

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



U.S. Customs and  
Border Protection

## AUDITOR

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

## AGENCY

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

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

<b>Name of Sector or Field Office:</b>	Seattle, Washington
<b>Name of Chief or Director:</b>	(b) (6), (b) (7)(C) Director
<b>PREA Field Coordinator:</b>	(b) (6), (b) (7)(C)
<b>Sector or Field Office Physical Address:</b>	9901 Pacific Highway Blaine, WA 98230
<b>Mailing Address: (if different from above)</b>	

## SHORT-TERM HOLDING FACILITY BEING AUDITED

<b>Information About the Facility</b>			
<b>Name of Facility:</b>	Pacific Highway Port of Entry		
<b>Physical Address:</b>	9901 Pacific Highway Blaine, WA 98230		
<b>Mailing Address: (if different from above)</b>			
<b>Telephone Number:</b>	(b) (6), (b) (7)(C)		
<b>Facility Leadership</b>			
<b>Name of Officer in Charge:</b>	(b) (6), (b) (7)(C)	<b>Title:</b>	Port Director
<b>Email Address:</b>	(b) (6), (b) (7)(C)	<b>Telephone Number:</b>	(b) (6), (b) (7)(C)

## AUDIT FINDINGS

### NARRATIVE OF AUDIT PROCESS AND DESCRIPTION OF FACILITY CHARACTERISTICS:

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

A Prison Rape Elimination Act (PREA) on-site audit of the Customs and Border Protection (CBP) Office Of Field Operations (OFO) Pacific Highway Port of Entry (POE) holding facility was conducted on Thursday, June 20, 2019, from 0600 hours until 1800 hours. The audit was conducted by (b) (6), (b) (7)(C) Certified PREA Auditor, contracted through Creative Corrections, LLC, of Beaumont, Texas. This was the first PREA audit for the Pacific Highway Port of Entry holding facility. The Port of Entry has a short-term processing and holding area detaining male and female adult detainees, unaccompanied alien children (UAC) and family units for a period specified to be under 24 hours, pending transfer for removal or detention. 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 Point of Contact for the Pacific Highway Port of Entry was CBPO Supervisor/PREA Coordinator for the Pacific Highway Port of Entry, (b) (6), (b) (7)(C). The Field Office has a PREA Coordinator assigned to the individual ports.

Upon arrival at the facility, the Auditor was met by Supervisor (b) (6), (b) (7)(C). After a brief introduction Supervisor (b) (6), (b) (7)(C) provided the Auditor a tour of the facility. The Pacific Highway Point of Entry is located in multiple single-story buildings. The first building contains the automobile and bus point of entry, and the cargo point of entry for commercial vehicles. Administrative offices for the port are located in the second building.

The first building has a large common area where the officers work; this area contains the main counter utilized for traveler services and cubicles for the officers.

There are (b) (7)(E) in two separate areas of the facility. (b) (7)(E) are dry cells with no toilets; the others have a toilet located in the corner of the cell. The toilets are positioned to the side of the cell; the doors of all cells have a small window with a cover on it. The officers confirm they utilize the dry cells rather than the wet cells. If there is a detainee in a wet cell the practice at the facility is to knock on the door and announce before opening the door to ensure no one is toileting.

The CBP sexual Abuse Posters and the DHS Language Identification Posters are located in the area outside of all of the cells. The CBP Sexual Abuse Posters are posted in both English and Spanish.

The cargo area in the second building has (b) (7)(E) is not utilized to detain anyone; it is utilized to pat search, if needed. The officers confirm that if anyone was detained on the cargo side of the facility, they would be moved over to the automobile/bus building for holding. The CBP Sexual Abuse Posters and the DHS Language Identification Posters are also located in this area outside of the cells. The CBP Sexual Abuse Posters are posted in both English and Spanish. Interviews with the officers confirm when someone is in a cell; they conduct 15-minute cell checks and complete a Personal Detention Log sheet. (b) (7)(E) and when looking through the window in the door, a complete view of the cell can be made.

