



## **U.S. Department of Homeland Security**

Immigration and Customs Enforcement  
Office of Professional Responsibility  
Inspections and Detention Oversight  
Washington, DC 20536-5501

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# Office of Detention Oversight Compliance Inspection

Enforcement and Removal Operations  
Miami Field Office  
Glades County Detention Center  
Moore Haven, Florida

October 25 - 28, 2011

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**COMPLIANCE INSPECTION  
GLADES COUNTY DETENTION CENTER  
MIAMI FIELD OFFICE**

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## EXECUTIVE SUMMARY

The Office of Professional Responsibility (OPR), Office of Detention Oversight (ODO), conducted a Compliance Inspection (CI) of the Glades County Detention Center (GCDC) in Moore Haven, Florida, from October 25 to 27, 2011. The facility is owned by Glades County Development Corporation and operated by the Glades County Sheriff's Office (GCSO). GCDC accommodates ICE detainees of classification levels two and three for periods in excess of 72 hours. The facility was opened in June 2007, and ICE began housing male and female detainees at GCDC under an intergovernmental service agreement (IGSA) in July 2007. A total of 450 bed spaces are approved for ICE detainees. At the time of the CI, 400 ICE detainees (320 males and 80 females) were housed at GCDC. Armor Correctional Health Services provides medical care and GCDC is accredited by the National Commission on Correctional Health Care (NCCHC). GCSO provides food service.

The Enforcement and Removal Operations (ERO), Field Office Director in Miami, Florida (FOD/Miami) is responsible for ensuring GCDC complies with ICE policies and the ICE National Detention Standards (NDS). The Assistant Field Office Director (AFOD) at the Krome Service Processing Center (SPC) has oversight responsibility of GCDC. ICE staff at GCDC consists of a Supervisory Detention and Deportation Officer (SDDO), four Deportation Officers (DOs), one Supervisory Immigration Enforcement Agent (SIEA), and six Immigration Enforcement Agents (IEA). One IEA position was vacant during the period of review. A Detention Service Manager (DSM) is assigned to GCDC. The total number of non-ICE staff employed at GCDC is 102, with 5 vacancies during this review.

ODO conducted a Quality Assurance Review (QAR) of GCDC in January 2009 and a Follow-up Inspection in March 2010. During the 2009 QAR, ODO found 67 deficiencies in the following standards: Access to Legal Material; Detainee Classification System; Detainee Grievance Procedures; Detainee Handbook; Detention Files; Environmental Health and Safety; Food Service; Funds and Personal Property; Hold Rooms in Detention Facilities; Hunger Strike; Issuance and Exchange of Clothing, Bedding, and Towels; Medical Care; Population Counts; Recreation; Security Inspections; Special Management Units; Staff-Detainee Communication; Suicide Prevention and Intervention; Telephone Access; Terminal Illness, Advance Directives, and Death; and Use of Force.

During the March 2010 Follow-up Inspection, ODO found improvement in the majority of the areas; however, four repeated deficiencies (one in each area) were noted in the Detainee Classification System, Environmental Health and Safety, Security Inspections, and Staff-Detainee Communication.

In April 2011, ERO Detention Standards Compliance Unit contractor MGT of America, Inc. conducted an annual review of the NDS at GCDC. The facility received an overall rating of "acceptable," and was found in compliance with all 38 standards reviewed.

ODO reviewed a total of 21 NDS for this inspection; 10 areas were found to be fully compliant, while 19 deficiencies were found in the following 11 standards: Access to Legal Materials (3 deficiencies), Admission and Release (2), Detainee Grievance Procedures (1), Detainee

Handbook (1), Disciplinary Policy (1), Funds and Personal Property (1), Special Management Unit (Administrative Segregation) (1), Staff-Detainee Communication (1), Telephone Access (2), Use of Force (2), and Visitation (4).

This report includes descriptions of all deficiencies and refers to the specific, relevant ICE NDS. The report will be provided to ERO to develop corrective actions to resolve identified deficiencies. All deficiencies were discussed with GCDC personnel on-site during the inspection, as well as during the closeout briefing conducted on October 28, 2011.

Overall, ODO found few deficiencies in the standards reviewed at GCDC; however, internal relations with detainees, security, and safety in the housing units posed significant areas of concern. ODO also found a lack of direct supervision of male detainee housing units by GCDC officers, since officers are not posted in each unit housing male detainees with classification levels two and three. GCDC staff informed ODO they are working on plans to have direct supervision of detainees in the housing units. ODO visited the female housing units and observed officers are stationed in the housing units. These units were clean and well-managed.

