



U.S. Department of Homeland Security
Immigration and Customs Enforcement
Office of Professional Responsibility
Inspections and Detention Oversight Division
Washington, DC 20536-5501

Office of Detention Oversight Compliance Inspection

Enforcement and Removal Operations
ERO Salt Lake City Office
Washoe County Jail
Reno, Nevada

June 7-9, 2016

**COMPLIANCE INSPECTION
for the
WASHOE COUNTY JAIL
RENO, NEVADA**

TABLE OF CONTENTS

EXECUTIVE SUMMARY

Overall Findings.....	1
Findings by National Detention Standard (NDS) 2000 Major Categories	2

COMPLIANCE INSPECTION PROCESS	3
--	----------

DETAINEE RELATIONS	4
---------------------------------	----------

INSPECTION FINDINGS

DETAINEE SERVICES

Access to Legal Material	5
Admission and Release	5
Detainee Classification System.....	6
Detainee Grievance System	6
Detainee Handbook.....	7
Food Service	7
Funds and Personal Property	10
Staff Detainee Communication.....	10
Telephone Access	11

SECURITY AND CONTROL

Environmental Health and Safety	12
Special Management Units (Administrative Segregation)	13

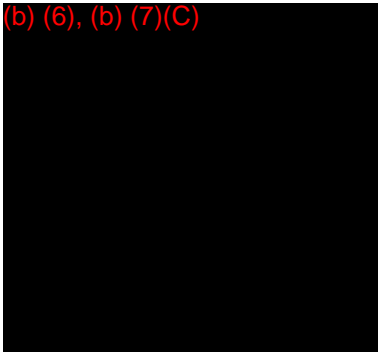
HEALTH SERVICES

Medical Care	14
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INSPECTION TEAM MEMBERS

(b) (6), (b) (7)(C)

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Lead Inspections and Compliance Specialist	ODO
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EXECUTIVE SUMMARY

The Office of Detention Oversight (ODO) conducted a compliance inspection of the Washoe County Jail (WCJ) in Reno, Nevada, from June 7 to 9, 2016.¹ WCJ opened in May of 1998 and is operated by the Washoe County Sheriff's Department. The Office of Enforcement and Removal Operations (ERO) began housing detainees at WCJ in 2007 pursuant to a United States Marshals Service (USMS) Intergovernmental Service Agreement (IGA), under the oversight of ERO's Field Office Director (FOD) in Salt Lake City.

ERO staff members are not assigned to the facility. A Detention Services Manager is not assigned to the facility. A Captain is responsible for oversight of daily facility operations and is supported by (b) (7) personnel. WCJ staff provides both (b) (7) medical and food services. The facility is accredited by the National Commission on Correctional Health Care (NCCCHC). Although the WCJ is not

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity ²	86
Average ICE Detainee Population ³	14
Male Detainee Population (as of 5/31/2016)	14
Female Detainee Population (as of 5/31/2016)	0

compliant with the ICE Performance-Based National Detention Standards (NDS) 2000. The facility is also not compliant with the ICE Standards for Sexual Abuse, Sexual Harassment, and Assault Prevention and Intervention (SAAPI) standard, it has made efforts to comply.⁴

OVERALL FINDINGS

This is ODO's first inspection of WCJ under the National Detention Standards (NDS) 2000. ODO reviewed the facility's compliance with 15 standards and found the facility compliant with three standards. ODO found 49 deficiencies in the remaining 12 standards. Finally, ODO made one recommendation and also, identified one instance where the facility initiated corrective action during the course of the inspection.⁵

Inspection Results Compared	FY 2016 (NDS 2000)
Standards Reviewed	15
Deficient Standards	13
Overall Number of Deficiencies	49
Corrective Action	1

¹ Male and female detainees with low, medium low, medium high and high security classifications levels are detained at the facility for longer than 72 hours.

² Data Source: ERO Facility List Report as of May 31, 2016.

³ *Ibid.*

⁴ The facility has designated a Prison Rape Elimination Act (PREA) coordinator and, at the time of the inspection, was drafting a policy expressing its zero tolerance for incidents of sexual abuse, assault, prevention and intervention.

⁵ Corrective actions were immediately implemented, best practices and ODO recommendations, as applicable have been identified in the Inspections Finding section and annotated with a "C", "BP" or "R", respectively.

FINDINGS BY NDS 2000 MAJOR CATEGORIES

NDS 2000 STANDARDS INSPECTED ⁶		DEFICIENCIES
Part 1 – Detainee Services		
Access to Legal Material		3
Admission and Release		2
Detainee Classification System		2
Detainee Grievance Procedures		2
Detainee Handbook		2
Food Service		17
Funds and Personal Property		1
Staff-Detainee Communication		4
Telephone Access		5
Sub-Total		38
Part 2 – Security and Control		
Environmental Health and Safety		7
Special Management Unit (Administrative)		3
Special Management Unit (Disciplinary)		0
Use of Force		0
Sub-Total		10
Part 3 – Health Services		
Medical Care		1
Suicide Prevention and Intervention		0
Sub-Total		1
Total Deficiencies		49

⁶ For greater detail on ODO's findings, see the *Inspection Findings* section of this report.

