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1333 New Hampshire Avenue NW

Washington, DC 20036

Contract # 04-00-80-3818

ICE Detention Standards

Compliance Review

Facility: **Tri-County Justice and Detention Center**
Inspection Date: **March 2-4, 2010**
Report Date: **March 4, 2010**

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March 4, 2010

MEMORANDUM FOR: James M. Chaparro
Director
Office of Detention and Removal Operations
FROM: (b)(6), (b)(7)(c) [Redacted]
Lead Compliance Inspector
SUBJECT: Tri-County Justice and Detention Center
Annual Detention Review

MGT of America performed an inspection for compliance with the ICE National Detention Standards (NDS) at the Tri-County Justice and Detention Center located in Ullin, Illinois during the period of March 2 – 4, 2010. This is an IGSA owned and privately operated facility with a contract to house ICE detainees for over 72 hours. The center is operated by Paladin Eastside Psychological Services, Inc. The annual inspection was performed under the guidance of (b)(6), (b)(7)(c) [Redacted] Lead Compliance Inspector. Team members were:

Subject Matter Field	Team Member
Security	(b)(6), (b)(7)(c) [Redacted]
Health Services	DO
Food Services	
Safety	

Type of Review

This review is a scheduled inspection which is performed to determine overall compliance with the ICE National Detention Standards. The facility received a previous rating of "Acceptable" during the March 2009 inspection.

Review Summary

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

Standards Compliance

The following information is a summary of the standards that were reviewed and overall compliance that was determined as a result of the 2009 and 2010 alien detention standards annual compliance inspections.

<u>2009 Inspection</u>		<u>2010 Inspection</u>	
Compliant	37	Compliant	36
Deficient	0	Deficient	1
Repeat Deficiency	0	Repeat Deficiency	0
Not Applicable	1	Not Applicable	1

LCI Issues and Concerns

There was one standard recommended as "Deficient" during the inspection and one standard identified as a concern.

Staff Detainee Communication: Deficient

Policy: Procedures must be in place to allow for formal and informal contact between key facility staff and ICE staff and ICE detainee and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.

- Detainee requests are not responded to in a timely manner. A review of the center's ICE detainee logbook reflects 475 requests were submitted via fax to the Chicago ICE Field Office during the period of August 1, 2009 to February 28, 2010. Sixty responses to the 475 requests were received within the 72 hour time period as reported in the logbook.
- ICE personnel from the St. Louis office visit the center on a weekly basis for the primary purpose of checking the functional operation of required systems. ICE staff reported that since the detainees housed at the center are not part of their caseload informal communication is not consistently addressed. Center staff reported there have been ongoing concerns with the lack of availability of appropriate ICE staff on site. Interviews with ICE detainees revealed repeated concerns with their lack of opportunities available with appropriate ICE personnel to informally address and clarify detainee issues.
- No ICE visiting schedules were posted in the detainee living areas and other areas with detainee access.

Recommendation

Sufficient ICE personnel should be available at the center to address ICE detainee requests as required by the standard.

Population Counts: Concern

Policy: All detention facilities shall ensure around-the-clock accountability for all detainees. This requires that they conduct at least one formal count of the detainee population per shift, with additional formal and informal counts conducted as necessary.

- Three non-ICE detainees had escaped from the center on January 6, 2010 sometime after 10:00 pm and were not identified as missing until approximately 9:00 am the next morning. The center has scheduled detainee counts at 1:30 am, 4:00 am and 6:00 am that did not detect the missing non-ICE detainees.
- The detainee count process was observed during the inspection and the policies were reviewed and the count process including policies and procedures appeared appropriate. Center staff have focused on ensuring counts are conducted as required.

Recommendation

The facility should ensure the established policies and procedures regarding detainee counts are enforced on a consistent basis.

Recommended Rating and Justification:

The Lead Compliance Inspector recommends that the center receive a rating of "Acceptable." Overall the center operated in a manner consistent with the applicable standards.

LCI Assurance Statement

The findings of compliance and noncompliance are accurately and completely documented on the G-324A inspection form and are supported by documentation in the inspection file. An out brief was conducted at the facility and the following were present: (b)(6), (b)(7)c ██████████ Warden, Gayla Jones, Pulaski County Contract Monitor, (b)(6), (b)(7)c ██████████, ICE Deportation Officer, (b)(6), (b)(7)c ██████████ Compliance Coordinator and LaVonn Temple, Nakamoto Group.

(b)(6), (b)(7)c ██████████ Lead Compliance Inspector *Date:* March 4, 2010

Signature

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
March 2 - 4, 2010

C. Previous/Most Recent Facility Review

Date[s] of Last Facility Review
March 3-5, 2009
Previous Rating
 Superior Good Acceptable Deficient At-Risk

D. Name and Location of Facility

Name
Tri-County Justice and Detention Center
Address (Street and Name)
1026 Shawnee College Road
City, State and Zip Code
Ullin, Illinois 62992
County
Pulaski
Name and Title of Chief Executive Officer (Warden/OIC/Supt.)
(b)(6), (b)(7)c Warden
Telephone # (Include Area Code)
618-845-3512
Field Office / Sub-Office (List Office with oversight responsibilities)
Chicago, Illinois/St. Louis
Distance from Field Office
365 miles

