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Office of Detention Oversight Compliance Inspection

Enforcement and Removal Operations
San Antonio Field Office
South Texas Detention Complex
Pearsall, Texas

February 7 - 9, 2012

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**COMPLIANCE INSPECTION
SOUTH TEXAS DETENTION COMPLEX
SAN ANTONIO 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 South Texas Detention Complex (STDC) in Pearsall, Texas, from February 7-9, 2012. STDC is owned by Frio County and operated by the GEO Group (GEO). STDC opened in May 2005 under contract with U.S. Immigration and Customs Enforcement (ICE) as a contract detention facility (CDF). STDC accommodates male ICE detainees of all three classification levels for periods in excess of 72 hours. Female detainees are not housed at STDC. The ICE Health Service Corps (IHSC) and contractor STG provide medical services. GEO provides food service. STDC is accredited by the American Correctional Association (ACA) and the National Commission on Correctional Health Care (NCCHC).

The ICE Office of Enforcement and Removal Operations (ERO), Field Office Director, San Antonio, Texas (FOD/San Antonio) is responsible for ensuring STDC maintains compliance with ICE policies and the ICE Performance Based National Detention Standards (PBNDS). The Assistant Field Office Director (AFOD) assigned to the ERO office in Pearsall, Texas, which is co-located at the facility, maintains oversight of STDC. The ERO staff consists of 6, b7 full-time positions. Supervisory ERO staff consists of 6, b7 Supervisory Detention and Deportation Officers (SDDO), and 6, b7 Supervisory Immigration Enforcement Agents (SIEA). A Detention Service Manager (DSM) assigned to the facility is also co-located at STDC. GEO staff consists of 6, b7 positions. The highest ranking GEO official at STDC is the Warden, who is responsible for oversight of daily operations. Supervisory GEO security staff is comprised of a Deputy Warden, 6, b7 Assistant Wardens, 6, b7 Majors, 6, b7 Captains, 6, b7 Lieutenants, and 6, b7 Sergeants. The medical staff consists of 6, b7 employees. The clinic staff includes a Health Services Administrator (HSA), an Assistant HSA, a Clinical Director (CD), a physician, 6, b7 mid-level providers, a Nurse Manager, 6, b7 registered nurses (RN), 6, b7 licensed vocational nurses (LVN), and 6, b7 medical record technicians. Total housing capacity at STDC is 1,904, which is dedicated entirely to ICE detainees. At the time of the CI, 1,686 ICE detainees were housed at STDC. The average length of stay for a detainee at STDC is 37 days.

This is the first ODO inspection of STDC under the PBNDS. ODO previously inspected the STDC in August 2009 when STDC was obligated to comply with the National Detention Standards (NDS). At the completion of the NDS inspection, STDC was found to be in compliance with 14 of the 31 standards reviewed. ODO found 26 deficiencies in the remaining 17 areas: Access to Legal Material (1 deficiency), Admission and Release (1), Correspondence and Other Mail (1), Detainee Grievance Procedures (4), Detainee Handbook (1), Detention Files (1), Emergency Plans (1), Food Service (1), Funds and Personal Property (2), Hold Rooms in Detention Facilities (3), Key and Lock Control (2), Medical Care (3), Population Counts (1), Post Orders (1), Security Inspections (1), Suicide Prevention and Intervention (1), and Use of Force (1).

On March 31, 2011, ERO Detention Standards Compliance Unit contractor, MGT of America, Inc., conducted an annual review of the ICE PBNDS at STDC. The facility received an overall rating of "Meets Standards," and was found compliant with 41 of the 41 standards reviewed.

During this CI, ODO reviewed a total of 15 PBNDS; 14 standards were found to be fully compliant, including Admissions and Release, Classification System, Detainee Handbook, Detainee Transfers, Food Service, Grievance Procedures, Hunger Strikes, Law Libraries and Legal Material, Medical Care, Special Management Units, Staff-Detainee Communication, Suicide Prevention and Intervention, Telephone Access, and Use of Force. One deficiency was found in the Funds and Personal Property standard. This deficiency is not related to the deficiencies found in the Funds and Personal Property NDS during the 2009 ODO inspection.

