



Homeland
Security

January 14, 2022

MEMORANDUM FOR: Corey A. Price
Executive Associate Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

FROM: Dana Salvano-Dunn (b) (6)
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SUBJECT: Bluebonnet Detention Center (BDC)
Expert Recommendations
Complaint Nos. 002858-21-ICE, 002763-21-ICE,
002387-21-ICE, 001515-21-ICE, and 001471-21-ICE


The U.S. Department of Homeland Security (DHS), Office for Civil Rights and Civil Liberties (CRCL) conducted an in-person onsite investigation into conditions of detention for U.S. Immigration and Customs Enforcement (ICE) detainees at the Bluebonnet Detention Center (BDC) in Anson, Texas from September 20-24, 2021. As part of the onsite investigation, CRCL used four independent subject-matter experts in Conditions of Detention, Environmental Health and Safety, Medical Care, and Mental Health Care. At the close of the investigation, CRCL held an exit briefing in which it discussed its findings with leadership from the ICE Field Office, ICE Headquarters, and BDC. CRCL greatly appreciates the cooperation and assistance provided by ICE Field Office staff, ICE Headquarters, and BDC management and personnel before and during the onsite. Following that visit, CRCL sent ICE ERO an email on October 9, 2021, identifying its preliminary findings and recommendations from the investigation.

Enclosed with this memorandum are the final reports prepared by our subject-matter experts following the onsite review.¹ The recommendations have been divided into priority and best practice recommendations. The priority recommendations are listed in the body of this memorandum, and CRCL requests that ICE formally concur or non-concur with these recommendations and provide an implementation plan for all accepted recommendations within 60 days of issuance. Best practice recommendations are contained in an Appendix to this

¹ In general, CRCL's experts relied on the applicable Performance Based National Detention Standards (PBNDS 2011) and related professional standards in conducting their work and preparing their reports and recommendations.

memorandum. Although CRCL is not requesting formal responses to the best practice recommendations, they represent best practices in the field according to our experts, and we encourage ICE to consider and implement them to the fullest extent possible.

CONDITIONS OF DETENTION

1. CRCL observed that the number of correctional officer positions are insufficient to permit officers to have personal contact and interaction between the housing staff and detainees, or to respond to emergency situations. CRCL recommends that BDC take action to immediately address this deficiency such as using overtime to establish posts for one officer per housing unit or to expedite the contract revision to achieve the same level of supervision. [PBNDS 2011 Section II, Security and Control]
2. BDC has dark film on dorm windows which functionally eliminates line-of-sight for casual observation by facility staff or for continuous observation by officers assigned for unit supervision. CRCL recommends that BDC rectify these line-of-sight obstructions immediately by installing a one-way film to allow staff to see into the unit. [PBNDS 2011 Section II, Security and Control]
3. (b) (5)

CRCL recommends that BDC revise their current simulated exercise process to comply with the command post activation testing, equipment testing, and staff familiarization of PBNDS. [PBNDS 2011 Section I, Emergency Plans]
4. CRCL observed that BDC does not memorialize the results of their simulated exercises in a manner which ensures that the procedures or agreements are changed to reflect the correction of any concerns found during the simulated exercises. CRCL recommends that BDC memorialize their exercise findings as part of the annual emergency plan review even if there is no change to a contingency plan. The annual review should be documented on the master copy of the contingency plan. [PBNDS 2011 Section I, Emergency Plans]
5. CRCL observed that BDC does not practice fire drills which involve the evacuation of detainees. CRCL recommends that BDC incorporate detainee evacuations as part of their fire drills for any areas which do not jeopardize security. [PBNDS 2011 Section I, Environmental Health and Safety]
6. CRCL observed that BDC does not conduct the 60-90-day victim/predator reassessments in private. While onsite, the BDC PREA Coordinator suggested that these be conducted in a private area. CRCL recommends that BDC immediately implement the on-the-spot solution suggested by the BDC PREA Coordinator. [PBNDS 2011 Section II, Custody Classification System, & Sexual Abuse and Assault Prevention and Intervention]

