

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 Follow-Up Inspection

Enforcement and Removal Operations San Antonio Field Office T. Don Hutto Residential Center Taylor, TX

July 13 - 14, 2011

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INSPECTION PROCESS

An Office of Detention Oversight (ODO) inspection primarily focuses on areas of noncompliance with the Immigration and Customs Enforcement (ICE) National Detention Standards (NDS), the Performance Based National Detention Standards (PBNDS), and the Residential Standards (RS), as applicable. In addition, ODO may focus on the level of management provided by the Office of Enforcement and Removal Operations (ERO) Headquarters and ERO field offices on detention management and 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.

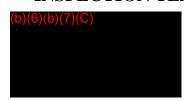
In June 2010, ODO conducted a Quality Assurance Review (QAR) of the T. Don Hutto Residential Center (TDHRC) in Taylor, TX, which is under the jurisdiction of the ERO Field Office Director (FOD), San Antonio, TX (FOD/San Antonio). ICE Residential Standards apply to this facility. This Follow-up Inspection was conducted to determine whether corrective action had been taken to resolve deficiencies identified during the QAR.

REPORT ORGANIZATION

This report documents corrected and remaining deficiencies identified in the QAR report submitted to ERO. A summary of findings is provided in the Overview. Uncorrected deficiencies are detailed under the relevant RS section.

This report documents Follow-up Inspection results, serves as an official record, and is intended to provide senior management with a concise evaluation of compliance with policy and standards. Further, it provides useful feedback on the effectiveness and efficiency of the areas inspected. Comments and questions regarding the report findings should be forwarded to the OPR Deputy Division Director, Office of Detention Oversight.

INSPECTION TEAM MEMBERS



Special Agent (Team Leader) Special Agent Contract Inspector ODO, Houston ODO, Houston MGT of America, Inc.

OVERVIEW

During the June 2010 ODO QAR, a total of 20 deficiencies to be addressed and corrected were found in the following 15 areas:

Admission and Release

Discipline and Behavior Management

Emergency Plans

Funds and Personal Property

Law Libraries and Legal Material

Medical Care

Personal Hygiene

Post Orders

Recreation

Residential Files

Sexual Abuse and Assault Prevention and Intervention

Staff-Resident Communication

Transfer of Residents

Transportation

Visitation

During the Follow-up Inspection, ODO noted three (15%) repeated deficiencies within the following three RS:

Funds and Personal Property

Law Libraries and Legal Material

Medical Care

During this inspection, the Funds and Personal Property and Law Libraries and Legal Material deficiencies were corrected on-site by amendments to the resident handbook. The TDHRC Quality Assurance Manager advised that the resident handbook is undergoing an annual revision and updates, including those noted in this report, will be included in the new handbook. With respect to the Medical Care deficiency, ODO was advised TDHRC is scheduled for accreditation review by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) in October 2011. If received, this accreditation will resolve the remaining deficiency.

ICE RESIDENTIAL STANDARDS

FUNDS AND PERSONAL PROPERTY

ODO identified one deficiency in this area during the QAR. The deficiency had not been corrected.

ODO QAR Finding: In accordance with the ICE RS, Funds and Personal Property, section (V)(3)(d), the FOD must ensure the resident handbook or equivalent shall notify the residents of facility policies and procedures concerning personal property, including: The procedure for claiming their property upon release, transfer, or removal.

The QAR stated that "TDHRC's handbook does not notify residents of policies and procedures on how to obtain a certified copy of identity documents, claiming property upon release, or filing a claim for lost or damaged property."

ODO Follow-Up Finding: ODO reviewed the TDHRC handbook and determined the facility handbook includes information on how to obtain a certified copy of identity documents and how to claim property upon release. However, the TDHRC handbook does not advise residents of the procedures for claiming personal property upon release, transfer or removal. The facility corrected this deficiency on-site with an addendum to the TDHRC handbook, citing the procedures for claiming personal property upon release, transfer, or removal.

LAW LIBRARIES AND LEGAL MATERIAL

ODO identified one deficiency in this area during the QAR. The deficiency had not been corrected.

ODO QAR Finding: In accordance with the ICE RS, Law Libraries and Legal Material, section (V)(14)(c), the FOD must ensure the resident handbook (or equivalent) shall provide residents with the rules and procedures governing access to legal materials, including the following information: The procedure for requesting additional time in the law library (beyond the 5-hour per week minimum).

The QAR stated that "TDHRC's handbook does not include the procedures for requesting additional time in the law library, requesting legal reference materials not maintained in the law library, or notifying staff that library materials are missing or damaged. These rules and procedures, along with the law library's holdings, are not posted in the library."

ODO Follow-Up Finding: The TDHRC handbook and a notice posted in the law library now inform residents about the process to request materials not maintained in the law library and to notify staff that library materials are missing and/or damaged. The posting also advises residents of the procedure for requesting additional law library time beyond the 5-hour per week minimum; however, the TDHRC handbook did not include this information. The facility corrected this deficiency during the ODO inspection with an addendum to the facility handbook that provides instruction to residents regarding requests of additional time in the law library.

MEDICAL CARE

ODO identified three deficiencies in this area during the QAR. One deficiency was found not corrected.

ODO QAR Finding: In accordance with ICE RS, Medical Care, section (V)(1), the FOD must ensure the health care program and the medical facilities shall be under the direction of a health services administrator (HSA) and shall be accredited and maintain compliance with the standards of the Joint Commission on the Accreditation of Health Care Organizations (JCAHO).

The QAR stated that "TDHRC does not maintain an accreditation with the Joint Commission on the Accreditation of Health Care Organizations (JCAHO)."

ODO Follow-Up Finding: The Acting HSA at TDHRC stated the facility is scheduled for accreditation review by JCAHO in October 2011.

LIST OF ACRONYMS

ACA American Correctional Association AFOD Assistant Field Office Director

DIHS Division of Immigration Health Services
COTR Contracting Officer Technical Representative

CO Correctional Officer DO Deportation Officer

DDO Detention and Deportation Officer
ERO Enforcement and Removal Operations
DSCU Detention Standards Compliance Unit

DSM Detention Service Manager

EABM ENFORCE Alien Booking Module
EADM ENFORCE Alien Detention Module
EARM ENFORCE Alien Removal Module
ERO Enforcement and Removal Operations

FOD Field Office Director

FR Focus Review

FSA Food Service Administrator

FU Follow-Up HQ Headquarters

ICE U. S. Immigration and Customs Enforcement

IDP Institutional Disciplinary Panel
 IEA Immigration Enforcement Agent
 IGSA Intergovernmental Service Agreement
 JICMS Joint Integrity Case Management System

MGT MGT of America, Inc.

MSDS Material Safety Data Sheets

NDS National Detention Standards

OIC Officer in Charge

ODO Office of Detention Oversight

OPR Office of Professional Responsibility

PBNDS Performance Based National Detention Standards

POA Plan of Action

R&D Receiving and Discharge RS Residential Standards

SDDO Supervisory Detention and Deportation Officer

SIR Significant Incident Report SMU Special Management Unit

TAR Treatment Authorization Request

QAR Quality Assurance Review UDC Unit Disciplinary Committee