ICE Detention Standards Compliance Review

Lea County Detention Center

February 16-17, 2009

REPORT DATE – February 23, 2009

Creative Corrections

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
500 12th St, SW
Washington, DC 20024
February 23, 2009

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

FROM: Reviewer-In-Charge

SUBJECT: Lea County Detention Center
Annual Detention Review

Creative Corrections conducted an Annual Detention Review (ADR) of the Lea County Detention Center in Lovington, New Mexico, on February 16-17, 2009. As noted on the attached documents, the team of Subject Matter Experts included for Security; for Health Services; for Environmental Health & Safety; and for Food Services.

A closeout meeting, which included a discussion of all aspects of the review, was conducted with Warden, and Chief of Security on Tuesday, February 17, 2009.

Type of Review

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

Review Summary

The facility is not accredited by the American Correctional Association, the National Commission on Correctional Health Care, or the Joint Commission on Accreditation of Healthcare Organizations.

Standards Compliance

The following statistical information outlined provides a direct comparison of the 2008 ADR and the ADR conducted for 2009.

<table>
<thead>
<tr>
<th></th>
<th>February 2008</th>
<th>Review</th>
<th>February 2009</th>
<th>Review</th>
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</thead>
<tbody>
<tr>
<td>Compliant</td>
<td>27</td>
<td></td>
<td>Compliant</td>
<td>27</td>
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<tr>
<td>Deficient</td>
<td>0</td>
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<td>Deficient</td>
<td>0</td>
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<tr>
<td>At-Risk</td>
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<td>At-Risk</td>
<td>0</td>
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<tr>
<td>Not-Applicable</td>
<td>1</td>
<td></td>
<td>Not-Applicable</td>
<td>1</td>
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</tbody>
</table>
RIC Observations

The general appearance of the Lea County Detention Center was excellent. Specifically, the units and individual cells were neat, clean, and orderly. All detention center staff was very knowledgeable and helpful during the review. Facility management corrected several component deficiencies since the last review and appeared to be very interested in our observations. For example, the Fire Marshal signed off on the facility’s Fire Plan and maintenance staff placed a Material Safety Data Sheet (MSDS) book in the area, even though it is located outside the facility.

The only noteworthy concern discovered during the review was the administration of the TB tests for detainees. The review findings for Medical Care indicated that ICE detainees were not given TB tests upon arrival or within a reasonable time. Following a meeting with the Director of Nurses, Warden, our Health Services expert, and this writer, the procedure was changed. Henceforth, all ICE detainees will be given TB tests upon arrival. The Warden was advised that this new process must be strictly adhered to in the future.

Recommended Rating and Justification

It is the Reviewer-in-Charge’s (RIC) recommendation that the facility receive a rating of “Acceptable.” It is recommended that no Plan of Action be required.

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.
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:
  - February 16-17, 2009

C. PREVIOUS/MOST RECENT FACILITY REVIEW
- Date[s] of Last Facility Review:
  - February 11-12, 2008
- Previous Rating:
  - [ ] Superior
  - [ ] Good
  - [ ] Acceptable
  - [ ] Deficient
  - [ ] At-Risk

D. NAME AND LOCATION OF FACILITY
- Name:
  - Lea County Detention Center
- Address:
  - 1401 South Commercial St.
- City, State and Zip Code:
  - Lovington, NM 88260
- County:
  - Lea
- Name and Title of Chief Executive Officer:
  - [ ] Warden
  - [ ] ICE
  - [ ] SME
  - [ ] SM-Environmental Health and Safety
  - [ ] SM-Emergency
  - [ ] Other (List office with oversight)
- Telephone Number (Include Area Code):
  - 575-396
- Field Office / Sub-Office (List Office with Oversight):
  - El Paso/Pecos
- Distance from Field Office:
  - 240 miles

