

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:	Buffalo Field Office			
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 Peace Bridge Plaza, Buffalo, NY 14213			
Mailing Address: <i>(if different from above)</i>				
SHORT-TERM HOLDING FACILITY BEING AUDITED				
Information About the Facility				
Name of Facility:	Peace Bridge Port of Entry (POE)			
Physical Address:	1 Peace Bridge Plaza, Buffalo, NY 14213			
Mailing Address: <i>(if different from above)</i>				
Telephone Number:	(b)(6)(b)(7)(C)			
Facility Leadership				
Name of Officer in Charge:	(b)(6)(b)(7)(C)		Title:	Watch Commander
Email Address:	(b)(6)(b)(7)(C)		Telephone Number:	(b)(6)(b)(7)(C)

AUDIT FINDINGS

NARRATIVE OF AUDIT PROCESS AND DESCRIPTION OF FACILITY CHARACTERISTICS:

Directions: Discuss the audit process to include the date(s) of the audit, names of all individuals in attendance, audit methodology, description of the sampling of staff and detainees interviewed, description of the areas of the facility toured, and a summary of facility characteristics.

The Prison Rape Elimination Act (PREA) audit of the Peace Bridge Port of Entry (POE) located in Buffalo, New York, was conducted April 30, 2019, by (b)(6)(b)(7)(C), a PREA Certified Auditor contracted through Creative Corrections, LLC. The Peace Bridge POE is a short-term processing and holding area detaining male and female adult detainees, unaccompanied alien children (UAC), and family units for a time period specified to be under 12 hours, pending transfer for removal or detention. Peace Bridge POE is one of four vehicular and pedestrian POE's over the Niagara River in the region. 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"). The on-site audit followed the auditor's electronic review of CBP's PREA policies and procedures and telephonic interviews with CBP Headquarters (HQ) Subject Matter Experts (SMEs). The Auditor did not receive any communication from the staff or detainees prior to the on-site audit.

The Headquarters (HQ) point of contact established for the audit was (b)(6)(b)(7)(C), National Office of Field Operations (OFO) PREA Coordinator, HQ; the point of contact for the facility was (b)(6)(b)(7)(C), Watch Commander/PREA Field Coordinator (PFC). All PREA Pre-Audit documentation was available to the Auditor through the electronic CBP SharePoint approximately three weeks prior to the on-site portion of the audit. The Auditor reviewed all documentation and materials submitted by the facility and HQ, which included agency and facility policies with corresponding attachments, procedures, forms, and other PREA-related materials to demonstrate compliance with the DHS PREA standards.

On the day of the on-site audit the Auditor was provided a list of staff for all three shifts by the PFC. The Auditor randomly selected staff to interview throughout the day. The Auditor was informed Peace Bridge POE has not held any detainees in the last 12 months; no detainees were held during the on-site audit. After selecting staff to interview an entrance briefing was held. The Auditor provided an overview of the audit process and a tentative schedule. Those in attendance were: (b)(6)(b)(7)(C), Watch Commander/PFC, Peace Bridge POE; (b)(6)(b)(7)(C), Program Manager, Buffalo Field Office, Buffalo, NY; (b)(6)(b)(7)(C), Acting Port Director, Peace Bridge POE; (b)(6)(b)(7)(C), Chief CBP Officer, Peace Bridge POE; (b)(6)(b)(7)(C), Assistant Port Director Trade, Peace Bridge POE; and (b)(6)(b)(7)(C), Assistant Port Director Passenger, Peace Bridge POE.

Following the entrance briefing, a tour of the facility was provided. The facility consists of two buildings. There are over (b)(7)(E) located internally and externally throughout the facility. The first building consists of the preliminary inspection waiting area, processing area with workstations, and (b)(7)(E). All three areas have (b)(7)(E) which are observed by staff at the command control. The entrance to the preliminary inspection waiting area is a sitting area with table and chairs for individuals to wait to be processed. The processing area consists of six to eight workstations and a security scanner for baggage and any other items brought by detainees. There are (b)(7)(E) located beyond the preliminary inspection waiting and processing areas. There is a secure door which leads to a hallway where the (b)(7)(E) are located, as well as other offices and two unisex bathrooms. Individuals would be escorted by staff to use these unisex bathrooms. These (b)(7)(E) contain a bench; cement partition (6 ft. high), toilet, sink, (b)(7)(E) and ceiling dome mirror. The secure door that leads into the holding room has a window slide which allows for Officers to observe the detainee(s) and allow privacy, however, the dome mirror above the toilet does not allow privacy and staff can observe the detainee sitting on the toilet through the window slide. There is a cement partition in each holding cell that separates the bench from the toilet to allow for privacy from another detainee in the holding cell and/or the staff from observing from the window slide. There are no showers available for detainees at Peace Bridge POE.

The second building is two stories. All areas have (b)(7)(E) which are observed by staff at command control. The first floor consists of an entrance to the waiting area for detainees to apply for work permits or passports, and six to eight workstations and public restrooms. The first secure area is for detainees and has four workstations, a fingerprint area, (b)(7)(E) (one of which is used for detainee supplies), (b)(7)(E), a restricted area with chairs, administrative offices, intake/interview area, supervisor's area (platform), command control area and break room. The (b)(7)(E) contain a bench, cement partition (6 ft. high), toilet, sink, (b)(7)(E), and dome mirror on the ceiling above the toilet. The secure door that leads into the holding cell has a window slide which allows

for Officers to observe the detainee and allows for privacy. There is a partition in each (b) (7)(E) that separates the bench from the toilet to allow for privacy from another detainee in the (b) (7)(E) and/or the staff from observing from the window slide, however, observation of dome mirrors on the ceilings above the toilets reveals they allow for observation by staff of the detainee sitting on the toilet resulting in no privacy. There are no showers available for detainees at Peace Bridge POE. The Auditor was advised the restricted area which is a large area with chairs can be converted to an area for family units. This area has a secondary command control room which is normally not staffed; however, if occupied by family units, they staff the secondary command area to provide supervision. All doors and windows in this area were frosted for privacy. There were no showers or restrooms in this area. Detainees are escorted to the restrooms located in the hallway area. UACs are held in the screening area to conduct vetting, but can also be detained in this area. If there is an overflow, they can also be moved to a secure holding room located in the booking area which is monitored by staff.

The second floor consists of administrative offices, a training area, restrooms, and a conference room. The detainees do not have access to the second floor. During the tour, the Auditor reviewed the (b) (7)(E) in the command control area and found the (b) (7)(E) in all of the holding cells have the toilet areas digitally masked.

