



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 El Paso Field Office**

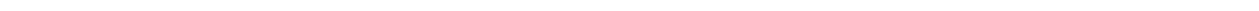
**Otero County Processing Center
Chaparral, New Mexico**

June 28 - July 1, 2021

FOLLOW-UP COMPLIANCE INSPECTION
of the
OTERO COUNTY PROCESSING CENTER
Chaparral, New Mexico

TABLE OF CONTENTS

FACILITY OVERVIEW	4
FOLLOW-UP COMPLIANCE INSPECTION PROCESS.....	5
FINDINGS BY PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2011 (REVISED 2016) MAJOR CATEGORIES.....	6
DETAINEE RELATIONS.....	7
FOLLOW-UP COMPLIANCE INSPECTION FINDINGS.....	9
SAFETY.....	9
Environmental Health and Safety	9
SECURITY	9
Admission and Release	9
Staff-Detainee Communication	9
CONCLUSION	10



FOLLOW-UP COMPLIANCE INSPECTION TEAM MEMBERS



Team Lead
Contractor
Contractor
Contractor
Contractor

ODO
Creative Corrections
Creative Corrections
Creative Corrections
Creative Corrections

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 Otero County Processing Center (OCPC) in Chaparral, New Mexico, from June 28 to July 1, 2021.¹ This inspection focused on the standards found deficient during ODO’s last inspection of OCPC from February 1 to 5, 2021. OCPC opened in 2008, is owned by Otero County, and is operated by Management and Training Corporation (MTC). The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at OCPC in June 2008 under the oversight of ERO’s Field Office Director in El Paso (ERO El Paso). The facility operates under the Performance-Based National Detention Standards (PBNDS) 2011 (Revised 2016).

ERO has assigned deportation officers (DO) and a detention services manager to OCPC. An OCPC warden handles daily facility operations and manages ██████ personnel. MTC provides medical care and food services, and Keefe Commissary Network provides commissary services at the facility. OCPC was accredited by the American Correctional Association in January 2019 and the National Commission on Correctional Health Care in February 2019.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity ²	██████
Average ICE Detainee Population ³	██████
Male Detainee Population (as of June 28, 2021)	██████
Female Detainee Population (as of June 28, 2021)	██████

During its last inspection, in Fiscal Year (FY) 2021, ODO found 16 deficiencies in the following areas: Funds and Personal Property (1); Medical Care (12); Significant Self-harm and Suicide Prevention and Intervention (1) and Special Management Units (2).

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

² Data Source: ERO Facility List Report as of June 21, 2021.

³ *Ibid.*

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 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 Uniform Corrective Action Plan, 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 noncompliant 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 PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2011 (REVISED 2016) MAJOR CATEGORIES

PBNS 2011 (Revised 2016) Standards Inspected ⁴	Deficiencies
Part 1 – Safety	
Emergency Plans	0
Environmental Health and Safety	1
Sub-Total	1
Part 2 – Security	
Admission and Release	1
Custody Classification System	0
Funds and Personal Property	0
Special Management Units	0
Staff-Detainee Communication	1
Use of Force and Restraints	0
Sub-Total	2
Part 4 – Care	
Food Service	0
Hunger Strikes	0
Medical Care	0
Significant Self-Harm and Suicide Prevention and Intervention	0
Sub-Total	0
Total Deficiencies	3

⁴ For greater detail on ODO's findings, see the *Follow-Up Compliance Inspection Findings* section of this report.

DETAINEE RELATIONS

ODO interviewed 12 detainees, who each voluntarily agreed to participate. None of the detainees made allegations of discrimination, mistreatment, or abuse. One detainee exhibited signs of mental health issues during the interview, and ODO immediately referred him to ERO El Paso and OCPC medical staff for evaluation. Most detainees reported satisfaction with facility services except for the concerns listed below. ODO conducted the detainee interviews via video teleconference.

Admission and Release: One detainee stated he received the ICE National Detainee Handbook and the OCPC detainee handbook in English; however, he did not fully understand them because he speaks Spanish.

