

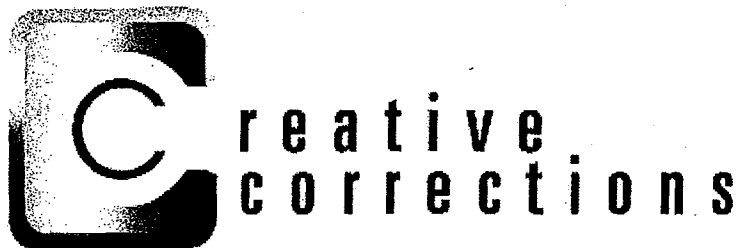
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# **ICE Detention Standards Compliance Review**

**Luna County Detention Center**

February 14-15, 2008

Report Date – February 21, 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  
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Making a Difference!

February 21, 2007

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

FROM: [Redacted] *for* [Redacted]  
Reviewer-In-Charge  
Creative Corrections

SUBJECT: Luna County Detention Center Annual Detention Review

Creative Corrections conducted an Annual Detention Review (ADR) of the Luna County Detention Center (LCDC), located in Deming, New Mexico on February 14-15, 2008. The County 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] Security [Redacted] Health Services; [Redacted] Safety; and [Redacted] Food Services.

A closeout meeting that included a discussion of all deficiencies, concerns and recommendations noted during our review was conducted with Jail Administrator [Redacted] and Deputy [Redacted] of LCDC on February 15, 2008.

**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 2006 ADR and this ADR conducted for 2008.

<u>November 2, 2006 Review</u>		<u>February 14-15, 2008 Review</u>	
Compliant	27	Compliant	25
Deficient	0	Deficient	2
At-Risk	0	At-Risk	0
Not-Applicable	1	Not-Applicable	1

### **Detainee Grievance Procedures Deficient**

Every facility will develop and implement standard operating procedures (SOPs) for addressing detainee grievances in a timely fashion. Each step in the process will occur within the prescribed time frame. Among other things, a grievance will be processed, investigated, and decided (subject to appeal) in accordance with the SOPs; a grievance committee will convene as provided in the SOPs. Standard procedure will include providing the detainee with a written response to any formal grievance, which will include the basis for the decision. The facility will also establish standard procedures for handling emergency grievances. All grievances will receive supervisory review. Reprisal against the filer of a grievance will not be tolerated.

- The Luna County Detention Center does not have a detainee grievance log or alternative record keeping system for recording, assigning and resolving detainee grievances.

### **Recommendations**

- Develop a system for recording, assigning and tracking the responses to detainee grievances.

### **Environmental Health and Safety Deficient**

Each facility will establish a hazardous materials program for the control, handling, storage, and use of flammable, toxic, and caustic materials. This will protect detainees, staff, and visitors, preventing breaches in safety and security. Among other things, the facility will include the identification and labeling of hazardous materials in accordance with applicable regulations, standards and codes (Occupational Safety and Health Administration (OSHA), National Fire Protection Association, etc); will provide warnings of incompatible materials, etc. Every facility will establish a system for storing, issuing, and maintaining inventories of and accountability for hazardous materials.

- The reviewers observed corrosive materials stored on shelves and/or floors without spill protection.
- Personnel do not receive formal chemical control training; therefore prescribed procedures are not consistently followed.
- Constant inventories were not maintained for all areas.
- The reviewers observed unsecured corrosive chemicals in the food service and laundry areas.
- The Luna County Detention Center does not have a fire plan approved by the local or state Fire Marshal.
- Posted Fire evacuation plans need to be updated to include the symbols identifying the location of the plan with directional arrows of egress. Slide bolts, padlocks and chains were in use on the doors leading to the safe refuge areas and secondary fire exits, which are not compliant with NFPA requirements for detention facilities. During the review,

the jail administrator took corrective action regarding the slide bolts used on the doors to the areas of safe refuge.

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### **Recommendations**

- Establish procedures for proper storage and inventory control of all hazardous chemicals.
- Develop and implement chemical control training for all personnel.
- Update fire evacuation plans with appropriate symbols to identify the plan location and direction of egress.
- Provide copies of the Luna County Fire Prevention Procedures and Equipment and Fire Emergency Procedures to the local or state Fire Marshal for approval.
- Replace padlocks and chains with NFPA approved prison type locking devices.

### **RIC Issues and Concerns**

#### **Access to Telephones Detainee**

- 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**

Policy and procedures for emergency phone calls and the Detainee Message System were not addressed in the rules and regulations.

#### **Access to Medical Care**

- Infections waste storage is maintained in an enclosed room with various other medical supplies, medical records, CPR equipment and discarded office equipment. As it is a common community standard to store infectious waste in an isolated area, LCDC should find space to store only the infectious waste products.
- As there is no system in place for needle or syringe accountability, LCDC should develop and implement a process to inventory and monitor needle and syringe usage. An accountability form signed by the medical staff each shift to document the use of needles or syringes as they are used while performing an inventory of all stock would suffice.

#### **Emergency Plans**

- As LCDC does not have stand alone emergency plans addressing Work/Food Strikes or Adverse Weather conditions as required by ICE standards. Written policies and procedures should be formulated to provide guidelines for staff in the event these emergency situations occur.

