

ICE Detention Standards Compliance Review

Lea County Detention Center

February 16-17, 2009

REPORT DATE – February 23, 2009



Contract Number: ODT-6-D-0001
Order Number: HSCEOP-07-F-01016

[REDACTED], Executive Vice President
Creative Corrections
6415 Calder, Suite B
Beaumont, TX 77706

[REDACTED], COTR
U.S. Immigration and Customs Enforcement
Detention Standards Compliance Unit
500 12th St, SW
Washington, DC 20024



February 23, 2009

MEMORANDUM FOR: James T. Hayes, Jr.
Director
Office of Detention and Removal Operations

FROM: [redacted] [redacted] [redacted] for
Reviewer-In-Charge [redacted]

SUBJECT: Lea County Detention Center
Annual Detention Review

Creative Corrections conducted an Annual Detention Review (ADR) of the Lea County Detention Center in Lovington, New Mexico, on February 16-17, 2009. As noted on the attached documents, the team of Subject Matter Experts included [redacted] for Security; [redacted] for Health Services; [redacted], for Environmental Health & Safety; and [redacted] for Food Services.

A closeout meeting, which included a discussion of all aspects of the review, was conducted with Warden [redacted], and Chief of Security [redacted] on Tuesday, February 17, 2009.

Type of Review

This review is an Annual Detention Standard Review to determine general compliance with established ICE National Detention Standards for facilities used for less than 72 hours.

Review Summary

The facility is not accredited by the American Correctional Association, the National Commission on Correctional Health Care, or the Joint Commission on Accreditation of Healthcare Organizations.

Standards Compliance

The following statistical information outlined provides a direct comparison of the 2008 ADR and the ADR conducted for 2009.

<u>February 2008</u>	<u>Review</u>	<u>February 2009</u>	<u>Review</u>
Compliant	27	Compliant	27
Deficient	0	Deficient	0
At-Risk	0	At-Risk	0
Not-Applicable	1	Not-Applicable	1

RIC Observations

The general appearance of the Lea County Detention Center was excellent. Specifically, the units and individual cells were neat, clean, and orderly. All detention center staff was very knowledgeable and helpful during the review. Facility management corrected several component deficiencies since the last review and appeared to be very interested in our observations. For example, the Fire Marshal signed off on the facility's Fire Plan and maintenance staff placed a Material Safety Data Sheet (MSDS) book in the area, even though it is located outside the facility.

The only noteworthy concern discovered during the review was the administration of the TB tests for detainees. The review findings for Medical Care indicated that ICE detainees were not given TB tests upon arrival or within a reasonable time. Following a meeting with the Director of Nurses [REDACTED] Warden [REDACTED], our Health Services expert, and this writer, the procedure was changed. Henceforth, all ICE detainees will be given TB tests upon arrival. The Warden was advised that this new process must be strictly adhered to in the future.

Recommended Rating and Justification

It is the Reviewer-in-Charge's (RIC) recommendation that the facility receive a rating of "Acceptable." It is recommended that no Plan of Action be required.

RIC Assurance Statement

All findings of this review have been documented on the Detention Review Worksheet and are supported by the written documentation contained in the review file.

A. TYPE OF FACILITY REVIEWED

ICE Service Processing Center
 ICE Contract Detention Facility
 ICE Intergovernmental Service Agreement

B. CURRENT INSPECTION

Type of Inspection
 Field Office HQ Inspection
Date[s] of Facility Review
February 16-17, 2009

C. PREVIOUS/MOST RECENT FACILITY REVIEW

Date[s] of Last Facility Review
February 11-12, 2008
Previous Rating
 Superior Good Acceptable Deficient At-Risk

D. NAME AND LOCATION OF FACILITY

Name
Lea County Detention Center
Address
1401 South Commercial St.
City, State and Zip Code
Lovington, NM 88260
County
Lea
Name and Title of Chief Executive Officer
(Warden/OIC/Superintendent)
b6,b7c Warden
Telephone Number (Include Area Code)
575-396 b6,b7c
Field Office / Sub-Office (List Office with Oversight)
El Paso/Pecos
Distance from Field Office
240 miles

E. ICE Information

Name of Inspector (Last Name, Title and Duty Station)
b6,b7c / RIC / Creative Corrections
Name of Team Member / Title / Duty Location
b6,b7c / SME-Security / Creative Corrections
Name of Team Member / Title / Duty Location
b6,b7c / SME-Health Services / Creative Corrections
Name of Team Member / Title / Duty Location
b6,b7c / SME-Food Services / Creative Corrections
Name of Team Member / Title / Duty Location
b6,b7c / SME-Environmental Health and Safety / Creative Corrections

F. CDF/IGSA INFORMATION ONLY

Contract Number
USMS 51-99-0206
Date of Contract or IGSA
8-1-99; Modified 11-1-02
Basic Rates per Man-Day
\$65.50
Other Charges: (If None, Indicate N/A)
Guard Services; \$14.48/hr; N/A

Estimated Man-days per Year

G. ACCREDITATION CERTIFICATES N/A

List all State or National Accreditation[s] received:

H. PROBLEMS / COMPLAINTS (COPIES MUST BE ATTACHED)

The Facility is under Court Order or Class Action Finding
 Court Order Class Action Finding
The Facility has Significant Litigation Pending
 Major Litigation Life/Safety Issues
 None

I. FACILITY HISTORY

Date Built
September 2005
Date Last Remodeled or Upgraded
N/A
Date New Construction / Bed Space Added
N/A
Future Construction Planned
 Yes No Date:
Current Bed space
432
Future Bed Space (# New Beds only)
Number: 100 Date: TBD

J. TOTAL FACILITY POPULATION

Total Facility Intake for Previous 12 months
3,388
Total ICE Man Days for Previous 12 months
4

K. CLASSIFICATION LEVEL (ICE SPCs AND CDFs ONLY)

	L-1	L-2	L-3
Adult Male	N/A		
Adult Female	N/A		

L. FACILITY CAPACITY

	Rated	Operational	Emergency
Adult Male	352		
Adult Female	48		

Facility Holds Juveniles Offenders 16 and Older as Adults

M. AVERAGE DAILY POPULATION

	ICE	USMS	Other
Adult Male		92	162
Adult Female		1	34

N. FACILITY STAFFING LEVEL

Security: Support:
b2High

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SIGNIFICANT INCIDENT SUMMARY WORKSHEET

In order for Creative Corrections to complete its review of your facility, you must complete the following worksheet prior to your scheduled review dates. This worksheet must contain data for the past twelve months. We will use this worksheet in conjunction with the ICE Detention Standards to assess your detention operations with regard to the needs of ICE and its detainee population. Failure to complete this worksheet will result in a delay in processing this report, and may result in a reduction or removal of ICE detainees from your facility.

INCIDENTS	DESCRIPTION	Jan – Mar	Apr – Jun	Jul – Sep	Oct – Dec
Assault: Offenders on Offenders ¹	Types (Sexual ² , Physical, etc.)	Physical	Physical	Physical	Physical
	With Weapon	1	0	1	0
	Without Weapon	5	6	11	5
Assault: Detainee on Staff	Types (Sexual Physical, etc.)	Physical	Physical	0	Physical
	With Weapon	2	1	0	0
	Without Weapon	2	0	0	0
Number of Forced Moves, incl. Forced Cell Moves ³		3	0	0	2
Disturbances ⁴		1	0	0	2
Number of Times Chemical Agents Used		0	0	0	0
Number of Times Special Reaction Team Deployed/Used		0	0	0	0
# Times Four/Five Point Restraints Applied/Used	Number/Reason (M=Medical, V=Violent Behavior, O=Other)	2-V	2-V	0	0
	Type (C=Chair, B=Bed, BB=Board, O=Other)	C	C	0	0
Offender / Detainee Medical Referrals as a Result of Injuries Sustained.		6	6	12	3
Escapes	Attempted	0	0	0	0
	Actual	0	0	0	0
Grievances:	# Received	0	0	0	0
	# Resolved in Favor of Offender/Detainee	0	0	0	0
Deaths	Reason (V=Violent, I=Illness, S=Suicide, A=Attempted Suicide, O=Other)	0	0	0	0
	Number	0	0	0	0
Psychiatric / Medical Referrals	# Medical Cases Referred for Outside Care	9	7	13	8
	# Psychiatric Cases Referred for Outside Care	0	7	13	21

