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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
Chicago Field Office
Caldwell County Detention Center
Kingston, Missouri

January 7 – 9, 2014

COMPLIANCE INSPECTION
CALDWELL COUNTY DETENTION CENTER
CHICAGO FIELD OFFICE

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INSPECTION PROCESS

The U.S. Immigration and Customs Enforcement (ICE), Office of Professional Responsibility (OPR), Office of Detention Oversight (ODO) conducts broad-based compliance inspections to determine a detention facility's overall compliance with the applicable ICE National Detention Standards (NDS) or Performance-Based National Detention Standards (PBNDS), and ICE policies. ODO bases its compliance inspections around specific detention standards, also referred to as core standards, which directly affect detainee health, safety, and well-being. Inspections may also be based on allegations or issues of high priority or interest to ICE executive management.

Prior to an inspection, ODO reviews information from various sources, including the Joint Intake Center (JIC), Enforcement and Removal Operations (ERO), detention facility management, and other program offices within the U.S. Department of Homeland Security (DHS). Immediately following an inspection, ODO hosts a closeout briefing at which all identified deficiencies are discussed in person with both facility and ERO field office management. Within days, ODO provides ERO a preliminary findings report, and later, a final report, to assist in developing corrective actions to resolve identified deficiencies.

REPORT ORGANIZATION

ODO's compliance inspection reports provide executive ICE and ERO leadership with an independent assessment of the overall state of ICE detention facilities. They assist leadership in ensuring and enhancing the safety, health, and well-being of detainees and allow ICE to make decisions on the most appropriate actions for individual detention facilities nationwide.

ODO defines a deficiency as a violation of written policy that can be specifically linked to ICE detention standards, ICE policies, or operational procedures. Deficiencies in this report are highlighted in bold and coded using unique identifiers. Recommendations for corrective actions are made where appropriate. The report also highlights ICE's priority components, when applicable. Priority components have been identified for the 2008 and 2011 PBNDS; priority components have not yet been identified for the NDS. Priority components, which replaced the system of mandatory components, are designed to better reflect detention standards that ICE considers of critical importance. These components have been selected from across a range of detention standards based on their importance to factors such as health and safety, facility security, detainee rights, and quality of life in detention. Deficient priority components will be footnoted, when applicable. Comments and questions regarding this report should be forwarded to the Deputy Division Director, OPR ODO.

INSPECTION TEAM MEMBERS

(b)(6), (b)(7)c	Special Agent (Team Leader)	ODO, Houston
	Special Agent	ODO, Houston
	Inspections and Compliance Specialist	ODO, Headquarters
	Detention and Deportation Officer	ODO, Phoenix
	Contract Inspector	Creative Corrections
	Contract Inspector	Creative Corrections

EXECUTIVE SUMMARY

ODO conducted a compliance inspection of the Caldwell County Detention Center (CCDC) in Kingston, Missouri, from January 7 to 9, 2014, which opened in 2004, and is owned and operated by the Caldwell County Sheriff's Department. ERO began housing detainees at Caldwell County Detention Center in 2004, under an intergovernmental service agreement contract. Male and female detainees of all security classification levels (Level I – lowest threat, Level II – medium low, Level II – medium high, Level III – highest threat) are detained at the facility for periods in excess of 72 hours. This inspection evaluated CCDC's compliance with the 2000 NDS.

Capacity and Population Statistics	Quantity
Total Bed Capacity	128
Average Daily Population	115
Average Length of Stay (Days)	14
Male Population Count (as of January 6, 2014)	18
Female Population Count (as of January 6, 2014)	2

The ERO Field Office Director (FOD), in Chicago, Illinois, is responsible for ensuring facility compliance with 2000 NDS and ICE policies. An Assistant Field Office Director at the ERO Office in Kansas City, Missouri, oversees ICE operations at CCDC. A Supervisory Detention and Deportation Officer (SDDO) and nine ERO staff oversee standards compliance. All ERO personnel assigned to CCDC are from the ERO Kansas City office. There is no Detention Service Manager or Contracting Officer's Technical Representative at CCDC. No ICE employees are permanently stationed at CCDC.

A Caldwell County Sheriff is the highest-ranking official at CCDC and is responsible for oversight of daily operations. The Sheriff is supported by (b)(7)e CCDC supervisory staff and (b)(7)e non-supervisory staff. There were no vacancies at CCDC at the time of the inspection and the facility holds no accreditations.

In August 2012, ODO conducted an inspection of CCDC under the 2000 NDS. Among the 16 standards reviewed, nine were in full compliance. ODO cited 16 deficiencies in seven standards.

During this inspection, ODO reviewed 16 standards, three of which were fully compliant. Twenty-five deficiencies were identified in the following 13 standards: Access to Legal Material (1), Admission and Release (2), Detainee Classification System (1), Detainee Grievance Procedure (1), Detainee Handbook (2), Environmental Health and Safety (4), Food Service (3), Funds and Personal Property (1), Medical Care (2), Special Management Unit - Administrative Segregation (1), Staff Detainee Communication (4), Telephone Access (2) and Visitation (1). ODO makes three recommendations in this report.

This report details all deficiencies and refers to the specific, relevant sections of the 2000 NDS. ERO will be provided with a copy of this report to assist in developing corrective actions to resolve all identified deficiencies. These deficiencies were discussed with ERO and CCDC staff during the on-site inspection and subsequent closeout briefing conducted on January 9, 2014.

The intake process at CCDC includes medical pre-screenings, detention file creation, and distribution of identification wristbands for all detainees. Detainee classification is provided by

ERO. The orientation process was not supported by an ICE video informing newly-arriving detainees about facility operations, programs and services; however, when facility staff was alerted to the deficiency, CCDC staff initiated corrective action during the course of the inspection by locating the prescribed video and immediately began playing it for detainees as part of the intake process. This is a repeated deficiency from ODO's last inspection in August 2012. ODO also observed during the intake process that detainees do not receive the ICE National Detainee Handbook upon admission to the facility. A review of 20 randomly-selected detention files (ten active and ten inactive) confirmed initial classification and reclassification worksheets are appropriately maintained. Hygiene supplies and appropriate clothing are provided to detainees at admission.

CCDC has policies and written procedures that address the 2000 NDS requirements for taking inventory and safeguarding detainees' personal property and funds. CCDC staff informs detainees of procedures relating to property and funds during the admissions process. ODO determined the detainee handbook fails to notify detainees that, upon request, detainees will be provided an ICE certified copy of identity documents contained in their Alien-file. There are no written rules for the storing or mailing of property prohibited from detainee possession. A written procedure for filing a claim for lost or damaged property is also missing.

The facility relies solely on ERO to provide initial detainee security classification. The reclassification of detainees is done by the facility every 60 days. CCDC does not modify detainee classification levels without final approval from ERO. A review of training records found all (b)(7)e CCDC correctional staff receives annual training regarding detainee classification.

CCDC staff strives to resolve grievances at the lowest possible level and provide timely responses. A designated grievance officer maintains an electronic database that tracks all grievances and respective outcomes. CCDC facility policy regarding emergency grievance procedures corresponds with language in the 2000 NDS. ODO found that written procedures for identifying and handling an emergency grievance are not noted within post orders, or in the CCDC detainee handbook.

