and the alleged victim's potential need for such services, unless the alleged victim requests otherwise. Each of the Local SMEs and PREA Field Coordinator informed the Auditor during interviews that during the last 12 months LAX POE has had no cases requiring any such notification to a DHS or non-DHS facility. As previously noted, all incidents of this type require the Supervisor to submit an Incident Report to JIC and the Commissioner's Situation Room. The Chief and shift Supervisor acknowledged they are required to initiate this report. Any transfer or move of the victim would require the Supervisor to update JIC of the incident update and then notify the receiving facility. Notifications would be completed as required by CBP Directive 3340-025E, which states the specific responsibility to notify the Commissioner's Situation Room of significant incidents rests with the on-duty supervisor. It indicates notifications will be accurate and expeditious. It states all sexual abuse allegations are considered significant incidents and must be immediately reported to the Commissioner's Situation Room, Intake Center and PSA Coordinator. Interviews with the Officers and Supervisors support the appropriate information will be provided to another DHS or non-DHS facility, as permitted by law, as the situation dictates.

§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:

CBP Directive 2130-030 requires agency management consider whether any staff, contractor, or volunteer alleged to have perpetrated sexual abuse and/or assault should be removed from duties requiring detainee contact pending the outcome of an investigation and are to do so if the seriousness and plausibility of the allegation make removal appropriate. The HQ SAAI SME interview indicates any allegation of sexual assault or sexual abuse involving staff, a contractor or volunteer would result in the person being removed from detainee contact pending the outcome of the investigation. Interviews with Local SMEs and the PREA Field Coordinator also confirmed this. The Local SME and HQ interviews support there has not been any allegation of sexual abuse made against a staff member requiring this type of response.

§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:

CBP Directive 2130-030 prohibits Officers and other CBP personnel from retaliating against any person or detainee, who reports, complains about, or participates in an investigation of sexual abuse and/or assault. This retaliation prohibition is also detailed in the PREA training (PALMS) staff receive. All interviews with staff confirm each is aware of the policy prohibiting retaliation against anyone who makes an allegation of sexual misconduct or participates in the investigation.

§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) CBP Directive 2130-030 informs CBP personnel they 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. The Auditor interviewed the HQ LER and HQ SAAI SMEs. Both individuals indicate staff would be subject to disciplinary action including removal from Federal Service for a substantiated allegation of sexual abuse or violating the agency sexual abuse policy.

(c) CBP Directive 2130-030 requires OPR report all staff removals or resignations in lieu of removal to appropriate law enforcement agencies for violations of agency or facility sexual abuse and/or assault policies, unless the activity was

clearly not criminal. The interview with the HQ SAAI SME indicates CBP would notify law enforcement of all removals or resignations in lieu of removal for violations of the agency zero tolerance policy. The HQ SAAI SME indicates there were no such resignations or removals at LAX POE within the last 12 months.

(d) CBP Directive 2130-030 requires OPR report all staff removals or resignations in lieu of removal to any relevant licensing bodies for violations of agency or facility sexual abuse and/or assault policies, to the extent known. The interview with the HQ LER SME indicates their office would notify licensing bodies, if known, of all staff removals or resignations in lieu of removal for violations of the agency zero tolerance policy. She indicates there were no such resignations or removals at LAX POE within the last 12 months.

§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:

CBP Directive 2130-030 requires any contractor or volunteer suspected of perpetrating sexual abuse and/or assault be removed from all duties requiring detainee contact pending the outcome of an investigation, as appropriate. As reported by CBP staff, there are no contract staff or volunteers utilized at LAX POE. Access to detainees is controlled by a secure door which ensures only authorized personnel can enter. As policy addresses the possibility of the use of contractors and/or volunteers, the Auditor finds this standard to be compliant should they be utilized in the future.

§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) CBP Directive 2130-030 requires alleged sexual assault victims be provided timely unimpeded access to emergency medical treatment and crisis intervention services, including emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care. It also requires emergency medical treatment services be provided to the alleged victim without financial cost and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. Interviews with Local SMEs and the PREA Field Coordinator confirm Supervisors are aware alleged victims of sexual assault are to receive all medical service and medications without cost, even if they do not name the abuser or cooperate with the investigation. They are also aware detainees victims requiring medical treatment must be sent to the local hospital. As stated, a list of hospitals in Los Angeles County that provide SART services are provided as an attachment to the local procedures.