During this compliance review, ODO found no deficiencies in the medical care standard. ODO found best practices in related areas of the Hunger Strike, and Suicide Prevention and Intervention standards. GCDC maintains a binder in the medical department containing the suicide watch protocol, a monthly suicide watch summary sheet with start and stop times and dates, record of daily rounds, and copies of check sheets documenting 15-minute checks. The binder centralizes critical suicide watch documentation and supports efficient verification of compliance with the standard. In addition, GCDC has established a training book for documenting hunger strike, and suicide prevention and intervention training. Recording training in this manner ensures medical staff meets NDS training requirements.

ODO conducted a pre-inspection analysis to determine areas of increasing complaint. The pre-inspection review indicated a significant increase in the use of force incidents at GCDC. During the inspection, ODO's interviews of staff and detainees and review of the Use of Force NDS revealed the majority of the use of force incidents occurred when officers were intervening in physical confrontations between detainees. ODO noted male detainees were often disrespectful of GCDC officers, and ignored facility's rules. A review of documentation on ten calculated use of force incidents revealed audiovisual recordings are maintained as required by the standard, but are not cataloged. Cataloging audiovisual recordings supports accountability and ensures they may be easily located and retrieved when necessary. ODO's review of files on three immediate use of force incidents revealed all required documentation was present and well detailed; however, copies of use of force reports were not placed in the detainees' detention files.

GCDC has a designated law library, which contains four computers, two printers, one typewriter, desks, and chairs. The four computers at the law library were not equipped with the latest version of Lexis-Nexis software.

ODO found in reviewing the Admission and Release NDS that detainees did not have the opportunity to shower during intake processing. This deficiency was discussed during the

review, and GCDC staff opened the shower stall in the intake processing area allowing detainees the opportunity to shower, correcting the deficiency on-site.

GCDC has a functioning grievance system which allows detainees to file formal and informal grievances. Grievance forms are available upon request and detainees are able to appeal grievance decisions. Minor grievances are resolved informally and the resolutions are documented as required. ODO found one deficiency during the review of the Detainee Grievance Procedures standard. An informally resolved allegation of officer verbal misconduct was not reported to ERO. Regardless of severity, all detainee grievances pertaining to officer misconduct must be forwarded to the FOD, as per the NDS.

ICE management conducts unannounced visits to the facility. ICE personnel at GCDC make regular contact with detainees and also visit detainee living areas. Detainees have opportunities to file requests to ICE staff, but the logbook does not contain all required information, including the date the request was returned to the facility.

GCDC issues a detainee handbook upon admission, available in English and Spanish, the dominant language spoken by detainees.

ODO interviewed detainees in administrative segregation to determine if they were issued a copy of the segregation order and if they were verbally informed of why they were in administrative segregation. Detainees were verbally informed of why they were in administrative segregation, but were not issued a written order.

ODO observed GCDC had designated a separate telephone in the booking area for detainees to make calls regarding legal matters. However, conversations can be overheard by staff and other detainees when using the telephone. Additionally, all housing units' telephones did not have notices stating detainee calls are subject to monitoring. The NDS require facilities to provide for unmonitored, private telephone calls to counsel.

GCDC has a well-managed food service operation. ODO noted from interviews of staff and detainees that detainees have access to religious diets, religious services, and recreation.

ODO noted four deficiencies in the Visitation NDS including lack of: separate logbooks for general and legal visitation, written procedures that allow legal service providers to telephone the facility in advance of a visit to determine if someone is detained, documented "pre-representation meetings" in the logbook for legal visitation, and the Notice of Entry of Appearance as Attorney or Accredited Representative (Form G-28) in the visitor reception areas. Separating the logbooks for general and legal visitors allows staff to easily locate information regarding all visitors at the facility and differentiate between attorneys and general visitors. This deficiency was corrected on-site during the inspection.

ODO noted areas of concern regarding living condition in the housing units. ODO discussed the conditions in the male housing units including: underclothes hanging on walls and chairs, unmade beds, excessive trash on floors, and left-over food beside detainees' beds. Detainees

stack up chairs to climb onto their upper bunk beds. The facility has contracted with a company to affix step ladders to the beds, which would eliminate the need to stack up chairs.

# INSPECTION PROCESS

ODO inspections evaluate the welfare, safety, and living conditions of detainees. ODO primarily focuses on areas of noncompliance with the ICE National Detention Standards (NDS) or the ICE Performance Based National Detention Standards (PBNDS), as applicable. The NDS apply to GCDC. In addition, ODO may focus its inspection based on detention management information provided by the ERO Headquarters (HQ) and ERO field offices, and on issues of high priority or interest to ICE executive management. Inspection objectives are to evaluate the welfare, safety, and living conditions of detainees.