E. ICE Information

Name of LCI (Last Name, Title and Duty Station)
(b)(6), (b)(7)c / Lead Inspector / MGT of America, Inc.
Name of Team Member / Title / Duty Location
(b)(6), (b)(7)c / Security Inspector / MGT of America, Inc.
Name of Team Member / Title / Duty Location
(b)(6), (b)(7)c DO / Medical Inspector / MGT of America, Inc.
Name of Team Member / Title / Duty Location
(b)(6), (b)(7)c / Food Inspector / MGT of America, Inc.
Name of Team Member / Title / Duty Location
/ /

F. CDF/IGSA Information Only

Contract Number
25-99-0135
Date of Contract or IGSA
November 1, 2008
Basic Rates per Man-Day
\$65.00
Other Charges: (If None, Indicate N/A)
Transportation/Meals \$20.00 per hour per officer

Estimated Man-days Per Year:
218

G. Accreditation Certificates

List all State or National Accreditation[s] received:
 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
1997
Date Last Remodeled or Upgraded
N/A
Date New Construction / Bed space Added
N/A
Future Construction Planned
 Yes No Date:
Current Bed space
240
Future Bed space (# New Beds only)
Number: 20 Date:

J. Total Facility Population

Total Facility Intake for previous 12 months
423
Total ICE Man-days for Previous 12 months
62,217

K. Classification Level (ICE SPCs and CDFs Only)

	L-1	L-2	L-3
Adult Male	15	91	28
Adult Female			

L. Facility Capacity

	Rated	Operational	Emergency
Adult Male	215	215	230
Adult Female	8	8	12

Facility holds Juveniles Offenders 16 and older as Adults

M. Average Daily Population

	ICE	USMS	Other
Adult Male	180		25
Adult Female			1

N. Facility Staffing Level

Security:
48
Support:
9

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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>	<i>Jan – Mar</i>	<i>Apr – Jun</i>	<i>Jul – Sept</i>	<i>Oct – Dec</i>
Assault: Offenders on Offenders ¹	Types (Sexual ² , Physical, etc.)	Physical	Physical	Physical	Physical
	With Weapon	0	0	0	0
	Without Weapon	4	2	4	5
Assault: Detainee on Staff	Types (Sexual Physical, etc.)	0	0	0	0
	With Weapon	0	0	0	0
	Without Weapon	1	1	0	0
Number of Forced Moves, incl. Forced Cell moves ³		0	0	0	0
Disturbances ⁴		0	0	0	0
Number of Times Chemical Agents Used		0	1	1	0
Number of Times Special Reaction Team Employed/Used		0	0	0	2
# Times Four/Five Point Restraints applied/used	Number/Reason (M=Medical, V=Violent Behavior, O=Other)	0	0	0	0
	Type (C=Chair, B=Bed, BB=Board, O=Other)	0	0	0	0
Offender / Detainee Medical Referrals as a result of injuries sustained.		0	0	0	0
Escapes	Attempted	0	0	0	0
	Actual	3	0	0	0
Grievances:	# Received	2	2	0	1
	# Resolved in favor of Offender/Detainee	0	0	0	0
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	7	7	1	2
	# Psychiatric Cases referred for Outside Care	1	0	0	0

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
 Routine transportation of detainees/offenders is not considered "forced"
³ 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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DHS/ICE Detention Standards Review Summary Report						
1. Acceptable 2. Deficient 3. At Risk 4. Repeat Finding 5. Not Applicable						
Detainee Services		1.	2.	3.	4.	5.
1.	Access to Legal Materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Admission and Release	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Classification System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.	Correspondence and Other Mail	<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.	Group Presentation On Legal Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10.	Issuance of Clothing, Bedding and Towels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
11.	Marriage Requests	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
12.	Non-Medical Emergency Escorted Trips	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13.	Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
14.	Religious Practices	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
15.	Access to Telephones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
16.	Visitation	<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.	Access to 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"/>	
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 checked="" type="checkbox"/>	<input 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 Transportation)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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.

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LCI Review Assurance Statement

By signing below, the Lead Compliance Inspector (LCI) 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.

LEAD COMPLIANCE INSPECTOR	
Lead Compliance Inspector: (Print Name) (b)(6), (b)(7)(c)	Signature (b)(6), (b)(7)(c)
Title & Duty Location Lead Compliance Inspector, MGT of America, Inc.	Date March 4, 2010

TEAM MEMBERS	
Print Name, Title, & Duty Location (b)(6), (b)(7)(c) Security, MGT of America, Inc.	Print Name, Title, & Duty Location (b)(6), (b)(7)(c) DO, Medical, MGT of America, Inc.
Print Name, Title, & Duty Location (b)(6), (b)(7)(c) Food Services, MGT of America, Inc.	Print Name, Title, & Duty Location

Commended Rating:

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

Comments:

On the last day of the annual review the total detainee population was 148. The ICE-detainee count was 129.

The center does not apply electro-muscular disruptive devices (EMDD's) to detainees.

No detainee deaths were reported by staff at the center within the past 12 months.

The center had a physical escape involving three non ICE detainees on January 6, 2010. The three detainees reportedly escaped through an exterior window that was removed from a cell. The perimeter fence was found to contain a separation in the the fencing fabric that appeared to have been cut which allowed the detanees to proceed through the perimeter fence into the community. The detainees had not been apprehended at the time of the review. The center policy regarding population counts were not consistently being followed but have reportedly been addressed as observed in practice and policy.

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