ICE Detention Standards Compliance Review

Frio County Detention Center

September 3-5, 2008

REPORT DATE – September 8, 2008

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

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

COTR
U.S. Immigration and Customs Enforcement
Detention Standards Compliance Unit
801 I Street NW
Washington, DC 20536
MEMORANDUM FOR: James T. Hayes, Jr., Director  
Office of Detention and Removal Operations

FROM: Reviewer-In-Charge

SUBJECT: Frio County Detention Center  
Annual Detention Review

Creative Corrections conducted an Annual Detention Review (ADR) of the Frio County Detention Center (FCDC), Pearsall, Texas, on September 3-5, 2008. As noted on the attached documents, the team of Subject Matter Experts (SME) included SME for Security; SME for Health Services; SME for Environmental Health and Safety; and 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 and several of his staff on Friday, September 5, 2008. SIEA and IEA of the San Antonio Field Office were provided a separate closeout.

Type of Review

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

Review Summary

The Texas Jail Commission has accredited the FCDC. The American Correctional Association (ACA) has not accredited the FCDC. In addition, neither the National Commission on Correctional Health Care (NCCHC) or the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) has accredited the FCDC.

Standards Compliance

The following statistical information provides a comparison of the results of last year’s review and the current review.
July 17-18, 2007  | Review  | September 3-5, 2008  | Review
--- | --- | --- | ---
Compliant | 36 | Compliant | 34
Deficient | 0 | Deficient | 1
At-Risk | 0 | At-Risk | 0
Not-Applicable | 2 | Not-Applicable | 3

**Access to Medical Care - Deficient**

Every facility will establish and maintain an accredited/accreditation-worthy health program for the general well being of ICE detainees.

- The facility does not operate a health care facility in compliance with state and local laws and guidelines.

- Physical examinations/assessments on arriving detainees are not performed by qualified personnel.

- The vast majority of the medical care in the Frio County Detention Center is provided by 3 full-time and 4 part-time Licensed Practical Nurses (LPN). With no Registered Nurses (RN) and only a part time Physician on staff, the facility must insure that adequate direction or supervision of the LPN staff is provided.

**Recommendations**

- The facility must operate a health care facility in compliance with state and local laws and guidelines.

- A qualified health care provider must physically examine/assess arriving detainees within 14 days of admission/arrival at the facility.

**RIC Observations**

Facility staff, under the direction of Warden [redacted] and with the guidance of IEA [redacted], demonstrated a cooperative spirit and a willingness to enhance operations as needed to improve compliance with the Detention Standards. In the area of Environmental Health and Safety, FCDC staff members were able to correct the following as noted:

- Constant inventories for all flammable, toxic, and caustic substances used or stored were established in the Maintenance Department.

- The manufacturer’s Material Safety Data Sheet (MSDS) file used in the Maintenance Department was brought up-to-date for every hazardous substance.

- MSDS files in the Maintenance Department were made readily accessible to staff and detainees.
FDC staff, who had not received annual training in accordance with OSHA 1910.1030 – Blood Borne Pathogen Standard (to prevent contact with blood and other body fluids), were scheduled for training.

The Review Team noted two areas of best practice:

- Tool Control exceeded the requirements of the National Detention Standards, as tools were also color-coded to signify individual users.
- The Property storage room was exceedingly clean and well organized as noted by the Subject Matter Expert.

It was clear from the beginning of the review that IEA, from the San Antonio Field Office, was closely monitoring the facility’s plans for improving performance relative to the National Detention Standards. By amending current local policies and implementing standard operating procedures in the areas of Searches, Correspondence, Classification, Emergency Plans, Hold Rooms, Special Management Units, Discipline, and Recreation, the Frio County Detention Center significantly enhanced operations relative to the National Detention Standards. It is now incumbent on the FCDC staff to fold the new policies into an effective and functional operation when ICE detainees are again housed at the institution.

During the closeout with the facility staff and the debriefing with ICE representatives, it was stressed that the next hurdle would be to match the multitude of changes in procedures with staff operations and practice. If the facility matches their plans with practice, the San Antonio Field Office should have a competent provider of critically needed bed-space.

**Recommended Rating and Justification**

It is the Reviewer-in-Charge’s (RIC) recommendation that the facility receive a rating of “Acceptable.” It is also recommended by the RIC that a Plan of Action be required to implement necessary corrective actions for the deficiency noted above.

**RIC Assurance Statement**

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.
Department Of Homeland Security
Immigration and Customs Enforcement

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
- September 3-5, 2008

C. Previous/Most Recent Facility Review
Date[s] of Last Facility Review
- July 17-18, 2007

D. Name and Location of Facility
- Name: Frio County Jail
- Address (Street and Name): 410 South Cedar St.
- City, State and Zip Code: Pearsall, Texas 78061

E. ICE Information
- Name and Title of Chief Executive Officer (Warden/OIC/Supt.):
  - Warden
- Telephone #: (Include Area Code): 830-667-5100
- Field Office / Sub-Office (List Office with oversight responsibilities):
  - San Antonio
- Distance from Field Office: 71 miles

F. CDF/IGSA Information Only
- Contract Number: 80-99-0218
- Date of Contract or IGSA: 12-01-06
- Basic Rates per Man-Day:
  - $40.56
- Other Charges: (If None, Indicate N/A):
  - N/A
- Estimated Man-days Per Year:
  - 225

G. Accreditation Certificates
- List all State or National Accreditation[s] received:
  - ☐ Texas Commission on Jail Standards

