



**U.S. Customs and
Border Protection**

AUG 12 2014

MEMORANDUM FOR: Directors, Field Operations
Director, Preclearance Operations (b) (6), (b) (7)(C)
Office of Field Operations

FROM: Acting Assistant Commissioner
Office of Field Operations

SUBJECT: Standards to Prevent, Detect, and Respond to Sexual Abuse and
Assault in CBP Holding Facilities

Effective May 6, 2014, U.S. Customs and Border Protection (CBP) implemented the Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault (Standards) in CBP Holding Facilities (hold rooms).¹ These standards are applicable to all CBP employees, including CBP officers, all support personnel, and contractors working at ports of entry.

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Attached to this memorandum please find a copy of the memorandum titled *CBP Policy on Zero Tolerance of Sexual Abuse* and a summary of the Standards to serve as a guide to your responsibilities. This summary serves as a supplement to existing CBP policy and procedures (including Secure Detention, Transport and Escort Procedures at Ports Of Entry – CBP Directive No. 3340-030B; and the Personal Search Handbook – CIS HB 3300-04B), which remain in effect; the Standards add specific requirements relating to the prevention, detection, and response to Sexual Abuse and Assault of detainees in CBP custody. CBP supervisors and managers are required to muster this topic and to maintain records regarding the CBP officers who attended the musters.

¹ Department of Homeland Security, Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities; Final Rule (6 CFR Part 115).

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Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in CBP Holding Facilities

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CBP Office of Public Affairs (OPA) will be distributing posters in multiple languages to inform detainees of the agency's Zero Tolerance Policy and methods for detainees to report incidents of Sexual Assault and Abuse. As soon as the posters are received by each port, the posters must be prominently displayed in the secondary inspection areas (i.e. hold rooms, secure open areas) of each processing area at ports of entry.

Additionally, each field office will annually conduct a comprehensive assessment of hold room facilities to determine that adequate levels of detainee supervision and monitoring exist. Such



Please ensure that this memorandum is disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact (b) (6), (b) (7)(C) Director, Enforcement Programs Division at (b) (6), (b) (7)(C).

Attachments

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**Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in
CBP/OFO Hold Room Facilities**

Risk Assessments of Detainees Being Placed in a CBP/OFO Holding Facility (Hold Room)

Before placing a detainee in a hold room, CBP officers should consider whether, based on the information before them, the detainee may be at high risk of being sexually abused, or of being sexually abusive toward other detainees. (115 141)

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This assessment, including consideration of the aforementioned factors in placing the detainee, must be documented in the CBP electronic systems.

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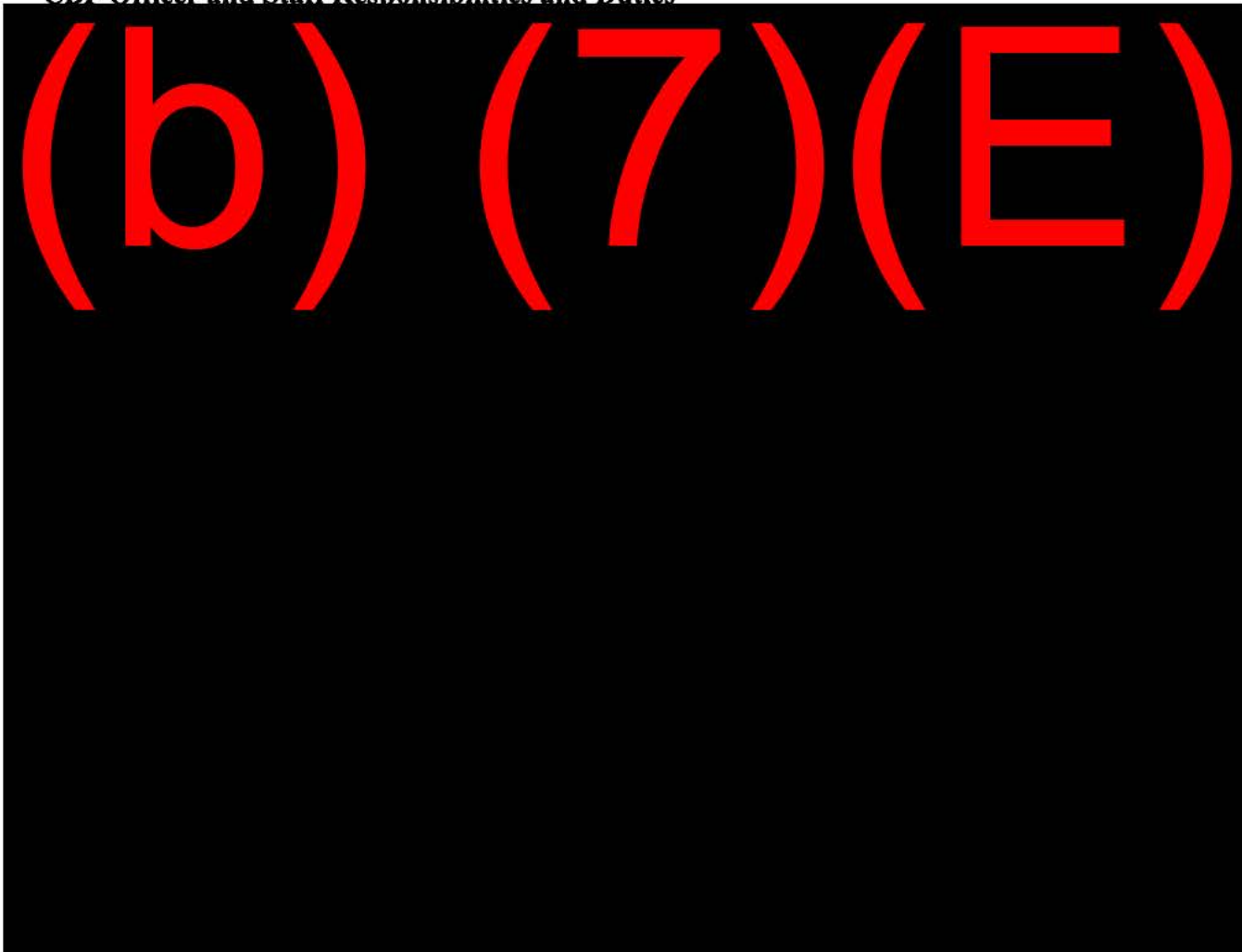
Juvenile and Family Detainees

