
ICE Detention Standards Compliance Review

Frio County Detention Center

September 3-5, 2008

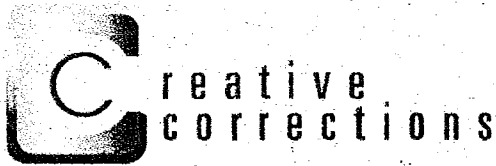
REPORT DATE – September 8, 2008



Contract Number: ODT-6-D-0001
Order Number: HSCEOP-07-F-01016

b6 [redacted], Executive Vice President
Creative Corrections
6415 Calder, Suite B
Beaumont, TX 77706

b6 [redacted] COTR
U.S. Immigration and Customs Enforcement
Detention Standards Compliance Unit
801 I Street NW
Washington, DC 20536



September 8, 2008

MEMORANDUM FOR: James T. Hayes, Jr., Director
Office of Detention and Removal Operations

FROM:

[Redacted] *for* [Redacted]
Reviewer-In-Charge

SUBJECT: Frio County Detention Center
Annual Detention Review

Creative Corrections conducted an Annual Detention Review (ADR) of the Frio County Detention Center (FCDC), Pearsall, Texas, on September 3-5, 2008. As noted on the attached documents, the team of Subject Matter Experts (SME) included [Redacted] SME for Security; [Redacted] SME for Health Services; [Redacted] SME for Environmental Health and Safety; and [Redacted] SME for Food Services.

A closeout meeting that included a discussion of all deficiencies, concerns, and recommendations noted during our review was conducted with Warden [Redacted] and several of his staff on Friday, September 5, 2008. SIEA [Redacted] and IEA [Redacted] of the San Antonio Field Office were provided a separate closeout.

Type of Review

This review is an Annual Detention Standards Review to determine general compliance with established ICE National Detention Standards for facilities used for over 72 hours.

Review Summary

The Texas Jail Commission has accredited the FCDC. The American Correctional Association (ACA) has not accredited the FCDC. In addition, neither the National Commission on Correctional Health Care (NCCHC) or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) has accredited the FCDC.

Standards Compliance

The following statistical information provides a comparison of the results of last year's review and the current review.

<u>July 17-18, 2007</u>	<u>Review</u>
Compliant	36
Deficient	0
At-Risk	0
Not-Applicable	2

<u>September 3-5, 2008</u>	<u>Review</u>
Compliant	34
Deficient	1
At-Risk	0
Not-Applicable	3

Access to Medical Care - Deficient

Every facility will establish and maintain an accredited/accreditation-worthy health program for the general well being of ICE detainees.

- The facility does not operate a health care facility in compliance with state and local laws and guidelines.
- Physical examinations/assessments on arriving detainees are not performed by qualified personnel.
- The vast majority of the medical care in the Frio County Detention Center is provided by 3 full-time and 4 part-time Licensed Practical Nurses (LPN). With no Registered Nurses (RN) and only a part time Physician on staff, the facility must insure that adequate direction or supervision of the LPN staff is provided.

Recommendations

- The facility must operate a health care facility in compliance with state and local laws and guidelines.
- A qualified health care provider must physically examine/assess arriving detainees within 14 days of admission/arrival at the facility.

RIC Observations

Facility staff, under the direction of Warden [b6,b7c] and with the guidance of IEA [b6,b7c] demonstrated a cooperative spirit and a willingness to enhance operations as needed to improve compliance with the Detention Standards. In the area of Environmental Health and Safety, FCDC staff members were able to correct the following as noted:

Constant inventories for all flammable, toxic, and caustic substances used or stored were established in the Maintenance Department.

The manufacturer's Material Safety Data Sheet (MSDS) file used in the Maintenance Department was brought up-to-date for every hazardous substance.

MSDS files in the Maintenance Department were made readily accessible to staff and detainees.

FDC staff, who had not received annual training in accordance with OSHA 1910.1030 – Blood Borne Pathogen Standard (to prevent contact with blood and other body fluids), were scheduled for training.

The Review Team noted two areas of best practice:

Tool Control exceeded the requirements of the National Detention Standards, as tools were also color-coded to signify individual users,

The Property storage room was exceedingly clean and well organized as noted by the Subject Matter Expert.

It was clear from the beginning of the review that [REDACTED] IEA, from the San Antonio Field Office, was closely monitoring the facility's plans for improving performance relative to the National Detention Standards. By amending current local policies and implementing standard operating procedures in the areas of Searches, Correspondence, Classification, Emergency Plans, Hold Rooms, Special Management Units, Discipline, and Recreation, the Frio County Detention Center significantly enhanced operations relative to the National Detention Standards. It is now incumbent on the FCDC staff to fold the new policies into an effective and functional operation when ICE detainees are again housed at the institution.

During the closeout with the facility staff and the debriefing with ICE representatives, it was stressed that the next hurdle would be to match the multitude of changes in procedures with staff operations and practice. If the facility matches their plans with practice, the San Antonio Field Office should have a competent provider of critically needed bed-space.

