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# ICE Detention Standards Compliance Review

Lea County Detention Center

February 11-12, 2008

Report Date – February 18, 2008



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

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

U.S. Immigration and Customs Enforcement  
Detention Standards Compliance Unit  
801 I Street NW  
Washington, DC 20536



February 18, 2007

MEMORANDUM FOR: John P. Torres, Director  
Office of Detention and Removal

FROM:

[Redacted] b6,b7c [Signature] [Redacted] b6,b7c, Non-Responsive  
Reviewer-In-Charge  
Creative Corrections

SUBJECT: Lea County Detention Center Annual Detention Review

Creative Corrections conducted an Annual Detention Review (ADR) of the Lea County Detention Center (LCDC), located in Lovington, New Mexico on February 11-12, 2008. Lea County Detention Center has a contract with the United States Marshals Service and operates the facility with county employees. As noted on the attached documents, the team of Subject Matter Experts included: [Redacted] b6, b7c for Security; [Redacted] b6 for Health Services; [Redacted] b6,b7c for Safety; and [Redacted] b6 for Food Services.

A closeout meeting that included a discussion of all deficiencies, concerns and recommendations noted during the review was conducted with Chief of Security [Redacted] b6,b7c and Captain [Redacted] b6,b7c of LCDC on February 12, 2008. Immigration Enforcement Agent [Redacted] b6,b7c of the Pecos Sub-Office who toured with us on Monday, February 11, was not available for the meeting.

**Type of Review:**

This review is a scheduled Detention Standard Review to determine general compliance with established ICE National Detention Standards for facilities used for under 72 hours.

**Review Summary:**

The facility is not currently accredited by any nationally recognized organization.

**Standards Compliance:**

The following statistical information provides a direct comparison of the 2004 ADR and this ADR conducted for 2008. The current review was performed at the Detention Center opened in 2005.

<u>December 4, 2004 Review</u>		<u>February 11-12, 2008 Review</u>	
Compliant	25	Compliant	27
Deficient	1	Deficient	0
At-Risk	0	At-Risk	0
Not-Applicable	2	Not-Applicable	1

## **RIC Issues and Concerns**

### **Access to Telephones**

- The telephone number for the OIG is not programmed into the Detainee Phone System. The facility staff will try to provide that service with the assistance of ICE staff.

### **Detainee Handbook**

- Procedures for emergency phone calls, procedures for “high demand” periods of telephone usage, and any “Detainee Message System” were not addressed in the rules and regulations.

### **Environmental Health and Safety**

- LCDC should petition the local and/or the state Fire Marshal to approve the Safety and Emergency Plans.
- While LCDC has a system for controlling hazardous materials, management should develop a more comprehensive program for all flammable, caustic and toxic chemicals to include:
  - Up-to-date manufacturers’ Material Safety Data Sheets in each area with constant inventories.
  - More “compatible” storage areas with spill containment.
  - Training for staff with specific chemicals used at the facility.
  - Fabrication and use of security cages for the corrosives used in the Food Service and Laundry areas.

### **Access to Medical Care**

- Procedures for emergency phone calls, procedures for “high demand” periods of telephone usage, and any “Detainee Message System” were not addressed in the rules and regulations.
- The standard on medical care indicates that medical screening includes a tuberculosis (TB) test. Generally, TB tests are administered on all detainees upon admission to the facility. LCDC staff did report that occasionally a newly arrested detainee is removed from the facility before a TB test can be administered. While this information is accurately reflected on the release paperwork, it is recommended that all detainees be administered a TB test during the screening process. If the detainee is transferred in a short period of time, the information regarding the newly administered TB test could then

be included in the medical transfer information for follow-up at the next facility. This would facilitate identifying positive test results in a timely manner for all holding facilities involved.

### **Emergency Plans**

- Lea County Detention Center should have stand alone emergency plans which address Food Strikes and Adverse Weather conditions, as required by ICE standards.

### **Tool Control**

- Even though Lea County Detention Center does not secure “tools” inside the secure perimeter and does not have any tool classified, it is highly recommended that the facility develop and implement a tool classification and control system. This system should include:
  - Procedures for marking tools, making them readily identifiable.
  - Procedures for inventorying and destruction of tools.

### **Recommended Rating and Justification**

It is the Reviewer-in-Charge (RIC) recommendation that the facility receive a rating of “Acceptable.” While a Plan of Action is not required, the Field Office should address the RIC Issues and Concerns noted above with the facility.

