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Office of Professional Responsibility
Inspections and Detention Oversight Division
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Office of Detention Oversight Compliance Inspection

Enforcement and Removal Operations
ERO Salt Lake City Field Office
Henderson Detention Center
Henderson, Nevada

November 27–29, 2018

**COMPLIANCE INSPECTION
for the
Henderson Detention Center
Henderson, NV**

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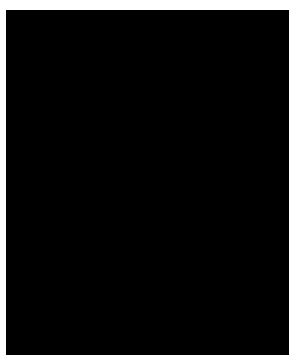
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COMPLIANCE INSPECTION TEAM MEMBERS



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FACILITY OVERVIEW

The Office of Detention Oversight (ODO) conducted a compliance inspection of the Henderson Detention Center (HDC) in Henderson, Nevada, from August 11 - 13, 2015.¹ HDC opened in 1994 and is owned by the City of Henderson and operated by the Henderson Police Department (HPD). The U.S. Immigration and Customs Enforcement (ICE) Office of Enforcement and Removal Operations (ERO) began housing detainees at HDC in 2011, pursuant to an Intergovernmental Services Agreement (IGSA), under the oversight of ERO's Field Office Director (FOD) in Salt Lake City, Utah.

A Detention Services Manager is the only ERO employee assigned to the facility. An HDC Superintendent is responsible for oversight of daily facility operations and is supported by ██████ personnel. HDC provides food services and NaphCare provides medical services. The facility holds no accreditations. The facility is not contractually obligated to comply with the ICE Performance-Based National Detention Standards (PBNDS) 2011, Sexual Abuse and Assault Prevention and Intervention (SAAPI) standard but made efforts to comply. This is ODO's fourth compliance inspection of the HDC.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity ²	240
Average Daily ICE Detainee Population ³	232
Male Detainee Population (as of 11/13/2018)	205
Female Detainee Population (as of 11/13/2018)	25

In FY2015, ODO conducted an inspection of HDC under the National Detention Standard (NDS) 2000, reviewed the facility's compliance with 15 standards and found the facility compliant with four standards. ODO found 23 deficiencies in the remaining 11 standards: Access to Legal Material (2), Admission and Release (1), Detainee Classification System (1), Food Service (2), Funds and Personal Property (1), Telephone Access (1), Environmental Health and Safety (3), Special Management Unit -Administrative (2), Special Management Unit -Disciplinary (3), Use of Force (1), and Medical Care (6).

¹ Male and female detainees with low, medium and high security classification levels are detained at the facility for longer than 72 hours.

² Data Source: ERO Facility Questionnaire as of November 07, 2018.

³ *Ibid.*

FY 2018 FINDINGS BY NDS 2000 MAJOR CATEGORIES

NDS 2000 STANDARDS INSPECTED ⁴	DEFICIENCIES
Part 1 – Detainee Services	
Access to Legal Material	0
Admission and Release	4
Detainee Classification System	0
Detainee Grievance Procedures	0
Detainee Handbook	0
Food Service	0
Funds and Personal Property	2
Staff-Detainee Communication	0
Telephone Access	0
Sub-Total	6
Part 2 – Security and Control	
Environmental Health and Safety	1
Special Management Unit (Administrative Segregation)	0
Special Management Unit (Disciplinary Segregation)	0
Use of Force	1
Sub-Total	2
Part 3 – Health Services	
Medical Care	0
Suicide Prevention and Intervention	0
Sub-Total	0
PBNDS 2011 Standard Inspected	
Sexual Abuse and Assault Prevention and Intervention	N/A
Sub-Total	0
Total Deficiencies	8

⁴ For greater detail on ODO's findings, see the *Compliance Inspection Findings* section of this report.

COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population greater than ten and where detainees are housed for over 72-hours to assess compliance with ICE national detention standards. These inspections focus solely on facility compliance with detention standards that directly affect detainee life, health, safety, and/or well-being.⁵ ODO identifies violations linked to ICE detention standards, ICE policies, or operational procedures as *deficiencies*. ODO highlights instances when the facility resolves deficiencies prior to completion of the ODO inspection; these corrective actions are annotated with “C” under the Inspection Findings section of this report.

At the conclusion of each inspection, ODO hosts a closeout briefing with facility and local ERO officials to discuss preliminary findings. A summary of these findings is also shared with ERO management officials. Thereafter, ODO provides ICE leadership with a final compliance inspection report to (i) assist ERO in developing and initiating corrective action plans and (ii) provide senior executives with an independent assessment of facility operations. Additionally, ODO findings inform ICE executive management decision making in better allocating resources across the agency’s entire detention inventory.

⁵ ODO reviews the facility’s compliance with selected standards in their entirety.

DETAINEE RELATIONS

ODO interviewed seventeen (17) detainees to assess the conditions of confinement at HDC. Interview participation was voluntary and none of the detainees made any allegations of abuse, discrimination, or mistreatment. The detainees reported being satisfied with facility services, apart from the complaints below:

Medical Care: One detainee complained about a rash on his legs that was not responding to treatment.

- Action Taken: ODO reviewed the detainee's medical records and spoke with medical staff. ODO found when medical staff initially evaluated the detainee, they provided him hydrocortisone ointment and Benadryl, an antihistamine, to reduce itching. Medical staff evaluated him again two months later (approximately two weeks prior to ODO's inspection), changed the ointment to Mupirocin, an ointment used to treat skin infections, and instructed the detainee to return to sick call if the treatment did not resolve the rash.

Medical Care: One detainee requested dental care claiming his teeth hurt.

- Action Taken: ODO reviewed the detainee's medical record and interviewed staff. Medical staff referred the detainee to the community dentist the same day he was interviewed by ODO, and one of his teeth was diagnosed as decayed and extracted.

COMPLIANCE INSPECTION FINDINGS

DETAINEE SERVICES

ADMISSION AND RELEASE (AR)

ODO reviewed the HDC admissions process and found HDC prohibits strip-searches of detainees unless there is reasonable suspicion a detainee is concealing contraband and the required supervisor approves the search. Facility staff document strip searches on a movement card. The movement card also documents searches by type and criteria used and notes supervisory approval of searches. Interviews with staff and review of movement cards showed the facility does not utilize the Record of Search Form (G-1025) or an equivalent, to document strip searches (**Deficiency-AR-1⁶**).

While the facility issues detainees clothing, bedding, towels and personal hygiene items, it does not issue detainees clothing appropriate for local weather conditions (**Deficiency-AR-2⁷**). Detainees are issued short sleeve shirts and long pants, but no jackets or sweatshirts. ODO observed detainees covered with blankets and towels in the booking area after they were issued their clothing due to the cold temperatures. Sweat shirts are only available for purchase at HDC, and ODO found that both the weather conditions and the internal facility temperatures necessitate clothing other than short sleeves.

ODO reviewed the HDC orientation policy and although it conformed to the standard, ODO found HDC's orientation procedures were not approved by ERO (**Deficiency-AR-3⁸**).

ODO reviewed the HDC release policy and although it conformed to the standard, ODO found HDC's release procedures were not approved by ERO (**Deficiency-AR-4⁹**).

FUNDS AND PERSONAL PROPERTY (F&PP)

HDC policy addresses procedures for returning funds, valuables and personal property; however, it does not include procedures for the handling of ICE detainees' abandoned property (**Deficiency F&PP-1¹⁰**). ODO's review of the detainee handbook showed it does not notify detainees of the rules for storing or mailing property not allowed in their possession; the procedure for claiming

⁶ "If information developed during admission processing supports reasonable suspicion for a full search, the information supporting suspicion should be documented in detail on Form G-1025, Record of Search." *See* Change Notice Admission and Release-National Detention Standard Strip Search Policy, dated October 15, 2007. **This is a repeat deficiency.**

⁷ "Staff will issue every arriving detainee personal-hygiene items, clothing, sheets and blankets appropriate for local weather conditions." *See* ICE NDS 2000, Standard Admission and Release, Section (III)(A)(2).

⁸ "All facilities shall have a medium to provide INS detainees an orientation to the facility. In IGSA's the INS office of jurisdiction shall approve all orientation procedures." *See* ICE NDS 2000, Standard, Admission and Release, Section (III)(J).

⁹ Staff must complete certain procedures before any detainee's release, removal, or transfer from the facility. Necessary steps include completing and processing forms, closing files, fingerprinting; returning personal property; and reclaiming facility-issued clothing, bedding, etc. INS will approve (sic) the IGSA release procedures." *See* ICE NDS 2000, Standard, Admission and Release, Section (III)(J). Note: NDS outline is in error. The cited section should be (III)(L).

