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February 22, 2008 MEMORANDUM FOR: Gary E. Mead, Acting Director Office of Detention and Removal FROM: Reviewer-In-**Creative Corrections** SUBJECT: Port Isabel Service Processing Center Annual Detention Review Creative Corrections conducted the Annual Detention Review (ADR) of the Port Isabel Service Processing Center (PISPC) located in Port Isabel, Texas, on February 19-21, 2008. As noted on the attached documents, my team of Subject Matter Experts included: 100 hours Health Services , Safety and Environmental Health; . Administration. Food Services and A closeout meeting was held on February 21, 2008, during which all deficiencies, concerns, and recommendations were discussed with Assistant Field Office Director, Acting Officer in Charge Officer in Charge Designee, and key PISPC staff. **Life Safety Finding** ICE National Detention Standards requires, "Entrance/exit door locks of housing units, work areas, chapel, gyms, and other areas with room capacity of 50 or more people shall meet the standards specified in the Occupational Safety and Environmental Health Manual (Chapter 3) and in the National Fire Protection Association Life Safety Code (#101). Specifically, the doors shall be equipped with prison-type locking devices modified to function when pressure is applied from inside the room". Locks in Units Charlie and Delta are not pressure sensitive.

Type of Review:

Charge b6, b7c

This review is a scheduled Detention Standard Review to determine compliance with ICE National Detention Standards for facilities used over 72 hours.

and Assistant Field Office Directo

On Tuesday February 20, 2008, the Reviewer in Charge personally informed Acting Officer in

of this finding.

Review Summary:

The Port Isabel Service Processing Center is accredited by American Correctional Association (ACA), National Commission on Correctional Health Care (NCCHC), and the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

Standards Compliance:

The following statistical information provides a direct comparison of the February 2007, ADR and the ADR conducted in February 2008.

February, 13-15, 2007	<u>, Review</u>	February, 19-21 2008, Review		
Compliant	36	Compliant	37	
Deficient	2	Deficient	0	
At Risk	0	At Risk	1	
Non-Applicable	0	Non-Applicable	0	

Key and Lock Control - At Risk

It is the policy of the ICE service to maintain an efficient system for the use, accountability and maintenance of all keys and locks.

 Only authorized locks (as specified in the detention standard) may be used in detainee accessible areas. Locks in use in housing units Charlie and Bravo are not pressure sensitive locking systems.

Recommendation

• A total of 28 unauthorized locks in Units Charlie and Bravo must be replaced with authorized locks in accordance with standards specified in the Occupational Safety and Environmental Health Manual (Chapter 3) and in the National Fire Protection Association Life Safety Code Section (101), 21.2.11.2. Specifically, the doors shall be equipped with prison-type locking devices modified to function when pressure is applied from inside the room".

RIC Issues and Concerns

Population Demographics

Approximately 80% of the detainee population confined at the PISPC has confirmed criminal backgrounds. Management and line staff voiced their continued concern regarding this issue, citing the complexities of managing a sophisticated criminal population safely as opposed to a non-criminal population.

Continued vigilance and oversight by all concerned must continue in order to properly confine and control the sophisticated criminal elements of the detainee population.

Processing Unit Vehicle Security

There currently is an approved project to enclose the vehicle loading/unloading area adjacent to the processing unit with security fencing to prevent unauthorized access to transport vehicles by detainees. This project should begin as soon as possible.

Digital Fingerprinting

All detainees processed in and out of the PISPC are manually fingerprinted. The current digital finger printing system available at other SPCs is not available here. It is recommended this system be installed at the PISPC as soon as practical.

Food Temperatures, Equipment, and Food Transport

Kitchen and meal production is provided through a Performance Based Contract with Ahtna Technical Services, INC. The provider initiated service on December 9, 2007. Both parties continue to develop mutually agreeable food preparation and delivery procedures consistent with management's requirements. Management may need to allocate emergency funds to provide adequate food preparation and sanitation equipment.

There are no warming ovens and coolers available to support the satellite feeding program. The absence of this equipment may adversely affect approved food delivery temperatures, which could create conditions conducive to food borne illness. Dishwashing equipment in the kitchen is not adequate to support the current satellite feeding program and should be addressed immediately.

Food delivery to the living units is accomplished by transporting food trays in a large truck. The daily use and predictability of a truck inside the secure perimeter poses a security concern. Alternatives to using a truck to deliver food trays to the living units should be explored.

Food Service Fire Suppression System

The National Fire Protection Association requires the UL-300 wet extinguishing fire suppression system and a Class K portable fire extinguisher. The current dry suppression system is no longer authorized for use once it has been discharged.

Medication Administration

During pill line, televisions should be turned off or the volume turned down to facilitate communication between detainees and medical staff. Pill line should be announced and those detainees receiving medication should line up in front of the officers station with their ID cards and wristbands to receive the medication. Medical staff administering the medication should require all detainees to open his/her mouth and raise their tongue to ensure that the medication was swallowed.

Medical Diets

Medical diets are currently ordered and approved by nursing staff in accordance with DIHS policy. ICE National Detention Standards requires approval of all medical diets by the clinical director. There are currently 257 detainees approved for medical diets as directed by nursing staff. It is recommended the clinical director review all medical diets.

