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Immigration and Customs Enforcement  
Office of Professional Responsibility  
Management Inspections and Detention Oversight  
Washington, DC 20536-5501

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## Office of Detention Oversight Compliance Inspection

Enforcement and Removal Operations  
Chicago Field Office  
Jefferson County Justice Center  
Mount Vernon, Illinois

June 5 – 7, 2012

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**COMPLIANCE INSPECTION  
JEFFERSON COUNTY JUSTICE CENTER  
CHICAGO 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 Jefferson County Justice Center (JCJC) in Mount Vernon, Illinois, from June 5 – 7, 2012. JCJC, which opened in 2004, is owned by Jefferson County and operated by the Jefferson County Sheriff. U. S. Immigration and Customs Enforcement (ICE), Office of Enforcement and Removal Operations (ERO), began housing detainees at JCJC in April 2009 under an Intergovernmental Service Agreement (IGSA) between ICE and Jefferson County. Male and female detainees of all three 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. JCJC has a total capacity of 249, with 110 beds dedicated to ICE detainees. At the time of the CI, JCJC housed 109 detainees (104 male; 5 female). The average daily detainee population is 106. The average length of stay for detainees is approximately 10 days. Food Service is provided under contract by Aramark. Medical care is provided by JCJC. The facility holds no accreditations.

The ICE, ERO Field Office Director, Chicago, Illinois (FOD Chicago), is responsible for ensuring facility compliance with ICE policies and the National Detention Standards (NDS). ICE has no personnel permanently stationed at the facility. An Assistant Field Office Director (AFOD) physically located at the FOD Chicago office has oversight responsibility at JCJC. An ICE Detention Service Manager (DSM) based at FOD Chicago conducts oversight visits at the JCJC two weeks per month. A Deportation Officer (DO), also based at FOD Chicago, visits JCJC twice each year. The DO also performs a collateral duty as a Detention Standards Compliance Officer which encompasses oversight of 27 jails, coordinating facility inspections and preparation of plans of action to resolve deficient findings and achieve compliance with detention standards. Both the DSM and DO were present at the facility during the inspection.

The Jefferson County Sheriff is the highest ranking official at JCJC and is responsible for oversight of daily operations. In addition to the Sheriff, supervisory staff at JCJC includes a Jail Administrator and (b)(7) lieutenants. The total number of non-ICE staff, including supervisory personnel, is (b)(7) including (b)(7) part-time positions.

In March 2011, ODO conducted a Quality Assurance Review at JCJC. Of the 28 standards reviewed, 14 were in full compliance. The remaining 14 standards accounted for 40 confirmed deficiencies. There was no follow-up inspection subsequent to the March 2011 QAR.

In August 2011, ERO Detention Standards Compliance Unit contractor MGT of America, Inc., conducted an annual review of the ICE NDS at JCJC. The facility received an overall rating of “Acceptable” and was found to be in compliance with all 37 standards reviewed.

During this CI, ODO reviewed 17 NDS. Nine standards were determined to be fully compliant. Thirteen deficiencies were identified in the following eight standards: Access to Legal Material (1 deficiency), Admission and Release (3), Detainee Handbook (1), Detainee Transfers (1), Environmental Health and Safety (2), Medical Care (1), Recreation (3), and Use of Force (1).

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 13 identified deficiencies. These deficiencies were discussed with JCJC personnel onsite during the inspection as well as during the closeout briefing conducted on June 7, 2012.

Overall, ODO found JCJC to be well-managed and in compliance with the standards inspected. ODO observed the booking area at JCJC, and interviewed ICE and JCJC staff. A Corrections Officer (CO) performs multiple duties in the booking area such as medical screenings, body searches for contraband, inventory of property, and issuance of clothing, bedding, towels and hygiene supplies. This area appears to be understaffed, and ODO recommends that additional personnel be assigned. ODO confirmed that English versions of the facility-specific detainee handbook are available for detainees, but Spanish versions are not. JCJC staff stated that a Spanish version of the detainee handbook was available in the past, but due to a delay while facility management is working on revisions, copies of the previous version were depleted, which has resulted in no Spanish versions of the facility handbook being available to Spanish speaking detainees. JCJC management stated the revised Spanish facility handbook is in draft phase and is not ready for distribution; however, the Spanish version of the ICE National Detainee Handbook remains available and is provided to Spanish speaking detainees upon request.

