

**Management Alert on  
Issues Requiring  
Immediate Action at the  
Theo Lacy Facility in  
Orange, California**





## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

March 6, 2017

MEMORANDUM FOR: Thomas D. Homan  
Acting Assistant Secretary  
U.S. Immigration and Customs Enforcement

FROM: John Roth *John Roth*  
Inspector General

SUBJECT: *Management Alert on Issues Requiring Immediate Action at the Theo Lacy Facility in Orange, California*

A November 16, 2016 unannounced Office of Inspector General (OIG) inspection of the Theo Lacy Facility (TLF) in Orange, California, raised serious concerns, some that pose health risks and others that violate U.S. Immigration and Customs Enforcement's (ICE) 2008 *Performance-Based National Detention Standards* (PBNDS) and result in potentially unsafe conditions at the facility. Because of concerns raised during the inspection, we recommended that ICE take immediate action to ensure compliance with the 2008 PBNDS and strengthen its oversight of TLF. Specifically, we expressed the following concerns about:

- Food handling at TLF poses health risks. Detainees were being served, and reported being regularly served, meat that appeared to be spoiled. Orange County Sheriff's Department (OCSD) staff members are not handling meat safely, including meat being sent to other ICE detention facilities.
- Unsatisfactory conditions and services at the facility, including moldy and mildewed shower stalls, refuse in cells, and inoperable phones.
- Some "high-risk" detainees are in less restrictive barracks-style housing and some "low-risk" detainees are in more restrictive housing modules; the basis for housing decisions is not adequately documented.
- Contrary to ICE detention standards, inspectors observed high-risk detainees and low-risk detainees together in parts of TLF. Although detainees were purportedly identified by classification level, this was not apparent to the inspectors.
- Moves from less restrictive barracks to more restrictive housing modules are not explained to detainees, nor are detainees given the opportunity to appeal changes, as required by ICE detention standards.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

- OCSD's more restrictive disciplinary segregation violates ICE detention standards.
- Neither ICE nor OCSD properly documents grievances from detainees to ensure resolution, notification of resolution, and opportunities to appeal.

After inspecting this facility on November 16, 2016, the OIG team briefed local OCSD and ICE management on these concerns. To address the concerns detailed in the alert, we recommended that, as soon as possible, ICE prevent further health risks by ensuring that OCSD follow U.S. Department of Agriculture guidelines for safe food handling. We also recommended that ICE undertake a full review of TLF and OCSD's management of the facility to ensure its compliance with ICE's 2008 PBNDS. Finally, we recommended that ICE develop a comprehensive oversight plan for TLF to ensure OCSD's future compliance with ICE's 2008 PBNDS.

We provided a draft of this alert to ICE for management comments and corrective actions. ICE concurred with the intent of all three recommendations and is implementing corrective actions to address our concerns. All three recommendations are resolved and open. We have included ICE's comments, proposed corrective actions, and our analysis in the alert, and we have attached a copy of the ICE response.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of this alert to appropriate congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post a version of the alert on our website.

You may call me with questions, or your staff may contact Laurel Loomis Rimón, Acting Assistant Inspector General for Inspections and Evaluations, at (202) 254-4100.

Attachment



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

# Management Alert

The Theo Lacy Facility (TLF), operated by the Orange County Sheriff's Department (OCSD), houses U.S. Immigration and Customs Enforcement (ICE) detainees through an Intergovernmental Service Agreement. TLF has the capacity to house 3,442 males, all with some degree of criminal history. Some detainees have been convicted of crimes, served their prison sentence, and have been transferred to TLF to await deportation by ICE or an immigration court hearing. Other detainees have violated immigration laws and are also awaiting either deportation or an immigration court hearing. At the end of October, 478 detainees were housed at Theo Lacy. That detainee count typically changes daily as new detainees enter the facility and others are released.



Figure 1. Entrance to Theo Lacy Facility  
Source: OCSD

Prior to detention, ICE reviews each detainee's criminal record and assigns a risk level of high, medium/high, medium/low, or low. ICE bases its risk levels on the severity of past criminal charges and convictions, including immigration violations and other security risks, such as gang affiliation or a history of substance abuse. For example, individuals convicted of major drug offenses, national security crimes, and violent crimes such as murder, manslaughter, rape, robbery, or kidnapping are assessed as having a higher risk level than those convicted of minor drug and property offenses such as burglary, larceny, fraud, and money laundering.

