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Immigration and Customs Enforcement

Office of Professional Responsibility

Inspections and Detention Oversight

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**Office of Detention Oversight
Compliance Inspection**

**Enforcement and Removal Operations
San Antonio Field Office
Karnes County Civil Detention Center
Karnes City, Texas**

January 29 - 31, 2013

**COMPLIANCE INSPECTION
KARNES COUNTY CIVIL DETENTION CENTER
SAN ANTONIO FIELD OFFICE**

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EXECUTIVE SUMMARY

The Office of Professional Responsibility, Office of Detention Oversight (ODO) conducted a Compliance Inspection (CI) of the Karnes County Civil Detention Center (KCCDC) in Karnes City, Texas, from January 29 to 31, 2013. KCCDC opened in March 2012, and is owned and operated by the GEO Group, Incorporated (GEO). In March 2012, U.S. Immigration and Customs Enforcement (ICE), Office of Enforcement and Removal Operations (ERO) began housing detainees at KCCDC under an intergovernmental service agreement between ICE and GEO. Level I (lowest threat) and Level II (medium threat) male detainees are held at KCCDC for periods in excess of 72 hours. KCCDC does not house females or Level III (highest threat) detainees. KCCDC allocates a total of 608 beds for ICE detainees. At the time of this CI, the facility housed 535 detainees. The average daily detainee population is 566, and the average length of stay for a detainee is 36 days. GEO provides medical care and food service at KCCDC. KCCDC holds no accreditations.

The ERO Field Office Director (FOD) in San Antonio, Texas (FOD San Antonio) is responsible for ensuring facility compliance with ICE policies and the ICE Performance-Based National Detention Standards (PBNDS). An Assistant Field Office Director (AFOD) permanently stationed at KCCDC is the highest ranking ERO official at the facility. In addition to the AFOD, ERO staff at KCCDC is comprised of (b)(7)e Supervisory Detention and Deportation Officers, (b)(7)e Supervisory Immigration Enforcement Agents, (b)(7)e Deportation Officers, (b)(7)e Immigration Enforcement Agents, (b)(7)e Enforcement and Removal Assistants, and (b)(7)e Mission Support Specialists. A Supervisory Immigration Enforcement Agent position and a Deportation Officer position are currently vacant. A permanently-assigned Detention Service Manager monitors facility compliance with the PBNDS.

The Facility Administrator is the highest-ranking GEO official at KCCDC, and is responsible for oversight of daily operations. In addition to the Facility Administrator, staff at KCCDC includes the Deputy Facility Administrator, the Chief of Security, (b)(7)e executive officers, (b)(7)e security supervisors, and (b)(7)e detention officers. At the time of the ODO inspection, GEO had no staffing vacancies at KCCDC. The total number of GEO non-supervisory staff is (b)(7)e

KCCDC was designed to accommodate civil detention and is the result of a collaboration between GEO and ICE. KCCDC does not have a Special Management Unit (SMU). If the facility has a detainee that meets the criteria for placement in the SMU, the detainee is transferred to a facility equipped to provide this type of housing. The SMU PBNDS is not applicable to the facility and was not reviewed during this CI.

In January 2012, the ERO Detention Standards Compliance Unit contractor, the Nakamoto Group, Inc., conducted a pre-occupancy inspection of KCCDC for PBNDS compliance. KCCDC received an overall rating of "Does Not Meet Standards," and was found compliant with 38 of 40 standards reviewed. The Nakamoto report cited KCCDC as deficient for not having an SMU. KCCDC was also found deficient in two mandatory components of the Environmental Health and Safety PBNDS; however, posting of emergency exit plans, and approval of fire prevention, control, and evacuation plans were pending at the time of the ERO inspection.

In June 2012, Nakamoto conducted a 90-day follow-up PBNDS inspection. Nakamoto found KCCDC compliant with 39 of 40 standards reviewed. The SMU standard was again found deficient due to the absence of an SMU, which resulted in a repeat rating of “Does Not Meet Standards.”

During this CI, ODO reviewed 16 PBNDS. ODO found KCCDC to be orderly, well-managed, and in full compliance with every standard inspected. ODO observed a high level of sanitation throughout the interior and exterior of the facility.

