



**U.S. Department of Homeland Security**  
U.S. Immigration and Customs Enforcement  
Office of Professional Responsibility  
ICE Inspections  
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**Office of Detention Oversight  
Special Review  
2023-003-110**

**Enforcement and Removal Operations  
ERO Saint Paul Field Office**

**Phelps County Jail  
Holdrege, Nebraska**

**March 28-30, 2023**

**SPECIAL REVIEW  
of the  
PHELPS COUNTY JAIL  
Holdrege, Nebraska**

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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 special review of the Phelps County Jail (PCJ) in Holdrege, Nebraska, from March 28 to 30, 2023.<sup>1</sup> The facility opened in 2001 and is owned by Phelps County and operated by the Phelps County Sheriff's office. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at PCJ in 2002 under the oversight of ERO's Field Office Director in Saint Paul (ERO Saint Paul). ICE is an authorized user of this facility under a United States Marshals Service intergovernmental agreement contract, which does not specify an ICE NDS, and ODO inspected to the NDS listed on the ERO Facility List as of March 28, 2023. PCJ was inspected against the National Detention Standards (NDS) 2000, and ODO's assigned rating is for ERO's informational purposes only.

ERO deportation officers are not assigned full-time to the facility but conduct weekly scheduled visits on Thursdays, from 10 a.m. to 1 p.m. A facility administrator handles daily operations and manages █ support personnel. Summit Food Service provides food services, Advanced Correctional Health Care provides medical care, and Keefe Commissary Network provides commissary services at the facility. The facility does not hold any accreditations from any outside entities.

Capacity and Population Statistics	Quantity
ICE Bed Capacity <sup>2</sup>	█
Average ICE Population <sup>3</sup>	█
Adult Male Population (as of March 28, 2023)	█
Adult Female Population (as of March 28, 2023)	█

During its last full inspection, in Fiscal Year (FY) 2022, ODO found 12 deficiencies in the following areas: Correspondence and Other Mail (1); Funds and Personal Property (1); Marriage Requests (1); and Environmental Health and Safety (9).

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

<sup>2</sup> Data Source: ERO Facility List as of March 28, 2023.

<sup>3</sup> *Ibid.*

## SPECIAL REVIEW PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population (ADP) of 10 or more detainees, and where detainees are housed for over 72 hours, to assess compliance with ICE NDS. These inspections focus on facility compliance with detention standards that directly affect detainee life, health, safety, and well-being.<sup>4</sup>

ODO identifies violations of ICE detention standards, ICE policies, or operational procedures as “deficiencies.” ODO 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 *Special Review Findings* section of this report.

In fiscal year (FY) 2022, ODO began conducting special reviews of under 72-hour ICE detention facilities with an ADP of 1 or more detainees and over 72-hour ICE detention facilities with an ADP of 1 to 9 detainees. Additionally, ODO began conducting unannounced inspections of ICE detention facilities, regardless of ADP of detainees, as well as reviews of ICE special/emerging detention facilities/programs. As such, these facility inspections will result in an ODO Inspection Compliance Rating; however, for facilities that are not contractually obligated to an ICE NDS, those ratings will be for ERO’s informational purposes. ODO will conduct a complete review of several core standards, in accordance with the facility’s contractually required ICE NDS or in accordance with the ICE NDS listed in the current ERO Facility List Report for facilities that are not contractually obligated to an ICE NDS, which include but are not limited to Medical Care/Health Care, Medical Care (Women)/Health Care (Females), Suicide Prevention and Intervention, Hunger Strikes, Food Service, Environmental Health and Safety, Special Management Units (SMU) or Hold Rooms if the facility does not have an SMU, Use of Force and Restraints/Use of Physical Control Measures and Restraints, and Sexual Abuse and Assault Prevention and Intervention.

Upon completion of each special review or unannounced 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.

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<sup>4</sup> ODO reviews the facility’s compliance with selected standards in their entirety.

## FINDINGS BY NATIONAL DETENTION STANDARDS 2000 MAJOR CATEGORIES

NDS 2000 Standards Inspected <sup>5</sup>	Deficiencies
<b>Part 1 - Detainee Services</b>	
Food Service	2
Telephone Access	0
<b>Sub-Total</b>	<b>2</b>
<b>Part 2 - Security and Control</b>	
Environmental Health and Safety	2
Special Management Unit (Administrative Segregation)	0
Special Management Unit (Disciplinary Segregation)	0
Use of Force	0
<b>Sub-Total</b>	<b>2</b>
<b>Part 3 - Health Services</b>	
Hunger Strikes	0
Medical Care	2
Suicide Prevention and Intervention	0
<b>Sub-Total</b>	<b>2</b>
<b>Other Standards Reviewed</b>	
NDS 2019 Sexual Abuse and Assault Prevention and Intervention	0
<b>Sub-Total</b>	<b>0</b>
<b>Total Deficiencies</b>	<b>6</b>

<sup>5</sup> For greater detail on ODO's findings, see the *Special Review Findings* section of this report.

## DETAINEE RELATIONS

ODO interviewed the one detainee the facility housed during the inspection, who voluntarily agreed to participate. The detainee did not make any allegations of discrimination, mistreatment, or abuse. The detainee reported satisfaction with facility services and had no concerns.