E. ICE Information
- Name of Inspector (Last Name, Title and Duty Station):
  - [ ] RIC
  - [ ] SME
  - [ ] SM-Environmental Health and Safety
  - [ ] SM-Emergency
- Name of Team Member / Title / Duty Location:
  - [ ] RIC
  - [ ] SME
  - [ ] SM-Environmental Health and Safety
  - [ ] SM-Emergency
- Name of Team Member / Title / Duty Location:
  - [ ] RIC
  - [ ] SME
  - [ ] SM-Environmental Health and Safety
  - [ ] SM-Emergency
- Name of Team Member / Title / Duty Location:
  - [ ] RIC
  - [ ] SME
  - [ ] SM-Environmental Health and Safety
  - [ ] SM-Emergency
- Name of Team Member / Title / Duty Location:
  - [ ] RIC
  - [ ] SME
  - [ ] SM-Environmental Health and Safety
  - [ ] SM-Emergency

F. CDF/IGSA INFORMATION ONLY
- Contract Number:
  - USMS 51-99-0206
- Date of Contract or IGSA:
  - 8-1-99; Modified 11-1-02
- Basic Rates per Man-Day:
  - $65.50
- Other Charges:
  - (If None, Indicate N/A)
- Guard Services:
  - $14.48/hr;
  - [ ] N/A

G. ACCREDITATION CERTIFICATES
- [X] N/A
- List all State or National Accreditation[s] received:
  - [ ] None

H. PROBLEMS / COMPLAINTS (COPIES MUST BE ATTACHED)
- The Facility is under Court Order or Class Action Finding:
  - [ ] Court Order
  - [ ] Class Action Finding
- The Facility has Significant Litigation Pending:
  - [ ] Major Litigation
  - [ ] Life/Safety Issues
  - [ ] None

I. FACILITY HISTORY
- Date Built:
  - September 2005
- Date Last Remodeled or Upgraded:
  - N/A
- Date New Construction / Bed Space Added:
  - N/A
- Future Construction Planned:
  - [X] Yes
  - [ ] No
- Date:
  - TBD
- Current Bed space:
  - 432
- Future Bedspace (# New Beds only):
  - 100
- Number:
  - 100
- Date:
  - TBD

J. TOTAL FACILITY POPULATION
- Total Facility Intake for Previous 12 months:
  - 3,388
- Total ICE Man Days for Previous 12 months:
  - 4

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:
  - 352
- Adult Female:
  - 48
- Facility Holds Juveniles Offenders 16 and Older as Adults:
  - [ ] Yes

M. AVERAGE DAILY POPULATION
- ICE
- USMS
- Other
- Adult Male:
  - 92
  - 162
  - 34
- Adult Female:
  - 1

N. FACILITY STAFFING LEVEL
- Security:
  - ?.?
  - [ ] N/A

Estimated Man-days per Year

FORM G-324B SJS (Rev. 7/9/07)
In order for Creative Corrections to complete its review of your facility, you must 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.

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Assault:</td>
<td>Types (Sexual(^2), Physical, etc.)</td>
<td>Physical</td>
<td>Physical</td>
<td>Physical</td>
<td>Physical</td>
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<tr>
<td>Offenders on Offenders (^1)</td>
<td>With Weapon</td>
<td>1</td>
<td>0</td>
<td>1</td>
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<tr>
<td></td>
<td>Without Weapon</td>
<td>5</td>
<td>6</td>
<td>11</td>
<td>5</td>
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<tr>
<td>Assault:</td>
<td>Types (Sexual Physical, etc.)</td>
<td>Physical</td>
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<tr>
<td>Detainee on Staff</td>
<td>With Weapon</td>
<td>2</td>
<td>1</td>
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<tr>
<td></td>
<td>Without Weapon</td>
<td>2</td>
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<tr>
<td>Number of Forced Moves, incl. Forced Cell Moves (^3)</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>2</td>
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<tr>
<td>Disturbances (^4)</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>2</td>
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<tr>
<td>Number of Times Chemical Agents Used</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Number of Times Special Reaction Team Deployed/Used</td>
<td>0</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>
<td>2-V</td>
<td>2-V</td>
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<tr>
<td>Type (C=Chair, B=Bed, BB=Board, O=Other)</td>
<td>C</td>
<td>C</td>
<td>0</td>
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<tr>
<td>Offender / Detainee Medical Referrals as a Result of Injuries Sustained</td>
<td>6</td>
<td>6</td>
<td>12</td>
<td>3</td>
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<tr>
<td>Escapes</td>
<td>Attempted</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
<td></td>
<td>Actual</td>
<td>0</td>
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<tr>
<td>Grievances:</td>
<td># Received</td>
<td>0</td>
<td>0</td>
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<td></td>
<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>
<td>0</td>
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<td></td>
<td>Number</td>
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<td>Psychiatric / Medical Referrals</td>
<td># Medical Cases Referred for Outside Care</td>
<td>9</td>
<td>7</td>
<td>13</td>
<td>8</td>
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<td></td>
<td># Psychiatric Cases Referred for Outside Care</td>
<td>0</td>
<td>7</td>
<td>13</td>
<td>21</td>
</tr>
</tbody>
</table>

