

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: | Miami | | |
| Name of Chief or Director: | (b)(6)(b)(7)(C) | | |
| PREA Field Coordinator: | (b)(6)(b)(7)(C) | | |
| Sector or Field Office Physical Address: | 909 S.E. 1 st Avenue, Miami, FL 33131 | | |
| Mailing Address: (if different from above) | NA | | |
| SHORT-TERM HOLDING FACILITY BEING AUDITED | | | |
| Information About the Facility | | | |
| Name of Facility: | Miami Int'l Airport Concourses D and J | | |
| Physical Address: | 4200 NW 21 st Street (Concourse D and Concourse J) Miami Int'l Airport, Miami, FL 33122 | | |
| 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: | Branch Chief |
| 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 U.S. Customs and Border Protection (CBP), Office of Field Operations (OFO), Miami International Airport Facility, Miami, Florida was conducted on July 11, 2019, by [REDACTED] PREA Certified Auditor, a contractor for Creative Corrections, LLC. The facility is utilized by CBP for short-term detention of individuals arriving on international flights pending release from custody, return to their country of origin, or transfer to a court, jail, prison, other agency or other unit of the agency.

The purpose of the audit was to determine compliance with Subpart B of the Department of Homeland Security (DHS) Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, 6 C.F.R. Part 115, (the "DHS PREA Standards").

[REDACTED] (b)(6)(b)(7)(C), CBP's Prevention Sexual Assault (PSA) Coordinator, Privacy and Diversity Office (PDO), Headquarters (HQ); [REDACTED] (b)(6)(b)(7)(C), Deputy Director, Personnel Security Division (HQ); [REDACTED] (b)(6)(b)(7)(C), Employee Relations Specialist (HQ); [REDACTED] (b)(6)(b)(7)(C), acting in lieu of [REDACTED] (b)(6)(b)(7)(C), Branch Chief CBP Hiring Center (HQ); [REDACTED] (b)(6)(b)(7)(C), Sexual Abuse and Assault Investigations (SAAI) Coordinator (HQ); and [REDACTED] (b)(6)(b)(7)(C), National Office of Field Operation (OFO) PREA Coordinator, OFO Enforcement Programs Division (EPD); provided the (HQ) and local Pre-Audit Questionnaires (PAQ) along with supporting documents for the Miami International Airport Facility on the secure CBP SharePoint website approximately two to three weeks prior to the on-site portion of the audit. Pre-audit preparation included a thorough review of all supplied documentation and supporting materials provided by the facility along with the data included in the completed 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.

The Auditor arrived at the Miami International Airport Facility at 5:45 a.m., on July 11, 2019 and proceeded to the office of [REDACTED] (b)(6)(b)(7)(C) Chief/Supervisory CBP Officer, Miami International Airport. At approximately 8:00 a.m., the Auditor proceeded to the facility conference room where the in-briefing was conducted. Those in attendance were:

[REDACTED] (b)(6)(b)(7)(C), Supervisory CBP Officer, Miami International Airport
[REDACTED] (b)(6)(b)(7)(C), Chief/Supervisory CBP Officer, Miami International Airport
[REDACTED] (b)(6)(b)(7)(C), PSA Coordinator, PDO, HQ
[REDACTED] (b)(6)(b)(7)(C), Deputy PSA Coordinator, PDO HQ
[REDACTED] (b)(6)(b)(7)(C), CBP Officer, Miami International Airport

After introductions and a brief question and answer period, the in-briefing ended, and the tour of the Miami International Airport Facility began. The facility has [REDACTED] (b)(6)(b)(7)(E) across two concourses (CCD and CCJ) and they average space for ten detainees each. Concourse D is the focal point for holding detainees and each room in this concourse [REDACTED] (b)(6)(b)(7)(E). Additionally, there is always an officer assigned to cell duties when there are detainees in them. Cell Duty Officers have access to view the monitor, as do Chiefs and Watch Commanders. There are [REDACTED] (b)(6)(b)(7)(E) in south terminal, one of which is in a [REDACTED] (b)(6)(b)(7)(E), and [REDACTED] (b)(6)(b)(7)(E) in north terminal. There are [REDACTED] (b)(6)(b)(7)(E) in general areas, [REDACTED] (b)(6)(b)(7)(E). [REDACTED] (b)(6)(b)(7)(E). There are also [REDACTED] (b)(6)(b)(7)(E). Each [REDACTED] (b)(6)(b)(7)(E) contains a toilet/bathroom with a door, while the [REDACTED] (b)(6)(b)(7)(E) toilets have half-walls and privacy [REDACTED] (b)(6)(b)(7)(E). There are posters on the walls in Spanish and English informing detainees of how and whom to report (in writing, anonymously to the Office of Inspector General (OIG) or by telling a CBP Official) any allegations of sexual abuse. Posters are in the administrative areas and the large [REDACTED] (b)(6)(b)(7)(E) but not in [REDACTED] (b)(6)(b)(7)(E). Assignment to [REDACTED] (b)(6)(b)(7)(E) is by gender and age, and families may be assigned to the family room. If multiple families are present, the mothers and children are in the family rooms and the adult family males are placed in the [REDACTED] (b)(6)(b)(7)(E) for males. Doors are always unlocked unless a detainee is identified as a predator. There are sitting areas outside of the [REDACTED] (b)(6)(b)(7)(E). The Miami International Airport Facility is staffed around the clock by OFO Officers only. There are no contractors allowed into the [REDACTED] (b)(6)(b)(7)(E) unsupervised by an Officer at any time. The Miami International Airport Facility receives males, females, family units, and juveniles.

