



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

Detention Facility Health and Safety Concerns




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April 27, 2023

Memorandum

To: Bryan Newland
Assistant Secretary for Indian Affairs

From: Kathleen Sedney 
Assistant Inspector General for Audits, Inspections, and Evaluations

Subject: Final Management Advisory – *Detention Facility Health and Safety Concerns*
Report No. 2022–WR–040–A

In the course of ongoing work related to the Bureau of Indian Affairs (BIA), we became aware of significant and longstanding health and safety issues at specific detention facilities. As we describe below, these issues require prompt action.

Background

We are currently conducting a performance audit of BIA-funded and/or -operated detention programs (Assignment No. 2022–WR–040) to determine what progress has been made to correct the issues identified in a previous evaluation report from our office,¹ whether the conditions of detention facilities changed since our last review,² and whether funds appropriated for detention facilities were spent in accordance with regulations. Each of the detention facilities discussed in this memorandum agreed to comply with the *BIA Adult Detention Facility Guidelines* in the Public Law No. 93–638 agreements they signed with the BIA. The BIA guidelines are based largely on the *Core Jail Standards* as established by the American Correctional Association (ACA) and have been modified to reflect unique characteristics of Indian Country detention. The ACA standards set a minimum level of operational efficiency and effectiveness and promote safe and secure environments for staff, the community, and prisoners.

During our audit, we identified significant and longstanding health and safety issues when we visited detention facilities managed by the San Carlos Apache Tribe, the White Mountain Apache Tribe, and the Tohono O’odham Nation.³ Several of these issues appear to have been exacerbated due to inaction over time and will likely require more funding and effort to repair than if they had been addressed in a timely fashion. We identified many of these same

¹ *Evaluation of Bureau of Indian Affairs Funded and/or Operated Detention Facilities* (Report No. 2015–WR–012), issued February 11, 2016. <https://www.doiioig.gov/reports/evaluation/bureau-indian-affairs-funded-and-or-operated-detention-programs>.

² In our previous report, we noted that facility maintenance needs were at risk of going unaddressed because maintenance work orders were not consistently recorded in an electronic system. As we described in that report, BIA facility maintenance employees at the building or agency office are to submit work orders for maintenance and repairs, which are routed to the Division of Facilities Management and Construction.

³ We were accompanied by BIA Office of Justice Services officials during all site visits.

issues in 2015 during site visits for our prior evaluation of BIA-funded and/or -operated detention programs. Given their seriousness, we are bringing them to your attention so you can begin addressing them before we issue our draft audit report for agency comment and response.

San Carlos Apache Adult/Juvenile Detention Center

The Indian Affairs Division of Facilities Maintenance and Construction (DFMC) provides facility condition ratings for detention facilities. As of July 2022, the DFMC provided the San Carlos Apache Adult/Juvenile Detention Center with a “good” rating; however, we identified four specific concerns at the center that warrant immediate attention.

During our visit on October 19, 2022, we saw a wide crack in the wall between the adult and juvenile inmate holding cells, which could evidence deterioration or structural damage to the building (see Figure 1). This crack also prevents sight and sound separation between adults and juvenile inmates, which is a requirement under the Prison Rape Elimination Act (PREA).⁴ We saw this same issue during our prior site visit in 2015 and took a nearly identical photograph at that time.

Figure 1: Crack in the Wall Between Adult and Juvenile Holding Cells, Observed in 2015 (Left) and 2022 (Right)



The detention center director told us he first noticed this problem in 2009, and the BIA facility manager learned about the crack during our site visit in 2015. During our 2022 site visit, staff stated to us that the original builder did not fill the cinderblock walls with concrete during construction in 2003, and the heavy, correction-grade doors put stress on the walls, pulling them

⁴ 42 U.S.C. § 30301; 28 C.F.R. § 115.14, “Youthful Inmates.”

apart. Staff showed us efforts that had been taken to mitigate the damage with patching and metal bracing to hold walls together, but—as the 2022 photograph demonstrates—these measures have not resolved the issue.

