



U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of Professional Responsibility
Inspections and Detention Oversight Division
Washington, DC 20536-5501

Office of Detention Oversight
Compliance Inspection

Enforcement and Removal Operations
ERO Baltimore Field Office

Frederick County Adult Detention Center
Frederick, Maryland

March 22-25, 2021

COMPLIANCE INSPECTION
of the
FREDERICK COUNTY ADULT DETENTION CENTER
Frederick, Maryland

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FACILITY OVERVIEW

The U.S. Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) Office of Detention Oversight (ODO) conducted a compliance inspection of the Frederick County Adult Detention Center (FCADC) in Frederick, Maryland, from March 22 to 25, 2021.¹ The facility opened in October 1984 and is owned by Frederick County and operated by the Frederick County Sheriff’s Office. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at FCADC in June 2007 under the oversight of ERO’s Field Office Director in Baltimore (ERO Baltimore). The facility operates under the National Detention Standards (NDS) 2019.

ERO has not assigned deportation officers nor a detention services manager to the facility. An FCADC corrections bureau chief handles the daily facility operation and is supported by [REDACTED] uniformed and [REDACTED] civilian personnel. Frederick County employees provide food services, Wellpath provides medical care, and Keefe Commissary Network provides commissary services at the facility. FCADC was accredited by the National Commission on Correctional Health Care in August 2020 and the Maryland Commission on Correctional Standards in November 2018.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity ²	0
Average ICE Detainee Population ³	0 ⁴
Male Detainee Population (as of March 22, 2021)	0
Female Detainee Population (as of March 22, 2021)	N/A

During its last inspection, in Fiscal Year (FY) 2020, ODO found eight deficiencies in the following areas: Medical Care (1); Disability Identification, Assessment, and Accommodation (1); Religious Practices (1); Telephone Access (2); and Visitation (3).

¹ This facility holds male detainees with low and medium-low security classification levels for periods longer than 72 hours.

² Data Source: ERO Facility List Report as of March 8, 2021.

³ *Ibid.*

⁴ Per the ERO Facility List Report dated March 8, 2021, FCADC had a FY 2020 Average Daily Population (ADP) of 11, which exceeded ODO’s minimum ADP requirement of 10. Additionally, FCADC has an active contract to house ICE detainees, which is why ODO scheduled the facility for an inspection in FY 2021.

COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population greater than ten, and where detainees are housed for longer than 72 hours, to assess compliance with ICE national detention standards. These inspections focus solely on facility compliance with detention standards that directly affect detainee life, health, safety, and/or well-being.⁵

ODO identifies violations of ICE detention standards, ICE policies, or operational procedures as “deficiencies.” ODO also highlights instances in which the facility resolves deficiencies prior to completion of the ODO inspection. Where applicable, these corrective actions are annotated with “C” under the *Compliance Inspection Findings* section of this report.

Upon completion of each inspection, ODO conducts a closeout briefing with facility and local ERO officials to discuss preliminary findings. A summary of these findings is shared with ERO management officials. Thereafter, ODO provides ICE leadership with a final compliance inspection report to: (i) assist ERO in developing and initiating corrective action plans; and (ii) provide senior executives with an independent assessment of facility operations. ODO’s findings inform ICE executive management in their decision-making to better allocate resources across the agency’s entire detention inventory.

ODO was unable to conduct an on-site inspection of this facility, as a result of the COVID-19 pandemic, and instead, conducted a remote inspection of the facility. During this remote inspection, ODO interviewed facility staff, ERO field office staff, and detainees, reviewed files and detention records, and was able to assess compliance for at least 90 percent or more of the ICE national detention standards reviewed during the inspection.

⁵ ODO reviews the facility’s compliance with selected standards in their entirety.

FINDINGS BY NATIONAL DETENTION STANDARDS 2019 MAJOR CATEGORIES

NDS 2019 Standards Inspected ^{6&7}	Deficiencies
Part 1 – Safety	
Environmental Health and Safety	0
Sub-Total	0
Part 2 – Security	
Admission and Release	1
Custody Classification System	0
Facility Security and Control	1
Funds and Personal Property	0
Use of Force and Restraints	0
Special Management Units	0
Staff-Detainee Communication	0
Sexual Abuse and Assault Prevention and Intervention	1
Sub-Total	3
Part 4 – Care	
Food Service	0
Medical Care	0
Hunger Strikes	0
Significant Self-Harm and Suicide Prevention and Intervention	0
Disability Identification, Assessment, and Accommodation	0
Sub-Total	0
Part 5 – Activities	
Religious Practices	0
Telephone Access	0
Sub-Total	0
Part 6 – Justice	
Grievance Systems	0
Law Libraries and Legal Material	0
Sub-Total	0
Total Deficiencies	3

⁶ For greater detail on ODO’s findings, see the *Compliance Inspection Findings* section of this report.