During the site visit, the Auditor was able to observe the detainee intake process. Line staff walked the Auditor through the arrival and intake process that each detainee receives upon arrival. The typical time detainees are held at the Miami International Airport Facility is just a few hours and is dependent on flight schedules to return the detainee to their country of origin. It is very rare for a stay to exceed 1-2 days since flights are typically scheduled at a minimum of every other day. Detainees are provided food and given bedding to sleep on for the duration of the time they are there.

Scope of the Audit:

The Auditor reviewed all relevant policies, procedures and documents in assessing the Miami International Airport Facility's PREA procedures. The Auditor had access to all areas of the facility and [REDACTED] (b) (7)(E) and [REDACTED] (b) (7)(E) in operation. While on-site, the Auditor interviewed 12 line Officers, four local SMEs, and four adult detainees from three countries. The Auditor used Language Services Associates to provide interpretative services for the detainee interviews.

The Auditor also conducted a records review of a sample of 16 staff background investigation records, staff training records, and four detainee assessment forms. There were no allegations of sexual assault reported at this facility within the last 12 months. When allegations are received, Miami Dade Police Department, DHS Office of the Inspector General (OIG) and/or CBP Office of Professional Responsibility (OPR) conduct sexual abuse/sexual assault investigations.

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 July 11, 2019, an exit briefing was held in the Miami International Airport Facility Conference Room. In attendance were:

(b)(6)(b)(7)(C), Supervisory CBP Officer, Miami International Airport
(b)(6)(b)(7)(C), PSA Coordinator, PDO, HQ
(b)(6)(b)(7)(C), National OFO PREA Coordinator, HQ (by telephone)
(b)(6)(b)(7)(C), Chief/Supervisory CBP Officer, Miami International Airport
(b)(6)(b)(7)(C), Deputy PSA Coordinator, PDO, HQ
(b)(6)(b)(7)(C), CBP Officer, Miami International Airport

The Auditor discussed observations made during the on-site audit and gave preliminary findings of the audit. He informed those present of initial concerns and explained that he would not be able to make a final determination until he reviewed the on-site notes from interviews, policies and Standard requirements.

The Auditor did not find compliance with two Standards: 115.113 (b) Did not provide documentation of the annual review of the supervision guidelines and their application taking into account all areas as noted in the Standard; 115.115 (f) Did not provide documentation of transgender pat search training.

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 Policy on Zero Tolerance of Sexual Abuse and Assault signed by CBP's Commissioner on March 11, 2015, constitutes CBP's policy on zero tolerance of sexual abuse and sexual assault. Additionally, Directive 2130-030, Sexual Abuse and Assault Prevention and Response was issued to CBP staff on February 5, 2018, and re-issued on February 12, 2018 through the agency email program referred to as CBP Central. The policies define in detail the agency's zero tolerance of sexual abuse and sexual assault and lists the prohibited acts. 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 CBP's interaction with detained individuals. The Random staff interviews confirm they were provided and are familiar with the Commissioner's memorandum and CBP Directive 2130-030. This policy is currently available to everyone on the agency webpage. Both SME interviews and random staff interviews reflected the local leadership commitment to zero tolerance and all were aware of the procedures in place to minimize any issues or threat to detainees.

§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 standard requires each facility to maintain sufficient supervision of detainees, appropriate staffing levels and, where applicable, (b) (7)(E), to protect detainees against sexual abuse. The Auditor spoke with the facility SMEs and the PREA Field Coordinator who discussed at length the supervision guidelines. There are no definitive daily staffing numbers established at the Miami International Airport Facility since the workload varies considerably from day to day or even hour to hour. Staff numbers are driven by the number of detainees brought in for processing. The Miami International Airport Facility always maintains enough Officers to provide a safe and secure environment for detainees. All staff are subject to be realigned to detainee management at any time in order to ensure detainee safety. The local SME staff and the PREA Field Coordinator state the established staff positions are appropriate and flex from day to day.