Facilities such as TLF that are maintained for ICE through an Intergovernmental Service Agreement are to comply with ICE's 2008 *Performance-Based National Detention Standards* (ICE detention standards).

### **Poor Conditions at the Theo Lacy Facility**

#### *Problems with Food Handling*

In the TLF kitchen, we identified a host of potential food safety problems, which could endanger the health of detainees at TLF and in other facilities serviced by the TLF kitchen. Of deepest concern, when inspecting the refrigeration units, we observed slimy, foul-smelling lunch meat that appeared to be spoiled.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

According to kitchen staff, this meat was slated to be served to detainees for lunch the day of our site visit. Detainees reported being repeatedly served lunch meat that smelled and tasted bad, which they rinsed with water before eating.

We also observed careless and potentially unsafe handling of food:

- Meat that was marked as “keep frozen” on the manufacturing label was stored in a refrigerator with no indication of how long it had been thawing.
- Lunch meat and ground beef was stored uncovered in large walk-in refrigerators.
- Different types of unwrapped, sliced lunch meat were mingled in containers and not identified; for example, a container labeled as bologna contained bologna and sliced turkey.
- Unwrapped lunch meat was stored in unlabeled, uncovered containers with no information describing contents, processing dates, or expiration dates.



Figure 2. Thawing meat with no dates; different lunch meats stored together with no labels; label from bologna in refrigerator for 7 days past the prepared date; all observed by the Office of Inspector General (OIG) at TLF on November 17, 2016

Source: OIG

Further, ICE staff informed us:

- Loaves of lunch meat were delivered frozen, thawed in the refrigerator for several days, sliced, refrozen, and sent to other detention facilities in the area.
- Loaves of lunch meat were delivered frozen, thawed in the refrigerator for several days, then sliced and refrigerated for more than a week before being served.

According to the U.S. Department of Agriculture (USDA), the safe storage time in a refrigerator for opened packages of lunch meat is 3-5 days. The practice of thawing, slicing, then refreezing meat for transport would make it difficult for TLF kitchen staff to adhere to those food safety recommendations. Further, by



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

not labeling the sliced, open lunch meat in the refrigeration unit, the kitchen staff has no way of knowing how long the portion packs have been in the containers. These practices could lead to detainee illness from ingesting spoiled meat.

**Recommendation 1:** We recommend that, as soon as possible, ICE ensure that the Orange County Sherriff's Department is following U.S. Department of Agriculture safe food handling guidelines to prevent health risks to detainees at the Theo Lacy Facility and other detention facilities that receive food from the Theo Lacy Facility.

**ICE Response:** ICE concurs. OCSD reported that it follows the California Code of Regulations, Title 15 for Local Detention Facilities. Although ICE indicated that Theo Lacy kitchen facilities, sanitation, and food preparation, service, and storage must comply with standards set forth in the California Health and Safety and Retail Food Codes, it also acknowledged that it must have safe food handling practices to prevent health risks to detainees as outlined in the reporting of spoiled food slated for service to detainees. ICE reported that Theo Lacy food handling guidelines follow USDA methods or protocols for safe food handling. TLF has been using these food service handling guidelines prior to the contract with ICE (for over 5 years). Although, USDA's methods or protocols for safe food handling are not a requirement of ICE's 2008 PBNDS, ICE concurs that OCSD must have safe food handling practices and guidelines to prevent health risks to detainees or other individuals in their custody.

The standard from the 2008 PBNDS on *Food Service* requires, in part, that each facility has a food service program under the direct supervision of an experienced food service administrator (FSA) who is responsible for:

- planning, controlling, directing, and evaluating food service;
- establishing standards of sanitation, safety and security; and
- developing specifications for the procurement of food, equipment, and supplies.

According to ICE, TLF has a certified FSA (as well as two food service managers) and, in addition to ICE detention standards, follows the Orange County, California's *Health Care Agency's Environmental Health Services* guidelines for food safety. County health inspectors routinely inspect OCSD facilities, including TLF.