ODO reviewed the processes employed at GCDC to determine compliance with current policies and detention standards. Prior to the inspection, ODO collected and analyzed relevant allegations and detainee information from multiple ICE databases, including the Joint Integrity Case Management System (JICMS) and the ENFORCE Alien Booking Module (EABM) and Alien Removal Module (EARM). ODO also gathered facility facts and inspection-related information from ERO HQ staff to prepare for the site visit at GCDC.

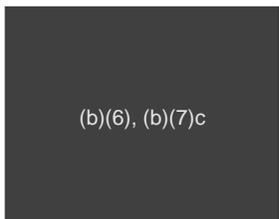
## REPORT ORGANIZATION

This report documents inspection results, serves as an official record, and is intended to provide ICE and detention facility management with a comprehensive evaluation of compliance with policies and detention standards. It summarizes those NDS that ODO found deficient in at least one aspect of the standard. ODO reports convey information to best enable prompt corrective actions and to assist in the on-going process of incorporating best practices in nationwide detention facility operations.

OPR classifies program issues into one of two categories: deficiencies and areas of concern. Specific deficiencies and areas of concern are identified in bold with sequential numbers in this report. OPR defines a deficiency as a violation of written policy that can be specifically linked to the PBNDS, or to ICE policy or operational procedure. OPR defines an area of concern as something that may lead to or risk a violation of the NDS or ICE policy or operational procedure. When possible, the report includes contextual and quantitative information relevant to the cited standard. Deficiencies are highlighted in bold throughout the report and are encoded sequentially according to a detention standard designator.

Comments and questions regarding the report findings should be forwarded to the Deputy Division Director, OPR, Office of Detention Oversight.

## INSPECTION TEAM MEMBERS

 (b)(6), (b)(7)c	Detention and Deportation Officer (Team Lead)	ODO, Headquarters
	Detention and Deportation Officer	ODO, Headquarters
	Management Program Analyst	ODO, Headquarters
	Management Program Analyst	ODO, Headquarters
	Contract Inspector	MGT of America, Inc.
	Contract Inspector	MGT of America, Inc.

# OPERATIONAL ENVIRONMENT

## INTERNAL RELATIONS

ODO interviewed the GCDC Chief Deputy and the Assistant (Major), Correctional Officers (CO), the ERO AFOD, an SDDO who also serves as the Contracting Officer's Technical Representative (COTR) at the facility, an SIEA, the DSM responsible for GCDC, and the FOD/Miami COTR.

ICE ERO management stated the staffing level for ICE officers (12 full-time positions) assigned at GCDC is adequate to support the facility. Both GCDC and ICE staff stated morale is good, and there were no complaints from either ICE or GCDC staff regarding unfavorable treatment at the facility. GCDC and ERO staff stated the working relationship between them is excellent.

Despite the good working relationship, GCDC is experiencing financial constraints resulting from several unfunded requests from ICE, including creating space to accommodate the immigration court/video teleconference room, barber shop, and separate office space for ICE staff. GCDC management expressed major frustration with ERO's termination of 100 bed spaces reserved for ICE female detainees at the GCDC Annex for women, resulting in the elimination of 80 full-time facility positions. GCDC also lost income when ERO mandated that the facility not charge commission on detainees' telephone services surcharge.

## DETAINEE RELATIONS

ODO interviewed 18 detainees (11 males and 7 females), randomly selected from classification levels two and three to assess detention conditions at GCDC. All detainees interviewed stated they participate in outdoor recreation at a minimum of one hour each day. Detainees may send and receive mail, use telephones, and have access to a law library. All had received the detainee handbook.

There were no complaints regarding medical care. Detainees complained that food portions were small. Several detainees alleged they were served bologna for lunch more than three times a week. ODO review of the Food Service NDS and food menu posted on each housing units' bulletin board revealed food portions and 30 day menu are compliant with ICE NDS. Three different bolognas (beef, chicken, and ham) were each served once a week.

GCDC management informed ODO they are aware of some detainees' bad-manners towards officers, and several procedures have been implemented including: a designated "special trustees" housing unit. The unit was established to serve as an incentive for detainees. Well-behaved individuals are placed in the special housing area and are provided with work privileges and other rewards not available to detainees in other units.

## ICE NATIONAL DETENTION STANDARDS

ODO reviewed a total of 21 ICE NDS and found GCDC fully compliant with the following 10 standards:

- Correspondence and Other Mail
- Detainee Classification System
- Detainee Transfer
- Food Service
- Hold Rooms in Detention Facilities
- Hunger Strikes
- Medical Care
- Recreation
- Special Management Unit (Disciplinary Segregation)
- Suicide Prevention and Intervention

As these standards were compliant at the time of the review, a synopsis for these areas was not prepared for this report.