When discussing family units, or unaccompanied children, the officers confirm the following process: If a family unit is detained, they will be kept together, (b) (7)(E)

(b) (7)(E) The family unit will either be placed in the large common area, in direct view of officers, or a conference room under direct supervision (b) (7)(E)

(b) (7)(E) The officers indicate that unaccompanied juveniles would stay with either an officer or in the large common area under direct supervision.

All staff with direct contact with detainees are Law Enforcement Officers. Detainees are removed from any area where janitorial or maintenance contractors must work and the workers are escorted in and out by law enforcement staff.

The number of officers working in the detention area (b) (7)(E)  
The Auditor did not conduct an entrance nor exit conference; there was no administrative staff to meet.

Upon completion of the Pacific Highway POE Audit, PSA Coordinator (b) (6), (b) (7)(C) and the Auditor spoke on the telephone and an overview of the audit process at the Pacific Highway POE.

**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.

Scope of the Audit: Before the on-site audit, the Auditor was able to review the HQ Pre-Audit Questionnaires (PAQs), the HQ Responsive Documents and Data Requests, local documents, including the Pacific Highway POE specific documents, HQ Participation documents, and medical provider websites. The Auditor was also able to conduct four HQ SMEs interviews.

The Auditor had complete access to the facility and observed primary screening, secondary screening, processing, and holding areas. The Auditor was provided with a private interview room for officer and detainee interviews with a speaker telephone to access interpretive services for detainee interviews.

During the on-site audit, the Auditor was able to interview officers from all three shifts. In total, the Auditor interviewed one local SME, fourteen random officers, and a training officer. At the time of the audit, there was no one detained at the facility.

During the Audit Process, the Auditor reviewed the compliance of 25 Subpart B standards at the Pacific Highway POE. The Auditor found the Pacific Highway POE met 22 standards (115.111; 115.113; 115.114; 115.115; 115.116; 115.117; 115.121; 115.122; 115.131; 115.132; 115.141; 115.151; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182, and 115.186. The facility has not met the requirements of standard 115.113; Standard 115.118 is not applicable to the facility.

Corrective Action: The facility needs to conduct an annual review of the detainee supervision guidelines that takes all enumerated provision of the standards into consideration, this information shall be forwarded to the PSA Coordinator.

<b>SUMMARY OF AUDIT FINDINGS</b>	
Number of standards exceeded:	0
Number of standards met:	23 + 1 Not applicable
Number of standards not met:	1
<b>OVERALL DETERMINATION</b>	
<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) CBP Policy on Zero Tolerance of Sexual Abuse and Assault signed by CBP’s Commissioner on March 11, 2015 constitutes the agency’s zero tolerance policy of sexual abuse and assault. CBP Directive 2130-030, Sexual Abuse and Assault Prevention and Response, dated January 19, 2018, was issued to staff on February 5, 2018 and again reissued on February 12, 2018 through the agency email program referred to as CBP Central. These policies mandate zero-tolerance toward all forms of sexual abuse and sexual assault and outlines their approach to preventing, detecting, and responding to such abusive conduct. It defines in detail for all staff and detainees the prohibited acts. CBP National Standards on Transport, Escort, Detention, and Search (TEDS), dated October 2015, sets forth nationwide Standards that govern CBP’s interaction with detained individuals. The random officer 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.

**§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 the agency shall ensure that each facility maintains sufficient supervision of detainees, including through appropriate staffing levels and, where applicable, video monitoring, to protect detainees against sexual abuse. The Auditor confirmed with the facility supervisors that the facility is staffed 24 hours a day, and the staffing levels are (b) (7)(E). When an individual is taken into custody they will be under direct supervision; the Auditor was informed the Pacific Highway POE maintains enough officers to provide a safe and secure environment for detainees. The supervisors and the PREA Field Coordinator state the established staff positions are appropriate. (b) (7)(E). Four cells have toilets located in in the cells; the facility does not have showers. If a detainee is placed into a cell, they are checked every 15 minutes, and this is logged on the Personal Detention Log Sheet. The officers confirm they utilize the dry cells, but if they have to utilize a wet cell, they knock before opening the door.

