



**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 San Antonio Field Office  
Brooks County Detention Center  
Falfurrias, TX

December 6-8, 2016

**COMPLIANCE INSPECTION  
for the  
BROOKS COUNTY DETENTION CENTER  
FALFURRIAS, TEXAS**

**TABLE OF CONTENTS**

**EXECUTIVE SUMMARY**

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

**COMPLIANCE INSPECTION PROCESS .....3**

**DETAINEE RELATIONS .....4**

**INSPECTION FINDINGS**

**DETAINEE SERVICES**

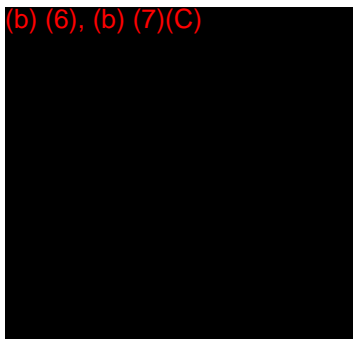
Access to Legal Material.....5  
 Detainee Grievance Procedures.....5  
 Food Service.....5  
 Funds and Personal Property.....6  
 Staff Detainee Communication.....6  
 Telephone Access.....6

**HEALTH SERVICES**

Suicide Prevention and Intervention.....7

\* \* \* \* \*

**INSPECTION TEAM MEMBERS**



Section Chief (Team Lead)	ODO
Management and Program Analyst	ODO
Inspections and Compliance Specialist	ODO
Inspections and Compliance Specialist	ODO
Contractor	Creative Corrections
Contractor	Creative Corrections
Contractor	Creative Corrections
Contractor	Creative Corrections

## EXECUTIVE SUMMARY

The Office of Detention Oversight (ODO) conducted a compliance inspection of the Brooks County Detention Center (BCDC) in Falfurrias, Texas, from December 6-8, 2016.<sup>1</sup> BCDC opened in May 2001 and is owned and operated by the Geo Group Inc. The Office of Enforcement and Removal Operations (ERO) began housing detainees at BCDC in 2005 pursuant to an Intergovernmental Service Agreement (IGSA) (non-dedicated), under the oversight of ERO's Field Office Director (FOD) in San Antonio.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity <sup>2</sup>	200
Average ICE Detainee Population <sup>3</sup>	42
Male Detainee Population (as of 12/06/2016)	10
Female Detainee Population (as of 12/06/2016)	0

ERO staff members are not assigned to the facility. A Detention Services Manager is not assigned to the facility. A BCDC Warden is responsible for oversight of daily facility operations and is supported by (b) (7) personnel. Correct Care Solutions provides detainee medical services and Brothers Commissary Services LLC provides food services. The facility has no accreditations. BCDC is not contractually obligated to comply with the ICE Performance-Based National Detention Standards (PBNDS) 2011, Sexual Abuse and Assault Prevention and Intervention (SAAPI) standard, though it has made efforts to comply.<sup>4</sup>

---

<sup>1</sup> Male and female detainees of security classification levels low and medium low classification levels are detained at the facility for longer than 72 hours.

<sup>2</sup> Data Source: ERO Facility List Report as of November 21, 2016.

<sup>3</sup> *Ibid.*

<sup>4</sup> BCDC has a zero tolerance policy regarding sexually abusive behavior and informs detainees, contractors, employees and volunteers of the policy. The zero tolerance policy is found in the Policy and Procedure Manual: Sexual Abuse/Assault Prevention and Intervention 1300.05 (IV) (A) (1) (115.11).

## OVERALL FINDINGS

This was ODO’s first inspection of BCDC under the NDS 2000. ODO reviewed the facility’s compliance with 15 standards and found the facility compliant with eight standards. ODO found 9 deficiencies, in the remaining seven standards. Finally, ODO identified six instances where the facility initiated corrective action during the course of the inspection.<sup>5</sup>

Inspection Results	FY 2017 (NDS 2000)
Standards Reviewed	15
Deficient Standards	7
Total Deficiencies	9
Corrective Actions Initiated	6

