



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

Office of Detention Oversight Compliance Inspection

Enforcement and Removal Operations
New York Field Office
Monmouth County Correctional Institution
Freehold, New Jersey

April 24-26, 2012

~~FOR INTERNAL USE ONLY. This document may contain sensitive commercial, financial, law enforcement, management, and employee information. It has been written for the express use of the Department of Homeland Security to identify and correct management and operational deficiencies. In reference to ICE Policy 17006.1, issued 09/22/05; any disclosure, dissemination, or reproduction of this document, or any segments thereof, is prohibited without the approval of the Assistant Director, Office of Professional Responsibility.~~

**COMPLIANCE INSPECTION
MONMOUTH COUNTY CORRECTIONAL INSTITUTION
NEW YORK FIELD OFFICE**

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
INSPECTION PROCESS	
Report Organization	5
Inspection Team Members.....	5
OPERATIONAL ENVIRONMENT	
Internal Relations	6
Detainee Relations.....	6
ICE NATIONAL DETENTION STANDARDS	
Detention Standards Reviewed	7
Detainee Classification System.....	8
Detainee Grievance Procedures	9
Detainee Transfer	10
Environmental Health and Safety.....	11
Funds and Personal Property.....	13
Staff-Detainee Communication.....	15
Telephone Access.....	17

EXECUTIVE SUMMARY

The Office of Professional Responsibility (OPR), Office of Detention Oversight (ODO) conducted a Compliance Inspection (CI) of the Monmouth County Correctional Institution (MCCI) in Freehold, New Jersey, from April 24-26, 2012. MCCI, which opened in 1969, is owned by Monmouth County and operated by the Monmouth County Sheriff. U.S. Immigration and Customs Enforcement (ICE), Office of Enforcement and Removal Operations (ERO), began housing detainees at MCCI on December 1, 2000, under an Intergovernmental Service Agreement (IGSA) between ICE and Monmouth County. Male and female detainees of security classification levels II and III (Level I – lowest threat; Level II – medium threat; Level III – highest threat) are detained at the facility for periods in excess of 72 hours. MCCI has a total capacity of 1,362, with 334 beds dedicated to ICE detainees. At the time of the inspection, MCCI housed 249 detainees (212 male; 37 female). The average daily detainee population is 291. The average length of stay for detainees is approximately 74 days. Food service is provided under contract by Gourmet Dining. Medical care is provided under contract by Correct Care Solutions (CCS). The facility holds accreditations from the American Corrections Association (ACA), and the National Commission on Correctional Health Care (NCCHC).

The ICE, ERO, Field Office Director, New York, New York (FOD/New York), is responsible for ensuring facility compliance with ICE policies and the National Detention Standards (NDS). ICE has (b)(7)e Immigration Enforcement Agent (IEA) onsite who is permanently assigned to MCCI. An Assistant Field Office Director (AFOD) physically located at the FOD/New York Office has oversight responsibility at MCCI. An ICE Detention Service Manager (DSM), also based at the FOD/New York Office, conducts oversight visits one week per month. The DSM was not at the facility at the time of inspection.

The Monmouth County Sheriff is the highest ranking official at MCCI and is responsible for oversight of daily operations. In addition to the Sheriff, supervisory staff at MCCI includes a Warden, a Deputy Warden, (b)(7)e Captains, (b)(7)e Lieutenants, and (b)(7)e Sergeants. The total number of non-ICE staff, including supervisory personnel, is (b)(7)e. Supervisory medical staff consists of a full time Health Services Administrator (HSA), a Director of Nursing, and a physician who serves as the Medical Director. Clinic staff is comprised of (b)(7)e physicians who provide medical coverage during weekends and holidays, (b)(7)e part-time advanced nurse practitioners who are onsite a combined total of 40 hours per week, and (b)(7)e part-time dentist who is onsite twice weekly for an average of 24 hours per week. Nursing staff consists of (b)(7)e full-time Registered Nurses (RN) and (b)(7)e full-time Licensed Practical Nurses (LPN). Full-time nursing staff is complemented by (b)(7)e RNs and (b)(7)e LPNs who work on a part-time basis. There is a full-time PhD psychologist who serves as the Mental Health Coordinator, a psychologist who provides coverage in the absence of the Mental Health Coordinator, a part-time psychiatrist who is onsite six to eight hours per week, (b)(7)e Licensed Certified Social Workers, and (b)(7)e psychiatric RNs. ODO verified all medical staff had current licenses and CPR certifications.