ICE also reported that OCSD is in the process of re-competing its pre-packaged lunch meat vendor, which was expected to be posted for bids before the end of January 2017. The procurement process is projected to take approximately 4



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

months. Although the contract re-compete is part of OCSD's routine procurement process, the sack lunches that are currently being prepared at TLF will be replaced with pre-packaged box lunches with set expiration dates that will be brought in from an outside vendor. Estimated completion date: May 2017.

Although ICE reported that TLF does not provide food to any other detention facility, this was reported in error. ICE revised its statement and indicated that it still provides food to other detention facilities; it is addressing its food handling issues by moving to a vendor that will provide pre-sliced and individually packaged lunch meat, which will address concerns at all affected facilities.

**OIG Analysis:** ICE's response to this recommendation addresses the intent of the recommendation. This recommendation is resolved and will remain open until ICE provides evidence that current food handling complies with USDA standards or similar standards that prevent health risks to detainees. Once completed, ICE should also provide a copy of the new pre-packaged box lunch contract that shows requirements ensuring set expiration dates are documented and followed.

### *Lack of Cleanliness in Common Showers and Individual Cells*

In two modules housing detainees, common area showers were not clean. We found trash, mildew, and mold in the shower stalls. According to OCSD staff, detainees are required to clean their showers daily; however, detainees are only given a scrub brush and an all-purpose cleaner, which does not combat mold and mildew. Additionally, requiring detainees to clean common areas used by all detainees is in violation of ICE standards, as detainees are only required to clean their immediate living area.



Figure 3. Moldy, mildewed shower stalls observed by OIG at TLF on November 16, 2016 *Source: OIG*



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Also, in two of the modular housing units, we observed individual detainee cells that did not appear to be well-maintained or clean. In two cases, detainees had large collections of empty food containers and newspapers. According to ICE detention standards, garbage and refuse are to be collected and removed as often as necessary to maintain sanitary conditions and to avoid creating health hazards. Collections of items in individual cells could potentially attract vermin and present a health hazard for detainees.

### *Unusable Telephones*

An ICE Office of Professional Responsibility, Office of Detention Oversight report from a 2013 inspection of TLF identified telephone problems, including low volume and inoperable phones. In three modules we visited, the telephones were not operable. Detainees interviewed also confirmed that some phones did not work and the low volume on others prevented them from using the phones.



Figure 4. Broken plug on phone observed by OIG at TLF on November 16, 2016 *Source: OIG*

## **Failure to Properly Document Detainee Classification Decisions and Comply with ICE Detention Standards**

### *Inadequate Documentation of Decisions on Detainee Classification*

ICE detention standards require detention facilities to implement a system to classify detainees based on past criminal convictions, including immigration violations, and other security risk factors. Facilities must physically house detainees according to their classification level. Through our observations and interviews with OCSD staff, we determined that OCSD is not properly documenting its detainee classification process, and its housing reclassifications do not comply with ICE detention standards.

Before in-processing at TLF, ICE gives OCSD a classification form for each detainee that contains ICE's classification risk assessment of high, medium/high, medium low, or low. Facilities are permitted to develop local classification systems, as long as the classification criteria are objective and uniformly applied and procedures meet ICE requirements. OCSD staff informed us that they do not change ICE's initial classification level, but they consider



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

the ICE's classification along with their own detainee classification interview to determine the level of "criminal sophistication"<sup>1</sup> and assign housing.

Although OCSD personnel showed us examples of completed questionnaires from classification interviews, OCSD does not document these interviews in the detainee's file. Through our review of detainee files, we found detainees identified by ICE as high risk who were housed in the least restrictive barracks and detainees identified by ICE as medium/low risk housed in more restrictive modular housing. Even though OCSD officials said they use ICE's initial classification, we found no detainee file documentation showing they took this classification into consideration when determining initial housing assignments. Additionally, we found no correlation between ICE's initial classification and OCSD's assessment.

