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Immigration and Customs Enforcement

Office of Professional Responsibility

Inspections and Detention Oversight

Washington, DC 20536

**Office of Detention Oversight
Compliance Inspection**

**Enforcement and Removal Operations
Los Angeles Field Office
Santa Ana Jail
Santa Ana, California**

October 25-27, 2011

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**COMPLIANCE INSPECTION
SANTA ANA JAIL
LOS ANGELES 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 Santa Ana Jail (SAJ) in Santa Ana, California, October 25-27, 2011. ICE houses detainees in SAJ under an intergovernmental service agreement (IGSA). SAJ is owned by the City of Santa Ana and managed by the Santa Ana Police Department. The facility is authorized to house adult male and female ICE detainees for periods in excess of 72 hours. SAJ has a total capacity of 512, 200 of which are allocated to ICE detainees. At the time of the inspection, 191 detainees (162 male; 39 female) were housed at the SAJ. Correctional Managed Care Medical Corporation provides health care and Aramark provides food service. SAJ holds no accreditations.

The Office of Enforcement and Removal Operations (ERO) Field Office Director (FOD), Los Angeles, California (FOD/Los Angeles), is responsible for ensuring SAJ is in compliance with ICE policies and the ICE National Detention Standards (NDS). There are no ICE personnel physically located at SAJ. An Assistant Field Office Director (AFOD) assigned to the FOD/Los Angeles is designated as the Officer-in-Charge (OIC), and a Supervisory Detention and Deportation Officer (SDDO) is the Assistant OIC. There are 112 full-time non-ICE employees on staff at SAJ.

In November 2010, ODO conducted a Quality Assurance Review (QAR) of the ICE NDS at SAJ. During that inspection, ODO recorded 29 deficiencies in 10 of the 19 standards reviewed. In June 2011, the ERO Detention Standards Compliance Unit contractors, MGT of America, Inc. (MGT), conducted an annual review of the ICE NDS at SAJ. The facility received an overall rating of "Acceptable" and was found to be in compliance with 32 of the 34 standards reviewed.

During the last ODO QAR, ICE Staff had failed to implement the Change Notice, National Detention Standards, Staff/Detainee Communication Model Protocol, issued by ERO Headquarters (HQ) on June 15, 2007, as a supplement to the Staff-Detainee Communication standard of the ICE NDS. This inspection confirmed implementation of the change notice, which was intended to ensure that medical, special management unit, and staff-detainee communication issues are properly administered at detention facilities housing ICE detainees.

During this inspection, ODO reviewed a total of eight ICE NDS that directly relate to the well-being of ICE detainees. ODO conducted this inspection without the resources of its MGT contract support team and analyzed the deficiencies noted in the previous ODO 2010 QAR and the June 2011 ERO annual inspection to best determine relevant standards for this review. ODO found no deficiencies in six of the NDS: Detainee Classification System, Detainee Grievance Procedures, Detainee Handbook, Law Libraries and Legal Material, Telephone Access, and Staff Detainee Communications. ODO found three deficiencies in this inspection: two in Detainee Transfers and one in Use of Force.

Although ODO almost always reviews the Medical Care standard at inspected facilities, ODO did not review it at SAJ due to the unavailability of a medical subject matter expert at the time. During the last ODO QAR, the review of the Medical Care standard identified deficiencies regarding maintaining detainee privacy, the cardiopulmonary resuscitation training of facility

staff, and the communication of appropriate medical clearances for release, transfer, or removal of detainees. During MGT's most recent June 2011 annual inspection of the facility, ERO did not identify any deficiencies during the medical care standard review

Overall, ODO found SAJ to be in compliance with the standards inspected; however, review of the Use of Force standard confirmed that no incident reports for the only four use of force incidents in the last year had been placed in detainee detention files in accordance with the NDS. Detainee files are complete records documenting time in custody. Inclusion of use of force reports ensures that information describing behaviors precipitating use of force is available to personnel having responsibility for handling the movement, transportation, or classification of detainees. Full documentation supports safety and security by providing accurate information to facility management on potentially violent detainees.

ICE management and staff conduct both weekly announced visits and regular unannounced visits to address detainee concerns and inquiries. ERO uses the weekly facility visitation liaison check list to document these visits and to verify proper oversight by the FOD/Los Angeles.

There was one suicide attempt during the past year at SAJ. The detainee who attempted suicide was placed on suicide watch in accordance with ICE NDS and applicable SAJ policies. There have never been any deaths and there were no hunger strikes at the facility in the past year.

This report includes descriptions of all identified deficiencies and refers to the specific, relevant ICE NDS. The report will be provided to ERO to develop corrective actions to resolve the three identified deficiencies. All deficiencies were discussed with SAJ personnel on-site during the inspection and during the closeout briefing conducted on October 27, 2011.

INSPECTION PROCESS

ODO inspections primarily focus on areas of noncompliance with the ICE NDS or the ICE Performance Based National Detention Standards, as applicable. In addition, focus may be applied to the inspection with information provided on detention management by the Office of Enforcement and Removal Operations (ERO) Headquarters and ERO field offices, and to issues of high priority or interest to ICE executive management. Inspection objectives are to evaluate the welfare, safety, and living conditions of detainees, and to determine compliance with applicable laws, policies, regulations, and procedures.

