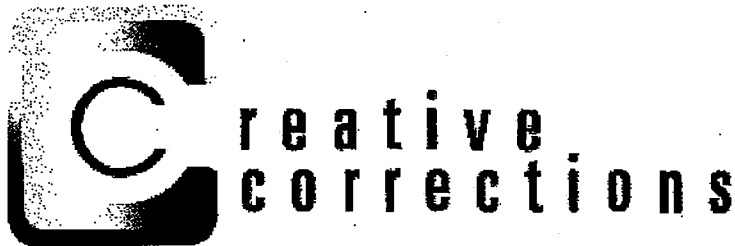

ICE Detention Standards Compliance Review

West Texas Detention Facility

October 14-16, 2008

REPORT DATE – October 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

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



6415 Calder, Suite B • Beaumont, Texas 77706
409.866.9920 • www.correctionalexperts.com

Making a Difference!

October 18, 2008

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

FROM:

[REDACTED] b6, b7c
[Signature]
Reviewer-In-Charge

[REDACTED] b6, b7c

SUBJECT: West Texas Detention Facility
Annual Detention Review

Creative Corrections conducted an Annual Detention Review (ADR) of the West Texas Detention Facility (WTDF), operated by Emerald Companies (EC), located in Sierra Blanca, Texas, on October 14-16, 2008. The United States Marshal's Service (USMS) has a contract to house prisoners at this facility and, Immigration and Customs Enforcement (ICE) has also housed detainees under this agreement. The facility was housing only USMS detainees at the time of this review. As noted on the attached documents, the team of Subject Matter Experts (SME) included [REDACTED] b6 SME for Health Services; [REDACTED] b6, b7c SME for Safety; [REDACTED] b6, b7c SME for Security; and [REDACTED] b6 SME for Food Service.

A closeout meeting was conducted on October 16, 2008 with Warden [REDACTED] b6, b7c Assistant Warden [REDACTED] b6, b7c and various facility Department Heads and Supervisors. Deficiencies, concerns, and areas of strength were discussed at this meeting. In addition, a meeting was conducted on October 15, 2008 with Assistant Field Office Director [REDACTED] b6, b7c and ICE Agent [REDACTED] b6, b7c

Type of Review

This review was a scheduled ADR to determine general compliance with established ICE National Detention Standards for housing ICE detainees pending further review or removal.

Review Summary

EC constructed and activated the WTDF in 2004 with a rated capacity of 500. This facility was constructed using conventional design and materials. In 2008, EC added 4 modular housing units inside the secure perimeter with a rated capacity of 512 beds. These modular units are constructed with wood flooring covered with carpet, aluminum sheathed wall panels, and an insulated roof system covered with fabric. These units are presently used as temporary housing (minimum security) for US Marshall's prisoners, both male and female. These units were included in the review.

The facility is accredited by the American Correctional Association (ACA), and the Texas Commission on Jail Standards. They are not accredited by the Joint Commission on

Accreditation of Healthcare Organizations (JCAHO), or the National Commission on Correctional Health Care (NCCHC).

Standards Compliance

The following statistical information provides a comparison of the 2007 ADR and this ADR conducted for 2008.

<u>November 26-28, 2007</u>		<u>October 14-16, 2008</u>	
Compliant	34	Compliant	35
Deficient	2	Deficient	0
At-Risk	0	At-Risk	0
Non-Applicable	2	Non-Applicable	3

RIC Observations

RIC Concern

The locking devices at the Modular Housing Units are not in compliance with the ICE Detention Standard for Key and Lock Control, Section 4, Keying, Authorizing, and Non-Authorized Locks, as well as the National Fire Protection Association Life Safety Code book 101, section 23.4. These locking devices are not detention grade hardware and should be phased out.

Best Practices

West Texas Detention Facility Policy

WTDF Policy is comprehensive and well written. Local policies closely align with ICE Detention Standards and include specific procedures or operational directives relevant to ICE detainees.

Law Library

The facility law library is well managed and offers a wide range of legal research materials, books, documents, and Lexus Nexus stations. All materials specified in ICE Detention Standard, Access to Legal Materials, Attachment A, were available to the detainee population.

Recommended Rating and Justification

It is the Reviewer-in-Charge (RIC) recommendation that the facility receive a rating of "Acceptable." It is also recommended by the RIC that a Plan of Action be required for the facility to complete necessary corrective action for replacing the locking devices in the Modular Housing Units.