The Auditor observed all waiting areas and intake/interview rooms contained PREA posters informing detainees of the telephone numbers to report sexual abuse or assault. The PREA posters "I Speak" and the individual posters were posted in varied languages (Arabic, Chinese, English, Farsi, Hindi, Korean, Romanian, Spanish, Tagalog, Urdu, & French). Also, the assessment for risk of victimization and abusiveness form was posted in these areas to provide detainees with an explanation of the questions staff would be asking during the intake process. Peace Bridge POE did not utilize volunteers or contractors in the past 12 months.

Scope of the Audit: A total of fifteen staff and supervisors (two Chief CBP Officer, Senior CBP Officers and CBP Officers) including the PFC were formally interviewed from all three shifts during the on-site review. Overall, the interviews reveal staff and supervisors are knowledgeable of the PREA standards and were able to articulate their responsibilities and their mandated duty to report. The Auditor via telephone interviewed the Western District of New York's US Attorney's Office's Victim Specialist who refers detainees for emotional support services. The information (telephone number) was posted in the waiting areas. Also, the CBP staff have the victim advocate telephone number located at their work stations. Peace Bridge POE did not have any volunteers or contractors working at the facility for the past 12 months. The Auditor interviewed six HQ SME staff (Director of Personnel Security, two HR Specialist, SAAI Investigations Coordinator for OPR, Prevention of Sexual Assault Coordinator, and Office of Field Operations). There were no detainees being held during the on-site audit.

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.

An exit briefing was conducted at the end of the day with PFC (b)(6)(b)(7)(C) to discuss a summary of findings. During the exit debriefing, this auditor discussed her observations made during the on-site review.

Overall the Auditor reviewed 25 Subpart B Standards and found Peace Bridge POE met twenty-two standards and did not meet three standards (115.113, 115.115, and 115.121).

SUMMARY OF AUDIT FINDINGS	
Number of standards exceeded: 0	
Number of standards met: 22	
Number of standards not met: 3	
OVERALL DETERMINATION	
<input type="checkbox"/> Exceeds Standards (Substantially Exceeds Requirements of Standards)	<input type="checkbox"/> Low Risk
<input type="checkbox"/> Meets Standards (Substantial Compliance; Complies in All Material Ways with the Standards for the Relevant Review Period)	<input checked="" type="checkbox"/> Not Low Risk
<input checked="" type="checkbox"/> Does Not Meet Standards (Requires Corrective Action)	

PROVISIONS

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

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

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

Notes:

(a) Peace Bridge POE meets this standard provision. A review of CBP Directive 2130-030, Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities, dated January 19, 2018; a memorandum from CBP's Commissioner's to all CBP staff titled CBP Policy on Zero Tolerance of Sexual Abuse and Assault dated March 11, 2015, outlines CBPs approach to prevent, detect, and respond to sexual abuse and/or sexual assault in CBP Holding Facilities. CBP prohibits sexual abuse and or assault of a detainee by another detainee, agents, officers, other CBP personnel, contractors and volunteers; and/or retaliation against any person, including a detainee who reports, complains about, or participates in an investigation of sexual abuse and/or assault. The Directive include definitions of prohibited behaviors and provide comprehensive guidelines and a training foundation for implementing CBPs approach to zero tolerance toward reducing and preventing sexual abuse and/or assault of detainees. An interview with the PFC described how written and verbal communications were disseminated to Officers and Supervisors during muster meetings and by forwarding notices on zero tolerance on sexual abuse and/or assault policies and procedures. Training documentation review confirms Officers and Supervisors completed the required PREA training within the past twelve months. Randomly selected interviews with Officers and Supervisors confirm staff are knowledgeable on the content of the agency's zero tolerance policy and how staff are to prevent, detect and respond to sexual abuse. All Officers and Supervisors identified completing the online training and receiving the information during muster meeting.

§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) Peace Bridge meets this standard provision. A review of CBP National Standards on Transport, Escort, Detention and Search (TEDS) dated October 2015 and an email from the PFC (SIGMA Custody Enhancements - Detention Management) dated March 3, 2019, contains the requirement for holding facilities to develop supervision guidelines to provide adequate staffing levels, and where applicable, (b) (7)(E), to ensure the safety of detainees against sexual abuse. The facility did not hold any detainees in the past 12 months. An interview with the PFC described how the holding facility supervises its detainee population to protect against sexual abuse. The PFC or assigned supervisors would assign a Detention Management Officer (DMO) to conduct cell checks every 15 minutes and the checks would be recorded in SIGMA (electronic reporting). If the facility would receive a sudden influx in detainees, a team of Detention Management Officers (DMO) would be arranged to assess the situation, separate individuals into several of the secure areas (holding cells, interview rooms) and request assistance from the Emergency Response Unit (ERU) and other POEs to protect detainees against sexual abuse. The ERU is a local response team to assist with a sudden influx of detainees. Also, the PFC confirmed if the facility received a sudden influx in juvenile detainees the same steps would be taken to ensure there was adequate supervision to protect against sexual abuse. If the facility experiences severe staff shortage, there are steps taken to address the situation, i.e. call in other staff, assign overtime and/or obtain staff from the other POEs. The PFC indicated he evaluates, monitors the incident reports and continually advises DMOs during muster meetings on new procedures or reviews on procedures for monitoring detainees. Also, the PFC indicated there would be no challenge in supervising or managing detainees at this holding facility. If during the intake process when detainees are assessed and it is determined a detainee is a risk of being a victim or an abuser, the PFC would ensure the detainees are maintained in two separate secure locations.

(b)(c) Peace Bridge does not meet the standard provisions. The Standard requires an annual review of these supervision guidelines taking into account 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. The Auditor was not provided documentation on the annual review of the supervision guidelines performed during the audit period at Peace Bridge resulting in non-compliance. **Corrective Action:** Provide documentation of an annual review of the detainee supervision guidelines (b) taking into account all areas listed in subsection (c) of 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) Peace Bridge POE meets this standard provision. Review of CBP TEDS; Muster BUF-18-009, (Detention of Aliens, dated January 31, 2018, and the training presentation called “Unaccompanied Alien Children/Juvenile Encounters” contains the requirements on how juveniles are to be held in the least restrictive setting appropriate to their age and special needs, the general detention of unaccompanied alien children (UACs) separately from adult detainees, and vetting of family relationships when UACs are accompanied by a non-parental adult family member. Interviews with the PFC, Supervisors and Officers indicate no juveniles have been held at the facility in the last 12 months. The PFC described how UACs are held in the first secure waiting area separately from the family units and single adult male and female detainees until there is a determination on whether they will be sent to another facility or placed with an accompanying adult. Supervisor and Officer interviews confirm children are either placed in the first secure waiting area, or if properly vetted, in the family unit room with their accompanying adult.