- Action Taken: ODO reviewed the detainee's dorm card and interviewed the OCPC administration lieutenant. On May 13, 2021, the detainee signed for the receipt of both the ICE National Detainee Handbook and the OCPC detainee handbook, and the OCPC admission officer documented the detainee's native language as Spanish in the remarks section of the dorm card. On June 28, 2021, following ODO's interview, the OCPC administration lieutenant provided the detainee with two new copies of the handbooks printed in Spanish.

Funds and Personal Property: One detainee stated he did not receive a response from the OCPC staff after submitting a request to transfer funds for potential bond availability.

- Action Taken: ODO reviewed the detainee's request log and spoke with the OCPC captain, OCPC compliance coordinator, and an ERO El Paso DO. On June 18, 2021, the detainee submitted a written request to OCPC staff requesting to call a relative who could assist him with a money transfer in the event the detainee received approval to post bond. On June 24, 2021, the OCPC captain instructed the detainee to submit his request to ERO El Paso for approval, and on June 30, 2021, following ODO's interview, the detainee submitted his request to ERO El Paso. On the same day, the OCPC warden and the OCPC compliance coordinator assisted the detainee in contacting his relative and bank representative and provided him further assistance with power of attorney documentation, notary services, and a debit card transaction. On July 1, 2021, ERO El Paso provided the detainee with the resolved response to the request he submitted.

Medical Care: One detainee exhibited signs of mental health issues during the detainee interview, and ODO immediately referred the detainee to the OCPC medical staff for an evaluation. Furthermore, the detainee stated the OCPC detainee handbook was not in his native language of Nepali and he did not fully understand it.

- Action Taken: Following the detainee interview, ODO immediately notified OCPC and ERO El Paso staff to refer the detainee for a mental health evaluation. ODO spoke with the OCPC assistant health service administrator (AHSA) to discuss the detainee's medical record. On June 4, 2021, OCPC medical staff examined the detainee for an initial medical evaluation upon admission and determined the detainee was mentally stable with no abnormal conditions. During the intake process, OCPC staff could not provide language line assistance to the detainee due to the unavailability of a Nepali

interpreter, and the AHSA stated the OCPC medical staff communicated with the detainee by means of his limited Spanish. On June 28, 2021, at ODO's request, an OCPC mental health provider spoke via Nepali interpreter with the detainee, regarding his depression and isolation symptoms. The detainee informed the mental health provider he had previous suicidal thoughts since his detention at OCPC; however, he declined medication for his depression and stated he no longer had those thoughts nor did he pose a threat to himself or others. On June 29, 2021, an OCPC telemedicine psychiatrist met with the detainee to further discuss his symptoms and diagnosed the detainee with an adjustment disorder with depressed mood. The detainee again declined both the offer for medication and a follow-up evaluation. The OCPC medical staff determined the detainee intended neither suicide nor self-harm and informed the detainee to submit a sick call request should he need additional treatment or counseling for his mental health issues.

Regarding the OCPC detainee handbook, ODO spoke with the OCPC administration lieutenant and reviewed the detainee's dorm card. On June 4, 2021, the detainee signed for the receipt of both the ICE National Detainee Handbook and OCPC detainee handbook during the intake process, and the OCPC admissions officer documented the detainee's native language as Nepali on his dorm card. The OCPC administration lieutenant stated OCPC staff provided the detainee with English versions of the detainee handbooks because OCPC did not maintain detainee handbooks printed in Nepali and the detainee spoke limited English. On the same day, OCPC staff attempted to provide the detainee with language line assistance in Nepali; however, a Nepali interpreter was not available for the detainee's translation needs. The OCPC staff informed the detainee he would be contacted for translation assistance when a Nepali interpreter became available. On June 28, 2021, following ODO's interview, the OCPC administration lieutenant and OCPC sergeant contacted a Nepali interpreter who translated the OCPC detainee handbook for the detainee in his native language. OCPC staff informed the detainee of the availability of future translation services and to submit a request anytime he had further questions. ODO notes the OCPC staff did not contact a translator or access to interpreter services for approximately three weeks after the detainee arrived at OCPC. ODO cited this as a deficiency in the *Admission and Release* section of this report.

Medical Care: One detainee stated he did not receive a response from the OCPC medical staff after submitting a medical request for a rash.