(b)(c) Standard provision (b) require the agency to develop and document comprehensive detainee supervision guidelines to determine and meet each facility's detainee supervision needs, and shall review those supervision guidelines and their application at each facility at least annually. CBP Directive 2130-030 requires a comprehensive detainee supervision guideline to determine and meet operational needs at the Miami International Airport POE. An annual review of those guidelines is to be performed to determine whether adequate levels are present for detainee supervision and monitoring, with the results of the annual review are provided to the PSA Coordinator. Standard provision (c) requires the Miami International Airport POE to determine whether adequate levels of detainee supervision and the need for (b) (7)(E), to take into consideration they physical layout of the facility, the composition of the detainee population, the prevalence of substantiated and unsubstantiated incidents of sexual abuse, the findings and recommendations of sexual abuse incident review reports, and any other relevant factors, including but not limited to the length of time detainees spend in agency custody. As previously stated, the local SME and the PREA Field Coordinator (PFC) indicated the supervision needs are based on the number of detainees received and vary from day to day. It is noted that leadership interviewed did consider all required factors, had established ratios driven by detainee population sizes, had developed guidance for supervision ratios for juveniles and unaccompanied children so the factors in standard provision (c) appear to have been considered and utilized, however, the Auditor was not provided documentation an annual review of the supervision guidelines was performed during the audit period at the

Miami International Airport Facility resulting in non-compliance. **Corrective Action:** Provide documentation of an annual review of the supervision guidelines (b) taking into account all areas listed in subsection (c) of the standard and provide a copy to the PSA per the Directive.

§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)(b) CBP TEDS requires the Miami International Airport Facility to place each juvenile 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 interviewed Officers who process these juveniles and children brought to the facility who state they are processed as either accompanied by a parent or legal guardian or as an unaccompanied child (UAC). (b) (7)(E)

[REDACTED] Co-mingling is never permitted. The minor child/juvenile is typically placed in a sitting area in front of the Officer or in an office or (b) (7)(E), if available. According to these Officers the UAC remains under the supervision of the Officer until removal from the (b) (7)(E). These Officers also state minors accompanied by an adult are thoroughly vetted to the extent possible to ensure a parental or legal guardianship relationship. This includes use of consulates, legitimate documentation and interviews of family members with Officers. (b) (7)(E)

[REDACTED] The Officers are required to screen all UAC for credible fear, human trafficking and their ability to make independent decisions. Because of the requirements overseas to access an international flight, there were less than 15 unaccompanied juveniles received in the past year. Families are placed as a unit (b) (7)(E), which is equipped with sleeping chairs, cribs, etc. and are provided with any supplies needed to care for a child or infant. There were no juveniles or family units present for the Auditor to interview during the site visit.

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

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

Notes:

(b)(c) CBP TEDS details the type and conditions under which searches can and will be performed to ensure the safety of Officers/Agents, 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 these strip/body cavity searches be recorded in the electronic system of record. CBP TEDS details that Officers/Agents must not conduct visual body cavity searches of juveniles and shall refer all such body cavity searches of juveniles to a medical practitioner. During random interviews the Local SME, Officers and Supervisors explained according to policy requirements the conditions under which pat searches, strip searches and body cavity searches could be performed. All indicate strip searches and body cavity searches are not done at the Miami International Airport Facility and have not been done within their memory of at least several years. Their explanations are in compliance with the standard and the policy.

(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 no showers available at this facility. As previously noted, there are (b) (7)(E) that display any toilet or areas where nudity routinely would occur, and there is a half-wall around the toilets in each of the (b) (7)(E). Interviews with Officers confirm they knock on the door or window and announce upon entering. It should be noted each of the (b) (7)(E) exterior walls are almost entirely made up of glass. Detainees usually see the Officers prior to their knocking and entering and opposite gender staff remain at the door and do not enter occupied rooms or cells.

(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/Agents are to ask the detainee their gender or gender identity. If the detainee declines to state their gender, the gender will 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. No detainees interviewed had received anything other than a very cursory search for weapons by a very non-intrusive search.

(f) A review of both policy and the training curriculum for staff at the Miami International Airport Facility reveals Law Enforcement staff did not receive specific training on conducting pat down searches of intersex and transgender detainees in a professional and respectful manner and as required by the standard. There were no transgender or intersex detainees being held during the audit to conduct interviews. Random staff indicated in their interviews all pat searches are performed in a professional manner. They stated that same sex pat searches are the norm but, in a situation, involving safety of the Officer and no females are available to conduct the search, male Officers may conduct pat searches but will always utilize another Officer as a witness. Line staff interviewed informed the Auditor they had not yet received current pat search training specific to transgender and intersex detainees in accordance with the new CBP policy. Interviewed staff gave differing answers that reflected two different understandings of transgender search policies and procedures, one based on the old policy of assigning a searching officer based on the detainee's biological anatomy; the other one based on the muster of searching by staff of the same gender as the detainee's gender, gender identity, or declared gender. The Standard is not compliant. **Corrective Action:** Provide documentation all staff have been trained on conducting pat searches of transgender and intersex detainees as required by the Standard.