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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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FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)

Form G-324B SIS (Rev. 7/9/07)
<table>
<thead>
<tr>
<th></th>
<th>1. ACCEPTABLE</th>
<th>2. DEFICIENT</th>
<th>3. AT-RISK</th>
<th>4. REPEAT FINDING</th>
<th>5. NOT APPLICABLE</th>
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<tr>
<td><strong>LEGAL ACCESS STANDARDS</strong></td>
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<tr>
<td>1.</td>
<td>Visitation</td>
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<tr>
<td>2.</td>
<td>Telephone Access</td>
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<td><strong>DETAINEE SERVICES</strong></td>
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<td>3.</td>
<td>Admission and Release</td>
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<td>4.</td>
<td>Classification System</td>
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<tr>
<td>5.</td>
<td>Detainee Handbook</td>
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<td>6.</td>
<td>Food Service</td>
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<td>7.</td>
<td>Funds and Personal Property</td>
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<td>8.</td>
<td>Detainee Grievance Procedures</td>
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<tr>
<td>9.</td>
<td>Issuance and Exchange of Clothing, Bedding, and Towels</td>
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<tr>
<td>10.</td>
<td>Religious Practices</td>
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<td><strong>HEALTH SERVICES</strong></td>
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<td>11.</td>
<td>Medical Care</td>
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<td>12.</td>
<td>Suicide Prevention and Intervention</td>
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<td><strong>SECURITY AND CONTROL</strong></td>
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<td>13.</td>
<td>Contraband</td>
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<td>14.</td>
<td>Detention Files</td>
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<td>15.</td>
<td>Disciplinary Policy</td>
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<td>16.</td>
<td>Emergency Plans</td>
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<td>17.</td>
<td>Environmental Health and Safety</td>
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<tr>
<td>18.</td>
<td>Hold Rooms in Detention Facilities</td>
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<tr>
<td>19.</td>
<td>Key and Lock Control</td>
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<tr>
<td>20.</td>
<td>Population Counts</td>
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<tr>
<td>21.</td>
<td>Security Inspections</td>
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<tr>
<td>22.</td>
<td>Special Management Units (Administrative Detention)</td>
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<tr>
<td>23.</td>
<td>Special Management Units (Disciplinary Segregation)</td>
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<td>24.</td>
<td>Tool Control</td>
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<td>25.</td>
<td>Transportation (Land management)</td>
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<tr>
<td>26.</td>
<td>Use of Force</td>
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<tr>
<td>27.</td>
<td>Staff / Detainee Communication (Added August 2003)</td>
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<tr>
<td>28.</td>
<td>Detainee Transfer (Added September 2004)</td>
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</tbody>
</table>

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:

1. 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

2. 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.

<table>
<thead>
<tr>
<th>REVIEWER-IN-CHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reviewer-In-Charge: (Print Name)</td>
</tr>
<tr>
<td>Signature</td>
</tr>
<tr>
<td>Date</td>
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</table>

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

RECOMMENDED RATING: ☑ ACCEPTABLE
☐ DEFICIENT
☐ AT-RISK

COMMENTS: