January 27, 2022

TO:       
Acting Assistant Director Custody Management

FROM:     
Lead Compliance Inspector
The Nakamoto Group, Inc.

SUBJECT: Annual Occupancy Inspection of the Otay Mesa Detention Facility

The Nakamoto Group, Inc. performed an annual inspection for compliance with the ICE Performance-Based National Detention Standards (PBNDS) 2011 of the Otay Mesa Detention Facility in San Diego, California during the period of January 25-27, 2022. This is a CDF.

The annual inspection was performed under the guidance of Lead Compliance Inspector. Team members were:

<table>
<thead>
<tr>
<th>Subject Matter Field</th>
<th>Team Member</th>
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<tbody>
<tr>
<td>Safety</td>
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<tr>
<td>Security</td>
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<tr>
<td>Medical Care</td>
<td></td>
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<tr>
<td>Detainee Rights</td>
<td></td>
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<tr>
<td>Medical Care</td>
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Type of Inspection

This is a scheduled annual inspection to determine overall compliance with the ICE PBNDS 2011 for Over 72-hour facilities. The facility received a rating of Meets Standards during the February 2021 inspection.

Inspection Summary

The Otay Mesa Detention Facility is currently accredited by:

- The American Correctional Association (ACA) - Yes
- The National Commission on Correctional Health Care (NCCHC) - Yes
- 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 2021 and 2022 PBNDS annual inspections:
<table>
<thead>
<tr>
<th>2021 Annual Inspection</th>
<th>2022 Annual Inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Meets Standards</td>
<td>41</td>
</tr>
<tr>
<td>Does Not Meet Standards</td>
<td>0</td>
</tr>
<tr>
<td>Repeat Finding</td>
<td>0</td>
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<tr>
<td>Not Applicable</td>
<td>2</td>
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The inspection team identified three (3) deficient components in the following one (1) standard:

Visitation – 3, all are repeat deficiencies of which two are priority components

Facility Snapshot/Description

Otay Mesa Detention Facility is located on the border of Mexico about thirty miles south of San Diego. It is owned and operated by CoreCivic (private contractor) under the jurisdiction of Immigration and Customs Enforcement and U.S. Marshal Service contracts. During the first day of the inspection the facility housed 1,339 male and female detainees which included [male] ICE detainees [male and female] of all classification levels, and [male and female] U.S. Marshal Service inmates. The facility has an operational capacity of [beds]. ICE detainees are not housed with non-ICE detainees. [beds]

The compound consists of one single two-story building. The first floor of the building is designed with a quarter-mile pedestrian corridor that runs the length of the building; it provides access to all housing units, common areas, and administrative offices. The second floor of the building contains courtrooms, ICE and EOIR administrative offices and legal visitation rooms. The entire compound is encircled with two twelve-foot chain linked fences that are supplemented with rows of razor ribbon on the top and bottom of the fencing runs. The interior fence line is equipped with stun fence capability, and there is a microwave detection system installed that monitors movement between the fences. The compound is encircled by a paved perimeter road that is patrolled by two armed officers in vehicles 24 hours a day. Surveillance cameras offer visibility around the entire perimeter, into all housing units, throughout the sallyport area, and down the interior movement corridor. Detainee movement is monitored by sight line observations or escort depending on custody levels. All exterior building doors and interior security doors are under constant camera surveillance and controlled by central control staff. The facility is equipped with a 312 surveillance camera network that is monitored 24 hours a day.

The facility has seventeen general population housing units configured into dormitory settings or units with two-tier two-bed cells. The housing units range in size from [beds] to [beds]. There are two special management units (SMU); one female unit containing [beds] bed cells and one male unit containing [beds] bed cells. There were nine ICE detainees housed in the SMU during the inspection; six in administrative segregation status and three in disciplinary segregation status. The health care unit has two nine-bed dormitories and fourteen two-bed cells; six of the cells are capable of negative air pressure. The health care unit is not an infirmary. Select housing units and/or portions thereof currently serve as a COVID-19 quarantine/isolation unit where newly admitted detainees and existing detainees are housed until negative testing results/protocols are complete. During the inspection there were 215 active COVID-19 cases in the facility. Certain areas of the facility required a full PPE gown, masks, shoe coverings and gloves to be put on prior to entrance. These areas were posted with bright and bold caution signage at the entrance doors.
All officers and most medical staff carry a radio. The facility does not currently offer on-site visitation due to COVID-19 conditions, except for legal visits. Only a remote fee-based video-visit format is permissible for social/general visitation. No accommodations have been established to permit all detainees the opportunity to participate in general visitation at no charge; indigent detainees are currently not permitted to participate in video-visitation. Effective 1/27/2022, the OIC has submitted plans to begin weekly reviews with ICE for discussion regarding the restoration of visiting privileges to all detainees. Although the attempt to end the suspension of social visits is worthy of mention, the plan cannot be accomplished by a target date because future phase-in conditions are unknown.