### *High-risk and Low-risk Detainees Are Allowed to Mix*

ICE detention standards also specify that facilities may not mingle low-risk detainees with high-risk detainees. During the facility tour, we observed that detainees of all risk levels were housed in the barracks. OCSD staff explained that detainees of different classification levels do not "program" together, meaning they do not eat or attend religious services or recreation activities at the same time. Fundamentally, this setup satisfies the ICE detention standards' prohibition against mingling high-risk detainees and low-risk detainees. However, while touring the barracks area, we noted that detainees of all risk levels were able to roam the entire area, accessing the phones, law library, and outdoor space, and entering and exiting the housing bays freely. Although OCSD personnel said each detainee is issued an armband and identification card indicating risk classification, these were not readily apparent to the OIG team. Some detainees were not wearing an armband at all. This type of mingling may allow a less restrictive living environment for detainees, but it skirts the ICE detention standards' prohibition, which is designed to "protect the community, staff, contractors, volunteers, and detainees from harm."

### *Changes to Detainee Housing Do Not Comply with ICE Detention Standards*

During our review of detainee files, we determined that OCSD staff were not informing detainees of their reasons for moving detainees from barracks to more restrictive modules. There was also no evidence of a process for detainees to formally appeal such a move. OCSD staff told the OIG team that detainees

---

<sup>1</sup> OCSD staff referred to criminal sophistication as an overall assessment of a detainee's criminal background, including gang affiliation, past incarceration record, and types of violations on criminal history.



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

housed in the modules were there because they needed closer supervision than the barracks allowed, but we determined the reasons behind the need were not properly documented in detainee files. OCSD also does not review detainees' classifications before moving them from barracks to modules.

According to ICE detention standards, facility classification systems must include procedures for detainees to appeal their classification levels, but OCSD staff said they never, for any reason, change ICE's initial classification of detainees. Because they do not change classification levels, OIG concluded that OCSD is able to avoid the requirement for allowing detainees to appeal housing decisions. We also concluded that, as a result, OCSD staff can move detainees at will without technically violating ICE detention standards, and detainees are stripped of their right to appeal housing decisions, which should be based on their classification level.

### **OCSD's More Restrictive Disciplinary Segregation Violates ICE Detention Standards**

OCSD is violating ICE detention standards for disciplinary segregation. Detainees at TLF are placed in disciplinary segregation in a special management unit as punishment for violations of facility rules. According to OCSD staff and the OCSD-provided detainee handbook, disciplinary segregation at TLF means a person is isolated for 24 hours a day in a cell with no access to visitors, recreation, or group religious services. The detainees are released briefly every other day to shower. In contrast, ICE detention standards require that detainees placed in disciplinary segregation receive a minimum of 1 hour of recreation five times per week, opportunities for general visitation, religious guidance, and limited access to telephones and reading material. However, through observation and interviews, we determined that detainees are not allowed any recreation time, visitation, religious guidance, or telephone access. They were permitted to access one book from the library for the duration of their stay in solitary, lasting up to 30 days.

### **ICE Does Not Track Detainee Grievances**

We identified problems with processes for filing both written and oral grievances with ICE and OCSD. Detention standards require facilities to have a procedure for formal grievances to ensure detainees are being treated fairly. Detainees may file grievances related to the conditions of confinement, including medical care, staff misconduct, food, telephones, visiting procedures, and disability discrimination. TLF has two grievance processes, one overseen by ICE and one by OCSD. Detainees wishing to file a written grievance with ICE fill out an ICE form and place it in ICE's box in their living area, which is picked up by a contractor daily. Detainees wishing to file a written grievance



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

with OCSD fill out a different form, which is placed in a different box and is picked up by supervising deputies after each shift.

Through interviews with the ICE Grievance Officer we identified the following problems with the ICE grievance process:

- ICE does not track written grievances from detainees in the facility to ensure the grievances are received, resolved, and that detainees receive a response. Grievances are maintained in a database owned by a private contractor, and the ICE Grievance Officer said ICE does not have access to this database.
- ICE personnel do not document or track oral grievances from detainees, and detainees do not receive a documented response.
- Detainees said they were not given the opportunity to appeal their grievances with ICE.
- When ICE receives a written grievance that OCSD must address, ICE forwards the grievance to OCSD or the medical staff for response. However, after forwarding these grievances, ICE does not track them to ensure they are resolved and that detainees receive a response.