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

I. Facility History
- Date Built:
  - 1988
- Date Last Remodeled or Upgraded:
  - 1996 - Trevino Unit - 96 beds
- Date New Construction / Bed space Added:
- Future Construction Planned
  - ☐ Yes
  - ☐ No
  - Date:
- Current Bed space:
  - 391
- Future Bed space (# New Beds only)
  - Number: N/A

J. Total Facility Population
- Total Facility Intake for previous 12 months:
  - 4553
- Total ICE Man-days for Previous 12 months:
  - 225

K. Classification Level (ICE SPCs and CDFs Only)
- Adult Male:
  - L-1: 391
  - L-2: 391
  - L-3: 400
- Adult Female:
  - N/A

L. Facility Capacity
- Rated
  - Adult Male: 391
  - Adult Female: N/A
- Operational
  - Adult Male: 391
  - Adult Female: N/A
- Emergency
  - Adult Male: 400
  - Adult Female: N/A
- Facility holds Juveniles/Offenders 16 and older as Adults:
  - ☐

M. Average Daily Population
- ICE
  - Adult Male: 0
  - Adult Female: 0
- USMS
  - Adult Male: 66.5
  - Adult Female: 4.5
- Other
  - Adult Male: 320
  - Adult Female: 0

N. Facility Staffing Level
- Security: Support:
  - N/A
  - N/A

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Form G-324A SIS (Rev. 7/9/07)
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>
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<td>Assault: Offenders on Offenders¹</td>
<td>Types (Sexual², Physical, etc.)</td>
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<td>Without Weapon</td>
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<td>Assault: Detainee on Staff</td>
<td>Types (Sexual Physical, etc.)</td>
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<td>Number of Forced Moves, incl. Forced Cell moves³</td>
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<td>2</td>
<td>1</td>
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<td>Disturbances⁴</td>
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<td>3</td>
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<td>Number of Times Chemical Agents Used</td>
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<td>7</td>
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<td>5</td>
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<td>Number of Times Special Reaction Team Deployed/Used</td>
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<td>1</td>
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<td># Times Four/Five Point Restraints applied/used</td>
<td>Number/Reason (M=Medical, V=Violent Behavior, O=Other)</td>
<td>0</td>
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<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>
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<td>5</td>
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<td>11</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>12</td>
<td>10</td>
<td>4</td>
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<td># Resolved in favor of Offender/Detainee</td>
<td>0</td>
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<tr>
<td>Deaths</td>
<td>Reason (V=Violent, I=Illness, S=Suicide, A=Attempted Suicide, O=Other)</td>
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<td>A</td>
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<td>Number</td>
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<td>Psychiatric / Medical Referrals</td>
<td># Medical Cases referred for Outside Care</td>
<td>26</td>
<td>24</td>
<td>10</td>
<td>40</td>
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<td># Psychiatric Cases referred for Outside Care</td>
<td>0</td>
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</table>

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 SIS (Rev. 7/9/07)
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<tbody>
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<td>1. Access to Legal Materials</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>
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<td>5. Admission and Release</td>
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<td>6. Classification System</td>
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<td>7. Correspondence and Other Mail</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>13. Marriage Requests</td>
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<td>14. Non-Medical Emergency Escorted Trip</td>
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<td>15. Recreation</td>
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<td>16. Religious Practices</td>
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<td>17. Voluntary Work Program</td>
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<td>Health Services</td>
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<td>18. Hunger Strikes</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>22. Contraband</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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</table>

All findings (Deficient and At-Risk) require written comment describing the finding and what is necessary to meet compliance.
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:  
Title & Duty Location: RIC, Creative Corrections  
Date: September 5, 2008  

Team Members

<table>
<thead>
<tr>
<th>Print Name, Title, &amp; Duty Location</th>
<th>Print Name, Title, &amp; Duty Location</th>
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<tbody>
<tr>
<td>SME-Security, Creative Corrections</td>
<td>b6 SME-Food Services, Creative Corrections</td>
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<tr>
<td>Print Name, Title, &amp; Duty Location</td>
<td>Print Name, Title, &amp; Duty Location</td>
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<tr>
<td>SME-Environmental Health and Safety, Creative Corrections</td>
<td>b6 SME-Health Services, Creative Corrections</td>
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</table>

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

Comments: There were 2 suicide attempts at the Frio County Detention Center in the past 12 months. The first attempt occurred on December 4, 2007. An inmate attempted to strangle himself with his shirt while sitting in the visitation room while waiting to be booked. The inmate was restrained and placed on suicide watch.

The other attempt was an inmate who has been at this facility multiple times and has a history of suicidal gestures and attempts. On July 8, 2008 he attempted to strangle himself with his boxer shorts. He was restrained and placed on suicide watch. This inmate has been on suicide watch multiple times over the past year. He is on psychotropic medication and is seen on a regular basis by the psychologist and the physician. Both of these incidents were handled properly.
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.

<table>
<thead>
<tr>
<th>HQDRO EXECUTIVE REVIEW: (Please Print Name)</th>
<th>Signature</th>
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</thead>
<tbody>
<tr>
<td>Acting Chief, Detention Standards Compliance Unit</td>
<td>Date</td>
</tr>
</tbody>
</table>

Final Rating:

- [ ] Superior
- [ ] Good
- [x] Acceptable
- [ ] Deficient
- [ ] At-Risk

Comments: The Review Authority concurs with the “Acceptable” rating. A Plan of Action is required to correct the deficiencies noted in the Access to Medical Care, Correspondence and Other Mail, Food Service, Emergency Plans, and Key and Lock Control standards.