
ICE Detention Standards Compliance Review

Johnson County Law Enforcement Center

October 7-9, 2008

REPORT DATE – October 16, 2008



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

b6 [redacted] Executive Vice President
Creative Corrections
6415 Calder, Suite B
Beaumont, TX 77706

b6 [redacted] COTR
U.S. Immigration and Customs Enforcement
Detention Standards Compliance Unit
801 I Street NW
Washington, DC 20536

~~FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)~~



October 16, 2008

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

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

SUBJECT: Johnson County Law Enforcement Center
Initial Detention Review

Creative Corrections conducted an Initial Detention Review of the Johnson County Law Enforcement Center, operated by Community Education Centers (CEC), and located in Cleburne, Texas on October 7-9, 2008.

As noted on the attached documents, the team of Subject Matter Experts (SME) included [REDACTED] SME for Health Services; [REDACTED] SME for Safety; [REDACTED] SME for Security; and [REDACTED] SME for Food Service.

A closeout meeting was conducted on October 9, 2008 with CEC Warden [REDACTED]; Johnson County Sheriff Bob Alford; Supervisory Detention and Deportation Officer [REDACTED]; CEC Special Assistant to the Regional Director [REDACTED] and other key staff. Deficiencies, concerns, areas of strength, and other findings were discussed at this meeting.

Type of Review

This review was a scheduled Initial Detention Standard Review to determine general compliance with established Immigration and Customs Enforcement (ICE) National Detention Standards for potentially housing ICE detainees pending further review or removal.

Review Summary

CEC began management of the Johnson County Law Enforcement Center only five weeks prior to this review but has made significant progress implementing new policy and procedures, hiring and transitioning detention staff from the Sheriff's Department, and integrating into the local law

enforcement community. The facility has a rated capacity of 776, an average daily population of 465, houses both male and female inmates, and presently has an unoccupied 184-bed unit.

The facility currently is not accredited by the American Correctional Association (ACA), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or the National Commission on Correctional Health Care (NCCHC).

Standards Compliance

The following information summarizes the standards reviewed and the overall compliance for this review.

| <u>October</u> | <u>2008</u> |
|-----------------------|--------------------|
| Compliant | 35 |
| Deficient | 1 |
| At-Risk | 0 |
| Not-Applicable | 2 |

Key and Lock Control – Deficient

ICE Detention Standard requires the facility to maintain an efficient system for the use, accountability, and maintenance of all keys and locks.

- The Security Officer, or equivalent in IGSA's, has not attended an approved locksmith training program.
- The Security Officer, or equivalent in IGSA's, does not maintain inventories of all keys, locks, and locking devices.
- Procedures are not in place to ensure all key rings are identifiable and the numbers of keys are cited.
- Emergency Keys are not available for all areas of the facility.
- The facility does not use a key accountability system.

Recommendation

The Security Officer designee should attend an approved locksmith training program for associated certification. The trained security specialist should ensure that inventories are maintained on all keys, locks, and locking devices. Key rings should be easily identifiable via a numeric or alphabetic designation affixed to the ring itself and the number of keys on each ring should also be clearly noted on each ring. Emergency keys should be available for all areas of the facility. Finally, all keys should be individually accounted for on a daily basis.

RIC Observations

Best Practices

CEC Policy

CEC Policy is comprehensive and well written. Local policies closely align with ICE Detention Standards and include specific procedures or operational directives relevant to ICE detainees.

Inmate Handbook

The facility's handbook is comprehensive and offers a wide variety of useful information for new detainees participating in orientation. The handbook has sections specific to ICE detainees and is provided in both English and Spanish versions.

Recommended Rating and Justification

It is the Reviewer-in-Charge (RIC) recommendation that the facility receive a rating of "Acceptable." It is also recommended by the RIC that a Plan of Action be required for this facility to identify and implement necessary corrective actions for the noted deficiency.

