

**1CE Detention Operations** 9840 Fourwinds Drive San Antonio, Texas 78238

Supervisor b6,b7c

Let me begin by introducing myself. I am the newly appointed Assistant Warden for McLennan County Detention Center, Falls County and the new Jack Harwell Detention Center.

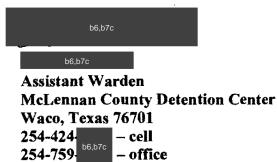
I will be the individual that you will contact for future questions and answers poised by you and your staff. Rest assured the staff and I will make every effort to keep this facility within the acceptable guidelines.

I will work closely with b6,b7c to ensure our compliance with ICE Standards.

Attached you will find the response to the five items you requested clarification by close of business Friday, October 2, 2009. I will Fed-Ex the hard copy to you Monday, October 5, 2009.

I look forward to working with you and meeting you during your next visit.

Best Regards,



254-759-254-759-8126 – offic 254-759-8126 – fax

### Items that need correction on the "Plan of Action" (POA)

#### 1. Eyewash stations needed: Date purchased and expected date of completion.

Eye wash stations are located in the laundry, food service and maintenance. The laundry and food service eye wash stations meet the requirements of OSHA Regulation 29 CFR 1910.132 General Requirements.

The maintenance area is regulated by OSHA standard 29 CFR 1910.151 (c) which states; Maintenance areas require an appropriate portable eyewash device containing not less than one gallon of potable water which is readily available and ready for use.

We have located a vendor to provide us with a suitable eyewash station within the guidelines of OSHA requirements for the maintenance department. The existing eyewash station, in maintenance, will be moved to the medical department when the new one is received. The expected completion date is November 30, 2009.

NOTE: See attached flyer from LSS Safety and Industrial Supply.

# 2. Training on Hazard Communication/Handling of Chemicals (OSHA Right to Know Act) with date of expected completion.

Training on Hazard Communication including the Right-to-Know Law is is being accomplished for inmates and staff. MSDS are in areas where chemicals are used. Master MSDSs' are located in the Chief's Office and maintenance shop.

NOTE: See attached training documentation.

## 3. Evacuation plans are not in Spanish: Date of expected completion.

Evacuation plans have had Spanish added to them along with color coding to show evacuation routes. The updated evacuation plans were placed in designated areas throughout the facility.

NOTE: See attached updated evacuation plans.

# 4. Fire Suppression System not tested quarterly. First expected date of quarterly testing.

Quarterly testing has been accomplished starting in February 2009, then May, August and October, 2009.

NOTE: See attached documentation

# 5. OIG number not reached on Pro Bono telephones. Quick system check will determine if working and if so just indicate the outcome.

On September 30, 2009, Lieutenant was instructed to check the toll free number that allows ICE offenders to contact the Department of Homeland Security Office of the Inspector General (OIG). Lieutenant dialed the phone number which immediately went through without any problems.

NOTE: See attached memo from Lieutenant b6,b7c .

Hopefully, this report answers the listed items on the "Plan of Action." Please feel free to call me with any clarification needed.

cc: b6,b7c , Warden MCDC b6,b7c , CEC Special Assistant



#### SAFETY & INDUSTRIAL SUPPLIES

800-356-0783

Product Index > Safety Supplies > Eye Wash Stations - Showers > Personal Eye Washes > fend-all Eyesaline™ FlashFlood Eye Wash Station

You have 3 results.

## fend-all Eyesaline™ FlashFlood Eye Wash Station



R View Larger

**fend•all** Immediate First Aid Near Workplace Hazards

*FlashFlood Personal Eye Wash Station* provides instant eye cleansing. Use as a first response for gentle, effective eye flushing. Buffered, pHbalanced Eyesaline solution is physiologically similar to human tears--

rinses eyes gently. Pull off retainer strap for three minutes of rinsing. 20"H x 10-1/2"W x 13-1/2"D. Complete with one replaceable cartridge of Eyesaline solution. *Refill Cartridges (No. 9757)* each contain 1 gal. of Eyesaline. *Wall Rack (No. 2125)* stores four refill cartridges . Safety sealed and dated. 16"H x 9-1/4"W x 8-1/4"D. *Compliance:* ANSI Z358.1-2004 (as a personal eye wash only).

	łtem		Sell	Click For		
Qty	#	Product	Pack	Avail		Price
0	9757	Sperian FlashFlood Saline Refill Cartridge, 1	1 EA	0	1-3	4+
		Gal.			\$35.50	\$32.10
0	97,56	- Printer and a portable of all of the first the	1 EA	0	1-3	4+
		gal. Cartridge			\$124.00	\$118.00
0	2125	Sperian Fend-all Saline FlashFlood Wall Rack for Cartridges	1 EA	0	1-3 \$39.90	4+ \$36,10

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Product Index > Safety Supplies > Eye Wash Stations - Showers > Personal Eye Washes > fend-all Eyesaline™ FlashFlood Eye Wash Station

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	ltern		Sell	Click For		
Qty	#	Product	Pack	Avail		Price
0	9757	Sperian FlashFlood Saline Refill Cartridge, 1 Gal.	1 EA	0	1-3 \$35.50	4+ \$32.10
0	9756	Sperian FlashFlood Eyewash Station with 1- gal. Cartridge	1 EA	0	1-3 \$124.00	4+ \$118.00
0 🗌	2125	Sperian Fend-all Saline FlashFlood Wall Rack for Cartridges	1 EA	0	1-3 \$39.90	4+ \$36.10

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About SSL Certificates

# Job Safety and Health It's the law!

#### EMPLOYEES.

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the OSH Act.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the OSH Act that apply to your own actions and conduct on the job.

#### EMPLOYERS:

 You must furnish your employees a place of employment free from recognized hazards.

You must comply with the occupational safety and health standards issued under the OSH Act.

This free poster available from OSHA – The Best Resource for Safety and Health





Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-supported consultation programs in each state.