ODO found deficiencies in the following 11 standards:

- Access to Legal Materials
- Admission and Release
- Detainee Grievance Procedures
- Detainee Handbook
- Disciplinary Policy
- Funds and Personal Property
- Special Management Unit (Administrative Segregation)
- Staff-Detainee Communication
- Telephone Access
- Use of Force and Restraints
- Visitation

Findings for each of these standards are presented in the remainder of this report.

## **ACCESS TO LEGAL MATERIALS (ALM)**

ODO reviewed the Access to Legal Material NDS at GCDC to determine if detainees have access to a law library, legal materials, courts, counsel, and document copying equipment to facilitate the preparation of legal documents. ODO interviewed detainees and staff; reviewed policies, procedures, and the detainee handbook; and toured the law library.

GCDC has a dedicated law library available for detainee use. GCDC staff ensures legal materials and equipment are not damaged. The law library can accommodate four detainees per session. According to GCDC staff, the library is equipped with adequate resources to facilitate detainee legal research and writing, including four computers, two printers, one typewriter, desks, and chairs.

ODO observed the computers contained the Lexis-Nexis software, but were not updated with the latest version (**Deficiency ALM-1**). The Case Law section of the Lexis-Nexis program was operational, but the ICE law section was not working. GCDC staff informed ODO that FOD personnel had been notified of the need to have the latest Lexis-Nexis software updates.

GCDC does not have written procedures for assisting unrepresented illiterate or non-English speaking detainees who wish to pursue a legal claim related to their immigration proceedings. Additionally, there are no procedures for assisting detainees who have difficulty using the law library and drafting legal documents (**Deficiency ALM-2**). GCDC staff stated the procedures and functions for providing assistance are in place but are not documented. ODO recommends GCDC develop and implement clear written procedures for providing required services to detainees.

ODO also observed the rules and procedures governing access to legal material are not posted in the law library (**Deficiency ALM-3**). The detainee handbook does apprise detainees of the procedures for requesting additional time in the law library.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY ALM-1**

In accordance with the ICE NDS, Access to Legal Material, Change Notice - Access to Legal Materials and Lexis-Nexis CD-ROMs, the FOD must ensure updated Lexis-Nexis CD-ROMs are distributed to facilities quarterly, and fulfils ICE's requirement to provide legal reference materials.

### **DEFICIENCY ALM-2**

In accordance with the ICE NDS, Access to Legal Material, section (III)(L), the FOD must ensure unrepresented, illiterate, or non-English speaking detainees who wish to pursue a legal claim related to their immigration proceedings or detention, and indicate difficulty with the legal materials, must be provided with more than access to a set of English-language law books. Facilities shall establish procedures to meet this obligation, such as: 1. helping the detainee obtain assistance in using the law library and drafting legal documents from detainees with

appropriate language and reading-writing abilities; and 2. assisting in contacting *pro bono* legal-assistance organizations from the ICE-provided list. If such methods prove unsuccessful in providing a particular non-English-speaking or illiterate detainee with sufficient assistance, the facility shall contact ICE to determine appropriate further action.

**DEFICIENCY ALM-3**

In accordance with the ICE NDS, Access to Legal Material, section (III)(Q), the FOD must ensure the detainee handbook or equivalent shall provide detainees with the rules and procedures governing access to legal materials, including the following information: 1. that a law library is available for detainee use; 2. the scheduled hours of access to the law library; 3. the procedure for requesting access to the law library; 4. the procedure for requesting additional time in the law library (beyond the 5 hours per week minimum); 5. the procedure for requesting legal reference materials not maintained in the law library; and 6. the procedure for notifying a designated employee that library material is missing or damaged. These policies and procedures shall also be posted in the law library along with a list of the law library's holdings.

## **ADMISSION AND RELEASE (AR)**

ODO reviewed the Admission and Release NDS at GCDC to determine if procedures are in place to protect the health, safety, security, and welfare of each person during the admission and release process. ODO reviewed policies and procedures, detention files, observed admission and intake procedures, and interviewed staff and detainees.

ODO observed intake and release processing of detainees at GCDC. GCDC provides the facility orientation through a video available to detainees in both English and Spanish. A review of ten active detention files showed that not all of the required forms and documents associated with the admission process are maintained. One out of the ten detention files was missing a Form I-203, Order to Detain or Release Alien (**Deficiency AR-1**).

