



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

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**Office of Detention Oversight  
Follow-Up Compliance Inspection**

**Enforcement and Removal Operations  
ERO Detroit Field Office**

**Saint Clair County Jail  
Port Huron, Michigan**

**August 23-27, 2021**

**FOLLOW-UP COMPLIANCE INSPECTION**  
**of the**  
**SAINT CLAIR COUNTY JAIL**  
Port Huron, Michigan

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## **FOLLOW-UP COMPLIANCE INSPECTION TEAM MEMBERS**



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## FACILITY OVERVIEW

The U.S. Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) Office of Detention Oversight (ODO) conducted a follow-up compliance inspection of the Saint Clair County Jail (SCCJ) in Port Huron, Michigan, from August 23 to 27, 2021.<sup>1</sup> This inspection focused on the standards found deficient during ODO’s last inspection of SCCJ from March 29 to April 2, 2021. SCCJ opened in 2005, is owned by Saint Clair County, and is operated by the Saint Clair County Sheriff’s Department (SCCSD). The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at SCCJ in 2007 under the oversight of ERO’s Field Office Director in Detroit (ERO Detroit). The facility operates under the Performance-Based National Detention Standards (PBNDS) 2008.

ERO Detroit has assigned deportation officers (DOs) to SCCJ. An SCCJ jail administrator handles daily facility operations and manages █████ support personnel. Aramark provides food and commissary services, and Corizon Correctional Healthcare (CCH) provides medical services at SCCJ. SCCJ does not hold any accreditations from any outside entities.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity <sup>2</sup>	█████
Average ICE Detainee Population <sup>3</sup>	█████
Male Detainee Population (as of August 23, 2021)	█████
Female Detainee Population (as of August 23, 2021)	█████

During its last inspection, in Fiscal Year (FY) 2021, ODO found 24 deficiencies in the following areas: Admission and Release (3); Classification System (1); Emergency Plans (6); Environmental Health and Safety (1); Facility Security and Control (3); Funds and Personal Property (3); Grievance System (3); Special Management Units (1); Suicide Prevention and Intervention (1); Telephone Access (1); and Use of Force and Restraints (1).

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

<sup>2</sup> Data Source: ERO Facility List Report as of August 23, 2021.

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

## **FOLLOW-UP COMPLIANCE INSPECTION PROCESS**

ODO conducts oversight inspections of ICE detention facilities with an average daily population of 10 or more detainees, and where detainees are housed for longer than 72 hours, to assess compliance with ICE National Detention Standards. These inspections focus solely on facility compliance with detention standards that directly affect detainee life, health, safety, and/or well-being. In FY 2021, to meet congressional requirements, ODO began conducting follow-up inspections at all ICE ERO detention facilities, which ODO inspected earlier in the FY.

While follow-up inspections are intended to focus on previously identified deficiencies, ODO will conduct a complete review of several core standards, which include but are not limited to Medical Care, Hunger Strikes, Suicide Prevention, Food Service, Environmental Health and Safety, Emergency Plans, Use of Force and Restraints/Use of Physical Control Measures and Restraints, Admission and Release, Classification, and Funds and Personal Property. ODO may decide to conduct a second full inspection of a facility in the same FY based on additional information obtained prior to ODO's arrival on-site. Factors ODO will consider when deciding to conduct a second full inspection will include the total number of deficiencies cited during the first inspection, the number of deficient standards found during the first inspection, the completion status of the first inspection's Uniform Corrective Action Plan, and other information ODO obtains from internal and external sources ahead of the follow-up compliance inspection. Conditions found during the inspection may also lead ODO to assess new areas and identify new deficiencies or areas of concern should facility practices run contrary to ICE standards. Any areas found noncompliant during both inspections are annotated as "Repeat Deficiencies" in this report.

ODO was unable to conduct an on-site inspection of this facility, as a result of the COVID-19 pandemic, and instead, conducted a remote inspection of the facility. During this remote inspection, ODO interviewed facility staff, ERO field office staff, and detainees, reviewed files and detention records, and was able to assess compliance for at least 90 percent or more of the ICE national detention standards reviewed during the inspection.