1-800-321-05HA www.psha.gov

USHA 3185 12 008

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Fooility	MCDC		Au	lenuance	NUSICI	
Facility: Class				Date: 05/01	/2009	
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litle(s) of	Training Topic:	JOB SAFETTIF		AMPLICATION - DO		
given to ea	Il demonstrate th ich student. The ist will be given a	y will be able to de	nd storage of chem emonstrate how to r	icals used in th ead a material	e facility. A handou safety data sheet.	t will be A 10
Trainer of Record:	b6,b7c		Lt.		b6,b7c	
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		List those th	at attended this tr	aining below.		
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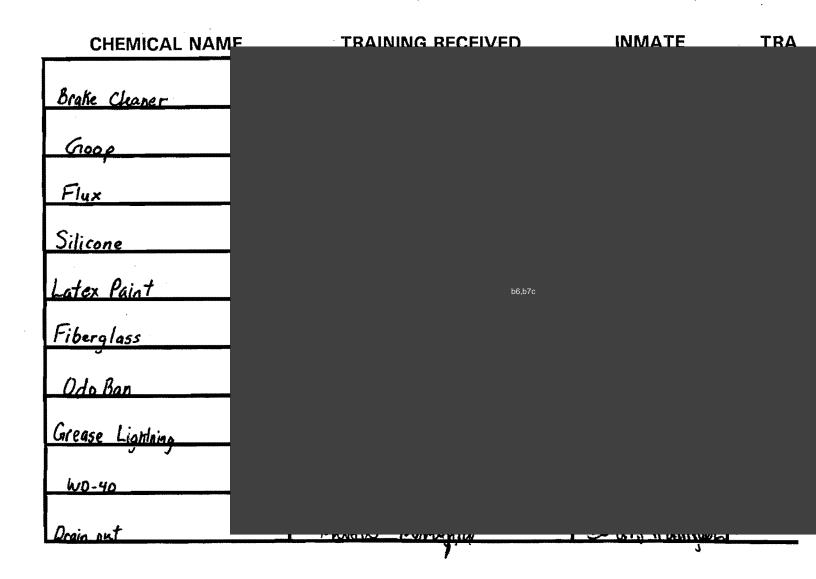
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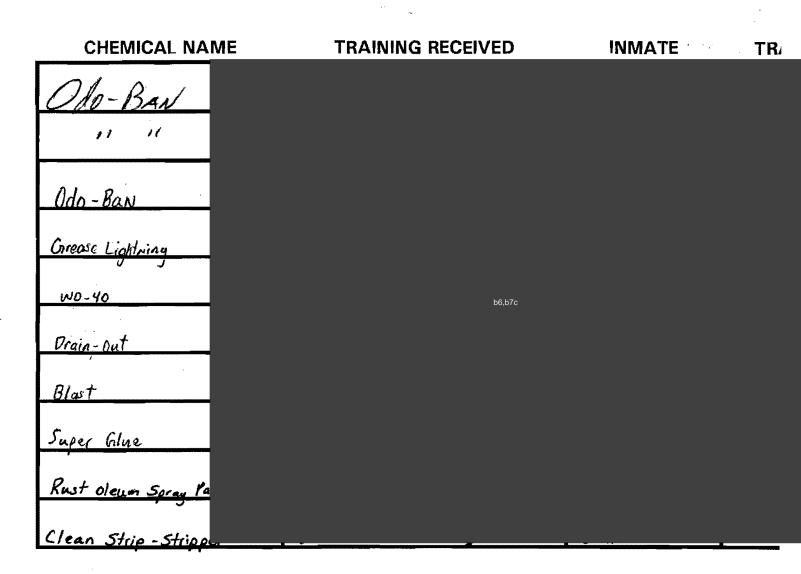
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	IviGenics		A	tendance	Roster	
Facility: M	CDC					
Class	2009-04/17-	CL-16		Date: 04/17	/2009	
	raining Topic		SHT TO KNOW			
demonstrate taken at the	e how to read end of class	oper usage and storage a material safety data	sheet. A hando	sed in the facility ut will be given a	r. They will be a and a 10 questi	ble to on test will be
Trainer of Record:	b6,b7c	Name (Printed)	Lt. Title		b6,b7c	
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CHEMICAL NAME	TRAINING RECEIVED	INMATE	TR
Blast			
Super Glue			
Rust Oleum Spray Paint			
Clean Strip Stripper			
Brake Cleaner	b6.b7c		
Groop			
Flux			
Silicone			
Later Paint			
Latex Paint Fiberglass	<b>u</b> 17		





CHEMICAL NAME	TRAINING RECEIVED	INMATE	т
All DURPOSE CLEMER #505 CLEMER SERVICEDLE 205 MODONC = 1803	PROPER USAGE, SAFETY PRECAULTIONS		
GERNICIAL#205 mapping # 1803 WAX 24/44 BATTHROOM / 182050 #505	where to find mSD.5		
All purpose clemner # 505 Blass Clemen	proper usage safety precautions		
ERMINISE#205 MAD DAL#1802 WAY 2414 PATHE OSM NEMLER#306	where to find msos		
All purpose cleaner 505 plass Cleaner	PROPER USAGE, SAFETY DRECARTIONS		
LORING #205 MOD ONC #1803-	PROPER USAGE, SAFETY PRECARTIONS Where to find myDs		
All purpose cleaner #505 Glass Genne	PROPER USAGE, SAFETY PRECAUTIONS		
BEEMINIDE #205 Map prie #1802	Where to find mans		
All purpose Libance#305 Glass Libance	PROPERUSAGE, SAIG ty DRECAUTION		
All purpose NEAner#305 Shouldone Geruni (1De#305, mop pa() #1903 WAX 34144 Sent Porton Cleaner#305	where on find mista		
All PURPOSE CLERNER \$505 GLASS CLERNER	PROPER USAGE, SAPELY PRECANTION	b6,b7c	
All PULPISE CLEANER #505 (LASS CLEANCE) Germicing #205 mop PAC # 1803- Wax SHULL BATHROOM & LEANER #505	where to find msDS		
All purpose alennae #505 Glass Cleaner	PROPER USAGE, SAFETY DECAUTO		
ERMICION #205 MOP ANC# 1807 WAY DUES BATHEOM CLEMPER #505	where to find mishis		
All pupper clanger 505 Glass Cleance	PROPER USAGE, SAFETY PRECALLIONS		
BECMILIDE#205 MOPONC #1802 WAX2414 Rothermilleaner#505	Where to find msDS		
All purpose Clean Ex #508 CLASS (EANER	the proper using spifety percautions		
SECTIVITY OF AND AND THE ROD	where sho find msDS		
All Aupose cleanere 4505 Glass Cleaner	DROPER USAGE, SAFE ty precautions		
Germieure # 105 mop pac #1802 War 2464 Bath Room Verange # 505	where to find msDS		

CHEMICAL NAME	TRAINING RECEIVED	INMATE	=
All puepose clean in 505 Glass Cleaner Germicidal #205 Modac #1802 WAX 24 104 Batheodan Meanor #505	PROPER USAGE, SAFETY PRECAUTIONS Where to Find MSUS		
All purpose cleaner#556/ASS Cleaner Germición #205 mop par #1893- 100 x 24 64 Eptor Room (1891, 1855)			
All purpos eleaner#505 Glass Jeaner Germilial#205 Mop Aar #1802 1091#24164 Ratherm (Jeaner#505	Whene to find mans		
All PURPOSE CLEANER \$505 BLASS CLEANER GERMICIDA # 205 MODIPAC #1800 LAAN # 24/W RATHROOM (1000000)			
All purpose Jeanon #5056/1955 (Han ER SERMICION # 205 MOD PAC #1802 LUDAX #24/64 BATHRONIN MEDDAR #4505	where to find msds	b6,b7c	
All Durpose Cleanict 505 Glass Cleance Germicus 14505 Moo Hac #1803 2004 # 3414 Bathiroom Clean Ant #05			
All pupose Cleanerst 505 Glass Cleaner CERMICIDA 1, H205 MODDAC St / 805 LUAN STAULAL DATAR MOD CLEARER \$505	where to find MSDS		
All purpose deanan#505 blass GEAnan bernicidat#205 mopone #1802 way 544 Rathenim allandates			
All punpose illemen #305 blass (lenge bermicideal #205 moppace/800	proper usage safaty preclautions ware to find mSD.S		
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INMATE TRAINING RECEIVED TRAINER DROPER USAGE, # SAFETY 428/08 PRECAUTIONS, where to PROPER USAGE, SAFETY PRECAUTION 128/08 1/28/08 PROPER SAFEty USADE. Find MSN 1/28/08 PRECAUTIONS, WHERE ARDADR 11 PROPER US AGE SAFETY ARECAUTION 1/30/08 afety-peecautions 1/30/08 PROPER US Safety prechulions 1/30/08 1/30/08 DECALCHICAS ERUSAGE SHETL 1/30/08 SAGE, SAFETY ARECAUTION PROPER US AGE, SAPEty PRECAUTIONS 1/30/08 Where to find mSDS

