



January 29, 2021

TO: [REDACTED]  
Assistant Director for Detention Management

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

SUBJECT: **Annual Inspection of the Otero County Processing Center**

The Nakamoto Group, Inc. performed an annual inspection for compliance with the ICE Performance-Based National Detention Standards (PBNDS) 2011 with 2016 revisions of the Otero County Processing Center in Chaparral, New Mexico during the period of January 27-29, 2021. This inspection was conducted remotely due to the COVID-19 virus. This is a DIGSA facility.

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

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

**Type of Inspection**

This is a scheduled annual inspection which is performed to determine overall compliance with the ICE PBNDS 2011 for Over 72 hour facilities. The facility received a previous rating of Meet Standards during the July 2020 annual inspection.

**Inspection Summary**

The Otero County Processing Center 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) - Yes

**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 2020 annual inspection and 2021 annual inspection:



<i>2020 Annual Inspection</i>	
Meets Standard	39
Does Not Meet Standard	0
Repeat Finding	0
Not Applicable	3

<i>2021 Annual Inspection</i>	
Meets Standard	40
Does Not Meet Standard	0
Repeat Finding	0
Not Applicable	3

The inspection team identified four (4) deficient components in the following one (1) standard:

Visitation – 4, two of which are priority components

### **Facility Snapshot/Description**

The Otero County Processing Center was built in 2008 and is located in Chaparral, New Mexico, approximately 25 miles north of El Paso, New Mexico. The facility is owned and operated by Management and Training Corporation (MTC). This Dedicated IGSA (DIGSA) facility [REDACTED] and employs the direct model of supervision to all custody levels of adult male detainees for ICE. ICE officials are on-site at this facility and four courtrooms are available for immigration judicial reviews. [REDACTED]

The facility employs the concept of civil detention. During the inspection, optimal compliance was found while reviewing the following standards: Admission and Release; Special Management Unit; Medical Care; Significant Self Harm and Suicide Prevention and Intervention; Terminal Illness, Advance Directives, and Death; Recreation; and Telephone Access. Details of these achievements are noted in the overall remarks of each standard listed.

Detainees are housed in dormitory style living quarters with other detainees of same or similar custody levels. Each of the twenty dormitories have a fifty-bed capacity. The facility maintains an 89-cell special management unit (SMU). All SMU cells are doubled bunked, but the facility only allows single person occupancy per cell. The facility has a sixteen-bed medical housing area. Living units appear well lit with both natural and artificial light and have adequate open space for detainees. A housing unit floor plan and photographs of the housing units were provided for review. The dayrooms in each of the housing units are furnished with tables and chairs for detainees to participate in leisure time activities and socializing. The chief of security reported that board games, leisure reading material, playing cards, and televisions are among the amenities available to detainees. Computer tablets are available in the living units to assist detainees in communicating with family, video visitation, and submitting electronic requests to ICE. The facility has a large outdoor recreation yard for detainees to play soccer, volleyball, and jog or walk. The large outdoor recreation yard is supplemented by four smaller outdoor recreation areas that offers basketball and handball courts and access to stationary exercise equipment. Indoor recreation areas include the dayroom portions of each housing unit and two multi-purpose rooms that are equipped with stationary exercise equipment, video games, and table tennis for detainee use. General visitation and group religious services have been temporarily suspended due to health concerns associated with the COVID-19 virus. Video visitation for a fee is available to detainees through the telephone provider. Visits from legal representatives have not been suspended. Other COVID-19 response operational changes include all newly received detainees have been quarantined and COVID-19 tested upon admission to the Otero County Processing Center. The facility has arranged with the telephone provider to allow 500 free minutes of monthly call time for detainees to maintain positive family ties in the absence of family visits.



The facility is reported to be climate controlled and appeared to be in good repair based on photographs reviewed by inspectors. All staff interviewed were well-versed in facility guidelines and operating procedures as well as the National Detention Standards. Officers and staff were professional during interviews and detainees spoke willingly and respectfully. A review of photographs, videos, sanitation inspection reports, and interviews with staff and detainees concluded that the sanitation level of the facility was acceptable.

The inspection team interviewed sixteen LEP and English-speaking detainees housed at the facility. Interviews were held telephonically and with the assistance of an interpreter when needed. There were no substantive concerns voiced when asked about their personal safety, treatment by staff, mail services, recreation programs, or access to telephones. Several detainees complained of receiving repetitive food items such as beans and rice and one complained that sometimes for breakfast detainees will be served cereal without milk. The safety SME reviewed the menu and found a variety of meals served and reported that items such as beans and rice are never served as the main entrée, but rather a side dish. Moreover, the menu is certified as nutritionally adequate by a dietician. One detainee expressed concerns regarding the location of security cameras near the restroom and shower area of the housing unit alleging that detainees could be viewed while showering or using toilet facilities. This concern was brought to the attention of the PSA Compliance Manager who verified that security cameras are reviewed weekly to ensure that the privacy of detainees is not compromised. The facility achieved PREA certification in 2018. During an interview of the safety SME, a detainee complained that he was supposed to be on a special diet since he recently had gall bladder surgery. He stated that he had been trying for two months to get medical to order the diet, but alleged that medical was not responding. The medical SME consulted with the Health Services Administrator and confirmed that the detainee had been approved for a special diet since 1/19/2021. The Compliance Manager agreed to follow up with the food service manager to ensure that the detainee is receiving a special diet. All detainees interviewed verified that they received a local and National Detainee Handbook during the admission process. LEP detainees interviewed confirmed that facility memorandum, posters, and other types of key information are posted in English and Spanish throughout the facility.

Finally, all detainees that raised substantive complaints or concerns during the interviews were asked if they had submitted their concerns to the Office of Inspector General. No detainee reported that they had submitted their concerns beyond facility staff.

Medical services are provided by MTC Medical. All other services are provided by MTC employees. The facility does not charge co-pays for medical, mental health, or dental care.

Detainee telephone and computer tablet services are provided by Talton Communications via contract with the facility.

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

The inspection team identified two (2) priority components that Does Not Meet Standard:

#### **Visitation**

*Component #5:* 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 since 03/13/2020 due to COVID-19 concerns. There is a video visitation option available on the computer tablets which are available to detainees in the housing units, but



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these are not free. Indigent detainees do not have access to general visitation. They have continued to provide legal visitation.

*Recommendation:* The facility should provide an equal opportunity for detainees to participate in general visitation without paying a fee.

*Component #9:* 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:* General visitation has been suspended since 03/13/2020 due to COVID-19 concerns. There is a video visitation option available on the tablets in the housing units, but these are not free. Indigent detainees do not have access to general visitation. The facility has continued to provide legal visitation

*Recommendation:* The facility should provide an equal opportunity for detainees to participate in general visitation without paying 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). No (0) standards were found Does Not Meet Standard and three (3) standards were Not Applicable (N/A). All remaining forty (40) standards were found to Meet Standards.

### **LCI Assurance Statement**

The findings of compliance and non-compliance 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 telephonically with facility staff and ICE representatives. In addition to the entire Nakamoto Group, Inc. Inspection Team, the following were present:

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

[REDACTED]

[REDACTED], Lead Compliance Inspector

January 29, 2021

Printed Name of LCI

Date

[REDACTED]