(b) Peace Bridge POE meets this standard provision. Interviews with Supervisors and Officers describe a vetting process to ensure a child traveling with an adult is the actual family member before allowing them to be detained together. Both the UAC and the non-parental family member will be held separately from each other until it has been determined that the UAC can remain with a non-parental adult family member. The two areas are the secondary secure waiting area and the secure family unit area. The Officer completes the assessments of the UAC and the non-parental family member to determine whether the UAC should be held together in the same secure area. Vetting includes making telephone calls, conducting record checks and interviewing the adult and child separately.

§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) Peace Bridge POE meets this standard provision. A review of CBP TEDS and the CBP Personal Search Handbook, OFO (CIS HB 3300-04B), dated July 2004, indicate cross-gender strip searches or cross-gender visual body cavity searches must not be conducted except in exigent circumstances including consideration of Officer safety, or when performed by medical practitioners. An interview with the PFC and Supervisors indicated there have been no cross-gender strip or body cavity searches conducted at the facility in the past 12 months. The PFC indicates there would have to be an extreme circumstance, such as the Officer's safety, for the holding facility to conduct a strip search. If a cross-gender strip or body cavity search was to be conducted, a Supervisor would be advised of the situation, would need to provide authorization to complete the search, and would determine the gender of the Officer conducting the cross-gender strip search. He indicates all body cavity searches of adults or juveniles are referred to a medical practitioner at Erie County Medical Center. Interviews with both Supervisors confirm there would have to be an exigent circumstance for them to authorize a strip search, cross-gender strip search, visual body cavity search, and visual body searches of juvenile detainees. Some Officer interviews confirm they would obtain authorization before conducting a cross-gender strip search and would refer a body cavity search to be conducted by a medical practitioner.

(c) Peace Bridge POE meets the standard provision. A review of CBP TEDS and the CBP Personal Search Handbook, OFO (CIS HB 3300-04B), dated July 2004 indicates all strip searches and visual body cavity searches are to be documented. Random interviews with Officers and Supervisors confirm strip searches and body cavity searches are documented. There have been no detainees held in the past 12 months. The PFC provided the Auditor a blank copy of the incident log. The incident log is used to document strip search and body cavity searches and includes the reason for the search.

(d) Peace Bridge POE does not meet the standard provision. A review of CBP TEDS and the Personal Search Handbook, indicate detainees are 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 room checks or is otherwise appropriate in connection with medical examination or monitored bowel movement under medical supervision. The standard also requires staff of the opposite gender to announce their presence when entering an area where detainees are likely to be showering, performing bodily functions or changing clothing. The facility does not have any detainee showers. Observations of (b) (7)(E) confirm the toilets have a partition around them to allow for privacy while detainees are using the toilet. Observation of the (b) (7)(E) confirm the toilets in all (b) (7)(E) have the toilets digitally masked. Interviews with the PFC, Supervisors and Officers confirm detainees can use the bathroom and/or change clothing without being viewed by staff of the opposite gender. The interviews also indicate staff of the opposite gender make announcements when entering areas detainees are likely to be using the toilet or changing clothing. However, observation of dome mirrors on the ceilings above the toilets reveals they allow for observation by staff of the detainee sitting on the toilet resulting in non-compliance. **Corrective Action:** Provide documentation the dome mirrors above the toilets located in all (b) (7)(E) are either removed or relocated.

(e) Peace Bridge POE meets the standard provision. A review of CBP TEDS indicates staff are not to search or physically examine a detainee for the sole purpose of determining the detainee's gender. If the detainee's gender is unknown it may be determined during conversations with the detainee, by reviewing medical records (if available), or, if necessary, learning that information as part of a broader medical examination conducted in private by a medical practitioner. Interviews with Supervisors and Officers confirm if a detainee's gender is unknown, staff would ascertain the gender through communication, review of documentation, or verbal acknowledgement of how the detainee identifies his/her gender. Interviews also confirm staff would not search or physically examine a detainee for the sole purpose of determining the detainee's gender.

(f) Peace Bridges POE does not meet the standard provision. A review of CBP TEDS and the CBP Personal Search Handbook confirm law enforcement staff are to be trained on the proper procedures for conducting pat down searches including cross-gender pat down searches and searches of transgender and intersex detainees. All pat down searches are to be conducted in a professional and respectful manner and in the least intrusive manner possible consistent with security needs including consideration of Officer safety. The Auditor randomly selected from the Performance and Learning Management System (PALMS) annual course training records on searches for ten Officers. A review of the computerized print out provided by the PFC confirms all Officers completed the required training. Interviews with the PFC, Supervisors and Officers confirm receiving training on how to conduct pat down searches in a respectful and professional manner, and in the least intrusive manner possible, consistent with security needs including consideration of the Officer's safety. Interviews with the PFC and Supervisors confirm being trained on how to conduct cross-gender pat down searches and pat down searches of transgender and intersex detainees. Most Officers could not confirm they received training on how to conduct pat down searches of transgender and intersex detainees, and felt they needed additional training in the area of cross-gender searches, resulting in non-compliance. However, during their interviews, staff described the importance of communicating with transgender and intersex detainees. Peace Bridge did not hold any detainees for the past 12 months; therefore, there have been no cross-gender pat down searches or pat down searches of transgender and intersex detainees. **Corrective Action:** Provide documentation staff at Peace Bridge POE receive training, to include specifics on searching the breast and groin areas, for cross gender and transgender/intersex detainees.

§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) Peace Bridge POE meets this standard provision. A review of the job aid, PREA Guide to Communicating with Detainees with Disabilities provides guidance to officers and agents on communicating effectively with detainees with disabilities pursuant to PREA. Also, the protocol for Identifying LEP Persons and Providing Language Services is another resource for staff on communicating with detainees. The CBP Directive and PREA Guide indicate Officers and Supervisors should have available written materials or methods of communication to provide detainees who have intellectual disabilities, limited reading skills or who are blind or have low vision on how to report sexual abuse. Interviews with the PFC, Supervisors and Officers confirm they would identify a detainee with disabilities by observation or if a family member identified the detainee as disabled. The interviews confirm staff would provide information regarding sexual abuse and/or assault to detainees identified as deaf or hard of hearing, blind or vision impaired by speaking or writing to them in a private setting. If the detainee is intellectually or psychiatrically impaired, the Supervisors and Officers would explain and communicate the information regarding sexual abuse and/or assault. The PFC indicated they have the TTY equipment to assist with deaf, hard of hearing or speech impaired individuals in

communicating the information regarding sexual abuse and/or assault. If the individual is blind or vision impaired, the PFC indicated he would communicate the information as indicated previously in a private setting.