ODO reviewed the processes employed at SAJ 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 best prepare for the site visit at SAJ.

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 ICE 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 defines a deficiency as a violation of written policy that can be specifically linked to the ICE NDS, or to ICE policy or operational procedure. Deficiencies are highlighted in bold throughout the report and are encoded sequentially according to a detention standard designator. When possible, the report includes contextual and quantitative information relevant to the cited standard.

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	Special Agent (Team Lead)	ODO, Phoenix, AZ
	Special Agent	ODO, Phoenix, AZ
	Special Agent	ODO, Phoenix, AZ

OPERATIONAL ENVIRONMENT

INTERNAL RELATIONS

ODO interviewed ICE and SAJ personnel. Facility management and officers assigned who are familiar with the ICE NDS stated SAJ met the level of care required by the ICE NDS. SAJ staff indicated they maintain a positive relationship with ICE, and morale is good. ICE supervisory personnel described the relationship with SAJ as “good” and “positive.” An SDDO stated the excellent working relationship between ICE and contract employees has enabled the facility to run smoothly. SAJ management stated ICE supervisors and officers visit detainees in the housing units a minimum of twice a week. ICE staff indicated they have adequate resources and equipment to carry out their duties and responsibilities.

DETAINEE RELATIONS

ODO interviewed ten randomly-selected ICE detainees to assess the overall living and detention conditions at SAJ. Five of ten detainees could not identify their Deportation Officer (DO) and did not know how to contact a DO. Those detainees were also unaware of how to contact the DHS Office of Inspector General or the local ERO office. During the inspection, ODO verified all of this information is conspicuously posted in the living area where detainees have general access. All of the detainees interviewed stated medical services were adequate, and they were given hygiene supplies upon arrival. Two detainees stated food portions were too small. ODO verified that a registered dietitian certifies the menu, and SAJ is in full compliance with the ICE NDS regarding Food Service.

There were no detainee complaints concerning access to telephones, the law library, recreation, or sending and receiving mail. Overall, detainees were pleased with the accommodations at SAJ.

ICE NATIONAL DETENTION STANDARDS

ODO reviewed a total of eight NDS and found SAJ fully compliant with the following six standards:

- Detainee Classification System
- Detainee Grievance Procedures
- Detainee Handbook
- Law Libraries and Legal Material
- Telephone Access
- Staff Detainee Communications

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 two NDS:

- Detainee Transfers
- Use of Force

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

DETAINEE TRANSFER (DT)

ODO reviewed the Detainee Transfer standard at SAJ to determine if transfers of detainees from one field office to another are responsibly managed in regard to notification, detention records, safety and security, and protection of detainee funds and property, in accordance with the ICE NDS. ODO reviewed records and interviewed staff. At the time of the inspection, there were no instances of detainees being transferred to SAJ; therefore, ODO was unable to observe the procedures in practice.

ICE ERO sends SAJ proper documentation when transferring detainees to SAJ, such as Form I-216 (Record of Persons and Property Transferred), DIHS-796 (Nursing Intake Screening/Transfer Summary), Form I-203 (Order to Detain/Release), and Classification Sheets. These forms facilitate proper medical treatment and the appropriate assignment of housing by the receiving facility.

ODO verified that when legal counsel represents a detainee and a Form G-28 (Attorney of Record) has been filed, ERO does not document whether the attorney has been notified of the transfer. This notification is required to be in writing, recorded in the detainee's A-File, and documented in ENFORCE (**Deficiency DT-1**). This notification allows detainees' attorneys of record to maintain contact with their clients as they handle the immigration cases.

ODO verified that ERO has not been providing detainees the written notification regarding facility transfers as required by the standard (**Deficiency DT-2**). Providing in writing, the name, address and telephone number of the facility they are being transferred to, ensures detainees know have this essential information about their detention and allows them to notify others of their transfer.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY DT-1

In accordance with the ICE NDS, Detainee Transfer, section (III)(A)(1), the FOD must ensure when legal counsel represents a detainee, and a G-28 has been filed, ICE shall notify the detainee's representative of record that the detainee is being transferred from one detention facility to another. This notification shall be recorded in the detainee's A-file, if available, or work file, and the notification shall be notated in the comments screen in DACS [ENFORCE].

DEFICIENCY DT-2

In accordance with the ICE NDS, Detainee Transfer, section (III)(A)(3), the FOD must ensure, at the time of the transfer, ICE will provide the detainee, in writing, with the name, address and telephone number of the facility he/she is being transferred to.

USE OF FORCE (UOF)

ODO reviewed the Use of Force standard at SAJ 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, in accordance with the ICE NDS. ODO interviewed staff and reviewed local policy, training records, and use of force documentation.

Overall, ODO found SAJ to be in compliance with the Use of Force standard; however, review confirmed that no incident reports for the only four use of force incidents in the last year had been placed in detainee detention files in accordance with the NDS (**Deficiency UOF-1**). In accordance with the ICE NDS, Detention Files, a detainee's file is to be a complete record of his or her time in custody. Inclusion of use of force reports ensures information describing behaviors precipitating use of force is available to personnel responsible for handling the movement, transportation, or classification of the detainee. Full documentation supports safety and security by providing accurate information to facility management on potentially violent detainees.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY UOF-1

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