(b)(c) CBP Directive 2130-030 requires each OFO implement an annual review of the detainee supervision guidelines to determine the supervision needs of each facility and review those supervision guidelines and applications at least annually to determine whether adequate levels of detainee supervision and monitoring exist. The results of the development of comprehensive detainee supervision guidelines and annual review are to be provided to the PSA Coordinator. The SME’s confirm they conduct a case by case review of the 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 supervisors further confirmed that they take all factors into consideration enumerated in the standard when making these detention decisions, and where to detain an individual. The staffing at the facility is determined on a yearly basis at the DHS Headquarters and Field Office Levels. (b) (7)(E). The staffing for the facility is documented. They further confirmed that the facility has not had any incidents of sexual abuse, but if they had they would take the incident and review into consideration. They further confirm that all detainees are held following the detention process outlined in TEDS. I confirmed with both the supervisors and officers that all detention information, and vulnerability factors, are documented on the Personal Detention Log Sheet on a case by case basis. They further confirmed that supervision guidelines are outlined in the policy; this was confirmed during the policy review. The Auditor reviewed every Personal Detention Log Sheet for the auditing period and found that the supervisors are reviewing and documenting the supervision guidelines on an individual basis whenever someone is detained. The Auditor was provided the Personal Detention Log Sheet that these case by case reviews

were conducted, therefore, an annual assessment was not conducted taking into account all enumerated provisions of the standard into consideration, and a copy was not provided to the PSA as stated in policy. **Corrective Action:** Provide documentation of an annual review of the detainee supervision guidelines taking into account all enumerated provisions of the standard into consideration, this information shall be forwarded to the PSA Coordinator.

**§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 Pacific Highway POE to place each at-risk 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 would process unaccompanied juveniles and family units taken into custody. When discussing family units, or unaccompanied children, the officers confirm the following process: If a family unit is detained, they will be kept together, unless there is an indication of criminal activity involving the child, child abuse, neglect, unauthorized custody, etc. The family unit will either be placed in the large common area, in direct view of the officers, or a conference room located in the main officers area, with direct supervision. The officers indicate that unaccompanied juveniles would stay with either an officer or in the large common area under the direct supervision of an officer. These officers also confirm that minors accompanied by an adult are thoroughly vetted to the extent feasible to ensure a parental or legal guardianship relationship. This includes the use of consulates, legitimate documentation, and interviews. If a legal relationship cannot be established, the minor is handled as an unaccompanied juvenile separated from adults, in the least restrictive setting. At the time of the audit, no juvenile detainees, or family units were being detained.

**§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, 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. The policy further states officers must not conduct visual body cavity searches of juveniles and will refer to all such body cavity searches of juveniles to a medical practitioner. The supervisors and officers confirmed the facility does not conduct strip searches and body cavity searches.

(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 (b) (7)(E). The toilets in the cells are located behind partitions that completely block the view from both the window and the door. The officers confirm they knock on the door and announce upon entering. The holding cells have large windows that allow the detainees to see the officers approaching the cell. The facility does not have shower facilities, and it was confirmed that the detainees are not held at the facility any longer than necessary to process which is under 12 hours.

(e) CBP TEDS prohibits staff from searching or physically examining a detainee for the sole purpose of determining the detainee's gender. If the detainee's gender is unknown, officers are to ask the detainee their gender or gender identity. If the detainee declines to state their gender, the gender will be recorded in the appropriate electronic system(s) of record as unknown. Officer interviews indicate they are aware of the prohibition on searching detainees to determine their gender.

(f) During the supervisor and officer interviews, they explained that an officer would conduct an immediate search for weapons when a detainee is taken into custody. This can happen in the lanes of travel, the secondary processing area or inside the facility. This search is only for weapons or instruments that may injure the officer. All pat searches must be approved by a supervisor and conducted with a witness. The interviewed officers confirm they received cross-gender pat search training in the academy, and would conduct these searches utilizing the blade or back of their hands if needed during an immediate search for safety. The supervisors interviewed confirm that all shifts are staffed with both male and female officers and cross-gender pat searches do not occur. The officers further confirm they attend mandatory quarterly use of force training which includes scenario training and handcuffing and searching

procedures to include cross-gender pat searches. The training was also confirmed through an interview with the training officers. The Auditor confirmed that a muster training memorandum was issued in December 2018, relating to guidelines for pat searching transgender or intersex detainees. The memorandum also stated the CBP Personal Search Handbook was going to be revised. This directed the officer to ask the detainee how they identify, and an officer of that gender would conduct the pat search. As previously stated, the officers are trained on how to conduct cross-gender pat searches. During the officer interviews, they all stated that if the detainee's gender were in question, they would ask how they identify and an officer of the detainee's identified gender would conduct the pat search. The supervisors further confirmed this process since they need to authorize all pat searches. The facility has a PREA reference binder that has the muster training memo in it for reference if needed. The Auditor confirmed with the supervisors that when the memo was issued, they presented the information at muster and reviewed the material with the officers. This included the information in policy.