## SPECIAL REVIEW FINDINGS

### DETAINEE SERVICES

#### FOOD SERVICE (FS)

ODO observed the PCJ FS department areas and found no air curtain for the exterior door to the FS department (**Deficiency FS-323**<sup>6</sup>).

ODO observed the PCJ FS department areas and found no use of air curtains nor comparable devices for outside doors to protect FS operations from insects and other rodents. Specifically, ODO observed the exterior door to the food service department did not have an air curtain nor comparable device (**Deficiency FS-386**<sup>7</sup>).

### SECURITY AND CONTROL

#### ENVIRONMENTAL HEALTH AND SAFETY (EHS)

ODO reviewed the contractor's generator service record and found no documentation to verify quarterly testing of emergency equipment and systems (**Deficiency EHS-80**<sup>8</sup>). **This is a repeat deficiency.**

ODO reviewed barbershop operations and found no separate room designated solely for haircutting. Specifically, ODO observed PCJ identified rooms in the special management unit as dual space for a barbershop (**Deficiency EHS-84**<sup>9</sup>). **This is a repeat deficiency.**

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<sup>6</sup> "All facilities shall meet the following environmental standards: ...

k. The premises shall be maintained in a condition that precludes the harboring or feeding of insects and rodents. Outside openings will be protected by tight-fitting screens, windows, and doors that are self-closing, controlled air curtains, etc."

See ICE NDS 2000, Standard, Food Service, Section (III)(H)(5)(k).

<sup>7</sup> "Air curtains or comparable devices shall be used on outside doors where food is prepared, stored, or served to protect against insects and other rodents." See ICE NDS 2000, Standard, Food Service, Section (III)(H)(10).

<sup>8</sup> "The emergency generator will also receive quarterly testing and servicing from an external generator-service company." See ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(O).

<sup>9</sup> "The operation will be located in a separate room not used for any other purpose." See ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(P)(1).

## HEALTH SERVICES

### MEDICAL CARE (MC)

ODO interviewed facility staff, reviewed PCJ MC program policies and procedures and [REDACTED] detainee medical records, and found in [REDACTED] out of [REDACTED] records, no initial dental screening of the detainee within 14 days of arrival (**Deficiency MC-50<sup>10</sup>**).

ODO interviewed facility staff, reviewed PCJ MC program policies and procedures and [REDACTED] detainee medical records, and found in [REDACTED] out of [REDACTED] records, a PCJ registered nurse performed the 14 initial dental screenings (**Deficiency MC-51<sup>11</sup>**).

ODO interviewed facility staff, reviewed PCJ MC program policies and procedures and four employee records, and found in one out of four records, no verified documentation complying with standards established by the National Commission on Correctional Health Care and the Joint Commission on Accreditation of Healthcare. Specifically, PCJ could not verify the license of a nurse practitioner through the National Practitioner Data Bank. ODO noted this as an **Area of Concern**.

## CONCLUSION

During this special review, ODO assessed the facility's compliance with nine standards under NDS 2000 and one standard under NDS 2019 and found the facility in compliance with seven of those standards. ODO found six deficiencies in the remaining three standards. Since the facility's last full inspection in February 2022, the facility has shown steady improvement.<sup>12</sup> The facility went from 4 deficient standards and 12 deficiencies in February 2022 to 3 deficient standards and 6 deficiencies during this most recent inspection, which includes two repeat deficiencies for failing to test the emergency generator on a quarterly basis and failing to ensure designation of the barbershop to a separate room not used for any other purpose. The facility's improved performance was a result of completing a uniform corrective action plan for ODO's follow up inspection of PCJ in August 2022; however, ODO notes that not all standards inspected in FY 2022 were inspected during this special review. ODO recommends ERO Saint Paul continue to work with the facility to resolve the remaining deficiencies in accordance with contractual obligations. ERO Saint Paul provided ODO with the uniform corrective action plan for ODO's last inspection of PCJ which occurred in August 2022.

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<sup>10</sup> "An initial dental screening exam should be performed within 14 days of the detainee's arrival." *See* ICE NDS 2000, Standard, Medical Care, Section (III)(E).

<sup>11</sup> "If no on-site dentist is available, the initial dental screening may be performed by a physician, physician's assistant or nurse practitioner." *See* ICE NDS 2000, Standard, Medical Care, Section (III)(E).

<sup>12</sup> PCJ's FY 2021 ADP was 11, which is why ODO conducted biannual inspections of PCJ in FY 2022. Their FY 2022 ADP fell to three, which is why ODO scheduled PCJ for a special review in FY 2023.



<b>Compliance Inspection Results Compared</b>	<b>FY 2022 Full Inspection (NDS 2000/NDS 2019)</b>	<b>FY 2023 Special Review (NDS 2000/NDS 2019)</b>
Standards Reviewed	21/1	9/1
Deficient Standards	4	3
Overall Number of Deficiencies	12	6
Priority Component Deficiencies	0	0
Repeat Deficiencies	0	2
Areas Of Concern	0	1
Facility Rating	Superior	Superior