(b) Peace Bridge POE meets this standard provision. Interviews with the Supervisors and Officers confirm steps on how to identify individuals who had limited English proficiency (LEP). These steps consisted of the initial interview, the passport information identifying the detainee's primary language and the detainee pointing to their language from the "I Speak" poster. Also, an interview with PFC indicates Supervisors and Officers receive additional training during muster meetings on how to identify and respond to individuals who are limited English proficient. Interviews with the PFC, Supervisors and Officers identified the use of interpreters, written materials or other formats or methods that ensure effective communication is utilized by the staff.

(c) Peace Bridge POE meets this standard provision. Interviews with the PFC, Supervisors and Officers confirm staff would not use another detainee to interpret for a sexual abuse allegation or assault and confirmed they would utilize a translator or another Officer who spoke the language.

\$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) Peace Bridge POE meets this standard provision. A review of CBP Office of Human Resources Management (HRM), Human Resources Operations, Programs, and Policy Standard Operating Procedures, Prison Rape Elimination Act, Hiring and Promotions, issued February 29, 2016, is an operational guide regarding the hiring and promotions of CBP employees as required by DHS. Also, a memorandum from the Acting Assistant Commissioner titled Implementation of the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Holding Facilities Prison Rape Elimination Act, dated 7/15/2014, identifies the implementation of the standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Holding Facilities. These standards are applicable to all CBP employees, including all support personnel, contractors and volunteers working at CBP facilities where individuals are detained. The memorandum confirms CBP is not to hire or promote anyone, or enlist the services of any contractor or volunteer, who may have contact with detainees who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse. A review of the documentation located on the CBP electronic share point confirms the hiring process of CBP employees incorporates the DHS PREA requirements. An interview with the HQ Personnel Security Division (PSD) SME confirms when hiring an employee or a contractor the agency follows all the suitability requirements and all potential employees or contractors undergo a stringent background screening process. An interview with the HQ Hiring Center SME confirms how the agency conducts suitability determinations and screens out anyone for hiring or promotion who has engaged in any of the sexual abuse conduct described in the DHS PREA standards.

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

(c) Peace Bridge POE meets this standard provision. The Auditor selected the names of ten random staff members of all ranks from Peace Bridge POE. The names were submitted to HQ. A computer review of these employees found the agency in compliance with the pre-hire and five-year updated background investigations.

(d) Peace Bridge POE meets this standard provision. Peace Bridge POE currently uses no contractors who have direct contact with detainees. Cleaning, maintenance and construction contractors are physically separated from detainees who are always escorted by staff.

(e) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 requires HRM promulgate policies and procedures ensuring compliance with the requirements of the standard provision. Interview with the HQ Hiring Center SME confirms it is agency policy to rescind an offer of employment to a prospective employee or to terminate the employment of any employee who provides false information or makes a material omission regarding sexual abuse misconduct. Staff are informed of this policy through CBP Directive 2130-030.

(f) Peace Bridge POE meets this standard provision. An interview with the HQ SME HRM Hiring Center (HR Specialist) indicates if a Supervisor or Manager receives a request on a former employee from an institutional employer for whom such employee has applied to work; the request is to be forwarded to the Labor and Employee Relations (LER). Unless prohibited by law, the information on any substantiated allegations of sexual abuse is provided to the other institutional

employer.

§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) Peace Bridge POE meets this standard provision. A review of the Commissioner's memorandum, CBP Policy on Zero Tolerance of Sexual Abuse and Assault from the CBP Commissioner, dated March 11, 2015, indicates CBP will consider issues related to the prevention of sexual abuse in advance of making upgrades to facilities and technologies. An interview with the PFC indicates there have been no substantial expansions or modifications to Peace Bridge POE in the last 12 months.

(b) Peace Bridge POE meets this standard provision. A review of the Statement of Work dated April 2015, confirms Peace Bridge POE was provided additional (b) (7)(E). (b) (7)(E) have been designed to enhance detainee supervision and safety and to monitor staff compliance with PREA.

§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) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 specifies the treatment services to be provided to a detainee victim of sexual assault. Peace Bridge POE utilizes the services of Erie County Medical Center for forensic examinations of sexual abuse victims determined to be evidentiary or medically appropriate, at no cost to the detainee and only with the detainee's consent. The examination is to be conducted by a Sexual Assault Forensic Examiner (SAFE) or a Sexual Assault Nurse Examiner (SANE). Erie County Medical Center's ER Charge Nurse's interview confirmed forensic examinations are conducted by SANE nurses at their medical center. Also, an interview with the PFC indicated a detainee would be transported to Erie County Medical Center for a forensic examination to be conducted by the medical center's SANE nurses. The PFC indicated there is a process in place for his staff to transport detainees to the Erie County Medical Center. Forensic examinations are conducted by SANE nurses as advised by the ER Charge Nurse at the medical center. The ER Charge Nurse advised they work cooperatively with Crisis Services of Erie County New York for advocacy services.

(d) Peace Bridge POE meets this standard provision. An interview with Western District of New York US Attorney's Office Victim Specialist confirms when a referral to Erie County Medical Center is made; the hospital will provide victim advocacy services to the victim detainee. The detainee will be permitted to use these services to the extent available, consistent with security needs.

(e) Peace Bridge POE does not meet this standard provision. An interview with the HQ SAAI SME confirms a memorandum of understanding would be completed with the local law enforcement to comply with the requirements of a sexual abuse investigation as required by the DHS PREA standards. An interview with the PFC verified Peace Bridge POE and the Niagara Falls Police Department has a verbal agreement they would conduct an investigation and comply with the requirements of a sexual abuse as required in provisions (a) through (d); however, the facility did not provide documentation requesting the Niagara Falls Police Department comply with sections (a-d) of the Standard resulting in non-compliance. **Corrective Action:** Provide documentation requesting Niagara Falls Police Department comply with sections (a) through (d) of the Standard.