ODO attributes the high level of PBNDS compliance to the positive working relationship and effective communication between ICE and facility staff. KCCDC staff works closely with ICE management and staff to align facility policies with the PBNDS. ICE personnel are permanently stationed at the facility, and interact closely with detainees and facility staff in a proactive effort to identify and resolve compliance issues. ODO cites the presence of a dedicated ERO standards compliance team and the presence of an on-site Detention Service Manager as major factors in the outstanding level of PBNDS compliance at KCCDC.

KCCDC has a comprehensive policy addressing detainee classification. The Classification System User Manual and Appendix 1 of the PBNDS are used as guidance. Detainees are classified upon admission to the facility and before being placed in general population housing. A review of the KCCDC detainee roster found 532 detainees classified as Level I detainees, and three detainees classified as Level II. According to the policy, any detainee reclassified to Level III for disciplinary or other reasons is immediately transferred to another facility. A review of 15 detention files and 15 alien files found all contained necessary documentation supporting appropriate classifications. ODO confirmed there have been no appeals or grievances related to detainee classification. ICE personnel train KCCDC intake screening staff in the Classification System standard, and each staff member is provided a certificate of achievement after successful completion of training. ODO cites this security classification training as a best practice, because it enhances staff knowledge and promotes adherence to the standard.

Each detainee receives the ICE National detainee handbook and the KCCDC facility handbook, and both are available in English and Spanish. The KCCDC facility handbook explains rules, sanctions, the disciplinary system, the grievance system, mail, medical care, recreation, religious programs, and visitation. The facility handbook also describes classes, such as English as a Second Language and Life Skills. If a detainee speaks a language other than English or Spanish, interpretation services are available to explain the detainee handbook. ODO reviewed 15 randomly-selected detention files to determine if detainees had received handbooks. All files contained documentation signed by each detainee acknowledging receipt of both handbooks.

ODO found KCCDC maintains a high level of sanitation inside and outside of the facility. The Environmental Specialist/Fire Safety Manager provided documentation of extensive weekly fire and safety inspections, as well as the required monthly inspections. Evacuation plans, which include locations of emergency equipment and directional arrows for traffic flow, are conspicuously posted throughout the facility in English and Spanish. The facility maintains a master index of hazardous substances and a master file of Material Safety Data Sheets. The inspection confirmed the master index includes the locations of hazardous substances and emergency telephone numbers. Inventories of hazardous substances are current and accurate.

The KCCDC water management system for laundry services is cited by ODO as a best practice. Water drained from the washing machines flows into a holding tank where it is filtered, processed, and moved to a storage tank. The recycled water is then pumped back into the washers. Recycling water for laundry operations reduces water consumption and lowers associated operating costs.

GEO manages the food service operation at KCCDC. The Food Service Administrator has been trained by SERVSAFE, which is a food safety training and certification program administered by the National Restaurant Association. The Food Service Administrator has also successfully passed the Food Safety Manager Certification Examination administered by the Director of Public Health for Bexar County, Texas. Approximately (b)(7) detainees are assigned to each of two shifts in the kitchen to maintain sanitation and assist with meal preparation. ODO observed the staff visually assess detainees for health concerns and cleanliness prior to beginning work duties. Detainee clothing and grooming complied with requirements of the standard. Review of documentation for (b)(7)e detainee workers confirmed all had received medical clearances and food service training.

All meals are served in the dining hall, with the exception of meals served to detainees in the medical and intake screening areas. As detainees enter the dining hall, their identification cards are scanned into a "Meal Tracker" system. ODO cites this as a best practice, because it tracks the number of meals served. This system also identifies detainees who miss meals. During the review, ODO ate the noon meal in the dining room and found the food appetizing. ODO verified the GEO Corporate Director of Food Service and a dietary consultant have certified the menus as nutritionally adequate. ODO observed the level of sanitation in the dining hall and food preparation areas to be at a high standard. ODO confirmed the most recent annual inspection of the food service operation by the Texas Department of Health Services, which occurred on February 17, 2012, found KCCDC to be in compliance with applicable health and safety codes.

The property storage area at KCCDC is clean and well-organized. It is located in the admission and release area behind a locked door, and is accessible only to supervisory staff and the Facility Administrator. The area is monitored 24 hours a day via closed circuit cameras and KCCDC staff. All detainee property bags are clearly marked to document the name and alien number of each detainee. Property is stored and organized using a numerical system. Any property left or abandoned by a detainee is turned over to ERO for proper disposition. KCCDC conducts weekly audits of the property storage area, and the results are documented on a facility property form.