Detainees are not provided with an ICE National Detainee Handbook or a local detainee handbook at admission. The CCDC detainee handbook is available in both English and Spanish through an electronic kiosk system located in the detainee housing unit. CCDC uses an interactive kiosk system. The kiosk is a touch-screen computer placed in a secure enclosure. The system enables ICE detainees to electronically make requests, submit grievances, access sick call and the detainee handbook, and request items such as shampoo, toiletries, and toothpaste. During detainee interviews, ODO determined not all detainees were aware the handbook was available in the kiosk system. Each of the ten active detention files reviewed by ODO did not document the issuance of local and national handbooks.

CCDC maintains a dedicated space for the law library, which is equipped with two computers, two tables, and adequate seating. Supplies are provided to support legal research and case preparation. The computers are equipped with word processing software and the most recent version of LexisNexis. Detainees are afforded up to five hours of law library access per week, and can print documents with the assistance of a staff member; however, procedures for accessing legal materials are not addressed in the detainee handbook, or posted in the law library.

ICE staff conducts scheduled and unscheduled visits throughout the week at CCDC to address detainee requests and concerns. These visits are documented on the ICE Facility Liaison Visit Checklist maintained by ERO Kansas City. Interviews with ICE and facility staff and a review of visitation logbooks confirmed ERO supervisors do not conduct unannounced visits to CCDC. ICE management is required to conduct unannounced visits to detention facilities to observe and monitor conditions of confinement for detainees, encourage informal communication between staff and detainees, and address any concerns with facility management. ODO identified this same deficiency during the August 2012 inspection.

ODO verified detainees are able to submit requests and questions to ICE and CCDC staff through the electronic kiosk system or by requesting forms from CCDC staff. The request forms submitted through the kiosk electronically route to the CCDC main office and are faxed to ICE staff upon receipt. Manually submitted request forms are hand delivered to CCDC staff, then faxed to ICE staff. Facility management stated CCDC personnel do not read or alter electronic or manual submissions. Neither of these processes is secure and there is no method to verify whether CCDC staff reads the contents of requests. ODO noted there are no lockboxes provided for manual requests, but ERO and CCDC management stated detainees are able to seal each request in an envelope with the name, title, and office where the request is to be forwarded.

The food service program is managed by Catering by Marlin (CBM). Food service staff is comprised of the Food Service Administrator (FSA) and (b)(7)e cooks. No ICE detainees or county inmate workers work in food service. The FSA stated current CBM staff had not completed a pre-employment medical examination. Medical clearance prior to employment in a food service operation is critical to ensure workers do not have a communicable disease or condition in any transmissible stage. The walk-in freezer and walk-in cooler thermometers reflected appropriate temperatures, and the log documented twice per day checks. While inspecting the cooler, ODO found turkey and bologna in a large container covered with aluminum foil. The label reflected a date two days earlier than when found (January 6, 2014), exceeding the maximum threshold of 24 hours for retention of leftovers stated in the 2000 NDS. This deficiency was identified during the last ODO inspection in August 2012. Inspection of sack lunches for detainee transportation confirmed the turkey sandwiches in the sack lunches were seven days more than the 24 hours requirement.

The overall sanitation of the facility was satisfactory with one notable exception. ODO verified the maintenance supervisor maintains a master index of hazardous substances, which includes diagrams of storage locations and Material Safety Data Sheets (MSDS); however, the index does not include a list of emergency telephone numbers. A CCDC maintenance supervisor conducts monthly fire safety inspection. Multiple fire drills are conducted every month, documentation of which reflected all areas of the facility were covered. Each drill includes the use of emergency keys. The most recent annual inspection of CCDC by an external source was completed on January 3, 2014, by the Kingston Fire Department. No corrective action was required. Documentation reflects CCDC tests the emergency power generator on a weekly basis for 25 minutes, and an outside vendor tests and services the generator annually. The 2000 NDS requires testing for one hour on a bi-weekly basis, and testing on a quarterly basis by a qualified outside vendor. This deficiency was cited during the most recent ODO inspection in August 2012. Due to space constraints, the facility does not have a dedicated barber shop, and there is no access to running water in the immediate area where barber services are required.

Sanitation guidelines are not posted. These deficiencies were cited during ODO's last inspection in August 2012.

Healthcare is provided by contractor Correctional Health Care Companies (CHC). Current staffing consists of [redacted] full-time Licensed Practical Nurse (LPN) on duty Monday through Friday. The LPN also serves as the Health Services Administrator (HSA). According to CHC policy, the Regional Health Administrator supports the HSA in this role. A nurse practitioner is on-site once per week for hours as needed, though it is noted the facility policy states a physician is to provide weekly on-site services rather than a nurse practitioner. The HSA stated the physician recently resigned, and CHC is attempting to find a replacement. In the interim, a CHC physician is on-call 24 hours a day, seven days a week to collaborate with the nurse practitioner for medical management, as necessary. There is no mental health or dental provider employed or contracted by CCDC. When needed, mental health services and dentistry are provided by the surrounding community. Copies of professional credentials including professional licenses, insurance, Drug Enforcement Administration (DEA) registration, and other certifications for medical staff were reviewed and found current and primary source verified. CCDC holds no medical accreditations.

There are two hold rooms used for county inmates that open directly into the clinic area. The rooms do not allow vision into the clinic; however, occupants can hear discussions that transpire during medical encounters. This arrangement does not assure that detainees have privacy during medical examinations.

Detainees receive initial medical and mental health screening upon arrival at CCDC. The primary method for accessing healthcare services at CCDC is via an electronic kiosk system available in both general population units and the special management unit. If the kiosk system is not operating, hard-copy sick call request forms are completed and turned in to the HSA during medication rounds which occur twice a day, during morning and evening. ODO noted the request forms are in English only and are not available within the housing units. Detainees must request a form from the housing unit detention officer. During the interview, a detention officer stated he was not aware hard-copy forms were available. To ensure prompt access to healthcare when the kiosk system is not functioning, ODO recommends that officers be familiarized with the written sick call request process and that clear instructions be issued concerning making request forms available. In addition, ODO recommends the Spanish sick call request forms be made available. Sick call is conducted five days per week. ODO confirmed detainees are seen within 24 hours of their request when the HSA is on duty, and within 48 hours if submitted on a weekend.

The HSA conducts morning medication distribution Monday through Friday. Detention officers distribute evening medications on weekdays, and both morning and evening medications on weekends. A review by ODO of training curricula and the training records of [redacted] officers confirmed appropriate training was completed. Medication Administration Records inspected by ODO confirmed entries were made documenting distribution of medication.

ODO verified medical staff has current certification in cardiopulmonary resuscitation (CPR) and first aid; however, a review of training records for [redacted] randomly-selected detention officers found [redacted] did not have a current certification.

ODO verified detainees are screened for suicide potential during the intake process. All staff receives initial and ongoing suicide prevention training as required by the standard. CCDC reported there have been no ICE detainee suicide attempts, suicides, or deaths. ODO evaluated CCDC's sexual abuse and assault prevention and intervention program. CCDC has appointed facility personnel to prepare aligning themselves for implementation of a program that complies with both the Prison Rape Elimination Act (PREA) and the 2011 Sexual Abuse and Assault Prevention and Intervention (SAAPI). CCDC staff stated the facility is awaiting guidance and direction from the Missouri Sheriff's Association, which is in the process of designing a PREA program for implementation in all Missouri jails. The facility has a policy addressing many requirements of the 2011 SAAPI PBNDS, including detainee notification, prevention and screening, intervention guidance, notification and referrals, confidentiality, and investigation and prosecution, but the policy does not set procedures for fulfillment of these requirements, and has not been implemented. ODO notes that CCDC is creating policy and procedures mirroring the 2011 SAAPI standard and will be prepared when a contract modification is made. There have been no incidents or allegations of sexual abuse or assault at CCDC.