COMPLIANCE INSPECTION PROCESS

Every fiscal year, ODO, a unit within the ICE Office of Professional Responsibility (OPR), conducts compliance inspections at detention facilities in which detainees are accommodated for periods in excess of 72 hours and with an average daily population greater than ten to determine compliance with the ICE National Detention Standards (NDS) 2000, or the PBNDS 2008 or 2011, as applicable.

During the compliance inspection, ODO reviews each facility's compliance with those detention standards that directly affect detainee health, safety, and/or well-being.⁷ Any violation of written policy specifically linked to ICE detention standards, ICE policies, or operational procedures that ODO identifies is noted as a deficiency. ODO also highlights any deficiencies found involving those standards that ICE has designated under either the PBNDS 2008 or 2011, to be "priority components."⁸ Priority components have been selected from across a range of detention standards based on their critical importance to facility security and/or the health and safety, legal rights, and quality of life of detainees in ICE custody.

Immediately following an inspection, ODO hosts a closeout briefing in person with both facility and ERO field office management to discuss [REDACTED] findings are summarized and provided to ERO in a preliminary finding report. [REDACTED] ERO with a final compliance inspection report to: (i) assist ERO in working with the facility to develop a corrective action plan to resolve identified deficiencies; and (ii) provide senior ICE and ERO leadership with an independent assessment of the overall state of ICE detention facilities. The reports enable senior agency leadership to make decisions on the most appropriate actions for individual detention facilities nationwide.

⁷ ODO reviews the facility's compliance with selected standards in their entirety.

⁸ Priority components have not been identified for the NDS.

DETAINEE RELATIONS

ODO interviewed two detainees each of whom volunteered to participate. Neither of the detainees made allegations of mistreatment or discrimination. Rather, they reported being satisfied with facility services, with the exception of the complaints below:

- *Detainee Handbook:* One detainee complained his National Detainee Handbook was confiscated by facility personnel upon admission.
 - Action Taken: ODO spoke with an intake officer who verified the possibility of the handbook being taken away during the intake process. However, the intake officer went on to state, any authorized items taken during the intake process could be returned to the detainee by submitting a detainee request form. ODO also informed the Supervisory Detention and Deportation Officer (SDDO) of the issue. The SDDO subsequently informed ODO that going forward National Handbooks will be permitted to be retained by detainees who arrive with them. The detained in question was issued another National Handbook.
- *Food Service:* Both detainees complained [REDACTED] and one of them claims the portion sizes are very small.
 - Action Taken: ODO observed meal preparation and determined the food portions were adequate. ODO used a food thermometer to verify the food was served at the appropriate temperatures. ODO's sampling of the detainee meals found the food was properly seasoned and in portions listed on the menus.
- *Medical Care:* One detainee complained he submitted a medical request to receive "Anti-histamine" three times a day for allergies but only receives it once a day, and that he will be charged 15 dollars a day if he requests to seen by medical.
 - Action Taken: ODO reviewed the detainee's medical record with the facility medical staff and interviewed the facility's principal account clerk. The review of the detainee's medical record revealed the detainee had been prescribed a medication that is time-released and designed to only be administered once a day. The medication administration record (MAR) indicates that the detainee consistently missed doses or refused to take the medication as prescribed. ODO's interview with the principle account clerk revealed that it is the clerk's primary job to assure ICE detainees are not charged fees for medical service at the WCJ. During the interview, the account clerk checked the detainee's account and found that he is not being charged for meds or medical care by the facility. The facility medical staff stated they would review the detainee's prescriptions with the detainee.

INSPECTION FINDINGS

DETAINEE SERVICES

Access to Legal Material (ALM)

The facility maintains a mobile law library on a rolling cart which includes a desktop computer and a printer. The rolling cart with the computer and printer are kept in a sergeant's office. When a detainee requests to use the law library, a staff member rolls the mobile station to a designated visiting room and escorts the detainee to the room to use the law library. ODO interviewed the facility lieutenant who stated that only one detainee is allowed to use the library cart at a time; therefore, detainees are not allowed to assist one another (**Deficiency ALM-1⁹**).

ODO interviewed three deputies and found that the facility does not have a designated employee with responsibility to inspect law library equipment at least weekly to ensure it is in good working order (**Deficiency ALM-2¹⁰**).

ODO reviewed the WCJ detainee handbook and found it contains information which informs detainees that a law library is available and [REDACTED] library. However, the handbook does not inform detainees the hours of access, the procedures to request additional time to use the mobile law library, the procedures to request legal reference materials not maintained as part of the law library, or the procedures to notify a designated employee that library materials are missing or damaged (**Deficiency ALM-4¹¹**).

