



U.S. Immigration and Customs Enforcement

September 24, 2007

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

FROM: [REDACTED] b6,b7c
Deportation Office [REDACTED] b6,b7c
Pearsall, Texas [REDACTED] b6,b7c

SUBJECT: Brooks County Detention Center Annual Detention Review

9-17-07 thru 9/21/07

The Harlingen, Texas Field Office, Office of Detention and Removal conducted a detention review of the Brooks County Detention Center on September 18 to September 19, 2007. This review was conducted by Deportation Officers [REDACTED] b6,b7c and [REDACTED] b6,b7c. This facility is used for detainees requiring housing over 72 hours.

Type of Review:

This review is a scheduled Operational Review to determine general compliance with established Immigration and Customs Enforcement (ICE) National Detention Standards, for facilities utilized for detention over 72 hours. The last review of this facility was on April 14, 2006.

Review Summary:

The Brooks County Detention Center is owned and operated by L.C.S. Corrections. Warden [REDACTED] b6,b7c advised that L.C.S. is currently reviewing and revising policies and manuals; policy dated 2005. Brooks County Detention Center is not currently accredited.

Review Findings:

The following information summarizes those standards *not* in compliance. Each standard is identified and a short summary provided regarding standards or procedures not currently in compliance.

Compliant	-	23
Deficient	-	10
At-Risk	-	
Non-Applicable	-	05

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Standards Summary Findings:

Classification System-Deficient:

- ICE does not provide facility with information on detainees' criminal history or information in reference to case information or proceedings.
- The facility currently classifies all ICE detainees as high flight/escape risks.
- ICE detainees are all housed together and separate from USM and BOP detainees.

- ✓ ICE needs to be addressed in providing pertinent information for classification purposes.

- ✓ Plan of Action: Facility is providing classification information in the detainee handbook, they are also purchasing new uniforms in attempt to address classification system.

Detainee Handbook-Deficient:

- Information provided in handbook is very limited in reference to the classification system, count times, issuance of specific items, religious programming, free calls to consulates, programmed phone numbers and the grievance process.
- An inspection of dorms and living areas indicate this information is not provided in any written form.
- We were advised by staff that most of the information is provided to detainees verbally by staff.

- ✓ Plan of Action: Facility Administration has provided us with a draft copy of the new detainee handbook being prepared. They will address deficiencies noted during this inspection.

Disciplinary Policy-Deficient:

- The detainee handbook does not identify sanctions imposed with infractions.
- Disciplinary reports are not properly reviewed and forwarded as required.

- ✓ Plan of Action: Facility Major will address the disciplinary issue as well as post in the new detainee handbook.

Environmental Health & Safety-Deficient:

- Cleaning supplies are maintained in janitor closets in 2 outer buildings.
- No record of inventory maintained.
- Logs for handling and disposing requirements are not available.
- Inmates were observed handling chemicals without gloves and cleaning supplies were not clearly identified on containers.
- The staff is provided with limited training in handling flammable, toxic materials upon employment and is limited to accessibility to MSDS manuals.
- No record of OSHA inspection was provided.

- ✓ Plan of Action: Warden and his staff will address deficiencies.

Key and Lock Control-Deficient:

- Key ring indicates 7 keys are available, only 6 key on ring.
 - One key contained is broken, the lock was changed and 2 additional keys were added without removal of broken key.
 - Facility is equipped with one safe; the only person with knowledge of combination is the administrative assistant.
 - Seven keys were logged out off the key control; only six keys were properly signed out in log.
 - Facility could not provide an inventory sheet.
- ✓ Plan of Action: Warden advised that they are currently utilizing a temporary chit system. He and the Chief of security will address key control to incorporate a more efficient system.

Post Orders-Deficient:

- The Post Orders have not received annual review, the last update and review was 2005.
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - The tower guard is an armed position and has not qualified with provided weapon.
- ✓ Plan of Action: Post Orders are currently under review by Facility Administration. They will address deficiencies noted during this inspection.