JCJC has a designated law library with three computers for detainee use. There is also a computer in the Special Management Unit (SMU) for use by detainees assigned to segregation. A current version of Lexis-Nexis is installed on each of the four computers. The law library schedule is conspicuously posted in all housing units. During the CI, ODO observed that the rules and procedures governing access to legal materials were not posted in the law library.

Detainees have the opportunity to file grievances and appeal grievance decisions, and grievance forms are available in every housing unit. A designated lieutenant serves as the Grievance Coordinator. Consistent with JCJC policy, staff is encouraged to resolve all grievances informally. ODO confirmed that established timelines are adhered to in processing and resolving grievances. ODO reviewed grievance log books, interviewed detainees and JCJC staff relative to the filing of grievances. ICE detainees filed no grievances during the 12 months preceding the ODO inspection.

Overall, ODO found the sanitation of the facility acceptable. ODO confirmed that JCJC has a system for storing, issuing, and maintaining inventories of hazardous materials. Material Safety Data Sheets and a master index of chemicals are available and complete, and ODO examined documentation of review produced in accordance with the standard. Reports for water, pest control, generator testing and maintenance are current and readily available. ODO review of the fire prevention, protection and suppression plan confirmed it is current and has been approved by the local fire department. Monthly fire drills are conducted on each shift, and documentation is on file; however, emergency keys are not drawn and tested as part of the drills. Verifying the operability of emergency keys assists efficient egress in the event of an emergency necessitating evacuation.

ODO review of the Food Service NDS at JCJC confirmed that detainees are provided with a nutritious and balanced diet in a sanitary manner. Food service staff consists of a food service administrator, (b)(7)e cook supervisors and (b)(7)e person crew comprised of ICE detainees and county inmates. ODO verified all workers receive medical clearance to work in food service. Inspection of the food service area confirmed chemicals and utensils are properly controlled, sanitation is maintained, and food temperature requirements are met. Religious and medical diets are provided. ODO confirmed that a registered dietitian from Aramark reviews and certifies all menus. No deficiencies were identified in food service.

Medical personnel employed by the Jefferson County Sheriff's Office provide healthcare at JCJC. The clinic is open from 7 a.m. until 12:30 a.m., seven days a week, and is managed by a nurse supervisor (NS) who is a licensed practical nurse (LPN). Medical oversight is provided by a part-time physician who is on-site six to eight hours once a week, and a part-time physician assistant (PA), also on-site six to eight hours once a week. Additional staff includes (b)(7)e certified nursing assistants (CNA) and an emergency medical technician (EMT). A dentist from the local community provides dental care. Mental health services are provided by Jefferson County Comprehensive Services (JCCS). Round-the-clock on call coverage is provided as needed by the physician, PA, and JCCS. All professional licenses are current and have been primary source verified with the issuing agency for authentication purposes. The NS stated there are (b)(7)e vacancies for part-time positions which can be filled by an LPN, a CNA, or an EMT. The NS stated part-time staff hours are capped at 950 hours per year with overtime, which contributes to a high turnover rate within the medical unit. The NS stated that demands related to recruitment, hiring and training are considerable, and delivery of health care services could be enhanced and coverage extended by increasing staff hours.

ODO verified nursing staff conducted medical and mental health intake screening upon detainee arrival in all 25 medical records reviewed. Detainees with acute or chronic care issues were appropriately addressed in a timely manner. Screening for signs and symptoms of tuberculosis is conducted during the intake process, followed by chest x-ray to confirm the presence or absence of TB. ODO review of medical records confirmed a physical exam is performed in all cases within the requisite 14-day window. Detainees access health care services by completing sick call request slips available in English and Spanish. The slips are placed in locked boxes in the housing units and retrieved by nursing staff when medication is distributed, which occurs twice daily (morning and evening). ODO was unable to verify timely determination of priority for care, because receipt and triage dates were not consistently recorded. Of 20 sick call request slips reviewed, nine did not document the date received and triaged. One sick call request documented the date received and triaged; however the recorded date was six days after the date of submission documented on the slip by the detainee. Two sick call clinics are held each week: one by the physician and one by the PA. The NDS requires sick call to be held a minimum of three times per week for detainee populations of 50 to 200. ODO verified follow-up appointments and referrals were completed as indicated.

JCJC does not provide outdoor recreation; however, an indoor recreation area is available that provides detainees with access to fresh air and natural light. JCJC has no staff assigned to develop and oversee the recreation program. This deficiency is repeated from the March 2011

ODO inspection. ODO also observed that the indoor recreation area had no fixed or movable exercise equipment and there was no established JCJC policy governing television viewing. During interviews, ICE detainees expressed concern that because there is only one television in each housing unit, disagreements regarding television viewing could result in verbal or physical altercations. ODO confirmed there have been no documented instances of physical altercations resulting from disputes over television-viewing.