**§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 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. During staff 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 blind detainees would be dealt with individually with the officer reading them information, and if deaf, they would write back and forth. For low mental functioning individuals, they would provide a verbal explanation to ensure they understood the information. The officers confirm they would refer to the DHS publication, "A Guide to Interacting with People Who Have Disabilities" to assist in giving guidance on the best way to accommodate detainees who are deaf and can't speak, psychiatric, low-level learning, or low functioning detainees. The Auditor reviewed the publication and confirmed all of the disabilities are addressed. This publication was in the aforementioned PREA Binder. The interviewed officers confirm they always have found a way to interact with the detainees; this interaction is necessary to complete the processing of the detainee. They further confirm they do not use other detainees to interpret and would not in a situation of sexual abuse or assault.

**§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) CBP Directive 2130-030 requires the Office of Human Resource Management (HRM) to establish policy and procedures to ensure CBP does not hire or promote personnel, contractors or enlist the services of volunteers who have had previous substantiated allegations of engaging in sexual abuse and/or assault to any position where the employee may interact with detainees in CBP holding facilities. The Auditor interviewed the HQ HRM SME and was informed CBP would 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 applicants for promotion, includes specific questions about any previous sexual abuse misconduct.

(b)(c)(d)(e) 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 the suitability, and updated background investigations be conducted every five years for CBP personnel who may have contact with detainees. The HQ PSD SME indicates background checks for CBP are the most thorough investigations performed for DHS. She confirms the background investigators ask all potential employees and contractors if they have engaged in, or have ever been charged with, sexual abuse. She related an affirmative response results in the individual not being hired. The SME also informed the Auditor rechecks are initiated every five years. The Auditor submitted ten names to OPR to review for background rechecks. The documentation provided by HQ demonstrated the five-year recheck was initiated within five years as required. The facility employs contractors; however they do not have contact with detainees. The HQ HRM SME further stated 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 upon 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).

(f) The HQ HRM SME and the local SME confirmed that if a former employee were involved in a substantiated investigation and a future institutional employer where the employee applied to work requested the information, they would provide the information.

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

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

**Notes:**

(a) The standard provision is not applicable as the Pacific Highway POE has acquired no new facility or undergone a major expansion since construction.

(b) **(b) (7)(E)** the SME stated that if any new monitoring system were going to be installed, they would take into consideration sexual safety as well as the overall safety of the detainees.

**§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 Pacific Highway POE to provide emergency medical treatment and crisis intervention services, including a forensic medical exam, in accordance with professionally accepted standards of care to alleged victim detainees 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 is transported for a forensic examination to a medical facility that offers victim advocacy services, officers will permit the detainee to use such services to the extent available, consistent with security needs. The SME confirmed a victim would receive medical and mental health treatment at no cost as well as allowing advocacy personnel access to detainees which is provided at the hospital along with the Sexual Assault Nurse Examiner (SANE) examination. He further stated that a detainee would be transported to Peace Health St. Josephs Center in Bellingham, Washington, for a forensic medical examination. The SME confirmed they follow the guidelines set down by the Washington Coalition of Sexual Assault Programs. These procedures include protocols to maximize the potential for obtaining usable physical evidence. The Auditor further confirmed with the SME that anyone under the age of 18 involved in an incident would be taken to the Child Advocacy Center in Bellingham Washington. The Auditor contacted both the Peace Health St. Josephs Center and the Child Advocacy Center. The Auditor spoke with a supervisor at each facility and verified that they offer the services as outlined above.

