



November 30, 2007

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

FROM:

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

SUBJECT: West Texas Detention Facility
Annual Detention Review

Creative Corrections conducted the Annual Detention Review (ADR) of the West Texas Detention Facility on November 26-28, 2007. The United States Marshals Service (USMS) has a contract with Hudspeth County operated by Emerald Companies. It is an over 72 hours facility and primarily houses USMS prisoners, involved in criminal proceedings. There is also an agreement with Immigration and Customs Enforcement (ICE) to house detainees involved in immigration proceedings. As noted on the attached documents, the team of Subject Matter Experts (SME) included; [Redacted] b6,b7c SME for Security; [Redacted] b6 SME for Health Services; [Redacted] b6,b7c SME for Safety; [Redacted] b6 SME for Food Services; and [Redacted] b6, Senior Project Manager.

Type of Review:

This review is a scheduled Detention Standard Review to determine general compliance with established ICE National Detention Standards.

Review Summary:

The facility began operation in 2004 and received accreditation by the American Correctional Association (ACA) in August of 2007. The facility is 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 information summarizes the standards reviewed and the overall compliance for this review as well as the previous review.

<u>October 26, 2006, Review</u>		<u>November 26-28, 2007, Review</u>	
Compliant	36	Compliant	34
Deficient	0	Deficient	2
At Risk	0	At Risk	0
Non Applicable	2	Non Applicable	2

Food Service – Deficient

Every facility will provide detainees in its care with nutritious and appetizing meals, prepared in accordance with the highest sanitary standards.

- The Food Service Program is not under the direct supervision of a professionally trained and Certified Food Service Administrator.
- The Food Service Manager (FSM) does not provide Food Service employees with training that specifically addresses detainee-related issues (e.g. ICE Food Service standard).
- The FSM is not conducting annual reviews of the detainee-volunteer job descriptions to ensure they are accurate and up-to-date. Currently, the FSM does not issue any job descriptions to detainees assigned to Food Service.
- There is no documentation available for review to ensure the Cook Foremen are providing orientation and training sessions on safe work practices and methods, safety features of individual products/pieces of equipment, and training covering the safe handling of hazardous materials.
- The Cook Foremen are not documenting or providing any training to the assigned detainees. Staff is not placing completed training forms in the individual detainee files in Food Service.
- The Registered Dietitian has not completed a nutritional analysis of every Master-Cycle Menu as required.
- The FSM has not established procedures to ensure that items on the Master-Cycle Menu are prepared and presented according to approved recipes. There were no recipe cards available for staff or detainees to utilize.
- The Cook Foremen are not documenting each menu substitution and providing a written justification to the FSM.
- There are no written procedures for food preparation, in place and available for staff and/or detainee to provide written guidance for meal production.
- The Food Service Department does not have a Common Fare Program.
- The Satellite-Feeding Program is not following proper sanitation guidelines.
- The Food Service staff is not providing appropriate training to detainee volunteer workers on the proper sanitation requirements, and the care and maintenance of equipment.

- Staff/detainees workers in the Food Service Department are not complying with Food Safety and Sanitation Requirements.
- The weekly sanitation inspections of all Food Service areas and equipment are not being conducted and/or documented.
- The Food Service area and equipment has not been inspected in over a year, by an independent authority (i.e. Health Department), to ensure compliance with Health and Safety Codes and Regulations as required.
- The Food Service Department does not have a cleaning schedule posted for each work area within the department.

Recommendations

- Recommend that the Food Service Manager receive Serv-Safe training to enhance his professional skills in the Food Service field.
- Require the Food Service Manager to provide Food Service employees with training that specifically addresses detainee related issues.
- The Food Service Manager should develop and issue detainee job descriptions. These descriptions should be reviewed annually for content.
- The Cook Foremen should provide and document detainee worker orientation and training sessions on safe work practices and methods, safety features of individual products/pieces of equipment, and the safe handling of hazardous materials.
- The Cook Foremen should document all training sessions and place in the individual detainee workers files in the Food Service Department.
- The Registered Dietitian should conduct and complete a nutritional analysis of every Master-Cycle Menu on an annual basis.
- The Food Service Manager should establish procedures to ensure that items on the Master-Cycle Menu are prepared and presented according to approved recipes. He should also have recipe cards available for staff and detainee workers.
- The Cook Foreman should document each substitution on the Master-Cycle Menu and provide written justification to the Food Service Manager.
- The Food Service Manager should develop and implement the Common Fare Program as required.
- The Food Service staff should enforce and follow proper sanitation guidelines.