Through interviews with OCSD officials and detainees, as well as document review, we identified the following problems with the OCSD grievance process:

- ICE does not track these grievances or have visibility into these grievances filed with OCSD to ensure they are resolved and detainees receive a response.
- OCSD sends ICE an email summarizing the grievance received and the resolution, but ICE personnel have no assurance they have been notified of all grievances or that all grievances have been fully resolved. We reviewed some of these emails and confirmed they did not include full details of detainees' grievances, a description of the resolution, or confirmation that the detainee had been notified about the resolution.
- Detainees said they were not given the opportunity to appeal grievances. We reviewed all 46 detainee grievances filed with OCSD in 2016, and found that there were no documented appeals.

**Recommendation 2:** We recommend that ICE undertake a full review and inspection of the Theo Lacy Facility and the Orange County Sheriff's Department's management of the facility to ensure compliance with ICE's 2008 *Performance-Based National Detention Standards*.

**ICE Response:** ICE concurs. ICE reported to us that the TLF is inspected yearly by ICE's contract inspector, the Nakamoto Group, and is scheduled for



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

its next full inspection to ensure compliance with the 2008 PBNDS during the week of October 23, 2017. In the interim, TLF will undergo an inspection by the ICE Office of Detention Oversight within the Office of Professional Responsibility, beginning February 7, 2017. At the end of the inspection, the Office of Detention Oversight will conduct an onsite out-briefing of facility staff and local field office management regarding any deficiencies identified during the review, followed by an official report of findings to ICE leadership. The Los Angeles Field Office (LAFO) will work with the facility to put in place any necessary corrective action plans, should deficiencies be identified. Estimated completion date: November 2017

**OIG Analysis:** ICE's response to this recommendation addresses the intent of the recommendation. In ICE's corrective actions, we will look specifically at the handling and management of grievances and at the segregation processes used at TLF. This recommendation is resolved and will remain open until ICE provides evidence that it is in full compliance with the 2008 PBNDS, based on the results of an independent contractor's full inspection and Office of Detention Oversight inspection. Once completed, ICE should provide a copy of the completed inspections identifying compliance with the standards.

**Recommendation 3:** We recommend that ICE develop a comprehensive oversight plan for the Theo Lacy Facility to ensure the Orange County Sheriff's Department's future compliance with both the intent and the implementation of ICE's 2008 *Performance-Based National Detention Standards*.

**ICE Response:** ICE concurs. ICE reported that it recently instituted a group meeting at TLF for onsite ICE staff and facility leadership, including food service managers, for the purpose of discussing facility compliance issues and other areas of concern. In addition, the group has developed a facility-specific form that will be used to document routine and recurring inspections of the food service areas and food-related processes at the facility.

According to ICE, its Detention Standards Compliance Officer is onsite at TLF 3 weeks per month to work with facility staff and other onsite ICE supervisory personnel to monitor facility compliance and implement any necessary corrective action. ICE will continue to monitor and evaluate whether additional oversight staff should be deployed to TLF for additional coverage.

LAFO will continue to engage with OCSD and monitor any developing issues to expeditiously remedy and correct any compliance deficiencies. In addition, LAFO management has continued to conduct independent onsite spot inspections of any notable problematic areas or areas of concern. The results of the spot inspections are immediately addressed with OCSD for any necessary



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

corrective action in order to ensure compliance with the 2008 PBNDS.  
Estimated completion date: November 2017

**OIG Analysis:** ICE's response to this recommendation addresses the intent of the recommendation. This recommendation is resolved and will remain open until ICE provides evidence it has modified its oversight of the facility to ensure the intent of the 2008 PBNDS is being met and the standards are being implemented. We will look specifically for changes in handling grievances and segregation at TLF. Corrective actions completed must include all areas of concern identified in the report, not just proper food handling. Once completed, ICE should provide a copy of its revised oversight plan to ensure ongoing monitoring of compliance at TLF.

### Scope and Methodology

During our inspection, we interviewed the following ICE staff members: ICE Supervisory Detention and Deportation Officer, Orange County Detainee Program; ICE Assistant Field Office Director, Detention Management and Compliance; and Medical Oversight at Theo Lacy facility. We interviewed three employees of the Orange County Sheriff's Office: Orange County Administrative Manager, ICE Detention Custody Division; OCSD Classification Deputy, ICE Compliance; and Lieutenant, ICE Compliance. We also interviewed five detainees.