(e) The local SME confirmed that the Washington State Police would conduct the criminal investigation of alleged sexual abuse at the facility. He provided an email from the State Police that confirmed they would follow the provisions of the standards and all applicable Washington State Laws. The Auditor further confirmed this with a Washington State Trooper who had responded to the facility for an incident. The Auditor confirmed that the guidelines established by the Washington Coalition of Sexual Assault Programs address all provisions 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)(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). The local SME and supervisors confirm an allegation of sexual abuse would be reported to JIC and the Commissioner's Situation Room in accordance with policy. The PREA Field Coordinator confirms an Incident Report to the JIC and the

Commissioner's Situation Room would be submitted upon learning of an incident. He also indicated the Washington State Police would be notified as they have the legal authority to conduct criminal investigations. All notifications would be documented in the Incident report. The Pacific Highway POE did not have any allegations of sexual abuse within the last 12 months.

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

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

**Notes:**

(a)(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 receive PREA training as required in Subpart B of the DHS Standards. The Auditor reviewed the training curriculum provided to staff at the Pacific Highway POE 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 are instructed on 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. The Auditor confirmed during interviews and review of the training materials that these topics are provided in training. The Auditor was provided a roster printed from PALMS showing all employees assigned to the Pacific Highway POE have received this training within the past 12 months. The Auditor further confirmed the training is provided every two years. The local SME and supervisors state the Pacific Highway POE does not have any contractors or volunteers who have contact with detainees. The facility has a cleaning contractor; the interviewed officers stated that they do not enter the holding areas when detainees are present.

**§115.132 – Notification to detainees of the agency's zero-tolerance policy.**

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

**Notes:**

CBP has published its zero-policy through its webpage (<https://www.cbp.gov/about/care-in-custody>). The Pacific Highway POE notifies all detainees of its zero-tolerance policy through posters located in the holding area. The Auditor observed posters 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 Office of Inspector General (OIG) (toll-free number provided), and telecommunication devices available by calling a toll-free number (provided). At the time of the audit, no detainees were held at the 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)(c)(d) CBP TEDS states before placing any detainees together in a holding room the processing officer must assess the information before them to determine if the detainee may be considered an at-risk detainee, or at risk of posing a threat to others. This assessment by policy includes: whether the detainee has exhibited a mental, physical or developmental disability; the age of the detainee; their physical build; any prior arrests or incarcerations; is the detainee identified as LGBTI or gender non-conforming; any prior sexual victimization; and the detainee's own concerns about his/her physical safety. The local SME and supervisors confirm the assessment is completed utilizing

the US Customs and Border Protection Assessment for Transport, Escort, and Detention form. This form takes into consideration all provisions of the standard. The interviewed officers confirm they ask if the detainee has any safety concerns before placing them into a holding cell. They further confirm if they had any concerns of self-harm or victimization, they would keep the detainee under direct supervision, rather than placing them into a cell with any other detainees. They also indicate they received training on the assessment through PALMS.

(e) CBP TEDS requires the Pacific Highway POE to implement appropriate controls on the dissemination of private and sensitive information provided by detainees during this risk assessment. Agents can disclose this information only to those with a need to know. The local SME and supervisors indicate that the US Customs and Border Protection Assessment for Transport, Escort, and Detention form are transferred with the detainee in a folder to their final destination. The detainees are not held at the facility for any longer than 12 hours, and the facility is not equipped to house long-term detainees.

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

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

**Notes:**

(a)(b) CBP Directive 2130-030 requires detainees be provided with multiple ways to privately report sexual abuse and assault, retaliation for reporting sexual abuse and assault, or staff neglect or violations of responsibilities that may have contributed to such incidents. It further requires the facility to 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 assault are to be visible or continuously and readily available to detainees at holding facilities and posted on the CBP public website. The Auditor confirmed during the local SME and officer interviews the detainees are provided the reporting information through posters placed in the holding area. During the facility tour, the Auditor observed the posters; they are in both English and Spanish. The interviewed officers further confirm they utilize Interpreters and Translators Incorporated for any other language interpretation. The posters state the detainee can report to the DHS OIG. The posters provide the telephone number to call. During the supervisor and officer interviews, they confirm if a detainee indicated they wanted to call OIG, they would be taken into an office to call and placed in the room by themselves. The interviewed supervisors and officers indicate the detainee would not have to provide a specific reason for wanting to call OIG. They also indicated that they would dial the number for them to ensure they were contacting OIG and leave the room.