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

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

Notes:

(a)(b)(c) CBP TEDS and CBP Directive 2130-030 requires 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 CBP efforts to prevent, detect, and respond to sexual abuse and/or assault. When necessary to ensure effective communication with detainees who are hearing impaired, steps are to include providing access to in-person, telephonic, or video interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary. Interviews with all SME's indicated there had been no disabled detainees in the past year and longer, although there were routine LEP detainees needing interpretive services. During the staff and detainee interviews the Auditor was informed if a communication problem exists during processing the Officer utilizes Interpreters and Translations Incorporated to provide information to detainees in a language they understand. The Officers further state deaf detainees would be dealt with individually with the Officers reading them information and providing visual information as with the posters through an interpreter if necessary. The Officers also informed the Auditor other detainees would not, under normal circumstances, be allowed to interpret for another detainee unless the detainee expresses a preference for the detainee to provide interpretation, and the Port Watch Commander or Shift Duty Officer determines that such interpretation would be consistent with DHS policy. However, interpretation would never be provided by minors, alleged abusers, detainees who witnessed the alleged abuse, and detainees who have a significant relationship with the alleged abuser. No detainees with disabilities were present during the audit to interview and none were reported within the past 12 months. The auditor interviewed four LEP detainees and they had no communication issues due to Spanish language capabilities of the staff.

§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)(f) CBP Directive 2130-030 requires the Office of Human Resource Management (HRM) to establish policy and procedures and ensure CBP does not hire or promote personnel who have had previous substantiated allegations of engaging in sexual abuse and/or assault to any positions where the employee may interact with detainees in CBP holding facilities. The Auditor interviewed the HQ HRM SME prior to the site visit and was informed CBP will not hire or promote any employee, contractor or enlist service of any 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 material omissions regarding this type of misconduct or providing false information are grounds for termination or withdrawal of an offer of employment. The HQ HRM SME informed the Auditor all staff have 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 U.S. Customs and Border Protection Standards of Conduct 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 that updated background investigations be conducted every five years for CBP personnel who may have contact with detainees. The HQ OPR/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 all credentialed background investigators ask applicants, "Have you ever engaged in or have you ever been charged with sexual abuse?" According to her, an affirmative response results in the individual not be hired. The SME also informed the Auditor rechecks are initiated every five years. The word initiated is used by CBP instead of conducted. The Auditor submitted 15 names to OPR to review for background rechecks. Documentation provided by HQ demonstrated the five year recheck were initiated within five years resulting compliance.

§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)(b) The Miami International Airport Facility south terminal J was opened and dedicated in 2007 and the north terminal was placed under CBP control in 2012. There has been no substantial expansion or modification to the facility since that time. The [REDACTED] (b) (7)(E) [REDACTED] has been added to and improved since that date. The local leadership is working to get an increase of [REDACTED] (b) (7)(E) [REDACTED] since it has only [REDACTED] (b) (7)(E) in the detainee [REDACTED] (b) (7)(E). In north terminal, Concourse D, (b) (7)(E) were added in 2012 and include every privacy cell and [REDACTED] (b) (7)(E). Monitor clarity is good and was observed by the Auditor. There have been no incidents; however, staff wishes to be proactive in preparing for the future.

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

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

Notes:

(c)(d) CBP Directive 2130-030 requires the Miami International Airport Facility to provide emergency medical treatment and crisis intervention services, including a forensic medical exam, in accordance with professionally accepted standards of care to alleged victims of sexual assault. The treatment is without financial cost to the detainee and regardless of whether the victim names the alleged abuser or cooperates with any investigation arising out of the incident. CBP TEDS requires if the detainee (alleged victim) is transported for a forensic examination to a medical facility that offers victim advocacy services, Officers/Agents will permit the detainee to use such services to the extent available, consistent with security needs. The Auditor interviewed the facility SMEs and Officers. Both confirm detainee victims receive medical and mental health treatment at no cost as well as allowing advocacy personnel access to detainees, if available, at the hospital where the detainee is sent. Detainees are sent to the local Jackson Memorial Hospital if forensics are required and the Auditor verified by telephone that the hospital has full SAFE/SANE capability and a structural victim advocate capability.

(e) The Auditor was told by HQ Sexual Abuse and Assault Investigations (SAAI) Coordinator that local law enforcement would be notified of any sexual assault and sexual abuse allegations occurring at the facility. Facility staff informed the Auditor the local law enforcement agency is Miami-Dade Police Department. The Auditor verified prior to the on-site visit that the Miami-Dade PD is PREA compliant in its operations. The facility had one sexual abuse allegation made and investigated during the prior 12 months involving an incident prior to detainee arrival. The auditor talked to [REDACTED] (b) (6), (b) (7)(C) crisis staff twice (a part of Jackson Memorial Hospital) and re-verified that they can provide all forensics and support for victims of sexual assault or abuse.

