



June 1, 2018

TO: [REDACTED]  
Assistant Director for Detention Management

FROM: [REDACTED]  
Lead Compliance Inspector  
The Nakamoto Group, Inc.

SUBJECT: **Annual Detention Inspection of the Clay County Jail**

The Nakamoto Group, Inc. performed an annual inspection for compliance with the ICE Performance-Based National Detention Standards (PBNDS) 2008 of the Clay County Jail in Brazil, IN during the period of May 30–June 1, 2018. This is an IGSA facility.

The annual inspection was performed under the guidance of [REDACTED], Lead Compliance Inspector. Team Members were:

Subject Matter Field	Team Member
Security	[REDACTED]
Detainee Rights	[REDACTED]
Medical Care	[REDACTED]
Safety	[REDACTED]
Medical Care	[REDACTED]

**Type of Inspection**

This is a scheduled annual inspection, which is performed to determine overall compliance with the ICE PBNDS 2008 for Over 72 hour facilities. The facility received a rating of Meets Standards during the May 2017 inspection.

**Inspection Summary**

The Clay County Jail is currently accredited by:

- The American Correctional Association (ACA) – No
- The National Commission on Correctional Health Care (NCCCHC) – No
- The Joint Commission (TJC) – No
- Prison Rape Elimination Act (PREA) – No

**Standards Compliance**

The following information is a summary of the standards that were reviewed and overall compliance that was determined as a result of the 2017 and 2018 PBNDS 2008 compliance annual inspections:



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<b>2017 Inspection</b>	
Meets Standards	39
Does Not Meet Standards	0
At-Risk	0
Repeat Finding	0
Not Applicable	2

<b>2018 Inspection</b>	
Meets Standards	39
Does Not Meet Standards	0
At-Risk	0
Repeat Finding	0
Not Applicable	2

The inspection team identified twenty (20) deficient components in the following six (6) standards:

- Environmental Health and Safety – 2, both are repeat deficiencies
- Transportation (By Land) – 2, both are repeat deficiencies
- Personal Hygiene – 1, which is a repeat deficiency
- Recreation – 2, one of which is a repeat deficiency and one is a Priority component
- Detainee Handbook – 11
- Grievance system – 2, one of which is a Priority component

### **Facility Snapshot/Description**

The Clay County Jail (CCJ) is in the Clay County Justice Center located in the Brazil, Indiana business district. The [REDACTED] facility is under the jurisdiction of the Clay County Sheriff. The facility houses [REDACTED]. The count on May 30, 2018 was [REDACTED].

[REDACTED] The facility houses ICE detainees of all classification levels.

The indirect-supervision jail consists of nine housing units. A 24-hour roving security officer conducts wellness checks inside each of the housing units. Every housing unit has video camera coverage which is monitored in the control center tower. Housing areas provide adequate open space. Each unit is equipped with a television, telephones and stainless-steel table with attached stools. There is a video-visitation station in each unit. The facility does not offer outside recreation. The inspection team visited the ICE detainee housing units several times during the inspection. All ICE detainees were interviewed. Detainees stated that they did not fear for their safety and that the officers treat them with respect. Detainees were observed playing board games and socializing with other detainees. The female detainee appeared to be having some difficulty as she spoke limited English and was not communicating with or socializing with the non-ICE detainees in the housing unit. This was brought to the attention of the SDDO who interviewed her and she was transferred to another facility during the inspection.

The living areas were observed to be in need of general cleaning and sanitation. Graffiti was observed in different areas and some vents were dirty and blocked. The showers had chipped paint, mold, rust and soap scum. The toilets and sinks were in need of basic sanitation and not all sinks and toilets were operational. An inspection of the rest of the facility reflected a positive environment, acceptable conditions, and no issues were noted with the conditions of confinement.

There were no substantive complaints regarding food, medical care or access to telephones or legal material. The detainees verified that ICE personnel visit the housing units every week. ICE detainees do not incur



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medical co-payments. Medical services are provided by Quality Correctional Care. All other services are provided by Clay County employees.

## **Areas of Concern/Significant Observations**

### **Recreation:**

**Priority Component #3:** If outdoor recreation is available at the facility, each detainee shall have access for at least one hour daily, at a reasonable time of day, weather permitting. Detainees shall have access to clothing appropriate for weather conditions. If only indoor recreation is available, detainees shall have access for at least one hour each day to a large recreation room with exercise equipment and access to natural sunlight. All detainees participating in outdoor recreation shall have access to drinking water and toilet facilities.

### **Finding:**

Outdoor recreation is not available. Policy and/or the detainee handbook do not address recreation hours or days offered. A review of recreation logs indicated that detainees are provided access to indoor recreation in a multi-purpose room with exercise equipment five days a week for one hour. The multi-purpose room provides limited access to sunlight and fresh air except during the cold months when the louvered window is not opened. The standard requires daily access for one hour.

### **Recommendation:**

Recreation should be offered for at least one hour each day.

### **Grievance System:**

**Priority Component #1:** Each facility shall have written policy and procedures for a detainee grievance system that:

- Establishes a procedure for any detainee to file a formal grievance;
- Establishes a procedure to track or log all formal grievances;
- Establishes reasonable time limits for: processing, investigating, and responding to grievances, including medical grievances; convening a grievance committee (or actions of a single designated grievance officer) to review formal complaints; and providing written responses to detainees who filed formal grievances, including the basis for the decision.
- Ensures a procedure in which all medical grievances are received by the administrative health authority within 24 hours or the next business day;
- Establishes a special procedure for time-sensitive, emergency grievances
- Ensures each grievance receives supervisory review;
- Provides at least one level of appeal;
- Includes guarantees against reprisal; and
- Ensures information, advice, and directions are provided to detainees in a language or manner they can understand, or that interpretation/translation services are utilized. Illiterate, disabled, or non-English speaking detainees shall be provided additional assistance, upon request.



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***Finding:***

Written policy does not address a procedure to track or log all formal grievances. Written policy does not provide a procedure for a written response to the detainee who filed a formal grievance including the basis for the decision. Written policy does not address medical grievances in any part.

***Recommendation:***

The facility should revise policy to include a procedure to track all grievances, establish time frames for providing a written response to detainees who file formal grievances including the basis for the decision and develop a procedure in which all medical grievances are received by the administrative health authority within 24 hours or the next business day.

**Recommended Rating and Justification**

The Lead Compliance Inspector recommends that the facility receive a rating of Meets Standards. The facility complies with the ICE Performance-Based National Detention Standards (PBNDS) 2008. No (0) standards were rated Does Not Meet Standard and two (2) standards were non-applicable (N/A). The remaining thirty-nine (39) standards were found to be in compliance.

**LCI Assurance Statement**

The findings of Meets Standards and Does Not Meet Standards are accurately and completely documented on the G-324A Inspection Form and are supported by documentation in the inspection file. An out brief was conducted at the facility and in addition to the entire Nakamoto Group, Inc. Inspection Team, the following were present:

- ICE Officials – [REDACTED]
- Facility Staff – [REDACTED]

[REDACTED], Lead Compliance Inspector

June 1, 2018

Printed Name of LCI

Date