

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20024



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: Robert E. Jolicoeur
Field Office Director
El Paso Field Office

OCT 20 2009

FROM: [REDACTED] b6,b7c
[REDACTED] b6,b7c
Unit Chief
Detention Standards Compliance Unit

SUBJECT: Midland County Detention Center Plan of Action

The Midland County Detention Center Plan of Action dated August 27, 2009, has been received. The plan was developed in response to a review conducted by Creative Corrections on February 17-18, 2009.

The Review Authority concurs with the Plan of Action and this review is closed. The Field Office must now initiate the following actions in accordance with the Detention Management Control Program (DMCP):

- 1) The Field Office Director, Detention and Removal Operations, shall notify the facility within five business days of receipt of this memorandum. Notification shall include a copy of this memorandum.
- 2) The Field Office Director shall ensure that the facility complies with its proposed Plan of Action and the Reviewer-in-Charge (RIC) will conduct a follow-up review of the deficiencies identified in the G324B, *Detention Facility Review Form* and the RIC Summary Memorandum within 90 days.
- 3) The next annual review will be scheduled on or before February 17, 2010.

Should you or your staff have any questions regarding this matter, please contact [REDACTED] b6,b7c
[REDACTED] b6,b7c Detention and Deportation Officer at (202) 732- [REDACTED] b6,b7c

cc: Official File

ICE: HQDRO: [REDACTED] b6,b7c 2-5514: 08/31/2009

[REDACTED] b2High

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JUN 26 2009

MEMORANDUM FOR: Robert E. Jolicoeur
Field Office Director
El Paso Field Office

FROM: 
James T. Hayes, Jr.
Director

SUBJECT: Midland Detention Center Annual Review

The annual review of the Midland Detention Center conducted on February 17-18, 2009, in Midland, Texas, has been received. The Review Authority has assigned an interim rating of **Deficient** due to the use of Electro Muscular Disruption Devices (EMDDs) in this facility; otherwise a rating of "Acceptable" would have been assigned. A Plan of Action is needed to address the line item deficiencies noted in the Environmental Health and Safety, Special Management Units (Administrative and Disciplinary), Access to Telephones and Use of Force standards.

The policy regarding the use of EMDDs is currently being reviewed and no plan of action is required at this time.

A rough draft of the preliminary findings were sent to the Field Office on February 23, 2009. The rating was based on the Reviewer-In-Charge (RIC) Summary Memorandum and supporting documentation. The Field Office Director must remedy the deficient standards, and initiate the following actions in accordance with the Detention Management Control Program (DMCP):

- 1) The Field Office Director, Detention and Removal Operations, shall notify the facility **within** five business days of receipt of this memorandum. Notification shall include copies of the Form G-324B Detention Facility Review Form, the G-324B Worksheet, RIC Summary Memorandum, and a copy of this memorandum.
- 2) The Field Office Director is responsible for ensuring that the facility responds to all findings and a Plan of Action is submitted to the Review Authority (RA) within 30 days.
- 3) The RA will advise the Field Office Director once the Plan of Action is approved.

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- 4) Once a Plan of Action is approved, the Field Office Director shall schedule a follow-up on the above noted deficiencies within 90 days.

The Field Office is responsible for assisting the Intergovernmental Service Agreement (IGSA) facility to respond to the Immigration and Customs Enforcement findings when assistance is requested. Notification to the facility shall include information that this assistance is available.

Should you or your staff have any questions regarding this matter, please contact [REDACTED] Acting Deputy Assistant Director, Detention Management Division at (202) 732-[REDACTED]

cc: Official File
ICE:HQDRO [REDACTED] 2-5514:02/24/2009

[REDACTED]
b2High

ICE Detention Standards Compliance Review

Midland Detention Center

February 17-18, 2009

REPORT DATE – February 25, 2009



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

b6,b7c Executive Vice President
Creative Corrections
6415 Calder, Suite B
Beaumont, TX 77706

b6,b7c COTR
U.S. Immigration and Customs Enforcement
Detention Standards Compliance Unit
500 12th St, SW
Washington, DC 20024

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February 25, 2009

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

FROM: [REDACTED] [REDACTED] [REDACTED]
Reviewer-In-Charge [REDACTED]

SUBJECT: Midland County Detention Center
Annual Detention Review

Creative Corrections conducted an Annual Detention Review (ADR) of the Midland County Detention Center, located in Midland, Texas, on February 17-18, 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 and Safety; and [REDACTED], for Food Services.

A closeout meeting was conducted on February 18, 2009, with Captain [REDACTED] and Lieutenant [REDACTED]. The closeout included a discussion of all aspects of this review.

Type of Review

This review is a scheduled Detention Standard Review to determine general compliance with established ICE National Detention Standards for facilities used for under 72 hours.