Admission and Release (AR)

ODO reviewed WCJ Standard Operating Procedure (SOP) 710.050, *Contraband Control*, and interviewed senior facility staff. ODO found the WCJ SOP addresses strip searches; however, ODO was informed the facility's body scan device obviates the need to strip search detainees upon admission. ODO's subsequent interview of a Booking and Classification Lieutenant found that, per the facility SOP, all detainees are observed by staff of the same sex while taking showers during the intake process (**Deficiency AR-1¹²**). ODO was not able to verify that a

⁹“The facility shall permit detainees to assist other detainees to research and prepare legal documents upon request, except when such assistance poses a security risk. Such assistance is voluntary; no detainee should be allowed to charge a fee or accept anything of value for assistance.” See ICE NDS 2000, Standard, Access to Legal Material Section (III) (K).

¹⁰“The facility shall designate an employee with responsibility to inspect the equipment at least weekly and ensure that it is in good working order, and to stock sufficient supplies.” See ICE NDS 2000, Standard, Access to Legal Material Section (III) (B).

¹¹ “The detainee handbook, or equivalent, shall provide detainees with the rules and procedures governing access to legal materials, including the following information: the scheduled hours of access to the law library, the procedure for requesting additional time in the law library (beyond the 5 hours per week minimum), the procedure for requesting legal reference materials not maintained in the law library and the procedure for notifying a designated employee that the library material is missing or damaged.” See ICE NDS 2000, Standard, Access to Legal Material Section (III)(Q)(2)(4)(5)(6).

¹² “Effective immediately, all facilities 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.” See ICE Change Notice, Admission and Release – National Detention Standard Strip Search Policy, dated October 15, 2007.

visual search during the detainee shower occurs, as no ICE detainees were in-processed during the ODO inspection.

ODO reviewed the detention files of the two current, and 13 former, detainees. ODO found the detention files did not contain copies of the required Forms I-203 or I-203a, an Order to Detain or Release (**Deficiency AR-2¹³**). ODO's interview with the SDDO confirmed that ERO does not provide the facility with any documentation when detainees are admitted or released.

Detainee Classification System (DCS)

ODO reviewed the detention files of the two current and 13 former, detainees. ODO also conducted interviews of the facility classification staff. ODO determined no information or documentation for making classification decisions is provided by ERO to WCJ (**Deficiency DCS-1¹⁴**).

ODO's review of the WCJ Detainee Handbook found the handbook does not provide any classification information, including an explanation of detainee classification levels and how a detainee can appeal his or her classification level (**Deficiency DCS-2¹⁵**).

Detainee Grievance Procedures (DGP)

ODO reviewed the facility's grievance log and ten detainee detention files. ODO interviewed the facility grievance officer and found that the results of oral grievances that are resolved to the detainee's satisfaction are not documented in the detainee's detention file (**Deficiency DGP-1¹⁶**).

ODO reviewed the WCJ Detainee Handbook and found it does not inform detainees of: the availability of assistance in preparing a grievance; the procedures for contacting ERO to appeal a grievance decision; the policy prohibiting staff from retaliating against a detainee for filing a grievance; or about the opportunity to file a complaint about officer misconduct directly with the Department of Homeland Security (DHS) Office of the Inspector General (OIG) (**Deficiency DGP-2¹⁷**). ODO's review of the detainee handbook found it does inform detainees of the

¹³"An order to detain or release (Form I-203 or I-203a) bearing the appropriate official signature shall accompany the newly arriving detainee." See ICE NDS 2000, Standard, Admission and Release, Section (III)(H).

¹⁴"All detainees are classified upon arrival, before being admitted into the general population. INS will provide CDFs and IGSA facilities with the data they need from each detainee's file to complete the classification process." See ICE NDS 2000, Standard, Detainee Classification System, Section (III)(A)(1).

¹⁵"The detainee handbook's section on classification will include the following:

1. An explanation of the classification levels, with the conditions and restrictions applicable to each.
2. The procedures by which a detainee may appeal his/her classification."

See ICE NDS 2000, Standard, Detainee Classification System, Section (III)(I).

¹⁶"If an oral grievance is resolved to the detainee's satisfaction at any level of review, the staff member need not provide the detainee written confirmation of the outcome, however the staff member will document the results for the record and place his/her report in the detainee's detention file." See ICE NDS 2000, Standard, Detainee Grievance Procedures, Section (III)(A)(1).

¹⁷The facility shall provide each detainee, upon admittance, a copy of the detainee handbook or equivalent. The grievance section of the detainee handbook will provide notice of the following: The procedures for filing a grievance and appeal, including the availability of assistance in preparing a grievance, the procedures for contacting the INS to appeal the decision of the OIC of a CDF or an IGSA facility, the policy prohibiting staff from harassing, disciplining, punishing or otherwise retaliating against any detainee for filing a grievance and the opportunity to file a complaint about officer misconduct directly with the Justice Department by calling 1-800-869-4499 or by writing to: Department of Justice

opportunity to file a grievance, both informal and formal, the procedures for resolving a grievance or appeal, including the right to have the grievance referred to higher levels in the facility if the detainee is not satisfied the grievance has been adequately resolved.

Detainee Handbook (DH)

ODO's review of the Detainee Handbook found it does not contain a description of the facility's Recreation program (**Deficiency DH-1**¹⁸). Facility staff members informed ODO that inmates learn about recreation from other inmates through discussion and observation.

ODO interviewed a facility lieutenant regarding the Detainee Handbook and found that the facility does not have a committee to update the Handbook (**Deficiency DH-2**¹⁹). ODO determined the facility completed its last revision of the detainee handbook in July 2013.

Food Service (FS)

ODO reviewed procedures, provided by the food service administrator, for control of utensils and knives. ODO toured the kitchen area and determined that while the knives had proper (b) (7)(E) (b) (7)(E) (Deficiency FS-1).

ODO reviewed the training materials for inmate workers and found that procedures for safe handling of hazardous materials are not addressed (**Deficiency FS-2**²¹). ODO reviewed WCJ food service staff training and found that the food service staff has ServSafe certification.

ODO inspected the food service operations and equipment and found the food carts do not have locking devices to prevent tampering and were delivered by inmate workers without supervision by staff (**Deficiency FS-3**²²).

P.O. Box 27606

Washington, DC 20038-7606...."

See ICE NDS 2000, Standard, Detainee Grievance Procedures, Section (III)(G)(2)(4)(5)(6).

¹⁸"The overview will briefly describe individual programs and services associated rules. Among others, these include recreation, visitation, education, voluntary work, telephone use, correspondence, library use, and the canteen/ commissary. The overview will also cover medical policy (sick cell); facility issued items, e.g., clothing, bedding, etc.; access to personal property; and meal services...." See ICE NDS 2000, Standard, Detainee Handbook, Section (III) (B).

¹⁹"An appointed committee will conduct annual reviews of the handbook, after the annual reviews and revisions by facility department heads and the OIC." See ICE NDS 2000, Standard, Detainee Handbook, Section (III)(I).

²⁰"To be authorized for use in the food service department, a knife must have a steel shank through which a metal cable can be mounted. The facility's tool control officer is responsible for mounting the cable to the knife through the steel shank." See ICE NDS 2000, Standard, Food Service, Section, (III)(B)(2).

²¹"During the orientation and training session(s), the CS, will explain and demonstrate safe work practices and methods, and will identify the safety features of individual products/pieces of equipment. Training will also include work-place recognition and deterrence, including the safe handling of hazardous materials. Detainees will learn to use and understand protective devices and clothing, and to report any malfunctions or other safety-related problems to their supervisors." See ICE NDS 2000, Standard, Food Service, Section (III)(B)(12).

²²"The following procedures apply to the display, service, and transportation of food to mainline and satellite food service areas: g. Food will be delivered from one place to another in covered containers. These may be individual containers, such as pots with lids, or larger conveyances that can move objects in bulk, such as enclosed, satellite-feeding carts. Food carts must have locking devices. i. A member of the food service staff will oversee the loading

ODO reviewed documentation provided by the food service manager and confirmed the master-cycle and kosher menus were certified by a registered dietitian; however, based on the documentation provided, it could not be determined if the common fare menu was certified by a dietitian (**Deficiency FS-4²³**).

ODO's observation of food service operations found inmate workers prepare and package sack meals issued for detainees being transported from the facility (**Deficiency FS-5²⁴**).

Although, there are clean-as-you-go procedures posted throughout the food service areas, ODO's observation of the food service area found the sanitation conditions to be unacceptable. Based on the observed unsanitary conditions of the food service area, it could not be determined if the inmate workers are being properly trained and supervised to maintain a high level of sanitation (**Deficiency-FS-6²⁵**).

ODO's physical inspection of the food service area found the following unsanitary conditions:

- Throughout the kitchen there was build-up of dirt and food particles on the floors, walls and ceilings, including under and around the ice machines, and inside the coolers and freezers.
- Aisles and passageways in the main [REDACTED] were cluttered with brooms, mops, and garbage containers, creating tripping hazards and hampering egress.
- Garbage and other trash containers were not covered and had build-up of food residue.
- The warehouse used to store most bulk food items was cluttered with unstable boxes on pallets, blocked aisles, piles of garbage, and dirty floors with spilled food and liquids (**Deficiency FS-7²⁶**).

ODO's inspection of the food service warehouse found the outside door to the warehouse to be propped open (**Deficiency FS-8²⁷**).

of satellite-feeding carts. Staff shall inspect and secure all food carts before allowing their removal from the food service area...." See ICE NDS 2000, Standard, Food Service, Section, (III)(C)(2)(g)(i).

²³"Common fare is intended to accommodate detainees whose religious dietary needs cannot be met on the main line. The common-fare menu is based on a 14-day cycle, with special menus for the 10 Federal holidays. The menus must be certified as exceeding minimum daily nutritional requirements." See ICE NDS 2000, Standard, Food Service, Section, (III)(E)(2).