### **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.



# DETENTION FACILITY INSPECTION FORM

FACILITIES USED LESS THAN 72 HOURS

**A. TYPE OF FACILITY REVIEWED**

<input type="checkbox"/>	ICE Service Processing Center
<input type="checkbox"/>	ICE Contract Detention Facility
<input checked="" type="checkbox"/>	ICE Intergovernmental Service Agreement

Other Charges: (If None, Indicate N/A) Guard Service; \$14.48/hr; <input type="checkbox"/> N/A
Estimated Man-days per Year

**B. CURRENT INSPECTION**

Type of Inspection
<input type="checkbox"/> Field Office <input checked="" type="checkbox"/> HQ Inspection
Date[s] of Facility Review
February 11-12, 2008

**G. ACCREDITATION CERTIFICATES**  N/A  
List all State or National Accreditation[s] received:

**C. PREVIOUS/MOST RECENT FACILITY REVIEW**

Date[s] of Last Facility Review
December 9, 2004
Previous Rating
<input type="checkbox"/> Superior <input type="checkbox"/> Good <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Deficient <input type="checkbox"/> At-Risk

**H. PROBLEMS / COMPLAINTS (COPIES MUST BE ATTACHED)**

The Facility is under Court Order or Class Action Finding  
 Court Order  Class Action Finding

The Facility has Significant Litigation Pending  
 Major Litigation  Life/Safety Issues

None

**D. NAME AND LOCATION OF FACILITY**

Name
Lea County Detention Center
Address
1401 S. Commercial
City, State and Zip Code
Lovington, NM 88260
County
Lea
Name and Title of Chief Executive Officer (Warden/OIC/Superintendent)
b6,b7c Warden
Telephone Number (Include Area Code)
575- b6,b7c
Field Office / Sub-Office (List Office with Oversight)
Pecos Sub-Office
Distance from Field Office
350

**I. FACILITY HISTORY**

Date Built	
September 2005	
Date Last Remodeled or Upgraded	
N/A	
Date New Construction / Bed Space Added	
N/A	
Future Construction Planned	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date:	
Current Bed space	Future Bed Space (# New Beds only)
400	Number: Date:

**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,b7c SME-Safety / Creative Corrections
Name of Team Member / Title / Duty Location
b6 / SME-Food Services / Creative Corrections

**J. TOTAL FACILITY POPULATION**

Total Facility Intake for Previous 12 months
3613
Total ICE Man Days for Previous 12 months
536

**K. CLASSIFICATION LEVEL (ICE SPCs AND CDFs ONLY)**

	L-1	L-2	L-3
Adult Male			
Adult Female			

**L. FACILITY CAPACITY**

	Rated	Operational	Emergency
Adult Male	352		
Adult Female	48		

Facility Holds Juveniles Offenders 16 and Older as Adults

**M. AVERAGE DAILY POPULATION**

	ICE	USMS	Other
Adult Male		98	136
Adult Female			36

**F. CDF/IGSA INFORMATION ONLY**

Contract Number	Date of Contract or IGSA
51-99-0206	November 1, 2002
Basic Rates per Man-Day	
\$65.50	

**N. FACILITY STAFFING LEVEL**

Security:	Support:
b2High	

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## SIGNIFICANT INCIDENT SUMMARY WORKSHEET

In order for Creative Corrections to complete its review of your facility, you must complete the following worksheet prior to your scheduled review dates. This worksheet must contain data for the past twelve months. We will use this worksheet in conjunction with the ICE Detention Standards to assess your detention operations with regard to the needs of ICE and its detainee population. Failure to complete this worksheet will result in a delay in processing this report, and may result in a reduction or removal of ICE detainees from your facility.

INCIDENTS	DESCRIPTION	Jan – Mar	Apr – Jun	Jul – Sep	Oct – Dec
Assault: Offenders on Offenders <sup>1</sup>	Types (Sexual <sup>2</sup> , Physical, etc.)	Physical	Physical	Physical	Physical
	With Weapon	0	0	0	0
	Without Weapon	29	15	0	0
Assault: Detainee on Staff	Types (Sexual, Physical, etc.)	Physical	Physical	Physical	Physical
	With Weapon	2	0	0	0
	Without Weapon	4	2	0	0
Number of Forced Moves, incl. Forced Cell Moves <sup>3</sup>		3	2	0	0
Disturbances <sup>4</sup>		0	0	1	1
Number of Times Chemical Agents Used		0	0	1	0
Number of Times Special Reaction Team Deployed/Used		0	0	1	0
# Times Four/Five Point Restraints Applied/Used	Number/Reason (M=Medical, V=Violent Behavior, O=Other)	Other	-	-	-
	Type (C=Chair, B=Bed, BB=Board, O=Other)	C-2	0	0	0
Offender / Detainee Medical Referrals as a Result of Injuries Sustained.		0	3	2	5
Escapes	Attempted	0	0	0	0
	Actual	0	0	0	0
Grievances:	# Received	0	9	0	0
	# Resolved in Favor of Offender/Detainee	0	3	0	0
Deaths	Reason (V=Violent, I=Illness, S=Suicide, A=Attempted Suicide, O=Other)	0	0	0	0
	Number	0	0	0	0
Psychiatric / Medical Referrals	# Medical Cases Referred for Outside Care	9	9	8	14
	# Psychiatric Cases Referred for Outside Care	4	2	1	1