All general population and SMU detainees have access to out-of-cell recreation for at least sixty minutes daily. Each of the housing units has a recreation area that abuts to the unit. Each general population housing unit has a dayroom accessible daily from 5:00 a.m. to 10:00 p.m. Tablets and telephones are available for use in the dayrooms during these hours. Tablets provide detainees the ability to: retrieve the handbooks in several languages; submit ICE/facility requests; file grievances; submit sick-call requests; access LexisNexis for view only; retrieve all program/activity schedules; read books; play games; send/receive emails; make telephone calls; receive messages from outside sources; participate in educational programming; and listen to music. Each housing unit has a kiosk solely dedicated to ordering weekly commissary and checking account balances.

The inspectors conducted seventeen formal confidential detainee interviews of which eight of them were assisted with an off-site interpreter service; and twelve informal interviews with detainees in the housing units and on the outdoor recreation yard. All nine of the ICE special management unit detainees were visited/interviewed by the security SME. The interviewed detainees’ length of stay in the facility ranged from five weeks to two years. All of the detainees stated: they received a handbook during intake; felt safe at the facility and had not been threatened or mistreated by staff or other detainees; their living areas were clean; recreation time was satisfactory; medical services were acceptable; food was average but they wanted more fruit; the current visitation format was acceptable but expensive; and their access to facility staff and ICE/ERO representatives and responses from them to their requests was satisfactory. Most of the detainees were unaware of OIG services but were instructed as to its purpose and how to contact them. There were no substantive concerns expressed. Overall the detainees were very content with their current conditions.

There were no deaths, suicide attempts, or escapes reported during this inspection period. The facility is maintaining an above average level of cleanliness.

Medical, dental, mental health and maintenance services are provided by CoreCivic employees. Food service is provided by Trinity Services Group. Detainee telephone and tablet services are provided by Talton Communications. Detainees are not charged co-pays for medical, mental health, or dental care services.

Areas of Concern/Significant Observations

The facility is providing the following optimal levels of service, as described in the standards in: 2.12 – Special Management Units, administrative segregation status detainees receive daily outdoor recreation for at least two hours; disciplinary segregation status detainees receive daily outdoor recreation for at least one hour; 2.15 – Use of Force and Restraints, use of force audiovisual records are retained by the facility for at least one year after litigation or any investigation has concluded or been resolved; 5.6 – Telephone Access, telephones are provided in all the housing units at ratios of at least one telephone for ten detainees; 5.4 – Recreation, general population detainees receive more than four hours of daily outdoor recreation, administrative segregation status detainees receive more than two hours of daily outdoor recreation and disciplinary segregation status detainees receive more than one hour of daily recreation out-
side of their cells; and 6.3 - Law Libraries and Legal Materials, detainees are provided law library access hours for more than fifteen hours per week.

This was a hybrid inspection in which some inspectors worked remotely. Remote inspectors were unable to personally observe practices and procedures within the facility and relied upon photographs and/or videos to validate the observation of many standards. There were two priority components rated Does Not Meet Standard. Details are described as follows.

5.7 - Visitation

**Component 5: PRIORITY** General visitation is permitted during set hours on Saturdays, Sundays, and holidays, and, to the extent practicable, the facility also establishes visiting hours on weekdays and during evening hours. The facility accommodates the scheduling needs of visitors for whom scheduled visiting hours pose a hardship. The number of visitors a detainee receives and the length of visits are limited only by reasonable constraints of space, scheduling, staff availability, safety, security, and good order.

**Finding:** General visitation has been suspended during this inspection period due to COVID-19. Video visits are available to detainees using the tablets in the housing units. There is a charge for the visits. Indigent detainees do not have access to visits.

**Recommendation:** Provide an accommodation for a contact/non-contact and/or video-visit format for all detainees that is safe and does not charge a fee.

**Component 9: PRIORITY** The facility’s written rules shall specify time limits for visits. Visits should be for the maximum period practicable but not less than one hour with special consideration given to family circumstances and individuals who have traveled long distances.

**Finding:** Normally detainees are permitted a minimum of one hour for a visit. Special consideration is given to individuals who have traveled a long distance or who have unusual circumstances. On-site general visitation has been suspended during this inspection period due to COVID-19. Detainees may visit using the tablets in the housing units for a fee. No accommodation is made for indigent detainees.

**Recommendation:** Provide an accommodation for a contact/non-contact and/or video-visit format for all detainees that is safe and does not charge a fee.

**Recommended Rating and Justification**

The Lead Compliance Inspector recommends that the facility receive a rating of Meets Standards unless unobserved practices and conditions are contrary to what was reported to the inspection team. The facility complies with the ICE Performance-Based National Detention Standards (PBNDS) 2011 for Over 72-hour facilities. No (0) standards were rated as Does Not Meet Standard and two (2) standards were Not Applicable (N/A). All remaining forty-one (41) standards were found to Meet Standards.

**LCI Assurance Statement**

The findings 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. In addition to the entire Nakamoto Group, Inc. Inspection Team (one SME via conference call) the following were present:

- ICE Officials –
- Facility Staff -

[Redacted]

[Redacted]  Lead Compliance Inspector  January 27, 2022
Printed Name of LCI  Date