There is no ICE staff permanently stationed at the facility. Immigration Enforcement Agents (IEA) from the ERO Office in St. Louis, Missouri (ERO St. Louis), visit JCJC a minimum of once a week. Supervisory Detention and Deportation Officers (SDDO) from FOD Chicago visit a minimum of once a month on a rotating basis. The Assistant Field Office Director (AFOD) from FOD Chicago conducts unscheduled and unannounced visits to the facility annually, the last visit having occurred in August 2011. ODO confirmed through a review of visitation logbooks that the most recent AFOD visit occurred in August 2011. All ICE visits are documented by JCJC in the general visitation logbook. During the weekly and monthly visits, an IEA and SDDO assess the living conditions of detainees, visit housing units, check for cleanliness, ensure healthcare is provided, ensure that required postings are present within the housing units, verify that telephones are in working order, and confirm that detainees are receiving recreation, and meals are provided in accordance with the ICE NDS.

Detainees are provided the opportunity to submit requests to JCJC personnel and ICE staff. Detainee request forms are available in the housing units. Requests from detainees are processed by the JCJC ICE Liaison. The JCJC ICE Liaison, who is a lieutenant employed by JCJC, coordinates the delivery, handling, and tracking of all requests made by detainees to ICE related to their immigration cases. Requests are documented in a logbook that notes the date a request is received and the date a response is provided. Responses are provided by ICE staff to the JCJC ICE Liaison, who provides the response to the ICE detainee. ODO confirmed through a review of the request logbook that detainee requests are addressed within 72 hours.

JCJC management has written procedures in place to temporarily segregate detainees for administrative and disciplinary reasons. There were no cases of ICE detainees being placed in administrative or disciplinary segregation due to the short average length of stay at JCJC, and no detainees were in the SMU for administrative or disciplinary reasons at the time of the inspection. ODO confirmed both the Disciplinary SMU and the Administrative SMU are well ventilated, adequately lit, appropriately heated, and maintained in a sanitary condition.

ODO confirmed the ratio of one telephone per eight detainees in each housing unit provides ample access to telephones and complies with the NDS. Telephones in the housing units are installed, maintained and serviced under contract with Combined Public Communications. ODO checked all telephones in detainee housing units and confirmed they were all in good working order.

There have been no use-of-force incidents involving ICE detainees since the March 2011 ODO inspection. There were no documented cases of use of the restraint chair or restraint board for a detainee. Non-lethal weapons maintained by JCJC include bean bag munitions, oleoresin

capsicum (OC) spray, and tasers (an electro-muscular disruption device). All non-lethal weapons are stored in the JCJC Control Center and are authorized by JCJC policy; however, there is a memorandum from the Sheriff attached to the policy that prohibits the use of non-lethal force devices on ICE detainees.

Detainees can send and receive mail, have visitation privileges, and are offered religious services at JCJC.

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

ODO reviewed the processes employed at JCJC 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 the 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 JCJC.

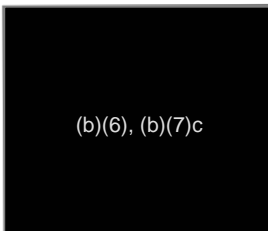
## REPORT ORGANIZATION

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 PBNDS, ICE policy, or operational procedure. OPR defines an area of concern as something that may lead to or risk a violation of the PBNDS, 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



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 JCJC Sheriff, Jail Administrator, the ERO DSM and the Deportation Officer who serves as the Detention Standards Compliance Officer responsible for oversight of the facility. During the interviews, all personnel stated that the working relationship between ICE and JCJC is good, and morale is high. The Sheriff and Jail Administrator stated that staffing levels at JCJC were recently increased to meet mission requirements.

The JCJC Sheriff stated that the facility has held discussions with ICE concerning providing sufficient notice when detainees require escorts and transfers. This accommodation from FOD Chicago will assist JCJC with scheduling staff and resources. The JCJC Jail Administrator stated that facility management identified staff shortages as an issue impacting daily jail operations. As a remedy, JCJC increased the minimum number of detention officers from four to six on each shift. Additionally, JCJC management is negotiating with the local union to establish additional part-time positions to assist with the daily operation of the facility, the detainee population, and detainee escorts and transfers. In the interim, the facility continues to use overtime pay to provide the human resources necessary to meet these needs. ODO notes that the Executive Office for Immigration Review (EOIR) is working toward placing an Immigration Judge at the facility to conduct immigration hearings. The current DSM stated that since he entered on duty in April 2012, there has been steady improvement in compliance with the NDS. ODO observed positive interactions between facility and ICE staff.