Interviews of detainees revealed they were not permitted a shower during their initial admission processing at the facility. The detainees stated they took showers in the assigned housing units (**Deficiency AR-2**). According to the NDS, detainees are required to shower in the intake processing area before entering assigned housing units. Allowing detainees to shower during intake processing is good practice for health and sanitary reasons and to prevent contaminants from being introduced to the facility. The lack of showers during intake processing was discussed during the review, and GCDC staff implemented corrective action on-site.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY AR-1**

In accordance with the ICE NDS, Admission and Release, section (III)(H), the FOD must ensure an order to detain or release (Form I-203 or I-203a), bearing the appropriate official signature, shall accompany the newly arriving detainee. IGSA facilities shall forward the detainee's A-file or temporary work file to the ICE office with jurisdiction. Staff shall prepare specific documents in conjunction with each new arrival to facilitate timely processing, classification, medical screening, accounting of personal effects, and reporting of statistical data.

### **DEFICIENCY AR-2**

In accordance with the ICE NDS, Change Notice, National Detention Standard Strip Search Policy, dated October 15, 2007: Required Action - effective immediately, the FOD must ensure all facilities housing ICE detainees shall permit detainees to change clothing and shower in a private room without being visually observed by a staff member unless there is reasonable suspicion that the individual possesses contraband. A staff member of the same gender will be present immediately outside the room when the detainee changes and showers, with the door opened to hear what transpires inside. This includes Service Processing Centers (SPCs), Contract Detention Facilities (CDFs), and those locations having Intergovernmental Service Agreements (IGSAs) with ICE.

## **DETAINEE GRIEVANCE PROCEDURES (DGP)**

ODO reviewed the Detainee Grievance Procedures NDS at GCDC to determine whether a process to submit formal or emergency grievances exists, and responses are provided in a timely manner, without fear of reprisal. In addition, ODO reviewed the standard to determine whether detainees have an opportunity to appeal responses and whether accurate records are maintained. ODO interviewed staff and reviewed grievance policy, procedures, records, and the detainee handbook.

GCDC has written policies and procedures for detainees to submit informal and formal grievances. Grievance forms are available in English and Spanish. Assistance in filing grievances is available, if needed, through language services and facility staff who speak the same language as the detainee. Detainees are encouraged to resolve grievances informally, but may pursue formal grievances. Detainees are able to appeal the grievance decision. All grievances are recorded in a log and reviewed by the grievance officer.

GCDC staff is trained to handle emergency grievances, ensuring detainees' safety or welfare. Any officer who is approached by a detainee with an emergency grievance must report the grievance to supervisory personnel for immediate action. Medical grievances are submitted to the medical staff and the completed forms are kept in the detainees' medical records, as required. ICE is notified of any medical grievance that cannot be immediately addressed by the facility medical staff.

ODO reviewed three detention files of detainees who have filed grievances. One of the three grievances alleged officer verbal misconduct. The allegation involved a racial slur directed at a detainee, which was resolved informally. ODO noted that although the allegation had been resolved informally and determined to be unfounded, GCDC should have reported the instance to FOD personnel (**Deficiency DGP-1**). Reviews of the detainee grievance logbook showed several minor complaints (or nuisances) were usually resolved informally. ODO informed GCDC staff that according to the ICE NDS, any allegations of officer misconduct, regardless of severity, must be reported to ERO. ODO also recommends that GCDC report all instances of alleged misconduct to ICE prior to the resolution phase, if possible. It is critically important for all FOD's to be informed of these issues in order to best provide effective oversight of all ICE detention facilities.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY DGP-1**

In accordance with the ICE NDS, Detainee Grievance Procedures, section (III)(F), the FOD must ensure facility staff must forward all detainee grievances containing allegations of officer misconduct to a supervisor or higher-level official in the chain of command. CDFs and IGSA facilities must forward detainee grievances alleging officer misconduct to ICE. ICE will investigate every allegation of officer misconduct.

## **DETAINEE HANDBOOK (DH)**

ODO reviewed the Detainee Handbook NDS at GCDC to determine if the facility provides each detainee with a handbook, and whether the handbook is available in languages other than English. ODO's review includes determining whether the handbook sufficiently describes the facility's rules and sanctions, disciplinary system, mail and visiting procedures, grievance system, services, programs, and medical care. ODO reviewed the handbook and interviewed detainees and staff.

GCDC detainee handbooks are available in both English and Spanish. A review of the ICE ENFORCE Alien Removal Module (EARM) database showed the majority of detainees housed at GCDC are from Spanish-speaking countries such as Mexico and Central America. GCDC staff indicated that if a detainee speaks a language other than English or Spanish, accommodations can be made to provide those detainees with a detainee handbook in their native language. GCDC last revised its handbook on October 19, 2011, about a week before the inspection.

GCDC staff informed ODO, according to local policy, detainees are provided verbal and video orientation referencing the handbook, and are required to sign a receipt for the handbook. All detainees interviewed, and the review of 15 detention files confirmed, that detainee handbooks were issued and signed for on their property cards.

The GCDC detainee handbook does not provide any information on what areas of the facility are considered restricted areas (**Deficiency DH-1**). ODO recommends this missing information be inserted during the annual handbook revision.

Other omissions are reported under the relevant standards as **Deficiencies DP-1, and F&PP-1**.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY DH-1**

In accordance with the ICE NDS, Detainee Handbook, section (III)(C), the FOD must ensure the handbook will specify in greater detail the rules, regulations, policies, and procedures with which every detainee must comply, including, but not limited to: smoking policy, restricted areas, contraband, and so forth.

## **DISCIPLINARY POLICY (DP)**

ODO reviewed the Disciplinary Policy NDS at GCDC to determine if sanctions imposed on detainees who violate facility rules are appropriate, and if the discipline process includes due process requirements. ODO interviewed detainees and staff, reviewed the disciplinary policy, disciplinary records and the detainee handbook.

GCDC's disciplinary system includes progressive levels of review and appeals, as well as documentation procedures. Prohibited acts are classified as low, high moderate, high, and greatest. Minor violations are resolved by the unit officer or the shift supervisor.

GCDC's disciplinary system and the detainee handbook do not advise detainees of the right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment; the right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs; and the right to due process, including the prompt resolution of a disciplinary matter (**Deficiency DP-1**). ODO recommends revision of the detainee handbook to include notification of these fundamental rights.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY DP-1**

In accordance with the ICE NDS, Disciplinary Policy, section (III)(A)(5)(a)(b)and(e), the FOD must ensure the detainee handbook or equivalent, issued to each detainee upon admittance, provides notice of the facility's rules of conduct, and of the sanctions imposed for violations of the rules. Among other things, the handbook shall advise detainees of the following: (a) the right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment; (b) the right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs; and (e) the right to due process, including the prompt resolution of a disciplinary matter (in accordance with the rules, procedures, and sanctions provided in the handbook).

## **FUNDS AND PERSONAL PROPERTY (F&PP)**

ODO reviewed the Funds and Personal Property NDS at GCDC to determine if controls are in place to inventory, issue receipts for, maintain, and safeguard detainees' personal property. ODO interviewed staff, reviewed policies and procedures, and observed the processing of detainees.

GCDC has written policies and procedures which provide for the control and safeguarding of detainees' funds and personal property. Property is properly inventoried and logged in the facility's computer system, and stored in a secured, neat, and well-organized property room. Detainees are not authorized to keep money in their possession. Monies are placed in a sealed envelope and deposited into a drop safe in the processing area. All envelopes are removed by the Business Manager and Booking Supervisor the next work day and the funds are deposited in detainees' commissary accounts.

The detainee handbook does not include notice that upon request, a detainee may be provided an ICE-certified copy of any identity document placed in the A-File (**Deficiency F&PP-1**).

### **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

#### **DEFICIENCY F&PP-1**

In accordance with the ICE NDS, Funds and Personal Property, section (III)(J)(2), the FOD must ensure the detainee handbook or equivalent notifies detainees of facility policies and procedures concerning personal property, including among others things that, upon request, they will be provided an ICE-certified copy of any identity document, such as a passport or birth certificate, placed in their A-Files.

## **SPECIAL MANAGEMENT UNIT (SMU) - Administrative Segregation**

ODO reviewed the Special Management Unit (Administrative Segregation) NDS at GCDC to determine if the facility has procedures in place to temporarily segregate detainees for administrative reasons. ODO toured the facility, reviewed policies and procedures, interviewed staff, and reviewed detainee files for required documentation.

ODO verified written procedures are in place to temporarily segregate detainees for administrative reasons. GCDC operates two separate SMUs, one for male detainees, the second for female detainees. There were eight male and no female ICE detainees in administrative segregation during the review. Inspection revealed the units are well ventilated, adequately lit, appropriately heated, and maintained in a sanitary condition. All cells are equipped with bunk beds, securely fastened to the floor.