The Special Management Unit (SMU) at CCDC has two tiers consisting of seven double-occupancy cells. The top tier is designated for administrative segregation and has four cells; the lower tier is used for disciplinary segregation and has three cells. There is no SMU for female detainees; therefore, females requiring segregation are locked in their cells in the female general population unit.

During the ODO inspection, there were no detainees on administrative segregation. A review of 45 randomly-selected files for detainees held at CCDC during the eight months preceding the ODO inspection found one detainee who was placed in administrative segregation. Status reviews were conducted as required by the standard; however, entries on the daily segregation observation log were not complete. Specifically, entries documenting recreation, showers, meals, and medical rounds were not consistently recorded.

Inspection of SMU logs for three detainees previously on administrative segregation documented visits by medical professionals and shift supervisors, and required privileges including recreation, visitation, and access to legal materials were provided. Detainees receive regular meals while on administrative segregation; however, those detainees are not given new, disposable utensils with each meal. Detainees held in administrative segregation are issued a combination spoon/fork made of plastic, which detainees are required to keep and re-use. This deficiency was cited during the May 2013 ERO annual inspection.

While on disciplinary segregation, detainees are not allowed social visits. ODO confirmed visitation privileges are restricted to visits for legal and religious purposes only. Review of records for three detainees previously on disciplinary segregation and interviews with CCDC staff confirmed detainees were not allowed social visits.

Based on a review of the CCDC disciplinary log, staff interviews, and inspection of 45 randomly-selected detainee files, ODO determined no detainees were placed in disciplinary segregation in the eight months preceding the ODO inspection. A review of facility disciplinary policy confirmed it addresses all requirements of the 2000 NDS concerning placement in disciplinary segregation, status reviews, and basic living conditions.

CCDC policy adequately addresses monitored telephone calls. Each telephone has a posted notice advising detainees that calls are monitored; however, the local detainee handbook or equivalent does not notify detainees that telephone calls are monitored.

Detainees submit a request form or notify a housing unit officer to make unmonitored telephone calls to attorneys. Access rules for telephone use do not identify procedures for obtaining an unmonitored call to a court, a legal representative, or for obtaining legal representation, and a notice was not posted at each telephone location. ODO verified speed-dial listings for the DHS Office of Inspector General, consulates, embassies, and pro-bono services are available in each housing unit in both English and Spanish.

The CCDC Use of Force policy appropriately addresses the requirements of the standard. A review of (b)(7)e staff training records confirmed current training in use of force, including the use of force continuum, cell extraction techniques, oleo capsicum spray, and proper use of video recording equipment. Officers complete initial training and 40 hours of annual refresher training. ODO verified there is a video camera available in the supervisor's office for use in calculated use of force incidents. Documentation reflects audiovisual recording equipment is routinely tested to verify operability. CCDC management stated there have been no calculated and two immediate use of force incidents involving ICE detainees in the 12 months preceding the ODO investigation. Both incidents involved placement of detainees in a restraint chair with no injuries to detainees or staff. A review of documentation confirmed compliance with facility policy and the NDS, including completion of post-incident medical examinations and after action reviews. ERO was properly notified in both cases. CCDC only permits non-contact visits with family, non-governmental groups, and legal or media representatives. All adult visitors must have background checks completed prior to visiting a detainee. Additionally, all visitors are required to present photo identification at the reception desk upon arrival. The facility maintains separate logbooks for general and legal visits. All visitors are subject to a personal search, which may include a pat-down-search or visual inspection of containers.

Legal visits are offered seven days a week in a designated conference room within the intake area. Attorney-client privacy is facilitated by CCDC. General visits are offered four days a week, and include weekends and holidays. Visitors may leave money for detainees using a kiosk located in the visitors' reception area. Written visitation procedures, which include a schedule and hours of visitation, are posted in the visitor's reception area in English and Spanish. The rules are also available telephonically, and on the CCDC website. ODO confirmed G-28 forms (Notice of Entry of Appearance as Attorney or Accredited Representative) are unavailable in the visitor's reception area for completion by legal representatives. This standard was added to the inspection due to deficiencies cited during the 2012 ERO annual inspection.

OPERATIONAL ENVIRONMENT

INTERNAL RELATIONS

ODO interviewed the Facility Administrator (Warden), Assistant Administrator, CCDC Chief Deputy, and an ERO SDDO. During the interviews, all personnel from the facility and ERO stated the working relationship between CCDC and ERO is good. CCDC staff stated they have consistently observed ERO officers visiting the housing units each week, and communicating with ICE detainees to address their issues or concerns. The facility administrator stated CCDC is adequately staffed to manage the current detainee population at CCDC. He also stated that he and his staff would welcome formal training in the 2000 NDS from ERO.

The SDDO stated ERO could use a couple more officers staffed at CCDC. (b)(7)e ERO Kansas City deportation officers are assigned staff-detainee communication activities (b)(7)e SDDOs and (b)(7)e Immigration Enforcement Agents handle issues at CCDC on a daily basis.

DETAINEE RELATIONS

ODO randomly-selected and interviewed ten detainees: Level I-3, Level II-6, and Level III-1 (eight males and two females) to assess the overall living and detention conditions at CCDC. All interviews were voluntary. All detainees interviewed had identification wristbands.

Detainees provided positive feedback with regards to the following at CCDC:

- Frequency of visits by ERO staff,
- Issuance and replenishment of personal hygiene items,
- Access to recreation,
- Access to the law library, as needed,
- Permitted visitation by family, and
- Access to grievance forms.

Detainees expressed concerns about the following at CCDC:

- Did not receive any detainee handbooks,
- Three did not know who their DO was or how to contact him, and
- One detainee complained about his left foot plantar fasciitis.

ODO researched the issues raised by these detainees and confirmed that CCDC does not give detainees the facility or ICE detainee handbook. ODO instructed the detainees to make contact with ICE officers during ICE visits, and also instructed them to submit a detainee request. ODO reviewed the medical record of the detainee who complained about medical care and found he made no mention of any problem with his foot during his medical screening during intake.

ICE 2000 NATIONAL DETENTION STANDARDS

ODO reviewed a total of 16 NDS and found CCDC fully compliant with the following three standards:

1. Special Management Unit – Disciplinary Segregation
2. Suicide Prevention and Intervention
3. Use of Force

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

ODO found deficiencies in the following 13 areas:

1. Access to Legal Material
2. Admission and Release
3. Detainee Classification System
4. Detainee Grievance Procedures
5. Detainee Handbook
6. Environmental Health & Safety
7. Food Service
8. Funds and Personal Property
9. Medical Care
10. Special Management Unit – Administrative Segregation
11. Staff-Detainee Communication
12. Telephone Access
13. Visitation

Findings for these standards are presented in the remainder of this report.

ACCESS TO LEGAL MATERIAL (ALM)

ODO reviewed the Access to Legal Material standard at CCDC to determine if detainees have access to a law library, legal materials, courts, counsel, and document copying equipment to facilitate the preparation of legal documents, in accordance with the ICE NDS. ODO interviewed detainees and staff, reviewed policies, procedures, and the detainee handbook, and inspected the area designated for law library use.