### DETAINEE RELATIONS

ODO randomly selected 12 detainees (8 males; 4 females) to assess the overall living and detention conditions at JCJC. Three detainees complained about unresolved medical requests. The medical SME reviewed these complaints and found that medical care concerns had been addressed appropriately.

Overall, detainees stated they were treated with dignity and respect. All detainees stated that due to the lack of exercise equipment available in the indoor recreation area, offers for recreation are sometimes declined. JCJC provides no outdoor recreation. Detainees stated they had regular access to law libraries and that medical staff was attentive and responsive to their needs. Detainees can send and receive mail, access telephones, and file grievances and requests. None of the detainees interviewed had ever filed a grievance. Four female detainees stated they were provided detainee handbooks in English and requested that these books be made available in Spanish. ODO confirmed that JCJC did not provide Spanish versions of the handbook to Spanish-speaking detainees due to a delay in the ongoing revision of the Spanish version of the detainee handbook.

During the review of the Admission and Release NDS, female detainees stated they did not receive an adequate quantity of feminine hygiene supplies such as sanitary napkins. ODO confirmed this during a review of detention files. When this was brought to the attention of

JCJC staff, the hygiene items were immediately provided to the female detainees. Although, several detainees complained about food portions, lack of quality, and menu variety, ODO confirmed a registered dietitian from Aramark reviews and certifies all menus. ICE detainees also communicated dissatisfaction in the housing units with respect to television viewing. ICE detainees, who are predominantly Spanish speaking, want to view Spanish programming, while English-speaking inmates prefer programming in English. Currently, there is one television in each housing unit; detainees suggest the placement of two televisions in each housing unit as a remedy.

## ICE NATIONAL DETENTION STANDARDS

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

- Detainee Classification System
- Detainee Grievance Procedures
- Food Service
- Funds and Personal Property
- Special Management Unit (Administrative Segregation)
- Special Management Unit (Disciplinary Segregation)
- Suicide Prevention and Intervention
- Staff-Detainee Communication
- Telephone Access

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

ODO found deficiencies in the following eight standards:

- Access to Legal Material
- Admission and Release
- Detainee Handbook
- Detainee Transfers
- Environmental Health and Safety
- Medical Care
- Recreation
- Use of Force

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

## **ACCESS TO LEGAL MATERIAL (ALM)**

ODO reviewed the Access to Legal Material standard at JCJC to determine if detainees have access to a law library, legal materials, courts, counsel and document copying equipment to facilitate the preparation of legal documents, in accordance with the ICE NDS. ODO reviewed policies, procedures, and the detainee handbook, inspected the area designated for law library use, and interviewed staff and detainees.

The law library is located in a quiet room with sufficient furnishings, equipment and supplies to support effective legal research and case preparation. There are three computers in the main law library, and one computer in the SMU for use by detainees assigned to segregation. ODO verified the Lexis-Nexis version installed on computers is current. The law library schedule is posted in all housing units. Interviews of four detainees confirmed all were aware of the law library location and access procedures.

JCJC's detainee handbook informs detainees about the availability of legal materials and procedures for requesting law library access. The handbook does not address procedures for requesting time in the law library beyond the five hours per week minimum. In addition, the rules and procedures governing access to legal materials were not posted in the law library area (**Deficiency ALM-1**).

## **STANDARD/POLICY REQUIREMENT FOR DEFICIENT FINDINGS**

### **DEFICIENCY ALM-1**

In accordance with the ICE NDS, Access to Legal Material, section (III)(Q), the FOD must ensure the detainee handbook or equivalent, shall provide detainees with the rules and procedures governing access to legal materials, including the following information:

1. that a law library is available for detainee use;
2. the scheduled hours of access to the law library;
3. the procedure for requesting access to the law library;
4. the procedure for requesting additional time in the law library (beyond the 5 hours per week minimum);
5. the procedure for requesting legal reference materials not maintained in the law library;  
and
6. the procedure for notifying a designated employee that library material is missing or damaged.

These policies and procedures shall also be posted in the law library along with a list of the law library's holdings.

## ADMISSION AND RELEASE (AR)

ODO reviewed the Admission and Release standard at JCJC to determine if procedures are in place to protect the health, safety, security and welfare of each person during the admission and release process, in accordance with the ICE NDS. ODO reviewed policies and detention files, observed the admission and release process, and interviewed staff and detainees.