This report details the lone deficiency and refers to the specific, relevant section of the ICE PBNDS. OPR will provide ERO a copy of this report to assist in developing corrective actions to resolve the identified deficiency. This deficiency was discussed with STDC and ERO personnel on-site during the inspection, as well as during the closeout briefing conducted on February 9, 2012.

Overall, ODO found STDC to be well-managed and in compliance with the standards inspected. ODO found STDC policies and procedures were constructed using language found in the PBNDS to ensure compliance with the PBNDS. The lack of deficiencies can be attributed to the use of compliance teams at STDC, which ODO has identified as a best practice. ICE and STDC management have created two compliance units to monitor adherence to applicable standards and practices. Both units consist of b6, b7c employees, and each unit is comprised of b6, b7c STDC and b6, b7c ICE employee. The units achieve compliance with ICE detention standards through routine auditing and oversight. During the CI, the lone deficiency identified was the lack of secure storage for detainee personal property in the housing areas as required by the ICE PBNDS.

ODO noted no deficiencies during a review of the Medical Care PBNDS. ODO toured the clinic, reviewed policies and procedures, interviewed staff, examined 25 medical records, and verified all medical staff credentials. ODO confirmed intake screening was performed by an RN who triages all arriving detainees for any signs of respiratory symptoms as well as chronic disease. Detainees with such symptoms or other identified medical issues are the first to undergo full intake screening during admission. Tuberculosis (TB) testing, medications, treatment for special and chronic needs, and follow-up care are provided. During the admissions process, detainees sign a consent form prior to receiving a chest x-ray (CXR) to screen for TB. The results of the CXR are read by a radiologist and received within four hours. If pathology other than TB is found on the CXR, the radiologist recommends further evaluation.

Detainees access care by submitting written medical requests available in English and Spanish, which are placed in secure "Medical Request" boxes located in the housing areas. Nursing staff collect and triage the sick call slips in a timely manner to determine priority for care. Sick call is conducted daily. ODO verified cardio-pulmonary resuscitation (CPR) training for all medical staff and for 15 randomly reviewed custodial staff.

Physical examinations (PE) are conducted by mid-level practitioners and RNs who have been trained by the physician to perform this function. ODO reviewed 25 detainee files and determined all 25 detainees had received a PE within the required 14-day timeframe. The physician had reviewed and signed every PE conducted by the RN. Detainees with chronic care needs are seen for follow-up every three months or more frequently based on need. ODO

verified medications for chronic conditions were ordered and documented in medication administration records. ODO verified medical transfer summaries were included in the medical records of detainees being released or transferred from STDC. There were no reports of suicide attempts or detainee deaths at STDC during the 12 months preceding this CI.

One detainee hunger strike had been reported in the past 12 months. A review of the Hunger Strike PBNDS confirmed the staff is knowledgeable of hunger strike policies and procedures. Detainees on hunger strike housed at STDC are properly monitored. According to STDC policy, if a detainee on a hunger strike deteriorates beyond the level of care available at the facility, the detainee is transferred to the local hospital.

STDC serves meals to detainees in their housing units via a satellite system. A satellite system consists of meal preparation in the facility food service area and the provision of meals to detainees in their respective housing units for consumption. ODO verified all personnel had received appropriate medical clearances prior to beginning work in food service. A registered dietitian certifies all menus are nutritionally complete and balanced. Religious and medical diets are provided in accordance with the standard. Inspection of the food service area confirmed compliance with food temperature requirements. Temperatures of coolers and freezers were consistent, and utensils and knives were properly controlled. Overall, the kitchen, food preparation, dishwashing, and food cart areas were found to be well-managed and properly maintained.