(c) CBP TEDS requires officers at the Pacific Highway POE to receive allegations reported to them from third parties and promptly record such reports according to operational procedures. The interviewed local SME, supervisors, and officers confirm all verbal allegations of sexual abuse or sexual assault made to them would be documented in writing.

**§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.

**§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, dated 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 JIC, or by contacting CBP Office of Professional Responsibility (OPR), and contacting DHS OIG to report all allegations of misconduct. The Auditor confirmed the reporting requirements during the local SME, supervisor, and officer interviews. They stated they would immediately report any allegation of sexual abuse, retaliation, or staff failure to perform their duties utilizing the reporting avenues outlined in the policy.

(c) CBP Directive 2130-030 requires staff not reveal any information related to a sexual abuse report except as necessary to aid the detainee, protect other detainees or staff, or to make security and management decisions. This information about confidentiality is provided to all staff in the mandatory PALMS PREA training, as well as in policy. Interviews with the local SME, supervisors, and officers confirm information would not be shared with other staff except on a need to know basis or during an investigation into the matter.

(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. Interviews with the local SME and supervisors confirm should a vulnerable adult or person under 18 be sexually assaulted at the Pacific Highway POE the supervisor 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 he would make the notification to the proper State Agencies. Staff at the Pacific Highway POE indicate 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. The local SME, supervisors, and officers interviewed indicate any detainee believed to be in imminent danger of being sexually abused will be separated from other detainees and placed under direct supervision. They all confirm the facility can place a detainee in a holding cell by themselves for protection, if needed.

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

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

**Notes:**

(a)(b) CBP Directive 2130-030 requires staff at the Pacific Highway POE, upon receiving an allegation that a detainee was sexually abused while confined at another facility, to notify the prior agency or administrator. Notification will be made as soon as possible, but no later than 72 hours. This is outlined in the memorandum, titled, Standards to Prevent, Detect and Respond to Sexual Abuse and Sexual Assault, which was issued on August 12, 2014, by the OFO Acting Assistant Commissioner. An Incident Report to JIC and the Commissioner's Situation Room would be submitted as required by CBP Directive 3340-025E. Interviews with the local SME and supervisors confirm these notifications would be done immediately. 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 Pacific Highway POE staff.

(c)(d) CBP Directive 2130-030 requires that staff who make notification to other confinement facilities document the date and time the administrator at the other facility was notified of the allegation. Local SME and supervisors confirm these notifications and documentation of the notification would be done immediately by the on-duty facility supervisor. They further indicate if an allegation was received, it would be referred for an immediate investigation as outlined in the policy.

**§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 staff on the scene of a reported allegation of sexual abuse. The Directive requires staff members separate the alleged victim and abuser, preserve and protect the crime scene, and if the abuse occurred within a period that still allows for the collection of physical evidence, request the alleged victim and abuser do not take any actions that could destroy physical evidence. This is further outlined in the PALMS training that all staff complete. The Pacific Highway POE does not allow contractors, volunteers, or civilian staff into the holding area while detainees are present. The policy does, however, address their responsibilities if they do encounter a detainee and something is reported to them. The policy requires a contractor, volunteer, or civilian staff to request the alleged victim not take any actions that could destroy physical evidence and notify law enforcement staff. The interviewed officers indicate 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 indicates that the entire document constitutes CBP's written institutional plan outlining the coordinated multidisciplinary team approach to responding to sexual abuse. The policy covers all aspects from hiring, training, reporting, responding, medical and mental health services, investigations, and data collection. The local SME, during his interview, discussed the 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 assault is transferred to another DHS facility, the Pacific Highway POE must inform the receiving DHS agency of the alleged incident and the alleged victim's potential need for medical or social services. If the alleged victim of sexual abuse and assault is transferred to a non-DHS facility, the Pacific Highway POE 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. The local SME confirms that during the last 12 months, the Pacific Highway POE has had no cases requiring any such notification to a DHS or non-DHS facility. All incidents of this type require the supervisor to submit an Incident Report to the JIC and the Commissioner's Situation Room upon notification. Any transfer or move would require the supervisor to update JIC of the incident, and notify the receiving facility. This process was detailed to the Auditor by the local SME and supervisors as the Pacific Highway POE 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 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 Sexual Abuse and Assault Investigations (SAAI) SME indicates any allegation of sexual assault or sexual abuse involving staff, a contractor, or volunteer would result in the person being removed from detainee contact pending the outcome of an investigation depending on the seriousness and plausibility of the allegation. The procedure was confirmed during the local SME interview; he further indicates the Pacific Highway POE has not had any allegations 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 assault. This retaliation prohibition is also detailed in the PREA training (PALMS) each staff member receives at the Pacific Highway POE. The Auditor interviewed the local SME, supervisors, and officers. Each was aware of the policy prohibiting retaliation against anyone who makes an allegation of sexual misconduct or participates in the investigation. The local SME informed the Auditor there had been no allegations of retaliation made at the Pacific Highway POE 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)