# CHEMICAL NAME

# TRAINING RECEIVED

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CHEMICAL NAME	TRAINING RECEIVED	INIVIATE
Deplach M. Floor, Gold Floor Junish	Types of chemicals, Location	· • • • • • • • • • • • • • • • • • • •
Germitide 000 Rundare, Cleaner	Dispensed, PPE, Storage, First Aid MSDS	
Deppacitik Floor,	Types of chemicals, Location	
Gold Floor Finish	Dispensed, PPE, Storage,	
Lamoral 2 reagant and shisiming	First Aid, MSDS.	
Depportin took	Types of chemicals, Location	
Gold Floor Finish	Dispensed, PPE, STorage,	
Germicia all Fuppes dearon	First Aid, MSDS.	
Dephaching Floor	Types of chemicals, Location:	
Gold TiperFiniper	Dispensed, PPE, Storage,	
Germeide all Kiepour Manner	First Aid, MSDS.	
Deppochts Floor Seld Flow Funidh	Types of chemicals, Locations	
Fermicide all Pundoal Cleaner	Dispensed, PPE, Storage,	
Deppachite Floor	First Aid MSDS	b6,b7c
Gold Flow, Funish	Types of chemicals, Locations	
Curminial all Purpor Cleaner	Dispensed, PPE, STorage,	
Deparchite Floor	Types of chemicals, Locations	
Gold Floor Funish	Dispensed, PPE, STorage,	
Committed all Fundas Cloaner	First Aid, MSDS.	
Deppachite 72001	Types of chemicals, Locations	
Good Report Lines 1	Dispensed, PPE, Storage,	
Ermicial Oldringous des me	First Aid, MSDS.	
D-POACLILE FLOOR	Types of chemicals, Locations	
deine roolf blog	Dispensed, PPE, Storage,	
Cermitian all fairasi Change	First Aid, MSDS.	
DrppAslite Floor	Types of chemicals, Locations	
Gold Floor Ferrisi	Dispensed, PPE, Storage,	
Germicide all purpose cleaner	rirst Aid, MSDS.	
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# CHEMICAL NAME

# TRAINING RECEIVED

INMATE

CHEIVIICAL INAIVIE	I NAIMING RECEIVED	111
Banbicile	Types of chemicals, Location Dispensed, PPE, Storage, First Aid, MSDS.	
DEPPACIITE FLOOR, Bold FLOON Finish, GERMILIDE ALLAUR. CHANGE	Types of chemicals, Location Dispensed, PPE, Storage, First Aid MSDS	
Deppachite Floor, Gold Floor Finish Germicity All DROUSE Clear M	Types of chemicals, Location Dispensed, PPE, STorage, First Aid, MSDS.	
DoppActile Floor Gold Floor Firish Commicile All Purpose alleanon	Types of chemicals, Locations Dispensed, PPE, Storage, First Aid, MSDS	
Depiticite Floor (sold Flour Finish Germicide All Purpose Cleanet	Types of chemicals, Locations Dispensed, PPE, Storage, First Aid, MSDS.	
Depincii ne Floor Gald Floor Finish Germincide All Dirpose diognal	Types of chemicals, Locations Dispensed, PPE, Storage, First Aid. MSDS.	
Acpiacite Floruk Gold Floruk Finish Germicite All Durbose Clearer	Types of chemicals, Locations Dispensed, PPE, Storage, First Aid, MSDS.	
	Types of chemicals, Locations Dispensed, PPE, Storage, First Aid, MSDS.	
Depidentite Floor Gold Floor Fivish Germicide All Purpose Cleaner	Types of chemicals, Locations Dispensed, PPE, Storage, First Aid, MSDS.	
Gold Flow Finish	Pypes of chemicals, Locations Dispensed, PPE, Storage, First Aid, MSDS.	

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# CHEMICAL NAME

# TRAINING RECEIVED

CHEMICAL NAME	TRAINING RECEIVED	INMATE	TR
all upper cleaner # 505 6 has that	Types of chemicals, Location Dispensed, PPE, Storage,		
bermicie #205, mapper 4 12 05			
way & 2464, Bathrown Cleanse \$ 505	First Aid, MSDS.		
All JURDOSC Cleaner # 507, Glass Cleaner Germicing #205, Mapher # 180 2	Types of chemicals, Location		
waxHayby; Sothroom Clean #505	First Aid, MSDS.		
Ail Purpose Channer #505 Josn Chancer Germicide #205, NO PPAC #21802	Types of chemicals, Location		
	Disponder, Till, Doelaye,		
Wax # 2444, Patheon Cleaner # 505	First Aid, MSDS.		
all Tupper Cleaner # 505 Glass cleaner	Types of chemicals, Location		
Germicide#205 MoppAr # 1802	Dispensed, PPE, Storage,		
Viran # 20164. Dotter por Manar # 505	First Aid, MSDS.		
all Purpose Closing #305 Gives Changer 1997 Cermicine #315 Moppact 1803	Types of chemicals, Location		
Cermicine # alis Moppact 1803	Dispensed, PPE, Storage,		
Warttailler Sottwarm Clonne \$ 905	First Aid, MSDS.	b6.b7c	
all Purpose Chana # 505 Glass Cheener	Types of chemicals, Location	50,510	
Germicicle # 205 MOPPAC #1802	Dispensed, PPE, Storage,		
War#2464 Battroom Normer #.505	First Aid, MSDS.		
ill Purpase Cleaner #505 5 1001 (Cleaner Germicille #205 MOPPACH 1802	Types of chemicals, Location		
	Dispensed, PPE, STorage,		
Wax # 2461 Dathroam Weara # 505 1	irst Aid, MSDS.		
Millimpores Cleaner +595 Glass Cleaner	Types of chemicals, Location		
5081# 2AggoM ZOG# Ebirumai	Dispensed, PPE, Storage,		
Wain Hallie i Cothrown Deaner #505	First <u>Aid, MSDS.</u>		
all human lune # 505 Glass Charles	Types of chemicals, Location		
Generation # 205 Melbar # 1802	Dispensed, PPE, Storage, 👘		
WAX#2464 Distriction (Downer#505	First Aid. MSDS.		
All Ruspers Clasment 505 Shas Clamer	Types of chemicals, Location		
Germicial #1305 (noppac #180)	Dispensed, PPE, STorage,		
Wax #3. Vol Pathreem Channel \$ 505	First Aid. MSDS.		

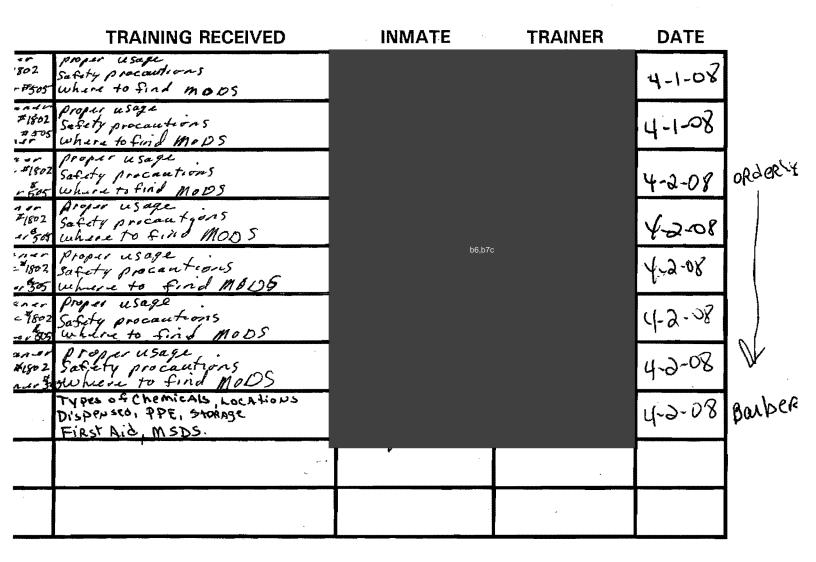
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Ultrensan, Cootemp altren Klehe Lime Away, oin y lotion Altransve. Morox		
LIME-A-WAY DINKLOTONCLEANER CLOCK	Types of chemicals, locations, Dispensed, PPE, Storage, First Aid. MSDS.	
LIME AWAY, DITIC LOTTON CLEMER, MARCH		
Line A WAY MININ LOTON A LEDNE		
UITER SAN, COVERD WITCH CLEDN LIMER-WRITEDING INTON PLEADER, MOROT		66.476
UITER SAN, ECOSERP ULTER CLERN UMFRWAU, NOV. 10700 ALEMAP (1600)	First Aid. MSDS	b6,b7c
LINEANAU ANY LOTENDUITRADIEDA	First Aid. MSDS	
WHICH SAN, ECOTEMPUTICA CLEAN	Types of chemicals, Locations, Dispensed, PPE, STorage, First Aid. MSDS	
ultica san, clottemputticalitan	First Aid. MSDS	
WASHTIN Shine Grensesteppiks Witha Sian, Exotemp ultra Usan	Types of chenicals, Locations, Dispensed, PPE, Storage, First Aid, MSDS	