Special Management Unit (Administrative Segregation) –Deficient:

- No administrative segregation order available.
 - No record of supervisor reviews or 7 day reviews.
 - Copies of decision are not provided to detainee.
 - Medical staff only provides health case visits upon request from detainee.
- ✓ Plan of action: Facility administrator will address SMU. RIC was advised that medical staff conducts visits but has no form of documentation (Confirmed with Head Nurse [REDACTED] b6 [REDACTED] b6). Facility administrator will address health care documentation with medical staff.

Special Management Unit (Disciplinary Segregation) –Deficient:

- Disciplinary segregation orders were not available.
 - Inspector was advised that they are placed in inmate folders upon completion of segregation.
 - No reports were available for detainees currently in segregation.
 - Medical staff only provides health case visits upon request from detainee.
- ✓ Plan of Action: Facility Administrator will address SMU. RIC was advised that medical staff conducts visits but has no form of documentation. Facility administrator will address health care documentation with medical staff.

[Faint red stamp and handwritten notes at the bottom right of the page.]

Transportation-Deficient:

- The Facility's current policy does not meet ICE standards. Transport vehicles are not equipped with two-way radios.
- The Warden advised that although officers carry Nextel phones, there are large areas where service is not available.
- ✓ Plan of Action: The Warden the RIC that the LCS policy is currently under review and will address Transportation issue.

Use of Force-Deficient:

- The Facility's policy does not cover less than lethal procedures.
- Logs for use of force are not available.
- Policy does not meet ICE standards in the consultation with supervisors or medical staff prior to use of force.
- ✓ Plan of Action: The Warden the RIC that the LCS policy is currently under review and will address Use of Force issue.

RIC Observations:

BEST PRACTICE: The facility's food service department has an outstanding program. The kitchen supervisor was very knowledgeable of policies and practices. The kitchen staff was very courteous, orderly and efficient throughout the inspection. The kitchen vents, ceilings, storage rooms and freezer were free of oils or debris. The carts and tray were clear of any buildup or grease; appeared clean and sanitary.

STAFF: The staff was questioned at length on various components. The staff was knowledgeable of policies and procedures in place. Although some of their policies were contrary to ICE requirements, the staff provided truthful information in respect to practices and procedures. The staff was very friend and courteous and appeared to have great rapport with one another.

COMMUNICATION: There are no significant concerns or issues as a result of the review. ICE staff is not on-site or part of the management team of the facility. The United States Marshal Service has oversight of this facility; representatives from the USMS were not available during this review.

RIC Issues and Concerns

In reviewing the disciplinary policy for the Brooks Detention Center, the facility does not have a policy compliant with ICE standards. Detainee rules of conduct, sanctions and procedures for violations are not addressed the detainee handbook nor in any other written form of notification. According to their policy, detainees may be deprived of bedding, recreation time and visitation rights for disciplinary violations. Such sanctions, if imposed, may have effect on detainees' welfare and well-being. Furthermore, lack of logs or documentation of disciplinary actions taken can not be provided or accounted for by the facility.

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Recommended Rating and Justification:

It is the Reviewer in Charge recommendation that the facility receive a rating of **"Acceptable"**.
It is the recommendation of the RIC that a plan of action is required for this facility.

RIC Assurance Statement:

All findings of this review have been documented on Form G-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
 9/17/07 - 09/21/07

C. Previous/Most Recent Facility Review

Date[s] of Last Facility Review
 01/26-27/2006
 Previous Rating
 Superior Good Acceptable Deficient At-Risk

D. Name and Location of Facility

Name
 Brooks County Detention Center
 Address (Street and Name)
 901 County Road 201
 City, State and Zip Code
 Falfurrias, Texas 78355
 County
 Brooks
 Name and Title of Chief Executive Officer (Warden/OIC/Superintendent)
 b6,b7c
 Telephone # (Include Area Code)
 (361) b6,b7c
 Field Office / Sub-Office (List Office with oversight responsibilities)
 SNA Field Office
 Distance from Field Office

E. ICE Information

Name of Inspector (Last Name, Title and Duty Station)
 b6,b7c Deportation Officer / Pearsall, Texas
 Name of Team Member / Title / Duty Location
 b6,b7c / Deportation Officer / Hutto, Texas
 Name of Team Member / Title / Duty Location
 / /
 Name of Team Member / Title / Duty Location
 / /