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
 October 14-16, 2008

C. Previous/Most Recent Facility Review

Date[s] of Last Facility Review
 Initial
 Previous Rating
 Superior Good Acceptable Deficient At-Risk

D. Name and Location of Facility

Name
 West Texas Detention Facility
 Address (Street and Name)
 401 S. Vaquero Avenue, P.O. Box 430
 City, State and Zip Code
 Sierra Blanca, Texas 79851
 County
 Hudspeth
 Name and Title of Chief Executive Officer
 (Warden/OIC/Superintendent)
 b6, b7c
 Telephone # (Include Area Code)
 (915) b6, b7c
 Field Office / Sub-Office (List Office with oversight responsibilities)
 Pecos, Texas
 Distance from Field Office
 128 miles

E. Creative Corrections Review Team

b6, b7c Reviewer-in-Charge
 b6 Health Services
 b6, b7c Safety and Environmental Health
 b6 Food Service
 b6, b7c Security

F. CDF/IGSA Information Only

Contract Number
 80-05-0005
 Date of Contract or IGSA
 04-01-07
 Basic Rates per Man-Day
 \$60.00
 Other Charges: (If None, Indicate N/A)
 N/A
 Estimated Man-days per Year
 127,750

E. Accreditation Certificates

List all State or National Accreditation[s] received:
 ACA, August 2007, Texas Commission on Jail Standards,
 June 2008
 Check box if facility has no accreditation[s]

F. 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
 August, 2004
 Date Last Remodeled or Upgraded
 N/A
 Date New Construction / Bedspace Added
 February, 2008
 Future Construction Planned
 Yes No Date:
 Current Bedspace
 1000
 Future Bedspace (# New Beds only)
 Number: N/A Date:

J. Total Facility Population

Total Facility Intake for previous 12 months
 4,371
 Total ICE Mandays for Previous 12 months
 18,523

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	826	576	826
Adult Female	174	174	

Facility holds Juveniles Offenders 16 and older as Adults

M. Average Daily Population

	ICE	USMS	Other
Adult Male	0	428	0
Adult Female	0	49	0

N. Facility Staffing Level

Security: [REDACTED] Support:
[REDACTED] b2High

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.)	0	Physical	Physical	Physical
	With Weapon	0	0	0	0
	Without Weapon	0	6	4	1
Assault: Detainee on Staff	Types (Sexual Physical, etc.)	0	0	0	0
	With Weapon	0	0	0	0
	Without Weapon	0	0	0	0
Number of Forced Moves, incl. Forced Cell moves ³	[Hatched Area]	0	1	1	1
Disturbances ⁴		0	0	0	0
Number of Times Chemical Agents Used		0	0	0	0
Number of Times Special Reaction Team Deployed/Used		0	1	1	1
# Times Four/Five Point Restraints applied/used		Number/Reason (M=Medical, V=Violent Behavior, O=Other) Type (C=Chair, B=Bed, BB=Board, O=Other)	0	0	0
Offender / Detainee Medical Referrals as a result of injuries sustained.		0	0	0	0
Escapes	Attempted	0	0	0	0
	Actual	0	1	0	0
Grievances:	# Received	28	21	16	6
	# Resolved in favor of Offender/Detainee	2	3	4	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	21	16	16	3
	# 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.

~~FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)~~


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 checked="" type="checkbox"/>	<input 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.

~~FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)~~

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 
Title & Duty Location	Date August 18, 2008
Reviewer-in-Charge	

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

Recommended Rating:

- Superior
- Good
- Acceptable
- Deficient
- At-Risk

Comments:

West Texas Detention Facility (WTDF) is a well managed and clean facility with good leadership and a dedicated staff. As reflected on the Significant Incident Summary Worksheet, they manage the inmate population in a professional manner and have a low number of significant incidents. There were no deficiencies identified during the review.

On April 30, 2008 two WTDF correctional officers were guarding US Marshall's detainee b6, b7c at the Culberson County Hospital in Van Horn, Texas. One of the correctional officers removed b6, b7c restraints to allow him to go to the bathroom, and he ran from the hospital room. The correctional officers gave chase, struggled with the detainee, but were unable to subdue him. One of the officers fired two warning shots as he pursued b6, b7c. Local law enforcement was alerted and Texas Department of Public Safety Officers apprehended b6, b7c a short time later near the interstate highway. He was transported back to WTDF without incident. An investigation into the escape indicated staff failed to follow existing policy. The staff members involved in this incident were given disciplinary action and additional armed escort training.