**Notes:**

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

**§115.172 – Evidentiary standard for administrative investigations.**

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

**Notes:**

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

**§115.176(a) and (c) through (d) – Disciplinary sanctions for staff.**

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

**Notes:**

(a) CBP Directive 2130-030 informs CBP personnel they may be subject to disciplinary or adverse action up to and including removal from their position and Federal Service for substantiated allegations of sexual abuse and/or assault and for violating CBP's sexual abuse policies. The Auditor confirmed with the HQ LER SME and HQ SAAI SME that 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 instead of removal to appropriate law enforcement agencies for violations of the agency or facility sexual abuse and assault policies unless the activity was not criminal. The local SME and HQ SAAI SME confirm CBP would notify law enforcement of all removals or resignations instead of removal for violations of the agency zero-tolerance policy. They further indicate there were no such resignations or removals at the Pacific Highway POE within the last 12 months.

(d) CBP Directive 2130-030 requires OPR to report all removals or resignations instead of removal to any relevant licensing bodies for violations of the agency or facility sexual abuse and assault policies, to the extent known. The local SME and HQ OPR SME confirm OPR would notify licensing bodies, if known, of all removals or resignations in lieu of removal, for violations of the agency zero-tolerance policy. They confirm there were no such resignations or removals at the Pacific Highway POE within the last 12 months.

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

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

**Notes:**

CBP Directive 2130-030 requires any contractor or volunteer suspected of perpetrating sexual abuse and assault be removed from all duties requiring detainee contact pending the outcome of an investigation, as appropriate. As previously stated, the Pacific Highway POE does not allow contractors or volunteers in the holding area when detainees are present. The Auditor did not observe any contractors or volunteers in the holding rooms during the site visit. The local SME indicates that if for some reason a contractor or volunteer had contact with a detainee and sexual misconduct was alleged to have occurred, this would result in their removal from duties and contact with any detainees pending investigation. He indicated he would be responsible for notifying 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 to 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. The local SME and supervisors confirm they are aware of alleged victims of sexual assault are to receive all medical services and medications without cost even if the detainee does not name the abuser or cooperates with the investigation. They are also aware all detainees requiring any medical treatment must be transported to Peace Health St. Josephs Center in Bellingham, Washington, for a medical forensic examination. The SME confirmed a victim would be transported to Peace Health St. Josephs Center in Bellingham, Washington, for a forensic medical examination. The SME confirms the hospital follows the guidelines set forth by the Washington Coalition of Sexual Assault Programs. These procedures include protocols to maximize the potential for obtaining usable physical evidence. The Auditor further confirmed that Washington is a Child Advocacy Center State and all child victims under the age of 18 would be taken to the Child Advocacy Center in Bellingham for treatment. The Auditor contacted the Child Advocacy Center and spoke with a supervisor she verified that they offer the services as outlined above.