## FINDINGS BY PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2008 MAJOR CATEGORIES

PBNDS 2008 Standards Inspected <sup>4</sup>	Deficiencies
<b>Part 1 – Safety</b>	
Emergency Plans	2
Environmental Health and Safety	0
<b>Sub-Total</b>	<b>2</b>
<b>Part 2 – Security</b>	
Admission and Release	0
Classification System	1
Facility Security and Control	1
Funds and Personal Property	5
Special Management Units	4
Staff-Detainee Communication	1
Use of Force and Restraints	0
<b>Sub-Total</b>	<b>12</b>
<b>Part 4 – Care</b>	
Food Service	0
Hunger Strikes	0
Medical Care	0
Suicide Prevention and Intervention	0
<b>Sub-Total</b>	<b>0</b>
<b>Part 5 – Activities</b>	
Telephone Access	0
<b>Sub-Total</b>	<b>0</b>
<b>Part 6 – Justice</b>	
Grievance System	0
<b>Sub-Total</b>	<b>0</b>
<b>Total Deficiencies</b>	<b>14</b>

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

## DETAINEE RELATIONS

ODO interviewed 12 detainees, who each voluntarily agreed to participate. None of the detainees made allegations of discrimination, mistreatment, or abuse. Most detainees reported satisfaction with facility services except for the concerns listed below. ODO attempted to conduct detainee interviews via video teleconference; however, ERO Detroit and SCCJ were not able to accommodate this request due to technology issues. As such, ODO conducted the detainee interviews via telephone.

*Detainee Handbook:* One detainee stated he received the ICE National Detainee Handbook and the SCCJ detainee handbook in English; however, he did not fully understand them because he speaks Swahili.

- Action Taken: ODO spoke with an SCCJ lieutenant and reviewed the detainee's signed handbook form. On August 12, 2021, the detainee signed for the receipt of both the ICE National Detainee Handbook and SCCJ detainee handbook in English during the intake process. The SCCJ lieutenant stated the SCCJ staff provided the detainee with English versions of the detainee handbooks because the facility does not maintain detainee handbooks printed in Swahili, and the detainee spoke only limited English. Additionally, the detainee informed the deputy he could not read in Swahili or English. The SCCJ deputy offered to provide the detainee with language line assistance in Swahili, but the detainee declined at that time. Following ODO's interview on August 25, 2021, an SCCJ sergeant again offered to provide language line assistance and handbook translation to the detainee in his native language of Swahili, but the detainee again declined the service. The SCCJ sergeant informed the detainee of the ongoing availability of translation services and to submit a request anytime he had further questions. During the detainee interview, ODO verified the detainee's knowledge of the electronic tablet request system and technical assistance provided to him by another detainee.

*Medical Care:* One detainee stated he complained of back pain and herniated discs during his initial medical evaluation, but the SCCJ medical staff did not provide him with treatment. Additionally, the detainee stated he did not receive the ICE National Detainee Handbook nor the SCCJ detainee handbook during the intake process.

- Action Taken: ODO discussed the detainee's medical record with the CCH regional vice-president. The detainee arrived at SCCJ on August 12, 2021, and the SCCJ medical staff evaluated the detainee the same day with language line assistance since the detainee spoke Spanish. The detainee complained of a previous history of neck herniation and stated he received magnetic resonance imaging in 2016 from an unknown medical provider and self-medicated with Motrin before his detention. The SCCJ nurse practitioner scheduled the detainee for his comprehensive medical exam on August 24, 2021, and the detainee's medical file did not document the detainee's complaint of back or neck pain nor any sick call requests. Following the ODO interview on August 24, 2021, the SCCJ medical staff examined the detainee, prescribed 7.5 milligrams of meloxicam to be taken nightly for pain, and scheduled the detainee for spine x-rays on September 3, 2021. After the conclusion of the inspection,

ODO verified the detainee attended his appointment ahead of schedule on August 27, 2021, and the x-rays revealed no abnormal findings. The SCCJ medical staff educated the detainee on pain management in conjunction with his meloxicam prescription and advised him to submit a sick call request should his pain symptoms increase.

Regarding the detainee's handbooks, ODO verified the detainee signed for the receipt of both handbooks in Spanish during the intake process on August 12, 2021. Following the ODO interview on August 24, 2021, an SCCJ sergeant again provided the handbooks to the detainee in Spanish.

*Staff-Detainee Communication:* Eight detainees stated ERO Detroit officers did not visit the housing units to discuss their cases with them at least weekly. Additionally, seven detainees stated they did not receive a response from ERO Detroit after submitting requests for case updates.

- Action Taken: ODO reviewed detainee request logs, telephone serviceability documentation, and spoke with an ERO Detroit DO. ODO verified ERO Detroit maintained weekly documentation recording frequent unannounced visits by DOs within SCCJ to observe living conditions and sanitation, interact with detainees, and verify SCCJ services. Regarding the detainee requests to ERO Detroit, ODO determined that for unknown reasons ERO Detroit had no awareness of the detainees' electronic requests while a DO assigned to SCCJ was on leave. ODO verified ERO Detroit responded to the detainees' requests after the DO returned from leave; however, ODO notes ERO Detroit's response to the detainees' requests surpassed the 72-hour response time frame and cited this as a deficiency in the *Staff-Detainee Communication* section of this report.

*Telephone Access:* One detainee stated he could not communicate with the Chinese consulate because the free telephone number was disconnected and out of service.

- Action Taken: ODO reviewed the detainee request log and spoke with an ERO Detroit DO. The DO stated the Chinese embassy previously designated the Chinese Consulate General in Houston as the consulate to receive free detainee phone calls through the automated Talton phone system; however, the location closed in 2020. The DO added that the Chinese embassy had not provided ERO/ICE headquarters with a new Chinese consulate willing to accept free detainee calls. On June 6, 2021, the DO informed the detainee of the consulate closure in a kite response.

## **FOLLOW-UP COMPLIANCE INSPECTION FINDINGS**

### **SAFETY**

#### **EMERGENCY PLANS (EP)**

ODO reviewed SCCJ's Emergency Preparedness program, interviewed an SCCJ lieutenant, and confirmed SCCJ's emergency plans did not have a general section containing policy, procedures, nor plans common to most emergency situations (**Deficiency EP-29<sup>5</sup>**). **This is a repeat**

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<sup>5</sup> "A general section shall contain policy, procedures, and plans common to most emergency situations." See ICE



**deficiency.**

ODO reviewed SCCJ's Emergency Preparedness program, interviewed an SCCJ lieutenant, and confirmed SCCJ's emergency plans did not contain the following contingency-specific plans: Work/Food Strike, Search (Internal), Civil Disturbance, nor ICE-wide Lockdown (**Deficiency EP-75**<sup>6</sup>). **This is a repeat deficiency.**

## **SECURITY**

### **CLASSIFICATION SYSTEM (CS)**

ODO reviewed [REDACTED] detainee detention files and found [REDACTED] files did not contain a first-line supervisor's review of the intake/processing officer's classification of the detainee for accuracy and completeness (**Deficiency CS-21**<sup>7</sup>). **This is a repeat deficiency.**

### **FACILITY SECURITY AND CONTROL (FSC)**

ODO interviewed an SCCJ sergeant and determined SCCJ did not maintain vehicle logs for vehicles entering the facility. Instead, SCCJ used video cameras to capture vehicle information (**Deficiency FSC-46**<sup>8</sup>). **This is a repeat deficiency.**

### **FUNDS AND PERSONAL PROPERTY (FPP)**

ODO reviewed the SCCJ handbook and found it did not notify detainees of SCCJ's policies and procedures concerning personal property; specifically, the items and cash that detainees may retain in their possession nor how to access personal funds to pay for legal services (**Deficiency FPP-15**<sup>9</sup>). **This is a repeat deficiency.**

ODO interviewed the SCCJ property sergeant, reviewed [REDACTED] detainee detention files and personal property inventory forms, and found [REDACTED] inventory forms did not contain the time of admission (**Deficiency FPP-52**<sup>10</sup>).

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PBNDS 2008, Standard, Emergency Plans, Section (V)(C)(4).

<sup>6</sup> "The facility shall compile individual contingency-specific plans, as needed, in the following order: ...

2. Work/Food Strike ...

6. Search (Internal) ...

9. Civil Disturbance ...

13. ICE-wide Lockdown." *See* ICE PBNDS 2008, Standard, Emergency Plans, Section (V)(E)(2)(6)(9)(13).

<sup>7</sup> "The designated classification supervisor (if the facility has one) or first-line supervisor shall review the intake processing officer's classification files for accuracy and completeness." *See* ICE PBNDS 2008, Standard, Classification System, Section (V)(D).

<sup>8</sup> "The post officer shall log the following information on every vehicle: tag number, driver's name, firm represented, vehicle contents, date, time in, time out, and facility employee responsible for the vehicle on-site." *See* ICE PBNDS 2008, Standard, Facility Security and Control, Section (V)(C)(2)(b).

<sup>9</sup> "The detainee handbook or equivalent shall notify the detainees of facility policies and procedures concerning personal property, including:

• Which items (and cash) they may retain in their possession; ...

• Access to detainee personal funds to pay for legal services." *See* ICE PBNDS 2008, Standard Funds and Personal Property, Section (V)(C).

<sup>10</sup> "The personal property inventory form must contain the following information at a minimum:

ODO interviewed the SCCJ property sergeant, reviewed [REDACTED] detainee detention files and personal property inventory forms, and found [REDACTED] inventory forms did not contain the quantity nor dispositions of the property items (**Deficiency FPP-53**<sup>11</sup>).

ODO interviewed the SCCJ property sergeant, reviewed [REDACTED] detainee detention files and personal property inventory forms, and found [REDACTED] inventory forms did not contain a description of the general condition of the property (**Deficiency FPP-54**<sup>12</sup>).

ODO interviewed the SCCJ property sergeant and determined on-coming and off-going SCCJ supervisors did not simultaneously conduct an audit of funds, property envelopes, and large valuables (**Deficiency FPP-59**<sup>13</sup>). **This is a repeat deficiency.**

### SPECIAL MANAGEMENT UNITS (SMU)

ODO reviewed [REDACTED] administrative segregation (AS) files, interviewed an SCCJ sergeant, and found in [REDACTED], the releasing officer did not indicate the time of the detainee's release from the SMU (**Deficiency SMU-105**<sup>14</sup>).

ODO reviewed [REDACTED] AS files, interviewed an SCCJ sergeant, and found in [REDACTED] files, the facility did not use the AS Review form (Form I-885) to document the reviews. Specifically, the SCCJ staff used an Inmate/Detainee Lockdown Review form to document the reviews (**Deficiency SMU-111**<sup>15</sup>). **This is a repeat deficiency.**

ODO reviewed one disciplinary segregation file, interviewed an SCCJ sergeant, and found the releasing officer did not indicate the time of the detainee's release from the SMU (**Deficiency SMU-137**<sup>16</sup>).

ODO reviewed [REDACTED] electronic files of detainees in the SMU and found in [REDACTED], the SCCJ staff did not record whether the detainee ate a meal, showered, recreated, or took any medication. Specifically, the facility used an electronic documentation system that did not

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Date and time of admission;"

See ICE PBNDS 2008, Standard, Funds and Personal Property, Section(V)(I).

<sup>11</sup> "The personal property inventory form must contain the following information at a minimum: ...