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### **Tool Control**

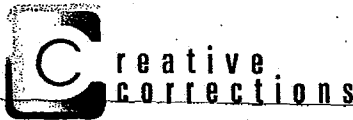
- Luna County Adult Detention Facility does not have a system for key accountability and should implement procedures for identifying every key on the key ring, as to the area that it operates. This system could:
  - Separate keys by area (East vs. West sides of the facility).
  - Separate emergency keys from others.
  - Establish a key accountability system.

### **Recommended Rating and Justification**

It is the Reviewer-in-Charge (RIC) recommendation that the facility receive a rating of "Acceptable." While the slide bolts were removed from use during the review and mitigated a critical life safety issue, it is recommended by the RIC that a Plan of Action be required for this facility identifying necessary corrective actions for the deficient standards noted above.

### **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)

\$15/hr; ; ;  N/A

Estimated Man-days Per Year

150,000

**B. CURRENT INSPECTION**

Type of Inspection	
<input type="checkbox"/>	Field Office
<input checked="" type="checkbox"/>	HQ Inspection
Date[s] of Facility Review	
February 14-15, 2008	

**G. ACCREDITATION CERTIFICATES**  N/A

List all State or National Accreditation[s] received:  
New Mexico Association of Counties

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

Date[s] of Last Facility Review	
November 2, 2006	
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	
Luna County Detention Center	
Address	
1700 4 <sup>th</sup> Street	
City, State and Zip Code	
Deming, NM 88030	
County	
Luna	
Name and Title of Chief Executive Officer (Warden/OIC/Superintendent)	
<span style="background-color: black; color: black;">b6, b7c</span>	Jail Administrator
Telephone Number (Include Area Code)	
505-	<span style="background-color: black; color: black;">b6, b7c</span>
Field Office / Sub-Office (List Office with Oversight)	
El Paso Field Office	
Distance from Field Office	
110 miles	

**I. FACILITY HISTORY**

Date Built	
April 1999	
Date Last Remodeled or Upgraded	
N/A	
Date New Construction / Bed Space Added	
N/A	
Future Construction Planned	
<input checked="" type="checkbox"/>	Yes
<input type="checkbox"/>	No
Date: 4/08	
Current Bed space	Future Bed Space (# New Beds only)
416	Number: 0 Date:

**E. ICE INFORMATION**

Name of Inspector (Last Name, Title and Duty Station)	
<span style="background-color: black; color: black;">b6, b7c</span>	RIC / Creative Corrections
Name of Team Member / Title / Duty Location	
<span style="background-color: black; color: black;">b6, b7c</span>	SME-Security / Creative Corrections
Name of Team Member / Title / Duty Location	
<span style="background-color: black; color: black;">b6, b7c</span>	SME-Safety / Creative Corrections
Name of Team Member / Title / Duty Location	
<span style="background-color: black; color: black;">b6</span>	SME-Food Services / Creative Corrections
Name of Team Member / Title / Duty Location	
<span style="background-color: black; color: black;">b6</span>	SME-Health Services / Creative Corrections

**J. TOTAL FACILITY POPULATION**

Total Facility Intake for Previous 12 months
6000
Total ICE Man Days for Previous 12 months
1200

**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	370	330	484
Adult Female	46	20	66

Facility Holds Juveniles Offenders 16 and Older as Adults

**M. AVERAGE DAILY POPULATION**

	ICE	USMS	Other
Adult Male	3	270	70
Adult Female	1	12	15

**F. CDF/IGSA INFORMATION ONLY**

Contract Number	Date of Contract or IGSA
51-02-0012	7/1/02
Basic Rates per Man-Day	
\$51.63	

**N. FACILITY STAFFING LEVEL**

Security:	Support:
<span style="background-color: black; color: black;">b2, High</span>	

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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.)	0	0	0	0
	With Weapon	0	0	0	0
	Without Weapon	0	5	5	3
Assault: Detainee on Staff	Types (Sexual Physical, etc.)	0	0	0	P
	With Weapon	0	0	0	0
	Without Weapon	0	0	0	3
Number of Forced Moves, incl. Forced Cell Moves <sup>3</sup>		0	0	2	1
Disturbances <sup>4</sup>		0	0	0	0
Number of Times Chemical Agents Used		0	0	0	3
Number of Times Special Reaction Team Deployed/Used		0	0	0	1
# 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	2	5	1
Escapes	Attempted	0	0	0	0
	Actual	0	0	0	0
Grievances:	# Received	0	0	0	3
	# Resolved in Favor of Offender/Detainee	0	0	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	0	0	0	0
	# Psychiatric Cases Referred for Outside Care	15	14	25	11

<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"/>	<input type="checkbox"/>
8.	Detainee Grievance Procedures	<input type="checkbox"/>	<input checked="" 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"/>	<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 type="checkbox"/>	<input checked="" 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 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.**



## 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  b6,b7c
Title & Duty Location RIC, Creative Corrections	Date February 21, 2008

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

**RECOMMENDED RATING:**

- ACCEPTABLE**
- DEFICIENT**
- AT-RISK**

**COMMENTS:** The facility staff was very helpful and willing to assist with all requirements of the review. The Jail Administrator immediately responded to our concerns regarding the slide bolts used in the primary exits used for evacuation during a fire. LCD will be closing the "old" jail within two months as new housing pods are completed adjacent to the facility on Fourth Street.