As part of our inspection we toured the following areas of the facility:

- General medical unit for detainees housed in barracks-style housing
- Medical modular housing detainees who require more frequent medical assistance
- Kitchen, including food preparation, food storage, and equipment cleaning areas, intake/out-processing area
- Special Management Unit (commonly known as solitary confinement)
- Modular housing units, including individual cells, common showers, and medical units within modules
- Barracks-style housing
- Control room

During the unannounced inspection, we interviewed ICE and OCSD staff from the facility and five detainees. We reviewed documentation from a previous ICE inspection and documentation of grievances.

We used ICE's 2008 PBNDS to conduct our inspection, as these are the standards the facility reported currently operating under. These standards, which were developed in coordination with component stakeholders, prescribe



## **OFFICE OF INSPECTOR GENERAL**

Department of Homeland Security

---

the expected outcomes of each standard and the expected practices required to achieve them. ICE detention standards were also designed to improve safety, security, and conditions of confinement for detainees.



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

*Office of the Chief Financial Officer*

U.S. Department of Homeland Security  
500 12th Street, SW  
Washington, D.C. 20536



**U.S. Immigration  
and Customs  
Enforcement**

January 13, 2017

MEMORANDUM FOR: John Roth  
Inspector General  
Office of the Inspector General

FROM: Jonathan Carver   
Chief Financial Officer

SUBJECT: Management Response for “Management Alert on Issues Requiring Immediate Action at the Theo Lacy Facility in Orange California”, dated January 6, 2017.

U.S. Immigration and Customs Enforcement’s (ICE) wishes to express our appreciation for your staff’s work on the referenced Management Alert.

On January 6, 2017, the Department of Homeland Security, Office of Inspector General (OIG), issued a draft management alert titled “*Management Alert on Issues Requiring Immediate Action at the Theo Lacy Facility in Orange, California*”, OIG Report 17-XX-MA. Following an unannounced inspection, OIG concluded that conditions at the Theo Lacy Facility (TLF) posed health risks and violated ICE’s 2008 Performance Based National Detention Standards (PBNDS).

Specifically, OIG’s concerns centered on conditions such as food handling, serving potentially spoiled meat at TLF, and other unsatisfactory conditions. The inspectors found some “high-risk” detainees were housed in less restrictive barracks-style housing while some “low-risk” detainees were in more restrictive housing modules. The inspectors determined that there was no adequate documentation for housing decisions.

Finally, the report emphasized the fact that Orange County Sheriff’s Department’s (OCSD) more restrictive disciplinary segregation violates ICE’s detention standards. Also, neither ICE nor OCSD properly documents grievances from detainees to ensure resolution, notification of resolution, and opportunities to appeal.

ICE concurs with each of the three recommendations made in the Management Alert.

[www.ice.gov](http://www.ice.gov)



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

Management Response “Management Alert on Issues Requiring Immediate Action at the Theo Lacy Facility in Orange California”

Page 2

***Recommendation 1: Ensure OCSD follows U.S. Department of Agriculture’s safe food handling guidelines to prevent health risks to detainees at TLF and other detention facilities that receive food from TLF.***

***Response 1:*** ICE concurs. OCSD follows the California Department of Corrections and Rehabilitation (CDCR) Title 15 for Local Detention Facilities, Section 1254, (Kitchen Facilities, Sanitation, and Food Storage. (a) Kitchen facilities, sanitation, and food preparation, service, and storage shall comply with standards set forth in Health and Safety Code, Division 104, Part 7, Chapters 1-13, Sections 113700 et seq. California Retail Food Code.) CDCR food handling guidelines follow U.S. Department of Agriculture’s (USDA) methods or protocols for safe food handling. TLF has been using CDCR Title 15 food service handling guidelines prior to the contract with ICE (for over 5 years). However, USDA’s methods or protocols for safe food handling are not a requirement of the ICE 2008 performance based national detention standards (PBNDS). ICE concurs that OCSD must have safe food handling practices and guidelines to prevent health risks to detainees or other individuals in their custody.