JCJC has written policies and procedures to protect the health, safety, security and welfare of each person during the admission and release process. ODO toured the facility and observed the Booking Unit is staffed and operates with (b)(7)e Corrections Officer (CO) assigned to the booking area during the admission of detainees. During the admission process, male and female detainees undergo medical screening, searches for contraband are conducted via pat-down searches, personal property is inventoried and stored, and clothing, bedding, towels and hygiene supplies are issued. ODO believes the booking area is understaffed based on the fact that one officer is solely responsible for conducting all of the above duties.

ODO interviewed eight detainees (four male and four female) who were processed for admission during the early morning hours of June 6, 2012. The male detainees stated they did not receive sheets, blankets, pillows, undergarments, or socks. The female detainees stated they were not provided bras and socks (**Deficiency AR-1**). ODO reviewed the detention files of these detainees and confirmed that detainees had signed for items they did not receive upon admission. JCJC staff stated there was a delay in providing these items due to an inadequate inventory of these items when these detainees were admitted. This issue was brought to the attention of JCJC management. JCJC received a replenishment of these items mid-morning that same day, and ODO confirmed the items were provided to the detainees at that time.

Personal hygiene items are gender specific and are provided to detainees upon admission; however, the four female detainees interviewed were not immediately provided with female sanitary napkins upon admission (**Deficiency AR-2**). JCJC staff was made aware of this issue, and the hygiene items were immediately provided to the detainees. JCJC staff stated these hygiene items are often hoarded by inmates and detainees who do not have an immediate use for these items; therefore, the items are normally distributed as needed or upon request. During the March 2011 ODO Quality Assurance Review (QAR), ODO identified a similar issue relating to hygiene supplies not being replenished in a sufficient quantity.

During admission, detainees are provided a video orientation in English. The video has Spanish subtitles but no Spanish audio. ODO observed three detainees watching the video, who were later found to be illiterate. JCJC does not provide any other medium to assist detainees during the orientation process (**Deficiency AR-3**). JCJC staff stated that an updated orientation video is in production that will be available with Spanish audio.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY AR-1**

In accordance with the ICE NDS, Admission and Release, section (III)(A)(2), the FOD must ensure staff will issue every arriving detainee personal-hygiene items, clothing, sheets and blankets appropriate for local weather conditions (see the “Issuance of Clothing, Bedding, and Towels” Standard).

### **DEFICIENCY AR-2**

In accordance with the ICE NDS, Admission and Release, section (III)(G), the FOD must ensure staff shall provide male and female detainees with the items of personal hygiene appropriate for, respectively, men and women. They will replenish supplies as needed.

### **DEFICIENCY AR-3**

In accordance with the ICE NDS, Admission and Release, section (III)(J), the FOD must ensure all facilities shall have a medium to provide INS detainees an orientation to the facility. In IGSA the INS office of jurisdiction shall approve all orientation procedures.

## **DETAINEE HANDBOOK (DH)**

ODO reviewed the Detainee Handbook standard at JCJC to determine if the facility provides each detainee with a handbook, written in English and any other languages spoken by a significant number of detainees housed at the facility, describing the facility's rules and sanctions, disciplinary system, mail and visiting procedures, grievance system, services, programs, and medical care, in accordance with the ICE NDS. ODO reviewed the detainee handbook and detention files, and interviewed staff and detainees.

JCJC routinely provides detainees a handbook upon admission to the facility describing facility rules and regulations as well as the services and programs available to detainees. ODO reviewed 15 randomly-selected detention files and confirmed detainees sign an acknowledgement form verifying receipt of the detainee handbook. The detainee handbook is revised every year. The facility-specific detainee handbook is available in English but not Spanish; however, the ICE National Detainee Handbook is provided to Spanish speaking detainees (**Deficiency DH-1**). JCJC staff stated that a Spanish version of the detainee handbook was available in the past; however, due to a delay while the facility is working on a revision of the Spanish detainee handbook, copies of the previous version were depleted, which has resulted in no Spanish versions of the handbook being available to Spanish speaking detainees. JCJC management stated the revision of the Spanish detainee handbook is in draft phase and is not ready for distribution. JCJC management provided no time frame for completion.

An additional deficiency relating to an omission from the detainee handbook is also noted under **Deficiency ALM-1**.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY DH-1**

In accordance with the ICE NDS, Detainee Handbook, section (III)(E), the FOD must ensure the handbook will be written in English and translated into Spanish and, if appropriate, into the next most-prevalent language(s) among the facility's detainees.

