



U.S. Department of Homeland Security

Immigration and Customs Enforcement

Office of Professional Responsibility

Inspections and Detention Oversight Division

Washington, DC 20536-5501

**Office of Detention Oversight
Compliance Inspection**

Enforcement and Removal Operations

ERO Chicago Field Office

Monroe County Detention Dormitory

Monroe, Michigan

May 5–7, 2015

**COMPLIANCE INSPECTION
for the
MONROE COUNTY DETENTION DORMITORY
MONROE, MICHIGAN**

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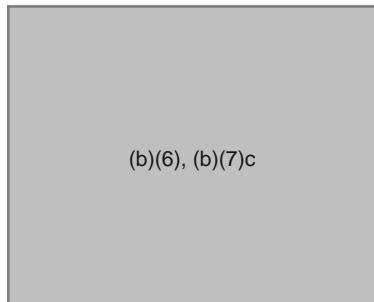
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INSPECTION TEAM MEMBERS



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| Lead Inspections and Compliance Specialist | ODO |
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EXECUTIVE SUMMARY

The Office of Detention Oversight (ODO) conducted a compliance inspection of the Monroe County Detention Dormitory (MCDD) in Monroe, Michigan, from May 5 to 7, 2015.¹ MCDD opened in 2000 and is owned by Monroe County and operated by the Monroe County Sheriff's Office. Enforcement and Removal Operations (ERO) began housing detainees at MCDD in 2000 pursuant to an Intergovernmental Service Agreement (IGSA), under the oversight of ERO's Field Office Director (FOD) in Detroit, Michigan.

ERO staff members are assigned to the facility, and a Detention Services Manager is assigned to the facility on a part-time basis. An MCDD Major is responsible for oversight of daily facility operations and is supported by (b)(7)e personnel. MCDD staff

| Capacity and Population Statistics | Quantity |
|--|----------|
| ICE Detainee Bed Capacity ² | 80 |
| Average ICE Detainee Population ³ | 51 |
| Male Detainee Population (as of 05/05/2015) | 39 |
| Female Detainee Population (as of 05/05/15) | 0 |

provides food services and Advanced Correctional Healthcare provides medical services. The facility holds no accreditation. The facility is not contractually obligated to comply with the ICE Performance-Based National Detention Standards 2011, Sexual Abuse and Assault Prevention and Intervention (SAAPI) standard but made efforts to comply.⁴

OVERALL FINDINGS

In February 2011, ODO conducted an inspection of MCDD under the National Detention Standards (NDS) 2000, reviewing the facility's compliance with 25 standards and finding the facility compliant with nine standards. There were a total of 54 deficiencies in the remaining 16 standards.

| Inspection Results Compared | FY 2011 (NDS 2000) | FY2015 (NDS 2000) |
|--------------------------------|--------------------|-------------------|
| Standards Reviewed | 25 | 15 |
| Deficient Standards | 16 | 6 |
| Overall Number of Deficiencies | 54 | 9 |
| Deficient Priority Components | N/A | N/A |
| Corrective Action | 0 | 1 |

In FY2015, ODO evaluated MCDD's compliance with the NDS 2000, reviewing the facility's compliance with 15 standards and finding the facility compliant with nine standards. ODO found nine deficiencies in the remaining six standards. Finally, ODO identified one opportunity where the facility initiated corrective action during the course of the inspection.⁵

¹ Male and female detainees of security classification level I through III are detained at the facility for periods in excess of 72 hours.

² Data Source: ERO Facility List Report as of May 4, 2015.

³ Ibid.

⁴ MCDD has a policy addressing Prison Rape Elimination Act (PREA) Compliance, J-101, dated December 1, 2013. MCDD has a stated zero tolerance for incidence of rape, sexual assault or sexual misconduct.

⁵ Corrective actions, where immediately implemented, best practices and ODO recommendations, as applicable, have been identified in the Inspection Findings section and annotated with a "C", "BP" or "R", respectively.

FINDINGS BY NDS 2000 MAJOR CATEGORIES

| NDS 2000 STANDARDS INSPECTED ⁶ | DEFICIENCIES |
|---|--------------|
| Part 1 – Detainee Services | |
| 1. - Access to Legal Material | 0 |
| 2. - Admission and Release | 0 |
| 4. - Detainee Classification System | 2 |
| 5. - Detainee Grievance Procedures | 1 |
| 6. - Detainee Handbook | 0 |
| 7. - Food Service | 3 |
| 8. - Funds and Personal Property | 1 |
| 15. - Staff-Detainee Communication | 1 |
| 16. - Telephone Access | 0 |
| Sub-Total | 8 |
| Part 2 – Security and Control | |
| 7. - Environmental Health and Safety | 0 |
| 13 - Special Management Unit (Administrative) | 0 |
| 14. - Special Management Unit (Disciplinary) | 0 |
| 17. - Use of Force | 1 |
| Sub-Total | 1 |
| Part 3 – Health Services | |
| 2. - Medical Care | 0 |
| 3. - Suicide Prevention and Intervention | 0 |
| Sub-Total | 0 |
| Total Deficiencies | 9 |

⁶ For greater detail on ODO's findings, see the *Inspection Findings* section of this report.

INSPECTION PROCESS

Every fiscal year, the Office of Detention Oversight (ODO), a unit within U.S. Immigration and Customs Enforcement's (ICE) Office of Professional Responsibility (OPR), conducts compliance inspections at detention facilities in which detainees are accommodated for periods in excess of 72 hours and with an average daily population greater than ten to determine compliance with the applicable ICE National Detention Standards (NDS) 2000, the Performance-Based National Detention Standards (PBNDS) 2008 or 2011.

During the compliance inspection, ODO reviews each facility's compliance with those detention standards that directly affect detainee health, safety, and/or well-being.⁷ Any violation of written policy specifically linked to ICE detention standards, other policies, or operational procedures that ODO identifies is noted as a deficiency. ODO will highlight any deficiencies found involving those standards that ICE has designated with either the PBNDS 2008 or 2011 to be "priority components."⁸ ICE considers those components to be of critical importance, given their impact on facility security and/or the health and safety, legal rights, and quality of life of detainees in ICE custody.

Immediately following an inspection, ODO hosts a closeout briefing in person with both facility and ERO field office management to discuss their preliminary findings, which are summarized and provided to ERO in a preliminary findings report. Thereafter, ODO provides ERO with a final compliance inspection report to: (i) assist ERO in working with the facility to develop a corrective action plan to resolve identified deficiencies; and (ii) provide senior ICE and ERO leadership with an independent assessment of the overall state of ICE detention facilities. The reports enable senior agency leadership to make decisions on the most appropriate actions for individual detention facilities nationwide.

⁷ ODO reviews the facility's compliance with selected standards in their entirety.

⁸ Priority components have not been identified for the NDS 2000.

DETAINEE RELATIONS

ODO interviewed 25 detainees, who volunteered to participate. None of the detainees made allegations of mistreatment, abuse, or discrimination. The majority of detainees reported being satisfied with facility services, with the exception of the complaints below:

- *Food Service:* Eight detainees alleged the food portions were small.
 - o Action Taken: Food service staff notified ODO that the facility's menus are certified by a registered dietician and prepared in accordance with the standard. ODO observed a lunch meal and found the food portions to be in accordance with the menu.

- *Medical Care:* Two detainees alleged they had issues with medical care. One detainee alleged he is diabetic, and there were too many carbohydrates in his special diet tray. One detainee inquired about having a tooth extracted.
 - o Action Taken: The facility medical staff reviewed the medical file of the detainee alleging there are too many carbohydrates in his special diet tray and coordinated with the facility food service to have the detainee placed on an American Diabetic Association approved diet before the completion of the inspection. ODO reviewed the medical file of the detainee that inquired about having a tooth extracted, and found he was scheduled for a follow-up appointment with the medical staff about the tooth after the completion of the inspection. Facility medical staff followed-up with the detainee during the inspection.

INSPECTION FINDINGS

DETAINEE SERVICES

DETAINEE CLASSIFICATION SYSTEM (DCS)

ODO's review of 20 randomly selected detention files and an interview with staff confirmed, there is no supervisory review of the assigned classification level (**Deficiency DCS-1⁹**).

ODO's review of 20 randomly selected detention files found documentation of the detainees' classification assignments were not included (**Deficiency DCS-2¹⁰**). MCDD classification staff stated the classification information is maintained in the facility computer system only.

DETAINEE GRIEVANCE PROCEDURES (DGP)

A review of the facility handbook reveals the handbook does not notify detainees of available assistance in preparing a grievance, does not provide the policy prohibiting staff from retaliating against detainees for filing grievances or provide the opportunity to file a complaint about officer misconduct directly with the Justice Department (**Deficiency DGP-1¹¹**).

FOOD SERVICE (FS)

A review of the training curriculum found the training program for food service staff does not cover the NDS (**Deficiency FS-1¹²**).

ODO observed the carts containing food trays were not inspected before they were transported out of the food service area and were not secured with locking devices (**Deficiency FS-2¹³**).

Corrective Action: The facility initiated corrective action during the review by installing locking devices on each cart (**C-1**).

⁹ "The first-line supervisor will review and approve each detainee's classification." See ICE NDS 2000, Standard, Detainee Classification System, Section (III)(A)(3).

¹⁰ "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." See ICE NDS 2000, Standard, Detainee Classification System, Section (III)(B).

¹¹ "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. The policy prohibiting staff from harassing, disciplining, punishing or otherwise retaliating against any detainee for filing a grievance. The opportunity to file a complaint about officer misconduct directly with the Justice Department by calling 1-800-869-4499 or by writing to: Department of Justice P.O. Box 27606 Washington, DC 20038-7606" See ICE NDS 2000, Standard, Detainee Grievance Procedures, Section (III)(G)(2), (5) and (6).

¹² "The facility training officer will devise and provide appropriate training to all food service personnel in detainee custodial issues. Among other things, this training will cover INS's detention standards." See ICE NDS 2000, Standard, Food Service, Section (III)(B)(1).

¹³ "Food will be delivered from one place to another in covered containers. These may be individual containers, such as pots with lids, or larger conveyances that can move objects in bulk, such as enclosed, satellite-feeding carts. Food carts must have locking devices. A member of the food service staff will oversee the loading of satellite-feeding carts. Staff shall inspect and secure all food carts before allowing their removal from the food service area." See ICE NDS 2000, Standard, Food Service, Section (III)(C)(2)(g) and (i).

ODO inspected the sack meals provided to detainees being transported. The meals contained one cheese sandwich, a bag of potato chips, cookies, and a piece of fruit. The meals did not contain a second sandwich with meat (**Deficiency FS-3¹⁴**).

FUNDS AND PERSONAL PROPERTY (F&PP)

A review of the facility handbook reveals the handbook does not explain how to obtain personal identity documentation, such as a copy of their passport, birth certificate, etc. (**Deficiency F&PP-1¹⁵**).

STAFF-DETAINEE COMMUNICATION (SDC)

A review of the facility handbook reveals the handbook does not state that the detainee has the opportunity to submit written questions, requests, or concerns to ERO staff and the procedures for doing so, including the availability of assistance in preparing the request (**Deficiency SDC-1¹⁶**).

SECURITY AND CONTROL

USE OF FORCE (UOF)

ODO interviewed staff and reviewed training files and determined the facility staff is not trained in the use-of-force team technique (**Deficiency UOF-1¹⁷**).

¹⁴ “Each sack shall contain at least two sandwiches per meal, of which at least one will be meat (non-pork).” *See* ICE NDS 2000, Standard, Food Service, Section (III)(G)(6)(c).

¹⁵ “The detainee handbook or equivalent shall notify the detainees of facility policies and procedures concerning personal property, including: That, upon request, they will be provided an INS-certified copy of any identity document (passport, birth certificate, etc.) placed in their A-files.” *See* ICE NDS 2000, Standard, Funds and Personal Property, Section (III)(J)(2).

¹⁶ “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.” *See* ICE NDS 2000, Standard, Staff-Detainee Communication, Section (III)(B)(3).

¹⁷ “Staff shall be trained in the use-of-force team technique in sufficient numbers for teams to be quickly convened on all shifts in different locations throughout the facility.” *See* ICE NDS 2000, Standard, Use of Force, Section (III)(A)(4)(b).