A CCDC staff member is responsible for overseeing the law library program. The law library is open Monday through Friday from 9 a.m. to 10:30 a.m., and 12 p.m. to 3:30 p.m. It is equipped with sufficient furnishings, including two computers, two tables, and other supplies. ODO verified the computer contained current versions of LexisNexis and word processing software. ODO confirmed that on January 3, 2014, CCDC staff updated LexisNexis software on the computers. CCDC management provides indigent detainees with free envelopes and stamps for mailing materials related to legal matters. Detainees can photocopy legal materials without charge upon request.

Facility staff informed ODO illiterate and limited English proficient detainees who indicate difficulty with the legal materials, and who wish to pursue a legal claim related to their immigration proceedings or detention, may request assistance by staff. Detainees with the appropriate language, reading, and writing abilities for drafting legal documents may also provide assistance to other detainees.

CCDC staff affords detainees a minimum of five hours of law library time per week. The facility's detainee handbook did not include procedures for requesting additional time in the law library, beyond the five hours per week minimum, requesting legal reference materials not maintained in the law library, or notifying a designated employee that library material is missing or damaged. In addition, these procedures governing access to legal materials are not posted in the law library **(Deficiency ALM-1)**. Having the procedures listed in the detainee handbook and the law library facilitates and promotes efficient use of the law library and its resources.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY ALM-1

In accordance with the ICE NDS, Access to Legal Material, section (III)(Q)(4)(5)(6), the FOD must ensure "The detainee handbook or equivalent, shall provide detainees with the rules and procedures governing access to legal materials, including the following information:

4. The procedure for requesting additional time in the law library (beyond the 5 hours per week minimum);
5. The procedure for requesting legal reference materials not maintained in the law library; and
6. The procedure for notifying a designated employee that library material is missing or damaged.

These policies and procedures shall also be posted in the law library along with a list of the law library's holdings."

ADMISSION AND RELEASE (AR)

ODO reviewed the Admission and Release standard at CCDC to determine if procedures are in place to protect the health, safety, security, and welfare of each person during the admission and release process, in accordance with the ICE NDS. ODO reviewed policies, procedures, and the detainee handbook, inspected detention files, interviewed staff and detainees, and observed the intake process. Nine detainees were processed through Intake during this inspection.

ERO staff assigns a security classification before each detainee arrives at the facility and CCDC intake officers create detention files for each newly-arriving detainee. ODO observed the CCDC intake process for newly-arriving detainees, and witnessed CCDC staff conducting screening interviews and searching detainees for contraband. Searches are conducted using the pat-down technique, and are conducted by officers of the same gender. Personal property of detainees was inventoried and stored appropriately, and facility property was issued to detainees according to the standard. ODO also observed medical staff perform detailed medical screenings of newly-arriving detainees.

CCDC does not provide an orientation process that is supported by an ICE video informing newly-arriving detainees about facility operations, programs, and services **(Deficiency AR-1)**. This deficiency was identified to the facility on-site, and CCDC initiated corrective action during the course of the inspection by locating the ICE video and immediately playing it for detainees as a part of the intake process. Both videos are available in English and Spanish. Furthermore, although the detainee handbook is programmed onto kiosks located in individual housing units and detainees have unrestricted access to kiosks, every detainee does not receive a detainee handbook upon admission to CCDC **(Deficiency AR-2)**. The handbook describes all policies, procedures, and rules in effect at the facility. This is a repeat finding from ODO's last inspection in August 2012. ODO also observed during the intake process and learned in interviews that detainees do not receive the ICE National Detainee Handbook upon admission to the facility.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY AR-1

In accordance with the ICE NDS, Admission and Release, section (III)(A)(1), the FOD must ensure "Every new arrival shall undergo screening interviews, complete questionnaires and other forms, attend the facility's site-specific orientation program, and comply with other admission procedures (issuance of clothing, towels, bedclothes, etc.), including the following information:

1. The orientation process supported by a video (INS) and handbook shall inform new arrivals about facility operation, programs and services. Subjects covered will include prohibited activities and unacceptable and the associated sanctions (see the "Disciplinary Policy" Standard)."

DEFICIENCY AR-2

In accordance with the ICE NDS, Admission and Release, section (III)(K), the FOD must ensure "Upon admission every detainee will receive a detainee handbook. It will fully describe all policies, procedures, and rules in effect at the facility, in accordance with the "Detainee Handbook" standard."

DETAINEE CLASSIFICATION SYSTEM (DCS)

ODO reviewed the Detainee Classification System standard at CCDC to determine if there is a formal classification process for managing and separating detainees based on verifiable and documented data in accordance with the ICE NDS. ODO reviewed facility policies and procedures, and the detainee handbook, inspected detention files, interviewed staff and detainees, and observed the intake process. Nine detainees were processed through Intake during this inspection.

During interviews, the Training Sergeant and ICE Enforcement and Removal Operations staff stated the classification of detainees at CCDC is conducted by the ERO field office staff prior to a detainee's arrival at CCDC. The facility relies solely on ERO to provide initial classifications. The reclassification of detainees is done by the facility every 60 days; however, CCDC does not modify detainee classification levels without ERO's final approval. A review of training records found all correctional staff at CCDC, which consists of (b)(7)e personnel, is trained annually in the facility's classification process.

Twenty detention files were reviewed during this inspection. Each of the files contained an I-213 form (Record of Deportable/ Inadmissible Alien), an ICE Risk Classification form, a CCDC classification worksheet and booking report, a property inventory, a medical questionnaire, and a mental health screening. I-203A forms (Order to Detain Aliens) were not located in any of the detention files. However, these forms are maintained by CCDC in a separate file since the facility receives amended I-203A forms from ICE that include all newly-arriving detainees.

ODO also reviewed detainee housing assignments based on classification levels for 20 detainees and found detainees were housed properly, as required by the standard. A review of the detainee handbook found it does not list procedures for a detainee to appeal his/her classification level **(Deficiency DCS-1)**. This deficiency was communicated on-site to CCDC administrative staff, and the facility initiated corrective action during the course of the inspection. The facility amended the detainee handbook, which now lists procedures for detainees to appeal classification levels.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY DCS-1

In accordance with the ICE NDS, Detainee Classification System, section (III)(I)(2), the FOD must ensure "The detainee handbook's section on classification will include the following:

2. The procedures by which a detainee may appeal his/her classification."

DETAINEE GRIEVANCE PROCEDURES (DGP)

ODO reviewed the Detainee Grievance Procedures standard at CCDC to determine if a process to submit formal or emergency grievances exists, and responses are provided in a timely manner, without fear of reprisal. In addition, the review was conducted to determine if detainees have an opportunity to appeal responses, and if accurate records are maintained, in accordance with the ICE NDS. ODO interviewed staff and detainees, and reviewed facility policy, the detainee handbook, and grievance documentation.

CCDC staff strives to resolve grievances at the lowest possible level and provide timely responses. A designated grievance officer maintains an electronic database that tracks all grievances and respective outcomes. Officials encourage detainees to assist those with limited English proficiency. Interpretive services are available telephonically.

CCDC facility policy regarding emergency grievance procedures corresponds with language in the NDS. However, written procedures for identifying and handling emergency grievances are not noted within post orders or the CCDC detainee handbook **(Deficiency DGP-1)**. CCDC post orders and the detainee handbook should reflect the noted procedures within written policy. Reference material noting emergency grievance procedures is not immediately available to detainees and staff.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY DGP-1

In accordance with the ICE NDS, Detainee Grievance Procedures, section (III)(B), the FOD must ensure "Each facility shall implement procedures for identifying and handling an emergency grievance. An emergency grievance involves an immediate threat to a detainee's safety or welfare. Once the receiving staff member approached by a detainee determines that he/she is in fact raising an issue requiring urgent attention, emergency grievance procedures will apply."

DETAINEE HANDBOOK (DH)

ODO reviewed the Detainee Handbook standard at CCDC to determine if the facility provides each detainee with a handbook, written in English and any other languages spoken by a significant number of detainees housed at the facility, describing the facility's rules and sanctions, disciplinary system, mail and visiting procedures, grievance system, services, programs, and medical care, in accordance with the ICE NDS. ODO reviewed facility policy and the facility handbook, and interviewed detainees and staff.

CCDC does not provide each detainee with an ICE National Detainee Handbook or a local version of the CCDC detainee handbook. Staff interviews and detention file reviews confirmed the local detainee handbook and ICE National Detainee Handbook are not consistently issued to new arrivals during admission **(Deficiency DH-1)**. CCDC refers all new arrivals to a kiosk system that contains a version of the CCDC detainee handbook. All ten active detention files reviewed did not have a form to account for the issuance of both handbooks. ODO verified the facility administrator added a block to acknowledge receipt of the local and national detainee handbooks to incoming property forms before ODO departed the facility. All ICE detainees must be aware of and comply with facility policies and procedures while housed within the facility.

The local handbook provides an overview that describes individual programs, services, and associated rules. However, the handbook does not provide a description of restricted areas for detainees **(Deficiency DH-2)**.

Deficiencies related to the detainee handbook are also provided in **Deficiencies ALM-1, AR-2, DCS-1, DGP-1, F&PP-1, TA-1, and TA-2.**

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY DH-1

In accordance with the ICE NDS, Detainee Handbook, section (I), the FOD must ensure "Every OIC will develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available through varies sources, including the facility, INS, private organizations, etc. Every detainee will receive a copy of the handbook upon admission to the facility."

DEFICIENCY DH-2

In accordance with the ICE NDS, Detainee Handbook, section (III)(C), the FOD must ensure "The handbook will specify in greater detail the rules, regulations, policies, and procedures with which every detainee must comply, including, but not limited to: smoking policy, restricted areas, contraband, and so forth."

ENVIRONMENTAL HEALTH AND SAFETY (EH&S)

ODO reviewed the Environmental Health and Safety standard at CCDC to determine if the facility maintains high standards of cleanliness and sanitation, safe work practices, and control of hazardous materials and substances, in accordance with the ICE NDS. ODO toured the facility, interviewed staff, and reviewed policy and procedures, documents and logs, and documentation of hazardous chemical management and fire prevention.

The overall sanitation of the facility was found to be satisfactory with one notable exception: the walls in the multiple-occupancy cells of the housing units had considerable graffiti. The maintenance supervisor oversees CCDC's environmental health and safety program. ODO verified he maintains a master index of hazardous substances, which includes diagrams of storage locations and MSDS. However, the index does not include a list of emergency telephone numbers **(Deficiency EH&S-1)**. The only hazardous substances on-site are cleaning chemicals stored in small quantities in the secured maintenance area. Larger quantities of these chemicals are stored in a building outside the secure facility perimeter. Inspection of the area found all chemicals were in their original, labeled containers. Each day, a cart containing cleaning supplies is brought to the unit for detainees to clean their housing areas under the supervision of staff. The dayroom television is turned off until the cleaning is completed and the unit passes an inspection by the assigned officer. ODO observed individual spray bottles of cleaning chemicals were labeled.

Monthly fire safety inspections are conducted by the maintenance supervisor. Multiple fire drills are conducted every month, documentation of which reflected all areas of the facility were covered. Each drill includes the use of emergency keys. ODO observed exit diagrams posted throughout the facility. Fire suppression equipment bore tags documenting current inspection. The facility's most recent annual inspection by an external source was completed on January 3, 2014, by the Kingston Fire Department, with no corrective action required.

ODO reviewed invoices and verified an outside pest control vendor services the entire facility on a monthly basis. Documentation reflects CCDC tests the emergency power generator on a weekly basis for only 25 minutes, and an outside vendor tests and services the generator annually **(Deficiency EH&S-2)**. The NDS requires testing for one hour on a bi-weekly basis, and testing on a quarterly basis by a qualified outside vendor. This deficiency was cited during ODO's last inspection in August 2012.

Barbering is conducted the first and third Wednesday of each month in the living unit dayrooms. Due to space constraints, the facility does not have a dedicated barbering area, and there is no access to running water in the immediate area **(Deficiency EH&S-3)**. Sanitation guidelines are not posted **(Deficiency EH&S-4)**. These deficiencies were cited during ODO's last inspection in August 2012. Detainees with barbering skills provide haircuts. Barbering supplies, including disinfectant, are stored in master control and are retrieved by officers for scheduled barbering. ODO verified procedures are in place requiring the officer to inventory the supplies before and after use, supervise barbering activities, and sanitize clippers between detainees.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY EH&S-1
In accordance with the ICE NDS, Environmental Health and Safety, section (III)(C), the FOD must ensure "The Maintenance Supervisor or designate will compile a master index of all hazardous substances in the facility, including locations, along with a master file of MSDSs. He/she will maintain this information in the safety office (or equivalent), with a copy to the local fire department. Documentation of the semi-annual reviews will be maintained in the MSDS master file. The master index will also include a comprehensive, up-to-date list of emergency telephone numbers (fire department, poison control, etc.)."

DEFICIENCY EH&S-2
In accordance with the ICE NDS, Environmental Health and Safety, section (III)(O), the FOD must ensure "Power generators will be tested at least every two weeks. Other emergency equipment and systems will undergo quarterly testing, with follow-up repairs or replacement as necessary.

The bi-weekly test of the emergency electrical generator will last one hour. During that time, the oil, water, hoses and belts will be inspected for mechanical readiness to perform in an emergency situation. The emergency generator will also receive quarterly testing and servicing from an external generator-service company. Among other things, the technicians will check starting battery voltage, generator voltage and amperage output."

DEFICIENCY EH&S-3
In accordance with the ICE NDS, Environmental Health and Safety, section (III)(P)(1), the FOD must ensure "Sanitation of the barber operations is of utmost concern because of the possible transfer of diseases through direct contact or by towels, combs and clippers. Towels must not be reused after use on one person. Instruments such as combs and clippers will not be used successively on detainees without proper cleaning and disinfecting. The following standards will be adhered to:

1. The operation will be located in a separate room not used for any other purpose. The floor will be smooth, nonabsorbent and easily cleaned. Walls and ceiling will be in good repair and painted a light color. Artificial lighting of at least 50-foot candles will be provided. Mechanical ventilation of 5 air changes per hour will be provided if there are no operable windows to provide fresh air. At least one lavatory will be provided. Both hot and cold running water will be available, and the hot water will be capable of maintaining a constant flow of water between 105 degrees and 120 degrees."