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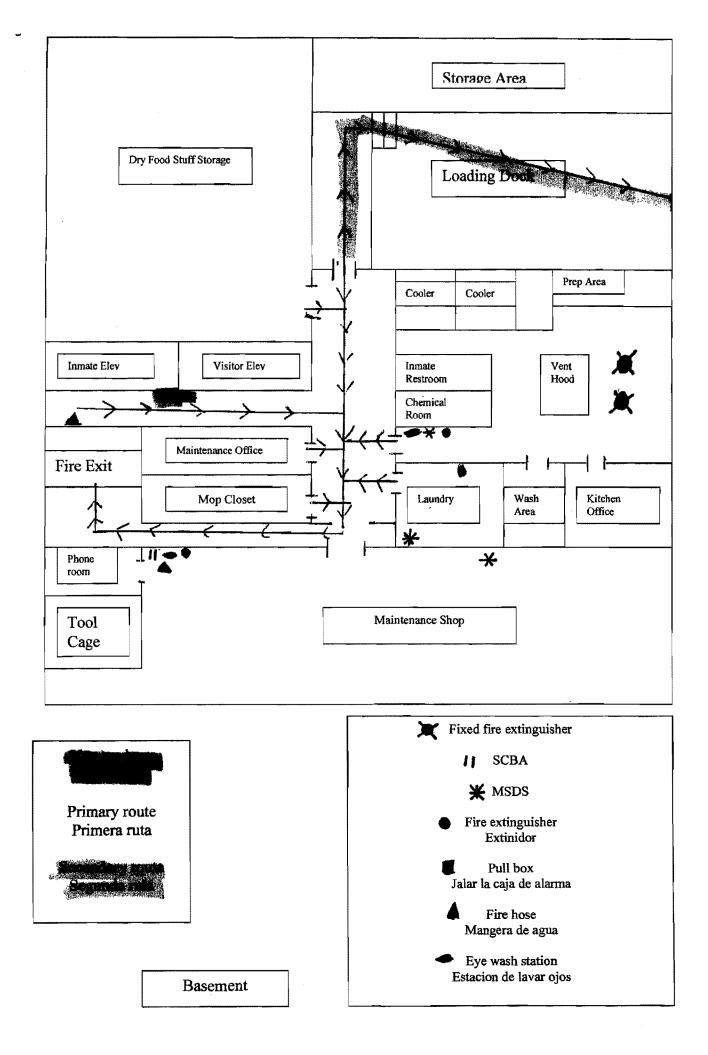
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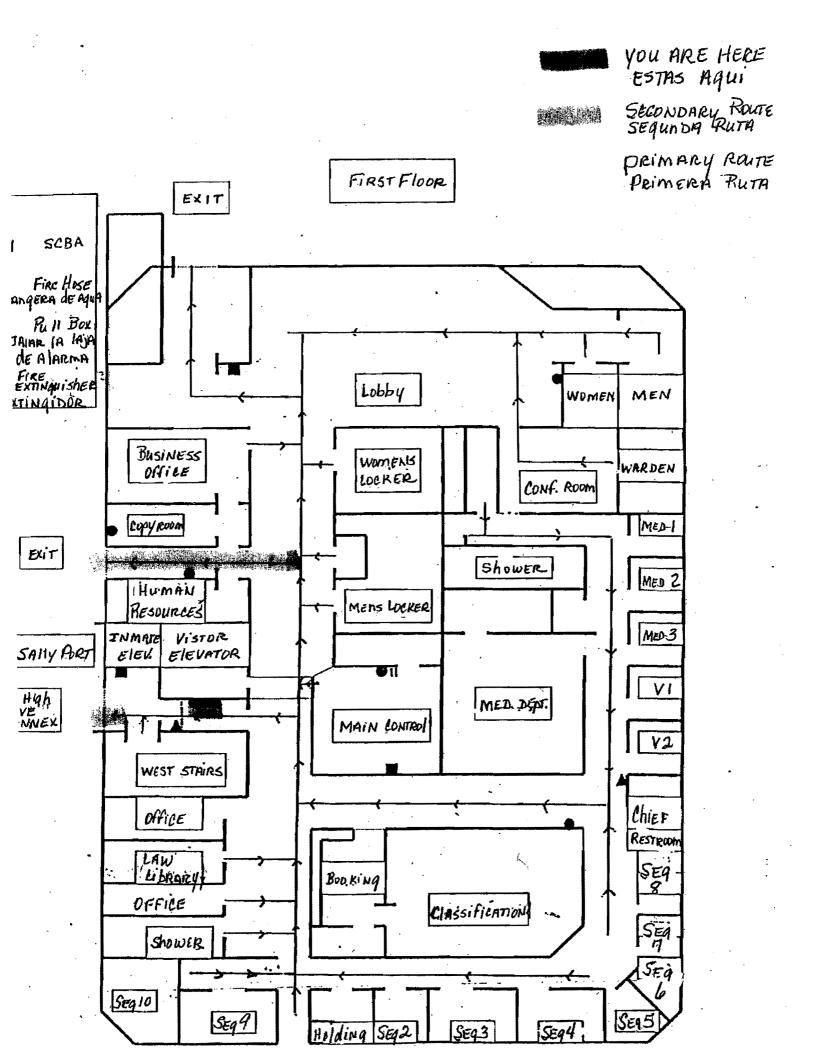
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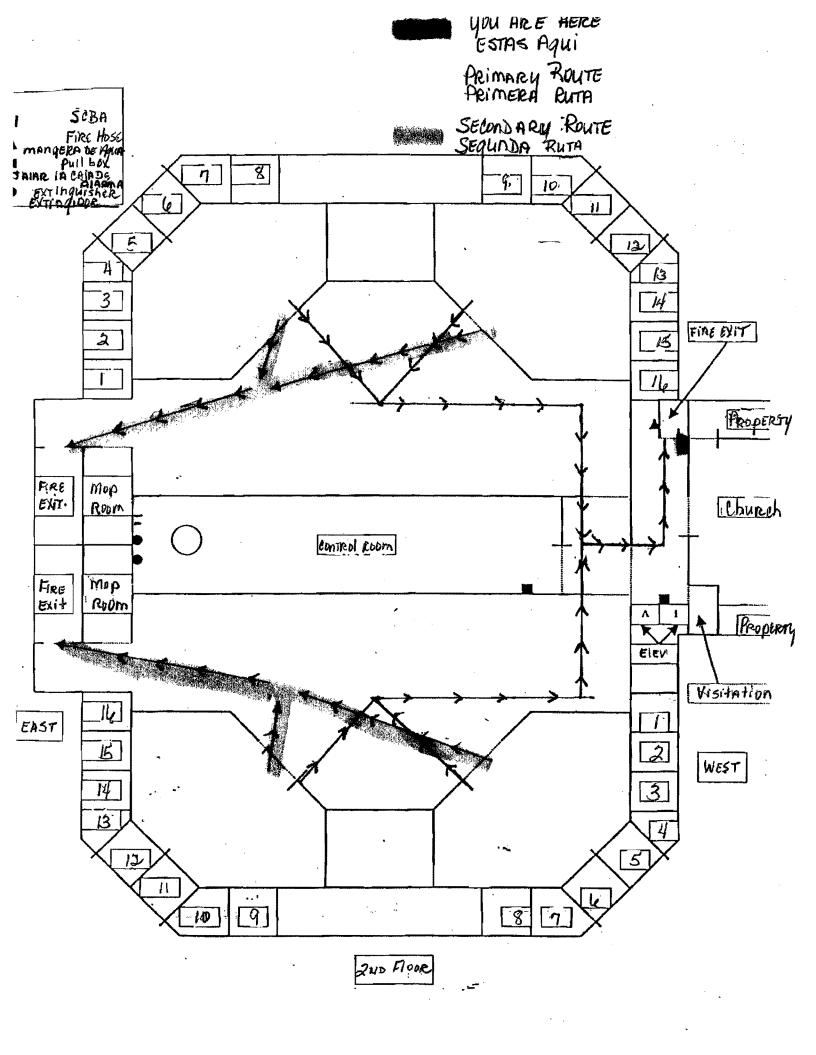
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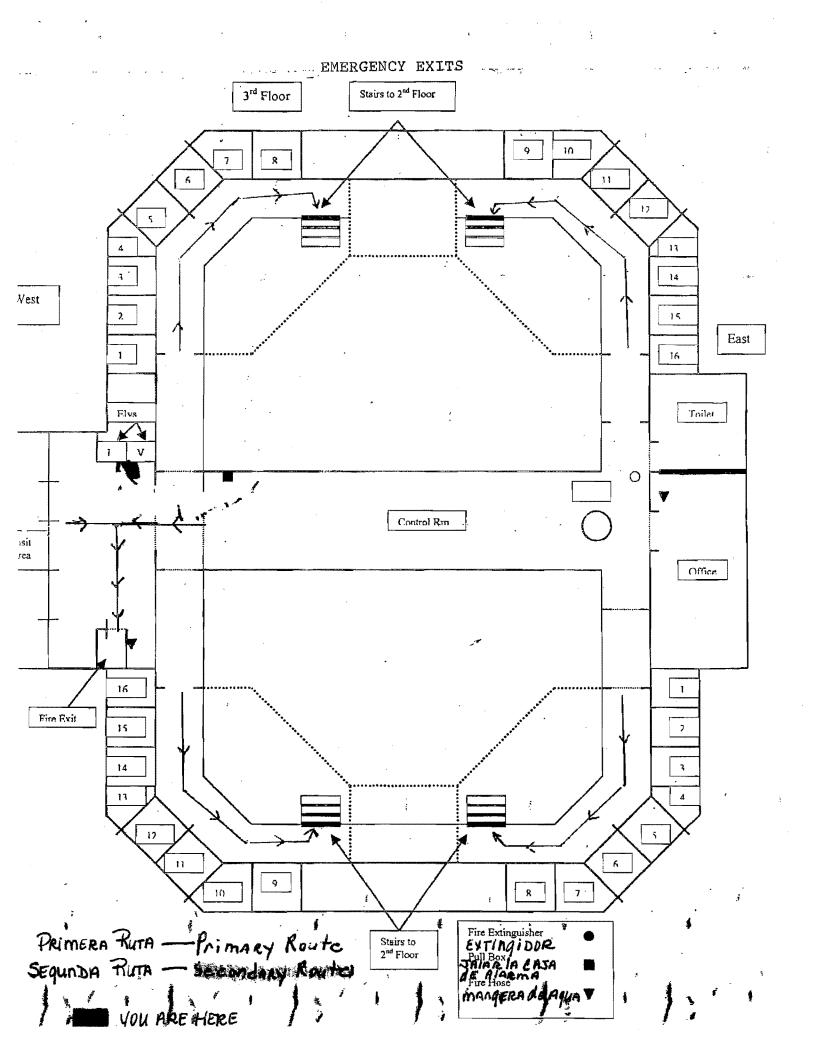
CHEIVIICAL IVAIVIE	
Gold Hear Funder Disp Germicide all Purpose Cleaner	Types of chemicals, Locations ensed, PPE, Storage, First Aid, MSDS.
Cold Floor Figuresh Cleaner	Types of chemicals, Locations Dispensed, PPE, STorage First Aid, MSDS
All for pose clear wer #505, Gran Comm Germicidal #205, Mopp N # 1803 Wax # 2464, DAthroom Danner #505	Sality Precautions
APChaner#505, Glass Wanes Germic idal #205, MOPPAC #1802 WAX #2444, BATHROOM (VELNER# 505	Proper Usage Solity Procautions Where to find MSDS
AP Chones #505, Glass Chones Germicidal # 205, MOPPAC# 1802 WAX #2464. DAY Room (Jose # 505	Where to find MSDS
AP Cleann #505, Glass Cleaner Gernizidal #205, Moppac #1802 Wax #2464. Bathroom Cleaner #505	
AP Cleaner #505-Glass - Cleaner Germicidal B 205 Moppac # 1802 WOX #246 Y Bathroom cleaner #505	
Apcileaner 505 - Glass ciloner Garmidal \$205- Moppac \$1802 Wax #2464 - Bathroom Clauner 505	proper usage . Safety procautions where to find MSDS
APEILUNER # 505 Glass cleaner Garmicodal # 205 - Moppactiguz Wax # 2464 - Buthroom cleaner 505	
APCIEDAST \$555 Glass Cleaner Germacidal # 205-Mojupac # 1802 Wax #2464- Bathroom Cleaner #505	Bropar usage Safety procautions where to find MSDS