Detainee Patient Privacy

The current six-person cubicle area located in the health services unit does not provide adequate privacy for patient information exchanges if more than one patient is being interviewed simultaneously. Patient interviews conducted within the health services unit should be conducted in an area that affords adequate patient privacy.

Key Control



Population Counts

The count process is man-hour intensive because the current automated detainee data system does not allow for automatic count adjustments throughout the day. The daily events such as; temporary releases to court, medical trips, and writs, are not automatically factored into the facility master count. The system also does not provide an automated out-count program. It is recommended this system be evaluated to include all count related functions.

b2High, b7e

Security Lighting

Maintenance staff must be more vigilant with timely repairs of security lights. Numerous interior and exterior security lights are not working and in need of bulb replacement. Additionally, a complete light survey of the facility should be conducted to evaluate security lighting needs.

Corrosive Chemical Use

It is recommended an effort be made to find and substitute less hazardous cleaning chemicals to replace the current dangerous chemicals used for general sanitation throughout the facility. Current chemicals such as Easy Pack corrosive cleaning compounds may be a security concern if not controlled by staff.

Living Unit Trash Receptacles

Trash receptacles currently in use in all housing units do not have a fire rating. These trash receptacles must be replaced with approved fire rated units to prevent the emissions of toxic fumes in the event of a fire.

Recommended Rating and Justification

It is the Reviewer-in-Charge (RIC) recommendation that the facility receive a rating of "At Risk" resultant to the deficient locking system. It is also recommended by the RIC that a Plan of Action be required for this facility to identify and implement necessary corrective actions.

RIC Assurance Statement

All findings of this review have been documented on the Detention Review Worksheet attached and are supported by the written documentation contained in the review file.

HEADQUARTERS EXECUTIVE REVIEW

Comments: The Review Authority has upgraded the rating from "At-Risk" to a "Deficient" rating. The rating was upgraded based on thirty-seven standards being rated acceptable and only one deficient standard rated at-risk. A Plan of Action is required to correct the deficiency identified in the At-Risk finding for the Key and Lock Control Standard; in addition, Plan of Actions are required to address line item deficiencies in Food Temperatures-Equipment, Food Service-Fire Suppression System, Medication Administration, Detainee Patient Privacy, Key Control, Perimeter Detection, and Security Lighting.



DETENTION FACILITY INSPECTION FORM FACILITIES USED LONGER THAN 72 HOURS

	W	***************************************			
k 20					
A. Type of Facility Reviewed	G. Accreditation Certificates List all State on National According to Colonial Control of Colonial Control of Colonial				
☐ ICE Service Processing Center ☐ ICE Contract Detention Facility	List all State or National Accreditation[s] received: ACA / NCCHC - JCAHO				
ICE Contract Detention Facility ICE Intergovernmental Service Agreement	ACA / NCCHC - JCAHO Check box if facility has no accreditation[s]				
Tel: mergovernmental service Agreement	LL CHECK DON IL	actification and and an	contanon[5]		
B. Current Inspection			ies must be attacl		
Type of Inspection			or Class Action Fi		
Field Office	☐ Court Order		Class Action Order	•	
Date[s] of Facility Review	The Facility has Significant Litigation Pending				
02/19 - 02/21/2008	Major Lifigation Life/Safety Issues				
C Describer (Mart Parent English Paris	☐ Check if None	*			
C. Previous/Most Recent Facility Review Date[s] of Last Facility Review	I. Facility Hist				
2/13 - 2/15/2007	Date Built	91 <u>1</u>	***************************************	······································	
Previous Rating	Facility – 1950 / New Building 02/05/2007				
☐ Superior ☐ Good Acceptable ☐ Deficient ☐ At-Risk	Date Last Remode			**************************************	
	2007		**		
D. Name and Location of Facility	Date New Construction / Bed space Added				
Name	2001	**************************************			
Port Isabel Detention Center	Future Constructi			-	
Address (Street and Name)	Yes ⊠ No Dat	e: Pendin	g		
27991 Buena Vista Blvd					
City, State and Zip Code	Current Bed Space	Future I	Bed Space (# New	Beds only)	
Los Fresnos, Texas 78566	1200		: Unknown Date:	~ ′	
County			***************************************		
Name and Title of Chief Executive Officer	J. Total Facilit		·····		
(Warden/OIC/Superintendent)	Total Facility Intake for previous 12 months				
b6, b7c (Acting) Officer in Charge	9,726				
Telephone # (Include Area Code)	Total ICE Man days for Previous 12 months				
956. b6, b7c	366,226				
Field Office / Sub-Office (List Office with oversight responsibilities)	V Classification	a I assal (ICE C	PCs and CDFs O	~I«·\	
San Antonio / Harlingen Resident Office	is. Classificatio	I		L-3	
Distance from Field Office	Adult Male	16	**************************************	477	
San Antonio – 250 / Harlingen – 30 Miles	Adult Female	41	······································	0	
	1 100010 1 0111010				
E. Creative Corrections Review Team	<u> </u>		<u></u>		
b6, b7c Reviewer in Charge	L. Facility Cap	acity			
b6, b7c Reviewer in Charge		Rated	Operational	Emergency	
b6, b7c SME, Security			······································		
	Adult Male	900	900	900	
b6 r, SME, Health Services	Adult Female	300	300	300	
	L Facility holds	Juveniles Offi	enders 16 and olde	er as Adults	
b6 SME, Administration					
	M. Average Dai	4 Secondary	n I mare	72.7	
b6 SME, Food Service		<u>ICI</u>		Other	
CARP Capacita and Thursday 1999 849	Adult Male	77:	***************************************	N/A	
b6 SME, Safety and Environmental Health	Adult Female	15	7 N/A	N/A	
F. CDF/IGSA Information Only		-	-		
Contract Number Date of Contract or IGSA	N. Facility Staf	fing Level			
N/A Security: Support:			Venetrinose		
Basic Rates per Man-Day	b2	High			
NA					
Other Charges: (If None, Indicate N/A)					
X/A					

