



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

Office of Detention Oversight
Compliance Inspection

Enforcement and Removal Operations
ERO San Antonio Field Office

South Texas ICE Processing Center
Pearsall, Texas

August 24-27, 2020

COMPLIANCE INSPECTION
of the
SOUTH TEXAS ICE PROCESSING CENTER
Pearsall, Texas

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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 compliance inspection of the South Texas ICE Processing Center (STIPC) in Pearsall, Texas, from August 24 to 27, 2020.¹ The facility opened in 2005 and is owned and operated by The GEO Group (GEO). The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at STIPC in 2005 under the oversight of ERO's Field Office Director (FOD) in San Antonio (ERO San Antonio). The facility operates under the Performance-Based National Detention Standards (PBNDS) 2011 (Revised 2016).

ERO has assigned deportation officers to the facility. The STIPC warden handles daily facility operations and is supported by █ personnel. GEO provides food services, STG International provides medical care, and Keefe provides commissary services at the facility. The facility was accredited by the American Correctional Association in December 2019 and the National Commission on Correctional Health Care in February 2018.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity ²	1890
Average ICE Detainee Population ³	1135
Male Detainee Population (as of 8/24/2020)	462
Female Detainee Population (as of 8/24/2020)	N/A

During its last inspection, in Fiscal Year (FY) 2018, ODO found 4 deficiencies in the following areas: Environmental Health and Safety (2); Special Management Units (1); and, Use of Force and Restraints (1).

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

² Data Source: ERO Facility List Report as of August 24, 2020.

³ *Ibid.*

COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population greater than ten, 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.⁴

ODO identifies violations of ICE detention standards, ICE policies, or operational procedures as “deficiencies.” ODO also highlights instances in which the facility resolves deficiencies prior to completion of the ODO inspection. Where applicable, these corrective actions are annotated with “C” under the *Compliance Inspection Findings* section of this report.

Upon completion of each inspection, ODO conducts a closeout briefing with facility and local ERO officials to discuss preliminary findings. A summary of these findings is shared with ERO management officials. Thereafter, ODO provides ICE leadership with a final compliance inspection report to: (i) assist ERO in developing and initiating corrective action plans; and (ii) provide senior executives with an independent assessment of facility operations. ODO’s findings inform ICE executive management in their decision-making to better allocate resources across the agency’s entire detention inventory.

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.

⁴ ODO reviews the facility’s compliance with selected standards in their entirety.

FINDINGS BY PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2011 (REVISED 2016) MAJOR CATEGORIES

PBNDs 2011 (Revised 2016) Standards Inspected ⁵	Deficiencies
Part 1 – Safety	
Environmental Health and Safety	0
Sub-Total	0
Part 2 – Security	
Admission and Release	1
Custody Classification System	1
Facility Security and Control	1
Funds and Personal Property	0
Sexual Abuse and Assault Prevention and Intervention	0
Special Management Units	0
Staff-Detainee Communication	0
Use of Force and Restraints	1
Sub-Total	4
Part 4 – Care	
Food Service	1
Medical Care	2
Significant Self-harm and Suicide Prevention and Intervention	0
Disability Identification, Assessment, and Accommodation	1
Sub-Total	4
Part 5 – Activities	
Recreation	2
Religious Practices	0
Telephone Access	1
Visitation	2
Sub-Total	5
Part 6 – Justice	
Grievance Systems	1
Law Libraries and Legal Material	0
Sub-Total	1
Total Deficiencies	14

⁵ For greater detail on ODO's findings, see the *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 or mistreatment; however, one detainee made a sexual abuse allegation, which is described below in the Sexual Abuse and Assault Prevention and Intervention section. Most detainees reported satisfaction with facility services except for the concerns listed below. ODO conducted detainee interviews via video teleconference.

Sexual Abuse and Assault Prevention and Intervention: One detainee stated that on or about November or December 2019, he was in his assigned bunk area when an officer grabbed his own groin area in a disrespectful manner. The detainee stated he felt disrespected and spoke to a lieutenant about the incident but was unsure if the matter was investigated.

- Action Taken: ODO interviewed the facility's Sexual Abuse Assault Prevention Intervention Compliance Manager (SAAPICM), she stated the detainee told a lieutenant about the officer's actions on October 29, 2019. The detainee told the lieutenant an officer grabbed his own groin area making him feel disrespected; but not offended or victimized. ODO asked the facility to interview the detainee and address his concerns that the officer's actions were not investigated. After communicating with the detainee on August 26, 2020, the SAAPICM notified the detainee the incident he reported was under investigation and that he would be advised of the outcome when the investigation closes. The SAPPICM opened a PREA case on August 26, 2020. On August 26, 2020, notifications were made to the facility, FOD, and Assistant Field Office Director. OPR began a PREA investigation on August 26, 2020, which the case remains open. ERO stated the officer involved is on leave and will be reassigned upon returning to work pending the outcome of the investigation.

Staff-Detainee Communication: Some detainees reported ICE staff seldom interact with them in their dormitory and two detainees stated they have unanswered questions about the status of their respective cases.

- Action Taken: ODO interviewed a detention officer (DO) who explained that ICE staff are scheduled to visit detainee dormitories two times per week to conduct staff-detainee communication (SDC). The DO also advised on March 23, 2020, the facility transitioned to a reduced staff continuity plan to reduce the risk of COVID-19 in the facility. On April 14, 2020, ICE management instructed staff they may conduct SDC responsibilities via phone calls directly to their assigned dormitories. A dormitory log reviewed by ODO showed ERO does not consistently conduct bi-weekly SDC visits, either in-person or by telephone. On August 25, 2020, a DO met with two detainees and addressed questions concerning their status, and on August 26, 2020, ERO posted the new SDC process on bulletin boards in all detainee dormitories.

Telephone Access: One detainee stated he is unable to call the Venezuelan consulate using the free consulate numbers posted in his dormitory.

- Action Taken: ODO interviewed the DO who stated the STIPC's phone contractor, Talton, notified The GEO Group on March 11, 2019, the State Department announced the temporary suspension of operations of the U.S Embassy in Caracas, Venezuela,

including the withdrawal of diplomatic personnel. All consular services, routine and emergency, are suspended. ICE has attempted to contact the Venezuelan consulate and would continue to do so to reestablish a line of communication for detainees with their consulate. ODO requested STIPC inform Venezuelan detainees of the current impasse.

COMPLIANCE INSPECTION FINDINGS

SECURITY

ADMISSION AND RELEASE (A&R)

ODO determined wants and warrants are not checked prior to release (**Deficiency A&R-1⁶**).

CUSTODY CLASSIFICATION SYSTEM (CCS)

ODO reviewed 12 detainee files and in 12 out of 12 files the detainees' classification level was not reviewed and approved by a supervisor (**Deficiency CCS-1⁷**).

ODO reviewed two applicable detainee detention files and found in one out of two files the special classification was not completed within 24 hours before a detainee left the Special Management Unit (SMU) (**Deficiency CCS-1⁸**).

FACILITY SECURITY AND CONTROL (FS&C)

ODO interviewed [REDACTED] (Deficiency FS&C-1⁹).

USE OF FORCE AND RESTRAINTS (UOF&R)

ODO viewed four UOF videos and found in one out of four calculated UOF videos, [REDACTED] was dispersed in a cell or area by a supervisor not wearing required protective gear (**Deficiency UOF&R-1¹⁰**).

⁶ "Facility staff assigned to processing must complete certain procedures before any detainee's release, removal, or transfer from the facility. Necessary steps include, ... checking wants and warrants." See ICE PBNDS 2011, Standard, Admission & Release, Section (V)(H).

⁷ "Each detainee's classification shall be reviewed and approved by a first-line supervisor or classification supervisor..." See ICE PBNDS 2011, Standard, Custody Classification System, Section (V)(A)(4).

⁸ "Special Reclassification Assessments Staff shall complete a special reclassification within 24 hours before a detainee leaves the Special Management Unit ..." See ICE PBNDS 2011, Standard, Custody Classification System, Section (V)(H)(3).

⁹ "In facilities with the ability to do so, the SMU entrance in regular use shall [REDACTED], which shall be operated so that [REDACTED]." See ICE PBNDS 2011, Standard, Facility Security and Control, Section (V)(E)(2). **Repeat Deficiency.**

¹⁰ "Training shall also address the use of protective clothing and handling of spilled blood and body fluids.

1) Use-of-force team members and others participating in a calculated use of force shall wear protective gear, taking particular precautions when entering a cell or area where blood or other body fluids could be present." See ICE PBNDS 2011, Standard, Use of Force and Restraints, Section (V)(I)(3)(C)(1).

CARE

FOOD SERVICE (FS)

ODO reviewed one sugar purchase request and found the request did not specify the special handling instructions (**Deficiency FS-1¹¹**).

MEDICAL CARE WOMEN (MCW)

ODO reviewed three quarterly quality management meetings and three out of three quarterly meetings did not contain pregnancy management and outcomes as required by standard (**Deficiency MCW-1¹²**).

ODO reviewed STIPC's policy and determined when requesting to terminate a pregnancy, the policy reviewed did not state signature of detainee/resident required (**Deficiency MCW-2¹³**).

DISABILITY IDENTIFICATION, ASSESSMENT, AND ACCOMMODATION (DIA&A)

ODO reviewed STIPC's written policy and procedures and determined they do not include reasonable timelines for an initial review of detainees' requests for accommodations related to a disability or for providing accommodations (**Deficiency DIA&A-1¹⁴**).

ACTIVITIES

RECREATION (R)

ODO interviewed the [REDACTED] and determined STIPC does not provide detainees in the Restricted Housing Unit with weather-appropriate equipment and attire to mitigate inclement weather (**Deficiency R-1¹⁵**).

ODO interviewed the [REDACTED] and determined STIPC does not offer other programmatic activities as outlined in educational classes or speakers; sobriety programs such as alcoholics

¹¹ "All facilities shall have procedures for handling food items that pose a security threat ...

b. Other Food Items

[REDACTED] require special handling and storage. 1) The purchase order for any of these items shall specify the special-handling requirements for delivery." See ICE PBNDS 2011, Standard, Food Service, Section (V)(B)(4)(b)(1).

¹² "... Pregnancy management and outcomes shall be monitored, quarterly, through a continuous quality improvement process." See ICE PBNDS 2011, Standard, Medical Care (Women), Section (V)(E).

¹³ "Abortion Access ...

b. If a detainee requests to terminate her pregnancy, ICE will document the request in the detainee's medical records. The detainee's statement should be signed personally by the detainee and include clear language of the detainee's intent." See ICE PBNDS 2011, Standard, Medical Care (Women), Section (V)(E)(2)(b).

¹⁴ "The facility shall develop written policy and procedures, including reasonable timelines, for reviewing detainees' requests for accommodations related to a disability and for providing accommodations (including interim accommodations), modifications, and reassessments." See ICE PBDNS 2011, Standard, Disability Identification, Assessment, and Accommodation, Section, (V)(B)(1).

¹⁵ "... Where cover is not provided to mitigate inclement weather, detainees shall be provided weather appropriate equipment and attire." See ICE PBNDS 2011, Standard, Recreation, Section (V)(E).

anonymous; and other organized activities or recreational program (**Deficiency R-2¹⁶**).

TELEPHONE ACCESS (TA)

ODO interviewed [REDACTED] and determined STIPC officers do not demonstrate that an individual can make calls using the free call platform during their daily telephone checks (**Deficiency TA-1¹⁷**).

VISITATION (V)

ODO reviewed STIPC's general visitors' log and determined it does not record the visitor's address or relationship to the detainee (**Deficiency V-1¹⁸**).

ODO reviewed STIPC's legal visitors' log and determined it does not record whether the detainee currently has a G-28, Notice of Entry of Appearance as Attorney or Accredited Representative form on file (**Deficiency V-1¹⁹**).

JUSTICE

GRIEVANCE SYSTEM (GS)

ODO reviewed 25 detainee grievances and in 7 out of 25 grievances, the facility's response was not provided to the detainee within five days (**Deficiency GS-1²⁰**).

CONCLUSION

During this inspection, ODO assessed the facility's compliance with 19 standards under PBNDS 2011 (Revised in 2016) and found the facility in compliance with 8 of those standards. ODO found 14 deficiencies in the remaining 11 standards. ODO commends facility staff for their responsiveness during this inspection.

ODO recommends ERO work with the facility to resolve any deficiencies that remain outstanding

¹⁶ "... Facilities shall offer other programmatic activities, such as:

1. educational classes or speakers;
2. sobriety programs such as alcoholics anonymous; and
3. other organized activities or recreational programs."

See ICE PBNDS 2011, Standard, Recreation, Section (V)(F)(1,2,3).

¹⁷ "... Facility staff members are responsible for ensuring on a daily basis that telephone systems are operational and that the free telephone number list is posted. After ensuring that each phone has a dial tone, when testing equipment the officers must be able to demonstrate that an individual has the ability to make calls using the free call platform." See ICE PBNDS 2011, Standard, Telephone Access, Section (V)(A)(4)(a).

¹⁸ "... Staff shall record in the general visitors' log:

2. the visitor's name and address;
3. the visitor's relationship to the detainee." See ICE PBNDS 2011, Standard, Visitation, Section (V)(D)(2,3).

¹⁹ "... The log shall include the reason(s) for denying access ...

g. whether the detainee currently has a G-28 on file." See ICE PBNDS 2011, Standard, Visitation, Section (V)(J)(14)(g).

²⁰ "Grievance Process ...

b) Detainee shall be provided with a written or oral response within five days of receipt of the grievance." See ICE PBNDS 2011, Standard, Visitation, Section (V)(C)(3)(B)(1)(b).

in accordance with contractual obligations.

Compliance Inspection Results Compared	FY 2017 (PBNDS 2011) Revised 2016	FY 2020 (PBNDS 2011) Revised 2016
Standards Reviewed	15	19
Deficient Standards	3	11
Overall Number of Deficiencies	4	14
Repeat Deficiencies	0	1
Corrective Actions	3	0