



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
2024-001-235**

**Enforcement and Removal Operations
ERO El Paso Field Office**

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


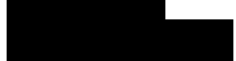
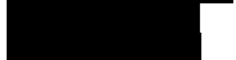
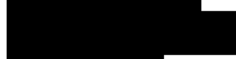

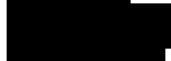




November 14-16, 2023

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

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COMPLIANCE INSPECTION TEAM MEMBERS

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

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 Otero County Processing Center (OCPC) in Chaparral, New Mexico, from November 14 to 16, 2023.¹ The facility opened in 2008 and is owned by Otero County and operated by the Management and Training Corporation (MTC). The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at OCPC in 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).

[REDACTED] A facility administrator oversees daily operations and manages [REDACTED] support personnel. MTC provides food services and medical care, and Keefe Commissary provides commissary services at the facility. The facility was accredited by the American Correctional Association in November 2021 and the National Commission on Correctional Health Care in February 2022. In February 2022, OCPC 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	[REDACTED]
Average ICE Population ³	[REDACTED]
Adult Male Population (as of November 14, 2023)	[REDACTED]
Adult Female Population (as of November 14, 2023)	[REDACTED]

During its last full inspection, in Fiscal Year (FY) 2023, ODO found 17 deficiencies in the following areas: Contraband (1); Custody Classification System (1); Disability Identification, Assessment, and Accommodation (1); Hold Rooms in Detention Facilities (3); Key and Lock Control (5); Transportation (by Land) (4); and Visitation (2).

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

² Data Source: ERO Custody Management Division Authorized Facility List as of November 20, 2023.

³ *Ibid.*

COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population of 10 or more, and where detainees are housed for over 72 hours, to assess compliance with ICE national detention standards. While these inspections focus on facility compliance with detention standards that directly affect detainee life, health, safety, and/or well-being, in FY 2024 ODO added additional standards to the scope of each full inspection to ensure ODO inspects every standard at each facility at least once every other year.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 their 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	3
Sub-Total	3
Part 2 - Security	
Admission and Release	0
Custody Classification System	0
Facility Security and Control	2
Funds and Personal Property	0
Population Counts	0
Post Orders	0
Searches of Detainees	0
Sexual Abuse and Assault Prevention and Intervention	0
Special Management Units	0
Staff-Detainee Communication	0
Use of Force and Restraints	0
Sub-Total	2
Part 4 - Care	
Food Service	1
Hunger Strikes	0
Medical Care	0
Medical Care (Women)	0
Personal Hygiene	0
Significant Self-harm and Suicide Prevention and Intervention	0
Sub-Total	1
Part 5 - Activities	
Correspondence and Other Mail	0
Trips for Non-Medical Emergencies	0
Marriage Requests	0
Religious Practices	0
Telephone Access	0
Voluntary Work Program	0

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

⁶ Beginning in FY 2024, ODO instituted a process of rotating all standards every other year. As a result, some standards may not be present in all inspections.

Sub-Total	0
Part 6 - Justice	
Grievance System	0
Law Libraries and Legal Materials	0
Sub-Total	0
Part 7 - Administration and Management	
Detention Files	0
Detainee Transfers	0
Sub-Total	0
Total Deficiencies	6

DETAINEE RELATIONS

ODO interviewed 48 detainees, who each voluntarily agreed to participate. None of the detainees made allegations of discrimination, mistreatment, or abuse. Most detainees reported satisfaction with facility services except for the concerns listed below.

Detainee Handbook: One detainee reported the facility issued her an ICE National Detainee Handbook but not in her native language of Haitian Creole.

- **Action Taken:** On November 14, 2023, the detainee informed ODO she requested a copy of the ICE National Detainee Handbook in Haitian Creole; however, the facility did not provide her with the requested copy. ODO interviewed the facility compliance manager, reviewed a form signed by the detainee acknowledging receipt of the handbook, but printed in a language other than Haitian Creole. On the same day, the facility administrator informed ODO facility staff would issue a handbook in her native language. On November 15, 2023, ODO confirmed the detainee received an ICE National Detainee handbook in Haitian Creole.

Staff-Detainee Communication: One detainee stated facility staff could not answer her questions on the status of her immigration case because no one on staff spoke Chinese Mandarin.

- **Action Taken:** On November 14, 2023, ODO informed ERO El Paso of the detainee's concern with not receiving a status update on her case. ERO El Paso staff met with the detainee and informed her via the Lion Bridge Language Line that her appeal had been accepted and her case was pending a decision from a judge. The detainee acknowledged understanding.

COMPLIANCE INSPECTION FINDINGS

SAFETY

ENVIRONMENTAL HEALTH AND SAFETY (EHS)

ODO interviewed the OCPC risk manager, toured all areas of OCPC, and found discolored grout and caulk in the shower stalls in 5 out of 20 housing units and chipped paint on the floors and walls of the bathroom areas in all 20 housing units (**Deficiency EHS-11⁷**).