- The Food Service staff should instruct detainee volunteers on the proper sanitation procedures, and the care and maintenance of all equipment.
- The Food Service Manager should conduct formal weekly sanitation inspections of all Food Service areas and equipment.
- The Food Service Department should ensure the department and all equipment are inspected on an annual basis from an independent authority (i.e. Health Department). This will ensure compliance with Health and Safety Codes and Regulations as required.
- The Food Service Manager should develop and post a cleaning schedule for each work area within the department.

Environmental Health and Safety – Deficient

Every facility will control flammable, toxic, and caustic materials through a hazardous materials program. The program will include, among other things, the identification and labeling of hazardous materials in accordance with applicable standards (e.g., National Fire Protection Association (NFPA)); identification of incompatible materials, and safe-handling procedures.

- The facility does not have a comprehensive system for storing, issuing, and maintaining inventories of hazardous materials.
- Constant inventories are not maintained for all flammable, toxic, and caustic substances used/stored in each section of the facility.
- The manufacturer's Material Safety Data Sheet (MSDS) file is not up-to-date for every hazardous substance used.
- All toxic and caustic materials are not stored in their original containers in a secure area.
- Employees and detainees using flammable, toxic, or caustic materials do not receive advance training in their use, storage, and disposal.
- The facility does not fully comply with the most current edition of applicable codes, standards, and regulations of the NFPA and the Occupational Safety and Health Administration (OSHA).
- The officer who conducts the fire and safety inspections is not technically qualified.
- The facility does not have an approved Fire Prevention, Control, and Evacuation Plan.
- Fire drills are not conducted and documented monthly in all areas of the facility.

- The sanitation standards are not conspicuously posted in the barbershop.

Recommendations

- Develop a system for storing, issuing, and maintaining inventories of hazardous chemicals for all hazardous chemicals that are used and stored in the facility.
- Develop a system to maintain constant inventories for all flammable, toxic, and caustic substances used/stored in each section of the facility.
- Ensure the MSDS file is up-to-date for every hazardous chemical used.
- Store all toxic and caustic materials in a secure area.
- Provide advance training to employees and detainees who use flammable, toxic, or caustic materials. The training must include use, storage and disposal of said materials.
- Ensure that the facility fully complies with the most current edition of applicable codes, standards, and regulations of the NFPA and OSHA.
- Provide Fire and Environmental Health/Safety Training for the officer who conducts the Fire and Safety Inspections.
- Obtain approval from the local authority having jurisdiction for the Fire Prevention, Control, and Evacuation Plan.
- Conduct and document monthly fire drills in all areas of the facility.
- Post the sanitation standards in a conspicuous area in the barbershop.

RIC Issues and Concerns

Admission and Release

- All detainees are routinely strip searched without the reasonable suspicion requirement being taken into consideration.

Detainee Handbook

- The Detainee Handbook does not explain how to file a complaint about officer misconduct to the Department of Homeland Security.

Detainee Grievance Procedures

- The Detainee Handbook does not describe how to file a grievance about officer misconduct with the Department of Homeland Security.

Issuance and Exchange of Clothing, Bedding, and Towels

- Detainees do not receive a daily issuance of clean socks and undergarments.

Visitation

- The detainee families do not have the ability to leave money or property with the detainee during a social visit.

Access to Medical Care

- Reviewers observed the staff physician did not complete physical examinations unless the detainee was referred to the physician by the nursing staff. Recently, the West Texas Detention Facility (WTDF) became aware of standard requirements regarding physical examinations. Two weeks prior to this audit a Corrective Action Plan to address physical examinations standards was implemented. The facility now plans to have the Clinical Director perform the physical examinations on the detainees. At the time of this review, twenty three physical examinations were completed. There are plans to continue having the physical examinations done weekly. In addition to the Clinical Director, a Physician Assistant-Certified (PAC) is scheduled to start coming in on a weekly basis to perform the physical examinations as required by this standard. The facility must continue this practice to remain compliant in the future.
- The WTDF performed urine dipstick and urine pregnancy testing without the appropriate Clinical Laboratory Improvement Amendment (CLIA) identification and waiver certificate. The Health Services Administrator, who oversees Emerald Health Care Systems, was made aware of the CLIA public law. She contacted CLIA for application of the appropriate CLIA identification and waiver certification at the time of this review. No further action is required.

Emergency Plans

- The WTDF has no plans in place to identify the location of shut-off valves and switches for the utilities. The facility should develop written plans to identify the exact locations of the shut-off valves and switches for water, gas and electric.

Key and Lock Control

- The Security Officer has been in his current position for approximately two weeks. It is recommended that he attend an approved Locksmith Training Program.
- The Maintenance Supervisor performs maintenance work when staff submit a work order. There was no documentation available to support that the preventive maintenance requested was being completed. The facility staff should develop a "Preventive Maintenance Program".