Deportation Officers (DO) and/or Immigration Enforcement Agents (IEA) visit the housing areas on a daily basis to address detainee concerns and to monitor living conditions. ODO interviews of STDC staff confirmed that supervisory ERO personnel make frequent unannounced and unscheduled visits to the activity areas and housing units. All of these visits are properly logged.

STDC has a grievance system that allows detainees to file informal and formal grievances, and to appeal grievance decisions. At the time of the CI, there were no unresolved grievances. STDC has designated two grievance officers responsible for performing investigations and resolving grievances. A Grievance Committee consisting of managerial staff also works to resolve grievances. A review of grievances processed during the six months preceding the CI confirmed the process is effective and does not reflect patterns or trends indicative of operational, procedural, or personnel problems. Detainees interviewed stated they believe the grievance system is fair and functions as described in the detainee handbook.

ODO inspection of the Administrative and Disciplinary Special Management Units (SMU) confirmed the units are well ventilated, adequately lit, appropriately heated, and maintained in a sanitary condition. Documentation verified the administrator (or designee) makes daily visits to the SMU. ODO confirmed medical staff is notified when a detainee is placed in SMU to ensure medical assessments and reviews are conducted. Detainees in SMU are afforded basic living conditions that mirror those provided to detainees in the general population.

All detainees have access to daily recreation, a law library, and telephone services. Detainees have the option to participate in religious services and family visitation. Every detainee receives a copy of the ICE National Detainee Handbook and the local facility handbook supplement.

Both are available in English and Spanish, which are the predominate languages spoken by detainees at STDC. The facility has made other foreign language versions available as needed.

There were 12 immediate use of force incidents and 16 calculated use of force incidents at STDC between January 2011 and January 2012. It is worthy of note that one detainee accounted for six of the 16 calculated use of force incidents. By definition, an immediate use of force situation is created when detainee behavior constitutes a serious and immediate threat to self, staff, another detainee, property, or the security and orderly operation of the facility. It may be necessary for staff to respond to these situations without a supervisor's direction or presence. A calculated use of force occurs when there is no immediate threat to the detainee or others, and time is available for officers to formulate strategy and assess the possibility of resolution in the least confrontational manner.

A review of documentation pertaining to the 12 immediate use of force incidents verified compliance with the PBNDS and facility policy. ODO also reviewed documentation and viewed videotapes related to the 16 calculated use of force incidents. All incident reports were complete, and videos were attached to the reports forwarded to the local ICE office. After-action reviews were conducted as required. There are five handheld video cameras located throughout STDC. Each shift has designated response officers as well as assigned camera operators. STDC personnel receive training in the use of force policy annually.

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 PBNDS, as applicable. The PBNDS apply to STDC. 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.

ODO reviewed the processes employed at STDC 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 STDC.

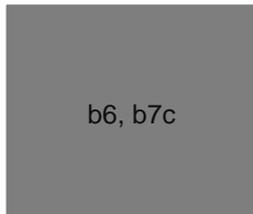
REPORT ORGANIZATION

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 PBNDS 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. 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 PBNDS, 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



Special Agent (Team Leader)
Special Agent
Contract Inspector
Contract Inspector
Contract Inspector
Contract Inspector

ODO, Houston
ODO, Houston
Creative Corrections
Creative Corrections
Creative Corrections
Creative Corrections

OPERATIONAL ENVIRONMENT

INTERNAL RELATIONS

ODO interviewed the STDC Warden, the Assistant Warden, and the ICE AFOD. During the interviews, ERO management stated they have the necessary resources and equipment to carry out their duties and responsibilities, but funding for training and training opportunities are limited. As a result, ERO personnel assigned to STDC have limited familiarity with ERO functions outside of the detention environment. Requested training includes: Fugitive Operations, Prosecutions, and Defensive Tactics. The general morale for both STDC and ERO staff is high. STDC and ERO personnel stated their working relationship is excellent.