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CBP Officer and Staff Responsibilities and Duties

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Any questions regarding this notification should be directed to the Prevention of Sexual Assault (PSA) Coordinator, who will consult with the Privacy Officer and Office of Chief Counsel, as appropriate.

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Evidence Protocols and Medical Treatment

CBP officers should ensure that any detainee who alleges sexual abuse is given the opportunity to receive appropriate medical treatment.

Any detainee who is a victim of sexual abuse shall have 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. (115.182)

Any medical treatment services provided to the detainee victim shall be without financial cost to the detainee, regardless of whether the detainee victim names the abuser or cooperates with any investigation arising out of the incident. (115.182)

In those instances where evidentiary material may be obtained or where it is medically appropriate, at no cost to the detainee and only with the detainee's consent, the victim detainee shall be transported to a medical facility to undergo a forensic medical examination conducted by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE), where practicable, or otherwise by other qualified health care personnel. (115.121)

To the extent available, CBP officers should permit any detainee who alleges sexual abuse and who receives medical care for such sexual abuse to use any victim advocacy services offered by the outside hospital, consistent with security needs. (115.121)

To the extent that CBP is not responsible for investigating a specific allegation of sexual abuse, officers shall request that the investigating agency follow the requirements of using a uniform evidence protocol that maximizes the potential for obtaining usable evidence regarding allegations of sexual abuse, consider using community resources and services to provide expertise and support in the areas of crisis intervention and counseling to most appropriately address victims' needs, conducting forensic medical examinations by SAFEs or SANEs where available, and allowing access to victim advocacy services available at the hospital. (115.121)

Detainees will be allowed to shower (where showers are available), perform bodily functions, and change clothing without being viewed by staff of the opposite gender, (b) (7)(E)

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When a detainee is of the opposite gender, CBP agents and employees will announce their presence when entering an area where detainees are likely to be showering, performing bodily functions, or changing clothing.

U Nonimmigrant Visa Information Sheet

CBP officers shall provide the attached *U Nonimmigrant Visa Information Sheet* to all alleged detainee victims of sexual abuse that is criminal in nature. (115.122)

Reporting Requirements

All employees must immediately report any knowledge, suspicion, or information regarding any: (115.161)

- incident of sexual abuse that occurred to any detainee;
- retaliation against detainees or staff who reported or participated in an investigation about such an incident; or
- staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

All CBP officers and employees must accept sexual abuse reports made verbally, in writing, anonymously, and from third parties, and must promptly document any verbal reports.

All employees are reminded of their obligation to report misconduct, including misconduct relating to the sexual abuse of individuals in CBP custody by:



If the alleged victim is under the age of 18 or considered a vulnerable adult CBP shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws. (115.161)

Cross-Gender Viewing and Searches



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Accommodating Detainees with Disabilities and Limited English Proficiency

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CBP management and CBP officers shall take reasonable steps to ensure detainees with limited English proficiency have meaningful access to all aspects of CBP's efforts to prevent, detect, and respond to sexual abuse.

CBP officers should use the agency approved interpretation service to provide detainees with limited English proficiency in-person or telephonic interpretive services that enable effective, accurate, and impartial interpretation, both receptively and expressively, using any necessary specialized vocabulary. *(115.116)*

A detainee interpreter may be utilized only if the reporting detainee expresses a preference for a detainee interpreter, and CBP management determines that such interpretation is appropriate. The provision of interpreter services by minors, alleged abusers, detainees who witnessed the alleged abuse, and those detainees who have a significant relationship with the alleged abuser is not appropriate in matters relating to allegations of sexual abuse. *(115.116)*

Approved posters and materials in multiple languages will be made available to all field offices and should be prominently displayed in all hold room facilities and available to officers and detainees during processing. *(115.116)*

Prohibition Against Retaliation

CBP officers and employees shall not retaliate against any person, including a detainee, who reports, complains about, or participates in an investigation into an allegation of sexual abuse, or

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for participating in sexual activity as a result of force, coercion, threats, or fear of force.
(115.167)

Management Requirements

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Results of the development of comprehensive detainee supervision guidelines and annual reviews will be provided to the PSA Coordinator. (115.113)

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