

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



U.S. Immigration and Customs Enforcement

MAR 3 0 2009

MEMORANDUM FOR:

Robert E. Jolicoeur Field Office Director El Paso Field Office b6.b7c b5.b7c b5.b7c Acting Chief

FROM:

Detention Standards Compliance Unit

SUBJECT:

Otero County Prison Facility Annual Review

The annual review of the Otero County Prison Facility conducted on December 10-12, 2008 in Chaparral, New Mexico, 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 Key & Lock Control, Contraband, and Detainee Handbook 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.

Otero County Prison 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 be be by the line of the beby the began the beby the beb

b2High

cc: Official File

ICE:HQDRO 106,67c 12-4526:01/05/2009

ICE Detention Standards Compliance Review

Otero County Prison Facility

December 10-12, 2008

REPORT DATE – December 15, 2008



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

Creative Corrections 6415 Calder, Suite B Beaumont, TX 77706

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

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Making a Difference!

December 15, 2008

MEMORANDUM FOR:

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

FROM:

SUBJECT:

Otero County Prison Facility Annual Detention Review

b6,b7c

Reviewer-In-Charge

Creative Corrections conducted an Annual Detention Review (ADR) of the Otero County Prison Facility (OCPF) in Chaparral, New Mexico, on December 10-12, 2008. As noted on the attached documents, the team of Subject Matter Experts (SME) included **BEDTE**, SME for Security; **EXECUTE**, SME for Health Services; **EXECUTE**, SME for Environmental Health & Safety; and **BEDTE**, SME for Food Services.

A closeout meeting that included a discussion of all deficiencies, concerns, and recommendations noted during our review was conducted with Warden to be brown Friday, December 12, 2008. Expression Deputy Assistant Director, and to be brown Assistant Field Office Director, of Immigration and Customs Enforcement attended the closeout.

Type of Review

This review is an Annual Detention Standard Review to determine general compliance with established ICE National Detention Standards (NDS) for facilities used for over 72 hours.

Review Summary

Both the American Correctional Association and the Correctional Education Association have accredited the Otero County Prison Facility. Neither the National Commission on Correctional Health Care nor the Joint Commission on Accreditation of Healthcare Organizations has accredited the OCPF.

Standards Compliance

The following statistical information provides a summary of the results of this review and a comparison with the results of the previous review.

December 18-20, 200	7 Review	December 10-12, 2008	Review
Compliant	35	Compliant	35
Deficient	1	Deficient	0
At-Risk	0	At-Risk	0
Not-Applicable	2	Not-Applicable	3

<u>RIC Comments</u>

In July of 2008, with the opening of the Otero County Processing Center (OCPC), ICE detainees were removed from the Otero County Prison Facility. However, at the outset of the tour, it was clear that the Otero County Prison Facility did not drop off in its efforts regarding the NDS compliance. The facility is an exceptionally clean and well-managed facility. During the review, the staff and detainees were polite and respectful.

The single area of note was the practice used for issuance of razors to detainees. The review team provided a copy of the team proper "Issuance and Control of Razors." The Deputy Warden, **1000007**, agreed to review the procedures for implementation.

This facility has developed and implemented an exceptional system for storing, issuing, and maintaining constant inventories of hazardous and flammable materials. This system includes a code system to clearly identify each individual material. Each code then correlates to the Material Safety Data Sheet (MSDS) and the inventory so data for that chemical can be accessed immediately.

In addition, the Risk Manager, **basic term**, has developed and implemented an exceptionally comprehensive checklist format for weekly and monthly fire safety inspections. This system is most likely responsible for the continuing high-level of safety conditions maintained within all areas of the facility, but specifically the critical areas of concern, housing units and food services. The Risk Manager also schedules and monitors fire drills for the facility that include three drills per shift monthly, with at least one of those drills including detainees. Staff was remarkably and impressively familiar with these emergency procedures.

Recommended Rating and Justification

It is the Reviewer-in-Charge's (RIC) recommendation that the facility receive a rating of "Acceptable." No Plan of Action is required.

<u>RIC Assurance Statement</u>

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.

A. Type of Facility Reviewed **ICE Service Processing Center ICE Contract Detention Facility** X **ICE Intergovernmental Service Agreement B.** Current Inspection Type of Inspection Field Office X HQ Inspection Date[s] of Facility Review December 10-12, 2008 C. Previous/Most Recent Facility Review Date[s] of Last Facility Review December 18-20, 2007 **Previous** Rating Superior Good X Acceptable Deficient At-Risk D. Name and Location of Facility

Name
Otero County Prison Facility
Address (Street and Name)
10 McGregor Range Road
City, State and Zip Code
Chaparral, NM 88081
County
Otero
Name and Title of Chief Executive Officer (Warden/OIC/Supt.)
Warden
Telephone # (Include Area Code)
575-824 1004
Field Office / Sub-Office (List Office with oversight responsibilities)
El Paso
Distance from Field Office
20 miles

E. ICE Information

Name of Inspector (Last Name, Title and Duty Station)
b6.b7c / RIC / Creative Corrections
Name of Team Member / Title / Duty Location
56,57c SME-Security / Creative Corrections
Name of Team Member / Title / Duty Location
be by be by some set of the set o
Name of Team Member / Title / Duty Location
b6 b7c SME-Food Services / Creative Corrections
Name of Team Member / Title / Duty Location
Balaze / SME-Safety / Creative Corrections

F. CDF/IGSA Information Only

Contract Number	Date of Contract or IGSA
51-04-0064	10-01-2004
Basic Rates per Man-Day	/
\$60.31	
Other Charges: (If None,	, Indicate N/A)
\$15.29 per hour GSA	

Estimated Man-days Per Year: 182,000

G. Accreditation Certificates

List all State or National Accreditation[s] received: American Correctional & Correctional Education Ass.