Recommended Rating and Justification

It is the Reviewer-in-Charge's (RIC) recommendation that the facility receive a rating of "Acceptable." It is also recommended by the RIC that a Plan of Action be required to implement necessary corrective actions for the deficiency noted above.

RIC Assurance Statement

All findings of this review have been documented on the Detention Review Worksheet and are supported by the written documentation contained in the review file.

A. Type of Facility Reviewed

ICE Service Processing Center
 ICE Contract Detention Facility
 ICE Intergovernmental Service Agreement

B. Current Inspection

Type of Inspection
 Field Office HQ Inspection
Date[s] of Facility Review
September 3-5, 2008

C. Previous/Most Recent Facility Review

Date[s] of Last Facility Review
July 17-18, 2007
Previous Rating
 Superior Good Acceptable Deficient At-Risk

D. Name and Location of Facility

Name
Frio County Jail
Address (Street and Name)
410 South Cedar St.
City, State and Zip Code
Pearsall, Texas
County
Frio
Name and Title of Chief Executive Officer (Warden/OIC/Supt.)
b6,b7c Warden
Telephone # (Include Area Code)
830 b6,b7c
Field Office / Sub-Office (List Office with oversight responsibilities)
San Antonio
Distance from Field Office
71 miles

E. ICE Information

Name of Inspector (Last Name, Title and Duty Station)
b6,b7c RIC / Creative Corrections
Name of Team Member / Title / Duty Location
b6,b7c / SME-Security / Creative Corrections
Name of Team Member / Title / Duty Location
b6 / SME-Health Services / Creative Corrections
Name of Team Member / Title / Duty Location
b6 SME-Food Services / Creative Corrections
Name of Team Member / Title / Duty Location
b6,b7c SME-Safety / Creative Corrections

F. CDF/IGSA Information Only

Contract Number
80-99-0218
Date of Contract or IGSA
12-01-06
Basic Rates per Man-Day
\$40.56
Other Charges: (If None, Indicate N/A)
N/A

Estimated Man-days Per Year:
225

G. Accreditation Certificates

List all State or National Accreditation[s] received:
Texas Commission on Jail Standards
 Check box if facility has no accreditation[s]

H. Problems / Complaints (Copies must be attached)

The Facility is under Court Order or Class Action Finding
 Court Order Class Action Order
The Facility has Significant Litigation Pending
 Major Litigation Life/Safety Issues
 Check if None.

I. Facility History

Date Built
1988
Date Last Remodeled or Upgraded
1996 - Trevino Unit - 96 beds
Date New Construction / Bed space Added
Future Construction Planned
 Yes No Date:
Current Bed space | Future Bed space (# New Beds only)
391 | Number: N/A Date:

J. Total Facility Population

Total Facility Intake for previous 12 months
4553
Total ICE Man-days for Previous 12 months
225

K. Classification Level (ICE SPCs and CDFs Only)

	L-1	L-2	L-3
Adult Male	N/A		
Adult Female			

L. Facility Capacity

	Rated	Operational	Emergency
Adult Male	391	391	400
Adult Female			

Facility holds Juveniles Offenders 16 and older as Adults

M. Average Daily Population

	ICE	USMS	Other
Adult Male	0	66.5	320
Adult Female	0	4.5	0

N. Facility Staffing Level

Security: | Support:
b2High

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Significant Incident Summary Worksheet

For ICE to complete its review of your facility, the following information must be completed prior to the scheduled review dates. The information on this form should contain data for the past twelve months in the boxes provided. The information on this form is used in conjunction with the ICE Detention Standards in assessing your Detention Operations against the needs of the ICE and its detained population. This form should be filled out by the facility prior to the start of any inspection. Failure to complete this section will result in a delay in processing this report and the possible reduction or removal of ICE' detainees at your facility.

<i>Incidents</i>	<i>Description</i>	Jan – Mar	Apr – Jun	Jul – Sept	Oct – Dec
Assault: Offenders on Offenders ¹	Types (Sexual ² , Physical, etc.)	Physical	Physical	Physical	Physical
	With Weapon	0	0	0	0
	Without Weapon	8	1	0	5
Assault: Detainee on Staff	Types (Sexual Physical, etc.)	Physical	Physical	Physical	Physical
	With Weapon	0	0	0	0
	Without Weapon	2	1	1	0
Number of Forced Moves, incl. Forced Cell moves ³		2	1	0	0
Disturbances ⁴		3	1	1	1
Number of Times Chemical Agents Used		7	7	1	5
Number of Times Special Reaction Team Deployed/Used		1	0	0	0
# Times Four/Five Point Restraints applied/used	Number/Reason (M=Medical, V=Violent Behavior, O=Other)	0	0	0	0
	Type (C=Chair, B=Bed, BB=Board, O=Other)	-	-	-	-
Offender / Detainee Medical Referrals as a result of injuries sustained.		5	0	1	11
Escapes	Attempted	0	0	0	0
	Actual	0	0	0	0
Grievances:	# Received	12	10	4	15
	# Resolved in favor of Offender/Detainee	0	0	0	0
Deaths	Reason (V=Violent, I=Illness, S=Suicide, A=Attempted Suicide, O=Other)	-	-	A	A
	Number	0	0	1	1
Psychiatric / Medical Referrals	# Medical Cases referred for Outside Care	26	24	10	40
	# Psychiatric Cases referred for Outside Care	0	0	0	0