²⁴"Members of the food service staff shall prepare sack meals for bus or air service. While detainee volunteers assigned to the food service shall not be involved in preparing meals for transportation, they may prepare sack meals for on-site consumption." See ICE NDS 2000, Standard, Food Service, Section, (III)(G)(6)(b).

²⁵"All food service employees are responsible for maintaining a high level of sanitation in the food service department. Food service staff shall teach detainee workers sanitary methods of preparing, storing and serving food; and the sanitary operation, care and maintenance of equipment, including automatic dishwashers and pot-and -pan washers." See ICE NDS 2000, Standard, Food Service, Section (III)(H)(1).

²⁶"All facilities shall meet the following environmental standards: Routinely cleaned walls, floors, and ceilings in all areas. Hazard-free storage areas: Bags, containers, bundles, etc., stored in tiers; stacked, blocked, interlocked, and limited in height for stability/security against sliding or collapsing. No flammable material; no loose cords, debris, or other obvious accident-causers (stumbling, tripping, falling, etc.); no pest-harborage. Aisles and passageways shall be kept clear and in good repair, with no obstruction that could create a hazard or hamper egress. Garbage and other trash shall be collected and removed as often as possible. The garbage/refuse containers shall have sufficient capacity for the volume, and shall be kept covered, cleaned frequently, and insect and rodent proof. The facility shall comply with all applicable regulations (local, state, and federal) on refuse-handling and disposal." See ICE NDS 2000, Standard, Food Service, Section III)(H)(5)(c)(f)(g)(j).

ODO observed the presence of food particles on the chopper, mixers, knives, and food carts, even after they were cleaned (**Deficiency FS-9²⁸**).

ODO's observation of the lavatory designated for use by inmate workers had trash and wet cardboard on the floor (**Deficiency FS-10²⁹**).

ODO's review and inspection of procedures for control of hazardous materials, provided by the facility, found hazardous products were not properly secured or inventoried (**Deficiency FS-11³⁰**).

ODO inspected the storage of hazardous materials and found that food items were stored in the immediate proximity of hazardous materials and a locked cabinet was found to contain food items being stored with hazardous materials (**Deficiency FS-12³¹**).

ODO's inspection of the kitchen found that Material Safety Data Sheets (MSDS) were not present in the kitchen for hazardous substances used in food service, and there was no documentation provided to verify persons working in food service were informed of hazards associated with any these materials (**Deficiency FS-13³²**).

ODO was able to review the facility's documentation regarding daily inspections by food service staff; however, there was no documentation available to verify if the food service operations are inspected by facility administrative, medical staff, or qualified dietary personnel on a weekly basis (**Deficiency FS-14³³**).

²⁷“All facilities shall meet the following environmental standards: The premises shall be maintained in a condition that precludes the harboring or feeding of insects and rodents. Outside openings will be protected by tight-fitting screens, windows, and door that are self-closing, controlled air curtains, etc....” See ICE NDS 2000, Standard, Food Service, Section, (III)(H)(5)(k).

²⁸“Equipment shall be installed for ease of cleaning, including the removal of soil, food materials, and other debris that collects between pieces of equipment or between the equipment and walls or floor. Although older facilities may not have the advantage of the latest designs and equipment, they can meet sanitation standards through careful planning, training, and supervising.” See ICE NDS 2000, Standard, Food Service, Section, (III)(H)(6).

²⁹“Adequate and conveniently located toilet facilities shall be provided for all food service staff and detainee workers. Toilet fixtures shall be of sanitary design and readily cleanable. Toilet facilities, including rooms and fixtures, shall be kept clean and in good repair. Signs shall be prominently displayed directing all personal to wash hands after using toilet.” See ICE NDS 2000, Standard, Food Service, Section, (III)(H)(9)(a).

³⁰“All staff members shall know where and how much toxic, flammable, or caustic material is on hand, aware that their use must be controlled and accounted for daily. Detainee –type combination locks shall not be used to secure such material.” See ICE NDS 2000, Standard, Food Service, Section, (III)(H)(11)(b).

³¹“ All toxic, flammable, and caustic materials shall be segregated from food products and stored in a locked and labeled cabinet. Toxic, flammable, and caustic materials shall not be used in a manner that could contaminate food, equipment, or utensils, or could pose a hazard to personnel or detainees working with or consuming food service products.” See ICE NDS 2000, Standard, Food Service, Section, (III)(H)(11)(c)(1)(2).

³²“The FSA shall obtain and file for reference Material Safety Data Sheets (MSDSs) on all flammable, toxic, and caustic substances used in the facility. Food service staff and detainee workers shall be informed of the hazards associated with these items. The FSA shall forward copies of all MSDSs to the health service department, with a set available in each food service work area.” See ICE NDS 2000, Standard, Food Service, Section, (III)(H)(11)(c)(4).

