



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

Immigration and Customs Enforcement

Office of Professional Responsibility

Inspections and Detention Oversight

Washington, DC 20536-5501

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**Office of Detention Oversight  
Compliance Inspection**

**Enforcement and Removal Operations  
ERO San Diego Field Office  
San Diego Contract Detention Facility  
San Diego, California**

**April 14–16, 2015**

**COMPLIANCE INSPECTION  
SAN DIEGO CONTRACT DETENTION FACILITY  
ERO SAN DIEGO 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	Inspections and Compliance Specialist (Team Lead)	ODO
	Inspections and Compliance Specialist	ODO
	Inspections and Compliance Specialist	ODO
	Contractor	Creative Corrections
	Contractor	Creative Corrections

(b)(6), (b)(7)c

Contractor  
Contractor  
Contractor

Creative Corrections  
Creative Corrections  
Creative Corrections

## EXECUTIVE SUMMARY

ODO conducted a compliance inspection of the San Diego Contract Detention Facility (SDCDF) in San Diego, California, from April 14 to 16, 2015. SDCDF, which opened in 1998, is owned by the County of San Diego and operated by Corrections Corporation of America. ERO began housing detainees at SDCDF in May 1998 under an Intergovernmental Service Agreement. Male and female detainees of security classification levels I through III are detained at the facility for periods in excess of 72 hours. The inspection evaluated SDCDF's compliance with the 2011 PBNDS.

The ERO Field Office Director (FOD) in San Diego, California, is responsible for ensuring facility compliance with the 2011 PBNDS and ICE policies. An ERO Assistant Field Office Director (AFOD) and (b)(7)e ERO staff members are located at the facility. A Detention Services Manager is assigned to SDCDF.

Capacity and Population Statistics	Quantity
Total Bed Capacity	1040
ICE Detainee Bed Capacity	696
Average Daily Population	987
Average ICE Detainee Population	658
Average Length of Stay (Days)	60
Male Detainee Population (as of 04/14/2015)	576
Female Detainee Population (as of 04/14/2015)	44

A Warden is responsible for oversight of daily facility operations and is supported by (b)(7)e personnel. Trinity Food Services provides food services and the ICE Health Services Corps (IHSC) provides medical services. The facility holds an American Correctional Association accreditation.

In September 2012, ODO conducted an inspection of the SDCDF under the 2008 PBNDS. ODO reviewed 18 standards and found SDCDF compliant with 16 standards. ODO found one deficiency in each of the remaining two standards: Law Libraries and Legal Materials, and Suicide Prevention and Intervention.

During this inspection ODO reviewed 16 2011 PBNDS and found SDCDF compliant with 14 standards. ODO found a total of two deficiencies in the remaining standards: Admission and Release (1), and Funds and Personal Property (1).

This report details all deficiencies and refers to the specific relevant sections of the 2011 PBNDS. ERO will be provided a copy of this report to assist in developing corrective actions to resolve all identified deficiencies. ODO discussed preliminary findings with SDCDF and ERO management during the inspection and at a closeout briefing conducted on April 16, 2015.

Facility staff coordinates the movement of detainees through the booking and release process. Detainees enter a secure vestibule where they are identified and restraints are removed. They are then searched by way of walk-through metal detector; a pat-search; and, a B.O.S.S. chair™, a non-invasive electronic device which scans body cavities for hidden metal objects. Detainee property is screened using a conveyer belt x-ray machine, and is later hand searched and inventoried in the presence of the detainee. Per policy, an arriving detainee may be strip searched only if there is reasonable suspicion that he or she is hiding contraband. All strip

searches require written report supporting probable cause, supervisory authorization, and documentation of the details of the search. A copy of the report must be provided to the detainee.

SDCDF classifies detainees using the ICE Custody Classification worksheet. Documentation provided by ERO, including the detainee's criminal history, is used to complete the process. Classification levels are reviewed and approved by the classification supervisor at the conclusion of the intake process, and a case manager and unit manager review and approve classification levels within 72 hours of intake. Classification levels are reviewed at the following intervals: 60 to 90 days following the initial classification, and every 60 to 90 days thereafter; when new charges or mitigating information is received from ICE are received; and, within 24 hours before a detainee is released from administrative or disciplinary segregation.

Detainees are issued the ICE National Detainee Handbook and the SDCDF detainee handbook during admission. A review of 40 randomly selected detainee files revealed signed receipts for both handbooks. The English version of the SDCDF detainee handbook addresses all required information outlined in the standard. ODO found the orientation video provided by SDCDF was not approved by ERO and did not contain all of the elements required by the 2011 PBNDS.

Detainee's funds and personal property are inventoried during admission. The detainee and an intake staff member sign a receipt, which is placed in the detainee's detention file. Property, such as clothing, is placed in a bag and stored in a secure storage room; valuables are secured in a locked filing cabinet in a separate secure room. Funds are secured in a lock-box until they are deposited into the detainee's commissary account. Foreign currency is placed in a sealed bag with the valuable property, and the number of bills and denomination are written on a form and sealed in the bag. The SDCDF detainee handbook does not address the procedures for accessing personal funds to pay for legal services.

The grievance system allows detainees to file informal, formal, and emergency grievances. Grievance forms are available in the housing units, and detainees may place completed grievance forms in a secure lock box mounted on the wall outside the housing area. The lock box is checked daily by facility staff. Assistance is available for detainees in need of help completing a grievance form. The SDCDF maintains an electronic grievance log to document and track grievances filed by detainees. The detainee handbook provides notice to detainees that they may file both formal and informal grievances, as well as the procedures for filing an appeal to a grievance response.

SDCDF has a main law library and five satellite law libraries. The main law library contains ten fully functioning computers with an updated version of LexisNexis. The designated rooms for the law-libraries are well-lit, contain sufficient furnishings, and are equipped with adequate equipment and supplies to support legal research and case preparation. Detainees may access the library by submitting a request form. The SDCDF detainee handbook notifies detainees of the opportunity and procedures to access the law library.

The food service department is operated by Trinity Services Group. The food service staff is supported by a work crew consisting of both ICE detainees and U.S. Marshal Service inmates

who have medical clearance to work in the kitchen. General cycle, religious and medical diet menus are certified annually by a registered dietitian. ODO observed a noon meal during the inspection and found the food was the appropriate temperature, and served in the proper portions.

Sanitation was very good throughout the food service department. The walk-in freezer and coolers were clean and organized. The kitchen is inspected annually by the County of San Diego Department of Environmental Health. Aztec Pest Control conducts monthly inspections and treatment for insects and vermin infestations. No signs of pest or vermin infestation were observed by ODO.

The overall sanitation of the facility was very good. Detainee housing units were clean and well maintained. The showers were clean, and rooms were organized. The common areas throughout the facility were kept in a sanitary condition. A master index of hazardous substances is maintained in the safety office. Material Safety Data Sheets are also maintained in the food service and maintenance departments. Flammable, toxic, and caustic substances were properly secured in storage areas and inventories were accurate. Weekly fire and safety inspections are conducted by designated staff members and monthly safety inspections are conducted by the safety manager.

Health care at the SDCDF is provided by IHSC. The clinic is open 24 hours a day, seven days a week and is managed by the Health Services Administrator who is a registered nurse. The clinical director is a full-time physician. The nursing staff consists of a registered nurse manager, (b)(7) registered nurses, and (b)(7) licensed vocational and licensed practical nurses. Mental health services are provided by (b)(7) full-time psychiatrist, (b)(7) psychologists (b)(7) social worker, and (b)(7) psychiatric registered nurses. Dental services are provided by a dentist, dental assistant and a dental hygienist. SDCDF has (b)(7) full-time pharmacist and (b)(7) full-time pharmacy assistant. On call coverage is provided 24 hours a day, seven days a week: by a physician or mid-level provider for medical concerns, and by a psychologist for mental health concerns. Detainees in need of emergency care are transported to Alvarado Hospital Medical Center located in San Diego, California.

ODO verified detainees are screened for suicide risk during the intake process. A review of training records for all medical and (b)(7) randomly selected correctional staff confirmed completion of initial and annual suicide prevention and intervention training. Detainees on suicide watch are housed in the medical observation area. Six rooms in the medical observation area are used for suicide watch where detainees are monitored by one-to-one direct observation. Detainees on suicide watch wear a quilted suicide smock and are given a quilted blanket, if needed. A review of ten detainee suicide watch records confirmed monitoring is in accordance with the standard, and removal from suicide watch is approved by the mental health provider.

The Associate Warden is the designated Prison Rape Elimination Act compliance manager and Sexual Abuse and Assault Prevention & Intervention (SAAPI) coordinator. A Supervisory Immigration Enforcement Agent oversees compliance with the standard on behalf of ERO. The facility has established a Sexual Assault Response Team. The facility has a memorandum of understanding to support the SAAPI program with the San Diego Sheriff's Department and the Alvarado Parkway Institute. Detainees are screened for sexually aggressive behavior or

vulnerability during admission. Detainees are notified of the SAAPI program and the facility “zero tolerance” policy by way of the detainee handbook, postings, and a video shown during orientation and after the daily lunch meal.

The Special Management Units (SMUs) are equipped with necessary furniture and fixtures that are secured to the floors or walls. The units have shower facilities, day rooms, and adjacent outdoor recreation areas. There are two portable telephones in each of the units and a separate law library. SDCDF’s policy allows visitation privileges, recreation, and laundry and linen exchange for detainees housed in the SMUs consistent with the general population. ODO’s review of 40 randomly selected administrative and disciplinary segregation files of detainees who are currently or were previously housed, revealed segregation orders were completed and provided to the detainees.

ERO staff conducts scheduled visits to the housing units every Tuesday, Thursday, and Friday to address detainees’ personal concerns. Housing unit logs of ERO visits were reviewed by ODO and provided verification that ERO visits are conducted. Detainees can submit written requests for ERO visits by filling out and submitting an ICE Detainee Request Form. All requests submitted by detainees are collected daily by ICE staff. The SDCDF detainee handbook notifies detainees of the opportunity to submit written questions and concerns to ICE staff, and the availability of assistance in preparing requests.

Detainees have reasonable and equitable access to telephones at SDCDF. The facility provides telephone access rules in writing to each detainee upon admittance. Talton Communications is SDCDF’s telephone service provider. The rate for making local debit, long distance debit, long distance pre-paid collect, and local pre-paid collect calls is \$0.10 per minute. The rate for long distance collect, local collect, and international debit calls is \$0.15 per minute. The rate for international mobile calls is \$0.35 per minute. Facility staff indicated that the telephone service provider has not implemented a surcharge in the phone service. Detainees may add funds to their calling account by submitting a request to the facility commissary. ODO reviewed telephone serviceability checklists which provided verification that ERO staff members inspect phones on a regular basis. Detainees are notified of telephone monitoring in the SDCDF detainee handbook and postings near the telephones. The procedure for obtaining an unmonitored call is posted in each housing unit and in the SDCDF detainee handbook.

SDCDF has a program that allows detainees to have messages left at a charge of \$1.20 per message. SDCDF also has a Text Telephone (TTY) for the hearing impaired.

SDCDF has written policies governing the use of force. SDCDF officers complete pre-service and annual training in the use of force. The facility has an (b)(7) member special operations response team (SORT), which is activated with the approval of the Warden and ERO. Use of oleoresin capsicum spray may be authorized by a supervisor after consultation with medical staff. The facility uses video cameras to record calculated use of force incidents. ERO is notified within two hours of a use of force incident. Use of force after action reviews are conducted within two business days, and the documentation is forwarded to the FOD immediately.

# OPERATIONAL ENVIRONMENT

## DETAINEE RELATIONS

ODO interviewed 40 randomly selected detainees to assess the conditions of confinement at SDCDF. The 40 detainees consisted of 34 males and six females. Interview participation was voluntary and none of the detainees made allegations of discrimination. The majority of detainees reported being satisfied with facility services with the exception of the complaints below.

**Food Service:** Two detainees complained about finding rocks in their food. One detainee claimed he bit down on a rock during a meal consisting of hamburger and broke off a piece of his tooth. The facility investigated the incident, and the food service provider now performs quality checks of meals served. The detainee with the cracked tooth was treated and scheduled to have the damaged tooth removed.

**Grievance System:** A detainee submitted an ICE Detainee Request Form (IDR) to his Deportation Officer (DO) requesting information regarding his immigration case approximately 12 days prior to ODO's interview. The detainee stated his DO advised him to call the 800 toll free number to obtain information about the case. ODO reviewed the detention file and found an IDR was submitted and answered the same day by the DO.

**Medical Care:** Four detainees made allegations regarding medical services at SDCDF. The first detainee alleged she had a toothache that was not treated. ODO reviewed the detainee's medical record, notified the clinic of the detainee's complaint, and an appointment was made for the detainee to see the dentist. The second detainee alleged she had a shoulder injury. ODO reviewed the detainee's medical record and found the detainee was seen by medical staff on five different occasions. None of the visits concerned a shoulder injury. The third detainee alleged he did not receive medical care for a sleep condition. A review of the detainee's medical record revealed the detainee was treated for his sleep condition. A follow-up appointment was scheduled by the medical clinic for the detainee. The fourth detainee complained of a hematoma (a collection of blood outside of a blood vessel which may be similar to a bruise) located on his forehead. The detainee stated he requested a medical procedure to remove the hematoma, but did not receive response. ODO reviewed the detainee's medical record and found documentation that the medical clinic assessed the detainee's hematoma, but did not remove it as the procedure was deemed cosmetic by the IHSC Field Medical Coordinator.

**Telephone Access:** A detainee alleged funds were not deposited into his telephone calling account. ODO reviewed SDCDF's computerized Offender Management System and found the funds were deposited in the detainee's account the day after his admission. The system showed the detainee began making calls the next day.

## **ICE 2011 PERFORMANCE-BASED NATIONAL DETENTION STANDARDS**

ODO reviewed a total of 16 ICE 2011 PBNDS and found SDCDF fully compliant with the following 14 standards:

1. Custody Classification System
2. Detainee Handbook
3. Environmental Health & Safety
4. Food Service
5. Grievance System
6. Law Libraries and Legal Materials
7. Medical Care
8. Medical Care (Women)
9. Sexual Abuse and Assault Prevention & Intervention
10. Significant Self-Harm and Suicide Prevention and Intervention
11. Special Management Units
12. Staff-Detainee Communication
13. Telephone Access
14. Use of Force and Restraints

Because the standards above were compliant at the time of the inspection, synopses for these standards are not included in this report.

ODO found 2 deficiencies in the following 2 standards:

1. Admission and Release
2. Funds and Personal Property

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

## **ADMISSION AND RELEASE (AR)**

ODO reviewed the Admission and Release standard at SDCDF 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 2011 PBNDS. ODO reviewed policy and detainee files, and interviewed staff and detainees.

Seven corrections officers coordinate the movement of detainees through the booking and release process. Detainees enter a secure vestibule where they are identified and restraints are removed. They are then searched by way of walk-through metal detector, pat-search, and “Boss Chair,” an electronic device which identifies secreted metal objects. Property is screened using a conveyer belt x-ray machine, and physical search. The property is inventoried in the presence of the detainee. Per policy, an arriving detainee may be strip searched only if there is reasonable suspicion that he or she is secreting contraband. A written report supporting reasonable suspicion, supervisory authorization, and documentation of the details of the search is required, and a copy of the report is provided to the detainee.

At the time of ODO’s review, facility records indicated one detainee was strip searched in 2015, and 11 detainees were strip searched in 2014. Strip search records confirmed both supervisory approval and documentation of case-specific reasonable suspicion. Strip searches are conducted by officers of the same gender, and out of view of non-involved staff and other detainees.

ODO confirmed the admissions process includes the following: completion of initial classification; inventory and receipting of funds and property; sexual abuse and assault prevention and intervention screening; medical, mental health and suicide screening; and, issuance of the detainee handbooks, clothing, linens, and personal hygiene items. Personal hygiene items issued during the intake process are replenished as needed, free of charge.

Detainees view an orientation presentation during intake processing which includes the following topics: Know Your Rights, telephone system access, the SAAPI policy and “zero tolerance” statement, and facility-specific information. The orientation video was not approved by ERO and it does not address the following topics as required by the standard: an overview of the facility operations that most affect the detainees; responsibilities and duties of security officers; standards of conduct including an overview of rules and requirements; disciplinary procedures; voluntary work programs; and, specific schedules of programs, services and daily activities (**Deficiency AR-1**).

ODO confirmed release procedures are in compliance with the standard. A review of 40 randomly selected detainee files confirmed required documentation for the admission and release process was present.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY AR-1**

In accordance with the ICE 2011 PBNDS, Admission and Release, section (V)(F)(1)(2)(3)(6)(10) and (11), the FOD must ensure, “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 IGSAAs must be approved in advance by the local ICE/ERO Field Office. At SPCs, CDFs, and dedicated IGSAAs, the facility administrator shall produce an orientation video that covers the required topics listed below and shall screen it for every detainee. The video shall generally be in English and Spanish and provisions shall be made for other significant segments of the population with limited English proficiency. The facility administrator shall establish procedures that ensure the availability of an interpreter for a detainee who does not speak the language(s) used in the video. The interpreter shall be available for orientation and scheduled meetings with the detainee. Outside sources may be used if necessary to ensure compliance with this requirement, consistent with security measures. The orientation shall include the following information:

1. an overview of the facility operations that most affect the detainees
2. typical detention-case chronology (what most detainees can expect);
3. authority, responsibilities and duties of security officers;
6. standards of conduct, including acceptable and unacceptable detainee behavior, with an overview of other rules and requirements;
10. schedule of programs, services and daily activities, including visitation, telephone usage, mail service, religious programs, count procedures, access to and use of the law library and the general library, and sick-call procedures;
11. voluntary work program, with specific details including how to volunteer.”

## **FUNDS AND PERSONAL PROPERTY (F&PP)**

ODO reviewed the Funds and Personal Property standard at SDCDF to determine if controls are in place to inventory, receipt, and store and safeguard detainees' personal property, in accordance with the ICE 2011 PBNDS. ODO toured the facility, reviewed policy, interviewed staff, and inspected areas where detainee property is stored.

Detainees are informed of procedures relating to property through the SDCDF detainee handbook. The detainee handbook does not address the procedures for accessing personal funds to pay for legal services (**Deficiency F&PP-1**).

Upon detainee admission, personal property is inventoried, and the detainee and intake staff sign a receipt. Property, such as clothing, is secured in a bag and placed in a secure storage room with appropriate identifying documents. Valuables are secured in separate bags and locked in filing cabinets in a secure room. The secure room can only be accessed by the sergeant on duty in the intake area. Funds are secured in a lock-box until they are deposited into the detainee's commissary account. Foreign currency is placed in a sealed bag with the valuable property and the number of bills and denomination are written on a form and sealed in the bag. The oncoming and outgoing shift supervisors count the money before every shift change.

40 randomly selected detainee files reviewed by ODO all contained inventory sheets and receipts for both funds and property, as well as a forwarding address or a signed declination to provide a forwarding address. Property officers conduct ongoing audits and keep track of audit results in an audit log.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY F&PP-1**

In accordance with the ICE 2011 PBNDS, Funds and Personal Property section (V)(C)(6), the FOD must ensure, "the detainee handbook or equivalent shall notify the detainees of facility policies and procedures concerning personal property, including:

6. access to detainee personal funds to pay for legal services."