
ICE Detention Standards Compliance Review

El Paso Service Processing Center

September 17-20, 2007

REPORT DATE – September 21, 2007



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

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September 21, 2007

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

FROM:

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

SUBJECT: El Paso Special Processing Center
Annual Detention Review

Creative Corrections conducted a detention review of the El Paso Special Processing Center, El Paso, Texas on September 17-20, 2007. The facility is a Special Processing Center (SPC). The facility exclusively houses Immigration and Customs Enforcement (ICE) detainees involved in immigration proceedings. As noted on the attached documents, my 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; and [Redacted] b6 SME for Food Services.

On September 20, 2007, the review team met with the Officer-In-Charge (OIC), [Redacted] b6,b7c and her staff to discuss the deficiencies, issues, and concerns identified during the review. The OIC was receptive to the findings and recommendations of the review team.

Type of Review:

This review is a scheduled Detention Standard Review to determine general compliance with established Immigration and Customs Enforcement (ICE) National Detention Standards. The last review of this facility was conducted on March 13, 2007.

Review Summary:

The facility received accreditation by the American Correctional Association (ACA) in 2007. The current National Commission on Correctional Health Care (NCCHC) accreditation expires on in 2007. In addition, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) accredited the facility in 2005.

Standards Compliance:

The following information summarizes the standards reviewed and the overall compliance for this review. The following statistical information outlined provides a direct comparison of the 2006 Annual Detention Review (ADR) and the ADR conducted for 2007.

Detainee Security Inspections – Deficient

All facilities shall have policies and procedures to ensure that effective controls are in place to monitor all vehicles that enter the secure perimeter of the facility.

In SPCs/CDFs: The main-gate/front-entrance officer will search the vehicle before it enters or leaves the facility, both to prevent the introduction/removal of contraband and to prevent the vehicle's use as a means of escape. All drivers making deliveries must submit to questioning about firearms, munitions, knives, ropes, jacks, narcotics, and other items considered contraband (see the "Contraband" Standard).

The facility employee responsible for vehicle oversight will, as escort: walk behind the vehicle; directly supervise loading and unloading; retain the ignition keys, never leaving them in the vehicle; and close windows, lock doors and trunks, secure tool boxes, ladders, etc., before leaving the vehicle unattended.

Before the exit gate, the driver will stop at the spot designated. The gate operator will not allow the vehicle to depart until satisfied that neither the driver nor the escorting officer is under duress. With that established, officers will again search the vehicle. If a thorough search is impossible, the vehicle will be unloaded or held pending completion of the next official count. If the vehicle or vehicular equipment must remain inside the compound overnight, staff will render it inoperable. If the post officer has doubts about a person's identity, he/she will not permit the person to exit, pending positive identification.

- The local policy for security inspections does not address procedures for reporting weak spots, inconsistencies, and other areas needing improvement.
- Not all vehicles entering and leaving the facility are monitored by an Officer.
- The vehicle log at the vehicle entrance does not record vehicle contents or the name of the employee responsible for the vehicle during the facility visit. Vehicle information is not consistently recorded.
- Not all vehicles entering the facility are thoroughly searched prior to entering and departing.
- Tools entering the secure perimeter through the vehicle entrance are not inventoried.

Recommendations

- The local policy for security inspections must be revised to address procedures for reporting weak spots, inconsistencies, and other areas needing improvement.
- All vehicles entering and leaving the facility must be constantly monitored by an Officer.
- The vehicle log at the vehicle entrance must be revised to record vehicle contents and the name of the employee responsible for the vehicle during the facility visit.
- Vehicle information must be consistently recorded.

- All vehicles entering the facility must be thoroughly searched prior to entering and departing by the Vehicle Entrance Officer.
- Tools entering the secure perimeter through the vehicle entrance must always be inventoried.

Detainee Grievances – Deficient

The Detainee Grievance Committee (DGC) will convene to study the grievance within five working days of the detainee's "appeal." In an SPC facility, the Assistant Officer-In-Charge (AOIC) will chair the DGC, to include two department heads or their representatives. There has not been adequate documentation and oversight of the Grievance Program. The Grievance Log is incomplete and there were no formal grievances recorded for calendar year, 2007.