³³“The facility shall implement written procedures for the administrative, medical, and/or dietary personnel conducting the weekly inspections of all food service areas, including dining, storage, equipment, and food-preparation areas.” See ICE NDS 2000, Standard, Food Service, Section (III)(H)(13)(a).

ODO's inspection of the food service warehouse found that not all items in the warehouse were stored at least six inches from the floor (**Deficiency FS-15³⁴**). This practice does not allow for sufficient pest control measures.

ODO's tour of the dry storage room found that there were spilled spices on the floor and tops of containers. Additionally, in the warehouse, ODO found spilled food and open containers of noodles (**Deficiency FS-16³⁵**).

During ODO's inspection of the walk-in coolers and freezer, ODO found them to be unsecured and unsupervised; a subsequent inspection of the latches and locking devices revealed that the doors are not equipped with required safety locks designed to allow them to open easily from the inside (**Deficiency FS-17³⁶**).

Funds and Personal Property (F&PP)

ODO reviewed the WCJ detainee handbook and found it does not notify detainees of the procedures regarding claims of lost or damaged property and the handbook does not explain how a detainee can obtain personal identity documents (**Deficiency F&PP-137**).

Staff Detainee Communications (SDC)

ODO reviewed WCJ SOP, 720.025, Inmate Rights, dated 01/01/2010, and found that the WCJ does not have written procedures to route detainee requests to ERO staff (**Deficiency SDC-1³⁸**).

ODO's review of the detainee request log found that not all detainee requests are forwarded to the ICE office of jurisdiction within 72 hours, and all are not always answered within 72 hours (**Deficiency SDC-2³⁹**). ODO's review found 17 entries where the facility failed to deliver the detainee's request to an ERO representative within 72 hours; two entries where the ERO office failed to respond to the detainee's request within 72 hours; and two occasions where both the facility failed to deliver the detainee's request to an ERO representative within 72 hours and the

³⁴“All facilities shall meet the following environmental standards: Store food items at least two inches from the walls and at least six inches above the floor. Wooden pallets may be used to store canned goods and other non-absorbent containers, but not to store dairy products or fresh produce....” See ICE NDS 2000, Standard, Food Service, Section, (III)(J)(3)(e).

³⁵“Proper care and control of the dry storeroom involves the following: Vigilant housekeeping, to keep the room clean and free from rodents and vermin. A drain for flushing is desirable....” See ICE NDS 2000NDS, Standard, Food Service, Section, (III)(J)(7)(a)(3).

³⁶“Refrigeration units shall be kept under lock and key when not in use. Walk-in boxes shall be equipped with safety locks that require no more than 15 pounds of pressure to open easily from the inside. If latches and locks are incorporated in the door's design and operation incorporates, the interior release-mechanism must open the door with the same amount of pressure even when locks or bars are in place.” See ICE NDS 2000, Standard, Food Service, Section, (III)(J)(7)(b).

³⁷“The detainee handbook or equivalent shall notify the detainees of facility policies and procedure concerning personal property, including: that, upon request, they will be provided an INS-certified copy of any identity document (passport, birth certificate, etc.) placed in their A-files; the procedures for filing a claim for lost or damaged property.” See ICE NDS 2000, Standard, Funds and Personal Property, Section (III)(J)(2) and (5).

³⁸“All facilities that house ICE detainees must have written procedures to route detainee requests to the appropriate ICE officials.” See ICE NDS 2000, Standard, Staff Detainee Communication, Section (III)(B).

³⁹“The detainee requests shall be forwarded to the ICE office of jurisdiction within 72 hours and answered as soon as possible and practicable, but not later than within 72 hours from receiving the request. See ICE NDS 2000, Standard, Staff Detainee Communication, Section (III)(B)(1)(b).

ERO office failed to respond to the detainee's request in 72 hours. There were also five occasions where ODO was unable to determine if the detainee's request was responded to within the requisite timeframe because the response dates were not recorded within the electronic log.

ODO's review of the WCJ Detainee Handbook found it does not inform detainees they can submit written questions and concerns to ERO staff or the procedures for doing so, including the availability of assistance in preparing the request (**Deficiency SDC-3⁴⁰**). The Detainee Handbook also does not include the hotline telephone number and direct mailing information for DHS OIG (**Deficiency SDC-4⁴¹**). ODO found that the DHS OIG hotline and direct mail information is nevertheless included in WCJ SOP, 720.025.

Telephone Access (TA)

ODO reviewed the WCJ Detainee Handbook and interviewed the facility's phone representative. ODO found that all phone calls made by detainees, to include legal calls, are time restricted to 15 minutes by automatic cutoff (**Deficiency TA-1⁴²**).

ODO interviewed the facility Lieutenant and determined that the WCJ does not take nor deliver telephone messages to detainees (**Deficiency [REDACTED]**).

