Office of Detention and Removal Operations

U.S. Department of Homeland Security 425 I Street, NW Washington, DC 20536



MEMORANDUM FOR:

John P. Torres

Director

FROM:

Detention and Deportation Officer Detention Standards Compliance Unit

SUBJECT:

San Pedro Service Processing Center Annual Review

The Detention Standards Compliance Unit conducted the annual headquarters detention review of the San Pedro Service Processing Center (SPC) on August 28-30, 2007. Headquarters Staff Officer supervised the review and was assisted by team members before

Additionally, the recently hired contractor Creative Corrections participated in the review as initial training. Creative Corrections is one of the contracts that will take over the reviews of all Service Processing Centers (SPCs), Contract Detention Facilities (CDFs) and Intergovernmental Service Agreement (IGSA) Facilities.

Type of Review

This review is a scheduled Headquarters Review and was conducted to determine overall compliance with the Immigration and Customs Enforcement (ICE) National Detention Standards.

Review Summary

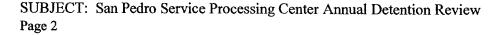
The National Commission on Correctional Health care (NCCHC) and the Joint Commission for Accreditation of Healthcare Organizations (JCAHO) accredit the San Pedro SPC. The facility lost their American Correctional Association (ACA) re-accreditation during the Commission hearing in August 2007. An ACA Technical Assistance visit in March 2007 identified chemical control as a Mandatory Standard in non-compliance. The facility did not address this issue prior to the actual review in May 2007.

NCCHC:

June 2005

JCAHO:

December 2005



2006 Review		2007 Review	
Acceptable	38	Acceptable	34
Deficient	0	Deficient	2
At Risk	0	At Risk	2
Repeat Deficiency	0	Repeat Deficiency	0

The following standards received a rating of At-Risk.

Food Service (At-Risk):

It is ICE policy to provide detainees with nutritious, attractively presented meals, prepared in a sanitary manner while identifying, developing and managing resources to meet the operational needs of the food service program.

The overall sanitation of food service area was found to be extremely poor (see attached pictures). Detainee trays contained old food residue, cooking utensils and equipment were dirty and mold was located in several areas of the kitchen. The dishwasher temperature measured at 122 degrees and not the required 180 degrees, which is needed to properly sanitize trays and other cooking utensils. This presents a serious food borne illness risk. Other issues identified included:

- Broken floor tiles, chipped paint, rusted doorframes
- Caustic chemicals were found unsecured as identified in May 2007.
- No documented formal training provided to kitchen workers regarding safe food handling and sanitation.
- Posted cleaning schedules are not being followed.
- Food carts were dirty and were not maintaining the appropriate temperatures.
- The facility is not following the required common fare menu.
- Kosher meals are not being served on disposable trays with disposable utensils.
- Kosher meals are not being prepared separately from the general population meals.
- Weekly inspections are not being documented accurately.
- Temperatures logged by employees do not reflect the actual temperature of the food.

The position of Food Service Administrator has been vacant for approximately two years. During this time, Senior Cooks have assisted in completing the tasks supervised by this position. The entire food service operation will be transferred to a contractor in September 2007.

Recommendation(s):

- All caustic chemicals need to include an accurate inventory. All chemicals need to be secured.
- Kitchen workers need to be trained regarding safe food handling and sanitation. This training must be documented with the signature of each participating detainee.
- Cleaning schedules must be not only posted but also followed.
- Food carts must be sanitized after each meal.
- Staff must monitor the temperature of each food cart to ensure that it is maintaining required temperatures.
- The facility is required to adhere to the common fare menu.
- Kosher meals must be served on disposable trays with disposable utensils.
- Weekly inspections need to be completed and documented with accurate information.
- Employees must document the actual temperature taken, not what is required.

• Administrative staff need to visit the kitchen on a daily basis. It is apparent from the old dirt and mold discovered that this is not the general practice of the facility.

Access to Medical Care (At-Risk)

Within ICE facilities, detainees shall have access to medical services that promote detainee health and general well being. Additionally, medical facilities in SPCs, and CDFs will maintain current accreditation by NCHHC and JCAHO.

The overall medical care provided to detainees was found to be poor and unorganized. Medical charts reviewed demonstrate that detainees are not being reviewed within the 14 day required period. The physical exams were found to be either incomplete or lacking detainee documentation. Other issues identified included:

• Documentation could not be located to verify that Mental Health screening is being completed or reviewed by appropriate personnel.