§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) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 requires prompt reporting of all sexual assaults/allegations to the Joint Intake Center (JIC), CBP's PSA Coordinator, duty agent or local law enforcement. An interview with the HQ SAAI SME indicates the responsibilities are to investigate all allegations of sexual abuse by CBP whether OPR or the local office is assisting in the investigation and follow up. CBP's SAAI SME confirmed that the investigative entity that is involved in the development of the investigative protocol is CBP's Office of Professional

responsibility (OPR). Interview with the PFC states the notification is made in the same manner as any incident is reported. The Peace Bridge PFC 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. Interview with the PFC confirm these notifications would be completed immediately in accordance with the policy.

(d) Peace Bridge POE meets this standard provision. An Interview with the HQ PSA Coordinator verifies allegations are received from the Commissioner's Situation Room electronically as soon as the SIR is entered in the SIR reporting system or by the Joint Intake Center. She further indicated Peace Bridge had no reports, incidents or concerns within the past 12 months. There has been no activity at this holding facility.

§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) Peace Bridge POE meets the standard provisions. 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 receive PREA training as required in Subpart B of the DHS Standards. Additionally, CBP Executive Director's Memorandum (Mandatory Preventing and Addressing Sexual Abuse and Assault in CBP Holding Facilities: Training for Frontline Personnel and Special Agents) dated August 1, 2018, requires all employees who may have contact with detainees in a holding facility complete this training every two years. Pursuant to this Directive, newly hired CBP personnel (employees, contractors & volunteers) who may have contact with holding facility detainees are required to complete this training within one year of their entrance on duty. The Auditor reviewed the training curriculum provided to staff at Peace Bridge through PALMS. All staff have received the mandatory eight-point training including the agency's zero-tolerance policies. 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, or gender non-conforming detainees. Interviews with staff confirm this training is received annually. Interviews with Supervisors and Officers confirm staff receives refresher training on sexual abuse and assault on an annual basis through the PALMS system and during muster meetings. Peace Bridge POE currently does not have any contractors or volunteers who work directly with detainees.

§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:

Peace Bridge POE meets this standard. CBP Directive 2130-030 identifies the requirement for CBP to make public its zero-tolerance policy regarding sexual abuse and ensure that key information regarding the agency's zero-tolerance policy is visible or continuously and readily available to detainees. A review of CBPs website reveals the public is informed of zero-tolerance policy regarding sexual abuse at: <https://www.cbp.gov/about/care-in-custody>. During the tour, the Auditor observed posters containing information on how detainees can report sexual abuse and/or assault in a holding facility in various languages. The information contained in the poster is identified as follows: "Keep Detention Safe"; CBP has Zero Tolerance For Sexual Abuse and Assault; Speak Up; Report Privately; Be Safe and Get Help; You can report an incident by telling a CBP official or by calling the DHS Office of Inspector General (OIG) at 1-800-323-8603; You or someone on your behalf can report an incident; Your identity can be protected; Upon request a private place is available to contact the DHS OIG; Telecommunications device for the hearing impaired TTY/TDD: 1-844-889-4357 or <https://www.federalip.us/>. The posters are available in Arabic, Chinese, English, Farsi, Hindi, Korean, Romanian, Spanish, Tagalog, Urdu, and French, and were posted in the intake/interview area, both hallways leading up to the holding cells, secure waiting area and the primary waiting area. An interview with the PFC indicates detainees are provided with the CBPs Zero Tolerance Policy information through posters, "I speak", and verbally from the CBP Supervisors and Officers. All CBP staff carry a PREA Quick Reference mini card. This is a quick reference guide for staff to provide information to detainees on how to report sexual abuse and/or assault. Interviews with the Supervisors and Officers identify providing detainees with information verbally and point to the posters on how to report sexual abuse

and/or assault at this holding facility.

§115.134 – Specialized training: Investigations.

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

Notes:

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

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

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

Notes:

(a)(b) Peace Bridge POE meets the standard provisions. CBP Directive 2130-030 and CBP TEDS require all detainees be assessed for being at-risk of sexual assault before being placed in a holding cell or holding facility. To the extent the information is available, CBP staff are to consider the 11 factors detailed in CBP TEDS, and the detainee's verbalized concerns for their own safety. Interviews with the PFC, Supervisors and Officers confirm when a detainee is placed in CBP custody; they evaluate each detainee's safety, to include whether they may be considered at risk of victimization or of posing a threat to others. Staff utilize "Assessment for Transport, Escort, and Detention" to assist in determining the detainee's safety. The Auditor was provided with a blank copy of a detainee assessment for review. The blank copy of the detainee assessment contained necessary information to assess a detainee for risk of victimization and abusiveness. The blank form is displayed in the screening area in order for detainees to know these questions will be asked of them. The facility did not hold any detainees in the past 12 months.

(c) Peace Bridge POE meets this standard provision. CBP TEDS requires staff consider, to the extent the information is available, whether the detainee has a mental, physical, or developmental disability; the age of the detainee; the physical build and appearance of the detainee; whether the detainee has previously been incarcerated or detained; the nature of the detainee's criminal history; whether the detainee has any convictions for sex offenses against an adult or child; whether the detainee has self-identified as gay, lesbian, bisexual, transgender, intersex, or gender non-conforming; whether the detainee has self-identified as having previously experienced sexual victimization and the detainee's own concerns about his or her physical safety. Interviews with Supervisors and Officers confirm if a detainee is determined to be at high risk of being sexually abused, staff would separate the at-risk detainee from the other detainees and monitor the detainee to ensure his/her safety. During the facility tour, the Auditor observed the detainee assessment form posted in the waiting area and in both hallways of the holding cells. It was posted in English and Spanish with an explanation advising detainees on how the Officers will be asking these questions during the screening process.

(d) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 requires if detainees are identified pursuant to the assessment to be at high risk of victimization, staff are to provide the detainees with heightened protection to include continuous direct sight and sound supervision or placement in a holding room actively (b) (7)(E) by a staff member sufficiently proximate to intervene, unless no such option is determined to be feasible. Interviews with the PFC, Supervisors and Officers confirm the at-risk detainees would be separated from the other detainees and placed in a holding cell or secure area.

(e) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 requires the implementation of appropriate controls on the dissemination of sensitive information provided by detainees. Interviews with the PFC, Supervisors, and Officers confirm the information obtained from detainees is private and logged into the computer system which is protected and not viewed by the public.

