



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
Follow-Up Compliance Inspection

Enforcement and Removal Operations
ERO Baltimore Field Office

Frederick County Detention Center
Frederick, Maryland

September 13-16, 2021

FOLLOW-UP COMPLIANCE INSPECTION
of the
FREDERICK COUNTY DETENTION CENTER
Frederick, Maryland

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FOLLOW-UP COMPLIANCE INSPECTION TEAM MEMBERS

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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 follow-up compliance inspection of the Frederick County Detention Center (FCDC) in Frederick, Maryland, from September 13 to 16, 2021.¹ This inspection focused on the standards found deficient during ODO’s last inspection of FCDC from March 22 to 25, 2021. The facility opened in 1984, is owned by Frederick County, and is operated by the Frederick County Sheriff’s Office. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at FCDC in 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 assigned deportation officers to the facility. An FCDC major handles daily facility operations and manages support personnel. Frederick County provides food services, Wellpath provides medical care, and Keefe Group provides commissary services at the facility. The Maryland Commission on Correctional Standards accredited the facility in November 2018 and the National Commission on Correctional Health Care in August 2020.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity ²	█
Average ICE Detainee Population ³	█
Male Detainee Population (as of September 13, 2021)	█
Female Detainee Population (as of September 13, 2021)	█

During its last inspection, in March 2021, ODO found three deficiencies in the following areas: Admission and Release (1); Facility Security and Control (1); and Sexual Abuse and Assault Prevention and Intervention (1).

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 September 13, 2021.

³ *Ibid.*

⁴ Per the ERO Facility List Report as of September 13, 2021, FCDC has a Fiscal Year (FY) 2020 Average Daily Population (ADP) of 11, which exceeds ODO’s minimum ADP requirement of 10. Additionally, FCDC has an active contract to house ICE detainees, which is why ODO inspected the facility.

FOLLOW-UP COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population of 10 or more detainees, 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. In FY 2021, to meet congressional requirements, ODO began conducting follow-up inspections at all ICE ERO detention facilities, which ODO inspected earlier in the FY.

While follow-up inspections are intended to focus on previously identified deficiencies, ODO will conduct a complete review of several core standards, which include but are not limited to Medical Care, Hunger Strikes, Suicide Prevention, Food Service, Environmental Health and Safety, Emergency Plans, Use of Force and Restraints/Use of Physical Control Measures and Restraints, Admission and Release, Classification, and Funds and Personal Property. ODO may decide to conduct a second full inspection of a facility in the same FY based on additional information obtained prior to ODO's arrival on-site. Factors ODO will consider when deciding to conduct a second full inspection will include the total number of deficiencies cited during the first inspection, the number of deficient standards found during the first inspection, the completion status of the first inspection's UCAP, and other information ODO obtains from internal and external sources ahead of the follow-up compliance inspection. Conditions found during the inspection may also lead ODO to assess new areas and identify new deficiencies or areas of concern should facility practices run contrary to ICE standards. Any areas found non-compliant during both inspections are annotated as "Repeat Deficiencies" in this report.

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.

FINDINGS BY NATIONAL DETENTION STANDARDS 2019 MAJOR CATEGORIES

NDS 2019 Standards Inspected ^{5,6}	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	1
Use of Force and Restraints	0
Special Management Units	0
Sexual Abuse and Assault Prevention and Intervention	0
Sub-Total	3
Part 4 – Care	
Food Service	0
Hunger Strikes	0
Medical Care	0
Personal Hygiene	1
Significant Self-Harm and Suicide Prevention and Intervention	0
Sub-Total	1
Part 6 – Justice	
Detainee Handbook	1
Sub-Total	1
Total Deficiencies	5

⁵ For greater detail on ODO’s findings, see the *Follow-Up Compliance Inspection Findings* section of this report.

⁶ 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, FCDC did not have ICE detainees due to the implementation of COVID-19 precautionary measures and has not housed ICE detainees since April 2020. Subsequently, ODO did not interview any detainees during this contingency inspection.