DEFICIENCY EH&S-4
In accordance with the ICE NDS, Environmental Health and Safety, section (III)(P)(4), the FOD must ensure "Sanitation of the barber operations is of utmost concern because of the possible transfer of diseases through direct contact or by towels, combs and clippers. Towels must not be reused after use on one person. Instruments such as combs and clippers will not be used successively on detainees without proper cleaning and disinfecting. The following standards will be adhered to:

4. Each barbershop will have detailed hair care sanitation regulations posted in a conspicuous location for use of all hair care personnel and detainees."

FOOD SERVICE (FS)

ODO reviewed the Food Service standard at CCDC to determine if detainees are provided with a nutritious and balanced diet, in a sanitary manner, in accordance with the ICE NDS. ODO interviewed staff, toured the food service department, observed meal preparation and tray delivery, and reviewed policy, logs, and documentation.

The food service program is managed by CBM. Staff consists of the food service administrator and (b)(7)e cooks. No detainees or county inmate workers participate in the food service operation. Food service staff were observed wearing appropriate garb, including corporate uniform shirts, hats, hairnets, and gloves. In addition, ODO observed the food service administrator and cooks frequently wash their hands and change their gloves. The food service administrator informed ODO no CBM staff completed a pre-employment medical examination **(Deficiency FS-1)**. Medical clearance to work in a food service operation is critical to ensure workers do not have a communicable disease in any transmission stage or condition.

ODO's review confirmed CCDC's food service policy addresses the requirements of the NDS. Documentation of certification of the facility's five-week general menu cycle by a CBM registered dietician was present. ODO verified procedures are in place for approval and issuance of religious and medical diets, the menus for which are approved by the dietician. No detainees were on special diets at the time of the inspection.

CCDC has a satellite system of meal service involving preparation of food items in the kitchen and delivery to housing units by officers. On two days during the inspection, ODO observed the lunch meals as they were prepared, put on trays, and placed in hot box carts. Food service staff were observed using digital thermometers to take temperatures of food during preparation, upon removal from the oven, and when placed on trays and loaded into hot carts. ODO verified temperatures met the requirements of the NDS. On the second day, ODO observed cart delivery and service of the meals to the detainees. Due to the small size of the facility, CCDC is able to tray, cart, and deliver meals within minutes, completing service to the entire population in approximately 30 minutes. ODO observed the officers delivering and issuing trays to detainees wore head coverings, hair nets, and gloves. Food was taste-tested by ODO and found to be of good quality, and meals were appropriately presented.

The food service area is secure. Access is controlled by master control and is limited to staff, only. ODO observed the area is clean and well-lit, and cleaning guidelines and check lists are posted. The area is inspected weekly by the food service administrator; documentation of these inspections for the preceding 12 months was reviewed by ODO. The most recent inspection of the food service operation by an independent contractor authorized by the State of Missouri was completed on January 2, 2014. Per the Show-Me Food and Nutrition Services, Incorporated inspection report, the facility scored a 96 percent satisfactory rate. Documentation reflects inspections by an external source are conducted annually each January.

The walk-in freezer and walk-in cooler thermometers reflected appropriate temperatures, and logs documented checks twice per day. While inspecting the cooler, ODO found turkey and bologna in a large container covered with aluminum foil. The label reflected a date two days earlier (January 6, 2014), which exceeded the maximum threshold of 24 hours for retention of

leftovers cited by the NDS **(Deficiency FS-2)**. This deficiency was identified during ODO's last inspection in August 2012. Inspection of sack lunches for detainee transportation confirmed they contained the required items; however, the labels were dated December 31, 2013 **(Deficiency FS-3)**. This date reflected the turkey sandwiches in the sack lunches were seven days old. The FSA stated the sandwiches should have been discarded, and sack lunches are normally made the day they are needed. On the second day of the inspection, the cooler was inspected again. The sack lunches were gone, but the tray with turkey and bologna was still present. Extended retention of leftovers and prepared foods can cause food-borne illness, so steps should be taken to ensure strict adherence to the standard.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY FS-1

In accordance with the ICE NDS, Food Service, section (III)(H)(3), the FOD must ensure "All food service personnel (both staff and detainee) shall receive a pre-employment medical examination. The purpose of this examination is to exclude communicable disease in any transmissible stage or condition. Detainees who have been absent from work for any length of time for reasons of communicable illness (including diarrhea) shall be referred to Health Services for a determination as to fitness for duty prior to resuming work."

DEFICIENCY FS-2

In accordance with the ICE NDS, Food Service, section (III)(D)(8), the FOD must ensure "Prepared food items which have not been placed on the serving line may be retained for no more than 24 hours. Leftovers offered for service a second time shall not be retained for later use, but shall be discarded immediately after offering. All leftovers shall be labeled to identify the product, preparation date, and time."

DEFICIENCY FS-3

In accordance with the ICE NDS, Food Service, section (III)(G)(6)(c), the FOD must ensure "Each sack shall contain at least two sandwiches per meal, of which at least one will be meat (non-pork). Commercial bread or rolls may be preferable because they include preservatives. To ensure freshness, fresh, facility-made bread may be used only if made on the day of lunch preparation. Sandwiches should be individually wrapped or bagged in a secure fashion, to prevent the food from deteriorating. Meats, cheeses, etc., should be freshly sliced the day of sandwich preparation. Leftover cooked meats shall not be used after 24 hours."

FUNDS AND PERSONAL PROPERTY (F&PP)

ODO reviewed the Funds and Personal Property standard at CCDC to determine if controls are in place to inventory, store, and safeguard detainees' personal property, in accordance with the ICE NDS. ODO toured the facility; reviewed local policies, the detainee handbook, and detention files; interviewed staff; and inspected areas where detainee property and valuables are stored.

ODO confirmed CCDC policy and written procedures address all NDS requirements for inventorying and safeguarding detainees' personal property and funds. CCDC restricts access to the secured storage room to supervisory personnel. All small valuables and monies are sealed within a clear envelope, properly tagged, and receipted. The bag and storage areas are clean and orderly.

CCDC staff informs detainees of procedures relating to property and funds while admitting detainees to the facility. ODO determined the detainee handbook fails to notify detainees that, upon request, detainees will be provided an ICE certified copy of any identity document placed in their A-files. Furthermore, the rules for storing or mailing property not allowed in the possession of a detainee, and procedures for filing a claim for lost or damaged property are missing **(Deficiency F&PP-1)**.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY F&PP-1

In accordance with the ICE NDS, Funds and Personal Property, section (III)(J)(2)(3)(5), the FOD must ensure "The detainee handbook or equivalent shall notify the detainee of facility policies and procedures concerning personal property, including:

2. That upon request, they will be provided an ICE certified copy of any identity document (passport, birth certificate, etc.) placed in their A-files;
3. The rules for storing or mailing property not allowed in their possession;
5. The procedure for filing a claim for lost or damaged property."

MEDICAL CARE (MC)

ODO reviewed the Medical Care standard at CCDC to determine if detainees have access to healthcare and emergency services to meet health needs in a timely manner, in accordance with the ICE NDS. ODO toured the medical department, reviewed healthcare policies and 20 active detainee medical records, and observed medication rounds. ODO inspected training records and provider credentials, and interviewed staff and detainees.