## FINDINGS BY NDS 2000 MAJOR CATEGORIES

NDS 2000 STANDARDS INSPECTED <sup>6</sup>	DEFICIENCIES
<b>Part 1 – Detainee Services</b>	
Access to Legal Material	2
Admission and Release	0
Detainee Classification System	0
Detainee Grievance Procedures	1
Detainee Handbook	0
Food Service	1
Funds and Personal Property	2
Staff-Detainee Communication	1
Telephone Access	1
<b>Sub-Total</b>	<b>8</b>
<b>Part 2 – Security and Control</b>	
Environmental Health and Safety	0
Special Management Unit (Administrative Segregation)	0
Special Management Unit (Disciplinary Segregation)	0
Use of Force	0
<b>Sub-Total</b>	<b>0</b>
<b>Part 3 – Health Services</b>	
Medical Care	0
Suicide Prevention and Intervention	1
<b>Sub-Total</b>	<b>1</b>
<b>Total Deficiencies</b>	<b>9</b>

<sup>5</sup> Corrective actions, where immediately implemented, best practices, and recommendations, as applicable, have been identified in the Inspection Findings section and annotated with a “C,” “BP,” or “R,” respectively.

<sup>6</sup> 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 U.S. Immigration and Customs Enforcement's (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 Performance-Based National Detention Standards (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.<sup>7</sup> 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."<sup>8</sup> 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 ODO's preliminary findings, which are summarized and provided to ERO in a preliminary findings report. Thereafter, ODO provides 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.

---

<sup>7</sup> ODO reviews the facility's compliance with selected standards in their entirety.

<sup>8</sup> Priority components have not been identified for the NDS.

## DETAINEE RELATIONS

ODO interviewed 23 male detainees, each of whom volunteered to participate. None of the detainees made allegations of mistreatment, abuse, or discrimination. All detainees reported being satisfied with facility services to include food service.

Detainees are indirectly supervised in their dorms with no officer assigned to stay in the dorm 24/7. Dorms are clustered around a single location that allows officers to keep everyone under observation at all times without entering the dorm itself. ODO found this set up may limit the amount of communication between staff and detainees. However, no detainees expressed concerns with the amount of communication with facility or ERO staff.

Length of stay at BCDC is short averaging just 6 days.<sup>9</sup> Most detainees interviewed recently arrived at the facility and indicated they were looking forward to going home.

---

<sup>9</sup> Data Source: ERO Facility List Report as of December 19, 2016.

# INSPECTION FINDINGS

## DETAINEE SERVICES

### ACCESS TO LEGAL MATERIAL (ALM)

ODO reviewed the detainee handbook and found that it informs detainees that the law library is available for use and the procedure for requesting access. However, ODO found the facility does not have information posted in the law library which details the law library's holdings (**Deficiency ALM-1<sup>10</sup>**).

ODO reviewed the detainee handbook and found that it does not inform detainees of the procedures for requesting legal reference materials that are not maintained in the law library (**Deficiency ALM-2<sup>11</sup>**).

*Corrective Action:* The facility initiated corrective action during the inspection by revising the detainee handbook to include instructions on how to request legal reference materials not in the law library (**C-1**).

### DETAINEE GRIEVANCE PROCEDURES (DGP)

ODO reviewed the grievance section of the detainee handbook and determined it describes the procedures for filing a grievance (informal, formal, and emergency). However, ODO found the handbook does not detail the procedures for contacting ICE to appeal the decision of the Officer in Charge (OIC) of an IGSA facility (**Deficiency DGP-1<sup>12</sup>**).

*Corrective Action:* The facility initiated corrective action during the inspection by revising the detainee handbook to include procedures for detainees to contact ICE directly to appeal the facility OIC's decision on the staff bulletin board (**C-2**).

### FOOD SERVICE (FS)

ODO observed meal preparation and placement of food items on the dining room serving line and on food trays on December 6, 2016. Using a food thermometer, ODO verified both hot and cold food temperatures were in compliance with the NDS. However, inspection of the food trays placed on the main serving line found they were wet. ODO found that during the meal service period, trays are immediately washed after use and returned to the serving line without allowing time to adequately dry (**Deficiency FS-1<sup>13</sup>**).

*Corrective Action:* The facility initiated corrective action during the inspection by increasing the number of available trays so that wet trays did not need to be returned to the serving line before they are dry (**C-3**).

---

<sup>10</sup> "These policies and procedures shall also be posted in the law library along with a list of the law library's holdings." See ICE NDS 2000, Standard, Access to Legal Materials, Section (III)(Q).