7. CRCL observed that the BDC security camera system uses such an extensive redaction method that the recordings of the detainee showers or restrooms may not facilitate an investigation. CRCL recommends that BDC review their camera placement, redaction methodology, and future camera placement and so that the camera placement and redaction methods achieve detainee privacy and facilitate the investigation of assault/sexual assault allegations. The BDC PREA Coordinator and Investigator should be included in that process. [PBNDS 2011 Section II Sexual Abuse and Assault Prevention and Intervention]
8. CRCL observed that the grievance officer does not routinely translate grievance responses in the detainee's preferred language when responses are returned to the detainee via the tablet. Although there is an icon on the tablet for detainees to use to translate the response, and the detainees receive training about this option, detainees informed CRCL that they do not always remember that option or are not always proficient with the technology. The detainee then resorts to seeking out someone to translate the grievance response. Additionally, there is no quality control or consistency with that method. CRCL recommends that BDC translate the informal or formal grievance responses into the detainee's preferred language when the grievance response is returned to the detainee. [PBNDS 2011 Section VI, Grievance System]
9. BDC does not maintain a copy of the detainee's grievance in English once it has been translated from another language. This creates a challenge for reviewers when considering a detainee's grievance appeal or when reviewers attempt to assess the responsiveness of the grievance. CRCL recommends that BDC retain a copy of the detainee's grievance in English to facilitate the assessment of the grievance response and to facilitate the grievance appeal process. [PBNDS 2011 Section VI, Grievance System]

ENVIRONMENTAL HEALTH AND SAFETY

10. The exteriors of the 5-gallon Igloo style plastic coolers used to dispense drinking water in the housing units were found to be dirty, which could lead to contamination of the spout and/or the water contained therein. Dirty water coolers/containers pose a potential health hazard. Bluebonnet should ensure that the water containers are regularly and thoroughly cleaned and sanitized in compliance with the PBNDS 2011, Food Service, V. Expected Practices, J. Safety and Sanitation, 5.²

² Environmental Safety and Sanitation, h. stating, "To prevent cross-contamination, kitchenware and food-contact surfaces shall be washed, rinsed, and sanitized after each use and after any interruption of operations during which contamination may occur" and that the washing, rinsing, and sanitizing of the coolers complies with the guidelines specified in either the PBNDS 2011, Food Service, V. Expected Practices, J. Safety and Sanitation, 7. Equipment and Utensils, f. Manual Cleaning and Sanitizing or g. Mechanical Cleaning and Sanitizing. [PBNDS 2011, Food Service, V. Expected Practices, J. Safety and Sanitation, 5. Environmental Safety and Sanitation, h.; PBNDS 2011, Food Service, V. Expected Practices, J. Safety and Sanitation, 7. Equipment and Utensils, f. Manual Cleaning and Sanitizing, and PBNDS 2011, Food Service, V. Expected Practices, J. Safety and Sanitation, 7. Equipment and Utensils, g. Mechanical Cleaning and Sanitizing]