CCDC holds no accreditations. Healthcare is provided by contractor CHC. Current staffing consists of (b)(7)e full-time LPN who is on duty five days a week, Monday through Friday, and who serves as the HSA. According to CHC policy, the Regional Health Administrator supports her in this role. A nurse practitioner is on-site once per week for hours as needed, though it is noted the facility policy states a physician is to provide weekly on-site services rather than a nurse practitioner. The HSA informed ODO the physician recently resigned, and CHC is attempting to identify a replacement. In the meantime, a CHC physician is on-call 24 hours a day, seven days a week to collaborate with the nurse practitioner for medical management as necessary. No mental health or dental providers are employed or contracted by CCDC. When needed, mental health services and dentistry are provided by medical professionals within the community. Copies of professional credentials including professional licenses, insurance, DEA registration, and other certifications of medical staff were reviewed and found current and verified at the primary source.

The medical clinic consists of one room used for examination and administrative purposes, and a small, closet-sized room used to store the medication cart and other supplies. The waiting room is in the booking area directly adjacent to the clinic, and access to a toilet and drinking water is available. There are two hold rooms used for county inmates that open directly into the clinic area. The rooms do not allow a view into the clinic; however, occupants can hear discussions that transpire during medical encounters **(Deficiency MC-1)**. This arrangement does not assure detainees' privacy during medical examinations.

Detainees receive initial medical and mental health screening upon arrival at CCDC. The screening is performed by detention officers whose training in the function was verified by review of (b)(7)e randomly-selected training files. The LPN reviews intake screenings to verify completeness and identify any detainees with medical needs requiring attention prior to the 14-day physical examination. Symptom screening for tuberculosis is part of the medical intake screening, followed up by purified protein derivative skin testing by the LPN. A mobile X-ray service performs chest X-rays when needed. ODO's review of 20 detainee medical records confirmed completion of intake screening and tuberculosis testing in accordance with the NDS.

Detainees sign consent for routine health services during the intake process, and ODO confirmed procedures and forms are in place for obtaining specific consent for invasive procedures and psychotropic medications. General consent forms were found in all 20 records reviewed, and no procedures or psychotropic medications requiring specific consent were identified.

The initial health appraisal is performed within 14 days of arrival by the nurse practitioner or a physician. Included in the 20 medical records reviewed were five health appraisals conducted by the former physician, eight by the nurse practitioner, and seven were pending. In the pending

cases, the detainees had been held fewer than 14 days. ODO verified the health appraisals included a hands-on physical examination and an examination of the oral cavity for dental caries or other oral cavity abnormalities. Only one of the 20 medical records reviewed documented a chronic health care issue (hypertension).). The record documented treatment and monitoring in accordance with the standard.

The primary method for accessing healthcare services at CCDC is by way of an electronic kiosk system available in both general population units and in the special management unit. Once entered, detainees' sick call requests are transmitted directly to the medical unit for triage. If the kiosk system is not operating, hard-copy sick call request forms may be completed and turned in to the LPN/HSA during medication rounds. However, ODO noted the request forms were in English only, and were not available within the housing units. Detainees must request a form from the housing unit detention officer, and during interview, a detention officer stated he was unaware hard-copy forms were available. To assure prompt access to healthcare when the kiosk system is not functioning, ODO recommends officers be familiarized with the written sick call request process and clear instructions be issued concerning making request forms available. In addition, ODO recommends Spanish-version sick call requests be made available. Sick call is conducted five days per week. ODO confirmed detainees are seen within 24 hours of a request when the LPN/HSA is on duty, and within 48 hours if the request is submitted on a weekend.

The LPN/HSA conducts morning medication distribution when on duty. Detention officers distribute medications in the evening on weekdays, and in the morning and evening on weekends. ODO's review of the training curricula and training records for (b)(7)e officers confirmed required training was completed. Medication Administration Records inspected by ODO confirmed appropriate entries were made documenting distribution of medications.

ODO verified the CCDC Medical Emergency Plan provides guidance to detention staff for the address of medical issues during the absence of health care staff. ODO verified medical staff has current certification in CPR and first aid; however, a review of training records for (b)(7)e randomly-selected detention officers found (b)(7)e did not have a current certification **(Deficiency MC-2)**. The LPN/HSA informed ODO that CCDC staff is trained by the local volunteer fire department, which offers limited classes. The facility's training officer formerly held certification as a CPR instructor, but the certification expired and was not renewed due to cost considerations. Whereas it is critical that detention staff be trained in CPR, ODO recommends immediate action be taken to ensure all CCDC officers complete training as soon as possible, and maintain certification going forward.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY MC-1

In accordance with the ICE NDS, Medical Care, section (III)(B), the FOD must ensure "Adequate space and equipment will be furnished in all facilities so that all detainees may be provided basic health examinations and treatment in private."

DEFICIENCY MC-2

In accordance with the ICE NDS, Medical Care, section (III)(H)(2), the FOD must ensure "Detention staff will be trained to respond to health related emergencies within a 4 minute

response time. This training will be provided by a responsible medical authority in cooperation with the OIC and will include the following:

2. The administration of first aid and cardiopulmonary resuscitation (CPR).

SPECIAL MANAGEMENT UNIT (SMU) – ADMINISTRATIVE SEGREGATION

ODO reviewed the Special Management Unit – Administrative Segregation standard at CCDC to determine if the facility has procedures in place to temporarily segregate detainees for disciplinary reasons, in accordance with the ICE NDS. ODO toured the SMU, interviewed staff, and reviewed policies and documentation.

CCDC's SMU is a two-tier unit with seven double-occupancy cells. The top tier is designated for administrative segregation and has four cells; the lower tier is for disciplinary segregation and has three cells. Each cell has two beds affixed to the wall, a stainless steel sink and toilet combination, a desk, and a stool. There is a shower on each tier. The common area in front of the cells has three large tables and stools secured to the floor, and one wall-mounted telephone. There is no SMU for female detainees; therefore, females requiring segregation are locked in their cells in the female general population unit. ODO's inspection of the SMU and cells in the female unit found they are adequately ventilated, temperature controlled, and maintained in a sanitary condition.

ODO's review of policy confirmed detainees on administrative segregation status are provided with the same privileges and services as detainees in the general population. During the ODO inspection, there were no detainees on administrative segregation. A review of 45 randomly-selected files for detainees held at CCDC during the eight months preceding the CI found one detainee placed in administrative segregation. Documentation indicated the detainee was segregated in protective custody at her own request and remained segregated for 11 days. Status reviews were conducted as required by the standard; however, entries on the daily segregation observation log were incomplete. Specifically, entries documenting recreation, showers, meals, and medical rounds were not consistently recorded **(Deficiency SMU AS-1)**.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY SMU AS-1

In accordance with the ICE NDS, Special Management Unit –Administrative Segregation, section (III)(E)(1), the FOD must ensure "A permanent log will be maintained in the Special Management Unit. The log will record all activities concerning the SMU detainees, e.g., meals served, recreation, visitors, etc."

STAFF-DETAINEE COMMUNICATION (SDC)

ODO reviewed the Staff-Detainee Communication standard at CCDC to determine if procedures are in place to allow formal and informal contact between detainees and key ICE and facility staff, and if ICE detainees are able to submit written requests to ICE staff and receive timely responses, in accordance with the ICE NDS. ODO interviewed staff and ICE detainees, and reviewed logbooks, policies, and procedures.

ODO reviewed facility logs and confirmed ICE staff conducts scheduled and unscheduled visits throughout the week at CCDC to address detainee requests and concerns. ICE documents the visits on an ICE Facility Liaison Visit Checklist maintained at ERO Kansas City. ODO reviewed the checklists and found they adhere to the NDS standard.

