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Office of Detention Oversight Compliance Inspection

Enforcement and Removal Operations
San Antonio Field Office
Karnes County Correctional Center
Karnes City, Texas

July 24 - 26, 2012

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**COMPLIANCE INSPECTION
KARNES COUNTY CORRECTIONAL CENTER
SAN ANTONIO FIELD OFFICE**

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EXECUTIVE SUMMARY

The Office of Professional Responsibility (OPR), Office of Detention Oversight (ODO) conducted a Compliance Inspection (CI) of the Karnes County Correctional Center (KCCC) in Karnes City, Texas, from July 24 to 26, 2012. KCCC, which opened in 1995, is owned and operated by the GEO Group Inc. (GEO). U.S. Immigration and Customs Enforcement (ICE), Office of Enforcement and Removal Operations (ERO) began housing detainees at KCCC in 1998 under an intergovernmental service agreement (IGSA) between ICE and GEO. Male detainees of all security classification levels (Level I – lowest threat, Level II – medium threat, Level III – highest threat) are detained at the facility for periods in excess of 72 hours. Female detainees are not housed at KCCC. KCCC has a total capacity of 550 beds, and can accommodate a maximum of 350 ICE detainees based on the availability of bed space. At the time of the CI, KCCC housed 246 male ICE detainees. The average daily population of ICE detainees is 267. The average length of stay for detainees is 18 days. GEO provides both medical care and food services. The facility holds no accreditations.

The ICE ERO Field Office Director (FOD) in San Antonio, Texas (ERO San Antonio) is responsible for ensuring KCCC's compliance with ICE policies and the ICE National Detention Standards (NDS). ICE has no personnel stationed at the facility. An Assistant Field Office Director (AFOD) at the adjacent Karnes County Civil Detention Facility (KCCDF) oversees the KCCC. Scheduled and unscheduled visits are conducted by ICE Immigration Enforcement Agents (IEA) and Deportation Officers (DO), also stationed at KCCDF. ODO verified in interviews with ICE and facility staff that an IEA visits the facility approximately five days a week and deportation officers visit twice a week. No Detention Service Manager (DSM) is assigned to this facility.

The Warden is the highest-ranking official at KCCC, and is responsible for oversight of daily operations. In addition to the Warden, supervisory staff at KCCC includes (b)(7)e major (b)(7)e lieutenants, and (b)(7)e sergeants. KCCC non-supervisory staff is composed of (b)(7)e correction officers, with (b)(7)e vacancies.

In August 2009, ODO conducted a focus review at KCCC to assess its compliance with ICE NDS. ODO determined KCCC to be in full compliance in 13 of the 23 standards reviewed, and found 23 deficiencies in the remaining 10 standards.

In March 2012, the ERO Detention Standards Compliance Unit contractor, the Nakamoto Group, Inc., conducted an annual review of the NDS at KCCC. The facility received an overall rating of "acceptable," and was found compliant with all 37 standards reviewed.

During this CI, ODO reviewed 17 NDS. Overall, ODO found KCCC to be orderly, well-managed, and in compliance with the standards inspected. Fourteen standards were determined to be fully compliant, while ODO found a single deficiency in each of the following three standards: Environmental Health and Safety, Food Service, and Staff-Detainee Communication. ODO also identified several areas of concern about facility maintenance which KCCC staff agreed to address.

ODO attributes the high level of compliance with the NDS to the positive relationship and communication between ICE and facility staff. KCCC staff works closely with the Supervisory Detention and Deportation Officer (SDDO) and contracting officer technical representative (COTR) to align facility policies with the NDS. ICE staff visits KCCC daily and interacts closely with detainees and facility staff in order to be proactive in identifying any compliance issues, and works with KCCC staff to resolve them. Given this excellent local coordination, the single deficiency in the Staff-Detainee Communication NDS was that ERO San Antonio management staff does not make regular, unannounced visits to the KCCC to observe conditions.

ODO found KCCC fully compliant with the Medical Care NDS. Medical services at KCCC are provided by GEO medical staff and contract providers. The health services administrator (HSA) is responsible for administrative oversight of health care services at KCCC. The HSA is a registered nurse (RN) and licensed psychological counselor, and is on-call during non-business hours. A physician serves as the KCCC medical director and a dentist provides services under contract; both are on-site three days per week. The medical director and dentist are available for consultation by telephone at all times. Additional medical staff consists of (b)(7)e full-time RNs, (b)(7)e licensed vocational nurses (LVN), a part-time registered dental assistant, (b)(7)e certified medication assistants, a medical records coordinator, and a data entry clerk. In addition, KCCC has a contract for psychiatry services.