In August 2008, ODO's predecessor, the Detention Facilities Inspection Group (DFIG), conducted a Focus Review at MCCI of 12 NDS. Of the standards reviewed, five were in full compliance. The remaining seven standards accounted for 30 confirmed deficiencies. There was no follow-up inspection subsequent to the August 2008 Focus Review. In February 2012, ERO Detention Standards Compliance Unit contractor, Nakamoto Group, Inc.,

conducted an annual review of the ICE NDS at MCCI. The facility received an overall rating of "Acceptable" and was found to be in compliance with all 35 standards reviewed.

During this CI, ODO reviewed 16 NDS. Nine standards were determined to be fully compliant; 13 deficiencies were identified in the following seven standards: Detainee Classification System (1 grievance), Detainee Grievance Procedures (2), Detainee Transfer (1), Environmental Health and Safety (3), Funds and Personal Property (2), Staff-Detainee Communication (3), and Telephone Access (1).

This report details all deficiencies and refers to the specific, relevant sections of the NDS. ERO will be provided a copy of this report to assist in developing corrective actions to resolve the 13 identified deficiencies. These deficiencies were discussed with MCCI personnel onsite during the inspection as well as during the closeout briefing conducted on April 26, 2012.

Overall, ODO found MCCI to be well-managed and in compliance with the standards inspected. A majority of identified deficiencies were administrative in nature and involved errors or omissions involving documentation such as the placement of security classification paperwork and detainee request paperwork in detention files. Several deficiencies involved omissions of required content in the local detainee handbook. All detainees are subject to a strip search upon completion of a contact visit, because contact visits allow some degree of physical touching. This policy is documented within the local detainee handbook. If detainees do not wish to be searched in this manner, they may opt out of contact visitation. No deficiencies or areas of concern were noted during the review of the Special Management Unit NDS or the Use of Force NDS.

MCCI has a designated law library with nine computers for detainee use. In addition to the law library, there are 13 computers located in housing units that are available to ICE detainees. All computers are equipped with Westlaw, an online-legal research service, and Lexis-Nexis. The law library also contains hard copies of legal materials for detainee use. MCCI law library personnel are knowledgeable regarding the requirements of the NDS. The library is accessible to detainees 12 hours per day. Additional time in the library is available upon request.

Detainees have the opportunity to file grievances and appeal grievance decisions. A designated Lieutenant serves as the Grievance Coordinator. MCCI does not have a procedure in place for identifying and handling emergency grievances. Emergency grievance procedures provide staff with clear instructions on how to handle issues requiring urgent attention. A review of 40 detainee grievances filed during the five months preceding the CI confirmed that all had been adjudicated according to policy. Review of grievance responses verify all were appropriate and provided the detainee with adequate information regarding the outcome of the grievance. ODO verified that responses to grievances filed by detainees were provided within seven days of the initial inquiry, which complies with the NDS.

ODO confirmed that all detainees receive a handbook at admission. Detainee handbooks are available in English and Spanish. Detainees confirm receipt of the handbook by signing a facility acknowledgement form that is placed in each detention file.

A review of the Food Service NDS at MCCI confirmed that detainees are provided with a nutritious and balanced diet in a sanitary manner. Food service staff consists of an Operations

Director, an Assistant Operations Director, and (b)(7) Inmate Training Instructors. The Operations Director and the Assistant Operations Director have received ServSafe certification, which is a food safety training and certificate program administered by the National Restaurant Association. Staff is supported by a work crew of Monmouth County inmates. ICE detainees do not work in the food service area. Inmates assigned to food service receive the required medical clearance and training prior to performing duties in food service. ODO verified religious and medically prescribed meals are provided and properly documented. ODO confirmed a registered dietitian from the Gourmet Dining corporate office in Madison, New Jersey, reviews and certifies all menus.

ODO found Medical Care at MCCI to be well-managed. The MCCI health services policy and the facility handbook state that copays are charged for medical treatment and services. Though the policy specifically exempts ICE detainees from copay requirements, this exemption is not stated in the handbook. ODO recommends revision of this section of the handbook, so detainees are not potentially deterred from seeking necessary medical services.

