



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

Office of Detention Oversight Compliance Inspection

Enforcement and Removal Operations
Saint Paul Field Office
Freeborn County Adult Detention Center
Albert Lea, Minnesota

July 17 - 19, 2012

**COMPLIANCE INSPECTION
FREEBORN COUNTY ADULT DETENTION CENTER
SAINT PAUL 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 Freeborn County Adult Detention Center (FCADC) in Albert Lea, Minnesota, from July 17 - 19, 2012. FCADC opened in October 2004, and serves as a regional jail for males arrested by area law enforcement jurisdictions. FCADC does not house females. Since June 15, 2009, the U.S. Immigration and Customs Enforcement (ICE), Office of Enforcement and Removal Operations (ERO) has housed male detainees of all classification levels (Level I – lowest threat, Level II – medium threat, Level III – highest threat) at FCADC for periods in excess of 72 hours pursuant to an intergovernmental service agreement (IGSA). The average daily detainee population at FCADC is 69. The average length of stay at FCADC is 18 days. FCADC has a total bed capacity of 148, with 80 beds available for ICE detainees. Additional detention space is available at the facility for ICE detainees upon request. At the time of the inspection, FCADC housed a total of 76 detainees (34 Level I, 16 Level II, and 26 Level III). CBM Managed Services provides the food service at FCADC through a contract with the county. Likewise, Correctional Healthcare Companies (CHC) provides the medical services at FCADC. FCADC does not hold any accreditations.

The ERO Field Office Director, Saint Paul, Minnesota (FOD/Saint Paul) is responsible for ensuring facility compliance with ICE policies and the NDS. An assistant field office director (AFOD) is responsible for direct oversight of the ERO mission at FCADC. ICE does not have any staff permanently assigned at the facility.

The Jail Administrator, with the rank of captain, is the highest-ranking official at FCADC and is responsible for oversight of daily operations. The total number of FCADC staff employed at the facility is (b)(7)e. In addition to the Jail Administrator, FCADC supervisory staff consists of another captain exclusively assigned as a liaison with ICE, and (b)(7)e lieutenants who report to the Jail Administrator. The facility employs (b)(7)e correctional officers. The remaining (b)(7)e FCADC staff is comprised of non-corrections staff, such as personnel administrators and records managers.

In March 2012, the ERO Detention Standards Compliance Unit contractors, the Nakamoto Group, Inc., conducted an annual review of the ICE NDS at FCADC. The facility received an overall rating of “acceptable,” and was found compliant with all 35 standards reviewed.

This is ODO’s first inspection of FCADC. During this CI, ODO reviewed a total of 16 NDS. Six standards were found fully compliant, and 25 deficiencies were identified in the remaining ten standards: Access to Legal Material (1 deficiency), Detainee Grievance Procedures (2), Detention Files (4), Environmental Health and Safety (4), Food Service (4), Medical Care (1), Special Management Unit – Administrative Segregation (1), Staff-Detainee Communication (4), Telephone Access (1), and Use of Force (3).

This report details all deficiencies and refers to the specific, relevant sections of the NDS. ERO will be provided a copy of this report to assist in developing corrective actions to resolve the 25 identified deficiencies. ODO discussed these deficiencies with FCADC personnel during the inspection, as well as during the closeout briefing conducted on July 19, 2012.

ODO observed sanitation at the FCADC to be at a high level. Many of the deficiencies identified were minor, with minimal impact to life-safety issues and the overall operational readiness of the facility. ODO identified deficiencies requiring immediate attention in the Environmental Health and Safety and Food Service NDS. There were no prominently posted evacuation maps/plans or exit signs with directional arrows for traffic flow. These exit diagrams should be conspicuously posted in each area. FCADC officials do not conduct and document monthly fire drills in each department. Food service contract personnel do not receive a pre-employment medical examination. Details of these deficiencies are described in the corresponding standards contained in this report.

FCADC has an informal and formal detainee grievance system that includes a multi-step appeal process, as well as procedures for addressing emergency grievances. Only one grievance was filed by an ICE detainee during the 12 months preceding the CI. The detainee complained about staff reading what the detainee believed was legal mail. A facility investigation determined the mail was not of a legal nature subject to attorney-client privilege, thus the grievance was unfounded. ODO concluded the grievance was properly investigated and responded to in a timely manner, in accordance with the NDS.

The CHC provides health care services at FCADC. The medical department has nursing coverage from 8:00 a.m. to 9:00 p.m., seven days per week. Medical staff consists of a full-time registered nurse (RN) who provides administrative oversight and performs clinical duties, (b)(7)e on-call licensed practical nurse (LPN) and full-time LPNs, and a physician who is on-site two days per month for a total of four to eight hours. While on-site, the physician reviews detainee physical examinations (PE) completed by the RN, and conducts chronic care and sick call follow-up for detainees referred by the nursing staff. In addition, a cadre of CHC physicians and psychiatrists is available around-the-clock for consultation by telephone. FCADC officials send detainees needing dental care to a community dentist. CHC provides a mail-order pharmacy for non-emergent medications, while a local pharmacy is available to provide medications immediately, if necessary. FCADC personnel transport detainees in need of emergency, inpatient, and specialty care to the Mayo-Albert Lea Hospital approximately five miles from the facility.

