



**U.S. Department of Homeland Security**

Immigration and Customs Enforcement

Office of Professional Responsibility

Inspections and Detention Oversight Division

Washington, DC 20536-5501

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Office of Detention Oversight  
Compliance Inspection

Enforcement and Removal Operations  
ERO San Diego Field Office  
Imperial Regional Detention Facility  
Calexico, California

October 30-November 1, 2018

**COMPLIANCE INSPECTION  
for the  
IMPERIAL REGIONAL DETENTION FACILITY  
CALEXICO, CA**

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**COMPLIANCE INSPECTION TEAM MEMBERS**



Team Lead	ODO
Inspections and Compliance Specialist	ODO
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Contractor	Creative Corrections
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Contractor	Creative Corrections

## FACILITY OVERVIEW

The Office of Detention Oversight (ODO) conducted a compliance inspection of the Imperial Regional Detention Facility (IRDF) in Calexico, California (CA), from October 30-November 1, 2018.<sup>1</sup> IRDF opened September 2014 and is owned by the City of Holtville, CA, and operated by the Management and Training Corporation (MTC). The U.S. Immigration and Customs Enforcement (ICE) Office of Enforcement and Removal Operations (ERO) began housing detainees at IRDF in September 2014, under oversight of the ERO Field Office Director (FOD) in San Diego, CA. The facility operates under the ICE Performance-Based National Detention Standards (PBNDS) 2011.

While ERO Deportation Officers (DO) are assigned to the facility; there is no assigned Detention Services Manager (DSM). A warden is responsible for oversight of daily facility operations and is supported by ██████ personnel. IRDF staff provides food services and medical care is provided by MTC Medical. The facility is accredited by the American Correctional Association and the National Commission on Correctional Health Care.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity <sup>2</sup>	704
Average ICE Detainee Population <sup>3</sup>	685
Male Detainee Population (as of 10/30/2018)	632
Female Detainee Population (as of 10/30/2018)	64

In FY 2015, ODO conducted an inspection of IRDF and found five deficiencies in the following areas: Staff-Detainee Communication (1), Food Service (2), Telephone Access (1), and Grievance System (1).

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<sup>1</sup> This facility holds male and female detainees with low, medium- low, medium-high, and high security classification levels for periods greater than 72 hours.

<sup>2</sup> Data Source: ERO Facility List Report as of October 1, 2018.

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

## FINDINGS BY PBND 2011 MAJOR CATEGORIES

PBND 2011 STANDARDS INSPECTED <sup>4</sup>	DEFICIENCIES
<b>Part 1 – Safety</b>	
Environmental Health and Safety	1
<b>Sub-Total</b>	<b>1</b>
<b>Part 2 – Security</b>	
Admission and Release	3
Custody Classification System	0
Contraband	1
Funds and Personal Property	0
Sexual Abuse and Assault Prevention and Intervention	0
Special Management Units	0
Staff-Detainee Communication	0
Use of Force and Restraints	2
<b>Sub-Total</b>	<b>6</b>
<b>Part 4 – Care</b>	
Disability, Identification, Assessment and Accommodation	1
Food Service	0
Medical Care	0
Medical Care (Women)	0
Significant Self-harm and Suicide Prevention and Intervention	0
<b>Sub-Total</b>	<b>1</b>
<b>Part 5 - Activities</b>	
Telephone Access	2
<b>Sub-Total</b>	<b>2</b>
<b>Part 6 – Justice</b>	
Detainee Handbook	0
Grievance System	0
Law Libraries and Legal Materials	0
<b>Sub-Total</b>	<b>0</b>
<b>Total Deficiencies</b>	<b>10</b>

<sup>4</sup> For greater detail on ODO's findings, see the *Inspection Findings* section of this report.

## COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population greater than ten and where detainees are housed for over 72-hours to assess compliance with ICE national detention standards. These inspections focus solely on facility compliance with detention standards that directly affect detainee life, health, safety, and/or well-being.<sup>5</sup> ODO identifies violations linked to ICE detention standards, ICE policies, or operational procedures as *deficiencies*. ODO highlights instances when the facility resolves deficiencies prior to completion of the ODO inspection; these corrective actions are annotated with “C” under the Inspection Findings section of this report.

At the conclusion of each inspection, ODO holds a closeout briefing with facility and local ERO officials to discuss preliminary findings. A summary of these findings is also shared with ERO management officials. Thereafter, ODO provides ICE leadership with a final compliance inspection report to (i) assist ERO in developing and initiating corrective action plans and (ii) provide senior executives with an independent assessment of facility operations. Additionally, ODO findings inform ICE executive management decision making in better allocating resources across the agency’s entire detention inventory.

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<sup>5</sup> ODO reviews the facility’s compliance with selected standards in their entirety.

## DETAINEE RELATIONS

ODO interviewed ten (10) detainees, each of whom volunteered to participate. None of the detainees made allegations of discrimination, mistreatment, or abuse. All detainees reported satisfaction with facility services, except for the concerns listed below.

**Medical Care:** One detainee stated he did not have sufficient bandages for use with his prosthesis, particularly when the bandages were being laundered.

- Action Taken: ODO reviewed the detainee's medical record, facility laundry schedule, and spoke with the Disability Coordinator who is also the Assistant Health Services Administrator (HSA). ODO confirmed the detainee possessed leg cuffs to use with his prosthesis while his bandages were laundered, and that the facility physician determined supplemental bandages or wrapping material unnecessary.

# COMPLIANCE INSPECTION FINDINGS

## SAFETY

### ENVIRONMENTAL HEALTH & SAFETY (EH&S)

ODO toured the food service area and found the shatter protectors over the light bulbs in the food service cooler and freezer were filled with a large quantity of water (**Deficiency EH&S-1<sup>6</sup>**).

- *Corrective action:* Prior to the end of the inspection, food services staff emptied the water from the various shatter protectors. However, this is an area that will need to be monitored by the facility to ensure water does not build up in these areas (**C-1**).

## SECURITY

### ADMISSION AND RELEASE (A&R)

ODO toured the facility intake and release areas and observed daily operations on multiple occasions. During different stages of the reception process, detainees are held in holding cells. A site-specific orientation video, in Spanish & English, is played on a continuous loop, as well as a Know Your Rights video. ODO viewed the IRDF video and found it contained all elements required by the standard; however, the orientation video and facility orientation procedures were not approved by ERO (**Deficiency AR-1<sup>7</sup>**).

ODO reviewed 40 detention files for current detainees and noted all detention files contained a Form I-203, Order to Detain or Release; however, two did not bear the appropriate ERO authorizing official signature (**Deficiency A&R-2<sup>8</sup>**).

- *Corrective Action:* Prior to the conclusion of the inspection, the classification supervisor provided new Forms I-203 that were appropriately signed by ERO(**C-2**).

At the time of release detainees undergo a documented process which includes the detainee signing a document indicating the release procedures were accomplished and all funds and personal property were accurately returned. ODO found this process thorough; however, the release process had not been

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<sup>6</sup> “Environmental health conditions will be maintained at a level that meets recognized standards of hygiene. The standards include those from the American Correctional Association, The Occupational Safety and Health Administration, the Environmental Protection Agency, the Food and Drug Administration, the National Fire Protection Association’s Life Safety Code, and the National Center for Disease Control and Prevention.” See ICE PBNDS 2011, Standard, Environmental Health and Safety, Section (V)(A)(2). For further reference from the Occupational Safety and Health Standards (OSHA) 1910.303: Examination: Electric equipment shall be free from recognized hazards that are likely to cause death or serious physical harm to employees. Safety of equipment shall be determined using the following considerations. Installation and Use: Listed or labeled equipment shall be installed and used in accordance with any instructions included in the listing or labeling.

<sup>7</sup> “All facilities shall have a method to provide ICE/ERO detainees an orientation to the facility as soon as practicable, in a language or manner that detainees can understand. Orientation procedures in CDFs and IGSA’s must be approved in advance by the local ICE/ERO Field Office.” See ICE PBNDS 2011, Standard, Admissions and Release, Section (V)(F).

<sup>8</sup> “An Order to Detain or an Order to Release the detainee (Form I-203 or I-203a), bearing the appropriate ICE/ERO Authorizing Official signature, must accompany each newly arriving detainee. Staff shall prepare specific documents in conjunction with each new arrival to facilitate timely processing, classification, medical screening, accounting of personal effects and reporting of statistical data.” See ICE PBNDS 2011, Standard, Admission and Release, Section (V)(E).

approved by ERO (**Deficiency AR-3**<sup>9</sup>).

## **CONTRABAND**

ODO observed bedsheets hanging in cells in detainee housing Unit C for privacy (**Deficiency CB-1**<sup>10</sup>).

- *Corrective Action:* The facility initiated corrective action by removing the bedsheets from the housing units prior to the end of the inspection (**C-3**).

## **USE OF FORCE AND RESTRAINTS**

ODO reviewed use of force incident video tapes and identified one instance and determined the use of force was unreasonable and excessive. The facility officer involved in the incident pulled a detainee down from the top bunk of his bed which escalated the incident. The detainee had previously swung at the officer and knocked his radio out of his hand. Although the officer called for assistance, he did not wait for backup officers to arrive before approaching the detainee and did not use any authorized use of force techniques (**Deficiency UOF&R-1**<sup>11</sup>). The IRDF after-action review team concluded that these actions were not in compliance with the IRDF policy and the ICE standard, and the employee received disciplinary action including remedial training.

In a second incident, an immediate use of force situation arose while officers removed restraints from an agitated and non-compliant detainee who had been placed in a Special Management Unit (SMU) cell. ODO's review of documentation found there was adequate time to use confrontation avoidance techniques or calculated use of force procedures, as there was no immediate threat to the detainee or others once the detainee was placed in the SMU (**Deficiency UOF&R-2**<sup>12</sup>). The IRDF after-action review team identified the deficiency and concluded staff should have handled the situation as a calculated use of force, affording staff the opportunity to dress in protective gear to prevent injury to staff and the detainee, should confrontation avoidance measures not be successful.

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<sup>9</sup> "Facility staff assigned to processing must complete certain procedures before any detainee's release, removal, or transfer from the facility. Necessary steps include but are not limited to: completing out-processing forms; closing files and fingerprinting; returning personal property; reclaiming facility-issued clothing; identification cards, handbooks, and bedding; and checking wants and warrants. ICE/ERO shall approve all facility release procedures." See ICE PBND 2011, Standard, Admissions and Release, Section (V)(H).

<sup>10</sup> "Soft contraband includes, but is not limited to, "nuisance" items that do not pose a direct and immediate threat to safety or security, but which have the potential to create dangerous or unsanitary conditions in the facility (e.g., excess papers that create a fire hazard; food items that are spoiled or retained beyond the point of safe consumption). If excessive authorized legal materials create a fire hazard, the facility shall provide an alternate storage area accessible to the detainee." See ICE PBND 2011, Standard, Contraband, Section, (V)(A)(2).

<sup>11</sup> "Use of force in detention facilities is never used as punishment, is minimized by staff attempts to first gain detainee cooperation, is executed only through approved techniques and devices, and involves only the degree necessary and reasonable to gain control of a detainee or provide for self-defense or defense of a third person." See ICE PBND 2011, Standard, Use of Force and Restraints, Section (V)(A)(1).

<sup>12</sup> "If a detainee is in a location where there is no immediate threat to the detainee or others (for example, a locked cell or range), staff shall take the time to assess the possibility of resolving the situation without resorting to force." See ICE PBND 2011, Standard, Use of Force and Restraints, Section (V)(I).



## CARE

### **DISABILITY IDENTIFICATION, ACCOMMODATION AND ASSESSMENT (DIA&A)**

ODO reviewed the IRDF orientation program and the ICE national and IRDF's detainee handbooks. Neither the IRDF orientation program, the ICE national, or local IRDF detainee handbooks provide information to detainees regarding their right to request reasonable accommodations and how to make such a request. Additionally, ODO did not observe required disability postings in any housing or processing areas (**Deficiency DIA&A-1**<sup>13</sup>).

- *Corrective Action:* Prior to the completion of the inspection, IRDF staff posted the facility's disability accommodations policy in all detainee housing units and the medical unit (**C-4**).

## ACTIVITIES

### **TELEPHONE ACCESS**

ODO toured the facility and tested facility telephones utilizing the Talton pro-bono platform. ODO used the speed dial number on the facility's posted pro-bono platform phone number listing. ODO determined by listening to the phone message provided at the U.S. Department of Justice (DOJ), Office of the Inspector General (OIG) speed dial number, that the pro-bono platform was connecting ICE detainees to the DOJ OIG rather than the required U.S. Department of Homeland Security, OIG (**Deficiency TA-1**<sup>14</sup>).

The facility posted a phone listing from early 2017 in the detainee housing areas. ERO staff were unfamiliar with the requirement to periodically check the Talton website to determine if the phone listing is current (**Deficiency TA-2**<sup>15</sup>).

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<sup>13</sup> "The facility will post other documents for detainee awareness in detainee living areas and in the medical unit, as requested by the local ICE/ERO Field Office." See ICE PBNDS 2011, Standard, Disability Identification, Assessment, and Accommodation, Section (V)(J).

<sup>14</sup> "ICE/ERO headquarters shall maintain and provide Field Offices a list of telephone numbers of current free legal service providers, consulates and the Department of Homeland Security's (DHS) Office of the Inspector General (OIG), as determined by ICE. All Field Offices are responsible for ensuring facilities which house ICE detainees under their jurisdiction are provided with current pro bono legal service information." See ICE PBNDS 2011, Standard, Telephone Access, Section (V)(A)(3).

<sup>15</sup> "Even if telephone service is generally limited to collect calls, each facility shall permit detainees to make direct or free calls to the offices and individuals listed below. The Field Office Director shall ensure that all information is kept current and is provided to each facility. Updated lists need to be posted in the detainee housing units." See ICE PBNDS 2011, Standard, Telephone Access, Section (V)(E). **This is a Priority Component.**

## CONCLUSION

During this inspection, ODO reviewed the facility's compliance with 18 standards under ICE PBNDS 2011, finding the facility compliant with 13 standards. ODO found 10 deficiencies in the remaining five standards. This is a slight increase in deficiencies since ODO's last inspection in 2015; however, the facility did take corrective action to address these issues prior to the conclusion of ODO's inspection. Among those immediately corrected, ODO found that detainees were hanging bedsheets in their cells for privacy. Once identified, the facility immediately removed them from the cells in which they were hanging. ODO recommends ERO work with the facility to remedy any deficiencies which remain outstanding, as applicable and in accordance with contractual obligations.

<b>Compliance Inspection Results Compared</b>	<b>FY 2016 (PNDS 2011)</b>	<b>FY 2018 (PNDS 2011)</b>
Standards Reviewed	16	18
Deficient Standards	4	6
Overall Number of Deficiencies	5	10
Deficient Priority Components	5	1
Corrective Action	2	4