F. CDF/IGSA Information Only

Contract Number
 ACD-4-H-1003
 Date of Contract or IGSA
 09/30/2004
 Basic Rates per Man-Day
 \$47.00
 Other Charges: (If None, Indicate N/A)
 N/A; ; ;
 Estimated Man-days Per Year
 365

G. Accreditation Certificates

List all State or National Accreditation[s] received:
 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
 2001
 Date Last Remodeled or Upgraded
 2002
 Date New Construction / Bedspace Added
 2002
 Future Construction Planned
 Yes No Date:
 Current Bedspace
 544
 Future Bedspace (# New Beds only)
 Number: Date:

J. Total Facility Population

Total Facility Intake for previous 12 months
 AVERAGE 542
 Total ICE Mandays for Previous 12 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	480	480	480
Adult Female	64	64	64
<input type="checkbox"/> Facility holds Juveniles Offenders 16 and older as Adults			

M. Average Daily Population

	ICE	USMS	Other
Adult Male	0	400	25
Adult Female	0	44	10

N. Facility Staffing Level

Security: b2High Support:

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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.)	0	0	0	0
	With Weapon	2	4	3	0
	Without Weapon	0	0	0	0
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		0	0	0	0
Disturbances ⁴		1	0	0	0
Number of Times Chemical Agents Used		0	0	0	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.		0	0	0	0
Escapes	Attempted	0	0	0	0
	Actual	0	0	0	0
Grievances:	# Received	23	11	18	0
	# Resolved in favor of Offender/Detainee	2	0	1	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	0	0	0	0
	# 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 Not Applicable

	1.	2.	3.	4.		
Legal Access Standards						
1. Access to Legal Materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	ML TJ	
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"/>	CM TJ	
6. Classification System	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>		
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 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"/>		
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"/>		
Health Services						
18. Hunger Strikes	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		CM TJ
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"/>	CM TJ	
23. Detention Files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
24. Disciplinary Policy	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
29. Population Counts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
30. Post Orders	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
33. Special Management Units (Disciplinary Segregation)	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
36. Use of Force	<input type="checkbox"/>	<input checked="" 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.

25 19 2 3
~~# 2 + # 21 are 5 - Not Applicable~~
 38

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) [Redacted] b6,b7c	[Redacted] b6,b7c
Title & Duty Location D.O., [Redacted] b6,b7c	Date <i>September 24, 2007</i>

Team Members	
Print Name, Title, & Duty Location [Redacted] b6,b7c D.O., Hutto, Texas	Print Name, Title, & Duty Location
Print Name, Title, & Duty Location	Print Name, Title, & Duty Location

- Recommended Rating:**
- Superior
 - Good
 - Acceptable
 - Deficient
 - At-Risk

Comments:
 The majority of inmates detained at Brooks County Detention Center are US Marshals and Bureau of Prisons detainees. There were no detainees held for ICE at the time of inspection. The facility provides temporary detention for ICE and year to date the facility has held 252 ICE detainees for an average of 6.9 days.

Warden [Redacted] b6,b7c has informed us that they are owned and operated by LCS and their policies and procedures are currently under review. He has also advised that his staff is reviewing local policy and procedures in effort to implement policies that will "cater" to on site specific issues.

Warden [Redacted] b6,b7c addressed concerns and the differences of detaining inmates for US Marshal and Bureau of Prison inmates versus ICE inmates. Despite the differences required from these agencies, the Warden has advised that Standard Operating Procedures are being corrected and implemented to address the deficiencies and meet ICE standards and requirements.

MANAGEMENT REVIEW

Review Authority

The signature below constitutes review of this report and acceptance by the Office of Detention and Removal. **The Facility has 30 days from receipt of this report to respond to all findings and recommendations.**

HQDRO MANAGEMENT REVIEW: (Print Name) John P. Torres	Signature
Title Director (Acting)	Date

- Final Rating:**
- Superior
 - Good
 - Acceptable
 - Deficient
 - At-Risk

Comments: