MEMORANDUM FOR: John P. Torres
Director
Office of Detention and Removal

FROM: [Redacted]
Deportation Officer
Pearsall, Texas

SUBJECT: Brooks County Detention Center Annual Detention Review

September 24, 2007

The Harlingen, Texas Field Office, Office of Detention and Removal conducted a detention review of the Brooks County Detention Center on September 18 to September 19, 2007. This review was conducted by Deportation Officers and [Redacted]. This facility is used for detainees requiring housing over 72 hours.

Type of Review:
This review is a scheduled Operational Review to determine general compliance with established Immigration and Customs Enforcement (ICE) National Detention Standards, for facilities utilized for detention over 72 hours. The last review of this facility was on April 14, 2006.

Review Summary:
The Brooks County Detention Center is owned and operated by L.C.S. Corrections. Warden [Redacted] advised that L.C.S. is currently reviewing and revising policies and manuals; policy dated 2005. Brooks County Detention Center is not currently accredited.

Review Findings:
The following information summarizes those standards not in compliance. Each standard is identified and a short summary provided regarding standards or procedures not currently in compliance.

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<tr>
<th>Category</th>
<th>Count</th>
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<tbody>
<tr>
<td>Compliant</td>
<td>23</td>
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<tr>
<td>Deficient</td>
<td>10</td>
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<tr>
<td>At-Risk</td>
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<tr>
<td>Non-Applicable</td>
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[Redacted]
Standards Summary Findings:

Classification System-Deficient:
- ICE does not provide facility with information on detainees’ criminal history or information in reference to case information or proceedings.
- The facility currently classifies all ICE detainees as high flight/escape risks.
- ICE detainees are all housed together and separate from USM and BOP detainees.

✓ ICE needs to be addressed in providing pertinent information for classification purposes.

✓ Plan of Action: Facility is providing classification information in the detainee handbook, they are also purchasing new uniforms in attempt to address classification system.

Detainee Handbook-Deficient:
- Information provided in handbook is very limited in reference to the classification system, count times, issuance of specific items, religious programming, free calls to consulates, programmed phone numbers and the grievance process.
- An inspection of dorms and living areas indicate this information is not provided in any written form.
- We were advised by staff that most of the information is provided to detainees verbally by staff.

✓ Plan of Action: Facility Administration has provided us with a draft copy of the new detainee handbook being prepared. They will address deficiencies noted during this inspection.

Disciplinary Policy-Deficient:
- The detainee handbook does not identify sanctions imposed with infractions.
- Disciplinary reports are not properly reviewed and forwarded as required.

✓ Plan of Action: Facility Major will address the disciplinary issue as well as post in the new detainee handbook.

Environmental Health & Safety-Deficient:
- Cleaning supplies are maintained in janitor closets in 2 outer buildings.
- No record of inventory maintained.
- Logs for handling and disposing requirements are not available.
- Inmates where observed handling chemicals without gloves and cleaning supplies were not clearly identified on containers.
- The staff is provided with limited training in handling flammable, toxic materials upon employment and is limited to accessibility to MSDS manuals.
- No record of OSHA inspection was provided.

✓ Plan of Action: Warden and his staff will address deficiencies.
Key and Lock Control-Deficient:

- Key ring indicates 7 keys are available, only 6 key on ring.
- One key contained is broken, the lock was changed and 2 additional keys were added without removal of broken key.
- Facility is equipped with one safe; the only person with knowledge of combination is the administrative assistant.
- Seven keys were logged out off the key control; only six keys were properly signed out in log.
- Facility could not provide an inventory sheet.

✓ Plan of Action: Warden advised that they are currently utilizing a temporary chit system. He and the Chief of security will address key control to incorporate a more efficient system.

Post Orders-Deficient:

- The Post Orders have not received annual review, the last update and review was 2005.
- The tower guard is an armed position and has not qualified with provided weapon.

✓ Plan of Action: Post Orders are currently under review by Facility Administration. They will address deficiencies noted during this inspection.

Special Management Unit (Administrative Segregation) -Deficient:

- No administrative segregation order available.
- No record of supervisor reviews or 7 day reviews.
- Copies of decision are not provided to detainee.
- Medical staff only provides health case visits upon request from detainee.

✓ Plan of Action: Facility administrator will address SMU. RIC was advised that medical staff conducts visits but has no form of documentation (Confirmed with Head Nurse). Facility administrator will address health care documentation with medical staff.

Special Management Unit (Disciplinary Segregation) -Deficient:

- Disciplinary segregation orders were not available.
- Inspector was advised that they are placed in inmate folders upon completion of segregation.
- No reports were available for detainees currently in segregation.
- Medical staff only provides health case visits upon request from detainee.

✓ Plan of Action: Facility Administrator will address SMU. RIC was advised that medical staff conducts visits but has no form of documentation. Facility administrator will address health care documentation with medical staff.
**Transportation-Deficient:**

- The Facility’s current policy does not meet ICE standards. Transport vehicles are not equipped with two-way radios.
- The Warden advised that although officers carry Nextel phones, there are large areas where service is not available.

✓ Plan of Action: The Warden the RIC that the LCS policy is currently under review and will address Transportation issue.

**Use of Force-Deficient:**

- The Facility’s policy does not cover less than lethal procedures.
- Logs for use of force are not available.
- Policy does not meet ICE standards in the consultation with supervisors or medical staff prior to use of force.

✓ Plan of Action: The Warden the RIC that the LCS policy is currently under review and will address Use of Force issue.

**RIC Observations:**

BEST PRACTICE: The facility’s food service department has an outstanding program. The kitchen supervisor was very knowledgeable of policies and practices. The kitchen staff was very courteous, orderly and efficient throughout the inspection. The kitchen vents, ceilings, storage rooms and freezer were free of oils or debris. The carts and tray were clear of any buildup or grease; appeared clean and sanitary.

STAFF: The staff was questioned at length on various components. The staff was knowledgeable of policies and procedures in place. Although some of their policies were contrary to ICE requirements, the staff provided truthful information in respect to practices and procedures. The staff was very friendly and courteous and appeared to have great rapport with one another.

COMMUNICATION: There are no significant concerns or issues as a result of the review. ICE staff is not on-site or part of the management team of the facility. The United States Marshal Service has oversight of this facility; representatives from the USMS were not available during this review.

**RIC Issues and Concerns**

In reviewing the disciplinary policy for the Brooks Detention Center, the facility does not have a policy compliant with ICE standards. Detainee rules of conduct, sanctions and procedures for violations are not addressed in the detainee handbook nor in any other written form of notification. According to their policy, detainees may be deprived of bedding, recreation time and visitation rights for disciplinary violations. Such sanctions, if imposed, may have effect on detainees’ welfare and well-being. Furthermore, lack of logs or documentation of disciplinary actions taken can not be provided or accounted for by the facility.
**Recommended Rating and Justification:**
It is the Reviewer in Charge recommendation that the facility receive a rating of "Acceptable". It is the recommendation of the RIC that a plan of action is required for this facility.

**RIC Assurance Statement:**
All findings of this review have been documented on Form G-324A 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
☒ ICE Intergovernmental Service Agreement

B. Current Inspection
Type of Inspection
☒ Field Office  ☐ HQ Inspection
Date[s] of Facility Review
9/17/07 - 09/21/07

C. Previous/Most Recent Facility Review
Date[s] of Last Facility Review
01/26-27/2006
Previous Rating
☐ Superior  ☒ Good  ☐ Acceptable  ☐ Deficient  ☐ At-Risk

D. Name and Location of Facility
Name
Brooks County Detention Center
Address (Street and Name)
901 County Road 201
City, State and Zip Code
Falfurrias, Texas 78355
County
Brooks
Name and Title of Chief Executive Officer (Warden/OIC/Superintendent)
[Redacted]
Telephone # (Include Area Code)
(361) [Redacted]
Field Office / Sub-Office (List Office with oversight responsibilities)
SNA Field Office
Distance from Field Office

E. ICE Information
Name of Inspector (Last Name, Title and Duty Station)
Deportation Officer / Pearsall, Texas
Name of Team Member / Title / Duty Location
Deportation Officer / Hutto, Texas
Name of Team Member / Title / Duty Location
Name of Team Member / Title / Duty Location

F. CDF/IGSA Information Only
Contract Number
ACD-4-H-1003
Date of Contract or IGSA
09/30/2004
Basic Rates per Man-Day
$47.00
Other Charges: (If None, Indicate N/A)
N/A; ; ;
Estimated Man-days Per Year
365

G. Accreditation Certificates
List all State or National Accreditation[s] received:
☒ Check box if facility has no accreditation[s]

H. Problems / Complaints (Copies must be attached)
The Facility is under Court Order or Class Action Finding
☐ Court Order  ☐ Class Action Order
The Facility has Significant Litigation Pending
☐ Major Litigation  ☐ Life/Safety Issues
☒ Check if None.

I. Facility History
Date Built
2001
Date Last Remodeled or Upgraded
2002
Date New Construction / Bedspace Added
2002
Future Construction Planned
☐ Yes  ☐ No  Date:
Current Bedspace
544
Future Bedspace (# New Beds only)
Number: Date:

J. Total Facility Population
Total Facility Intake for previous 12 months
AVERAGE 542
Total ICE Mandays for Previous 12 months

K. Classification Level (ICE SPCs and CDFs Only)
Adult Male
L-1  L-2  L-3
Adult Female

L. Facility Capacity
Rated  Operational  Emergency
Adult Male
480  480  480
Adult Female
64  64  64
☐ Facility holds Juveniles Offenders 16 and older as Adults

M. Average Daily Population
[ICE]  USMS  Other
Adult Male
0  400  25
Adult Female
0  44  10

N. Facility Staffing Level
Security:  Support:
[Redacted]  [Redacted]

Form G-324A (Rev. 8/13/04) No Prior Version May Be Used After 10/1/04
**Significant Incident Summary Worksheet**

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

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<tbody>
<tr>
<td>Assault:</td>
<td>Types (Sexual(^1), Physical, etc.)</td>
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<td>0</td>
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<tr>
<td>Offenders on</td>
<td>With Weapon</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>0</td>
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<td>Offenders(^1)</td>
<td>Without Weapon</td>
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<td>Assault:</td>
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<td>Detainee on</td>
<td>With Weapon</td>
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<td>Staff</td>
<td>Without Weapon</td>
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<td>Number of Forced Moves, incl. Forced Cell moves(^3)</td>
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<td>Disturbances(^4)</td>
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<td>Number of Times Chemical Agents Used</td>
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<td>0</td>
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<td>Number of Times Special Reaction Team Deployed/Used</td>
<td>0</td>
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<tr>
<td># Times Four/Five Point Restraints applied/used</td>
<td>Number/Reason (M=Medical, V=Violent Behavior, O=Other)</td>
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<td></td>
<td>Type (C=Chair, B=Bed, BB=Board, O=Other)</td>
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<td>Offender / Detainee Medical Referrals as a result of injuries sustained</td>
<td>0</td>
<td>0</td>
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<td>Escapes</td>
<td>Attempted</td>
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<td>Actual</td>
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<td>Grievances:</td>
<td># Received</td>
<td>23</td>
<td>11</td>
<td>18</td>
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<td># Resolved in favor of Offender/Detainee</td>
<td>2</td>
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<td>Deaths</td>
<td>Reason (V=Violent, I=Illness, S=Suicide, A=Attempted Suicide, O=Other)</td>
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<td>Psychiatric / Medical Referrals</td>
<td># Medical Cases referred for Outside Care</td>
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<td># Psychiatric Cases referred for Outside Care</td>
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1. Any attempted physical contact or physical contact that involves two or more offenders
2. Oral, anal or vaginal penetration or attempted penetration involving at least 2 parties, whether it is consenting or non-consenting
3. Routine transportation of detainees/offenders is not considered "forced"
4. 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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Form G-324A (Rev. 8/13/04) No Prior Version May Be Used After 10/1/04
### DHS/ICE Detention Standards Review Summary Report

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<td>Legal Access Standards</td>
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<td>2. Group Presentations on Legal Rights</td>
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<td>3. Visitation</td>
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<td>4. Telephone Access</td>
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<td>Detainee Services</td>
<td>5. Admission and Release</td>
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<td>6. Classification System</td>
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<td>8. Detainee Handbook</td>
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<td>9. Food Service</td>
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<td>10. Funds and Personal Property</td>
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<td>11. Detainee Grievance Procedures</td>
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<td>12. Issuance and Exchange of Clothing, Bedding, and Towels</td>
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<td>14. Non-Medical Emergency Escorted Trip</td>
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<td>17. Voluntary Work Program</td>
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<td>Health Services</td>
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<td>19. Medical Care</td>
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<td>20. Suicide Prevention and Intervention</td>
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<td>21. Terminal Illness, Advanced Directives and Death</td>
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<td>Security and Control</td>
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<td>23. Detention Files</td>
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<td>24. Disciplinary Policy</td>
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<td>25. Emergency Plans</td>
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<td>26. Environmental Health and Safety</td>
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<td>27. Hold Rooms in Detention Facilities</td>
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<td>28. Key and Lock Control</td>
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<td>29. Population Counts</td>
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<td>30. Post Orders</td>
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<td>31. Security Inspections</td>
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<td>32. Special Management Units (Administrative Segregation)</td>
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<td>33. Special Management Units (Disciplinary Segregation)</td>
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<td>34. Tool Control</td>
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<td>35. Transportation (Land management)</td>
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<td>36. Use of Force</td>
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<td>37. Staff / Detainee Communication (Added August 2003)</td>
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<td>38. Detainee Transfer (Added September 2004)</td>
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All findings (Deficient and At-Risk) require written comment describing the finding and what is necessary to meet compliance.

Form G-324A (Rev. 8/13/04) No Prior Version May Be Used After 10/1/04
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)  
Title & Duty Location  
D.O.  

Date  

September 24, 2007  

Team Members  
Print Name, Title, & Duty Location  
Print Name, Title, & Duty Location  

Recommended Rating:  
☐ Superior  
☐ Good  
☒ Acceptable  
☐ Deficient  
☐ At-Risk  

Comments:  
The majority of inmates detained at Brooks County Detention Center are US Marshals and Bureau of Prisons detainees. There were no detainees held for ICE at the time of inspection. The facility provides temporary detention for ICE and year to date the facility has held 252 ICE detainees for an average of 6.9 days.

Warden has informed us that they are housed and operated by LCS and their policies and procedures are currently under review. He has also advised that his staff is reviewing local policy and procedures in effort to implement policies that will "cater" to on site specific issues.

Warden addressed concerns and the differences of detaining inmates for US Marshal and Bureau of Prison inmates versus ICE inmates. Despite the differences required from these agencies, the Warden has advised that Standard Operating Procedures are being corrected and implemented to address the deficiencies and meet ICE standards and requirements.
**MANAGEMENT REVIEW**

**Review Authority**

The signature below constitutes review of this report and acceptance by the Office of Detention and Removal. **The Facility has 30 days from receipt of this report to respond to all findings and recommendations.**

<table>
<thead>
<tr>
<th>HQDRO MANAGEMENT REVIEW: (Print Name)</th>
<th>Signature</th>
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<tbody>
<tr>
<td>John P. Torres</td>
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<table>
<thead>
<tr>
<th>Title</th>
<th>Date</th>
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<tbody>
<tr>
<td>Director (Acting)</td>
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**Final Rating:**

- Superior
- Good
- Acceptable
- Deficient
- At-Risk

**Comments:**

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