Review Summary

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

Standards Compliance

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

<u>February 2008</u>	<u>Review</u>	<u>February 2009</u>	<u>Review</u>
Compliant	26	Compliant	27
Deficient	1	Deficient	0
At-Risk	0	At-Risk	0
Not-Applicable	1	Not-Applicable	1

Recommended Rating and Justification

It is the RIC recommendation that the facility receive a rating of "Acceptable." As there were no deficiencies noted above, no Plan of Action should 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 17-18, 2009

C. PREVIOUS/MOST RECENT FACILITY REVIEW

Date[s] of Last Facility Review
 February 21-22, 2008
 Previous Rating
 Superior Good Acceptable Deficient At-Risk

D. NAME AND LOCATION OF FACILITY

Name
 Midland County Detention Center
 Address
 115 W. Industrial
 City, State and Zip Code
 Midland, Texas 79702
 County
 Midland
 Name and Title of Chief Executive Officer
 (Warden/OIC/Superintendent)
 [REDACTED] Captain
 Telephone Number (Include Area Code)
 432-688-[REDACTED]
 Field Office / Sub-Office (List Office with Oversight)
 El Paso, Texas
 Distance from Field Office
 300 Miles

E. ICE INFORMATION

Name of Inspector (Last Name, Title and Duty Station)
 [REDACTED] / RIC / Creative Corrections
 Name of Team Member / Title / Duty Location
 [REDACTED] / SME / Security
 Name of Team Member / Title / Duty Location
 [REDACTED] SME / Medical Services
 Name of Team Member / Title / Duty Location
 [REDACTED] / SME / Food Service
 Name of Team Member / Title / Duty Location
 [REDACTED] / SME / Environmental Health and Safety

F. CDF/IGSA INFORMATION ONLY

Contract Number
 80-99-0079
 Date of Contract or IGSA
 January 1, 1999
 Basic Rates per Man-Day
 \$44.00
 Other Charges: (If None, Indicate N/A)
 ; ; ; N/A
 Estimated Man-days per Year
 300

G. ACCREDITATION CERTIFICATES N/A

List all State or National Accreditation[s] received:
 Texas Commission on Jail Standards

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
 April 1990
 Date Last Remodeled or Upgraded
 Date New Construction / Bed Space Added
 Future Construction Planned
 Yes No Date: In final planning stages.
 Current Bed space
 296
 Future Bed Space (# New Beds only)
 Number: 400 Date: Not determined.

J. TOTAL FACILITY POPULATION

Total Facility Intake for Previous 12 months
 10,930
 Total ICE Man Days for Previous 12 months
 8395

K. CLASSIFICATION LEVEL (ICE SPCs AND CDFs ONLY)

	L-1	L-2	L-3
Adult Male			
Adult Female			

L. FACILITY CAPACITY

	Rated	Operational	Emergency
Adult Male	248	248	258
Adult Female	48	48	48

Facility Holds Juveniles Offenders 16 and Older as Adults

M. AVERAGE DAILY POPULATION

	ICE	USMS	Other
Adult Male	22.9	29.6	236
Adult Female	.7	5.3	38

N. FACILITY STAFFING LEVEL

Security: [REDACTED] Support: [REDACTED]
 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.)	P/S	P	P	P
	With Weapon	0	0	0	0
	Without Weapon	8/1	11	7	11
Assault: Detainee on Staff	Types (Sexual Physical, etc.)	P	P	NA	P
	With Weapon	0	0	0	0
	Without Weapon	3	1	0	3
Number of Forced Moves, incl. Forced Cell Moves ³		10	8	2	4
Disturbances ⁴		1	1	2	4
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)	4/V	12/V	18/V	27/V
	Type (C=Chair, B=Bed, BB=Board, O=Other)	B	B/11 C/1	B/15 C/3	B/21 C/6
Offender / Detainee Medical Referrals as a Result of Injuries Sustained.		2	2	6	0
Escapes	Attempted	4	2	1	3
	Actual	0	0	0	0
Grievances:	# Received	104	78	107	42
	# Resolved in Favor of Offender/Detainee	0	0	0	0
Deaths	Reason (V=Violent, I=Illness, S=Suicide, A=Attempted Suicide, O=Other)				
	Number	0	0	0	0
Psychiatric / Medical Referrals	# Medical Cases Referred for Outside Care	8	9	22	21
	# Psychiatric Cases Referred for Outside Care	55	39	57	52

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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Form G-324B SIS (Rev. 7/9/07)

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"/>	
2.	Telephone Access				<input checked="" 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"/>	
4.	Classification System				<input checked="" 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"/>	
6.	Food Service				<input checked="" 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"/>
8.	Detainee Grievance Procedures				<input checked="" 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"/>	
10.	Religious Practices				<input checked="" 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"/>	
12.	Suicide Prevention and Intervention				<input checked="" 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"/>
14.	Detention Files				<input checked="" 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"/>	
16.	Emergency Plans				<input checked="" 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"/>	
18.	Hold Rooms in Detention Facilities				<input checked="" 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"/>	
20.	Population Counts				<input checked="" 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"/>	
22.	Special Management Units (Administrative Detention)				<input checked="" 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"/>	
24.	Tool Control				<input checked="" 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 checked="" type="checkbox"/>
26.	Use of Force				<input checked="" 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"/>	
28.	Detainee Transfer (Added September 2004)				<input checked="" 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.

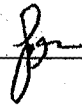
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RIC REVIEW ASSURANCE STATEMENT

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 b6,b7c 
Title & Duty Location RIC, Creative Corrections	Date February 18, 2009

TEAM MEMBERS	
Print Name, Title, & Duty Location b6,b7c SME, Security	Print Name, Title, & Duty Location b6,b7c SME, Environmental Health and Safety
Print Name, Title, & Duty Location b6,b7c SME, Medical	Print Name, Title, & Duty Location b6,b7c SME, Food Service

RECOMMENDED RATING: ACCEPTABLE
 DEFICIENT
 AT-RISK

COMMENTS: The facility maintains a high level of sanitation and living areas are uncluttered.

The facility has gained approval for an extensive renovation and expansion. It is expected that this major project will begin within 2009.

The previous rating of Deficient was based on the use of Tasers. The prior year ADR found one deficiency in the Tool Control standard; improvements have been made in this area to bring it up to an acceptable level.

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