We also identified issues with the pumphouse, the female detention pod, and light fixtures that developed since our 2015 site visit. The pumphouse—a standalone building that houses the fire suppression system—contains a pump that leaks water daily. The pump is surrounded by standing water, and there are three electrical batteries that are only about 3-to-4 inches above the standing water. The BIA guidelines recommend that “all equipment is in working order” and “safety and security equipment is repaired or replaced immediately.”⁵ In addition, the female detention pod did not have a functional air conditioning unit. The detention center was relying on fans to manage temperatures in the area while the unit was down. The guidelines recommend a ventilation system with “temperatures that are mechanically raised or lowered to acceptable comfort levels.”⁶ Further, several light fixtures in the inmate housing units were inoperable and staff have not been able to replace them due to their high location. In addition, none of the exterior facility lights turn on. The guidelines recommend that “lighting throughout the facility is sufficient for the tasks performed.”⁷

White Mountain Apache Adult Detention Center

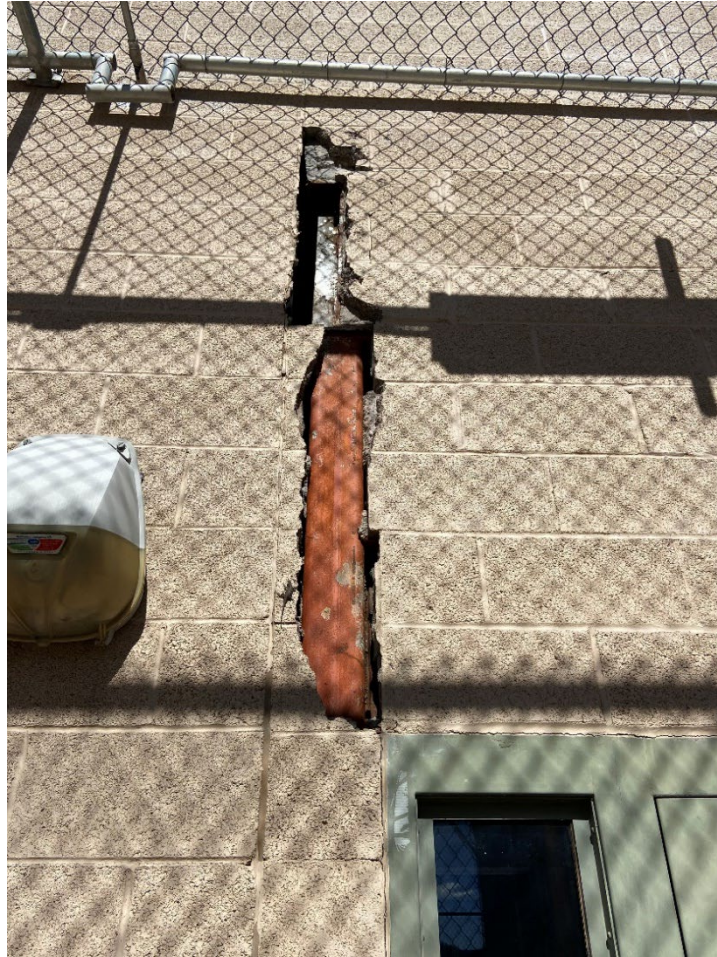
As of July 2022, the DFMC provided the White Mountain Apache Adult Detention Center with a “good” rating; however, during our visit on October 18, 2022, staff identified structural issues at the facility, including a large hole in the building exterior and large chunks of cinderblock that have fallen from the walls into the inmate living areas (see Figure 2).

⁵ *BIA Adult Detention Facility Guidelines*, 1C–09.

⁶ *BIA Adult Detention Facility Guidelines*, 1A–10.

⁷ *BIA Adult Detention Facility Guidelines*, 1A–09.

Figure 2: Hole in the Building Exterior



Detention staff reported to us that falling cinderblock chunks are caused by insufficient welding of the main steel I-beam.⁸ BIA officials who also attended the site visit told us that repairs were made to patch the cinderblocks but that no action has been taken to address the insufficient welding on the main I-beam. BIA officials told us that no related injuries have been reported, but staff are fearful. For example, in February 2019, the facility was temporarily evacuated after a snowstorm because of concerns that the building would collapse due to a heavy snow load.