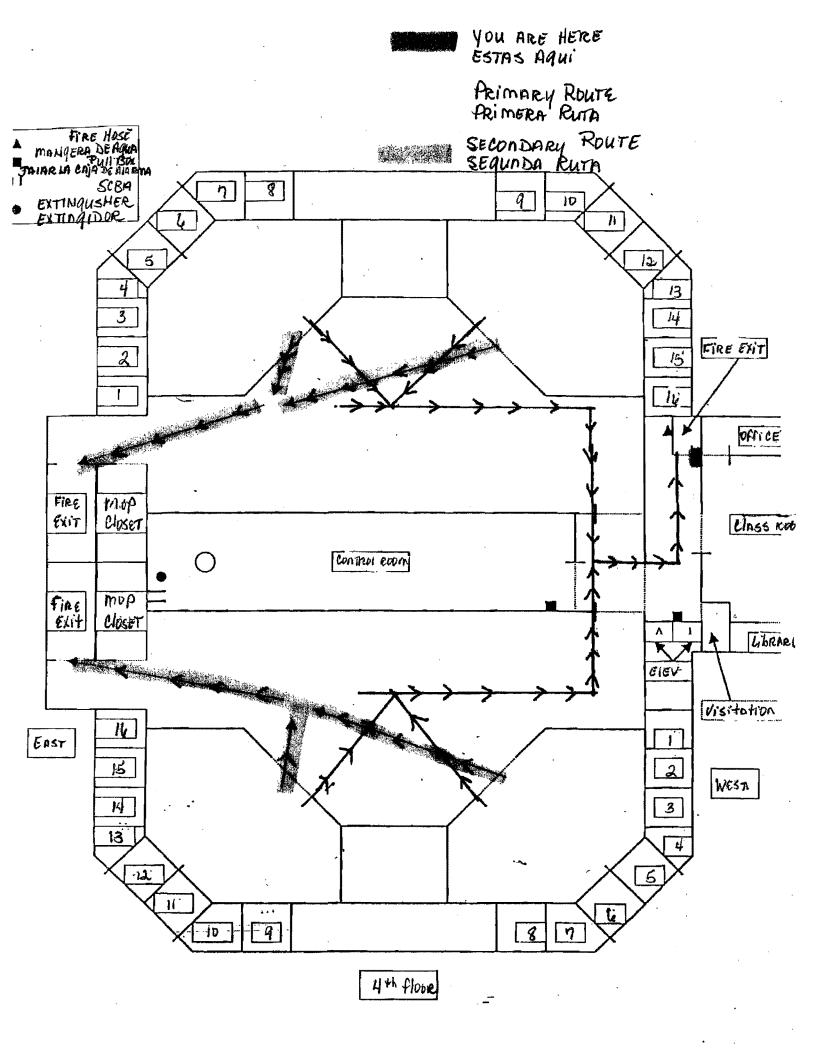
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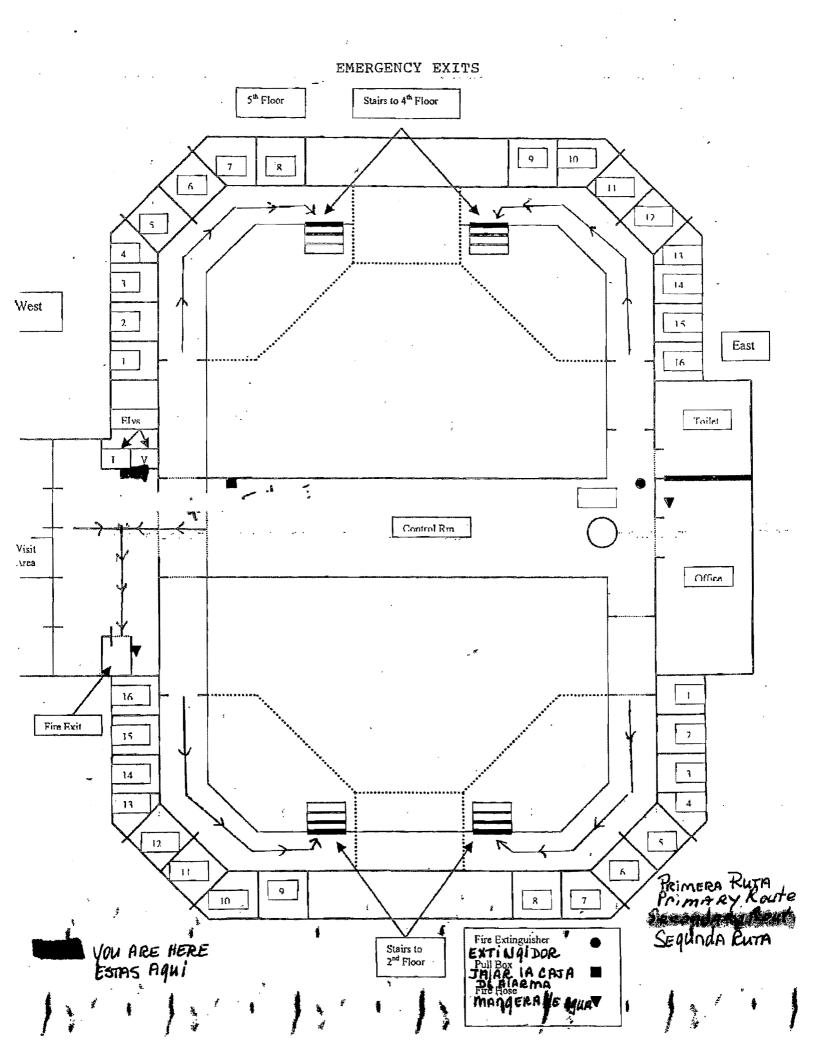