## **DETAINEE TRANSFERS (DT)**

ODO reviewed the Detainee Transfers standard at JCJC to determine if transfers of detainees from one facility to another are responsibly managed in regard to notification, detention records, safety and security, and protection of detainee funds and property, in accordance with the ICE NDS. ODO toured the booking area, interviewed staff, observed detainee processing, and reviewed policy, procedures, and detainee files.

ODO verified funds and personal property belonging to detainees are inventoried during the intake process. Documentation of inventoried items is maintained in detention files and electronically in the JCJC computer system. During review of the randomly-selected detention files of ten detainees transferred from JCJC, ODO found no documentation confirming their funds and property were transferred with them. Review of the computer system confirmed the property records were closed at the time of transfer; however, no documentation of return to the detainees could be produced (**Deficiency DT-1**). JCJC management stated the funds and property of detainees are returned to them upon transfer though no receipt is generated or signed by the officer or detainee. Documenting disposition of funds and property is critical to assuring accountability, and defending against claims of loss or misappropriation.

ODO review of 25 randomly-selected detainee medical files confirmed all required medical information and medications were transferred as required by the standard.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY DT-1**

In accordance with the ICE NDS, Detainee Transfer, section (III)(E)(1), the FOD must ensure the following items shall always accompany a detainee to the receiving SPC, CDF, or IGSA facility: cash, and small valuables such as jewelry, address books, phone lists, correspondence, dentures, prescription glasses, small religious items, pictures, etc.

A detainee's legal material relating to Immigration proceedings shall always accompany them to the receiving SPC, CDF, or IGSA facility. This includes items such as Notice to Appear, hearing evidence and hearing transcripts.

The detainee should ordinarily have these items in his/her possession during transport. Items that might present a security risk or are particularly bulky shall be separated from the detainee during transport.

Before a detainee is transferred, the sending facility shall return all funds and small valuables to the detainee. All G-589s or local IGSA funds and valuable receipts shall be closed in accordance with the "Funds and Personal Property" standard (section III.G.). The receiving facility shall create a new G-589 or local funds and valuable receipts during in processing according to procedures established in the "Funds and Personal Property" standard (section III.D.).



## **ENVIRONMENTAL HEALTH AND SAFETY (EH&S)**

ODO reviewed the Environmental Health and Safety standard at JCJC 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 policies and documentation of inspections, hazardous chemical management, and fire drills.

The facility has a system for storing, issuing, and maintaining inventories of hazardous materials. Material Safety Data Sheets and a master index of chemicals are available and complete, and ODO examined documentation of review produced in accordance with the standard. Reports for water, pest control, and generator testing and maintenance and are readily available and current. The fire prevention, protection and suppression plan is current and approved by the local fire department. Overall, ODO found the sanitation of the facility acceptable. The food service department was found to be exceptionally clean, though sanitation in the Special Management Units could be improved. Specifically, ODO observed floors had wax build-up in corners and along walls.

During inspection of the facility, ODO found 12 of 20 spray bottles containing chemical cleaning solutions had no label, or the labels were illegible (**Deficiency EH&S-1**). Staff stated cleaning solutions are transferred from larger containers bearing manufacturers' labels. Clear labeling on all containers, including those which are secondary, supports appropriate usage and facilitates proper medical response in the event a solution is intentionally or mistakenly misused.

Monthly fire drills are conducted on each shift and documentation is on file; however, emergency keys are not drawn and tested as part of the drills (**Deficiency EH&S-2**). Verifying the operability of emergency keys assists efficient egress in the event of an emergency necessitating evacuation.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY EH&S-1**

In accordance with ICE NDS, Environmental Health and Safety, section (III)(J)(4), the FOD must ensure placing correct labels on all smaller containers when only the larger shipping container bears the manufacturer-affixed label.

### **DEFICIENCY EH&S-2**

In accordance with ICE NDS, Environmental Health and Safety, section (III)(L)(4)(c), the FOD must ensure emergency-key drills will be included in each fire drill, and timed. Emergency keys will be drawn and used by the appropriate staff to unlock one set of emergency exit doors not in daily use. NFPA recommends a limit of four and one-half minutes for drawing keys and unlocking emergency doors.