The medical unit has 24-hour nursing coverage, seven days a week, and staffing is adequate. ODO verified all medical personnel have current licenses and cardiopulmonary resuscitation (CPR) certifications. ODO reviewed the training records of (b)(7) correctional officers (CO) and found that all had documentation of current CPR and first aid certifications. CPR is a mandatory topic at initial and annual refresher training sessions. There is a Memo of Understanding (MOU) with Cherry Hill Women's Center to provide Obstetric and Gynecological services for female detainees as necessary.

Medical intake is conducted by the nursing staff within five hours of arrival. Every detainee is screened for signs and symptoms of active tuberculosis (TB), and a protein derivative test (PPD) is administered. Detainees with a positive PPD history are scheduled for chest x-rays within three days of arrival, and those with positive symptoms are immediately placed in a negative pressure room for evaluation and treatment for TB as needed. A significant number of MCCI staff is Spanish-speaking and performs Spanish interpretation as needed. A telephone translation service is available to assist communication with detainees who speak languages other than Spanish.

ODO found no documentation of preventative maintenance inspections having been performed on medical equipment. The HSA stated that no preventative maintenance has occurred. ODO recommends that a preventative maintenance schedule be established and strictly followed. The HSA stated that a preventative maintenance contract will be secured as soon as possible.

ICE staff conducts scheduled visits to the housing units weekly. (b)(7) EA is assigned to MCCI on a full-time basis. Supervisory Detention and Deportation Officers (SDDO) make unscheduled visits to the facility on a monthly basis. The Field Office Director (FOD), Deputy Field Office Director (DFOD), and AFOD also conduct unscheduled and unannounced visits. The AFOD visits the facility on a monthly basis, while the FOD and DFOD make periodic unannounced visits throughout the year. Detainees have the opportunity to submit requests to MCCI personnel and ICE staff. Requests from detainees are processed by the IEA assigned to the facility, and are documented in a log book that notes the date a request is received, and the date each detainee is provided a response. ODO confirmed that detainee requests are addressed within 72 hours as

required by the NDS.

During this CI, ODO found no deficiencies under the Use of Force NDS; however, ODO notes that MCCI policy regarding this standard does not assert that calculated rather than immediate use of force is feasible in most cases, that special precautions are to be taken when restraining pregnant detainees, or that staff will wear protective gear when restraining detainees with open cuts or wounds. By definition, an immediate use of force situation is created when detainee behavior constitutes a serious and immediate threat to the detainee, staff, other detainees, property, or the security and orderly operation of the facility. It may be necessary for staff to respond to these situations without a supervisor's direction or presence. A calculated use of force occurs when there is no immediate threat to the detainee or others, and time is available for officers to formulate strategy and assess the possibility of resolution in the least confrontational manner possible. To achieve compliance with the NDS, ODO recommends revision of MCCI written policy.

Detainees have access to daily recreation, can send and receive mail, may receive visitors, and are given the opportunity to attend religious services.

INSPECTION PROCESS

ODO inspections evaluate the welfare, safety, and living conditions of detainees. ODO primarily focuses on areas of noncompliance with the ICE NDS or the ICE Performance Based National Detention Standards (PBNDS), as applicable. The NDS apply to MCCI. In addition, ODO may focus its inspection based on detention management information provided by ERO Headquarters (HQ) and ERO field offices, and on issues of high priority or interest to ICE executive management.

ODO reviewed the processes employed at MCCI to determine compliance with current policies and detention standards. Prior to the inspection, ODO collected and analyzed relevant allegations and detainee information from multiple ICE databases, including the Joint Integrity Case Management System (JICMS), the ENFORCE Alien Booking Module (EABM), and the ENFORCE Alien Removal Module (EARM). ODO also gathered facility facts and inspection-related information from ERO HQ staff to prepare for the site visit at MCCI.

REPORT ORGANIZATION

This report documents inspection results, serves as an official record, and is intended to provide ICE and detention facility management with a comprehensive evaluation of compliance with policies and detention standards. It summarizes those NDS that ODO found deficient in at least one aspect of the standard. ODO reports convey information to best enable prompt corrective actions and to assist in the ongoing process of incorporating best practices in nationwide detention facility operations.