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
 October 7-9, 2008

C. Previous/Most Recent Facility Review

Date[s] of Last Facility Review
 Initial
 Previous Rating
 Superior Good Acceptable Deficient At-Risk

D. Name and Location of Facility

Name
 Johnson County Law Enforcement Center
 Address (Street and Name)
 1800 Ridgemar
 City, State and Zip Code
 Cleburne, Texas 76031
 County
 Johnson
 Name and Title of Chief Executive Officer (Warden/OIC/Superintendent)
 b6,b7c Warden
 Telephone # (Include Area Code)
 817 b6,b7c
 Field Office / Sub-Office (List Office with oversight responsibilities)
 Dallas, Texas
 Distance from Field Office
 37 miles

E. Creative Corrections Review Team

b6,b7c Reviewer-in-Charge
 b6,b7c SME Security
 b6 SME Health Services
 b6 SME Food Service
 b6,b7c SME Safety and Occupational Health

F. CDF/IGSA Information Only

Contract Number
 J-D77-M-732
 Date of Contract or IGSA
 March 20, 1989
 Basic Rates per Man-Day
 \$54.00
 Other Charges: (If None, Indicate N/A)
 \$18.00 per hour/Guard Services
 Estimated Man-days Per Year
 24

G. Accreditation Certificates

List all State or National Accreditation[s] received:
 Texas Commission on Jail Standards
 Check box if facility has no accreditation[s]

H. Problems / Complaints (Copies must be attached)

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

I. Facility History

Date Built
 1988
 Date Last Remodeled or Upgraded
 2006
 Date New Construction / Bedspace Added
 n/a
 Future Construction Planned
 Yes No Date:
 Current Bedspace
 776
 Future Bedspace (# New Beds only)
 Number: n/a Date:

J. Total Facility Population

Total Facility Intake for previous 12 months
 9420
 Total ICE Mandays for Previous 12 months
 0

K. Classification Level (ICE SPCs and CDFs Only)

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

I. Facility Capacity

| | Rated | Operational | Emergency |
|--------------|-------|-------------|-----------|
| Adult Male | 680 | 680 | 680 |
| Adult Female | 96 | 96 | 96 |

Facility holds Juveniles Offenders 16 and older as Adults

M. Average Daily Population

| | ICE | USMS | Other |
|--------------|-----|------|-------|
| Adult Male | 0 | 0 | 369 |
| Adult Female | 0 | 0 | 96 |

N. Facility Staffing Level

Security: b2High Support:

~~FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)~~

Significant Incident Summary Worksheet

For ICE to complete its review of your facility, the following information must be completed prior to the scheduled review dates. The information on this form should contain data for the past twelve months in the boxes provided. The information on this form is used in conjunction with the ICE Detention Standards in assessing your Detention Operations against the needs of the ICE and its detained population. This form should be filled out by the facility prior to the start of any inspection. Failure to complete this section will result in a delay in processing this report and the possible reduction or removal of ICE' detainees at your facility.

| <i>Incidents</i> | <i>Description</i> | Jan – Mar | Apr – Jun | Jul – Sept | Oct – Dec |
|--|--|-----------|-----------|------------|-----------|
| Assault: Offenders on Offenders ¹ | Types (Sexual ² , Physical, etc.) | 0 | 0 | sl | 0 |
| | With Weapon | 0 | 0 | 0 | 0 |
| | Without Weapon | 0 | 0 | 0 | 0 |
| Assault: Detainee on Staff | Types (Sexual Physical, etc.) | 0 | 0 | 0 | 0 |
| | With Weapon | 0 | 0 | 0 | 0 |
| | Without Weapon | 0 | 0 | 0 | 0 |
| Number of Forced Moves, incl. Forced Cell moves ³ | 2 | 1 | 3 | 1 | |
| Disturbances ⁴ | 0 | 0 | 1 | 0 | |
| 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 | 6 | 5 | 4 |
| | Type (C=Chair, B=Bed, BB=Board, O=Other) | c | c | c | c |
| Offender / Detainee Medical Referrals as a result of injuries sustained. | | 12 | 14 | 13 | 7 |
| Escapes | Attempted | 0 | 0 | 1 | 0 |
| | Actual | 1 | 0 | 0 | 0 |
| Grievances: | # Received | 90 | 78 | 84 | 104 |
| | # Resolved in favor of Offender/Detainee | 5 | 5 | 4 | 8 |
| 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 | 45 | 48 | 46 | 55 |
| | # Psychiatric Cases referred for Outside Care | 4 | 5 | 3 | 3 |

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.