The Warden stated STDC personnel levels are sufficient to handle the current ICE detainee population. ICE DOs and IEAs visit housing units daily to address questions and concerns of detainees. The AFOD conducts weekly meetings with personnel from ERO, STDC, IHSC, and the Executive Office for Immigration Review, as well as with the DSM. These meetings enable roundtable discussions about issues concerning the overall management of the facility and areas of concern, and provide an open forum to encourage communication by all parties involved.

DETAINEE RELATIONS

ODO randomly selected and interviewed 65 detainees to assess the overall living and detention conditions at STDC. Detainees had no complaints regarding food service, recreation, the law library, visitation, or sending and receiving mail.

Of the detainees interviewed, 56 detainees (86%) could not identify their DO, and 42 detainees (65%) did not know how to contact a DO. ODO reviewed the ERO Daily Logbook maintained at STDC, and confirmed a DO or an IEA visits detainee housing and activity areas on a daily basis to address detainees' concerns and monitor living conditions. ODO also confirmed the schedule for ERO visits was posted in the detainee housing areas listing DO assignments according to alien number.

Seven detainees (11%) complained about the medical care and responsiveness to their medical requests. ODO reviewed medical care at STDC and found it to be well-managed. Medical care is appropriately triaged and provided in a timely manner according to the priority of the requested or required care.

Three detainees (5%) stated they were not aware that grievance forms were available. ODO visited housing areas, interviewed staff and detainees, and reviewed policies and procedures, the detainee handbook, and grievance logs. ODO determined grievance forms are available. Interviews determined the majority of detainees feel the system is fair and functions as described in the detainee handbook.

Two detainees (3%) stated they had difficulty connecting to an outside line when using the telephones. ODO inspected telephones in the 23 housing units and found an adequate number

of telephones are available. ODO successfully placed calls to a random sample of speed dial locations. ODO verified telephones are checked daily by STDC staff to ensure all are in working order. ODO also verified ICE staff inspects the telephones weekly and documents that speed dial checks are performed.

Three detainees (5%) complained STDC staff members had referred to them by culturally insensitive slurs, and used profanity when directing detainees. ODO found there were no grievances filed by any detainees regarding these allegations with either ERO or STDC. ODO discussed the issue with the STDC Warden during the CI. The Warden stated he was unaware of any recent incidents, but had disciplined or removed staff for similar conduct in the past. The Warden stated such conduct is not permitted or tolerated.

ICE PERFORMANCE BASED NATIONAL DETENTION STANDARDS

ODO reviewed a total of 15 PBNDS and found STDC fully compliant with the following 14 standards:

- Admission and Release
- Classification System
- Detainee Handbook
- Detainee Transfers
- Grievance System
- Food Service
- Hunger Strikes
- Law Libraries and Legal Material
- Medical Care
- Special Management Units
- Staff-Detainee Communication
- Suicide Prevention and Intervention
- Telephone Access
- Use of Force and Restraints

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

ODO found a deficiency in the following standard:

- Funds and Personal Property

Findings for this standard are presented in the remainder of this report.

FUNDS AND PERSONAL PROPERTY (F&PP)

ODO reviewed the Funds and Personal Property PBNDS at STDC to determine if controls are in place to inventory, receipt, store, and safeguard detainees' personal property. ODO toured the facility, reviewed local policies, interviewed staff, and inspected property storage areas.

ODO found STDC accounts for and safeguards detainee property from the time of admission until the detainee's release or transfer. Required safeguards are in place to prevent contraband from entering the facility. An inspection of detainee storage lockers in housing units revealed the number of lockers is appropriate for the detainee population; however, the facility does not provide a means to secure personal items placed in the storage lockers (**Deficiency F&PP-1**). Providing securable storage lockers prevents theft of detainees' authorized personal property and limits facility liability.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY F&PP-1

In accordance with the ICE PBNDS, Funds and Personal Property, section (V)(E), the FOD must ensure every housing area shall have lockers or other securable space for storing detainees' authorized personal property. The amount of storage space shall correspond to the number of detainees assigned to that housing area.