<sup>11</sup> "The detainee handbook or equivalent, shall provide detainees with the rules and procedures governing access to legal materials, including the following information: ...the procedure for requesting legal reference materials not maintained in the law library," See ICE NDS 2000, Standard, Access to Legal Materials, Section (III)(Q)(5).

<sup>12</sup> "The grievance section of the detainee handbook will provide notice of the following: ...The procedures for contacting the INS to appeal the decision of the OIC of a CDF or an IGSA Facility." See ICE NDS 2000, Standard, Detainee Grievance Procedures, Section (III)(G)(4).

<sup>13</sup> "Air-dry all equipment and utensils after sanitizing, by means of drain-boards, mobile dish-tables and/or carts." See ICE NDS 2000, Food Service, Section (III)(H)(7)(g)(5)(d)(2).

## FUNDS AND PERSONAL PROPERTY (FPP)

ODO found the detainee handbook does not state how a detainee could request a copy of ICE-certified identity documents placed in their A-files (**Deficiency FPP-1**<sup>14</sup>).

*Corrective Action:* The facility initiated corrective action by preparing an update to the handbook on how detainees may request an ICE-certified copy of identity documents (passport, birth certificate, etc.) placed in their A-files. This information was disseminated to facility staff by email and an updated handbook was posted in the housing units pending publication of a revised handbook (C-4).

The detainee handbook discusses the property detainees are permitted to maintain in their possession as well as procedures for storing or mailing disallowed property. However, ODO found the detainee handbook does not state the procedures for filing a claim for lost or damaged property (**Deficiency FPP-2**<sup>15</sup>).

*Corrective Action:* The facility initiated corrective action during the inspection by updating the handbook to include the procedures related to filing a claim for lost or damaged property (C-5).

## STAFF DETAINEE COMMUNICATION (SDC)

ODO reviewed the BCDC logbook to find information regarding prior SDC detainee requests, but failed to find any information regarding ICE detainees. Upon inquiry from ODO, the facility warden confirmed the log only includes information related to U.S. Marshals and BCDC detainees—no ICE detainee information was maintained in the log. The ERO SDDO also confirmed no logbook is kept by ERO (**Deficiency SDC-1**<sup>16</sup>).

*Corrective Action:* During the course of the inspection, in conjunction with ICE, the facility initiated corrective action by designating a logbook to document detainee requests (C-6).

## TELEPHONE ACCESS (TA)

ODO reviewed the Telephone Serviceability Worksheets for the past three months and compared them to the 18-week population count. ODO found the serviceability worksheets had not been completed on a weekly basis over this time period (**Deficiency TA-1**<sup>17</sup>).

---

<sup>14</sup> “The detainee handbook or equivalent shall notify the detainees of facility policies and procedures 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.” See ICE NDS 2000, Standard, Funds and Personal Property, Section (III)(J)(2).

<sup>15</sup> “The detainee handbook or equivalent shall notify the detainees of facility policies and procedures concerning personal property, including: ... The procedures for filing a claim for lost or damaged property.” See ICE NDS 2000, Standard, Funds and Personal Property, Section (III)(J)(5).

<sup>16</sup> “All requests shall be recorded in a logbook specifically designed for that purpose. The log, at a minimum, shall contain: a. The date the detainee request was received; b. Detainee’s name; c. A-number; d. Nationality; e. Officer logging the request; f. The date the request, with staff response and action, is returned to the detainee; and g. Any other site-specific pertinent information.” See ICE NDS 2000, Staff Detainee Communication, Section (III)(B)(2).

<sup>17</sup> “The Field Office Director (FOD) shall ensure that all phones in all applicable facilities are tested on a weekly basis.” See Change Notice: Telephone Access – April 4, 2007.



## **HEALTH SERVICES**

### **SUICIDE PREVENTION AND INTERVENTION (SP&I)**

BCDC maintains two designated cells in the health services unit for suicide watch. ODO observed that both rooms are structurally deficient and have objects that could facilitate a suicide attempt (**Deficiency SP&I-1**<sup>18</sup>). Both rooms have towel bars, hooks, and light fixtures that are not flush with the ceiling. In addition, there is a wall near the toilet/sink combination fixture which obstructs view of the detainee.

---

<sup>18</sup> “The isolation room will be free of objects or structural elements that could facilitate a suicide attempt.” See ICE NDS 2000, Suicide Prevention and Intervention, Section (III)(C).