


U.S. Department of Homeland Security  
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**U.S. Immigration  
and Customs  
Enforcement**

MEMORANDUM FOR: Tae D. Johnson  
Assistant Director, Custody Management Division

THROUGH: Jay M. Brooks  
Deputy Assistant Director, Detention Management Division

FROM:   
Corey A. Price  
El Paso Field Office Director

SUBJECT: Otero County Processing Center, Chaparral, New Mexico  
Waiver Request for Comingling of Different Level Detainees in  
certain areas.

Purpose

Provide a waiver for the El Paso Field Office, Otero County Processing Center (OCPC), as it relates to the Classification Standard in Detention Facilities, Section (V)(F)(1), within the 2011 Performance Based National Detention Standards (PBNDS), which states that low custody detainees may not be comingled with high custody detainees.

Background

On August 9-12, 2016, an annual inspection of the OCPC was conducted by the Office of Detention Oversight (ODO), in which they observed high custody detainees co-mingling with low custody detainees in multiple locations throughout the facility.

Discussion

A corrective plan of action is not readily available due to the overwhelming expense, time and space limitations associated with full compliance with the standards. The OCPC adheres to all procedures outlined by PBNDS to classify and assign housing to ICE detainees. However, the separation of detainees by classification levels in other areas may prove to be undue burden upon the facility. It would reduce the time available for recreation, increase the waiting time of visitors, require a larger number of volunteers to provide religious services, and cause undue delay to court proceedings, and detainee interviews conducted by the Mexican Consulate and Mexican Immigration.

In order to prevent the co-mingling amongst detainees of different classification levels outside housing, the facility takes other measures to create separation and security by providing visual supervision during different activities at the facility.

In the Multi-purpose rooms, where religious services, evening recreation activities, Know Your Rights Presentations, Orientation, and different types of interviews take place, one officer provides security and direct supervision. The largest groups are present during interviews, with an average of 125 detainees in a room. Detainees of different levels are separated by at least a couple of empty seats between them. Except for recreation activities, detainees are not allowed to talk to each other during presentations. During other activities, the number of detainees in a room vary from 20 to 30. The security for these rooms is augmented by two security officers posted on the hallway outside.

In the Barber Shop, Law Library, Medical, Courtroom, and Visitation one officer provides direct supervision to detainees in each area. The size of these groups varies between 3 and 20 detainees. In the outside recreation yard, where the average group is made up of 130 detainees, the supervision is provided by three security officers. The facility follows the housing classification standard to send detainees to recreation. There is no co-mingling of classification levels that are not allowed per PBNDS. Two offices are assigned to supervise an average of 75 detainees in each one of the two Dining Halls during meals.

During intake, there are three officers assigned to conduct random 15 minute checks of the hold rooms as required per PBNDS. During escorts inside the facility, one officer is assigned to each group of detainees. The two Hall Officers assist in providing supervision to detainees being moved. For Medical and Court Hold Rooms, one officer is assigned to each one to conduct random 15 minutes checks. Two officers are assigned to each van transport.

During Recreation, Visitation, Religious Services, and Interviews, The facility seats detainees with different levels of classification separately within the same room under direct supervision of officers posted in the room. This practice ensures the detainees of different classifications do not comeingle and ensures their safety.

#### Recommendation

I recommend that you approve a waiver relating to Section (V)(F)(1) of the Custody Classification System of PBNDS 2011 requirement to avoid low custody detainees comeingle with high custody detainees. The OCPC will continue to ensure the different classification levels remain separated within the same room and their security safeguarded by security officers.

Approve/date  2/1/17 Disapprove/date \_\_\_\_\_

Modify \_\_\_\_\_ Needs more discussion \_\_\_\_\_