Further, in our prior evaluation report, we described an unfinished project the Tribe had undertaken to construct 20 additional beds⁹; during our recent visit, we saw that this project remains unfinished more than 7 years later. For example, the electricity had not been connected, there was no heating or air conditioning, and the cinderblock walls were hollow rather than being filled with concrete and rebar. In addition, we observed water damage in the project area, which staff told us was due to walls not being sealed properly and the roof leaking. Notwithstanding

⁸ Steel I-beams are a type of joist that is made from heavy structural steel. They are generally used in buildings as major supports that give the overall structure its strength.

⁹ The project was funded with a 2009 U.S. Department of Justice American Recovery and Reinvestment Act grant.

these problems, the area was used to house COVID–19-positive inmates during the pandemic. According to an Office of Justice Services official, however, the BIA did not approve the area for housing inmates and is concerned for the safety of inmates and staff in the event of an emergency evacuation if the area were to be occupied.

Tohono O’odham Adult Detention

As of July 2022, the DFMC provided the Tohono O’odham Adult Detention facility with a “fair” rating. During our visit on October 20, 2022, we witnessed conditions at the facility that we also identified as deficient in 2015.¹⁰ In particular, we identified ongoing problems regarding water and sewer functionality. We also identified new concerns associated with electrical outlets and fire suppression systems.

In 2015, we observed deficiencies with the water and sewer systems. We saw similar deficiencies during our 2022 site visit. The BIA guidelines require inmates have access to showers, toilets, and washbasins with temperature-controlled hot and cold running water 24 hours per day.¹¹ Staff told us that a sewer line under the facility was broken and needed to be replaced. We confirmed that there were nonoperational toilets and sinks throughout the building as well as moldy shower ceilings. Officers told us that they had to turn water for the showers on and off manually and confirmed this by showing us the valve that they used in a hallway access panel. Staff reported that a water valve behind the access panel was leaking and pooling under the flooring in an adjacent building that is tribally owned and maintained, and we confirmed that water was seeping through tiles in the hallway.

We identified new problems as well. First, we confirmed that the fire suppression system had not been tested since September 2016. The BIA guidelines, however, require annual inspection of fire suppression systems.¹² We also found that many of the electrical outlets in the inmate housing areas were not functioning. As a workaround, detention officers ran extension cables into the housing areas to power televisions and VCRs, which increased the supervision-related risks as unsupervised inmates could use the cables to cause harm. The guidelines recommend that community, staff, contractors, volunteers, and inmates are protected from harm and that events that pose risk of harm are prevented.¹³

Recommendation

We provided a draft of this report to Indian Affairs for review, which did not provide a response. We accordingly consider the recommendation unresolved (the attachment lists the recommendation status).

¹⁰ The Tohono O’odham Adult Detention facility was constructed in 1964 and is BIA owned and maintained.

¹¹ *BIA Adult Detention Facility Guidelines*, 4B–04.

¹² *BIA Adult Detention Facility Guidelines*, 1C–05.

¹³ *BIA Adult Detention Facility Guidelines*, 2A.

We recommend that Indian Affairs:

1. Coordinate with the Division of Facilities Management and Construction and the BIA Office of Justice Services to develop and implement a plan to identify and address all critical health and safety issues at the facilities mentioned in this management advisory. This plan should include, at a minimum, specific corrective actions and associated milestones for each identified issue.

We will refer the recommendation to the Office of Policy, Management and Budget for resolution and implementation tracking and to report to us on its status. In addition, we will notify Congress about our findings, and we will report semiannually, as required by law, on actions, if any, you have taken to implement the recommendation. We will also post a public version of this report on our website.

If you have any questions about this management advisory, please call me at 202-208-5745.

Attachment

Attachment: Status of Recommendation

Recommendation	Status	Action Required
<p>2022-WR-040-A-01 Coordinate with the Division of Facilities Management and Construction and the BIA Office of Justice Services to develop and implement a plan to identify and address all critical health and safety issues at the facilities mentioned in this management advisory. This plan should include, at a minimum, specific corrective actions and associated milestones for each identified issue.</p>	Unresolved	We will refer the recommendation to the Office of Policy, Management and Budget for resolution.



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