Medical request (sick call) slips were not available in Chinese and it was identified that
the slips are not being delivered to staff in a timely manner with documentation to
indicate that follow-up was provided.

• Interpreter lines are not provided in the detainee housing units.

• Staff are not aware of the required "4 minute" response time required in response to all health related emergencies. A random audit of ten employees demonstrated that one employee was familiar with this requirement.

• Officers currently distribute Tylenol within the pods. Staff interviewed stated that they have not received training regarding required referrals to medical. The logbooks reviewed indicate that the distribution of Tylenol is not being logged. The facility began documenting this practice on 8/26/07.

• The facility does not currently have an automatic defibrillator device (AED) on grounds.

The review also identified that several detainees have not received the required follow-up care as follows:

Case #1

h8 h7e

A 71-year-old female who arrived at the facility on 2/16/07. The detainee arrived with paperwork stating that she had an ultrasound that showed a suspicious breast lump with recommendations for a follow up biopsy. Upon review of the medical record the physical exam (PE) was noted to be incomplete and there was no mention or documentation noting the presence of a breast lump. A further review of the chart showed that to date, no follow up or referral for a biopsy has been completed.

Case#2

b6,b7c

A Male detainee with a history of being found on the floor vomiting and having an apparent seizure (LA Staging). The Detainee was sent to the hospital and later released and transferred to San Pedro on 8/3/07. The detainee was noted to have a history of alcoholism and possible ETOH (alcohol) withdrawal. The detainee's case was referred to the medical provider who ordered that the detainee be "monitored". No monitoring was performed and vital signs were not obtained until 8/6/07. A lower bunk was ordered however; the detainee later fell out of his

bunk resulting in a large laceration to his head. Upon a review of the chart, it was noted that a 14-day physical exam had not been completed.

Access to Medical Care (At-Risk) (Continued)

Recommendation:

It is recommended that the Department of Public Health Services (DIHS) provide on-site assistance to review all detainee medical charts to ensure that physical exams are being completed in a timely manner and that the required follow-up is being completed. Additionally, all files need to demonstrate this practice with thorough documentation. It appears that additional basic training is needed regarding 14-day physicals, documentation, and follow-up for noted medical problems

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, ect); will provide warnings of incompatible materials, ect. Every facility will establish a system for storing, issuing, and maintaining inventories of and accountability for hazardous materials. The following areas were found in non-compliance regarding Environmental Health and Safety:

- Material Safety Data Sheets (MSDS) are not available to detainees.
- Detainees in the Food Service area have access to hazardous materials without direct supervision.
- Several vents were found with obstructions during the initial tour of the facility.
- Toxic and caustic materials located in food service were found not secured.
- The facility does not document that detainees are trained prior to utilizing flammable, toxic, or caustic materials. Although a training tape is available, the facility has not documented that detainees have viewed.
- The facility has not designated a safety officer to inspect the facility and monitor progress.
- The facility does not consistently maintain inspection reports, including corrective action taken.
- Schedules are not being consistently followed regarding standard cleaning practices.
 Several Officers were not aware of a cleaning schedule. Old dirt was discovered throughout the facility and the overall sanitation of the facility was found to be poor.

Recommendation (s)

- MSDS sheets shall be utilized throughout the facility for both detainees and staff.
- Detainees handling hazardous materials shall be trained and the training shall be documented.
- All toxic materials throughout the facility shall be secured and include a running and accurate inventory. As noted, the facility lost ACA accreditation due to this standard.
- The facility shall designate a safety officer to inspect the facility and maintain consistent reports, to include any corrective action taken.

- The facility shall post and follow a cleaning schedule that both detainees and staff are informed of.
- It is recommended that the caustic storage site have a permanently fixed emergency shower and eyewash station installed. Additionally, it is recommended that all chemicals be evaluated or reviewed as to actual need as well as quantities on hand. Many chemicals have available substitutions that are not hazardous and would not require the controls and documentation practices currently involved.
- Battery charging was being done within five feet of one flammable storage cabinet and within 25-30 feet of all of them. Battery charging produces a very high risk of ignition source and should not be completed close to the flammable storage area. This practice should cease immediately.
- There are multiple locations noted where designated emergency exit doors have a sliding type latch device in addition to the standard cylinder lock. This condition generates two immediate concerns: 1) The cylinder locks may not be pressure sensitive detention type locks. If not, they do not meet the intent of NFPA, LSC 101 for locking devices on means of egress doors in detention facilities. 2) The sliding bolt type latch is a violation of NFPA, LSC 101, Ch. 7-2.1.5.9.2, "a release mechanism shall open the door with not more than one operation." Other concerns with this latch device would include areas such as the library. This condition would allow for this area to be more easily barricaded from the inside. This is an issue that could be addressed with the local fire authority.