Estimated Man-days per Year

N/A

SIGNIFICANT INCIDENT SUMMARY WORKSHEET

In order for Creative Corrections to complete its review of your facility, you <u>must</u> 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
Assaults	Types (Sexual ¹ , Physical, etc.)	HP	6 P	6 P	18 P
	With Weapon	0	0	0	0
	Without Weapon	7-11-1	6	. 6	18
Assault:	Types (Sexual Physical, etc.)	5 P	1 P	. 1 P	4 P
Detainee on Staff	With Weapon	; 0	0	. 0	0
	Without Weapon	5	1	1	4
Number of Forced Moves, incl. Forced Cell Moves ²		0	0	0	0
Disturbances ³		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.		44	59	92	157
Escapes	Attempted	l	0	0	0
	Actual	0	0	0	0
Grievances	# Received	30	72	174	608
	# Resolved in Favor of Offender/Detainee	26	65	156	581
Deaths	Reason (V=Violent, I=Illness, S=Suicide, A=Attempted Suicide, O=Other)	2 A	4 A	0	0
	Number	0	0	0	0
Psychiatric / Medical Referrals	# Medical Cases Referred for Outside Care	141	161	125	135
	# Psychiatric Cases Referred for Outside Care	0	0	0	ı

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

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

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

DHS/ICE DETENTION STANDARDS REVIEW SUMMARY REPORT

1. AC	CEPTABLE	2. DEFICIENT	3. AT-RISK	4. REPEAT FINDING	5. NOT APPLICABLE		
LEGAL ACCESS STANDARDS					1.	2, 3. 4. 5,	
1. Access to Legal Materials					X		
2.	Group Pres	sentations on Legal R	ights		•	\boxtimes	
3.	Visitation					\boxtimes	
4.	Telephone	Access					
DETA	INEE SERV	'ICES					4 4
5.		and Release					
6.	Classificat	•				\boxtimes	
7.		dence and Other Mail				\boxtimes	
8.	Detainee F					\boxtimes	
9.	Food Serv					\square	
10.		Personal Property				\boxtimes	
11.		Brievance Procedures		_	•		
12.		nd Exchange of Cloth	ing, Bedding, and To	owels			
13.	Marriage F					\boxtimes	
14.		cal Emergency Escort	ed Trip		•		<u> </u>
15.	Recreation						
16.	Religious l						
17.		Work Program					
******************	TH SERVICE	~~ <u>~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~</u>	-				
18.	Hunger Str						
19.	Medical C					\boxtimes	
20.	Suicide Prevention and Intervention						
21.	······	Ilness, Advanced Dire	ectives and Death		·		
	RITY AND	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~					
22.	Contraban				*		
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 Post Orders X						
30.							
31.	Security Inspections Special Management Units (Administrative Detention)						
32.							
33.							
34.	Tool Control						
35.	Transportation (Land management)						
36.	Use of Force Staff / Detainee Communication (Added August 2003)						
37.	Detainee Transfer (Added September 2004)						
38. Detainee Transfer (Added September 2004)							

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)	Signature				
b6, b7c	b6, b7c				
Title & Duty Location					
Reviewer in Charge, Creative Corrections	February 22, 2008				
TEAM	MEMBERS				
Print Name, Title, & Duty Location	Print Name, Title, & Duty Location				
Administration SME	Environmental Health and Safety SME				
Print Name, Title, & Duty Location	Print Name, Title, & Duty Location				
b6, b7c Security SME	Health Services SME				
Print Name, Title, & Duty Location					
Food Services SME					
RECOMMENDED RATING: SUPERIOR GOOD ACCEPTABLE DEFICIENT AT-RISK					

COMMENTS: On February 12, 2007 Detainee b6, b7c attempted to escape the facility by running toward the perimeter security fence giving staff the impression he was going to attempt to scale the fence. He did not scale the fence and did not escape, however the AUSA declined prosecution.

Port Isabel Service Processing Center is a well managed facility with a very competent and professional staff. The recommended rating is resultant to the Life Safety Finding regarding the locking system. Absent this issue, the rating would have more accurately reflected an efficient and effectively managed facility.