11. During the inspections of the housing units, it was found that the counters underneath and behind the microwaves were dirty with accumulations of food crumbs. The counters were not easily cleanable because the microwaves are fastened to the counters for safety and security; thus, there was not adequate clearance under the microwaves to allow for cleaning the counters by hand. Bluebonnet should ensure that the microwaves in the detainee housing units are situated so that they are safe and secure while also meeting the requirements of the PBNDS 2011, Food Service, V. Expected Practices, J. Safety and Sanitation, 6. Equipment Sanitation stating, "Sanitation shall be a primary consideration in the purchase and placement of equipment. Equipment shall be installed for ease of cleaning, including the removal of soil, food materials and other debris that collects between pieces of equipment." [PBNDS 2011, Food Service, V. Expected Practices, J. Safety and Sanitation, 6. Equipment Sanitation]
12. Fire-retardant coating was applied on the ceiling support beams that span the length of the housing units. Spray on fire retardant materials are used to thermally insulate structural components, such as beams to keep them from failing due to the high temperatures generated during a major fire. CRCL had received complaints that debris from the beams had fallen to the ground. Although no fallen debris was found, to ensure a safe living environment, Bluebonnet should routinely monitor the fire-retardant coating on the ceiling support beams to ensure that the facility "protects detainees, staff, volunteers and contractors from injury and illness by maintaining high facility standards of cleanliness and sanitation, safe work practices and control of hazardous substances and equipment" as stated in the Purpose and Scope of the PBNDS 2011, Environmental Health and Safety standard. [PBNDS 2011, Environmental Health and Safety, Purpose and Scope]
13. Bluebonnet uses CorrectPac brand Germicidal Cleaner for disinfection. When asked, both the Bluebonnet staff and detainees were not aware of the manufacturer's label directions for the contact or dwell time for the chemical. Failing to use disinfectants in accordance with the manufacturer's label directions, places detainees at risk of infection and disease. Bluebonnet administrators should ensure that all employees that use or oversee detainees using disinfectants utilize them according to the manufacturer's directions as specified by the ICE ERO COVID-19 Pandemic Response Requirements requiring adherence to the CDC's recommendations for cleaning and disinfection during the COVID-19 response, including the CDC recommended cleaning tips for hard (non-porous) surfaces. [PBNDS 2011, Environmental Health and Safety and ERO COVID-19 Pandemic Response Requirements (Version 6.0, March 16, 2021)]
14. Shared tablets are available and frequently used by detainees in their housing units; however, there are no cleaning and disinfecting procedures for them. Bluebonnet should develop and implement cleaning procedures for the tablets used by the detainees to facilitate compliance with the ICE ERO COVID-19 Pandemic Response Requirements, including the CDC recommended cleaning tips for electronics stating, "For electronics such as tablets, touch screens, keyboards, remote controls, and ATM machines, remove visible contamination if present. Follow the manufacturer's instructions for all cleaning and disinfection products. Consider use of wipeable covers for electronics. If no

manufacturer guidance is available, consider the use of alcohol-based wipes or sprays containing at least 70 percent alcohol to disinfect touch screens. Dry surfaces thoroughly to avoid pooling of liquids.” [PBNDS 2011, Environmental Health and Safety and ERO COVID-19 Pandemic Response Requirements (Version 6.0, March 16, 2021)]

MEDICAL CARE

15. CRCL observed detainees not wearing masks in general population units and there was lack of signage regarding mask usage observed during the facility tour.
 - a. BDC should follow the ICE/ERO Pandemic Response Requirements (PRR) and Centers for Disease Control and Prevention (CDC) guidelines for the prevention and control of infectious and communicable diseases.
 - b. BDC staff should encourage the use of masks on units, along with hand hygiene and social distancing, as best as can be carried out.
 - c. BDC should place signage in all detainee units, as a reminder of the CDC recommendations on mask usage. Further, BDC should ensure that signage and materials can be understood by non-English speakers and those with low literacy and make necessary accommodations for those with cognitive or intellectual disabilities and those who are deaf, blind, or have low vision.

[PBNDS 2011, 4.3. Medical Care, II. Expected Outcomes, 10; ERO COVID-19 Pandemic Response Requirements (Version 6.0, March 16, 2021)]

MENTAL HEALTH CARE

16. One psychiatric provider regularly utilized a drop-down option within the electronic health records (EHR) that included “contract for safety.” PBNDS 2011 Standard 4.6 states: “Requesting that a detainee promise not to engage in suicidal behavior, also known as ‘contracting for safety’ is not recognized or supported by experts, and experts and is an ineffective method of suicide prevention. ‘Contracting for safety’ provides no guarantee that the patient shall not attempt suicide and may give staff a false sense of security. This practice is not to be relied on by staff.” BDC should ensure that this option is removed so that staff do not utilize “contracting for safety” as part of their review of suicide risk. [PBNDS 2011, Std. 4.6, Significant Self-Harm and Suicide Prevention and Intervention § V.A.)]

It is CRCL’s statutory role to advise Department leadership and personnel about civil rights and civil liberties issues, ensuring respect for civil rights and civil liberties in policy decisions and implementation of those decisions. Accordingly, we appreciate the work that has been done by ICE and the Winn Correctional Center to address CRCL’s concerns. If you have any questions, please contact the Director of the Compliance Branch, Dana Salvano-Dunn, at (b) (6) or (b) (6)

Enclosures

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