




U.S. Immigration and Customs Enforcement

January 31, 2019

MEMORANDUM FOR: Tae D. Johnson
Assistant Director for Custody Management

THROUGH: Jay M. Brooks
Deputy Assistant Director for Custody Management

FROM: Erik S. Bonnar 
Acting Field Office Director

SUBJECT: Waiver for restroom in kitchen area

Purpose

Provide a waiver for the Mesa Verde Detention Facility (MVDF) as it relates to the Food Service in Detention Facilities, Standard 4.1.Food Service, Component 36 (key: T36) within the ICE Performance-Based National Detention Standards 2011 (PBNDS 2011), which states “Adequate, sanitary, properly equipped, and conveniently located toilet facilities shall be provided for all food service staff and detainee workers.”

Background

The MVDF is a 400 bed Intergovernmental Service Agreement (IGSA) facility, located in Bakersfield, California. MVDF has a capacity to house up to 400 ICE detainees daily for Immigration and Customs Enforcement (ICE).

On June 26-28, 2018, the Nakamoto Group, Inc. conducted a Compliance Inspection of the MVDF for areas of noncompliance with the PBNDS 2011. The Nakamoto review found that MVDF

This is considered a repeat deficiency according to Standard 4.1.Food Service, Component 36 (key: T36) within the ICE PBNDS 2011.

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Discussion

Detainees and staff working in the food service department needing to use toilet facilities are required to use lavatories located in other areas of the facility. Detainees are escorted through two security doors to the medical department where they have access to a lavatory. The lavatory being utilized by detainees is in the medical department. It is maintained, clean and appropriately equipped at all times. The staff lavatory is located in the administrative area and is also maintained, clean and appropriately equipped. A waiver is requested for the Food Service component requiring a conveniently located toilet facility for all food service staff and detainee workers. The construction of a more conveniently located toilet facility is not feasible due to the physical layout of the existing building and would require utilizing valuable space already being utilized for other programs such as medical and laundry. Currently staff and detainee workers have access to a toilet facility within a reasonable distance.

Recommendation

I recommend that you approve a waiver to Standard 4.1.Food Service, Component 36(key: T36) within the ICE PBNDS 2011 and defer to the current practice of food service staff and detainee workers accessing lavatories located in other areas of the facility.

If circumstances change, this waiver can be amended or rescinded at any time.

Approve/ Date jmb 2/12/19 Disapprove/ Date _____
Modify/ Date _____ Needs more discussion _____

Note: Detainee work shifts do not exceed 4 hours. To date, there have been no complaints from ICE detainees regarding being escorted to nearby bathroom facilities. Detainees have full access to restroom services.

Feb 2/19



Notes: Between block shifts do not exceed 4 hours. To date,
there have been no complaints from the customers
regarding being forced to remain between shifts.
Between four full years to between seven.