§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 to the Joint Intake Center (JIC) and the Commissioner's Situation Room. The HQ SAAI Coordinator and the Local SME both indicate sexual abuse allegations are reported to JIC and the Commissioner's Situation Room in accordance with policy. The PREA Field Coordinator states the Watch Commander would submit an Incident Report to the JIC and the Commissioner's Situation Room upon learning of an incident. The Directive also requires the Miami International Airport Facility 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 facility Watch Commander would be required to notify local Law Enforcement after notification to the JIC. 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 the JIC and/or the Commissioner's Situation Room she is immediately notified by the 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 one sexual abuse allegation made and investigated during the prior 12 months. Notifications were made immediately as required and the incident was investigated by HSI Investigators. HSI is a critical investigative arm of DHS and is a vital U.S. asset in combating criminal organizations illegally exploiting America's travel, trade, financial and immigration systems.

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

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

Notes:

(a)(b)(c) CBP Directive 2130-030 requires all uniformed agents and officers, special agents, fact finders, contractors, and volunteers who may have contact with detainees in CBP holding facilities to receive PREA training as required in Subpart B of the DHS Standards. The Auditor reviewed the training curriculum provided to staff at the Miami International Airport Facility 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, and transgender, intersex, or gender non-conforming detainees. Based on provided information from the local SME, all individuals currently assigned to the Miami International Airport Facility have the required PREA training. The Auditor was informed training records for staff are maintained for their entire employment plus an additional five years. Interviews with random staff and Local SMEs confirm the information is provided to staff in this training. They also informed the Auditor, PREA training is provided to them every two years. The PALMS system provides an up-to-date listing of staff trained and those needing training and the Auditor reviewed training data for 16 staff which indicated all were trained within required training timelines. As previously noted, there are no contractors or volunteers in contact with detainees at the Miami International Airport Facility requiring this training. The Auditor was informed if contractors or volunteers were to come in contact with detainees, they would be required to attend the same PREA training as required by policy. CBP Directive 2130-030 was provided to all staff through the agency email program referred to as CBP Central. The Auditor interviewed 12 random staff members and questioned them about the training they received. All interviewed staff indicated the training was received within the last six months. Although not all of them cited each of the eight topic requirements of the standard, it was clear during follow-up questions the training included those subpart topics. The follow-up input from HQ personnel records verified their training was within required dates.

§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 Miami International Airport Facility makes public its zero-tolerance policy to the general public through its webpage (<https://www.cbp.gov/about/care-in-custody>) and to all detainees through posters located in the processing area and outside the detainee living areas. The posters observed were in English and Spanish. 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 the DHS OIG (toll free number provided); and telecommunication devices available by calling a toll-free number (provided). The Auditor spoke with four random detainees and they informed the Auditor 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). All detainees interviewed were limited English proficient.

§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 (b) (7)(E) 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 a standard risk assessment questionnaire format, reviewed by the auditor, that 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. Interviews conducted by the auditor verified local staff attempt to determine and then considered the nature of the detainees' criminal history and whether the detainee has any convictions for sex offenses against a child or adult. Much of this information is frequently unavailable due to the nature of the detainees' status and questionable information presented to Officers. The Auditor reviewed the training all staff receives (PALMS) in order to perform this assessment. The training is provided at the same time as the zero-tolerance training and is part of that curriculum. The random Officer interviews conducted by the Auditor confirm the assessment is performed on each detainee arriving at the Miami International Airport Facility to assess the detainee's potential vulnerability and potential abusive behavior. The Assessment form was provided the auditor for review. They further state if the assessment indicates any vulnerability or abusive behavior with any detainee, he/she is provided with heightened protection. If the detainee is abusive, he/she is kept separate from those who are vulnerable. This may include direct sight and sound supervision, single room placement or seated in front of the Officer in the process room. The random interviews with detainees confirm they were asked about their own safety concerns on admission. However, at the time of the site visit, there were no detainees actively processed into the Miami International Airport Facility for the Auditor to observe the process.

(e) CBP TEDS requires the Miami International Airport Facility to implement 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 the handling of this information: the written assessment is placed in the detainee folder after completion; at the end of the shift the supervisor removes the assessments and places the documents under lock and key. The interviewed Chief CBP Officer and Officers indicated this information is never shared and only provided on a need to know basis or under investigation questioning.