OPR classifies program issues into one of two categories: deficiencies and areas of concern. Specific deficiencies and areas of concern are identified in bold with sequential numbers in this report. OPR defines a deficiency as a violation of written policy that can be specifically linked to the NDS, ICE policy, or operational procedure. OPR defines an area of concern as something that may lead to or risk a violation of the NDS, ICE policy, or operational procedure. When possible, the report includes contextual and quantitative information relevant to the cited standard. Deficiencies are highlighted in bold throughout the report and are encoded sequentially according to a detention standard designator.

Comments and questions regarding the report findings 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
Detention and Deportation Officer	ODO, Headquarters
Contract Inspector	Creative Corrections
Contract Inspector	Creative Corrections
Contract Inspector	Creative Corrections

OPERATIONAL ENVIRONMENT

INTERNAL RELATIONS

ODO interviewed the MCCI Warden, Deputy Warden, and the Acting ERO AFOD responsible for oversight of the facility. During the interviews, all personnel stated that the working relationship between ERO and MCCI is good and morale is high. The Warden and Deputy Warden stated that staffing levels at MCCI are sufficient to meet mission requirements.

The AFOD stated that additional staff and vehicles would be desirable. There are currently two IEA vacancies within the field office.

DETAINEE RELATIONS

ODO randomly selected and interviewed 23 detainees (19 male; 4 female) to assess the overall living and detention conditions at MCCI. Three detainees complained about response times to medical requests and overall medical care. ODO reviewed these complaints and found that medical care concerns had been addressed appropriately. Three detainees, one male and two females, stated they had been strip searched. ODO verified that these searches were properly documented and were performed in compliance with the NDS. ODO confirmed the searches were conducted in response to contraband in the housing units, and MCCI staff found contraband on one of the female detainees interviewed by ODO.

All detainees are subject to a strip search upon completion of participation in contact visitation. These are visits where some degree of physical touching is permitted. This policy is documented within the facility handbook. If detainees do not wish to be searched in this manner, they may opt for a non-contact visit.

Eight detainees stated the quality of the food service could be improved. ODO confirmed a registered dietitian from the Gourmet Dining corporate office in Madison, New Jersey, reviews and certifies all menus. All detainees stated they have access to recreation, can send and receive mail, may receive visitors, and are given the opportunity to attend religious services.

ICE NATIONAL DETENTION STANDARDS

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

- Access to Legal Material
- Admission and Release
- Detainee Handbook
- Food Service
- Medical Care
- Suicide Prevention and Intervention
- Special Management Unit (Administrative Segregation)
- Special Management Unit (Disciplinary Segregation)
- Use of Force

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

ODO found deficiencies in the following seven standards:

- Detainee Classification System
- Detainee Grievance Procedures
- Detainee Transfers
- Environmental Health and Safety
- Funds and Personal Property
- Staff-Detainee Communication
- Telephone Access

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

DETAINEE CLASSIFICATION SYSTEM (DCS)

ODO reviewed the Detainee Classification System NDS at MCCI to determine if there is a requirement for a formal classification process for managing and separating detainees based on verifiable and documented data. ODO reviewed the detainee handbook, detention files, and interviewed ICE and facility staff.

MCCI staff is trained onsite to identify ICE classification objectives and procedures in order to appropriately classify detainees. Only detainees with criminal convictions are housed at MCCI.

ERO personnel at the Varick Street Service Processing Center in New York, NY, perform the initial classification of detainees. The classification assessment paperwork and the Form I-203 (Order to Detain/Release Alien) accompany detainees to MCCI. ICE conducts the classification process prior to a detainee's admission to MCCI. MCCI staff reviews and abides by the classification determination made by ICE. Detainees classified at Levels II and III are housed in the same housing units, which have been designated specifically for ICE detainees.

Reassessments are conducted after the first 30 days of detention or whenever it is necessary to re-determine the assigned classification level. In what ODO considers a best practice, MCCI utilizes a computer based automated system that issues alerts when it is time to perform classification reassessments, which includes a system override that is available if detainees require reclassification prior to an alert being issued. ODO confirmed that detainees can appeal their security classification.

MCCI maintains separate files for classification documentation; however, classification documentation is not maintained in detainee detention files. This was confirmed during a review of detention files (**Deficiency DCS-1**).

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY DCS-1

In accordance with the ICE NDS, Detainee Classification System, section (III) (B), the FOD must ensure the officer will place all original paperwork relating to the detainee's assessment and classification in his/her A-file (right side), with a copy placed in the detention file.