**§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 after 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 prevent better, detect, or respond to sexual abuse. The recommendation(s) for improvement outlined in the review must be implemented, or the agency must document the reasons for not doing so in a written response. The report and response are to be forwarded to the PSA Coordinator. The Auditor interviewed the PSA Coordinator about the incident review process for allegations of sexual abuse. She informed the Auditor the operational offices conduct sexual abuse incident reviews consistent with the procedures outlined in Section 18.1 of CBP Directive 2130-030, Prevention, Detection, and Response to Sexual Abuse and Assault in CBP Holding Facilities. The Pacific Highway POE had no incident reviews conducted during the audit period as the facility had no allegations of sexual abuse incidents investigated requiring one.

**§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.

The Auditor was unable to finalize the report as they had left their employment at Creative Corrections. The initial report was submitted by the Auditor on August 25, 2019. (b) (6), (b) (7)(C) Certified PREA Auditor has reviewed the Auditor's notes and the written report. Grammatical changes were made, policies referenced, and paragraphs were restructured within a couple of areas in the report in order to correctly them to the appropriate standard provisions.

**AUDITOR CERTIFICATION:**

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

**(b) (6), (b) (7)(C)**

**Auditor's Signature**

August 25, 2019

**Date**

**(b) (6), (b) (7)(C)**

**Secondary Auditor/Reviewer**

March 3, 2020

**Date**

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



U.S. Customs and Border Protection

**AUDITOR**

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

**AGENCY**

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

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

<b>Name of Sector or Field Office:</b>	Seattle, Washington
<b>Name of Chief or Director:</b>	(b) (6), (b) (7)(C) Director
<b>PREA Field Coordinator:</b>	(b) (6), (b) (7)(C)
<b>Sector or Field Office Physical Address:</b>	9901 Pacific Highway, Blaine, Washington 98230
<b>Mailing Address:</b> <i>(if different from above)</i>	

**SHORT-TERM FACILITY BEING AUDITED**

**Information About the Facility**

<b>Name of Facility:</b>	Pacific Highway Port of Entry
<b>Physical Address:</b>	9901 Pacific Highway, Blaine, Washington, 98230
<b>Mailing Address:</b> <i>(if different from above)</i>	
<b>Telephone Number:</b>	(360) 332-5771

**Facility Leadership**

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

## FINAL DETERMINATION

### SUMMARY OF AUDIT FINDINGS:

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

The Pacific Highway Port of Entry on-site audit was completed on Thursday, June 20, 2019 and the preliminary findings report was submitted on August 25, 2019. Following comments from CBP Headquarters and Auditor Review, the report was submitted in Final Draft on February 18, 2020.

At that time, the Auditor reviewed the compliance of 25 Part B standards and Pacific Highway Port of Entry was found to be in compliance with 22 standards {115.111; 115.114; 115.115; 115.116; 115.117; 115.121; 115.122; 115.131; 115.132; 115.141; 115.151; 115.154; 115.161; 115.162; 115.163; 115.164; 115.165; 115.166; 115.167; 115.176; 115.177; 115.182 and 115.186. The facility had not met the requirement for standards 115.113. Standard 115.118 did not apply to the facility.

On March 9, 2020, Pacific Highway Port of Entry submitted a Corrective Action Plan (CAP) to the Auditor through Headquarters. As part of the CAP, the facility submitted a copy of the "After Action Report: Summary of the Annual Review of Detainee Supervision as required by Standard Provision 115.113(b)". This report was found to be sufficient and an analysis of the report follows below. The report was submitted prior to the CAP deadline of 4/15/2020.

### 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 Detainee supervision and monitoring

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

#### Notes:

On March 3, 2020, Pacific Highway Port of Entry submitted documentation of the After Action Meeting Summary Report of the Annual Review of Detainee Supervision Guidelines as required by Standard Provision 115.113 (b). This Report was prepared by the PREA Field Coordinator and dated March 3, 2020. The report verified the meeting involving the Acting Assistant Port Director, the Watch Commander and three Chief Customs and Border Protection Officers. All elements of supervision required by the standard provision including video monitoring capabilities, detainee population size and composition, facility layout and past incidents of sexual abuse were considered in the facility's findings. The findings supported no current need to change supervision practices at Pacific Highway Port of Entry. The Auditor's review of this report results in a finding of "Meets Standard".

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

**AUDITOR CERTIFICATION:**

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

**(b) (6), (b) (7)(C)**  
**Auditor's Signature**

April 6, 2020  
**Date**