Detainees are provided with information on informal and formal grievance procedures via the detainee handbook and an orientation video. Information is provided in Spanish and English. The facility has a comprehensive grievance policy addressing all requirements of the PBNDS. Review of training files for (b)(7) staff members confirmed completion of initial and annual training in grievance procedures, including procedures for identifying and handling emergency grievances.

A social worker is designated as the Grievance Coordinator. Informal and formal grievance logs are maintained. ODO confirmed 14 informal grievances were filed between March 2012 and the date of the ODO inspection. Disposition of grievances is documented in individual detention files. Review of five of the 14 informal grievances identified no patterns or concerns, and

confirmed each grievance was resolved informally. Ten formal grievances were filed during the same time period. Five of the formal grievances were filed by detainees placed in medical isolation to wait for testing to rule out tuberculosis. The detainees objected to being placed in isolation, because they were asymptomatic; however, ODO confirmed placement in isolation complies with the Medical Care PBNDS and facility policy. Four formal grievances alleged staff members were disrespectful. One grievance related to what a detainee considered to be an unjustified disciplinary report. Documentation reflects all formal grievances were properly investigated and referred to the grievance committee. No grievance decisions were appealed. ODO confirmed there were no allegations of staff misconduct.

There are two libraries at KCCDC: a law library and a leisure library. The law library is located in a quiet room, with sufficient furnishings, equipment, and office supplies to support legal research and case preparation. There are ten computers equipped with the most recent version of Lexis-Nexis, and there is a printer accessible to all detainees. The law library is open seven days a week from 8:00 a.m. to 8:00 p.m. A schedule is conspicuously posted in the law library, along with a list of the law library's holdings. Detainees stated they are aware of access procedures for the law library.

ODO toured the medical clinic, reviewed policies and procedures, verified medical staff credentials, observed the intake screening process, and interviewed the Health Services Administrator (HSA). ODO examined 30 medical records for detainees in the following categories: chronic care, appearing on the sick call log for January 23, 2013, suspect tuberculosis, suicide watch, and random healthy. Each record was spot-checked for sick call timeliness, reviewed for transfer documentation, and found to be in full PBNDS compliance. There have been no detainee deaths at KCCDC.

KCCDC currently holds no accreditations; however, the facility is scheduled for survey by the American Correctional Association in April 2013. Medical services are provided by GEO. The clinic is open 24 hours a day, seven days a week, and accepts walk-ins at any hour of the day or night. Administrative oversight is provided by the HSA, and the designated Clinical Medical Authority is the full-time Clinical Director. Mental health services are provided by a contract psychiatrist and a full-time psychologist, who are available via video-conference. A contract dentist and a dental assistant are on-site 20 hours a week. On-call coverage is provided by the Clinical Director, the dentist, and the psychiatrist. ODO finds staffing sufficient to provide basic medical services to all detainees housed at KCCDC. ODO verified professional licenses are current and primary source verified for authentication purposes.

ODO cites the extensive information on medical services and patient education provided to detainees at KCCDC as a best practice. The facility handbook has three separate sections offering information regarding medical services at KCCDC.

Detainees are allowed unrestricted movement at KCCDC 24 hours a day. Consequently, the clinic accepts detainees in the clinic on a walk-in basis around-the-clock. Detainees may also request healthcare services by completing a written request form. These forms, which are printed in English and Spanish, are available in each housing unit day room and the dining hall. Detainees complete the forms and deposit them into lockboxes. A nursing staff member retrieves the requests twice daily, conducts triage to determine priority for care, and records the

date of each request. Sick call is conducted on a daily basis and is performed in the clinic. ODO cites the tracking of sick call appointments to ensure reduced wait times as a best practice.

Upon admission, all detainees are issued four pairs of denim pants, four t-shirts, four pairs of socks, four pairs of underwear, a pair of gym shorts, one sweatshirt, one pair of canvas shoes, and one pair of shower shoes. Outerwear, adequate bedding garments, and a hygiene kit are also provided. Detainees may request to have clothing laundered daily, and bedding laundered once a week. KCCDC maintains an inventory of clothing and personal hygiene items exceeding the PBNDS requirement of 200 percent of the maximum funded detainee capacity.