## MEDICAL CARE (MC)

ODO reviewed the Medical Care standard at JCJC to determine if detainees have access to healthcare and emergency services to meet health needs in a timely manner, in accordance with the ICE NDS. ODO toured the clinic, observed the dispensation of medication, reviewed policies and procedures, verified all medical staff credentials, and interviewed health care and administrative staff. ODO examined 25 medical records of detainees falling into the following categories: chronic care, suspected TB cases, sick call for May 30, 2012, random healthy, and three detainee complaints (summarized in the detainee interview section of this report). Four female detainee records were reviewed. All records were checked for sick call timeliness and reviewed for transfer documentation.

JCJC holds no accreditations. Medical personnel employed by the Jefferson County Sheriff's Office provide healthcare. The clinic is open from 7 a.m. until 12:30 a.m. seven days a week and is managed by the nurse supervisor (NS) who is a licensed practical nurse (LPN). Medical oversight is provided by a part-time physician who is on-site six to eight hours once a week, and a part-time physician assistant (PA), also on-site six to eight hours once a week. Additional staff includes (b)(7)e certified nursing assistants (CNA) and an emergency medical technician (EMT). A dentist in the community provides dental care. Mental health services are provided by Jefferson County Comprehensive Services (JCCS). Round-the-clock on call coverage is provided as needed by the physician, PA and JCCS. All professional licenses are present and have been primary source verified with the issuing agency for authentication purposes. The NS stated there are (b)(7)e vacancies for part-time positions which can be filled by an LPN, a CNA, or an EMT. The NS stated part-time staff hours are capped at 950 hours per year with overtime, which contributes to a high turnover rate within the medical unit. The NS stated that demands related to recruitment, hiring and training are considerable, and delivery of health care services could be enhanced and coverage extended by increasing staff hours.

The clinic is small with one treatment room and the NS office. The NS office is also used to conduct examinations. There are three negative air flow cells for tuberculosis (TB) isolation located in the booking area. If a language barrier exists, bi-lingual staff or a translation service is used. Detainees who require emergent or a higher level of medical care are sent to Good Samaritan Regional Health Center, located in Mount Vernon, IL. Detainees who require psychiatric hospitalization are sent to St. Mary's Hospital located in Centralia, IL.

ODO verified nursing staff conducted medical and mental health intake screening upon detainee arrival in all 25 medical records reviewed. Detainees with acute or chronic care issues were appropriately addressed in a timely manner. Screening for signs and symptoms of tuberculosis is conducted during the intake process, followed by a chest x-ray (CXR) to confirm the presence or absence of TB. Chest x-rays are an efficient and effective method of TB screening, because they are read immediately and do not require a waiting period. During the review, two detainees with positive CXR were in medical isolation while further testing proceeded. ODO verified appropriate protocols were followed, including notification and involvement by the Jefferson County Health Department.

A physical examination (PE) on each detainee is performed by the physician or PA. The ODO review of medical records verified each PE was performed within the requisite 14-day window.

Detainees access health care services by completing sick call request slips available in English and Spanish. The slips are placed in locked boxes in the housing units and are retrieved by nursing staff when medication is dispensed, which occurs twice daily (morning and evening). ODO was unable to verify timely determination of priority for care, because receipt and triage dates were not consistently recorded. Of 20 sick call request slips reviewed, nine did not document the date received and triaged. One sick call request documented the date received and triaged; however the recorded date was six days after the date of submission documented on the slip by the detainee. Two sick call clinics are held each week: one by the physician and one by the PA. Two sick call clinics are held each week: one by the physician and one by the PA (**Deficiency MC-1**). The NDS requires sick call to be held a minimum of three times per week for detainee populations of 50 to 200. ODO verified follow-up appointments and referrals were completed as indicated.

## **STANDARD POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY MC-1**

In accordance with ICE NDS, Medical Care, section (III)(F), the FOD must ensure each facility will have regularly scheduled times, known as sick call, when medical personnel will be available to see detainees who have requested medical services. Sick call will be regularly scheduled in accordance with the following minimum standards:

1. Facilities with fewer than 50 detainees - a minimum of 1 day per week;
2. Facilities with 50 to 200 detainees - a minimum of 3 days per week;
3. Facilities with over 200 detainees - a minimum of 5 days per week.

The health care provider will review the request slips and determine when the detainee will be seen.

## RECREATION (R)

ODO reviewed the Recreation standard at JCJC to determine if detainees are provided access to recreational programs and activities within the constraints of a safe and secure environment, in accordance with the ICE NDS. ODO toured the indoor recreational areas, housing units and interviewed JCJC staff and ICE detainees.