ODO was informed detainees receive verbal notification when assigned to administrative segregation but are not provided a copy of the written order. ODO interviewed all detainees in administrative segregation to determine if they were issued a copy of the segregation order, and if they were verbally informed of why they were in administrative segregation. All eight detainees stated they were verbally informed of why they were in administrative segregation, but were not issued a written order (**Deficiency SMU-1**). Providing detainees with a copy of the segregation order supports due process.

ODO assessed the justifications for assignment to administrative segregation for all eight detainees, as documented on the segregation orders. In all cases, the reason for placement in administrative segregation was well documented and justified.

## **STANDARD/POLICY REQUIREMENTS DEFICIENT FINDINGS**

### **DEFICIENCY SMU-1**

In accordance with the ICE NDS, Special Management Unit (Administrative Segregation), section (III)(B), the FOD must ensure a written order is completed and approved by a supervisory officer before a detainee is placed in administrative segregation, except when exigent circumstances make this impracticable. In such cases, an order shall be prepared as soon as possible. A copy of the order shall be given to the detainee within 24 hours, unless delivery would jeopardize the safety, security, or orderly operation of the facility.

## **STAFF DETAINEE COMMUNICATION (SDC)**

ODO reviewed the Staff-Detainee Communication NDS at GCDC to determine if procedures are in place to allow formal and informal contact between detainees and key ICE and facility staff, and if ICE detainees are able to submit written requests to ICE staff and receive responses in a timely manner. ODO reviewed policies and documentation, and interviewed detainees and staff.

ODO has historically observed that facilities in which ICE has a permanent or a part-time daily presence, detainee requests and concerns are addressed in a more timely manner, resulting in a general climate of decreased detainee anxiety levels and negativity, including fewer behavioral issues. Along with a thorough and universally available detainee handbook, vibrant and healthy staff-detainee communication is a key component to a well-maintained detention environment.

ICE staff makes daily regular and irregular visits in response to ICE detainee requests and concerns. There are 12 ERO staff members permanently assigned to the facility, including one (1) SDDO, one (1) SIEA, four (4) DOs and five (5) IEAs (one vacant IEA position). A DSM is also assigned to the facility from ERO HQ and is not counted as part of the detained case management staff. A Deportation Officer (DO) or an IEA visits the GCDC every Thursday to address detainees' personal concerns and monitor the living conditions. ODO interviews with GCDC staff revealed that supervisory ERO staff make frequent unannounced and unscheduled visits to the activity areas and housing units. These visits are logged into the facility's computer system, Smart Cop, and in the ERO Daily Logbook.

ODO reviewed the GCDC detainee request logbook from October 2010 to the present to determine if required information is maintained and documented in a proper manner. The logbook records detainee requests and ICE responses, but does not state the date the request was returned to the facility (**Deficiency SDC-1**). This means ODO could not assess whether ICE responded within 72 hours, as required by the standard.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY SDC-1**

In accordance with the ICE NDS, Staff-Detainee Communication, section (III)(B)(2), the FOD must ensure all facilities' requests are recorded in a logbook, the date the request was forwarded to ICE, and the date it was returned to the facility.

## **TELEPHONE ACCESS (TA)**

ODO reviewed the Telephone Access NDS at GCDC to determine if the facility provides detainees with reasonable and equitable access to telephones to maintain ties with family and others in the community. ODO interviewed ICE and facility staff and detainees, and conducted functionality tests of the telephones.

Housing units are equipped with telephones at a ratio of one telephone per 25 detainees. The special management unit was equipped with one stationary and two rolling telephones. All the telephones were tested and in good working condition. ICE staff performs the weekly telephone serviceability checks and worksheets are completed. Facility personnel deliver incoming messages to detainees. Detainees are also allowed to return emergency telephone calls without delay.

ODO observed that a telephone designated for making calls regarding legal matters was located in the booking area; conversations could be overheard by staff and other detainees (**Deficiency TA-1**). The standard requires detainees to be afforded privacy for telephone calls on legal matters. The facility has a written policy on monitoring of detainee telephone calls and the detainee handbook mentions that telephone calls are subject to monitoring. Upon initiation of a phone call, a recorded message advises that telephone calls are subject to monitoring. ODO observed that all housing unit telephones did not have required posted notices stating detainee calls are subject to monitoring (**Deficiency TA-2**).

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY TA-1**

In accordance with the ICE NDS, Telephone Access, section (III)(J), the FOD must ensure the facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff, or other detainees.

### **DEFICIENCY TA-2**

In accordance with the ICE NDS, Telephone Access, section (III)(K), the FOD must ensure the facility shall have a written policy on the monitoring of detainee telephone calls. If telephone calls are monitored, the facility shall notify detainees in the detainee handbook or equivalent provided upon admission. It shall also place a notice at each monitored telephone stating that detainee calls are subject to monitoring.