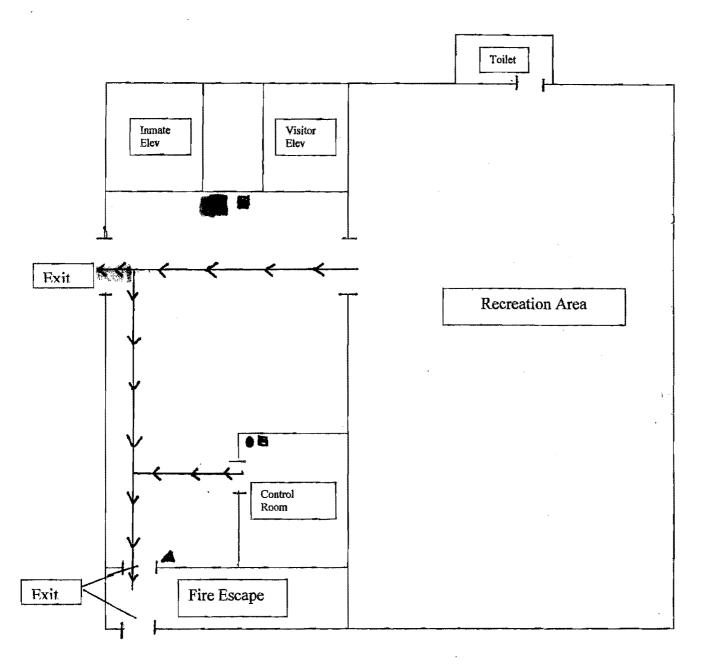


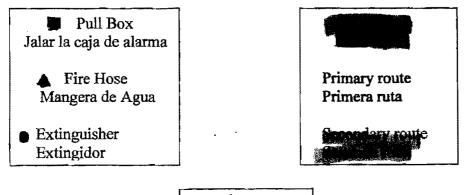












6<sup>th</sup> Floor

# QUARTERLY FIRE SUPPRESSION TESTYEAR2009

## FEBUARY

<u>FIRE</u>	PUMP	PRES	SURE	FLC	WC	SPRIN	<u>KLERS</u>
GOOD	BAD	GOOD	BAD	GOOD	BAD	GOOD	BAD
X		Х		Х		X	

MAY

FIRE	PUMP	PRES	SURE	<u>FLC</u>	WC	<u>SPRIN</u>	KLERS
GOOD	BAD	GOOD	BAD	GOOD	BAD	GOOD	BAD
X		Х		Х		Х	

# <u>AUGUST</u>

<u>FIRE</u>	<u>PUMP</u>	PRES	SURE	<u>FL(</u>	<u>WC</u>	<u>SPRIN</u>	<u>KLERS</u>
GOOD	BAD	GOOD	BAD	GOOD	BAD	GOOD	BAD
X		Х		Х		Х	

# OCTOBER

l	FIRE	PUMP	PRES	SURE	<u>FLC</u>	<u>wc</u>	<u>SPRIN</u>	<u>KLERS</u>
ľ	GOOD	BAD	GOOD	BAD	GOOD	BAD	GOOD	BAD
ľ	X		X		Х		X	

#### 10-01-2009

# Warden b6,b7c

On 09-30-2009 I Lt b6,b7c received a message through Business Manager b6,b7c from Chief b6,b7c. My instructions from Chief b6,b7c was to check the toll free number that allows ICE Offenders to contact the DHS Office of the Inspector General. I immediately checked the phone number which went through without any problems.