ODO reviewed the ERO telephone serviceability worksheets and found that the field office does not maintain the serviceability records for the required 3 year period (**Deficiency TA-3⁴⁴**).

ODO toured the detainee housing unit and conducted interviews with the facility staff. ODO found that the rules for telephone access are not posted where detainees may easily see them. Instead the rules for telephone access are kept in a small folder inside the correctional officer's desk and made available to the detainees upon their request (**Deficiency TA-4⁴⁵**).

ODO toured the detainee housing unit and conducted interviews with the facility staff. ODO found that although the facility has postings at each telephone stating calls are subject to

⁴⁰ "The facility shall provide each detainee, upon admittance, a copy of the detainee handbook or equivalent. The handbook shall state that the detainee has the opportunity to submit written questions and concerns to ICE staff and the procedures for doing so, including the availability of assistance in preparing the request." See ICE NDS 2000, Standard, Staff Detainee Communication, Section (III)(B)(3).

⁴¹ "Each Field Office Director shall ensure that the OIG Hotline is conspicuously posted in all units housing ICE detainees. This applies to all Service Processing Centers, Contract Detention Facilities and Inter-Governmental Service Agreement facilities. The OIG Hotline information is to be included in the detainee handbooks in each of the aforementioned locations." See Change Notice NDS Staff-Detainee Communication, dated June 15, 2007.

⁴² "The facility shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones." See ICE NDS 2000, Standard, Telephone Access, Section (III)(F).

⁴³ "The facility shall take and deliver telephone messages to detainees as promptly as possible." See ICE NDS 2000, Standard, Telephone Access, Section (III)(I).

⁴⁴ "The field office shall maintain forms in a retrievable format, organized by month, for a three-year period." See Change notice, Detainee Telephone Services dated April 4th 2017.

⁴⁵ "As described in the "General Provisions" standard, the facility shall provide telephone access rules in writing to each detainee upon admittance, and also shall post these rules where detainees may easily see them." See ICE NDS 2000, Standard, Telephone Access, Section (III)(B).

monitoring, there are no postings at any monitored telephone station informing detainees how to obtain an unmonitored phone call (**Deficiency TA-5⁴⁶**).

SECURITY AND CONTROL

Environmental Health and Safety (EH&S)

ODO conducted a walk-through of areas where hazardous substances are stored and used and observed that in the food service and laundry areas, the quantities of hazardous substances used and on-hand were inconsistently recorded and were found to be inaccurate (**Deficiency EH&S-1⁴⁷**).

ODO reviewed facility documentation including the Material Safety Data Sheets (MSDSs) for hazardous material used at WCJ. ODO found were not maintained in all areas where hazardous materials were found. The MSDS were not found in the food service or mechanical services areas (**Deficiency EH&S-3⁴⁸**).

ODO reviewed facility documentation and the listings of the hazardous substances stored in warehouse cabinets and the mechanical s [REDACTED] no running inventories or documentation of accountability [REDACTED] (**Deficiency EH&S-2⁴⁹**).

ODO interviewed the facility Lieutenant and identified that the WCJ does not have a designated fire and safety officer. ODO was informed that the facility detention staff conduct daily inspections in the housing units; however, there was no documentation provided that could verify that staff are actually conducting the weekly and monthly fire and safety inspections (**Deficiency EH&S-4⁵⁰**). Note: ODO also reviewed WCJ SOP, 725.175, *Detention Safety Inspections*, dated 01/01/2010. WCJ was not able to provide any of the written reports required by the SOP.

⁴⁶ 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: The procedure for obtaining an unmonitored call to a court, legal representative, or for the purposes of obtaining legal representation." See ICE NDS 2000, Telephone Access, Section (III)(K)(2).

⁴⁷ "Every area will maintain a running inventory of the hazardous (flammable, toxic, or caustic) substances used and stored in that area. Inventory records will be maintained separately for each substance, with entries for each logged on a separate card (or equivalent). That is the account keeping will not be chronological, but filed alphabetically, by substance (dates, quantities, etc.)." See ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(A).

⁴⁸ "Every area using hazardous substance will maintain a self-contained file of the corresponding Material Safety Data Sheets (MSDSs). The MSDSs provide vital information on individual hazardous substances, including instructions on safe handling, storage, and disposal, prohibited interactions, etc. Staff and detainees will have ready and continuous access to the MSDSs for the substances with which they are working while in the work area." See ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(B).

⁴⁹ "Accountability: Inventory records for a hazardous substance must be kept current before, during, and after each use." See ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(E)(4).

⁵⁰ "A qualified departmental staff member will conduct weekly fire and safety inspections; the maintenance (safety) staff will conduct monthly inspections. Written reports of the inspections will be forwarded to the OIC for review and, if necessary, corrective action determinations. The Maintenance Supervisor or designee will maintain inspection reports and records of corrective action in the safety office." See ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(L)(2).

Based on staff interviews and the lack of documented fire drill reports, ODO was unable to determine if fire drills are consistently conducted at WCJ (**Deficiency EH&S-5⁵¹**).