§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:

(a) CBP Directive 2130-030 requires at the conclusion of every investigation of sexual abuse and/or assault that a sexual abuse incident review is to be conducted within 30 days. The review is to determine whether the allegation or investigation indicates a change is needed in policy or practice to better prevent, detect, or respond to sexual abuse. The recommendation(s) for improvement outlined in the review must be implemented or the agency must document the reasons for not doing so in a written response. The report and response is to be forwarded to the PSA Coordinator. The Auditor interviewed the PSA Coordinator about the incident review process for allegations of sexual abuse. She informed the Auditor regional staff would conduct this review, and would make recommendations if needed. If the recommendations were not adopted by the facility then the reason for not implementing them would be documented in writing; both documents are to be forwarded to the PSA Coordinator. This was also confirmed by the interview with the A/ADP. As noted, there have not been any allegations of sexual abuse or sexual assault made during the previous 12 months at LAX POE. Therefore, there have been no sexual abuse incident reviews.

§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)
- X 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

November 8, 2019

Date

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



U.S. Customs and
Border Protection

3/20AUDITOR

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

AGENCY

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:	Los Angeles International Airport Port of Entry
Name of Chief or Director:	(b)(6)(b)(7)(C)
PREA Field Coordinator:	(b)(6)(b)(7)(C)
Sector or Field Office Physical Address:	1 World Trade Center, Suite 705, Long Beach, CA 90831
Mailing Address: (if different from above)	N/A

SHORT-TERM FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Los Angeles Airport		
Physical Address:	380 World Way, Los Angeles, California		
Mailing Address: (if different from above)	N/A		
Telephone Number:	(b)(6)(b)(7)(C)		
Facility Leadership			
Name of Officer in Charge:	(b)(6)(b)(7)(C)	Title:	Chief CBP Officer
Email Address:	(b)(6)(b)(7)(C)	Telephone Number:	(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), Los Angeles International Airport Port of Entry (POE), Los Angeles, California, was conducted on April 2-3, 2019, and the preliminary findings report was submitted on May 7, 2019. Following comments from CBP Headquarters and from the reviewing Auditor, the report was submitted in Final Draft on November 8, 2019.

At the time of the audit, the Auditor reviewed the compliance of 25 Subpart B standards and the Los Angeles International Airport POE was found to be in compliance with 22 standards: (115.111; 115.114; 115.116; 115.117; 115.122; 115.131; 115.132; 115.141; 115.151; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182 and 115.186). The Los Angeles International Airport POE was found to not be in compliance with two standards: (115.113 and 115.115). Standard 115.118 was not applicable to the Los Angeles International Airport POE.

On December 9, 2019, the Los Angeles International Airport POE submitted a preliminary Corrective Action Plan (CAP) dated December 4, 2019, through CBP Headquarters. The CAP was reviewed and accepted by the Reviewing Auditor and Program Manager for Creative Corrections. Several documents were requested by the Reviewing Auditor and received by August 24, 2020. On March 30, 2020, the Los Angeles International Airport POE provided a copy of the Annual Review of Detainee Supervision Guidelines document dated September 23, 2019. Upon review, the Reviewing Auditor requested and received additional information. On April 21, 2020, an amended Annual Review of Detainee Supervision Guidelines was submitted which satisfied all requirements of Standard Provisions 115.113 (b) and (c). On August 24, 2020, the Los Angeles International Airport POE submitted documentation of staff musters and sign-offs satisfying the staff re-training requirements of Standard Provisions 115.115 (f).

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:

On March 30, 2020, the Los Angeles International Airport POE submitted an Annual Review of Detainee Supervision Guidelines document as required by standard Provision (b). A review of the document revealed that several elements required by standard provision 115.113 (c) had not been satisfied and the report was returned for revision. On April 21, 2020, an amended Annual Review of Detainee Supervision Guidelines document was submitted to the reviewing Auditor and was found to satisfy all elements of standard provision (c). The Los Angeles International Airport POE is now compliant with Standard 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 August 24, 2020, the Los Angeles International Airport POE submitted training musters dated December 2018 referencing National Standards, Transport, Enforcement, Detention search policy (TEDS). The musters and TEDS provides direction and policy requirements to staff in the identification of gender identity. The musters and TEDS also provide direction of cross gender pat searches and searches of transgender and intersex detainees. The Los Angeles International Airport POE also submitted a re-training memorandum dated August 23, 2020, to all staff reinforcing the pat search procedures addressed in the December 2018 musters. Staff training muster sign-offs and acknowledgements were also submitted. The Los Angeles International Airport POE is now compliant with standard provision 115.115 (f).

OVERALL DETERMINATION - AFTER IMPLEMENTATION OF THE CORRECTIVE ACTION PLAN	
<input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards) <input checked="" type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period) <input type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	<input checked="" type="checkbox"/> Low Risk <input type="checkbox"/> Not Low Risk

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

September 3, 2020 _____
 Date