从:		b6,b7c
Lt.	b6,b7c	

Office of Detention and Removal Operations

**U.S. Department of Homeland Security** 500 12th Street, SW Washington, DC 20024



# **U.S.** Immigration and Customs Enforcement

#### Michael J. Pitts MEMORANDUM FOR: **Field Office Director** San Antonio Field Office OCT 3 0 2009 b6.b7c FROM:

SUBJECT:

Acting <u>Unit Citier</u>

McLennan County Detention Facility Plan of Action

The McLennan County Detention Facility Plan of Action dated October 2, 2009, has been received. The plan was developed in response to a review conducted by Creative Corrections on February 3-5, 2009.

The Review Authority concurs with the Plan of Action and this review is closed. The Field Office must now 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 a copy of this memorandum.
- 2) The Field Office Director shall ensure that the facility complies with its proposed Plan of Action and that a follow-up review of the deficiencies identified in the G324A, Detention Facility Review Form and the Reviewer-in-Charge Summary Memorandum occurs within 90 days.
- 3) The next annual review will be scheduled on or before February 3, 2010.

2-5514: 10/05/2009

Should you or your staff have any questions regarding this matter, please contact Detention and Deportation Officer at (202) 732- b6,b7c

cc: Official File ICE: HQDRO:

b6,b7c

OFFICIAL USE

www.ice.gov

U.S. Department of Homeland Security 500 12<sup>th</sup> Street, SW Washington, DC 20536



# U.S. Immigration and Customs Enforcement

MAR 3 0 2009

MEMORANDUM FOR:

Michael Pitts Field Office Director San Antonio Fiel 66.67c

FROM:

Detention Standards Compliance Unit

SUBJECT:

McLennan County Detention Facility Annual Review

The annual review of the McLennan County Detention Facility conducted on February 3-5, 2009, in Waco, Texas, has been received. A final rating of <u>Acceptable</u> has been assigned.

The G-324A worksheets provided by the Reviewer-in-Charge (RIC) indicated the facility did not have any deficient standards. However, a Plan of Action is required to address the deficiencies identified in the Detainee Handbook, Detainee Telephone Access, Access to Medical Care, Environmental Health & Safety, and Staff Detainee Communications standards.

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

- 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 a follow-up on the above noted deficiencies within 90 days.

McLennan County Detention Facility Annual Review Page 2 of 2

The Field Office is responsible for assisting the Intergovernmental Service Agreement (IGSA) facility to respond to the Immigration and Customs Enforcement findings when assistance is requested. Notification to the facility shall include information that this assistance is available.

Should you or your staff have any questions regarding this matter, please contact b6.b7c Detention and Deportation Officer at (202) 732- b6.b7c

cc: Official File

ICE:HQDRO: b6, b7c 2-4526:03/05/09

b2High

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# ICE Detention Standards Compliance Review

# **McLennan County Detention Facility**

February 3 - 5, 2009

REPORT DATE - February 10, 2009



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

b6.b7c Executive Vice President Creative Corrections 6415 Calder, Suite B Beaumont, TX 77706

#### b7c , COTR

U.S. Immigration and Customs Enforcement Detention Standards Compliance Unit 500 12th St, SW Washington, DC 20536



6415 Calder, Suite B • Beaumont, Texas 77706 409.866.9920 • www.correctionalexperts.com

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1/2

February 10, 2009

**MEMORANDUM FOR:** 

James T. Hayes, Jr., Director Office of Detention and Removal Operations

FROM:



SUBJECT:

McLennan County Detention Center Annual Detention Review (ADR)

Creative Corrections conducted an ADR of the McLennan County Detention Center, operated by Community Education Centers, Inc. (CEC), and located in Waco, Texas, on February 3 - 5, 2009. As noted on the attached documents, the team of Subject Matter Experts included b6.b7c b6.b7c, Security; b6.b7c, Health Services; b6.b7c, Environmental Health and Safety; and b6.b7c, Food Service.

A final closeout was held on Thursday morning, February 5, 2009, with b6.b7c CEC, Special Assistant to the Divisional Director; Chief of Security, b6.b7c; Administrative Lieutenant b6.b7c and b6.b7c of the San Antonio, TX, ICE Office, during which all aspects of the review were discussed. Warden b6.b7c was unable to attend the close out due to a prior commitment in Austin, TX. Warden b6.b7c was advised of the team's recommendations on Wednesday afternoon, February 4, 2009.

### **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 over 72 hours.

#### **Review Summary**

The facility is not accredited by the American Correctional Association, the Joint Commission on Accreditation of Healthcare Organizations, or the National Commission on Correctional Health Care.

#### **Standards Compliance**

The following statistical information provides a direct comparison of the 2008 ADR and this ADR conducted for 2009.

February 2008	Review
Compliant	37
Deficient	
At-Risk	0
Not-Applicable	1

February 2	2009	Review
Compliant	•	36
Deficient		0
At-Risk		0
Not-Applica	ble	2

## **Recommended Rating and Justification**

It is my recommendation that the facility receive a rating of "Acceptable." As there were no deficiencies noted above, a Plan of Action should not be required.

## **RIC Assurance Statement**

All findings of this review have been documented on the Work Sheets and are supported by the written documentation contained in the review file.

			··· ··	
- A. Type of Faci	lity Reviewed	والمروبية وتعجيب عاراتهم حبر		Estimated Mar
ICE Serv	vice Processing Center			111,061
	tract Detention Facility		•	
ICE Inte	rgovernmental Service A	Agreement	· .	G. Accreditat
				List all State o
B. Current Insp	ection			• • • • • •
Type of Inspection			· · · · .	Check box
Field Office	HQ Inspection	· · · · ·		
Date[s] of Facility R	eview			H. Problems
February $3-5, 20$		· · · · ·		The Facility is
				Court Orde
C. Previous/Mo	st Recent Facility Review	<b>y</b>	· 7	The Facility ha
Date[s] of Last Facil	ity Review		.	🗌 Major Litig
February 7 - 8, 20	)08		·	Check if N
Previous Rating			<u>L</u>	
🗌 Superior 🛛 G	ood 🗌 Acceptable 🗌 D	eficient At-Risk	· .	I. Facility H
		. *	L L	Date Built
D. Name and Lo	cation of Facility			1980
Name				Date Last Ren
	Detention Facility			N/A
Address (Street and			: .F	Date New Cor
520 Columbus Av			· · ·	N/A
City, State and Zip C			-	Future Constru
Waco, Texas 7670	1			🗌 Yes 🛛 No
County				Current Bed s
McLennan	- A	1 101010		329
	hief Executive Officer (Ward	len/OIC/Supt.)	L	
b6,b7c				J. Total Fac
Telephone # (Include	s Area Code)		Г	Total Facility l
254-759 b6,b7c	Car (I tak Office with Service)	abt assurable ilitian)		2,194
	ffice (List Office with oversi	gnt responsionnes)		Total ICE Mar
San Antonio Distance from Field	06.0			419
220 miles	Onice			1.2./
220 miles				K Classifiaa

## **E.** ICE Information

Name of Inspector (Last Name, Title and Duty Station) b6,b7c / Reviewer-In-Charge / NM
Name of Team Member / Title / Duty Location b6.b7c SME Security / TX
Name of Team Member / Title / Duty Location b6.b7c SME Environmental Health & Safety / MN
Name of Team Member / Title / Duty Location b6.b7c SME Medical / AL
Name of Team Member / Title / Duty Location

#### F. CDF/IGSA Information Only Contract Number Date of Contract or IGSA J-808-99-0014 01-01-2001 Basic Rates per Man-Day \$ 41.95 Other Charges: (If None, Indicate N/A) \$ 14.12 - modification 01-01-2006

Estimated M 111,061	lan-days Per	Year:			
G. Accredi	tation Certif	icates			· · · · · ·
List all State	or National	Accreditatio	on[s] rec	eived:	
Check b	ox if facility	has no accre	editation	[s]	د•ه
H. Problen	ıs / Complai	nts (Copies	s must b	e attac	hed)

The Facility is under Co	ourt Order or Class Action Find	ding
Court Order	Class Action Order	-
The Facility has Signific	cant Litigation Pending	
Major Litigation	Life/Safety Issues	
Check if None.		