§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, if desired, as well as both verbally and in writing. CBP's procedures for reporting alleged sexual abuse and/or assault are to be visible or continuously and readily available to detainees at holding facilities and posted on the CBP public website. Interviews with the Local SMEs, random Officers and Supervisors confirm detainees are provided PREA information, through posters (Spanish and English) on how to report sexual assault verbally and in writing, retaliation and staff failure to perform their duties while also remaining confidential and anonymous. For those who are not English or Spanish fluent in speaking or writing the Officers utilize Interpreters and Translators Incorporated which provides over the telephone translations for over 150 languages. Posters indicate detainees may privately report, 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 CBP. The phone number was tested and worked adequately. The Auditor interviewed four random detainees. They were aware there was a telephone number available to them, and all were aware they could inform staff of any allegation of sexual abuse confidentially when interviewed, however, they seemed somewhat puzzled when asked if they are aware of being able to have someone report sexual abuse allegations on their behalf. 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 (b) (7)(E). Officers state the 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 and give them an outside line to call. The Officers indicate they would step out of the room and close the door observing the detainee through the glass in the door.

(c) CBP TEDS requires Officers at the Miami International Airport Facility to receive allegations reported to them verbally, in writing, anonymously or from third parties and promptly record such reports according to operational procedures. The Auditor was informed by the random Officers and Supervisors, during interviews, all verbal allegations of sexual abuse or sexual assault made to them is documented in writing 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, USPS address and email address to the JIC, and a toll free telephone number, a direct complaint link and USPS address for DHS OIG for anyone wishing to make an allegation on behalf of a detainee. Posters throughout the processing area inform detainees of the DHS OIG reporting telephone number for them to report an allegation.

§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 all staff to report any misconduct upon becoming aware of it. CBP TEDS requires staff to immediately report: 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 within their chain of command it requires them to report outside of their chain of command to either the JIC hotline, email JIC, contacting CBP Office of

Professional Responsibility (OPR), and contacting DHS OIG to report all allegations of misconduct. Interviews with random staff and SME staff verified that this is clearly understood and followed and that there are sanctions for failure to comply with the policy.

(c) CBP Directive 2130-030 requires staff not to 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. This information about confidentiality is provided to all staff in the mandatory PALMS PREA training as well as in policy and this was supported in all interviews of both SMEs and line staff.

(d) CBP Directive 2130-030 requires CBP staff to notify relevant agencies if the alleged victim of a sexual assault is a vulnerable adult or under the age of 18. The Auditor confirmed the reporting requirements during the interviews conducted with the 10 random staff and local SME staff. They all indicate their responsibility to immediately report any allegation of sexual abuse, retaliation or staff failure to perform their duties within and outside of the chain of command if necessary. They also indicate all information they become aware of is not shared except on a need-to-know basis or during an investigation into the matter. The Local SME interviews and the PREA Field Coordinator informed the Auditor that should a vulnerable adult or person under eighteen be sexually assaulted at the Miami International Airport Facility the normal protocol would be the Watch Commander would submit an Incident Report to the JIC and the Commissioner's Situation Room. Notifications would be completed as required by CBP Directive 3340-025E. The PREA Field Coordinator stated that he/or the Watch Commander would make these notifications to the appropriate local State Agencies if required and would update the JIC with this information. SME staff at the Miami International Airport Facility state the facility has not had 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 a substantial risk of imminent sexual abuse, he or she shall take immediate action to protect the detainee. This specific question was asked of the 10 random staff interviewed and the four 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. All indicate the initial response would include the separation of the alleged victim from the potential abuser and reporting the incident to a Supervisor or investigating agency, etc. The safety of the detainee would be their primary focus. Depending on the number of rooms being used at the time the detainee would be placed in a (b) (7)(E) alone or under direct supervision of an Officer.

§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 at the Miami International Airport Facility 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. The local SMEs and the PREA Field Coordinator state the notification is made in the same manner as any incident is reported. The Miami Airport Facility Watch Commander would submit an Incident Report to the JIC and the Commissioner's Situation Room. Notifications would be completed as required by CBP Directive 3340-025E. Interviews with the 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 as no alleged incidents at other facilities have been reported to any Miami International Airport Facility staff.

(b) The Acting Assistant Commissioner, Office of Field Operations, issued the policy titled, Standards to Prevent, Detect and Respond to Sexual Abuse in CBP Holding Facilities on August 12, 2014 which states, "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. Documentation provided to the Auditor requires these notifications to other facilities be done promptly. Staff interviews indicate the same.

(c) CBP Directive 2130-030 states once staff become aware of incidents alleged to have occurred in other facilities, the Miami International Airport Facility staff must report the incident to both the JIC and the Commissioner's Situation Room. Interviews with the Local SMEs and the PREA Field Coordinator confirm these notifications would be done immediately by the facility Watch Commander in accordance with policy and documented in the detainee's electronic file. 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. Interviews with Officers, SMEs and the HQ SAAI Coordinator all stated that this is a required action and that the allegation is immediately reported to the Sector leadership who, in turn, forward the allegation to OPR, JIC and OIG offices. The CBP Memorandum of August 12, 2014 provides guidelines on the implementation of the DHS PREA Standards and requires any CBP Agent, Officer, or staff receiving a sexual abuse allegation from any source is to ensure the allegation is referred for investigation.