DETAINEE GRIEVANCE PROCEDURES (DGP)

ODO reviewed the Detainee Grievance Procedure NDS at MCCI 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. ODO observed housing units, interviewed ICE and facility staff, and ICE detainees, and reviewed policies and procedures, the detainee handbook, and grievance logs.

ODO verified that MCCI has policies and procedures for detainees to file both formal and informal grievances. There is a grievance committee, and detainees may appeal the decisions of the committee. Grievance forms are readily available in all detainee housing units.

A Lieutenant serves as the Grievance Coordinator. ODO reviewed 40 grievances filed between January 10, 2012, and April 23, 2012. Eight grievances pertained to medical care, eight were related to mail service, and four pertained to food service. The remaining grievances reviewed related to various detainee concerns ranging from broken recreational equipment to complaints about the room temperature of housing units. The response time for the grievances reviewed ranged from the same day the grievance was filed, to seven days from the date of filing. There were no appeals or outstanding grievances pending at the time of the review.

ODO confirmed that the facility did not have a procedure for identifying and handling an emergency grievance (**Deficiency DGP-1**). Emergency grievance procedures provide staff with clear instructions on how to handle issues requiring urgent attention. The detainee handbook did not include any mention that assistance is available to detainees who wish to file a grievance is available at MCCI (**Deficiency DGP-2**).

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 that 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.

DEFICIENCY DGP-2

In accordance with the ICE NDS, Detainee Grievance Procedures, section (III)(G)(2), the FOD must ensure the facility shall provide each detainee, upon admittance, a copy of the detainee handbook or equivalent. The grievance section of the detainee handbook will provide notice of the following: The procedures for filing a grievance and appeal, including the availability of assistance in preparing a grievance.

DETAINEE TRANSFER (DT)

ODO reviewed the Detainee Transfer NDS at MCCI to determine if transfers of detainees from one facility to another are responsibly managed in regard to notification, detention records, safety and security, and protection of detainee funds and property. ODO reviewed policies and procedures, detention files, and interviewed ICE personnel and facility staff.

ERO management stated the majority of detainee transfers occur within the FOD/New York area of responsibility (AOR) and serve operational purposes. ERO management stated they are aware of ICE policy 11022.1; issued January 4, 2012, which is applicable to transfers outside of the field office. ODO verified the medical transfer summary sheets (USM 553) are completed properly and accompany detainees during transfer. ICE staff is responsible for initiating, processing, and notifying all attorneys of record when a transfer occurs.

ODO interviewed ICE and facility staff about the transfer notification procedure to determine whether appropriate notification is provided to detainees based on prevailing security concerns. ICE staff stated detainees are notified of transfers based on existing security concerns. ICE staff stated that copies of transfer notification sheets are not placed in the detainee detention files (**Deficiency DT-1**).

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY DT-1

In accordance with the ICE NDS, Detainee Transfer, section (III)(A)(3), the FOD must ensure at the time of the transfer, ICE will provide the detainee, in writing, with the name, address and telephone number of the facility he/she is being transferred to. The attached Detainee Transfer Notification Sheet shall be used for this purpose. The detainee will also be instructed that it is his/her responsibility to notify family members. A copy of the transfer notification sheet will be placed in the detainee's detention file.

ENVIRONMENTAL HEALTH AND SAFETY (EH&S)

ODO reviewed the Environmental Health and Safety NDS at MCCI to determine if the facility maintains high standards of cleanliness and sanitation, safe work practices, and control of hazardous materials and substances. ODO toured the facility, interviewed staff, and reviewed policies and procedures, documentation of inspections, hazardous chemical management and inventories, and fire drills.

ODO verified MCCI maintains four sets of the master Material Safety Data Sheets (MSDS) index in the Facility Affairs Supervisor's Office, Central Control, Health Services, and the Maintenance Department. MSDS binders with location-specific materials were found throughout the facility. ODO inspection confirmed that chemicals and combustible materials are stored and issued as required by the NDS. The Monmouth County Fire Marshal reviewed and approved the Emergency Evacuation Plan for the facility, and ODO reviewed documentation verifying that the Fire Marshall had completed a quarterly fire inspection on March 25, 2012. The facility is equipped with smoke detectors, sprinklers, standpipe hoses, and fire extinguishers. ODO verified these systems are inspected and tested by a local contractor on an annual basis. Facility sanitation is maintained at an acceptable level.

Monthly fire drills cover certain areas of the facility, with all areas covered once per quarter. Fire drills are not conducted in each department every month. Review of fire drill reports confirmed that emergency keys are not drawn during each drill (**Deficiency EH&S-1**). Facility management demonstrated use of emergency keys during the inspection and stated that the policy will be revised to require that emergency keys be drawn and tested during each fire drill. Verifying the operability of emergency keys assures expeditious egress in the event of an emergency that necessitates an evacuation.

Review of test reports for the emergency generator found the facility conducts tests on a monthly basis rather than every two weeks as required by the NDS (**Deficiency EH&S-2**). Frequent testing of the emergency generator ensures the system is operational and ready for use in emergency situations. MCCI management stated the emergency generator was recently installed and quarterly testing is conducted under warranty. Facility management plans to contract with a local generator-service company to perform required quarterly testing following the warranty period.

MCCI does not have a separate room designated for barber operations. Instead, detainee barbers cut hair in the dayroom area of the housing pod. Hot and cold water is available in the dayroom; however, covered metal containers for waste, dispensable headrest covers, laundered towels and haircloths are not provided (**Deficiency EH&S-3**). Sanitation regulations were conspicuously posted.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY EH&S-1

In accordance with the ICE NDS, Environmental Health and Safety, section (III)(L)(4), the FOD must ensure monthly fire drills will be conducted and documented separately in each department.

a. Fire drills in housing units, medical clinics, and other areas occupied or staffed during non-working hours will be timed so that employees on each shift participate in an annual drill.

b. Detainees will be evacuated during fire drills, except in areas where security would be jeopardized or in medical areas where patient health could be jeopardized or, in individual cases when evacuation of patients is logistically not feasible. Staff- simulated drills will take place instead in the areas where detainees are not evacuated.

c. Emergency-key drills will be included in each fire drill, and timed. Emergency keys will be drawn and used by the appropriate staff to unlock one set of emergency exit doors not in daily use. NFPA recommends a limit of four and one-half minutes for drawing keys and unlocking emergency doors.

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 biweekly 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)(2), the FOD must ensure sanitation of barber operations is of the 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 water will be available, and the hot water will be capable of maintaining a constant flow of water between 105 degrees and 120 degrees.
2. Each barbershop will be provided with all equipment and facilities necessary for maintaining sanitary procedures of hair care. Each shop will be provided with appropriate cabinets, covered metal containers for waste, disinfectants, dispensable headrest covers, laundered towels and haircloths.

FUNDS AND PERSONAL PROPERTY (F&PP)

ODO reviewed the Funds and Personal Property NDS at MCCI to determine if controls are in place to inventory, issue receipts for, maintain, and safeguard detainees' personal property. ODO interviewed staff, reviewed policies and procedures, and observed the processing of detainees.

MCCI has written policies and procedures that provide for the control and safeguarding of detainee funds and personal property. ODO observed the processing of detainees into and out of the facility. Property was properly logged and inventoried during the initial intake process and documented on a property form. ODO observed the property room was clean and well-organized. Valuables were placed in clear, plastic, zippered property bags secured with numbered, plastic security locks, and placed in a secure safety deposit box.

Detainees do not keep money in their possession. Money is placed in sealed envelopes and deposited into a drop safe located in the detainee admission area. ODO verified receipts are completed and provided to detainees. Envelopes containing money are removed by a member of the accounting staff; the Intake Supervisor serves as a witness. This occurs on the next work day, and all funds are deposited in the commissary accounts of the detainees.

Interviews with staff, a review of available documentation, and direct observation of the intake area found there is no written procedure for the inventory and audit of detainee funds, valuables and personal property (**Deficiency F&PP-1**). MCCI staff stated they conduct quarterly reviews of property; however, those reviews are not documented or governed by written procedures to support accuracy and consistency. Comprehensive, regular audits assure detainee funds and valuables are accounted for, and discrepancies are identified and investigated.

The detainee handbook does not provide information on facility policies and procedures concerning personal property (**Deficiency F&PP-2**).

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY F&PP-1

In accordance with the ICE NDS, Funds and Personal Property, section (III)(F), the FOD must ensure each facility shall have a written procedure for inventory and audit of detainee funds, valuables, and personal property.

DEFICIENCY F&PP-2

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

1. Which items they may retain in their possession;
2. That, upon request, they will be provided an INS-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;
4. The procedure for claiming property upon release, transfer, or removal;
5. The procedures for filing a claim for lost or damaged property.