ODO verified intake screenings, medications, treatment for special and chronic needs, and follow-up care are provided in accordance with the Medical Care NDS, and consent for treatment is consistently obtained. Testing for tuberculosis is conducted via chest X-rays. Detainees access care by submitting written medical requests, available in English and Spanish, into secure "Sick Call Requests" boxes located near the housing units, or give the requests directly to medical staff during rounds. Sick call slips are collected twice daily and triaged in a timely manner to determine priority for care. Sick call is conducted twice daily, on the day and evening shifts. Physical examinations (PE) are conducted by the medical director. ODO verified 12 of 21 detainees whose records were reviewed received PEs within the required 14-day timeframe; the remaining nine were in custody fewer than 14 days.

Food service personnel consist of a food service administrator, a food service assistant, and (b)(7)e cook supervisors. A crew of (b)(7)e ICE detainees and (b)(7)e U.S. Marshals Service inmates supports the food service operation. The facility has a satellite system of meal service involving preparation of meals in the kitchen and delivery to housing areas on trays. Required inspections and temperature logs complied with the Food Service NDS. ODO verified all menus were certified by a registered dietician. Religious and medically-prescribed meals were provided and properly documented. ODO received no complaints from detainees on food service issues. ODO found just one deficiency in the Food Service NDS: a pan of leftover food was retained for 72 hours, exceeding the 24-hour retention time limit required by the NDS.

KCCC maintains a general library which also serves as a law library. The law library is adequately furnished with a computer that contains a current version of Lexis-Nexis and word processing software, as well as sufficient writing supplies to support legal research and case preparation. There is a staff librarian assigned to assist the detainees with printing documents and computer issues.

During the admission process, facility staff advises detainees on rules and responsibilities while in custody, and explains the procedures for submitting requests and filing grievances. Detainees are classified and medically screened upon admission to the facility. Detainees are provided with either the English or Spanish version of the ICE National Detainee Handbook and the facility-specific detainee handbook, as well as appropriate clothing and hygiene supplies. ODO viewed the orientation video used as part of the orientation process and found the quality of the video and audio were poor. Although this is not noted as a deficiency, improvements should be made to the quality of the orientation video.

KCCC has a detainee grievance system that allows detainees to file informal, formal, and emergency grievances, and to appeal grievance decisions. ODO interviewed five detainees to specifically determine if they were familiar with grievance procedures, and all five confirmed awareness of the grievance process. One grievance was filed by an ICE detainee during the 12 months preceding the CI, an appeal of a disciplinary sanction that was denied. ODO confirmed the detainee received a written response in a timely manner, which was placed in the detention file.

ODO confirmed disciplinary procedures, detainee rights, sanctions, and the appeal process are detailed in the detainee handbook. Only three disciplinary reports involving detainees were filed in the past year. ODO's review of documentation confirmed all were investigated within 24 hours of the incident and adjudicated in accordance with facility policy and the Disciplinary Policy NDS.

ODO confirmed the master index of hazardous substances and Material Safety Data Sheets (MSDS) are up-to-date and meet the requirements of the Environmental Health and Safety NDS. KCCC's environmental specialist/fire safety officer provided documentation of extensive weekly fire and safety inspections, as well as the monthly inspections required by the NDS. ODO observed evacuation plans in English and Spanish prominently posted throughout the facility.

While ODO found a deficiency in inaccuracies in the running inventories of hazardous substances stored in the stored in the chemical storage room and in food service, ODO cites as a best practice a device developed to accurately measure other hazardous substances. KCCC designed a device similar to a yardstick, ruled with gallon markings on one side and the equivalent number of ounces on the other. The device is placed along the side of the container to measure the amount of liquid by gallon and ounce based on the markings. ODO finds this an efficient and effective method of accurately measuring available quantities of hazardous substances.

Detainee request forms are available upon request. Interviews of ICE staff and a review of logbooks confirmed responses to detainee requests are provided within 72 hours.

There have been no detainee deaths since KCCC began housing detainees, and no suicide attempts or suicides since the last August 2009 ODO inspection. ODO verified screening for suicide potential occurs as part of the intake screening. Detainees determined to be at risk for suicide are immediately referred to medical and mental health staff for further evaluation, and are housed and monitored in accordance with the Suicide Prevention and Intervention NDS.

Discussion with the security major and a review of the facility's use of force log found the facility has not had a use of force incident involving an ICE detainee since February 24, 2009. KCCC has a comprehensive policy which addresses all elements of the Use of Force NDS.

During the inspection no detainees were housed in administrative or disciplinary segregation. ODO verified written procedures are in place to temporarily segregate detainees as a sanction for a rule violation adjudicated through the disciplinary process. Policies state detainees in administrative or disciplinary segregation are to have the same access to services and receive the same general privileges as detainees in general population. ODO's inspection revealed segregation units are well ventilated, adequately lit, appropriately heated and cooled, and maintained in a sanitary condition.

Detainees have reasonable and equitable access to telephones at KCCC. ODO observed access rules and notifications that telephone calls are subject to monitoring are posted on each telephone in the housing units. ODO conducted a telephone check of all telephones in the detainee housing areas and found all but one was in good working order. A work order was immediately submitted, and ODO verified the telephone was repaired the next day.

KCCC uses a standard policy and procedure manual, titled "Sexual Abuse/Assault Prevention and Intervention Programs," revised on June 25, 2012. The manual covers the purpose, policy, general information, and procedures. Under the procedures section of the policy, it addresses prevention, staff training, offender/detainee education, and prompt and effective response by facility and staff. A Notice to Offenders and an ICE Sexual Assault Awareness Information packet in both English and Spanish are included as attachments to the policy for detainees.

ODO noted the sanitation in common areas of the facility was good; however, sanitation in parts of detainee housing areas was poor. ODO noted an area of concern that in the eight housing units, a significant build-up of soap scum and mold was noticeable. ODO observed black mold in one shower stall. Mold represents a health concern. In addition, significant rust was observed around the stainless steel commode/sink units where the units attach to metal wall plates and to the concrete floor. In two housing unit dayrooms, an accumulation of dirt and trash was observed where large support beams attach to the floor. Also, ODO observed many vents in one housing unit were covered with paper, interfering with air flow into the unit. ODO brought these issues to the immediate attention of facility staff, who agreed to address them.

ODO also found the clothing detainees wore upon admission is not laundered and is stored in a storage area that is not climate controlled. This presents a hygiene issue when detainees are required to wear this same clothing upon release. Although not a deficiency, ODO notes this as an area of concern, as well. This issue was brought to the attention of facility staff, who stated they would explore the option of laundering clothing worn by detainees upon admission.

This report details the deficiencies and refers to the specific, relevant sections of the NDS. ERO will be provided a copy of the report to assist in developing corrective actions to resolve the three identified deficiencies. These deficiencies were discussed with KCCC and ICE personnel on-site during the inspection, as well as during the closeout briefing conducted on July 26, 2012.

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 at KCCC. In addition, ODO may focus its inspection based on detention management information provided by the ERO Headquarters (HQ) and ERO field offices, and to issues of high priority or interest to ICE executive management.

ODO reviewed the processes employed at KCCC 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 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 KCCC.

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 on-going process of incorporating best practices in nationwide detention facility operations.

OPR classifies program issues into one of two categories: deficiencies and areas of concern. 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
Special Agent	ODO, Houston
Contract Inspector	Creative Corrections
Contract Inspector	Creative Corrections
Contract Inspector	Creative Corrections

OPERATIONAL ENVIRONMENT

INTERNAL RELATIONS

ODO interviewed the KCCC Warden, the KCCC Major, the ICE AFOD, the SDDO, the DOs who report to the SDDO, and the COTR who oversees the facility. During the interviews, all personnel stated the working relationship between KCCC and ICE personnel is good.

KCCC and ERO staff stated morale is high, and the working conditions are adequate to accomplish all required duties. KCCC staff stated they see IEAs frequently visiting detainees in the housing units, and depending on the court schedules, DOs visit the housing units sometimes daily, where they communicate with detainees, and address detainee issues and concerns. There is an ICE presence at the facility each day; however, KCCC staff stated they have had no interaction with ERO San Antonio management.

DETAINEE RELATIONS

ODO interviewed 20 randomly-selected ICE detainees to assess the overall living and detention conditions at the facility. All detainees stated they were treated with dignity and respect by KCCC staff. Overall, the detainees expressed satisfaction with the treatment and services provided at KCCC. Although ODO found black mold in the showers, all detainees stated the facility is clean and sanitary. ODO received no complaints concerning issuance and replenishment of hygiene supplies, sending and receiving mail, visitation, religious services, food service, or the grievance process. All detainees stated the health care staff is attentive and responsive.

Seventeen of the 20 detainees expressed they did not know their deportation officer or how to contact ICE staff. ICE staff stated IEAs visit the facility approximately five days a week, and DOs visit sometimes each day depending upon the court schedule. ODO verified this in interviews with ICE supervisory staff and review of housing unit visitation logs. Postings in housing units list the visitation schedules (Tuesdays and Thursdays), and names and telephone numbers of ICE staff.

ICE NATIONAL DETENTION STANDARDS

ODO reviewed a total of 17 NDS and found KCCC fully compliant with the following 14 standards:

- Access to Legal Material
- Admission and Release
- Detainee Classification System
- Detainee Grievance Procedures
- Detainee Handbook
- Detainee Transfer
- Disciplinary Policy
- Funds and Personal Property
- Medical Care
- Special Management Unit (Administrative Segregation)
- Special Management Unit (Disciplinary Segregation)
- Suicide Prevention and Intervention
- Telephone Access
- Use of Force

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

ODO found a single deficiency in each of the following three standards:

- Environmental Health and Safety
- Food Service
- Staff-Detainee Communication

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

ENVIRONMENTAL HEALTH AND SAFETY (EH&S)

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

ODO confirmed the master index of hazardous substances and MSDS are up-to-date and meet the requirements of the standard. KCCC's environmental specialist/fire safety officer provided documentation of extensive weekly fire and safety inspections, as well as the monthly inspections required by the NDS. ODO observed evacuation plans in English and Spanish prominently posted throughout the facility. The signs include locations of emergency equipment and directional arrows for traffic flow. The facility's emergency power generator is tested by facility staff on a bi-weekly basis and quarterly by an external generator service company. A local pest control service provides monthly and on-call extermination services. Documentation of water supply certification was provided.

ODO found inaccuracies in the running inventories of hazardous substances stored in the chemical storage room and in food service (**Deficiency EH&S-1**). The chemical storage room inventory documented more wax stripper on-hand than ODO determined was present. In the food service area, the inventory recorded four gallons of pot and pan detergent, though only three were present; and two and a half gallons of All-Temp detergent, though only two gallons were present. Maintaining accurate inventories supports accountability and control of hazardous substances, and protects detainees, staff, and visitors. During the review, the environmental specialist/fire safety officer initiated re-training of the food service staff and shift supervisors on requirements for maintaining running inventories.

Though inaccuracies were found in inventories of three chemicals, ODO cites as a best practice a device developed to support accurate measuring. Because chemicals typically come in large, multi-gallon containers, maintaining inventories by the ounce as necessary for proper control can be difficult. KCCC designed a device similar to a yardstick, which is ruled with gallon markings on one side and the equivalent number of ounces on the other. To determine remaining quantity of chemicals for inventory purposes, the device is placed along the side of the container and the amount of liquid is measured by gallon and ounce based on the markings on the device. ODO finds this an efficient and effective method of accurately measuring available quantities of hazardous substances.

ODO noted the sanitation in common areas of the facility was good; however, sanitation in parts of detainee housing areas was poor. During inspection, soap scum and mold were observed in the shower areas of eight housing unit bathrooms. In addition, significant rust was observed around the stainless steel commode/sink units where they attach to metal wall plates and the concrete floor. Also, gaps were observed in the floor around the toilets. In some of the gaps, ODO observed crumpled toilet paper and paper towels. In two housing unit dayrooms, an accumulation of dirt and trash was observed where large support beams attach to the floor. ODO brought these issues to the immediate attention of facility staff, who agreed to address them.

Also, ODO observed many vents in one unit used to house ICE detainees were covered with paper, interfering with air flow into the housing unit. The fire safety officer stated he would work with the maintenance department to have these issues addressed.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY EH&S-1

In accordance with the ICE NDS, Environmental Health and Safety, section (III)(A), the FOD must ensure every area will maintain a running inventory of the hazardous (flammable, toxic, or caustic) substances used and stored in that area. Inventory records will be maintained separately for each substance, with entries for each logged on a separate card (or equivalent). That is, the account keeping will not be chronological, but filed alphabetically, by substance (dates, quantities, etc.).

FOOD SERVICE (FS)

ODO reviewed the Food Service standard at KCCC to determine if detainees are provided with a nutritious and balanced diet, in a sanitary manner, in accordance with the ICE NDS. ODO reviewed policy and documentation, interviewed staff, observed meal service and tray delivery, and inspected food storage and preparation areas.

The KCCC food service department is managed by GEO employees. The staff consists of the food service administrator, a food service assistant, and (b)(7)(e) cook supervisors. A crew of (b)(7) detainees and (b)(7) U.S. Marshals Service inmates supports the food service operation. ODO verified all personnel received medical clearances to work in food service. Workers were observed wearing appropriate clothing and sanitation attire, and protective equipment was available.

The facility has a satellite system of meal service involving preparation of meals in the kitchen and delivery to housing areas on trays. Review of required inspections and temperature logs supported compliance with the standard. ODO verified all menus were certified by a registered dietician. Religious and medically-prescribed meals were provided and properly documented.

ODO discovered a pan of leftover bologna that had been stored in the refrigerator for 72 hours, exceeding the 24-hour maximum set in the standard (**Deficiency FS-1**). Using or discarding leftovers within 24-hours assures potentially spoiled food is not served, and prevents food borne illnesses. The bologna was discarded during the CI.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY FS-1

In accordance with the ICE NDS, Food Service, section (III)(D)(8), the FOD must ensure prepared food items which have not been placed on the serving line may be retained for no more than 24 hours. Leftovers offered for service a second time shall not be retained for later use, but shall be discarded immediately after offering. All leftovers shall be labeled to identify the product, preparation date, and time.

STAFF-DETAINEE COMMUNICATION (SDC)

ODO reviewed the Staff-Detainee Communication standard at KCCC 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, in accordance with the ICE NDS. ODO reviewed logbooks and interviewed staff.

ICE does not have staff permanently stationed at KCCC. ICE staff stated IEAs visit the facility approximately five days a week, and DOs visit sometimes each day depending upon the court schedule. ICE staff stated a back-up IEA assigned to the facility if the primary IEA is unavailable. ODO verified facility visits by IEAs during interviews with ICE supervisory staff and a review of housing unit visitation logs.

Detainee request forms are available by requesting them from the housing officer posted outside the housing units. Interviews of ICE staff and a review of logbooks confirmed responses to detainee requests are provided within 72 hours.

During interviews, ODO confirmed ERO San Antonio management does not make regular, unannounced visits with detainees or to facility housing units, food service areas, the recreation area, special management units, or infirmary rooms (**Deficiency SDC-1**). Regular unannounced visits allow ICE management to observe the general environment at the facility and to assess any needs or improvements, as well as have informal discussions with facility staff and detainees.

STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

DEFICIENCY SDC-1

In accordance with the ICE NDS, Staff-Detainee Communication, section (III)(A)(1), the FOD must ensure ICE detainees should have the opportunity to have informal access to and interaction with key facility staff members on a regular basis. In addition to informal contact with facility staff, detainees often require regular access to key ICE staff. Often detainees in ICE custody are unaware of or do not comprehend the immigration removal process, and staff should explain the general process to detainees without providing specific legal advice on their individual cases.

Policy and procedures shall be in place to ensure and document that the ICE Officer in Charge (OIC), the Assistant Officer in Charge (AOIC), and designated department heads conduct regular unannounced (not scheduled) visits to the facility's living and activity areas to encourage informal communication between staff and detainees and informally observing [sic] living and working conditions. These unannounced visits shall include but not [sic] limited to:

- a. Housing Units;
- b. Food Service preferably during the lunch meal;
- c. Recreation Area;
- d. Special Management Units (Administrative and Disciplinary Segregation); and Infirmary rooms

While visiting the Special Management Unit, the detainees shall be interviewed, living conditions will be observed and detainee-housing records will be reviewed.