Staff/ Detainee Communication (Deficient)

The requirement to communicate with detainees was implemented to ensure detainees had full access to immigration staff in charge of their immigration case. Detainees generally do not have representation and usually have no other method for obtaining information regarding their custody status or pending removal from the United States. A lack of communication can leave a detainee frustrated and can result in a delay for court proceedings, removal, and infrequently can cause a detainee to be disruptive. Deportation staff, by policy, has a responsibility to communicate effectively with detainees assigned to their respective dockets and ensure that the detainee receives everything they are entitled to by policy and/or regulation. The following areas of deficiency were noted at San Pedro Service Processing Center:

- Documentation could not be located to demonstrate that weekly visits are being conducted within detainee living units.
- The facility does not consistently post Detention and Deportation Officers scheduled visits. Several detainees noted that they do not have the opportunity to speak with staff on a consistent basis.

A database is currently utilized to record and monitor all staff detainee request forms.
 The logbook does not demonstrate that detainee requests are being responded to within 72 hours as required.

Recommendation (s)

- A schedule of Detention and Deportation Officer visits shall be posted in all living units and updated as needed.
- Detention and Deportation Officers shall sign the logbook when in housing units to document their visits.
- All detainee request forms shall be responded to within 72 hours as required. The current database shall be updated on a daily basis to indicate what response was provided.
- The facility shall implement the Staff Detainee Communication Model Protocol issued by Director Torres in June 2007.

<u>Advisories</u>

Classification

On two occasions, detainees of several classification levels were mixed together within holding cells.

Tool Control

Power hand tools were discovered in a box and not inventoried on a shadow board. Although the box was inventoried, the tools could not be easily identified as missing.

Chits

Several tools were missing off the shadow board and a chit was not utilized to identify the location of the tool.

Best Practices

Correspondence and Other Mail

The Officers in the Mail Room are extremely organized and process approximately 200-300 letters per day. Detainees are currently required to sign for all letters received.

Relationship with the Federal Bureau of Prison (BOP) and Contractor MVM

The facility has a positive working relationship with both agencies.

RIC Observations

The facility was notified in June 2007 regarding the date of the scheduled review. The facility took immediate action to correct noted deficiencies and areas of concern and responded in a professional manner. During the review, sanitation was a significant concern in the Food Service Department and failure to meet the requirements of the Staff Detainee Communication Standard was also identified. As noted in the report, chemical control remains a problem at the facility.

As a result of the findings discovered by the review team, Detention and Deportation Officer and Contractor remained at the facility throughout the holiday weekend to assist in developing a plan of action for all noted deficiencies and to monitor the facilities short term progress as they worked to correct each identified deficiency or area of concern. This is an ongoing process.

Recommended Rating and Justification

It is the RIC recommendation that the facility receive a rating of "<u>At-Risk</u>." The facility complies with 34 of 38 ICE National Detention Standards. The standards rated as At Risk and Deficient are quality of life issues that need to be corrected immediately and monitored on a regular basis.

RIC Assurance Statement

Findings of compliance are documented on the G-324a inspection form and are fully supported by documentation in the review file.