In SPCs/CDFs, staff will assign each grievance a log number; enter it in the space provided on the Detainee Grievance Form, and record it in the Detainee Grievance Log. The log entry number and the detainee grievance number must match. Documentation will include the receipt date of the grievance and the date and disposition of the grievance. Staff will enter grievances into the Detainee Grievance Log in chronological order. Nuisance or petty grievances and grievances rejected on procedural grounds, e.g., filed after the deadline, must also be entered into the grievance log with the appropriate notation, e.g., "late."

- Staff should ensure detainees may seek help from other detainees or facility staff when preparing a grievance.
- Staff should ensure illiterate, disabled, or non-English-speaking detainees receive special assistance when necessary.
- Every member of the staff should be trained to identify emergency grievances, including the procedures for verifying them.
- Procedures should include maintaining a Detainee Grievance Log. If not, an alternative acceptable record keeping system is maintained.
- "Nuisance complaints" should be identified in the records.
- For quality control purposes, staff should document nuisance complaints received but not filed.

Recommendations

- The OIC must ensure detainees may seek help from other detainees or facility staff when preparing a grievance.
- The OIC should ensure that illiterate, disabled, or non-English-speaking detainees receive special assistance when necessary.
- Every member of the staff should be trained to identify emergency grievances, including the procedures for verifying them and the importance of the Grievance Program.
- Procedures should include maintaining a Detainee Grievance Log.
- "Nuisance complaints" should be identified in the records and documented in the log.

Staff Detainee Communications – Deficient:

A system of control must be developed and implemented to ensure written requests to ICE staff are answered within 72 hours.

- Deportation assignments are posted in the units but visits are made on a random basis.
- ICE staff logs do not reflect compliance with the requirement for a 72-hour response time for a detainee request.

Recommendation

- Deportation Officer Rounds must occur daily in accordance with the posted schedule.
- A system of control must be developed to ensure written requests to ICE staff are answered within 72 hours.

RIC Issues and Concerns:

Locking Systems

Unauthorized locks are in use in the following areas: Housing Units, Processing Unit, Special Management Unit, and Hospital. These locks are not in compliance with the Occupational Safety and Environmental Health Manual, Chapter 3, or the National Fire Protection Association Life Safety Code 101. Only dead bolt or dead lock function locks may be used in detainee accessible areas.

Hold Cells Security Cameras

Hold cells within the Processing Unit are currently supervised by officers conducting 15 minute checks of detainees confined therein. Supervision is adequate but would be enhanced with the installation of security cameras and recorders.

Hold Cell Window Tinting

Hold cells windows within the Processing Unit are covered with tinting to prevent detainees from observing staff completing their responsibilities. The current tinting makes it impossible of staff to visually supervise detainees confined therein and should be removed.

Hold Cell Criminal/Non Criminal Separation

Outbound criminal and non criminal detainees are currently confined in Hold cells together while being out processed. Criminal and Non Criminal detainees should be separated while temporarily confined in the Processing Unit to protect vulnerable detainees from predatory detainees.

ICE Interpreter Service

The Detention Management Division has provided a list of DHS Interpreters. This service is available for use when a detainee is encountered who has limited English proficiency and an interpreter is not available. This list should be made available to all staff and the service used when deemed appropriate.

Kitchen Equipment Security

Stirring paddles and table mounted can openers utilized in the kitchen should be secured with a cable when in use.

Spanish Sexual Assault Awareness Notification

Sexual Assault Awareness information is currently posted on all detainee housing unit bulletin boards in English only. This document should also be provided in Spanish, as over 50% of the population is Spanish speaking.

Electronic Key Access Cards

b2High, b7e

Emergency Key Access

The Emergency keys maintained in Control are locked in a cabinet accessible only to the Shift Supervisor. In the event of an emergency access to those keys may be impeded. It is recommended Emergency Keys be placed in a traditional "Break Box" to ensure those staff responding to the emergency have access to the emergency keys.

Vehicle Traffic Control

Vehicle traffic within the secure perimeter should be evaluated. Numerous vehicles are driven into the secure facility; this condition creates opportunities for security breaches.

Vehicle Crash Barriers

Crash barriers should be installed in the vehicle sally port to enhance perimeter security.

Use of Force Tracking

A master file should be developed detailing all Uses of Force Incidents, individuals involved, location, and time of day. This will assist management with tracking Use of Force trends within the facility.

Monthly Fire Drills

The shared services staff from DEA who conducts monthly fire drills is not required to do so by policy. The assigned collateral duty Safety Officer is qualified to conduct these drills and line staff are authorized to conduct daily inspections. Establishing these procedural requirements will ensure compliance with current policy.