STAFF-DETAINEE COMMUNICATION (SDC)

ODO reviewed the Staff-Detainee Communication NDS at MCCI 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 responses in a timely manner. ODO reviewed logbooks, the detainee handbook, and interviewed ICE and MCCI staff and detainees.

An IEA is assigned to MCCI on a full-time basis to monitor detention conditions and address inquiries and requests from detainees. ODO interviewed the AFOD who has oversight responsibilities at MCCI to determine whether designated agency heads conduct regular unannounced visits to living areas within the facility. The AFOD stated that unannounced visits are conducted at MCCI, and the FOD, DFOD, and AFOD have conducted visits to the facility and detainees' living areas at least once each month. ODO verified these visits through a review of a visitation logbook maintained at the entrance to the facility.

ICE visitation schedules are posted in each housing area. An interview of eight detainees verified that six out of the eight (75%) had met their DO, and all eight detainees were aware of the procedures for contacting a DO.

Detainee request forms are available in the housing units. Interviews of ICE staff and a review of logbooks confirmed responses to detainee requests are provided within 72 hours, in accordance with the NDS. No procedures exist to ensure detainees can obtain assistance in preparing detainee request forms (**Deficiency SDC-1**).

ODO reviewed written requests from detainees to staff, the model protocol for ERO Facility Liaison Visit Checklist, and weekly telephone serviceability worksheet logbooks. The ERO Facility Liaison Visit Checklist and weekly telephone serviceability worksheets are current and complete. ODO verified that completed detainee request forms are not maintained in detention files (**Deficiency SDC-2**). ODO also confirmed that there is no information in the MCCI detainee handbook regarding procedures for detainees to obtain assistance in preparing request forms (**Deficiency SDC-3**).

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY SDC-1

In accordance with the ICE National Detention Standard, Staff-Detainee Communication, section (III)(B), the FOD must ensure a detainee may obtain assistance from another detainee, housing officer, or other facility staff in preparing a request form. The OIC shall ensure that the standard operating procedures cover detainees with special requirements, including those who are disabled, illiterate, or know little or no English. Each facility will accommodate the special assistance needs of such detainees in making a request.

DEFICIENCY SDC-2

In accordance with the ICE National Detention Standard, Staff-Detainee Communication, section (III)(B)(2), the FOD must ensure all completed detainee requests will be filed in the detainee's detention file and will remain in the detainee's detention file for at least three years.

DEFICIENCY SDC-3

In accordance with the ICE National Detention Standard, Staff-Detainee Communication, section (III)(B)(3), the FOD must ensure the facility shall provide each detainee, upon admittance, a copy of the detainee handbook or equivalent. The handbook shall state that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so, including the availability of assistance in preparing the request.

TELEPHONE ACCESS (TA)

ODO reviewed the Telephone Access standard at MCCI to determine if detainees are provided with reasonable and equitable access to telephones during established facility waking hours. To ensure sufficient access, the facility shall provide at least one telephone for detainee use for every 25 detainees held in accordance with the ICE NDS. ODO reviewed local policies and procedures and the detainee handbook, interviewed staff, inspected the areas where telephones are located, and tested the functionality of several randomly-selected telephones.

An adequate number of operational telephones are present in the housing units. A sticker is placed at the top of each phone notifying detainees that calls are subject to monitoring. When detainees need to speak to an attorney, designated phones are brought to an isolated area outside of the housing units to ensure privacy.

ODO verified that detainees in the Special Management Unit (SMU) are allowed telephone privileges similar to detainees in general population; however, if a detainee in the SMU is denied access to a telephone, there is no log to document the reason for the restriction as required by the NDS (**Deficiency TA-1**).

STANDARD/POLICY REQUIREMENT FOR DEFICIENT FINDINGS

DEFICIENCY TA-1

In accordance with the ICE NDS, Telephone Access, section (III)(G), the FOD must ensure staff shall permit detainees in the Special Management Unit for disciplinary reasons to make direct and/or free calls as described above, except under compelling security conditions. These conditions shall be documented.

Staff shall permit detainees in the Special Management Unit for other than disciplinary reasons (e.g., protective custody, suicide risk) to have telephone access similar to detainees'[sic] in the general population, but in a manner consistent with the special security and safety requirements of detainees in these units.