cc: Official File HQDRO Chron File ICE:HQDRO bt. 2-2943:9/5/07

Department Of Homeland Security Immigration and Customs Enforcement

Detention Facility Inspection Form Facilities Used Over 72 hours



A. Type of Facility Reviewed	<i>a</i>			
ICE Service Processing Center	G. Accreditation Co			
ICE Contract Detention Facility	List all State or National Accreditation[s] received:			
ICE Intergovernmental Service Agreement	NCCHC and	JCAHO	(Both in 2005)	
	Check box if facil	ity has n	o accreditation[s]
B. Current Inspection				
Type of Inspection	H. Problems / Com	plaints ((Copies must be	attached)
Field Office HQ Inspection	The Facility is under (
Date[s] of Facility Review	Court Order		Class Action Or	der
August 28-30, 2007	The Facility has Signi	ficant Li	tigation Pending	
	☐ Major Litigation		Life/Safety Issue	es
C. Previous/Most Recent Facility Review	Check if None.			
Date[s] of Last Facility Review				<u> </u>
August 14-18, 2006	I. Facility History			
Previous Rating	Date Built			
☐ Superior ☐ Good ☐ Acceptable ☐ Deficient ☐ At-Risk	1933			
	Date Last Remodeled	or Unor	aded:	
D. Name and Location of Facility	0/6/2005	or Ober	uuvu	
Name	Date New Construction	n / Rada	nace Added	
San Pedro Service Processing Center	N/A	m / Deus	hace vanea	
Address (Street and Name)	Future Construction P	10000		
2001 South Seaside Avenue	Yes No Date			
City, State and Zip Code San Pedro, CA 90731		· · · · · · · · · · · · · · · · · · ·		
County	Current Bedspace	Future	Bedspace (# Ne	w Beds only)
Los Angeles	467	Numbe	er: N/A Date:	
Name and Title of Chief Executive Officer (Warden/OIC/Superintendent)				
Assistant Field Office Director	J. Total Facility Po	pulation	1	
Telephone # (Include Area Code)	Total Facility Intake f			
(310) b5 b7c Field Office / Sub-Office (List Office with oversight responsibilities)	6,677 (July 2006 thro	igh June	2007)	
Los Angeles	Total ICE Mandays fo	r Previo	us 12 months	
Distance from Field Office	187,2	10		
22				
	K. Classification Le	vel (IC)	E SPCs and CD	Fs Only)
E. ICE Information		L-1		L-3
Name of Inspector (Last Name, Title and Duty Station)	Adult Male	48		259
DDO / Washington DC	Adult Female	59		29
Name of Team Member / Title / Duty Location	11000 0000	1 37		
DO/ Bakersfield, CA	L. Facility Capacity	•		
Name of Team Member / Title / Duty Location	the second of th		<u> </u>	
DDO/ Washington DC		ated	Operational	Emergency
Name of Team Member / Title / Duty Location		320	252	454
Name of Team Member / Title / Duty Location		130	130	130
b6 b7c DDO/ Washington DC	Facility holds Juver	iles Offe	nders 16 and old	er as Adults
E CDETCOL V. C	3.F	_		
F. CDF/IGSA Information Only	M. Average Daily Po			
Contract Number		ICE	USMS	Other
N/A	Adult Male	410	N/A	N/A
Basic Rates per Man-Day	Adult Female	115	N/A	N/A
Other Charges: (If None, Indicate N/A)	N. Facility Staffing	Level		
· ; ;	Security:		Support:	
Estimated Man-days Per Year	b2High, b7e		30	
		L		
	•			

Significant Incident Summary Worksheet

For ICE to complete its review of your facility, the following information <u>must be completed</u> 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.

Incidents	Description	Jan – Mar	Apr – Jun	Jul – Sept	Oct – Dec
Assault:	Types (Sexual ² , Physical, etc.)	Physical	Physical	Physical	Physical
Offenders on Offenders ¹	With Weapon	0	0	0	0
	Without Weapon	16	21	25	19
Assault:	Types (Sexual Physical, etc.)	N/A	Physical	Physical	Physical
Detainee on Staff	With Weapon	0	0	0	0
	Without Weapon	0	1	2	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	1	0
Number of Times Special Reaction Team Deployed/Used		0	0	0	0
# Times Four/Five Point	Number/Reason (M=Medical, V=Violent Behavior, O=Other)	0	0	0	0
Restraints applied/used	Type (C=Chair, B=Bed, BB=Board, O=Other)	N/A	N/A	N/A	N/A
Offender / Detainee Medical Referrals as a result of injuries sustained.		11	13	15	9
Escapes	Attempted	0	0	0	0
	Actual	0	0	0	0
Grievances:	# Received	4	4	12	6
	# Resolved in favor of Offender/Detainee	1.	1	0	0
Deaths	Reason (V=Violent, I=Illness, S=Suicide, A=Attempted Suicide, O=Other)	N/A	N/A	N/A	N/A
	Number	0	0	0	0
Psychiatric / Medical Referrals	# Medical Cases referred for Outside Care	10	11	10	18
	# Psychiatric Cases referred for Outside Care	6	14	12	21

Any attempted physical contact or physical contact that involves two or more offenders

Oral, anal or vaginal penetration or attempted penetration involving at least 2 parties, whether it is consenting or non-consenting

Routine transportation of detainees/offenders is not considered "forced"

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.