Description, quantity, and disposition of articles. Disposition may be indicated as either:

"S" for "Safekeeping" (by the facility), or

"R" for "Retained" (by the detainee);"

See ICE PBNDS 2008, Standard, Funds and Personal Property, Section (V)(I).

<sup>12</sup> "The personal property inventory form must contain the following information at a minimum: ...

General condition of the property; and"

See ICE PBNDS 2008, Standard, Funds and Personal Property, Section (V)(I).

<sup>13</sup> "Where physical custody of, or access to, detainee funds, property envelopes, and large valuables changes with facility shift changes, both on-coming and off-going supervisors shall simultaneously conduct an audit of these items."

See ICE PBNDS 2008, Standard, Funds and Personal Property, Section (V)(J).

<sup>14</sup> "When the detainee is released from the SMU, the releasing officer shall indicate date and time of release on the Administrative Segregation Order." See ICE PBNDS 2008, Standard, Special Management Units, Section (V)(C)(2)(g).

<sup>15</sup> "The Administrative Segregation Review (Form I-885) shall be used for the review." See ICE PBNDS 2008, Standard, Special Management Units, Section (V)(C)(3)(a).

<sup>16</sup> "When the detainee is released from the SMU, the releasing officer shall indicate date and time of release on the Disciplinary Segregation Order ..." See ICE PBNDS 2008, Standard, Special Management Units, Section (V)(D)(2)(b).

individualize information for a specific detainee housed within the SMU (**Deficiency SMU-153<sup>17</sup>**).

### STAFF-DETAINEE COMMUNICATION (SDC)

ODO interviewed an ERO Detroit DO, reviewed [REDACTED] detainee requests, and found ERO Detroit did not respond to [REDACTED] requests within 72 hours of receipt. Specifically, ERO Detroit responded to the detainees’ requests between 5 and 13 days after receipt (**Deficiency SDC-28<sup>18</sup>**).

### USE OF FORCE AND RESTRAINTS (UOFR)

ODO interviewed an SCCJ sergeant and found the SCCJ UOF team members did not have access to the following specific protective UOFR gear items for a calculated UOF incident: a helmet with a face shield; jumpsuit; stab resistant vest; or forearm protectors. The SCCJ sergeant indicated the SCCSD special response team maintained the required protective gear and could be used in a calculated UOF incident within SCCJ. There were no immediate or calculated UOFR incidents during this inspection period; however, ODO noted the absence of protective gear as an **Area of Concern**.

## CONCLUSION

During this inspection, ODO assessed SCCJ’s compliance with 15 standards under PBNDS 2008 and found SCCJ in compliance with 9 of those standards. ODO found 14 deficiencies in the remaining 6 standards, 7 of which were repeat deficiencies. Furthermore, ODO cited one Area of Concern in Use of Force and Restraints. ODO recommends ERO Detroit work with SCCJ to resolve any deficiencies that remain outstanding in accordance with contractual obligations. ERO Detroit provided ODO with the uniform corrective action plan for ODO’s last inspection of SCCJ on August 11, 2021.

<b>Compliance Inspection Results Compared</b>	<b>First FY 2021 (PBNDS 2008/FPBDS)</b>	<b>Second FY 2021 (PBNDS 2008)</b>
Standards Reviewed	19/1	15
Deficient Standards	11	6
Overall Number of Deficiencies	24	14
Repeat Deficiencies	3	7
Areas of Concern	0	1
Corrective Actions	0	0

<sup>17</sup> “The special housing unit officer shall immediately record:

Whether the detainee ate, showered, recreated, and took any medication; and ...”

See ICE PBNDS 2008, Standard, Special Management Units, Section (V)(E)(3)(a).

<sup>18</sup> “In SPCs and CDFs and in IGSAs with ICE/DRO on-site presence, the staff member receiving the request shall normally respond in person or in writing as soon as possible and practicable, but no longer than within 72 hours of receipt.” See ICE PBNDS 2008, Standard, Staff-Detainee Communication, Section (V)(B)(1)(a).