Post Orders

- The WTDF has no Post Orders that specifically provide instructions to staff in the event of an escape or an incident that would require the use of deadly force. It is recommended that Post Orders be developed for all armed posts, which include shoot-no-shoot considerations.

Tool Control

- Reviewers observed a five pound sledge hammer stored in the non-restricted tool storage area and a plastic case of security screw bits, secured in a locked wooden drawer. It is recommended that the sledge hammer classification be reviewed and the security screw bits be secured in the hazardous tool cage.
- A review of the broken tool list indicated a kitchen knife had been disposed of appropriately; however, the documentation did not list the tool marking and the date of disposal. It is recommended that the tool identification marking and the date of disposal be documented when broken tools are removed from inventory.

Use of Force

- There is no documentation available to support a system is in place to ensure management's review of Use of Force incidents. Recommend that a system be developed to review and document the incidents.

Staff/Detainee Communications

- Deportation Officer (DO) assignments are not posted in the living units but visits are made on a random basis.

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 this facility identifying necessary corrective actions.

RIC Assurance Statement:

All findings of this review have been documented on Form CC-324A 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
 November 26-28

C. Previous/Most Recent Facility Review

Date[s] of Last Facility Review
 October 24, 2006
 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 County
 Name and Title of Chief Executive Officer
 (Warden/OIC/Superintendent)
 b6,b7c
 Telephone # (Include Area Code)
 915- b6,b7c
 Field Office / Sub-Office (Office w/oversight responsibilities)
 El Paso, Texas
 Distance from Field Office
 90 Miles

E. ICE Information

Name of Inspector (Last Name, Title and Duty Station)
 b6,b7c / RIC / Reviewer-in-Charge
 Name of Team Member / Title / Duty Location
 b6 / SPM / Senior Project Manager
 Name of Team Member / Title / Duty Location
 b6 / SME / Food Service
 Name of Team Member / Title / Duty Location
 b6 / SME / Health Services
 Name of Team Member / Title / Duty Location
 b6 / SME / Security
 Name of Team Member / Title / Duty Location
 b6 / SME / Environmental Health and Safety

F. CDF/IGSA Information Only

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

G. Accreditation Certificates

List all State or National Accreditation[s] received:
 American Correctional Association, August 13, 2007
 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 August 2004	
Date Last Remodeled or Upgraded N/A	
Date New Construction / Bedspace Added N/A	
Future Construction Planned <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Date: Jan 2008	
Current Bed space 500	Future Bedspace (# New Beds only) Number: 500 Date: Jan 15, 2008

J. Total Facility Population

Total Facility Intake for previous 12 months 3,042
Total ICE Mandays for Previous 12 months 9540 (Approximately five months)

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	470	452	492
Adult Female	48	48	50

Facility holds Juveniles Offenders 16 and older as Adults

M. Average Daily Population

	ICE	USMS	Other
Adult Male	72	396	
Adult Female	0	45	

N. Facility Staffing Level

Security: b2High	Support:
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Significant Incident Summary Worksheet

For Creative Corrections 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.)	5	9	6	2
	With Weapon	0	0	0	0
	Without Weapon	5	9	6	2
Assault: Detainee on Staff	Types (Sexual Physical, etc.)	0	2	1	0
	With Weapon	0	0	0	0
	Without Weapon	0	2	1	0
Number of Forced Moves, incl. Forced Cell moves ³		0	3	0	0
Disturbances ⁴		0	0	0	0
Number of Times Chemical Agents Used		0	0	1	0
Number of Times Special Reaction Team Deployed/Used		0	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)	0	0	0	0
Offender / Detainee Medical Referrals as a result of injuries sustained.		3	0	2	0
Escapes	Attempted	0	0	0	0
	Actual	0	0	0	0
Grievances:	# Received	7	31	21	1
	# Resolved in favor of Offender/Detainee	1	8	2	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	10	21	32	16
	# 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.

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		1.	2.	3.	4.	5.
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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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		1.	2.	3.	4.	5.
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		1.	2.	3.	4.	5.
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 type="checkbox"/>	<input checked="" 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.

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 <i>for</i>
Title & Duty Location RIC, Creative Corrections	Date November 30,2007

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

Recommended Rating:

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

Comments:

West Texas Detention Facility Warden and staff were very professional and extremely helpful during the ICE audit. Their positive attitudes and work ethic exemplified their desire to run an efficient and effective facility. The ICE Review Team appreciated their efforts and assistance during this review.