



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
Compliance Inspection

Enforcement and Removal Operations
ERO Newark Field Office

Elizabeth Contract Detention Facility
Elizabeth, New Jersey

July 13-16, 2020

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

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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 compliance inspection of the Elizabeth Contract Detention Facility (ECDF) in Elizabeth, New Jersey (NJ), from July 13 to 16, 2020.¹ The facility opened in March 1996 and is owned and operated by CoreCivic. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at ECDF in 1990 under the oversight of ERO's Field Office Director in Newark, NJ (ERO Newark). The facility operates under the Performance-Based National Detention Standards (PBNDS) 2011 (Revised 2016).

ERO has assigned deportation officers and a detention services manager to the facility. The warden handles daily facility operations and is supported by [REDACTED] personnel. CoreCivic provides food services, ICE Health Service Corps provides medical care, and Keefe provides commissary services at the facility. The facility is accredited by the American Correctional Association (June 2019), National Commission on Correctional Health Care (November 2016), and DHS Prison Rape Elimination Act (May 2018).

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity	304
Average ICE Detainee Population	287
Male Detainee Population (as of July 13, 2020)	74
Female Detainee Population (as of July 13, 2020)	3

During its last inspection, in Fiscal Year (FY) 2019, ODO found 9 deficiencies in the following areas: Admission and Release (2); Custody Classification System (1); Funds and Personal Property (1); Use of Force (2); Food Service (2); and Telephone Access (1).

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

COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population greater than ten, 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.²

ODO identifies violations of ICE detention standards, ICE policies, or operational procedures as “deficiencies.” ODO also 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 *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.

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.

² ODO reviews the facility’s compliance with selected standards in their entirety.

FINDINGS BY PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2011 MAJOR CATEGORIES

PBNDS 2011 Standards Inspected ³	Deficiencies
Part 1 – Safety	
Environmental Health and Safety	0
Sub-Total	0
Part 2 – Security	
Admission and Release	0
Custody Classification System	0
Funds and Personal Property	1
Sexual Abuse and Assault Prevention and Intervention	0
Special Management Units	0
Search of Detainees	1
Staff-Detainee Communication	0
Use of Force and Restraints	0
Sub-Total	2
Part 4 – Care	
Food Service	1
Medical Care	0
Significant Self-harm and Suicide Prevention and Intervention	0
Disability Identification, Assessment, and Accommodation	0
Sub-Total	1
Part 5 – Activities	
Recreation	0
Religious Practices	0
Telephone Access	0
Visitation	0
Sub-Total	0
Part 6 – Justice	
Grievance Systems	0
Law Libraries and Legal Material	0
Sub-Total	0
Total Deficiencies	3

³ For greater detail on ODO's findings, see the *Compliance Inspection Findings* section of this report.

DETAINEE RELATIONS

ODO only interviewed 10 detainees, as other detainees were unavailable to complete the sample size requirement of 12. Each detainee voluntarily agreed to participate. One detainee made allegations of mistreatment. Most detainees reported satisfaction with facility services except for the concerns listed below. ODO conducted each detainee interview via video teleconference.

Disciplinary System: ODO interviewed a detainee who was issued a Notice of Charges for Inciting Others to riot and Conduct that disrupts or interferes with Security. The detainee was accused of telling other female inmates not to eat in protest during lunch on or about March 31, 2020. The investigation report stated the detainee admitted to telling other female detainees to refrain from eating lunch, however, the detainee later pleaded not guilty to the charges and instead, shifted blamed on another detainee during the Institutional Disciplinary Panel (IDP) hearing dated April 2, 2020. The detainee was ultimately found guilty and sanctioned to three days in segregation by the IDP, which was upheld by the warden on April 3, 2020; the detainee did not file a grievance to appeal the sanction.

Action Taken: ODO interviewed the detainee who indicated she did not lead the protest and was not given an opportunity to call a witness to speak on her behalf during the IDP hearing. The detainee was informed of her right to submit a grievance.

Staff-Detainee Communication: 10 detainees stated they rarely see ERO officers in the housing units and when they do, it is not according to the posted schedule.

Action Taken: ODO discovered this issue was due to the COVID-19 pandemic and was not an issue prior to COVID-19. ODO addressed this concern with the ICE assistant field office director, who indicated his staff were assigned to telework and limited onsite days in the facility due to the current COVID-19 posture.

Environmental Health and Safety: Two detainees complained of mosquitos biting them in their dormitory area while sleeping.