JCJC does not provide outdoor recreation. An indoor recreation area is available and provides detainees with access to fresh air and natural light. Detainees, including those housed in administrative and disciplinary segregation, are offered recreation one hour per day, seven days per week. Indoor recreational activities include board games, card games, and television-viewing.

During the CI, ODO did not observe detainees using the designated indoor recreation area. A basketball goal was in disrepair and not useable. ODO observed a basketball and several soccer balls lodged between air ducts and the ceiling. JCJC staff stated the facility was considering the purchase of netting to prevent balls from lodging above the air ducts. Eleven of 12 detainees interviewed by ODO stated they have declined offers to use the indoor recreation area, because there is nothing to do there.

JCJC has no staff assigned to develop and oversee the recreation program (**Deficiency R-1**). This deficiency was also identified during the March 2011 ODO inspection. There is no exercise equipment, either fixed or movable, in the indoor recreation area (**Deficiency R-2**). JCJC has no established policy governing television viewing (**Deficiency R-3**). During interviews, ICE detainees expressed concern that because there is only one television in each housing unit, disagreements regarding television viewing could result in verbal or physical altercations. ICE detainees, who are predominantly Spanish speaking, want to view Spanish programming, while English-speaking inmates prefer programming in English. Currently, there is one television in each housing unit; detainees suggest the placement of two televisions in each housing unit as a remedy. Although, ODO concurs with the proposed solution, ODO found no documented incidents of physical altercations resulting from disputes over television-viewing.

## STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS

### DEFICIENCY R-1

In accordance with the ICE NDS, Recreation, section (III)(F), the FOD must ensure all facilities shall have an individual responsible for the development and oversight of the recreation program.

### DEFICIENCY R-2

In accordance with the ICE NDS, Recreation, section (III)(G)(1), the FOD must ensure exercise areas will offer a variety of fixed and movable equipment. Weight training, if offered, will be limited to fixed equipment; free weights are prohibited.

**DEFICIENCY R-3**

In accordance with the ICE NDS, Recreation, section (III)(G)(10), the FOD must ensure that the OIC shall establish facility policy concerning television-viewing in dayrooms. All television-viewing schedules shall be subject to the OIC's approval.

## **USE OF FORCE (UOF)**

ODO reviewed the Use of Force standard at JCJC to determine if necessary use of force is used only after all reasonable efforts have been exhausted to gain control of a subject, while protecting and ensuring the safety of detainees, staff and others, preventing serious property damage, and ensuring the security and orderly operation of the facility, in accordance with the ICE NDS. ODO reviewed local policies, inspected equipment, and interviewed staff.

ODO confirmed there have been no use-of-force incidents involving ICE detainees since the March 2011 ODO inspection. The facility does not use four-point restraints, but does have a restraint chair and restraint board, which have not been used on any detainees. Non-lethal weapons maintained by JCJC include bean bag munitions, oleoresin capsicum (OC) spray, and tasers (an electro-muscular disruption device). All non-lethal weapons are stored in the Control Center and are authorized by JCJC policy; however, there is a memorandum from the Sheriff attached to the policy that prohibits the use of non-lethal force devices on ICE detainees.

JCJC modified its use of force policy following the March 2011 ODO inspection. The policy now differentiates between calculated and immediate force, indicating calculated force incidents are those which afford sufficient time to potentially resolve the situation without resorting to force. ODO verified the facility maintains a hand-held video camera in the control center which is inventoried and checked for operability by the control room officer. Required protective gear is available as required.

The revised use of force policy states detention officers will be trained in the use of force team technique as required by the standard; however, ODO confirmed no training in the use of force team technique has been conducted. ODO review of the use of force training lesson plan confirmed it addressed confrontation avoidance, but it does not cover the use of force team technique (**Deficiency UOF-1**). JCJC staff stated that the Jefferson County Sheriff's Department Hostage Response Team will be called to the facility if a calculated use of force becomes necessary prior to completion of use of force team technique training for JCJC detention officers. ODO recommends that JCJC develop and implement training for detention officers to ensure trained personnel are available to quickly respond, in accordance with the standard and facility policy.

## **STANDARD/POLICY REQUIREMENTS FOR DEFICIENT FINDINGS**

### **DEFICIENCY UOF-1**

In accordance with ICE NDS, section (III)(A)(4)(b), the FOD must ensure staff shall be trained in the use-of-force team technique in sufficient numbers for teams to be quickly convened on all shifts in different locations throughout the facility. To use human resources most effectively, the OIC will provide use-of-force team technique training for all staff members.