#### listory

Date Built	
Date Last Remodele N/A	d or Upgraded
Date New Construct N/A	ion / Bed space Added
Future Construction	
Current Bed space 329	Future Bed space (# New Beds only) Number: N/A Date:

## ility Population

Total Facility Intake for previous 12 months	
2,194	· · ,
Total ICE Man-days for Previous 12 months	
419	

## 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	206	206	263
Adult Female	120	120	109
<b>Facility holds</b>	<b>Juveniles</b> Off	enders 16 and old	er as Adults

## M. Average Daily Population

4	· · · · · ·	-	ICE	USMS	Other
1	Adult Male	1	14	117	.77
	Adult Female	, ''	7	66	31

## N. Facility Staffing Level

Security:	Support:
b2High	

#### 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 <sup>2</sup> , Physical, etc.)	Physical	Physical	Physical	Physical
Offenders on Offenders <sup>1</sup>	With Weapon	0	0	0	0
	Without Weapon	9	2	8	4
Assault:	Types (Sexual Physical, etc.)	0	0	0	0
Detainee on Staff	With Weapon	0	.0	0	0
	Without Weapon	0	0	0	1
Number of Forced Moves, incl. Forced Cell moves <sup>3</sup>		1	1.	0	0
Disturbances <sup>4</sup>		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
# 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)	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	26	36	40	74
	# Resolved in favor of Offender/Detainee	10	3	3	6
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

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.

# Department Of Homeland Security Immigration and Customs Enforcement

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DHS/ICE Detention Standards Review Summary Report1. Acceptable2. Deficient3. At Risk4. Repeat Finding5.Not Applicable					
Legal Access Standards	1.	2.	3.	4.	5.
1. Access to Legal Materials	$\boxtimes$				
2. Group Presentations on Legal Rights	$\square$			$\Box$	
3. Visitation					
4. Telephone Access					
Detainee Services					
5. Admission and Release	$\boxtimes$				
6. Classification System	$\boxtimes$				
7. Correspondence and Other Mail	$\boxtimes$				
8. Detainee Handbook	$\square$				
9. Food Service	$\boxtimes$				
10. Funds and Personal Property	$\boxtimes$				
11. Detainee Grievance Procedures	$\boxtimes$				
12. Issuance and Exchange of Clothing, Bedding, and Towels					
13. Marriage Requests	$\boxtimes$				
14. Non-Medical Emergency Escorted Trip					
15. Recreation	$\boxtimes$		:	· 🔲 ·	
16. Religious Practices	$\boxtimes$	·			
17. Voluntary Work Program					$\boxtimes$
Health Services					
18. Hunger Strikes	$\boxtimes$				
19. Medical Care	$\boxtimes$				
20. Suicide Prevention and Intervention	$\square$		·		
21. Terminal Illness, Advanced Directives and Death	$\boxtimes$				
Security and Control					
22. Contraband	$\boxtimes$			· ·	
23. Detention Files			·		
24. Disciplinary Policy	$\boxtimes$				
25. Emergency Plans	$\square$				
26. Environmental Health and Safety					
27. Hold Rooms in Detention Facilities	$\boxtimes$				
28. Key and Lock Control	$\boxtimes$				
29. Population Counts	$\boxtimes$				
30. Post Orders	$\mathbf{X}$				
31. Security Inspections					
32. Special Management Units (Administrative Segregation)	$\boxtimes$				
33. Special Management Units (Disciplinary Segregation)	$\boxtimes$				
34. Tool Control	$\boxtimes$				
35. Transportation (Land management)	$\boxtimes$				
36. Use of Force	$\boxtimes$				
37. Staff / Detainee Communication (Added August 2003)	$\boxtimes$				
38. Detainee Transfer (Added September 2004)	$\boxtimes$				-

All findings (Deficient and At-Risk) require written comment describing the finding and what is necessary to meet compliance.

Department	Of Hom	eland Seci	urity
Immigration			
illillingi ation	anu Cu	5101115 12111	orcemen

#### **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	. •	$\sim$			· · ·
b6.b7c Reviewer-In-Charge, NM		b6,b7c	b6,b7c	а. •		
Title & Duty Location	Date				· .	
			U U			
	February 7,	, 2009				

Team Members	· · · · · · · · · · · · · · · · · · ·
Print Name, Title, & Duty Location	Print Name, Title, & Duty Location
b6.b7c SME Security, TX	b6,b7c SME Medical, AL
Print Name, Title, & Duty Location	Print Name, Title, & Duty Location
b6.b7c SME Food Service, CO	b6.b7c SME Environmental Health and Safety, MN

<b>Recommended Rating:</b>			Superior
	·. ·	•	Good
		·.	🔀 Acceptabl
			Deficient
			🗌 At-Risk

Comments: The facility does not use Tasers or canines.

The facility is managed by Warden **DELET**, who is retired from the state of Texas Department of Corrections with extensive experience as warden of several Texas state correctional institutions. He has been with CEC more than four years at this private correctional facility, and he is a visible figure in the facility.

The facility staff was cooperative, informative, and provided thoughtful and competent responses to review requests. Administrative Lieutenant b6.b7c was of particular assistance to the entire review team. Classification Officer b6.b7c was noted as a particularly efficient officer. Chief of Securit b6.b7c was also of significant help during the review.

The facility corrected several items during the review in a responsible and expeditious manner. Although this is an older facility, it was orderly and presentable.

#### **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)	Signature	b6,b7c	
Title	Date	b6,b7c 25 2009	
Chief, Detention Standards Compliance Unit	-	por 2 27,000)	

Final Rating:

☐ Superior
☐ Good
△ Acceptable
☐ Deficient
☐ At-Risk
☐ No Rating

Comments:

The Review Authority concurs with the recommended rating of "Acceptable." A plan of action is required to address the line item deficiencies identified in the Detainee Handbook, Detainee Telephone Access, Access to Medical Care, Environmental Health & Safety, and Staff Detainee Communication standards.

#### 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.

	6,b7c	
James T. Hayes, Jr. Title Director	Date 0 26/09	
Final Rating: Acceptable	- 	a An an

\_\_\_\_ At-Risk \_\_\_\_ No Rating

Comments:

The Review Authority has downgraded the recommended rating of "Acceptable" to "Deficient" due to the use of EMDDs (Elector Muscular Disruption Devices). No plan of action is required in regard to the use of EMDDs. A plan of action is required to address the line item deficiencies identified in the Environmental Health and Safety, Special Management Units (Administrative and Disciplinary), Access to Telephones and Use of Force standards.

#### Form G-324B