Deportation Officer Training/Scheduling

Deportation Officers (DO's) are currently required to rotate duty stations between the Special Processing Center and three other facilities on a daily basis. This rotation practice makes it very difficult to provide adequate supervision and training from their supervisor. Nine out of ten current DO's have less than one year of experience. A modification to the existing rotation practice to a non-rotating assignment would enhance both training and supervision.

Release of Medical Information

The Release of Medical Information Forms should be signed by the subject detainee prior to staff releasing any information to consulate staff and/or any non-medical persons.

Recommended Rating and Justification:

It is the Reviewer-in-Charge 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.

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
 September 17 - 20, 2007

C. Previous/Most Recent Facility Review

Date[s] of Last Facility Review
 March 13 - 15, 2007
 Previous Rating
 Superior Good Acceptable Deficient At-Risk

D. Name and Location of Facility

Name
 El Paso Processing Center
 Address (Street and Name)
 8915 Montana Avenue
 City, State and Zip Code
 El Paso Texas 79925
 County
 El Paso
 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)
 El Paso
 Distance from Field Office
 1 Mile

E. Creative Corrections Review Team

b6,b7c, Review in Charge
 b6, SME, Health Services
 b6, SME, Environmental Health and Safety
 b6,b7c, SME, Security
 b6, SME, Food Services

F. CDF/IGSA Information Only

Contract Number _____ Date of Contract or IGSA _____
 Basic Rates per Man-Day _____
 Other Charges: (If None, Indicate N/A)
 ; ; ;
 Estimated Man-days Per Year _____

G. Accreditation Certificates

List all State or National Accreditation[s] received:
 ACA 1/2007; NCCHC 10/2004; JCAHO 6/2005
 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
 1967
 Date Last Remodeled or Upgraded
 1998
 Date New Construction / Bedspace Added
 N/A
 Future Construction Planned
 Yes No Date:
 Current Bedspace 784 Future Bedspace (# New Beds only)
 Number: Unknown Date: Unknown

J. Total Facility Population

Total Facility Intake for previous 12 months
 20602
 Total ICE Mandays for Previous 12 months
 1729

K. Classification Level (ICE SPCs and CDFs Only)

	L-1	L-2	L-3
Adult Male	504	91	38
Adult Female	119	2	0

L. Facility Capacity

	Rated	Operational	Emergency
Adult Male	632	688	800
Adult Female	208	152	400

Facility holds Juveniles Offenders 16 and older as Adults

M. Average Daily Population

	ICE	USMS	Other
Adult Male	633	0	0
Adult Female	121	0	0

N. Facility Staffing Level

Security: _____ Support: _____
 b2High, b7e

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.)	0	0	0	0
	With Weapon	0	0	0	0
	Without Weapon	11	7	5	27
Assault: Detainee on Staff	Types (Sexual Physical, etc.)	Physical	Physical	Physical	Physical
	With Weapon	1	0	0	0
	Without Weapon	0	1	0	1
Number of Forced Moves, incl. Forced Cell moves ³		0	0	0	0
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	0	0	0
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.		5	11	4	27
Escapes	Attempted	0	0	0	0
	Actual	0	0	0	0
Grievances:	# Received	2	0	0	0
	# Resolved in favor of Offender/Detainee	Pending 2	0	0	0
Deaths	Reason (V=Violent, I=Illness, S=Suicide, A=Attempted Suicide, O=Other)	N/A	N/A	Illness	N/A
	Number	0	0	1	0
Psychiatric / Medical Referrals	# Medical Cases referred for Outside Care	55	66	85	65
	# Psychiatric Cases referred for Outside Care	19	133	106	65

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.

Detention Standards Review Summary Report

1. Acceptable 2. Deficient 3. At Risk 4. Repeat Finding 5. Not Applicable

	1.	2.	3.	4.	5.
Legal Access Standards					
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"/>	
11. Detainee Grievance Procedures	<input type="checkbox"/>	<input checked="" 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"/>	
14. Non-Medical Emergency Escorted Trip	<input checked="" 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 checked="" 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"/>	
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"/>	
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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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)	Signature:
b6,b7c	<i>[Handwritten Signature]</i> b6,b7c
	September, 19, 2007 b6,b7c

Team Members
b6,b7c

Recommended Rating:

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

Comments: The El Paso Service Processing Center is a well managed facility. Staff professionalism and a strong spirit of cooperation between ICE, DECO Contract Security, and Public Health Service are noteworthy.