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

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

Notes:

(a) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 requires detainees have multiple ways to privately report sexual abuse, retaliation for reporting sexual abuse, or staff neglect or violations of responsibilities that may have contributed to such incidents, and instructions are to be provided informing detainees how they can contact DHS OIG to confidentially and anonymously report these incidents. Interviews with Supervisors and Officers confirm

detainees may report abuse verbally or in writing to an Officer or by making a private telephone call to OIG. During the tour, this Auditor observed posters containing information on how a detainee can report sexual abuse and/or assault in a holding facility in various languages. The information contained in the poster is identified as follows: "Keep Detention Safe"; CBP has Zero Tolerance For Sexual Abuse and Assault; Speak Up; Report Privately; Be Safe and Get Help; You can report an incident by telling a CBP official; Calling the DHS Office of Inspector General (OIG) at 1-800-323-8603; You or someone on your behalf can report an incident; Your identity can be protected; Upon request a private place is available to contact the DHS OIG; Telecommunications device for the hearing impaired TTY/TDD:1-844-889-4357 or (<https://www.cbp.gov/about/care-in-custody>). The large posters are available in English and Spanish (with notations in other languages: Arabic, Chinese, English, Farsi, Hindi, Korean, Romanian, Spanish, Tagalog, Urdu, and French). These posters were posted in the intake/interview area, both hallways leading up to the holding rooms, secure secondary waiting area, and the primary waiting area.

(b) Peace Bridge POE meets this standard provision. Interviews with the PFC, Supervisors and Officers confirm DHS OIG is the outside entity for detainees to report sexual abuse. Also, they indicated the detainee would be provided privacy when calling to report sexual abuse or assault by placing them in a secure interview room. Peace Bridge POE has had no allegations of sexual abuse or assault in the past 12 months.

(c) Peace Bridge POE meets this standard provision. Interviews with the PFC, Supervisors and Officers confirm they must accept oral, written, or third-party reports of sexual abuse. Staff also verified all reports, regardless of type, must immediately be forwarded to their supervisor and an incident report be generated electronically.

§115.154 – Third-party reporting.

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

Notes:

Peace Bridge POE meets the standard. CBP Directive 2130-030 directs third parties may report sexual abuse on behalf of detainees. During the tour, the Auditor observed posters containing information on how detainees can report sexual abuse and/or assault in a holding facility in various languages. The information contained in the poster is identified as follows: "Keep Detention Safe"; CBP has Zero Tolerance For Sexual Abuse and Assault; Speak Up; Report Privately; Be Safe and Get Help; You can report an incident by telling a CBP official or by calling the DHS Office of Inspector General (OIG) at 1-800-323-8603; You or someone on your behalf can report an incident; Your identity can be protected; Upon request a private place is available to contact the DHS OIG; Telecommunications device for the hearing impaired TTY/TDD: 1-844-889-4357 or (<https://www.cbp.gov/about/care-in-custody>). Interviews with the Supervisors and Officers confirm this practice as all interviewed Officers were aware of the third-party reporting guarantees. The CBP staff would provide the detainees with the information posted throughout the facility.

§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) Peace Bridge POE meets this standard provision. CBP Directive (b) (7)(E) (b) (7)(E) dated 5/21/18; CBP Directive #2130-030 (Prevention, Detection and Response to Sexual Abuse and/or Assault in CBP Holding Facilities) dated 1/19/2018 and CBP Directive #51735-013A, confirm all staff are required to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse; retaliation against detainees or staff who report or participate in an investigation about an incident and any staff neglect or violation of responsibilities that may contribute to an incident or retaliation. The Directives also include methods by which staff can report misconduct outside of their chain-of-command. Interviews with Supervisors and Officers confirm staff would report to their immediate Supervisor, JIC or OIG. Also, the Supervisors and Officers confirmed they can report outside their chain of command.

(b) Peace Bridge POE meets this standard provision. A review of CBP Directive 2130-030 requires staff who become aware of alleged sexual abuse to immediately follow the reporting requirements described above. Interviews with both Supervisors and all Officers confirm if they became a witness or otherwise become aware of an incident of sexual abuse of a detainee, they would report the alleged sexual abuse immediately to their supervisor.

(c) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 requires staff not reveal any information related to a sexual abuse to anyone other than to extent necessary to help protect the safety of the victim or prevent further victimization of other detainees or staff in the holding facility, or to make medical treatment, investigation, law

enforcement or other security and management decisions. Interviews with Supervisors and Officers confirm there is a secure database in place to restrict the disclosure of sensitive information regarding incidents of sexual abuse. The secure database is restricted to only the supervisors or above. Also, the Supervisors and Officers confirmed sensitive information on detainees would remain confidential and on a need-to-know basis.

(d) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 directs if the alleged victim is under the age of 18 or considered a vulnerable adult under state or local vulnerable person statute, staff are to report the allegation to the designated State or local services agency under applicable mandatory reporting laws. An interview with the PFC confirmed if a CBP staff becomes aware of a vulnerable adult or minor under the age of 18, they are to report it immediately to the Supervisor. Once, the immediate Supervisor is advised of the allegation of sexual abuse that involved a vulnerable adult or minor under the age of 18, he or she will report it to the PFC. The PFC would submit an Incident Report to the JIC and the Commissioner's Situation Room. The PSA Coordinator confirmed she would receive the allegations from the Commissioner's Situation Room (electronic as soon as the SIR is entered in the SIR reporting system) upon any notification of sexual abuse or sexual assault made to the JIC/ Commissioner's Situation Room as stipulated in CBP Directive 3340-025E, and section 6.10 from CBP Directive 2130-030. Peace Bridge has not had any incidents to verify these notifications.

§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:

Peace Bridge POE meets the standard. CBP Directive 2130-030 requires when a staff member learns a detainee is at substantial risk of imminent sexual abuse, he/she is to take immediate action to protect the detainee. Interviews with the PFC, Supervisors and Officers confirm if a staff member has reasonable belief that a detainee is at substantial risk of imminent sexual abuse, the staff would immediately separate the detainee from the other detainees and place the detainee in a secure location.

§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) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 confirms upon receiving an allegation a detainee was sexually abused while confined at another facility, Peace Bridge POE is to notify the appropriate office of the agency or the administrator of the facility where the alleged abuse occurred. An interview with the PFC indicates if a detainee makes an allegation of sexual abuse which occurred at another facility, it would be his responsibility to contact the other facility's administrator.

(b) Peace Bridge POE meets this standard provision. The standard requires notification to the agency and to the facility where the alleged abuse occurred would be made within 72 hours of receipt of the information. An interview with the PFC indicates he would report it to the other facility immediately. Also, the PFC stated there are other individuals designated at Peace Bridge POE who can contact the other facility. These individuals are the assigned Supervisor, the Chief CBP Officer or the assigned Watch Commander for the shift.