¹ Any attempted physical contact or physical contact that involves two or more offenders

² Oral, anal or vaginal penetration or attempted penetration involving at least 2 parties, whether it is consenting or non-consenting

³ Routine transportation of detainees/offenders is not considered "forced"

⁴ Any incident that involves four or more detainees/offenders, includes gang fights, organized multiple hunger strikes, work stoppages, hostage situations, major fires, or other large scale incidents.

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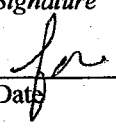
DHS/ICE Detention Standards Review Summary Report						
1. Acceptable 2. Deficient 3. At Risk 4. Repeat Finding 5. Not Applicable						
Legal Access Standards		1.	2.	3.	4.	5.
1.	Access to Legal Materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Group Presentations on Legal Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Visitation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.	Telephone Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Detainee Services						
5.	Admission and Release	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.	Classification System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.	Correspondence and Other Mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.	Detainee Handbook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9.	Food Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10.	Funds and Personal Property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11.	Detainee Grievance Procedures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12.	Issuance and Exchange of Clothing, Bedding, and Towels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13.	Marriage Requests	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	Non-Medical Emergency Escorted Trip	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15.	Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16.	Religious Practices	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17.	Voluntary Work Program	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Health Services						
18.	Hunger Strikes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
19.	Medical Care	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
20.	Suicide Prevention and Intervention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
21.	Terminal Illness, Advanced Directives and Death	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Security and Control						
22.	Contraband	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
23.	Detention Files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24.	Disciplinary Policy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
25.	Emergency Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
26.	Environmental Health and Safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
27.	Hold Rooms in Detention Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
28.	Key and Lock Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
29.	Population Counts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
30.	Post Orders	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
31.	Security Inspections	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
32.	Special Management Units (Administrative Segregation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
33.	Special Management Units (Disciplinary Segregation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
34.	Tool Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
35.	Transportation (Land management)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36.	Use of Force	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
37.	Staff / Detainee Communication (Added August 2003)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
38.	Detainee Transfer (Added September 2004)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

All findings (Deficient and At-Risk) require written comment describing the finding and what is necessary to meet compliance.

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RIC Review Assurance Statement

By signing below, the Reviewer-In-Charge (RIC) certifies that all findings of noncompliance with policy or inadequate controls contained in the Inspection Report are supported by evidence that is sufficient and reliable. Furthermore, findings of noteworthy accomplishments are supported by sufficient and reliable evidence. Within the scope of the review, the facility is operating in accordance with applicable law and policy, and property and resources are efficiently used and adequately safeguarded, except for the deficiencies noted in the report.

Reviewer-In-Charge: (Print Name) b6,b7c	Signature 	b6,b7c
Title & Duty Location RIC, Creative Corrections	Date September 5, 2008	

Team Members	
Print Name, Title, & Duty Location	Print Name, Title, & Duty Location
b6,b7c SME-Security, Creative Corrections	b6 SME-Food Services, Creative Corrections
b6,b7c SME-Environmental Health and Safety, Creative Corrections	b6 SME-Health Services, Creative Corrections

Recommended Rating:

Superior
 Good
 Acceptable
 Deficient
 At-Risk

Comments: There were 2 suicide attempts at the Frio County Detention Center in the past 12 months. The first attempt occurred on December 4, 2007. An inmate attempted to strangle himself with his shirt while sitting in the visitation room while waiting to be booked. The inmate was restrained and placed on suicide watch.

The other attempt was an inmate who has been at this facility multiple times and has a history of suicidal gestures and attempts. On July 8, 2008 he attempted to strangle himself with his boxer shorts. He was restrained and placed on suicide watch. This inmate has been on suicide watch multiple times over the past year. He is on psychotropic medication and is seen on a regular basis by the psychologist and the physician. Both of these incidents were handled properly.

HEADQUARTERS EXECUTIVE REVIEW

Review Authority

The signature below constitutes review of this report and acceptance by the Review Authority. **OIC/CEO will have 30 days from receipt of this report to respond to all findings and recommendations.**

HQDRO EXECUTIVE REVIEW: (Please Print Name) b6,b7c	Signature b6,b7c
Title Acting Chief, Detention Standards Compliance Unit	Date b6,b7c Dec. 22, 2008

Final Rating: Superior
 Good
 Acceptable
 Deficient
 At-Risk

Comments: The Review Authority concurs with the "Acceptable" rating. A Plan of Action is required to correct the deficiencies noted in the Access to Medical Care, Correspondence and Other Mail, Food Service, Emergency Plans, and Key and Lock Control standards.