FOLLOW-UP COMPLIANCE INSPECTION FINDINGS

SECURITY

ADMISSION AND RELEASE (AR)

ODO reviewed FCDC's release processing policy, interviewed the intake corporal, and found the facility does not fingerprint detainees during the release process (**Deficiency AR-28⁷**). **This is a repeat deficiency.**

FACILITY SECURITY AND CONTROL (FSC)

ODO reviewed FCDC's comprehensive staffing analysis and staffing plan, interviewed the FCDC captain, and found FCDC did not review nor update its annual comprehensive staffing analysis and staffing plan. In reviewing FCDC's Record Management Annual Operations Review and Publications of Policy and Procedure, ODO found the assistant corrections bureau chief annually completes a comprehensive staffing analysis and staffing plan. The FCDC captain informed ODO the assistant corrections bureau chief will review and update the analysis and plan in November 2021. ODO notes FCDC completed the last review in 2019 (**Deficiency FSC-5⁸**). **This is a repeat deficiency.**

FUNDS AND PERSONAL PROPERTY (FPP)

ODO reviewed FCDC's facility specific handbook and found it does not notify detainees of the facility's procedures for claiming property upon release, transfer, or removal (**Deficiency FPP-34⁹**).

⁷ "Staff must complete certain procedures before any detainee's release, removal, or transfer from the facility. Necessary steps include completing and processing forms, closing files, fingerprinting, returning personal property, and reclaiming facility-issued clothing, bedding, etc." *See* ICE NDS 2019, Standard, Admission and Release, Section (II)(J).

⁸ "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 Security and Control, Section (II)(A).

⁹ "The facility handbook shall notify detainees of facility policies and procedures concerning personal property, including:

4. The procedures for claiming property upon release, transfer, or removal." *See* ICE NDS 2019, Standard, Funds and Personal Property, Section (II)(H)(4).

CARE

FOOD SERVICE (FS)

ODO interviewed the FS supervisor, reviewed a memorandum from the Frederick County Health Department (FCHD), and found FCHD did not conduct an inspection of FCDC's FS department for the 2021 calendar year due to the COVID-19 pandemic. The last inspection of FCDC's FS department was on December 3, 2019. ODO noted this as an **Area of Concern**.

PERSONAL HYGIENE (PH)

ODO reviewed FCDC's holding unit intake processing policy, the facility specific handbook, and a photo of a hygiene kit, interviewed the intake corporal and lieutenant, and found the facility did not provide detainees with the articles necessary for maintaining proper hygiene. Specifically, each detainee does not receive one bottle of shampoo, or equivalent, and one container of skin lotion (**Deficiency PH-14¹⁰**).

JUSTICE

DETAINEE HANDBOOK (DH)

ODO reviewed FCDC's facility specific handbook, which FCDC updated on July 1, 2021, and found no translation of the facility specific handbook into Spanish (**Deficiency DH-3¹¹**).

CONCLUSION

During this inspection, ODO assessed the facility's compliance with 14 standards under NDS 2019 and found the facility in compliance with 9 of those standards. ODO found five deficiencies in the remaining five standards. ODO commends facility staff members for their responsiveness during this inspection. ODO recommends ERO Baltimore work with the facility to resolve any deficiencies that remain outstanding in accordance with contractual obligations. ERO provided ODO with the uniform corrective action plan for ODO's last inspection of FCDC on July 15, 2021.

Compliance Inspection Results Compared	First FY 2021 (NDS 2019)	Second FY 2021 (NDS 2019)
Standards Reviewed	18	14
Deficient Standards	3	5
Overall Number of Deficiencies	3	5
Repeat Deficiencies	0	2
Areas of Concern	1	1
Corrective Actions	0	0

¹⁰ "Each detainee shall receive, at a minimum, the following items: ...

5. One bottle of shampoo, or equivalent; and

6. One container of skin lotion." See ICE NDS 2019, Standard, Personal Hygiene, Section (II)(F)(5-6).

¹¹ "The handbook will be written in English and translated into Spanish and other prevalent language(s) among the facility's detainee population, as appropriate." See ICE NDS 2019, Standard, Detainee Handbook, Section (II)(C).