¹ Any attempted physical contact or physical contact that involves two or more offenders

² Oral, anal or vaginal penetration or attempted penetration involving at least 2 parties, whether it is consenting or non-consenting

³ Routine transportation of detainees/offenders is not considered "forced"

⁴ Any incident that involves four or more detainees/offenders, includes gang fights, organized multiple hunger strikes, work stoppages, hostage situations, major fires, or other large scale incidents.

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DHS/ICE DETENTION STANDARDS REVIEW SUMMARY REPORT

1. ACCEPTABLE	2. DEFICIENT	3. AT-RISK	4. REPEAT FINDING	5. NOT APPLICABLE					
LEGAL ACCESS STANDARDS					1.	2.	3.	4.	5.
1.	Visitation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.	Telephone Access	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DETAINEE SERVICES									
3.	Admission and Release	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.	Classification System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.	Detainee Handbook	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.	Food Service	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.	Funds and Personal Property	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.	Detainee Grievance Procedures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.	Issuance and Exchange of Clothing, Bedding, and Towels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.	Religious Practices	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HEALTH SERVICES									
11.	Medical Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12.	Suicide Prevention and Intervention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SECURITY AND CONTROL									
13.	Contraband	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14.	Detention Files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15.	Disciplinary Policy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.	Emergency Plans	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17.	Environmental Health and Safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18.	Hold Rooms in Detention Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19.	Key and Lock Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20.	Population Counts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21.	Security Inspections	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22.	Special Management Units (Administrative Detention)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23.	Special Management Units (Disciplinary Segregation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24.	Tool Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25.	Transportation (Land management)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26.	Use of Force	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27.	Staff / Detainee Communication (Added August 2003)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28.	Detainee Transfer (Added September 2004)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ALL FINDINGS OF DEFICIENT AND AT-RISK REQUIRE WRITTEN COMMENT DESCRIBING THE FINDING AND WHAT IS NECESSARY TO REACH COMPLIANCE.

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RIC REVIEW ASSURANCE STATEMENT

BY SIGNING BELOW, THE REVIEWER-IN-CHARGE (RIC) CERTIFIES THAT:

1. ALL FINDINGS OF NON-COMPLIANCE WITH POLICY OR INADEQUATE CONTROLS, AND FINDINGS OF NOTEWORTHY ACCOMPLISHMENTS, CONTAINED IN THIS INSPECTION REPORT, ARE SUPPORTED BY EVIDENCE THAT IS SUFFICIENT AND RELIABLE; AND
2. WITHIN THE SCOPE OF THIS REVIEW, THE FACILITY IS OPERATING IN ACCORDANCE WITH APPLICABLE LAW AND POLICY, AND PROPERTY AND RESOURCES ARE BEING EFFICIENTLY UTILIZED AND ADEQUATELY SAFEGUARDED, EXCEPT FOR ANY DEFICIENCIES NOTED IN THE REPORT.

REVIEWER-IN-CHARGE

Reviewer-In-Charge: (Print Name) b6,b7c	Signature b6,b7c [Signature] b6,b7c
Title & Duty Location RIC, Creative Corrections	Date February 20, 2009

TEAM MEMBERS

Print Name, Title, & Duty Location b6,b7c SME-Security, Creative Corrections	Print Name, Title, & Duty Location b6,b7c SME-Health Services, Creative Corrections
Print Name, Title, & Duty Location b6,b7c SME-Food Services, Creative Corrections	Print Name, Title, & Duty Location b6,b7c SME-Environmental Health and Safety, Creative Corrections

RECOMMENDED RATING: ACCEPTABLE
 DEFICIENT
 AT-RISK

COMMENTS:

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