⁷ Beginning in FY 2021, ODO added Emergency Plans, Facility Security and Control, Population Counts, Hunger Strikes, and Staff Training as core standards. NDS 2019 does not include Emergency Plans, Population Counts, nor Staff Training as individual standards; however, those specific requirements are resident in other core standards.

DETAINEE RELATIONS

During this contingency inspection, FCADC was not housing ICE detainees due to the implementation of COVID-19 precautionary measures and had not housed detainees since April 2020. Subsequently, ODO did not interview any detainees during this remote contingency inspection. FCADC currently did not have a timetable as to when the housing of ICE detainees would resume. Additionally, FCADC was awaiting further developments and statewide phase re-opening guidance as related to the COVID-19 pandemic.

COMPLIANCE INSPECTION FINDINGS

SECURITY

ADMISSION AND RELEASE (AR)

ODO reviewed FCADC's AR policy and found it did not contain a requirement to fingerprint detainees during the release process. Furthermore, an interview with facility staff confirmed detainees are not fingerprinted during the release process (**AR-28**⁸).

FACILITY SECURITY AND CONTROL (FS&C)

ODO found FCADC's comprehensive staffing analysis and staffing plan were not reviewed and updated at least annually. FCADC's last revision was updated/approved on February 1, 2019. ODO noted FCADC had an Annual Operations Review & Publications of Policy, which stated all documented policies will be updated yearly. However, FCADC provided ODO with an internal memo, dated March 16, 2021, stating FCADC was unable to conduct their annual operations review, which includes reviewing and updating policies due to the COVID-19 pandemic (**FSC-5**⁹).

SEXUAL ABUSE AND ASSAULT PREVENTION AND INTERVENTION (SAAPI)

ODO found FCADC's SAAPI policy did not include the requirement to cooperate with all ICE audits and monitoring of FCADC compliance with the sexual abuse and assault policies and standards (**SAAPI-13**¹⁰).

⁸ "Staff must complete certain procedures before any detainee's release, removal, or transfer from the facility. Necessary steps include fingerprinting." See ICE NDS 2019, Standard, Admission and Release, Section (II)(J).

⁹ "The facility shall develop and document comprehensive detainee supervision guidelines, as well as a comprehensive staffing analysis and staffing plan, to determine and meet the facility's detainee supervision needs; these shall be reviewed and updated at least annually." See ICE NDS 2019, Standard, Facility and Security Control, Section (II)(A).

¹⁰ "This policy must mandate zero tolerance toward all forms of sexual abuse and assault, outline the facility's approach to preventing, detecting, and responding to such conduct, and include, at a minimum: ...

7. the facility's requirement to cooperate with all ICE/ERO audits and monitoring of facility compliance with sexual abuse and assault policies and standards." See ICE NDS 2019, Standard, Sexual Abuse and Assault Prevention and Intervention, Section (II)(A)(7).

CARE

FOOD SERVICE (FS)

ODO interviewed FCADC's FS director and reviewed a memorandum from the Frederick County Health Department (FCHD) and found FCHD did not conduct an inspection of FCADC's FS department for calendar year 2020 due to the COVID-19 pandemic. The county health department conducted its last inspection of FCADC on December 3, 2019. ODO notes this as an **Area of Concern**.

CONCLUSION

During this inspection, ODO assessed the facility's compliance with 18 standards under NDS 2019 and found the facility in compliance with 15 of those standards. ODO found three deficiencies in the remaining three standards. ODO recommends ERO work with the facility to resolve any deficiencies that remain outstanding in accordance with contractual obligations.

Compliance Inspection Results Compared	FY 2020 (NDS 2019)	FY 2021 (NDS 2019)
Standards Reviewed	18	18
Deficient Standards	5	3
Overall Number of Deficiencies	8	3
Repeat Deficiencies	N/A	0
Areas of Concern	2	1
Corrective Actions	1	0