ODO interviewed the OCPC risk manager, inspected 5 eyewash stations, and found in 2 out of 5 stations, no hands-free, 15-minute, continuous-flushing capability as required by the Occupational Safety and Health Administration (OSHA) and the American National Standards Institute (ANSI) (**Deficiency EHS-38⁸**).

Corrective Action: Prior to the conclusion of the inspection, the facility initiated corrective action. OCPC installed 2 new eyewash stations in the chemical storage areas on November 15, 2023, meeting OSHA and ANSI standards (**C-1**).

ODO interviewed the OCPC risk manager, inspected chemical storage areas throughout OCPC, reviewed 28 hazardous substance inventories, and found in 2 out of 28 inventories, the facility did not maintain current inventory (**Deficiency EHS-39⁹**).

SECURITY

FACILITY SECURITY AND CONTROL (FSC)

ODO reviewed OCPC's staffing plan and found OCPC's current staffing level of 65% fell short of the ICE contract requirement of 85% to maintain sufficient supervision of detainees (**Deficiency FSC-1¹⁰**).

ODO reviewed OCPC's staffing plan and found OCPC's current security staffing level of 57% did not meet the ICE contract requirement of 85% to maintain facility security and prevent or minimize

⁷ "The facility administrator shall ensure that staff and detainees maintain a high standard of facility sanitation and general cleanliness. When possible, the use of non-toxic cleaning supplies is recommended." See ICE PBNDS 2011 (Revised 2016), Standard, Environmental Health and Safety, Section (V)(A)(3).

⁸ "Eyewash stations that meet OSHA standards shall be installed in designated areas throughout the facility, and all employees and detainees in those areas shall be instructed in their use." See ICE PBNDS 2011 (Revised 2016), Standard, Environmental Health and Safety, Section (V)(B)(2)(b).

⁹ "Every area shall maintain a current inventory of the hazardous substances (e.g., flammable, toxic or caustic) used and stored there." See ICE PBNDS 2011 (Revised 2016), Standard, Environmental Health and Safety, Section (V)(B)(3).

¹⁰ "Each facility shall ensure that it maintains sufficient supervision of detainees, including through appropriate staffing levels and, where applicable, video monitoring, to protect detainees against sexual abuse assault, other forms of violence or harassment, and to prevent significant self-harm and suicide." See ICE PBNDS 2011 (Revised 2016), Standard, Facility Security and Control, Section (V)(A).

events posing a risk of harm to persons and property (**Deficiency FSC-2¹¹**).

CARE

FOOD SERVICE (FS)

ODO observed the FS department’s dishwasher in service and found the highest final rinse temperature was 131 Fahrenheit degrees (**Deficiency FS-371¹²**).

CONCLUSION

During this inspection, ODO assessed the facility’s compliance with 29 standards under PBNDS 2011 (Revised 2016) and found the facility in compliance with 26 of those standards. ODO found six deficiencies in the remaining three standards. Since OCPC’s last full inspection in November 2022, the facility’s compliance with the ICE PBNDS 2011 (Revised 2016) has trended upward. OCPC went from 7 deficient standards and 17 deficiencies in November 2022 to 3 deficient standards and 6 deficiencies during this most recent full inspection. The facility’s improved performance was likely a result of completing a uniform corrective action plan for their last full inspection and ERO El Paso’s oversight of OCPC. ODO recommends ERO El Paso continue to work with the facility to resolve any deficiencies that remain outstanding in accordance with contractual obligations.

Compliance Inspection Results Compared	FY 2023 Full Inspection (PBNDS 2011) (Revised 2016)	FY 2024 Full Inspection (PBNDS 2011) (Revised 2016)
Standards Reviewed	25	29
Deficient Standards	7	3
Overall Number of Deficiencies	17	6
Priority Component Deficiencies	0	0
Repeat Deficiencies	0	0
Areas Of Concern	1	0
Corrective Actions	0	1
Facility Rating	Superior	Good ¹³

¹¹ “Security staffing shall be sufficient to maintain facility security and prevent or minimize events that pose a risk of harm to persons and property.” *See* ICE PBNDS 2011 (Revised 2016), Standard, Facility Security and Control, Section (V)(A).

¹² “The following temperatures must be maintained for hot-water sanitizing: ...

c) Multi-tank, conveyor machine: wash temperature of 150 F degrees; pumped rinse, 160 F degrees; final rinse, 180 F degrees.”

See ICE PBNDS 2011 (Revised 2016), Standard, Food Service, Section (V)(J)(7)(g)(3)(c).

¹³ ODO revised their rating system at the end of FY 2023 and beginning in FY 2024, facilities rated as “Superior” will have no or very minimal deficiencies, and will have no repeat or priority component deficiencies.