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

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

Notes:

(a)(b) 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 in PALMS reinforce the policy by requiring law enforcement staff members to 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 do not take any actions that could destroy physical evidence. As previously noted there are no contractors allowed in the (b) (7)(E) while detainees are present. During the site visit, the Auditor did not observe non-law enforcement staff present in the area. CBP Directive 2130-030 does, however, address non-law enforcement first responder duties if they were ever to allow them in the (b) (7)(E). The policy requires non-law enforcement staff request the alleged victim not take any actions that could destroy physical evidence and the notify law enforcement staff. During the 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.

§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 this Directive cover aspects from hiring, training, reporting, responding, medical and mental health services, investigations, and data collection. The PREA Field Coordinator during his interview discussed this institutional plan. He stated information about specific responsibilities are explained in the Directive and reinforced in training.

(b)(c) CBP Directive 2130-030 states if an alleged victim of sexual abuse and/or assault is transferred to another DHS facility, the Miami International Airport Facility 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, the Miami International Airport Facility 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 the PREA Field Coordinator informed the Auditor during their interviews that during the last 12 months the Miami International Airport Facility 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 Watch Commander to submit an Incident Report to the JIC and the Commissioner's Situation Room upon any notice. Any transfer or move would require the Watch Commander to update JIC of the incident update and then he would notify the receiving facility. This process was detailed to the Auditor by the PREA Field Coordinator as the Miami International Airport Facility has had no incidents for the Auditor to review. Notifications would be completed as required by CBP Directive 3340-025E.

§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 shall do so if the seriousness and plausibility of the allegation make removal appropriate. The HQ SAAI Coordinator interview indicates any allegation of sexual assault or sexual abuse involving staff, a contractor or volunteer would result in the person being removed from duties requiring detainee contact pending the outcome of an investigation when the seriousness of the allegation make removal appropriate. This policy requirement was also communicated to the Auditor by the local SMEs and the PREA Field Coordinator. As previously noted, there are no contractors or volunteers currently allowed in the hold room. The local SMEs indicate 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 Agents, 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) each staff member receives at the Miami International Airport Facility. The Auditor interviewed 10 random staff, four local SMEs and the PREA Field Coordinator. Each was aware of the policy prohibiting retaliation against anyone who makes an allegation of sexual misconduct or participates in the investigation. There were no detainees who either filed an allegation or participated in an investigation to interview. The PREA Field Coordinator informed the Auditor there have been no allegations of retaliation made at the Miami International Airport Facility during the last 12 months.

§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 subjected 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 HQ LER SME and HQ SAAI Coordinator. Both

these individuals indicate staff would be subject to disciplinary action up to and 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 to report all 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 Coordinator 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 Coordinator indicates there were no such resignations or removals at the Miami International Airport Facility within the last 12 months.

(d) CBP Directive 2130-030 requires OPR to report all 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 SME from OPR indicates their office would notify licensing bodies, if known, of all removals or resignations in lieu of removal for violations of the agency zero tolerance policy. She indicated there were no such resignations or removals at the Miami Airport Facility 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:

(a)(b) 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 noted throughout the report the Miami International Airport Facility only allows law enforcement staff contact with detainees. The Auditor did not observe any contractors or volunteers in the (b) (7)(E) during the site visit. Interviews with the Miami International Airport Facility SMEs indicate that the facility will prohibit any contractor or volunteer from having contact with detainees when suspected of perpetrating sexual abuse pending the outcome of the investigation. The PREA Field Coordinator informed the Auditor that if contractors were ever allowed inside the (b) (7)(E) area and were found to violate CBP's zero tolerance policy, they would be removed from contact with any detainee; he would be responsible to notify both the local law enforcement and any licensing bodies.

§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 the local SMEs and the PREA Field Coordinator confirm supervisors are aware of 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 all detainees requiring any medical treatment must be sent to the local facility hospital, Jackson Memorial Hospital, which has an extensive sexual assault response and forensics program at Roxcy Bolton, including victim advocacy capabilities that were verified by the Auditor.

§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, 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. An interview with the PSA Coordinator revealed the report and response is to be forwarded to the PSA Coordinator within 30 days after the conclusion of a sexual investigation at a facility. Interview with the PREA Field Coordinator confirmed sexual abuse incidents reviews are conducted per procedures outlined in Section 18.1 of CBP Directive No. 2130-030, Prevention, Detection, and Response to Sexual Abuse and/or Assault in CBP Holding Facilities. They further stated the Port Director would implement any recommendations made. The Miami International Airport Facility had no incident allegations and thus no reviews during the audit period.