- Action Taken: ODO reviewed the detainee's medical request and discussed the detainee's medical record with the OCPC AHSA. On June 15, 2021, the detainee submitted a medical request for a small rash on his legs, causing him pain. On the same day, the OCPC medical staff triaged the urgency of the detainee's medical request with a face-to-face evaluation in his housing unit, determined the detainee's request was not urgent, and informed him he would be contacted for an appointment. On June 30, 2021, following ODO's interview, OCPC medical staff evaluated the detainee and found his rash pain had decreased; however, the detainee complained of a headache. OCPC medical staff determined the detainee had hypertension and administered 800 milligrams of Ibuprofen for his headache. Furthermore, OCPC medical staff scheduled daily blood pressure monitoring for the detainee and an appointment with the OCPC

medical provider on July 6, 2021, to discuss his pending diagnosis and treatment plan. OCPC medical staff informed the detainee to submit another medical request if he required treatment for additional headaches.

Staff-Detainee Communication: Two detainees stated they did not receive a response from ERO El Paso after submitting requests for a case update.

- Action Taken: ODO reviewed the ICE detainee request records and spoke with an ERO El Paso DO. ODO determined the first detainee did not submit a request to ERO El Paso, and on June 30, 2021, following ODO's interview, the DO spoke with the detainee by telephone and provided him with a case update.

Regarding the second detainee, ODO verified the detainee submitted a written request for a case update on June 23, 2021, and ERO El Paso provided a response to the detainee on June 29, 2021, following ODO's interview. On June 30, 2021, the DO met with the detainee at OCPC and verified the detainee had no further questions. ODO notes ERO El Paso's response to the detainee's request surpassed the 3-day response time frame and cited this as a deficiency in the *Staff-Detainee Communication* section of this report.

FOLLOW-UP COMPLIANCE INSPECTION FINDINGS

SAFETY

ENVIRONMENTAL HEALTH AND SAFETY (EHS)

ODO reviewed five OCPC photographs, interviewed the OCPC risk manager, and found OCPC did not prohibit the use of brushes in the facility barbershop (**Deficiency EHS-215**⁵).

SECURITY

ADMISSION AND RELEASE (AR)

ODO interviewed █ detainees and found █ detainee who spoke Nepali did not receive the facility detainee handbook in a language he understood and the facility did not provide translation services for approximately three weeks after arriving at OCPC (**Deficiency AR-75**⁶).

STAFF-DETAINEE COMMUNICATION (SDC)

ODO interviewed █ detainees, spoke with an ERO El Paso DO, and reviewed █ detainee request records, and found ERO El Paso did not provide a response to █ detainee request within █ business days of receipt. Specifically, ERO El Paso responded to the detainee's request █ business days

⁵ "The common use of brushes, neck dusters, shaving mugs and shaving brushes is prohibited." See ICE PBND 2011 (Revised 2016), Standard, Environmental Health and Safety, Section (V)(E)(4).

⁶ "If a detainee does not understand the language of the handbook and supplement, the facility administrator shall provide a translator or access to interpreter services as soon as possible for the purpose of orientation. When needed, and in compliance with security regulations, the facility administrator may contact an outside source." See ICE PBND 2011 (Revised 2016), Standard, Admission and Release, Section (V)(G)(3).

after receipt (**Deficiency SDC-16**⁷).

CONCLUSION

During this inspection, ODO assessed OCPC's compliance with 12 standards under PBNDS 2011 (Revised 2016) and found OCPC in compliance with 9 of those standards. ODO found 3 deficiencies in the remaining 3 standards. ODO recommends ERO El Paso work with OCPC 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 OCPC on May 5, 2021.

Compliance Inspection Results Compared	First FY 2021 (PBNDS 2011) (Revised 2016)	Second FY 2021 (PBNDS 2011) (Revised 2016)
Standards Reviewed	20	12
Deficient Standards	4	3
Overall Number of Deficiencies	16	3
Repeat Deficiencies	0	0
Areas of Concern	0	0
Corrective Actions	4	0

⁷ "In Facilities with ICE/ERO Onsite Presence the ICE/ERO staff member receiving the request shall normally respond in person or in writing as soon as possible and practicable, but no later than within three (3) business days of receipt." See ICE PBNDS 2011 (Revised 2016), Standard, Staff-Detainee Communication, Section (V)(B)(1)(a).