(c) Peace Bridge POE meets this standard provision. The standard requires if a facility receives an allegation, a detainee was sexually abused while confined at another facility, the notification to the agency or facility where the alleged abuse occurred is to be documented. An interview with the PFC confirms the information would be documented and he would send a report to the investigative agency. Also, the PFC stated he has direct contact with the investigative agency and would track the report until there was an outcome. There are other individuals designated at Peace Bridge POE who can contact the investigative agency. These individuals are the assigned Supervisor, the Chief CBP Officer or the assigned Watch Commander for the shift.

(d) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 requires if a facility receives a notification as noted in (c) above, the facility will refer the allegation for investigation. An interview with the PFC indicates if a detainee makes an allegation of sexual abuse occurring at Peace Bridge POE it would be immediately reported to the PSA Coordinator, OPR, and JIC. Also, the PFC stated there are other individuals designated at Peace Bridge POE who can contact the other facility. These individuals are the assigned Supervisor, the Chief CBP Officer or the assigned Watch Commander for the shift. Interviews with the PFC and HQ PSA SME confirmed there has been no activity at this holding facility.

§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) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 requires upon learning of an allegation a detainee was sexually abused, the first law enforcement staff member to respond to the incident, or his or her supervisor, is to: separate the alleged victim and abuser; preserve and protect to the greatest extent possible any crime scene until appropriate steps can be taken to collect any evidence; if the sexual abuse occurred within a time period that still allows for the collection of physical evidence, request the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating. Peace Bridge POE does not currently have any volunteers or contractors in contact with detainees, however, CBP Directive 2130-030 does address non-law enforcement first responder duties if they were ever to allow them in the holding room. 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 interviews with the PFC, Supervisors and Officers were able to describe the actions to take as required by the Directive. A review of training documentation confirms all staff have received information on how to respond to sexual abuse in accordance with the policy and procedures as stated above. An interview with the PFC confirms there have been no allegations of sexual abuse in the past 12 months.

§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) Peace Bridge POE meets the standard provision. CBP Directive 2130-030 serves as CBP's written institutional plan for a coordinated multidisciplinary team approach to responding to sexual abuse. An interview with the PFC and the local SMEs confirms their knowledge of the duties to coordinate actions taken in response to incidents of sexual abuse. Additionally, the PFC further confirmed the assigned Supervisor, the Chief CBP Officer or the assigned Watch Commander for the shift is responsible to coordinate the actions taken in response to incidents of sexual abuse. He further stated there is a protocol in place for the staff assigned to the shift to follow in response to a sexual abuse and/or assault in the facility.

(b) Peace Bridge POE meets this standard provision. A review of CBP Directive 2130-030 reveals procedures are in place to ensure if a victim of sexual abuse is transferred between DHS facilities; the sending facility is to inform the receiving facility of the victim's potential need for medical or social services. An interview with the PFC confirms the Supervisor, Chief or Watch Commander would be responsible for contacting the other facility and notifying them of the victim's potential need for medical or social services, unless the victim requests otherwise.

(c) Peace Bridge POE meets the standard provision. A review of CBP Directive 2130-030 confirms if a victim of sexual abuse is transferred to a non-DHS facility, as permitted by law, Peace Bridge POE is to inform the receiving facility of the victim's potential need for medical or social services. An interview with the PFC confirms the Supervisor, Chief or Watch Commander would be responsible for notifying the other facility of the victim's potential need for medical or social services, unless the victim requests otherwise.

§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:

Peace Bridge POE meets the standard. CBP Directive 2130-030 requires any staff, contractor, or volunteer alleged to have perpetrated sexual abuse be removed from duties requiring detainee contact pending the outcome of an investigation. An interview with the PFC indicates staff would be removed from the area and placed at another POE where he or she would not have any contact with detainees or be placed on restrictive duties or on paid leave pending the result of the investigation. He further indicates there are no volunteers or contractors who work with detainees at Peace Bridge POE.

§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:

Peace Bridge POE meets the standard. CBP Directive 2130-030 requires staff not retaliate against any person, including a detainee, who reports, complains about, or participates in an investigation into an allegation of sexual abuse, or for participating in sexual activity as a result of fear, coercion, threats, or fear of force. Interviews with PFC, Supervisors and Officers all indicate retaliation is not tolerated at this holding facility.

§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.

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) Peace Bridge POE meets the standard provision. CBP Directive 2130-030 states CBP personnel may be subject to disciplinary or adverse action up to and including removal from their position and Federal Service for substantiated allegations of sexual abuse and/or assault and/or for violating CBP's sexual abuse policies. There were no substantiated allegations of sexual abuse at Peace Bridge POE during the last 12 months. Interview with the HQ LER SME verified disciplinary action is pursued in all cases of substantiated sexual assault or violating sexual abuse policies, and removal is always the presumptive action.

(c)(d) Peace Bridge POE meets the standard provisions. CBP Directive 2130-030 requires each facility to report all removals or resignations in lieu of removal for violations of agency or facility sexual abuse policies to appropriate law enforcement agencies and any relevant licensing bodies unless the activity clearly is not criminal. Interviews with the PFC and Chief confirm the reporting process of removals or resignations in lieu of removal and the reporting process to appropriate law enforcement agencies or any relevant licensing bodies. An interview with the HQ SAAI SME indicates the process for reporting all removals or a resignation in lieu of removal is the area Port Director and coordinated by HQ SAAI SME who will complete the notification and coordinate with the facility. Also, the HQ SAAI SME indicated the removal or resignation of relevant licensing bodies would be the responsibility of the investigator to notify the local PREA Coordinator and work with the area Port Director.

§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) Peace Bridge POE meets the standard provision. CBP Directive 2130-030 requires any contractor or volunteer suspected of perpetrated sexual abuse and/or assault to be removed from all duties requiring detainee contact pending the outcome of an investigation. CBP facilities do not utilize volunteers and Peace Bridge POE has excluded contractors from direct contact with detainees by local procedure and practice. An interview with the HQ SAAI SME verifies any substantiated allegation of sexual abuse would result in notification of the allegation to appropriate local law enforcement agencies and relevant CBP HQ SME to coordinate suspension and debarment of the contractor. Also, the interview with HQ OFO SME indicated OPR would notify any appropriate licensing bodies of any substantiated allegations of sexual abuse.