The 2008 standard on *Food Service* requires, in part, that each facility has a food service program under the direct supervision of an experienced food service administrator (FSA) who is responsible for:

Planning, controlling, directing and evaluating food service

Establishing standards of sanitation, safety and security; and

Developing specifications for the procurement of food, equipment and supplies.

TLF has a certified FSA (as well as two food service managers) and, in addition to the ICE detention standards, follows the County of Orange, California’s “Health Care Agency Environmental Health Services” guidelines for food safety. OCSD facilities, including TLF, are routinely inspected by county health inspectors.

OCSD is in the process of re-competing its pre-packaged lunch meat vendor, which is expected to be posted for bids before the end of January 2017. The procurement process is projected to take approximately four months. Although the contract re-compete is part of OCSD’s routine procurement process, the sack lunches that are currently being prepared at TLF will be replaced with pre-packaged box lunches with set expiration dates that will be brought in from an outside vendor.

TLF does not provide food to any other detention facility.

Estimated Completion Date: May 2017

***Recommendation 2: Undertake a full review and inspection of TLF and OCSD’s management of TLF to ensure compliance with ICE’s 2008 PBNDS.***



## OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

---

Management Response “Management Alert on Issues Requiring Immediate Action at the Theo Lacy Facility in Orange California”

Page 3

**Response 2:** ICE concurs. TLF is inspected yearly by the ICE’s contract inspector, the Nakamoto Group, and is scheduled for its next full inspection to ensure compliance with the PBNDS 2008 standards during the week of October 23, 2017. In the interim, the TLF will undergo an inspection by the ICE Office of Detention Oversight (ODO), within the Office of Professional Responsibility (OPR), beginning February 7, 2017. At the end of the inspection, ODO will conduct an on-site out-briefing of facility staff and local field office management regarding any deficiencies identified during the review, followed by an official report of findings to ICE leadership. The Los Angeles Field Office (LAFO) will work with the facility to put in place any necessary corrective action plans, should deficiencies be identified. Estimated Completion Date: November 2017

**Recommendation 3:** *Develop a comprehensive oversight plan for TLF to ensure OCSD’s future compliance with both the intent and the implementation of ICE’s 2008 PBNDS.*

**Response:** ICE concurs. Beginning recently, a group meeting has been instituted at TLF for on-site ICE staff and facility leadership, to include food service managers, for the purpose of discussing facility compliance issues and other areas of concern. In addition, the group has developed a facility-specific form that will be used to document routine and recurring inspections of the food service areas and food-related processes at the facility. ICE’s Detention Standards Compliance Officer is on site at TLF three weeks per month to work with facility staff and other on-site ICE supervisory personnel to monitor facility compliance and implement any necessary corrective action. ICE will continue to monitor and evaluate whether additional oversight staff should be deployed to the TLF for additional coverage.

LAFO will continue to engage with OCSD and monitor any developing issues to expeditiously remedy and correct any compliance deficiencies. In addition, LAFO management has continued to conduct independent onsite spot-inspections of any notable problematic or areas of concern. The results of the spot-inspections are immediately addressed with OCSD for any necessary corrective action in order to ensure compliance of ICE’s 2008 PBNDS. Estimated Completion Date: November 2017

Should you have any questions, please contact Michael Moy, Senior Portfolio Manager, at (202) 732-6263.

cc: DHS GAO/OIG Liaison Office

## ADDITIONAL INFORMATION AND COPIES

To view this and any of our other reports, please visit our website at: [www.oig.dhs.gov](http://www.oig.dhs.gov).

For further information or questions, please contact Office of Inspector General Public Affairs at: [DHS-OIG.OfficePublicAffairs@oig.dhs.gov](mailto:DHS-OIG.OfficePublicAffairs@oig.dhs.gov). Follow us on Twitter at: @dhsoig.



## OIG HOTLINE

To report fraud, waste, or abuse, visit our website at [www.oig.dhs.gov](http://www.oig.dhs.gov) and click on the red "Hotline" tab. If you cannot access our website, call our hotline at (800) 323-8603, fax our hotline at (202) 254-4297, or write to us at:

Department of Homeland Security  
Office of Inspector General, Mail Stop 0305  
Attention: Hotline  
245 Murray Drive, SW  
Washington, DC 20528-0305