## **USE OF FORCE (UOF)**

ODO reviewed the Use of Force NDS at GCDC to determine if necessary use of force is employed only after all reasonable efforts have been exhausted to gain control of a subject, while protecting and ensuring the safety of detainees, staff, and others; preventing serious property damage; and ensuring the security and orderly operation of the facility. ODO toured the facility, inspected equipment, and reviewed the local policies, use of force files, training records, and other pertinent documentation.

GCDC has a comprehensive written policy governing the use of force. The facility does not use four-point restraints or electro-muscular disruption devices; however, a restraint chair and Oleoresin Capsicum (OC) spray are used if warranted.

GCDC staff informed ODO there were ten calculated and nineteen immediate use of force incidents involving detainees between January 2011 and October 25, 2011. ODO review of documentation on the ten calculated use of force incidents revealed audiovisual recordings are maintained as required by the standard, but are not cataloged (**Deficiency UOF-1**). Cataloging audiovisual recordings supports accountability and ensures they may be easily located and retrieved when necessary.

ODO review of files on three immediate use of force incidents revealed all required documentation was present and well detailed. Copies of use of force reports were not placed in the detainees' detention files (**Deficiency UOF-2**). Placing copies of use of force reports in detainees' detention files supports accountability and expedient access to the information.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY UOF-1**

In accordance with the ICE NDS, Use of Force, section (III)(A)(4)(h), the FOD must ensure videotapes documenting use of force are catalogued and preserved until no longer needed, but no less than 30 months after its last documented use.

### **DEFICIENCY UOF-2**

In accordance with the ICE NDS, Use of Force, section (III)(J), the FOD must ensure staff prepares detailed documentation of all incidents involving the use of force, chemical agents, or non-lethal weapons. Staff will likewise document the use of restraints on a detainee who becomes violent or displays signs of imminent violence. A copy of the report will be placed in the detainee's detention file.

## **VISITATION (V)**

ODO reviewed the Visitation NDS at GCDC to determine if authorized persons, including legal and media representatives, are able to visit detainees within security and operational constraints. ODO interviewed staff, observed the visiting area, and reviewed logs, policies, procedures, and the detainee handbook.

Visitation rules and hours, provided in English and Spanish, are posted in each detainee housing area, to include the disciplinary and administrative special management units. Detainees are provided daily one-hour access to visitation with family members, including minor children, friends, clergy, and consular representatives. Visitation is available seven days per week. Attorney visits are unrestricted. GCDC allows contact visits on a case-by-case basis.

GCDC does not maintain separate logbooks for general and legal visitation (**Deficiency V-1**). Separate logbooks for general and legal visitors allow staff to easily locate information regarding all visitors at the facility, and differentiate between attorneys and general visitors. This deficiency was corrected on-site during the inspection.

The facility does not have a written procedure to allow legal service providers and their assistants to telephone the facility in advance of a visit to determine if someone is detained there (**Deficiency V-2**). ODO found no reported instances of legal representatives being denied information regarding the presence of detainees; however, having a policy in place complies with the standard and ensures attorneys and their assistants have the opportunity to call the facility in advance thereby avoiding complaints, unnecessary trips, and lost time.

GCDC staff informed ODO that legal “pre-representation meetings” with detainees were conducted but were not documented in the logbook for legal visitation (**Deficiency V-3**). ODO recommends that the facility document “pre-representation meetings” in the legal visitation logbook as required by the Visitation NDS.

ODO found Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative, is not available in the visitor reception areas (**Deficiency V-4**). The form informs ICE of the attorney-client relationship. This deficiency was corrected on-site during the inspection.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY V-1**

In accordance with the ICE NDS, Visitation, section (III)(C), the FOD must ensure the facility shall maintain a log of all general visitors, and a separate log of legal visitors.

### **DEFICIENCY V-2**

In accordance with the ICE NDS, Visitation, section (III)(I)(6), the FOD must ensure each facility shall establish a written procedure to allow legal service providers and legal assistants to telephone the facility in advance of a visit to determine whether a particular individual is detained there.

**DEFICIENCY V-3**

In accordance with the ICE NDS, Visitation, section (III)(I)(7), the FOD must ensure each facility shall document such “pre-representation meetings” in the logbook for legal visitation.

**DEFICIENCY V-4**

In accordance with the ICE NDS, Visitation, section (III)(I)(8), the FOD must ensure, once an attorney-client relationship has been established, the legal representative shall complete and submit a Form G-28, available in the legal visitors’ reception area. Staff shall collect completed forms and forward them to ICE.