Detainees access medical services by submitting sick call requests. The requests are printed in English and Spanish, and are available in the housing units. Detainees submit their sick call requests to the housing unit officer, who then places the requests in the medical department inbox located in the main control room. This procedure does not ensure privacy of detainee medical information as required by the NDS. Prior to completing this inspection, officials installed a lock box for sick call requests in one general population housing unit, with the keys maintained only by the nursing staff. Facility officials ordered lock-boxes for the other two housing units to fully correct this deficiency.

ERO personnel conduct scheduled and unscheduled weekly visits to the housing units to monitor living conditions and address detainee concerns. However, the FOD does not have a written schedule or procedure for weekly detainee visits by ICE staff, and ICE visitation schedules are not posted in each housing area. Detainee request forms are available within the housing units. Detainees use these forms to submit written questions, requests, and concerns to ICE and facility staff. Facility staff collects the requests and provides them to ICE in a timely manner. However,

they are not placed in an envelope or in a location in which they are safe from being altered or read, as required by the NDS. Facility officials corrected this deficiency on-site. ERO provided FCADC separate and sealable envelopes to use for ICE detainee requests. Facility personnel place requests from detainees in a folder located in the ICE office, but the requests are not documented in a logbook as required by the NDS. Furthermore, ODO confirmed detainee requests are not placed in detention files as required. Maintaining requests in detention files will allow FCADC management to determine whether issues raised by detainees have been resolved.

FCADC informed ODO there were no immediate use of force incidents and only one calculated use of force incident involving an ICE detainee in the last 12 months. ODO reviewed the calculated use of force incident and determined the amount of force used was appropriate. The detainee was placed in administrative segregation.

There were no ICE detainees in administrative segregation during the inspection. FCADC placed one detainee in the special management unit (SMU) in the past 12 months. The detainee engaged in disruptive behavior and refused to follow orders to desist. The detainee was placed in administrative segregation without a written order as required by the NDS.

There have been no detainees on suicide watch in the past year, and no suicides or suicide attempts since FCADC began holding ICE detainees. ODO inspected the cell used for suicide watches, and found it was free of objects or structures that could facilitate a suicide attempt. Review of the facility's policies on suicide prevention and suicide watch management confirmed they address the requirements of the NDS.

INSPECTION PROCESS

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 to FCADC. In addition, ODO may focus its inspection based on detention management information provided by the ERO Headquarters (HQ) and ERO field offices, and on issues of high priority or interest to ICE executive management. Inspection objectives are to evaluate the welfare, safety, and living conditions of detainees, and to determine compliance with applicable laws, policies, regulations, and procedures.

ODO reviewed the processes employed at FCADC to determine compliance with current policies and detention standards. Prior to and during 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 best prepare for the site visit at FCADC.

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, Phoenix
	Special Agent	ODO, Phoenix
	Contract Inspector	Creative Corrections
	Contract Inspector	Creative Corrections
	Contract Inspector	Creative Corrections

OPERATIONAL ENVIRONMENT

INTERNAL RELATIONS

ODO interviewed supervisory ICE and FCADC staff, including the FCADC Jail Administrator, the ICE liaison captain, and the ERO AFOD. FCADC staff stated ERO personnel conduct weekly scheduled and unscheduled visits to detainee housing units at the facility. FCADC indicated the ICE contract is crucial to the financial health of the county. During the interviews, ICE and FCADC personnel stated the working relationship between the two agencies is positive and morale is high. ICE field management stated they do not have necessary staffing to maintain copies of detention files at the field office, as required by the NDS. ICE field management will ask ERO HQ to waive this requirement.

DETAINEE RELATIONS

ODO interviewed six male ICE detainees (three Level I, two Level II, and one Level III) at FCADC to assist in assessing detainee health and welfare, as well as to get a sample of common complaints, if any. None of the detainees complained about recreation, food service, telephone access, religious services, visitation, or the law library. The six detainees stated they did not know who their deportation officer was, but stated ICE personnel visit FCADC once a week to speak with any detainees who have questions about their cases. ODO confirmed there was no visitation schedule posted in the dayroom to indicate which ICE officer is scheduled to visit.

One detainee stated he has issues with medical care. He stated his ears are always plugged and he cannot hear normally. He claimed medical staff only gives him ear drops, which did not appear to help. ODO forwarded the detainee information to the Creative Corrections (CC) medical subject matter expert (SME) for further review. The SME advised ODO after reviewing the detainee's medical file that the detainee was, in fact, receiving adequate treatment.