¹⁰ "All CDFs and IGSA facilities shall report and turn over to ICE all detainee abandoned property." *See* ICE NDS 2000, Standard, Funds and Personal Property, Section (III)(I).

property upon release, transfer, or removal; or, the procedures for filing a claim for lost or damaged property. (**Deficiency F&PP-2¹¹**).

SECURITY AND CONTROL

ENVIRONMENTAL HEALTH AND SAFETY (EH&S)

ODO inspected the housing areas several times during the course of the inspection. Although the female units were generally clean, ODO found calcium buildup and excessive rust on the air vents in the showers. The male unit common areas were also generally clean; however, the showers also had calcium buildup and were littered with pieces of soap, hair, and towel strings. ODO observed many showers had peeling paint and rust on the vents and light fixtures (**Deficiency EH&S-1¹²**).

USE OF FORCE (UOF)

ODO's review of the use of force (UOF) and medical files found no written documentation of a medical examination and medical services provided following two of the UOF incidents (**Deficiency UOF-1¹³**). ODO's observation of the UOF video footage showed a nurse providing medical care after one of the two incidents; however, the record contained no written documentation of the assessment or results.

HEALTH SERVICES

MEDICAL CARE (MC)

Health care has been provided by contract provider NaphCare, based in Birmingham, Alabama, since July 1, 2018. When NaphCare assumed health care responsibilities at HDC, the company completed its own initial history and physical examination of each detainee in order to establish an independent baseline for every detainee's health, and to ensure continuity of detainee care, which ODO notes as a **Best Practice (Medical Care BP-1)**. By contract, NaphCare is required to comply with standards of the American Correctional Association (ACA), and the National Commission on Correctional Health Care (NCCHC). ODO observed that the NaphCare policies and procedures reference current NCCHC standards.

NaphCare utilizes an electronic medical record (EMR) which limits access to medical staff only. At the time of a detainee's initial examination, the EMR automatically schedules annual physical and dental examinations, as well as an annual TB screening. ODO cites as a **Best Practice** that when providers enter a prescription order in the EMR, the prescription order is electronically

¹¹ "The detainee handbook or equivalent shall notify the detainees of facility policies and procedures concerning personal property, including:

1. Which items they may retain in their possession;
2. That, upon request, they will be provided an INS-certified copy of any identity document (passport, birth certificate, etc.) placed in their A-files;
3. The rules for storing or mailing property not allowed in their possession;
4. The procedure for claiming property upon release, transfer or removal;
5. The procedures for filing a claim for lost or damaged property."

See ICE NDS 2000, Standard, Funds and Personal Property, Section (III)(J).

¹² "Environmental health conditions will be maintained at a level that meets recognized standards of hygiene. The standards include those from the American Correctional Association." See ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(R)(1).

¹³ "After any use of force or forcible application of restraints, medical personnel shall examine the detainee, immediately treating any injuries. The medical services provided shall be documented." See ICE NDS 2000, Standard, Use of Force, Section (III)(G)(2).

submitted to NaphCare’s pharmacy, reducing potential delay in detainees receiving prescribed medications (**Medical Care BP-2**).

ODO notes as an **Area of Concern**, that HDC left oxygen cylinders standing on counter tops in three housing unit control centers. Because the oxygen cylinders were not secured to a wall or held in approved oxygen tank holders, which are designed to prevent accidental damage, HDC risks potential rupture of the unsecured cylinders.

CONCLUSION

During this inspection, ODO reviewed the facility’s compliance with 15 standards under the NDS 2000 and found the facility compliant with 11 standards. ODO found eight deficiencies in the remaining four standards, which is a significant decrease in the number of deficiencies found since ODO’s last inspection in 2015. ODO found facility staff were knowledgeable and professional in their interactions with both detainees and the ODO team. ODO also identified two best practices in the facility’s compliance with the medical care standard: 1) Naphcare’s practice of completing its own initial history and physical examination of each detainee in order to establish an independent baseline for every detainees’ health, and 2) Naphcare’s use of an EMR to automatically submit prescription orders to the company’s pharmacy, thereby reducing delays in delivering prescription medications to detainees. Henderson Detention Center has significantly improved their compliance with the NDS 2000 since ODO’s inspection in 2015.

Compliance Inspection Results	FY 2015 (NDS 2000)	FY 2018 (NDS 2000)
Standards Reviewed	15	15
Deficient Standards	11	4
Overall Number of Deficiencies	23	8
Corrective Action	0	0
Best Practices	0	2