H. Problems / Complaints (Copies must be attached)

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

I. Facility History

Date Built	
10/9/2003	
Date Last Remodeled	or Upgraded
10/2005	
Date New Constructio	n / Bed space Added
10/2005 / 785 beds .	-
Future Construction P	lanned
Yes 🛛 No Date	
Current Bed space	Future Bed space (# New Beds only)
1,335	Number: N/A Date:

J. Total Facility Population

Total Facility Intake for previous 12 months 10,439	
Total ICE Man-days for Previous 12 months 40,392	

K. Classification Level (ICE SPCs and CDFs Only)

· .	L-1	L-2	L-3
Adult Male	N/A		
Adult Female	N/A		

L. Facility Capacity

	Rated	Operational	Emergency		
Adult Male	1,165	1,165			
Adult Female	188	188			
Facility holds Juveniles Offenders 16 and older as Adults					

M. Average Daily Population

	ICE	USMS	Other
Adult Male	0	619	
Adult Female	0	134	

N. Facility Staffing Level

Security:		Support:
	b2High	

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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	14	12	15	13
Assault:	Types (Sexual Physical, etc.)	Physical	Physical	Physical	Physical
Detainee on Staff	With Weapon	0	0	0.	0
· · · · ·	Without Weapon	2	0	1	0
Number of Forced Moves, incl. Forced Cell moves ³		1	2	1	1
Disturbances ⁴		0	0	0	. 0
Number of Times Chemical Agents Used		2	. 3	0	0
Number of Times Special Reaction Team Deployed/Used		3	2	0	1
# Times Four/Five Point	Number/Reason (M=Medical, V=Violent Behavior, O=Other)	3/Behavior	3/Behavior	•	-
Restraints applied/used	Type (C=Chair, B=Bed, BB=Board, O=Other)	Bed	Bed		-
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	· 1	66	44	27
	# 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	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.

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DHS/ICE Detention Standards Review Summary Report							
	eptable 2. Deficient 3. At Risk 4. Repeat	Finding 5.Not Appl	licable				
	Access Standards			1.	2. 3.	4.	5.
1.	Access to Legal Materials	··		Ø	ΠΠ	TËT	
2.	Group Presentations on Legal Rights		· •			而	
3.	Visitation		ľ	$\overline{\boxtimes}$	FIF		
4.	Telephone Access		1	$\overline{\boxtimes}$	F T		
and the local division of the local division	ee Services						
5.	Admission and Release			\boxtimes			
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 To	wels		\boxtimes			
13.	Marriage Requests		· [\boxtimes			
14.	Non-Medical Emergency Escorted Trip						X
15.	Recreation						
16.	Religious Practices						
17.	Voluntary Work Program						\boxtimes
Health	Services						
18.	Hunger Strikes	· · ·		\boxtimes			
19.	Medical Care	•		\boxtimes			
20.	Suicide Prevention and Intervention		ļ				
21.	Terminal Illness, Advanced Directives and Death			\square			
Securit	y and Control						
22.	Contraband	•	-		니므		
23.	Detention Files		· _				
24.	Disciplinary Policy					ЦЦ	
25.	Emergency Plans	•	Ļ				
26.	Environmental Health and Safety		· _		닗╎닏		
27.	Hold Rooms in Detention Facilities		· · · -				
28.	Key and Lock Control			<u>N</u>	╘┫┥┝┤		
29.	Population Counts		·				
30.	Post Orders		4		╘┽┤╞┤		
31.	Security Inspections				ᆗӇ	╎╞╡╴	
32.	Special Management Units (Administrative Segregat	2			늬닏		
33.	Special Management Units (Disciplinary Segregation	1)			늬님		
34.	Tool Control		-	X	╘┥┝╧┥		
35.	Transportation (Land management)				╘┥╞╡	╎╧┙	\square
36.	Use of Force	•		<u>X</u>	╺┽┼╞╧	14	
37.	Staff / Detainee Communication (Added August 2003	D			片님	╎╞┽╴	
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.

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Form G-324A SIS (Rev. 7/9/07)

Detention Facility Inspection Form Facilities Used Over 72 hours

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	•
	La	
Title & Duty Location	D6,b7c	
RIC, Creative Corrections	December 12, 2008	

Print Name, Title, & Duty Location	
, SME-Food Services, Creative Corrections	
nt Name, Title, & Duty Location	
b6.b7c SME-Environmental Health and Safety, Creative rrections	

·	Good
	Acceptable 🛛
	Deficient
	At-Risk

Comments: ICE detainees were removed from the facility earlier this year. The facility's management team is aware of the various ICE specific postings which would need to be in place should detainees return to the facility. It was evident that the facility had improved in Food Service operations since last year's review.