The HSA is the designated Sexual Abuse and Assault Prevention and Intervention (SAAPI) Coordinator. Review of training records for 11 KCCDC staff members confirmed completion of pre-service, quarterly, and annual training on the SAAPI program. ODO confirmed the training curriculum addresses all required elements. All personnel interviewed demonstrated a clear understanding of their duties and responsibilities with respect to handling reports of sexual abuse or assault. The SAAPI Coordinator was fully knowledgeable regarding the standard and KCCDC policy.

Information on the SAAPI program is provided to detainees during orientation, in the detainee handbook, and by way of a brochure available in English and Spanish. The brochure, which is provided during the intake process, provides guidance for reporting sexual abuse or misconduct by other detainees or staff. These brochures are available in the libraries, dayrooms, and program areas. In addition, informational postings are located in the receiving and discharge areas, the medical department, in hallways, and in every housing unit. All written materials include toll-free telephone numbers for reporting incidents. During the review, KCCDC completed installation of a speed-dial option on its detainee telephone system to supplement the toll-free telephone numbers. This option allows reporting of sexual abuse or assault by dialing “9” on telephones in housing areas. The detainee is asked in English and Spanish to enter his alien file number, and is then prompted to record a message reporting the incident. An automatic e-mail alert is generated and sent to the mobile device of the SAAPI Coordinator. During demonstration of the system, ODO verified the alert was received by the SAAPI Coordinator within one minute, which provides a much quicker response than alternate methods. ODO cites this as a best practice. KCCDC management stated existing materials will be modified to include information regarding the speed-dial option.

The KCCDC staff-detainee communication policy allows detainees to have informal and unrestricted access and interaction with ERO and facility staff. ERO visitation schedules are posted in all detainee housing units. Detainees can also submit formal written questions, concerns, or requests to ERO and facility staff by completing a request form. From July 2012 to December 2012, the facility received and processed more than 3,850 formal requests from detainees. ODO reviewed 248 randomly-selected formal detainee requests submitted during this time period, and verified each of the 248 requests was documented and recorded in the electronic request log, a response was provided to the detainee in a timely manner, and a copy of the completed request was placed in each individual detention file. ODO reviewed the Facility Liaison Visit Checklists from July 2012 to December 2012, and confirmed ERO officers consistently conduct scheduled and unannounced visits multiple times each week to interact with detainees, address questions or concerns, and monitor living conditions in the housing units. The

AFOD stated ERO officers frequently spend the entire day interacting with detainees during staff-detainee communication visits, and observing various detainee recreational activities.

KCCDC management conducts town hall meetings with detainees twice a month to facilitate discussion of complaints and to encourage suggestions from detainees on improving activities and programs offered within the facility. An intercom system is used to announce meal times, religious services, special activities, meetings, and commissary and pharmacy operating hours. All announcements are made in English and Spanish. ODO cites recurring town hall meetings and the use of an intercom system to facilitate staff-detainee communication as best practices.

ODO inspected the suicide watch cells, interviewed medical and training staff, and reviewed suicide prevention policies, training curriculum, and staff training records. ODO confirmed local policy complies with PBNDS requirements. Review of training files by ODO for all medical personnel and (b)(7)e custody staff confirmed completion of initial and annual suicide-prevention training.

KCCDC has a comprehensive detainee transfer policy addressing all requirements of the Transfer of Detainees PBNDS. During the review, ODO observed 21 detainees being processed for release on their own recognizance. The property of each detainee was accounted for and returned, and receipts were exchanged. ODO confirmed medical summary transfer forms were completed, and medications were forwarded with detainees transferring to other facilities. ODO reviewed 30 alien files (15 active, 15 archived) and 15 KCCDC detention files. All files contained required information documenting full compliance with the standard.

Detainees have reasonable and equitable access to telephones at KCCDC. The ratio of telephones to detainees at KCCDC is one telephone per 4.5 detainees. The PBNDS requires a ratio of one telephone per 25 detainees. KCCDC provides 118 detainee-accessible telephones throughout the facility, and all telephones are available 24 hours a day, seven days a week. Detainees are given emergency messages and allowed to return emergency telephone calls without delay. Notification that calls are subject to monitoring, and procedures for obtaining unmonitored legal calls is provided in the detainee handbook and posted near the telephones in housing units. If a detainee wishes to place an unmonitored telephone call to a legal representative, an office is available with unmonitored telephones for detainee use. Telephones are located in each dormitory in areas that provide privacy during calls. Access rules, telephone numbers, and consulate numbers are posted in English and Spanish near all telephones. ODO reviewed logbooks and serviceability reports, and confirmed all telephones are inspected daily by facility staff and weekly by ICE staff.