(b) Peace Bridge POE meets the standard provision. An interview with PFC verifies any contractor suspected of perpetrating sexual abuse would be removed from all duties where detainee contacts could occur pending the outcome of an investigation.

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

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

Notes:

(a) Peace Bridge meets the standard provision. CBP Directive 2130-030 requires detainee victims of sexual abuse 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. An interview with the PFC confirms emergency medical treatment and crisis intervention services are provided by the medical staff at Erie County Medical Center. He confirms the emergency medical treatment would be timely, unimpeded and the victim would have access to crisis intervention services. A medical professional at the hospital would provide treatment and services in accordance with accepted standards of care and provide emergency contraception sexually transmitted infection prophylaxis. Erie County Medical Center's ER Charge Nurse's interview confirmed forensic examinations are conducted by SANE nurses at their medical center. The ER Charge Nurse advised they work cooperatively with Crisis Services of Erie County New York for advocacy services.

(b) Peace Bridge POE meets this standard provision. CBP Directive 2130-030 requires emergency medical treatment services are to be provided to the victim without financial cost regardless of whether the victim names the abuser or cooperates with an investigation. An interview with the PFC confirms the victim would be escorted via ambulance to Erie County Medical Center and accompanied by an Officer. The Medical Center provides medical treatment services to the victim without financial cost. Forensic examinations are conducted by SANE nurses as advised by the ER Charge Nurse at the medical center. She advised they work cooperatively with Crisis Services of Erie County New York for advocacy services.

§115.186(a) – Sexual abuse incident reviews.

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

Notes:

Peace Bridge POE meets the standard. CBP Directive 2130-030 requires a sexual abuse incident review at the conclusion of every investigation of sexual abuse and, where the allegation was not determined to be unfounded, prepare a written report recommending whether the allegation or investigation indicates a change in policy or practice would better prevent, detect, or respond to sexual abuse. The review is to occur within 30 days of receiving the investigation results from the investigative authority. The Directive indicates the holding facility is to implement the recommendations for improvement or document its reasons for not doing so in a written response. Both the report and the response are to be forwarded to the PSA Coordinator. An interview with the PFC indicates there have been no incidents of sexual abuse requiring an incident review during the past 12 months. However, the PFC indicates if there was an incident the upper management level staff, field office team, PSA coordinator, and Office of Chief Counsel would meet to coordinate corrective action toward facility improvement and additional staff training. An interview with the HQ OFO SME indicates when conducting sexual abuse incident reviews, they look at the evidence, (b) (7)(E) statements and interviews of all the individuals involved with the incident. He also indicated the review team discusses the investigation findings of unsubstantiated, substantiated or unfounded, prepares the report with a recommendation and it is sent to the HQ PSA Coordinator.

§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 2, 2020
Date

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



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
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PROGRAM OFFICE

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

Name of Sector or Field Office:	Buffalo, New York
Name of Chief or Director:	(b)(6)(b)(7)(C)
PREA Field Coordinator:	(b)(6)(b)(7)(C)
Sector or Field Office Physical Address:	726 Exchange Street, Suite 400, Buffalo, NY 14210
Mailing Address: (if different from above)	Same as Above

SHORT-TERM FACILITY BEING AUDITED

Information About the Facility			
Name of Facility:	Peace Bridge Port of Entry		
Physical Address:	1 Peace Bridge Plaza, Buffalo, NY 14213		
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:	Port Director
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 Office of Field Operations (OFO), Peace Bridge Port of Entry (POE), was conducted on April 30, 2019, and the preliminary findings report was submitted on September 15, 2019. Following comments from CBP Headquarters and from the reviewing Auditor, the report was submitted in Final Draft on January 2, 2020.

At the time of the audit, the Auditor reviewed the compliance of 25 Subpart B standards and the Peace Bridge POE was found to be in compliance with 22 standards: (115.111; 115.114; 115.116; 115.117; 115.118; 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 Peace Bridge POE was found to not be in compliance with three standards: (115.113; 115.115; and 115.121).

On March 26, 2020, the Peace Bridge POE submitted a preliminary Corrective Action Plan (CAP) through CBP Headquarters. Several documents were requested by the Reviewing Auditor and several clarifications were sought and received by May 28, 2020. The CAP was reviewed by the Reviewing Auditor and Program Manager for Creative Corrections. As part of the CAP, the Peace Bridge POE submitted a copy of a letter sent to the Niagara Falls Police Department to satisfy the procedural requirements and evidence protocols associated with Standard 115.121. They also provided a copy of the Annual Review of Detainee Supervision Guidelines document which satisfied all requirements of Standard Provisions 115.113 (b, c). Additionally, the Peace Bridge POE submitted documentation of staff musters and sign-offs satisfying the staff re-training requirements of Standard Provisions 115.115 (f). The Peace Bridge POE also provided photographic documentation of the removal of dome mirrors over partitioned toilets which compromised detainee privacy when toileting which satisfied all requirements of Standard Provision 115.115(d). On June 2, 2020, the Peace Bridge POE CAP was approved by Reviewing Creative Corrections Certified PREA (b) (6), (b) (7)(C). All required Corrective Action was completed prior to the 180 day deadline.

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 May 15, 2020, the Peace Bridge POE submitted an Annual Review of Detainee Supervision Guidelines document as required by Standard Provision (b). A review of the report revealed that several elements required by the Standard had not been satisfied and the report was returned for revision. On May 28, 2020, an amended Annual Review of Detainee Supervision Guidelines document was submitted to the reviewing Auditor and was found to satisfy all elements of the Standard Provision. The Peace Bridge POE is now compliant with Standard 115.113.

§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 May 15, 2020, the Peace Bridge POE submitted both local and national documents outlining officer performance requirements regarding proper personal search techniques including juvenile visual cavity searches, determination of detainee gender identification and proper procedures for the pat search of transgender detainees. Also submitted were staff training muster sign-offs and acknowledgements. Additionally, the Peace Bridge POE submitted photographic evidence to the reviewing Auditor that domed mirrors mounted in proximity to partitioned toilets in holding rooms had been removed. There was a concern that the mirrors compromised detainee privacy when toileting. The Peace Bridge POE is now compliant with Standard 115.115.

§115.121

- ☐ 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 May 28, 2020, the reviewing Auditor received and reviewed the Peace Bridge POE's letter to the Niagara, New York Police Department requesting their department follow evidence protocols and procedures as established by Department of Homeland Security (DHS) PREA standards. The Peace Bridge POE is now compliant with Standard Provision 115.121(e).

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

June 10, 2020
 Date