~~FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)~~

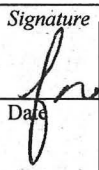
| DHS/ICE Detention Standards Review Summary Report | | | | | | |
|---|--|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Acceptable | 2. Deficient | 3. At Risk | 4. Repeat Finding | 5. Not Applicable | | |
| Legal Access Standards | | 1. | 2. | 3. | 4. | 5. |
| 1. | Access to Legal Materials | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. | Group Presentations on Legal Rights | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3. | Visitation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4. | Telephone Access | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Detainee Services | | | | | | |
| 5. | Admission and Release | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 6. | Classification System | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 7. | Correspondence and Other Mail | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 8. | Detainee Handbook | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 9. | Food Service | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 10. | Funds and Personal Property | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. | Detainee Grievance Procedures | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 12. | Issuance and Exchange of Clothing, Bedding, and Towels | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 13. | Marriage Requests | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. | Non-Medical Emergency Escorted Trip | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 15. | Recreation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 16. | Religious Practices | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 17. | Voluntary Work Program | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Health Services | | | | | | |
| 18. | Hunger Strikes | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 19. | Medical Care | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 20. | Suicide Prevention and Intervention | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 21. | Terminal Illness, Advanced Directives and Death | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Security and Control | | | | | | |
| 22. | Contraband | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 23. | Detention Files | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | Disciplinary Policy | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 25. | Emergency Plans | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 26. | Environmental Health and Safety | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 27. | Hold Rooms in Detention Facilities | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 28. | Key and Lock Control | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 29. | Population Counts | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 30. | Post Orders | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 31. | Security Inspections | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 32. | Special Management Units (Administrative Segregation) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 33. | Special Management Units (Disciplinary Segregation) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 34. | Tool Control | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 35. | Transportation (Land management) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 36. | Use of Force | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 37. | Staff / Detainee Communication (Added August 2003) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 38. | Detainee Transfer (Added September 2004) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

All findings (Deficient and At-Risk) require written comment describing the finding and what is necessary to meet compliance.

~~FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)~~

RIC Review Assurance Statement

By signing below, the Reviewer-In-Charge (RIC) certifies that all findings of noncompliance with policy or inadequate controls contained in the Inspection Report are supported by evidence that is sufficient and reliable. Furthermore, findings of noteworthy accomplishments are supported by sufficient and reliable evidence. Within the scope of the review, the facility is operating in accordance with applicable law and policy, and property and resources are efficiently used and adequately safeguarded, except for the deficiencies noted in the report.

| | |
|--|--|
| Reviewer-In-Charge: (Print Name) b6,b7c | Signature  |
| Title & Duty Location | Date October 12, 2008 |
| Reviewer-in-Charge | |

| Team Members | |
|--|--|
| Print Name, Title, & Duty Location b6 Health Services | Print Name, Title, & Duty Location b6,b7c Security |
| Print Name, Title, & Duty Location b6 Food Service | Print Name, Title, & Duty Location b6,b7c Safety and Environmental Health |

Recommended Rating:

- Superior
- Good
- Acceptable
- Deficient
- At-Risk

Comments:

Community Education Centers (CEC) assumed management of the Johnson County Law Enforcement Center on September 1, 2008. The facility was previously managed by the Johnson County Sheriffs Department. The facility was clean, orderly, and CEC has made significant progress implementing new policy and procedures in a short period of time.

On April 17, 2008, b6,b7c, an inmate confined at the Johnson County Law Enforcement Center on a felony charge of Accident Involving Injury/Death Enhanced, escaped from custody by b2High Inmate b6,b7c was designated a trustee prior to his escape and was working in the booking area. b6,b7c was later apprehended by US Marshals in the Fort Worth, Texas, area without incident. Johnson County Sheriffs Department and CEC have implemented measures to review trustee's assignments, improve tool accountability, and ensure closer supervision of inmate workers.

Note: (1) The "sexual assault" listed on the Significant Incident Summary Worksheet was not substantiated after investigation, (2) the incident listed under "disturbances" was a physical altercation between a small group of inmates, (3) the attempted escape was an incident which occurred on July 26, 2008, when staff discovered a b2High b6,b7c, b2High b6,b7c was charged in this incident. (4) The numbers listed under "Offender/Detainee Medical Referrals as a result of injuries sustained" includes all referrals to the medical department, this would include falls, work injuries, and other injuries not necessary associated with physical altercations.

~~FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)~~

MANAGEMENT REVIEW

Review Authority

The signature below constitutes review of this report and acceptance by the Review Authority. FOD/OIC/CEO will have **30 days** from receipt of this report to respond to all findings and recommendations.

| | |
|--|-----------------------|
| HQDRO MANAGEMENT REVIEW: (Print Name) b6,b7c | Signature b6,b7c |
| Title Acting Chief, Detention Compliance Unit | Date Dec. 17, 2008 |

- Final Rating: Superior
 Good
 Acceptable
 Deficient
 At-Risk

Comments: The Review Authority concurs with the recommended rating of "Acceptable". A Plan of Action is needed to address the Key and Lock Control, Access to Legal Materials, Environmental Health and Safety, and Security Inspections standards.