ODO confirmed there have been no uses of force at the facility since it opened in March 2012. The KCCDC use of force policy is comprehensive and addresses all requirements of the PBNDS. Confrontation avoidance is emphasized in policy and in the use of force training curriculum implemented at KCCDC. ODO reviewed training files for (b)(7)e staff members and confirmed all had completed pre-service and annual refresher training in the use of force. KCCDC personnel do not use electro-muscular disruption devices or a restraint chair. Four-point restraints are available in the medical area, and their use is discussed in the policy; however, facility management stated four-point restraints have never been used. ODO confirmed protective gear and three hand-held video cameras are available in the event a calculated use of force occurs.

KCCDC policy requires an After Action Review Team consisting of the AFOD or designee, the HSA, and the KCCDC Facility Administrator. The Deputy Facility Administrator is required to review all use of force incidents.

KCCDC has a volunteer work program for detainees. Positions available under the program include: barber, dining hall cleaning crewmember, general cleaner\runner, kitchen worker, laundry worker, painter, library worker, medical cleaner, and programs cleaner. Compensation is \$3.00 per day for all work assignments. KCCDC management offers various activities for detainees, such as bingo, outdoor music, movie nights, and cleanest dormitory contests. Arts and crafts, English as a second language, life skills, and horticulture classes are offered to detainees at no charge. The amenities at KCCDC promote a detention environment that is non-penal.

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 or the ICE PBNDS, as applicable. The PBNDS apply to KCCDC. In addition, ODO may focus its inspection based on detention management information provided by the ERO Headquarters and ERO field offices, and to issues of high priority or interest to ICE executive management.

ODO reviewed the processes employed at KCCDC 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, the ENFORCE Alien Booking Module and the ENFORCE Alien Removal Module. ODO also gathered facility facts and inspection-related information from ERO Headquarters staff to prepare for the site visit at KCCDC.

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 defines a deficiency as a violation of written policy that can be specifically linked to 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 ODO.

INSPECTION TEAM MEMBERS



Special Agent (Team Leader)	ODO, Houston
Special Agent	ODO, Houston
Special Agent	ODO, Houston
Contract Inspector	Creative Corrections
Contract Inspector	Creative Corrections
Contract Inspector	Creative Corrections

OPERATIONAL ENVIRONMENT

INTERNAL RELATIONS

ODO interviewed the KCCDC Facility Administrator and Deputy Facility Administrator, and the ERO AFOD, a Supervisory Detention and Deportation Officer, and the Supervisory Immigration Enforcement Agent responsible for oversight of the facility. All personnel stated the working relationship between KCCDC and ICE personnel is good. KCCDC and ICE staff stated morale is high, and working conditions are adequate to accomplish all required duties.

The Facility Administrator and Deputy Facility Administrator stated GEO is adequately staffed to manage and handle the current detainee population at the facility. The Facility Administrator and Deputy Facility Administrator stated ICE staff visit the housing units multiple times each week to communicate with detainees and to address questions or concerns.

DETAINEE RELATIONS

ODO interviewed 45 randomly-selected detainees to assess detention conditions at KCCDC. No complaints were noted regarding access to legal materials, issuance and replenishment of hygiene supplies, sending and receiving mail, recreation, visitation, religious services, or the grievance process. All detainees interviewed expressed satisfaction with the level of medical care provided. All detainees interviewed stated they were satisfied with telephone service, the level of interaction with ICE staff, and the cleanliness of the facility. All detainees stated they received the ICE National Detainee Handbook and the facility handbook upon admission to KCCDC.

ICE PERFORMANCE-BASED NATIONAL DETENTION STANDARDS

ODO reviewed a total of 16 PBNDS and found KCCDC fully compliant with the following standards:

- Admission and Release
- Classification System
- Detainee Handbook
- Environmental Health and Safety
- Food Service
- Funds and Personal Property
- Grievance System
- Law Libraries and Legal Material
- Medical Care
- Personal Hygiene
- Sexual Abuse and Assault Prevention and Intervention
- Staff-Detainee Communication
- Suicide Prevention and Intervention
- Telephone Access
- Transfer of Detainees
- Use of Force and Restraints

As all reviewed standards were found compliant at the time of the inspection, findings were not prepared for this report.