§115.187 – Data collection.

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

Notes:

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

ADDITIONAL NOTES

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

None.

AUDITOR CERTIFICATION:

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

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

Auditor's Signature

January 24, 2020

Date



U.S. Customs and
Border Protection

PREA Audit: Subpart B

Short-Term Holding Facilities

Corrective Action Plan Final Determination

| 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: | Miami | | |
| Name of Chief or Director: | (b)(6)(b)(7)(C) | | |
| PREA Field Coordinator: | (b)(6)(b)(7)(C) | | |
| Sector or Field Office Physical Address: | 909 S.E. 1 st Avenue, Miami, FL 33131 | | |
| Mailing Address: (if different from above) | Same as above | | |
| SHORT-TERM FACILITY BEING AUDITED | | | |
| Information About the Facility | | | |
| Name of Facility: | Miami Int'l Airport Concourses D and J | | |
| Physical Address: | 4200 NW 21st Street (Concourse D and Concourse J) Miami Int'l Airport, Miami, FL 33122 | | |
| Mailing Address: (if different from above) | Same as above | | |
| Telephone Number: | (b)(6)(b)(7)(C) | | |
| Facility Leadership | | | |
| Name of Officer in Charge: | (b)(6)(b)(7)(C) | Title: | Branch Chief |
| 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 was conducted at the U.S. Customs and Border Protection (CBP), Office of Field Operations (OFO), Miami International Airport Point of Entry (POE), Miami, Florida on July 11, 2019, and the preliminary findings report was submitted on October 15, 2019. Following comments from CBP Headquarters and Auditor Review, the report was submitted in Final Draft on January 24, 2020.

At that time, the Auditor reviewed the compliance of 25 Subpart B standards and the Miami International Airport POE was found to be in compliance with 22 standards: 115.111; 115.114; 115.116; 115.121; 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 facility had not met the requirements for two standards: 115.113 and 115.115. Standard 115.118 did not apply to the facility.

On February 24, 2020, the Miami International Airport POE submitted a preliminary Corrective Action Plan (CAP) to the Reviewing Auditor through Headquarters. In conjunction with the CAP, the Miami International Airport POE submitted an Annual Review of Detainee Supervision Guidelines document for the Miami International Airport POE dated January 8, 2020, which satisfied compliance with standard provisions 115.113 (b). The Miami International Airport POE also submitted a memorandum dated June 6, 2019, to staff from the PSA Coordinator regarding processing transgender applicants for admission and a memorandum dated July 16, 2019, from the Supervisory Customs Border Patrol Agent to all staff on preventing and addressing sexual abuse and assault of individuals in CBP holding facilities. Additionally, on February 27, 2020, the Miami International Airport POE submitted a copy of the Performance and Learning Management System (PALMS) PREA FY 2019 training roster. The Auditor reviewed the documentation received; however, the training roster and training materials were dated prior to the audit and not specific to techniques utilized to pat search transgender detainees. The Auditor requested current re-training rosters and documentation. On August 25, 2020, the requested documentation was received which satisfied compliance with standard provision 115.115 (f). Although there was ongoing contact between the Auditor and the Miami International Airport POE, the corrective action was not completed within the 180-day date.

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 relied 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 February 24, 2020, the Miami International Airport POE submitted a record of an Annual Review of Detainee Supervision Guidelines dated January 8, 2020, to the Auditor via Headquarters. The Annual Review of Detainee Supervision Guidelines document included all elements as required in standard provision (c) and found to be satisfactory. The Miami International Airport POE is now compliant with standard provisions 115.113 (b).

§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 February 24, 2020, the Miami International Airport POE submitted a muster titled, "Processing Transgender Applicants for Admission," dated June 6, 2019, and an email dated July 16, 2019, to all staff directing them to complete the training course titled "Preventing and Addressing Sexual Abuse and Assault of Individuals in CBP Holding Facilities utilizing the Performance and Learning Management System (PALMS). The Auditor reviewed the documents and determined additional information was required since the documents were dated prior to the audit. On February 27, 2020, the Miami International Airport POE submitted a training roster of staff completing the PALMS training course as stated above. The Auditor reviewed the document and determined additional information was required to verify staff were specifically trained in the techniques of conducting pat search of transgender detainees. On August 24, 2020, the Miami International Airport POE submitted a re-training muster dated August 5, 2020, which reinforced the muster previously issued in December 2018 which provide the techniques of conducting pat searches of transgender detainees. The Miami International Airport POE also provided documentation of staff acknowledging and understanding the musters issued to them. The Auditor reviewed the documentation and found them to be satisfactory. The Miami International Airport POE is now compliant with standard provision 115 (f).

| OVERALL DETERMINATION | |
|--|---|
| <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) _____
Auditor's Signature

September 2, 2020
Date