



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

**Office of Detention Oversight
Compliance Inspection**

**Enforcement and Removal Operations
ERO Newark Field Office**

**Elizabeth Contract Detention Facility
Elizabeth, New Jersey**


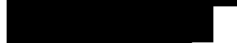
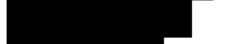
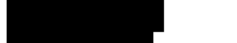
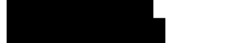
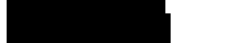
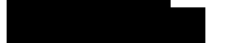
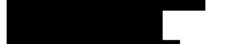
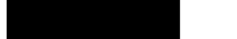
November 1-3, 2022

COMPLIANCE INSPECTION
of the
ELIZABETH CONTRACT DETENTION FACILITY
Elizabeth, New Jersey

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COMPLIANCE INSPECTION TEAM MEMBERS

	Acting Team Lead	ODO
	Inspections and Compliance Specialist	ODO
	Inspections and Compliance Specialist	ODO
	Inspections and Compliance Specialist	ODO
	Contractor	Creative Corrections
	Contractor	Creative Corrections
	Contractor	Creative Corrections
	Contractor	Creative Corrections
	Contractor	Creative Corrections
	Observer	ODO
	Section Chief	ODO

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 Elizabeth Contract Detention Facility (ECDF) in Elizabeth, New Jersey, from November 1 to 3, 2022.¹ The facility opened in 1997 and is owned by Port View Property and operated by CoreCivic. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at ECDF in 1997 under the oversight of ERO’s Field Office Director in Elizabeth (ERO Newark). The facility operates under the Performance-Based National Detention Standards (PBNDS) 2011 (Revised 2016).

ERO has assigned an assistant field office director, detention services manager, supervisory detention and deportation officer and deportation officers to the facility. An ECDF warden handles daily facility operations and manages █████ support personnel. CoreCivic provides food services, ICE Health Services Corps provides medical care, and Keefe Commissary provides commissary services at the facility. ECDF was accredited by the American Correctional Association (ACA) in June 2019 and the National Commission on Correctional Health Care in February 2020. In October 2021, ECDF was audited for the Department of Homeland Security (DHS) Prison Rape Elimination Act (PREA) and was DHS PREA certified.

Capacity and Population Statistics	Quantity
ICE Bed Capacity ²	█████
Average ICE Population ³	█████
Adult Male Population (as of November 1, 2022)	█████
Adult Female Population (as of November 1, 2022)	█████

During its last inspection, in Fiscal Year (FY) 2022, ODO found three deficiencies in the following areas: Environmental Health and Safety (1) and Medical Care (2).

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

² Data Source: ERO Facility List as of November 1, 2022.

³ *Ibid.*

COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population greater than 10, and where detainees are housed for over 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.⁴

ODO identifies violations of ICE detention standards, ICE policies, or operational procedures, as “deficiencies.” ODO highlights instances when 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 its decision-making to better allocate resources across the agency’s entire detention inventory.

⁴ ODO reviews the facility’s compliance with selected standards in their entirety.

FINDINGS BY PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2011 (REVISED 2016) MAJOR CATEGORIES

PBNDs 2011 (Revised 2016) Standards Inspected ^{5,6}	Deficiencies
Part 1 - Safety	
Emergency Plans	0
Environmental Health and Safety	1
Transportation (by Land)	0
Sub-Total	1
Part 2 - Security	
Admission and Release	0
Custody Classification System	0
Contraband	0
Funds and Personal Property	0
Hold Rooms in Detention Facilities	0
Key and Lock Control	0
Sexual Abuse and Assault Prevention and Intervention	0
Special Management Units	0
Tool Control	0
Use of Force and Restraints	0
Sub-Total	0
Part 3 - Order	
Disciplinary System	0
Sub-Total	0
Part 4 - Care	
Food Service	0
Medical Care	1
Medical Care (Women)	0
Significant Self-harm and Suicide Prevention and Intervention	0
Terminal Illness, Advance Directives and Death	0
Disability Identification, Assessment, and Accommodation	0
Sub-Total	1
Part 5 - Activities	
Correspondence and Other Mail	0
Recreation	0
Visitation	0

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

⁶ Beginning in FY 2022, ODO instituted a process of rotating all standards on a 3-year basis. As a result, some standard components may not be present in all standards.