<sup>1</sup> Any attempted physical contact or physical contact that involves two or more offenders

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

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

<sup>4</sup> 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					
<b>LEGAL ACCESS STANDARDS</b>					1.	2.	3.	4.	5.
1.	Visitation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Telephone Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>DETAINEE SERVICES</b>									
3.	Admission and Release	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Classification System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Detainee Handbook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Food Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Funds and Personal Property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Detainee Grievance Procedures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Issuance and Exchange of Clothing, Bedding, and Towels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	Religious Practices	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>HEALTH SERVICES</b>									
11.	Medical Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Suicide Prevention and Intervention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>SECURITY AND CONTROL</b>									
13.	Contraband	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	Detention Files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	Disciplinary Policy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.	Emergency Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.	Environmental Health and Safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.	Hold Rooms in Detention Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.	Key and Lock Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20.	Population Counts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21.	Security Inspections	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22.	Special Management Units (Administrative Detention)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23.	Special Management Units (Disciplinary Segregation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24.	Tool Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25.	Transportation (Land management)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26.	Use of Force	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27.	Staff / Detainee Communication (Added August 2003)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28.	Detainee Transfer (Added September 2004)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

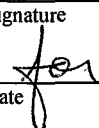
**ALL FINDINGS OF DEFICIENT AND AT-RISK REQUIRE WRITTEN COMMENT DESCRIBING THE FINDING AND WHAT IS NECESSARY TO REACH COMPLIANCE.**

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## RIC REVIEW ASSURANCE STATEMENT

BY SIGNING BELOW, THE REVIEWER-IN-CHARGE (RIC) CERTIFIES THAT:

ALL FINDINGS OF NON-COMPLIANCE WITH POLICY OR INADEQUATE CONTROLS, AND FINDINGS OF NOTEWORTHY ACCOMPLISHMENTS, CONTAINED IN THIS INSPECTION REPORT, ARE SUPPORTED BY EVIDENCE THAT IS SUFFICIENT AND RELIABLE; AND WITHIN THE SCOPE OF THIS REVIEW, THE FACILITY IS OPERATING IN ACCORDANCE WITH APPLICABLE LAW AND POLICY, AND PROPERTY AND RESOURCES ARE BEING EFFICIENTLY UTILIZED AND ADEQUATELY SAFEGUARDED, EXCEPT FOR ANY DEFICIENCIES NOTED IN THE REPORT.

REVIEWER-IN-CHARGE	
Reviewer-In-Charge: (Print Name) b6,b7c	Signature 
Title & Duty Location RIC, Creative Corrections	Date February 13, 2008

TEAM MEMBERS	
Print Name, Title, & Duty Location b6,b7c SME-Safety, Creative Corrections	Print Name, Title, & Duty Location b6 SME-Food Services, Creative Corrections
Print Name, Title, & Duty Location b6,b7c SME-Security, Creative Corrections	Print Name, Title, & Duty Location b6 SME-Health Services, Creative Corrections

**RECOMMENDED RATING:**

SUPERIOR  
 GOOD  
 ACCEPTABLE  
 DEFICIENT  
 AT-RISK

**COMMENTS:** There were two disturbances noted on the Significant Incident Summary data provided. A summary of each incident is provided below:

**Incident of 9/11/07:** The incident involved a disruption in normal operations in Tango C&D pods. Several inmates were upset about a perceived shortage of food for the evening meal. The perception resulted from a similar event on 9-9-07 when inmates were served a single hot dog instead of two as usual. On 9-9-07, an enchilada had been substituted for the second hot dog. The inmates in Tango-C&D units perceived a single, smoked sausage (the equivalent of two hot dogs) as a shortage of food. The resulting disturbance required the assistance of the LCSO CERT team to extract the disruptive inmates who refused to enter their cells at 6:45 pm. Before the CERT team entered the units at 9:00 pm several small fires were set and minor damage to the units ensued. The incident remains under investigation for possible charges against the inmates involved. No systemic failures seemed to contribute to this incident.

**Incident of 12/12/07:** The incident involved a disruption in normal operations in Delta – A pod. Sixteen inmates flooded their cells in an apparent attempt to support other inmates involved in a “two-meal hunger strike”. All those involved were placed in the high security unit without incident. Disciplinary reports were filed against all those who participated, Major #5 Disruptive Conduct. The cases are being adjudicated.

LCDC Staff and Administration were very responsive and listened intently to the team's issues and concerns. The facility is a good candidate for use as an O-72 facility if needed.

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