As a result of interviews with ICE and facility staff and a review of visitation logbooks, ODO determined ERO designated department heads do not conduct unannounced visits to CCDC **(Deficiency SDC-1)**. It is vitally important for ICE management staff to conduct unannounced visits to detention facilities to observe and monitor conditions of confinement for detainees, encourage informal communication between staff and detainees, and address any concerns with facility management. ODO identified this same deficiency during the August 2012 ODO inspection.

Detainees can submit requests through the computer kiosk terminal in each housing unit, or request forms from staff. The request forms submitted through the kiosk arrive electronically at the CCDC main office and are then faxed to ICE staff. The request forms submitted manually are hand delivered to CCDC staff, then faxed to ICE staff without reading, altering, or delay. Both processes allow CCDC staff to read the contents of the requests **(Deficiency SDC-2)**. The majority of the requests include inquiries regarding the status of immigration proceedings. A small number of requests concerned miscellaneous facility-related matters.

CCDC staff records all detainee requests in a logbook. ODO reviewed the detainee request log to ensure ICE reviews and answers each request within 72 hours. During the period between May 15, 2013, and November 21, 2013, CCDC received 113 requests from detainees. Of the 113 requests, ICE answered 56 requests within 72 hours. ICE failed to answer 24 requests, and 33 requests were not answered within 72 hours **(Deficiency SDC-3)**. ICE staff was unable to provide a reason why the 24 requests went unanswered. ODO identified this same deficiency during the August 2012 ODO inspection.

The CCDC detainee request log does not contain the date of receipt for detainee requests, detainees' A-numbers, or the nationality of the detainee making the request **(Deficiency SDC-4)**.

ODO reviewed detention files associated with 15 detainees who submitted requests and confirmed all of the files contained request forms.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY SDC-1

In accordance with the ICE NDS, Staff-Detainee Communication, section (III)(A)(1), the FOD must ensure "Policy and procedures shall be in place to ensure and document that the ICE Officer in Charge (OIC), the Assistant Officer in Charge (AOIC) and designated department heads conduct regular unannounced (not scheduled) visits to the facility's living and activity areas to encourage informal communication between staff and detainees and informally observing living and working conditions. These unannounced visits shall include but not be limited to:

a. Housing Units;
b. Food Service preferably during the lunch meal;
c. Recreation Area;
d. Special Management Units (Administrative and Disciplinary Segregation); and Infirmary rooms

While visiting the Special Management Unit, the detainee shall be interviewed, living conditions will be observed and detainee-housing records will be reviewed."

DEFICIENCY SDC-2

In accordance with the ICE NDS, Staff-Detainee Communication, section (III)(B), the FOD must ensure "The detainee request form shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay. The detainee may, if he or she chooses, seal the request in an envelope and clearly mark the envelope with the name, title or office the request is to be forwarded to."

DEFICIENCY SDC-3

In accordance with the ICE NDS, Staff-Detainee Communication, section (III)(B)(1)(b), the FOD must ensure "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. If it is apparent that the request is serious in nature, procedures shall be in place for an expedited review and response to the detainee's request."

DEFICIENCY SDC-4

In accordance with the ICE NDS, Staff-Detainee Communication, section (III)(B)(2)(a)(c)(d), the FOD must ensure "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;
c. A-number;
d. Nationality;"

TELEPHONE ACCESS (TA)

ODO reviewed the Telephone Access standard at CCDC to determine if the facility provides detainees with reasonable and equitable access to telephones to maintain ties with family and others in the community, in accordance with the ICE NDS. ODO interviewed staff, reviewed local policies concerning telephone access, and tested randomly-selected telephones in the housing units to determine operability.

ODO visited the housing units at CCDC, including the SMU, and noted detainees have reasonable and equitable access to telephones. ODO confirmed through written documentation that ERO conducts weekly tests of telephone units to ensure operability. ODO randomly tested the telephones in the housing units and confirmed they were in proper working order at the time of the inspection.

CCDC policy adequately addresses the subject of monitored telephone calls. Each telephone has a posted notice advising detainees that calls are monitored; however, the local detainee handbook or equivalent does not notify detainees that telephone calls are monitored **(Deficiency TA-1)**.

Detainees are granted unmonitored telephone calls to attorneys or legal representatives after submitting a request form or notifying a housing unit officer. After the detainee submits the request form or a housing unit officer has been notified, the detainee is provided access to an unmonitored telephone outside of the housing unit. The procedure for obtaining an unmonitored call to a court, legal representative, or for the purpose of obtaining legal representation is not posted in the housing units **(Deficiency TA-2)**. It is important detainees receive these notifications to ensure compliance with attorney-client privilege for all legal calls.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY TA-1

In accordance with the ICE NDS, Telephone Access, section (III)(K), the FOD must ensure "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."

DEFICIENCY TA-2

In accordance with the ICE NDS, Telephone Access, section (III)(K)(2), the FOD must ensure "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:

2. The procedure for obtaining an unmonitored call to a court, legal representative, or for the purposes of obtaining legal representation."

VISITATION (V)

ODO reviewed the Visitation standard at CCDC to determine if authorized persons, including legal and media representatives, are able to visit detainees within the confines of operational security, in accordance with the ICE NDS. ODO inspected the visiting area and the visitors reception area, reviewed the detainee handbook and policy and procedures, and interviewed staff and detainees.

The facility only permits non-contact visits with family, non-governmental groups, and legal and media representatives. All adult visitors must have background checks completed before visiting detainees. All visitors are required to present a form of photo identification at the visitors' reception desk upon arrival. The facility maintains two separate logbooks for general and legal visits. All visitors are subject to a personal search, which may include a pat-down-search or visual inspection of containers. Storage lockers are available for visitors to store belongings.

Once cleared, visitors are escorted by correctional officers to the visiting area, which also serves as the law library and adjoins to the CCDC housing units. Visiting and law library hours do not conflict due to separate schedules. Detainees are granted a minimum of 30 minutes per day to visit with family. Detainees in disciplinary segregation are afforded the same visiting procedures as detainees housed in general population. All detainees are freed from restraints during visitation.

In accordance with the standard, legal visits are offered seven days a week in a designated conference room within the intake area. Attorney-client privacy is facilitated by CCDC. General visits are offered four days a week, to include weekends and holidays. Visitors may leave money for detainees using a kiosk located in the visitors' reception area. The kiosk accepts U.S. currency, and funds are automatically loaded into the detainee's commissary account. Facility staff is available to assist visitors using the kiosk system.

Written visitation procedures, including a schedule and hours of visitation, are posted in the visitors' reception area in both English and Spanish, and are available telephonically and on the CCDC website. Blank G-28 forms (Notice of Entry of Appearance as Attorney or Accredited Representative) are not available in the visitors' reception area for legal representatives to complete **(Deficiency V-1)**. This deficiency was communicated on-site to CCDC administrative staff, and G-28 forms were placed in the visitors' reception area. Detainees are notified of visitation rules and hours by way of the detainee handbook located on the kiosk, and via postings located in the housing units.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY V-1

In accordance with the ICE NDS, Visitation, section (III)(I)(8), the FOD must ensure "Once an attorney-client relationship has been established, the legal representative shall complete and submit a Form G-28, available in the legal visitors' reception area. Staff shall collect completed forms and forward them to INS."