Sub-Total	0
Part 6 - Justice	
Detainee Handbook	0
Sub-Total	0
Part 7 - Administration and Management	
Staff Training	0
Sub-Total	0
Total Deficiencies	2

DETAINEE RELATIONS

ODO interviewed 25 detainees, who each voluntarily agreed to participate. None of the detainees made allegations of mistreatment or physical abuse, but one detainee made an allegation of discrimination. Most detainees reported satisfaction with facility services except for the concerns listed below.

Food Service: One detainee stated the facility served raw chicken on October 31, 2022.

- Action Taken: ODO reviewed the ECDF menu, temperature logs, and preparation requirements, interviewed the food service administrator, and confirmed the facility served chicken at a temperature of 165 Fahrenheit (F) degrees on October 31, 2022. ODO found in all temperature logs for October, temperatures ranged from 165 to 170 F degrees. After reviewing inventory and menus, ODO confirmed ECDF only purchases pre-cooked chicken.

Grievance System: One detainee stated ECDF staff are racist, making detainees throw their food away before they finish their meals.

- Action Taken: ODO interviewed the ECDF grievance officer (GO) and found on October 22, 2022, the detainee verbally stated housing unit officers removed prepared food items from under her bed. On October 31, 2022, ECDF verbally responded and advised the detainee the facility forbids storing prepared food in the housing unit for safety and cleanliness reasons and removal of the food had nothing to do with her ethnicity. On November 4, 2022, at ODO's request, the GO spoke with the detainee to ensure she understood facility policy of no prepared food stored in the housing units and advised her of her right to file a grievance if she does not agree with an ECDF staff decision.

COMPLIANCE INSPECTION FINDINGS

SAFETY

ENVIRONMENTAL HEALTH AND SAFETY (EHS)

ODO reviewed the ECDF EHS program, toured the female detainee housing unit, reviewed floor plans, and found ECDF does not meet the minimum toilet-to-detainee ratio of one toilet for every eight female detainees, which the ACA standard requires. Specifically, Bravo unit housed 18 female detainees with 2 toilets available, which was a ratio of 9 detainees to 1 toilet (**Deficiency EHS-1⁷**).

CARE

FOOD SERVICE (FS)

ODO reviewed the ECDF FS program, inspected kitchen equipment, and found ECDF did not comply with the Occupational Health and Safety Administration requirement for the protection against automatic restart of low-voltage light-duty equipment. Specifically, the Buffalo Chopper food processor does not have an anti-restart device (**Deficiency FS-402⁸**).

CONCLUSION

During this inspection, ODO assessed the facility's compliance with 25 standards under PBNDS 2011 (Revised 2016) and found the facility in compliance with 23 of those standards. ODO found two deficiencies in the remaining two standards. ODO commends the facility staff members for their responsiveness during this inspection. ODO recommends ERO Newark work with the facility to resolve any deficiencies that remain outstanding in accordance with contractual obligations. ODO has not received the uniform corrective action plan for ODO's last inspection of ECDF in May 2022.

⁷ "Environmental health conditions shall be maintained at a level that meets recognized standards of hygiene, including those from the:

a. American Correctional Association."

See ICE PBNDS 2011 (Revised 2016), Standard, Environmental Health and Safety, Section (V)(A)(1)(a).

⁸ "Machines shall be guarded in compliance with OSHA standards: ...

4) Meat saws, slicers and grinders shall be equipped with anti-restart devices."

See ICE PBNDS 2011 (Revised 2016), Standard, Food Service, Section (V)(J)(12)(c)(4).

Compliance Inspection Results Compared	FY 2022 PBNDS 2011 (Revised 2016)	FY 2023 PBNDS 2011 (Revised 2016)
Standards Reviewed	18	25
Deficient Standards	2	2
Overall Number of Deficiencies	3	2
Priority Component Deficiencies	N/A	0
Repeat Deficiencies	0	0
Areas Of Concern	1	0
Corrective Actions	0	0
Facility Rating	N/A	Superior