	S/ICE Detention Standards Review Summary Report Descriptable 2. Deficient 3. At Risk 4. Repeat Finding 5. Not Applicable	
	cceptable 2. Deficient 3. At Risk 4. Repeat Finding 5. Not Applicable al Access Standards	1 2 2 4
1.	Access to Legal Materials	1. 2. 3. 4.
2.	Group Presentations on Legal Rights	
3.	Visitation	
4.	Telephone Access	
	inee Services	
5.	Admission and Release	
6.	Classification System	
7.	Correspondence and Other Mail	
8.	Detainee Handbook	
9.	Food Service	
10.	Funds and Personal Property	
11.	Detainee Grievance Procedures	
12.	Issuance and Exchange of Clothing, Bedding, and Towels	
13.	Marriage Requests	
14.	Non-Medical Emergency Escorted Trip	
15.	Recreation	
16.	Religious Practices	
17.	Voluntary Work Program	
	Ith Services	
18.	Hunger Strikes	
19.	Medical Care	
20.	Suicide Prevention and Intervention	
21.	Terminal Illness, Advanced Directives and Death	
Secu	rity and Control	
22.	Contraband	
23.	Detention Files	
24.	Disciplinary Policy	
25.	Emergency Plans	
26.	Environmental Health and Safety	
27.	Hold Rooms in Detention Facilities	
28.	Key and Lock Control	
29.	Population Counts	
30.	Post Orders	
31.	Security Inspections	
32.	Special Management Units (Administrative Segregation)	
33.	Special Management Units (Disciplinary Segregation)	
34.	Tool Control	
35.	Transportation (Land management)	
36.	Use of Force	
37.	Staff / Detainee Communication (Added August 2003)	
38.	Detainee Transfer (Added September 2004)	
	,	

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		b6,b7c
Title & Duty Location		Date / /
DDO/ Washington DC		9/5/07
Team Members		
Print Name, Title, & Duty Location		Print Name, Title, & Duty Location
DDO/ Washington DC		65.67c PHS
Print Name, Title, & Duty Location DDO/ Washington DC		Print Name, Title, & Duty Location
Recommended Rating:	Superior	
	☐ Good	
	Acceptable	
	Deficient	
	At-Risk	

Comments:

It is the recommendation of the RIC that the facility receive a rating of "At-Risk." The facility received at At-Risk ratings in the overall Medical Care to detainees and Food Service. Staff Detainee Communication and Environmental Health and Safety were both rated as Deficient. The standards identified are serious life safety issues, which need to be corrected and monitored on a regular basis.

HEADQUARTERS EXECUTIVE REVIEW Review Authority The signature below constitutes review of this report and acceptance by the Review Authority. OIC/CEO will have 30 days from receipt of this report to respond to all findings and recommendations. HQDRO EXECUTIVE REVIEW: (Please Print Name) John P. Torres Title Director Final Rating: Superior Good Acceptable **Deficient** At-Risk It is the recommendation of the RIC that the facility receive a rating of "At-Risk." The facility received Comments: At-Risk ratings in the overall Medical Care provided to detainees and Food Service. Staff Detainee Communication and Environmental Health and Safety were both rated as Deficient. The standards identified are serious life safety issues, which need to be corrected and monitored on a regular basis.

U.S. Department of Homeland Security 425 I Street, NW Washington, DC 20536



MEMORANDUM FOR:

James Hayes

Field Office Director

Los Angeles Field Offic

FROM:

John P. Torra

Director

SUBJECT:

San Pedro Service Processing Center Annual Review

The annual review of the San Pedro Service Processing conducted on August 28-30, 2007 in San Pedro, California has been received. A final rating of <u>At-Risk</u> has been assigned.

The rating was based on the Reviewer-in-Charge (RIC) Summary Memorandum and supporting documentation. The Field Office Director must remedy the deficiencies in the RIC Memorandum, and initiate the following actions in accordance with the Detention Management Control Program (DMCP):

- 1) The Field Office Director, Detention and Removal Operations, shall notify the facility within five business days of receipt of this memorandum. Notification shall include copies of the Form G-324A, Detention Facility Review Form, the G-324A Worksheet, RIC Summary Memorandum, and a copy of this memorandum.
- 2) The Field Office Director is responsible for ensuring that the facility responds to all findings and a Plan of Action is submitted to the Review Authority (RA) within 30 days.
- 3) The RA will advise the Field Office Director once the Plan of Action is approved.
- 4) Once a Plan of Action is approved, the Field Office Director shall schedule and follow-up on the above noted deficiencies within 90 days.

Subject: San Pedro Service Processing Annual Review

Page 2

Should you or your staff have any questions regarding this matter, please contact

Detention and Deportation Officer, Detention Management Division at

(202)

cc: Official File

ICE: HQDRO: 2-2943:09/13/07