Action Taken: ODO reviewed ECDF's Environmental and Safety records, which indicated Western Pest Control conducts a weekly spray for pests, mosquitos, etc.; however, dormitory G had more issues with fruit flies due to detainees eating and leaving food within that area. Western Pest Control was scheduled to spray the facility on July 17, 2020.

Medical Care: One detainee complained he submitted a sick call to medical requesting treatment.

Action Taken: ODO interviewed the detainee who indicated he has suffered from foot fungus (right) since arriving at the facility. The detainee advised the medical staff provided cream and oral medication, none of which worked. The detainee added he refused the 4th cycle of his oral medication as he hates taking medication. The detainee added he had received new shower and daily shoes since his infection and knows not to walk barefooted in the dorms. The detainee also disclosed he was issued secondhand shoes upon his arrival which initially caused his infection; the fungus infection remains to date.

According to the medical record, on July 16, 2020, a physician assistant evaluated his feet and issue him new shower shoes, referred him to a podiatrist, and provided him with foot hygiene instructions. The detainee refused oral medications.

Medical Care: One detainee complained she submitted a sick call to medical concerning her torso/abdominal pain, anxiety, common cold, anal hemorrhage and sore throat.

Action Taken: ODO interviewed the detainee who indicated she sought medical attention on sixteen different occasions since arriving at the facility. The detainee advised a physician gave her anti-gas medication and diagnosed her with Gastroesophageal reflux disease (GERD). The detainee added she has difficulty walking and has an ongoing pain.

According to the medical record, on February 11, 2020, a registered nurse conducted a medical, dental, and mental health assessment; on February 19, 2020, a full physical examination was performed by a physician assistant; and on February 26, 2020, the detainee was evaluated by the staff psychologist. The detainee's medical history indicates a history of constipation, rectal bleeding, hematuria, low back pain, rhinitis, and GERD. The detainee medical records reveal numerous laboratory tests were ordered and discussed with the detainee. Additionally, upon completion of each medical visit, the detainee indicated she had received the appropriate medications for her medical complaints. The detainee was scheduled to see the medical doctor on July 16, 2020.

COMPLIANCE INSPECTION FINDINGS

SECURITY

FUNDS AND PERSONAL PROPERTY (F&PP)

ODO interviewed the business manager and captain, who confirmed the [REDACTED] of [REDACTED]

[REDACTED] (Deficiency F&PP⁴).

SEARCH OF DETAINEES (SOD)

ODO reviewed 12 detainee files and found that four out of the 12 files where cross-gender pat-down searches of male detainees were conducted but not documented (Deficiency SOD⁵).

CARE

FOOD SERVICE (FS)

ODO reviewed purchase requests and found hot items purchased (sugar) were not identified and given special handling instructions (Deficiency FS⁶).

CONCLUSION

During this inspection, ODO assessed the facility’s compliance with 19 standards under PBNDS 2011 (revised 2016) and found the facility in compliance with 16 of those standards. ODO found three deficiencies in the remaining three standards. ODO commends the facility staff for their responsiveness during this inspection. ODO recommends ERO work with the facility to resolve any deficiencies that remain outstanding in accordance with contractual obligations.

Compliance Inspection Results Compared	FY 2019 (PBNDS 2011)	FY 2020 (PBNDS 2011)
Standards Reviewed	19	19
Deficient Standards	6	3
Overall Number of Deficiencies	9	3
Repeat Deficiencies	0	1
Corrective Actions	0	0

4 “Both [REDACTED] and [REDACTED] shall [REDACTED]

Any discrepancies shall be immediately reported to the Chief of Security, who shall follow facility procedure to ensure that all detainee funds and valuables are accounted for” See ICE PBNDS 2011, Standard, Funds & Personal Property, Section (V)(J). **This is a repeat deficiency.**

5 “Gender of Officer Cross-gender pat-down searches of male detainees shall not be conducted unless, after reasonable diligence, staff of the same gender is not available at the time the pat-down search is required, or in exigent circumstances. Cross-gender pat-down searches of female detainees shall not be conducted unless in exigent circumstances. All cross-gender pat-down searches shall be documented.” See ICE PBNDS 2011, Standard, Searches of Detainees, Section (V)(D)(1)(b).

6 “All facilities shall have procedures for handling food items that pose a security threat. Other Food Items Mace, nutmeg, cloves, sugar and alcohol-based flavorings also require special handling and storage. The purchase order for any of these items shall specify the special-handling requirements for delivery.” See ICE PBNDS 2011, Standard, Food Service, Section (V)(B)(4)(b)(1).