ODO reviewed an undated memorandum from ERO's Acting Unit Chief of the Detention Standards Compliance Unit, which provided the facility a waiver of the NDS requirement for inspections conducted by a "Licensed/Certified/Trained" pest control professional. The memorandum states "a staff member regularly monitors the facility for pest control issues and is responsible for contracting with a professional company on a regular basis." The waiver was approved by the Deputy Assistant Director, Custody Management Division on May 14, 2013. However, ODO was not provided any documentation to determine if any pest control inspections were conducted by a staff member; or if the facility had contracted with a professional company to provide pest control services (**Deficiency EH&S-6⁵²**).

ODO inspected the tools used for barbering and found inadequate sanitation. Hair particles were observed in the clippers and in the sterilizers (**Deficiency EH&S-7⁵³**).

Special Management Units (Administrative Segregation) (SMU AS)

ODO reviewed the segregation files of 13 detainees [REDACTED] as administratively segregated and found no documentation to determine if segregation orders were issued before the detainees were placed in the SMU (**Deficiency SMU AS-1⁵⁴**).

ODO reviewed WCJ SOP, 705.075, *Segregated Inmates*, dated, 01/01/2010 and interviewed WCJ staff in the SMU. ODO determined that when the multi-purpose room in the SMU is in use for activities such as classification reviews or attorney visits, administratively segregated detainees who are on free time do not have access to the multi-purpose room where the facility kiosk system is located. The kiosk is used to submit detainee sick call requests, detainee requests and grievances as well as other routine detainee transactions. Furthermore, all detainees on administrative segregation for reasons other than protective custody do not have access to

⁵¹"Monthly fire drills will be conducted and documented separately in each department." See ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(L)(4)(a)(b)(c).

⁵²"The OIC will contract with licensed pest-control professionals to perform monthly inspections. During these routine inspections, they will identify and eradicate rodents, insects, and vermin. The contract will include a preventative spraying program for indigenous insects." See ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(M).

⁵³"Between detainees, all hair care tools coming into contact with the detainees will be cleaned and effectively disinfected. Hair care tools come into intimate contact with the detainees' scalp and skin, and when reused without disinfection, provide excellent means for transfer of ringworm or other skin and scalp diseases. Clippers may be treated for pathogenic and fungi by an approved bactericidal and fungicidal process. Ultraviolet lights may only be used for maintaining tools after sterilization." See ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(P)(3).


⁵⁴"A written order shall be 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". See ICE NDS 2000, Special Management Unit, Administrative Segregation, Section (III)(B)(13).

television, board games or recreational reading material. Therefore, these detainees are denied the same general privileges as detainees in general population (**Deficiency SMU AS-2**⁵⁵).

The WCJ SOP restricts visitation for detainees in administrative segregation to one 30-minute visit with friends or family per month (**Deficiency SMU AS-3**⁵⁶).

Medical Care (MC)

Detainees in the special management unit have access to sick call by submitting electronic requests using the facility's kiosk system located in the SMU multipurpose room, where both attorneys and staff members conduct detainee interviews. ODO interviewed the facility SMU staff and determined that, the facility requires detainees to wait to use the kiosk if the multipurpose room is in use. Detainees wait to use the kiosk, even if it is during their one hour and fifteen minute free time, thus limiting their access to the kiosk used to submit sick call request. Although members of the facility nursing staff make daily rounds in the special housing units, detainees do not have consistent access to the kiosk system to enter their personal sick call request (**Deficiency MC-1**⁵⁷).



⁵⁵“Detainees in administrative segregation shall receive the same general privileges as detainees in the general population, consistent with available resources and security considerations. Recreation shall be provided to detainees in administrative segregation in accordance with the ‘Recreation’ standard. When space and resources are available, detainees in administrative segregation will be able to participate in TV viewing, board games, socializing and work details (e.g., an orderly in the SMU); and provided opportunities to spend time outside their cells, over and above recreation periods. A reasonable amount of non-legal reading material will be available to detainees in administrative segregation. The detainee will also be permitted religious material, unless the religious item would pose a threat to security.” See ICE NDS 2000, Standard, Special Management Unit, Administrative Segregation, Section (III)(D)(1)(8)(10).

⁵⁶“The facility shall follow the ‘Visitation’ standard in setting visitation rules for detainees in administrative segregation. Ordinarily, a detainee retains visitation privileges while in administrative segregation.” See ICE NDS 2000, Standard, Special Management Unit, Administrative Segregation, Section (III)(D)(13).

⁵⁷“Each facility will have a mechanism that allows detainees the opportunity to request health care services provided by a physician or other qualified medical officer in a clinical setting. All facilities must have a procedure in place to ensure that all request slips are received by the medical facility in a timely manner. If necessary detainees will be provided with assistance in filling out the request slip, especially detainees who are illiterate or non-English speaking.” See ICE NDS 2000, Standard, Medical Care, Section (III)(F)