



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 New York City**

**Bergen County Jail
Hackensack, New Jersey**

August 31 - September 4, 2020

COMPLIANCE INSPECTION
of the
Bergen County Jail
Hackensack, New Jersey

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COMPLIANCE INSPECTION TEAM MEMBERS



Acting Team Lead

Inspections and Compliance Specialist

Inspections and Compliance Specialist

Contractor

Contractor

Contractor

Contractor

Contractor

ODO

ODO

ODO

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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 Bergen County Jail (BCJ) in Hackensack, NJ, from August 31 to September 4, 2020.¹ The facility opened in 2000 and is owned and operated by Bergen County. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at BCJ in March 2009, under the oversight of ERO's Field Office Director (FOD) in New York City, NY (ERO New York City). The facility operates under the National Detention Standards (NDS) 2019 standards.

ERO has assigned deportation officers and a detention services manager to the facility. A BCJ warden handles daily facility operations and is supported by █ personnel. Aramark Corporation provides food services and Bergen County provides medical care. The facility was accredited by the American Correctional Association in February 2018, National Commission on Correctional Health Care in May 2018, and was Department of Justice Prison Rape Elimination Act certified in September 2017.

| Capacity and Population Statistics | Quantity |
|--|----------|
| ICE Detainee Bed Capacity ² | 290 |
| Average ICE Detainee Population ³ | 184 |
| Male Detainee Population (as of 8/31/2020) | 167 |
| Female Detainee Population (as of 8/31/2020) | 17 |

During its last inspection, in Fiscal Year FY 2019, ODO found 11 deficiencies in the following areas: Detainee Classifications System (1); Food Services (2); Telephone Access (1); Environmental Health and Safety (6); Medical Care (1).

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 August 31, 2020.

³ *Ibid.*

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.⁴

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.

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

FINDINGS BY PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2019 MAJOR CATEGORIES

| NDS 2019 Standards Inspected ⁵ | Deficiencies |
|---|--------------|
| Part 1 – Safety | |
| Environmental Health and Safety | 0 |
| Sub-Total | 0 |
| Part 2 – Security | |
| Admission and Release | 0 |
| Custody Classification System | 1 |
| Funds and Personal Property | 0 |
| Use of Force and Restraints | 0 |
| Special Management Units | 0 |
| Staff-Detainee Communication | 0 |
| Sexual Abuse and Assault Prevention and Intervention | 0 |
| Sub-Total | 1 |
| Part 4 – Care | |
| Food Service | 0 |
| Medical Care | 0 |
| Significant Self-Harm and Suicide Prevention and Intervention | 0 |
| Disability Identification, Assessment, and Accommodation | 0 |
| Sub-Total | 0 |
| Part 5 – Activities | |
| Recreation | 0 |
| Religious Practices | 0 |
| Telephone Access | 1 |
| Visitation | 0 |
| Sub-Total | 1 |
| Part 6 – Justice | |
| Grievance Systems | 0 |
| Law Libraries and Legal Material | 0 |
| Sub-Total | 0 |
| Total Deficiencies | 2 |

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

DETAINEE RELATIONS

ODO interviewed 11 detainees, who each voluntarily agreed to participate. ERO New York City had removed the 12th detainee and all ODO pre-determined alternates from the facility prior to or on the first day of the inspection. ODO attempted to select another alternate but the facility went into a security status, which prevented moving a detainee from the housing unit to the video teleconference area. None of the detainees made allegations of discrimination, mistreatment, or abuse. Most detainees reported satisfaction with facility services except for the concerns listed below. ODO conducted detainee interviews via video teleconference.

Medical Care: One detainee stated she requested the facility remove her birth control implant because it irritated her skin, but the facility had not removed the implant.

- Action Taken: ODO reviewed her medical records and spoke with a facility registered nurse (RN). ODO found ERO New York City booked the detainee into the facility four days prior to the start of the inspection and there was no record the detainee disclosed the issue during her intake medical screening. The RN informed ODO the detainee was scheduled to complete her full health assessment in early September 2020, and they would follow-up with the detainee regarding her complaint during her scheduled appointment.

Grievance: One detainee stated he had religious dietary restrictions the facility was not meeting. Specifically, the facility provided him with hot meals on Saturdays when he was not supposed to receive hot meals.

- Action Taken: ODO reviewed the detainee's detention file and interviewed the facility's grievance coordinator. ODO found the detainee filed a grievance regarding this issue on August 25, 2020. The grievance coordinator reviewed the grievance and found the facility placed a religious dietary alert on the detainee's file on August 18, 2020. The grievance coordinator directed the facility's food service provider to ensure compliance with the detainee's religious dietary alert. The grievance coordinator resolved the detainee's grievance, in favor of the detainee, and returned the grievance to the detainee on August 25, 2020. ODO attempted to follow-up after the inspection to determine if the facility stopped providing the detainee hot meals on Saturdays and ODO learned ERO New York City had removed the detainee from the facility.

COMPLIANCE INSPECTION FINDINGS

SECURITY

CUSTODY CLASSIFICATION SYSTEM (CCS)

ODO reviewed the facility's classification procedures, 17 detainee classification records, and found the facility housed one low-custody detainee and three medium-low-custody detainees with four high-custody detainees (**Deficiency CCS-1⁶**). Prior to the completion of the inspection, the facility re-assigned the one low-custody and three medium-low-custody detainees to housing units with their applicable security levels.

ACTIVITIES

TELEPHONE ACCESS (TA)

ODO reviewed the facility's Inmate/Detainee Telephones Policy (Policy CD-SOP-00-3.0) and found the policy did not indicate the facility permitted indigent detainees to return emergency calls free of charge (**Deficiency TA-1⁷**).

CONCLUSION

During this inspection, ODO reviewed the facility's compliance with 18 standards under NDS 2019 and found the facility in compliance with 16 of those standards. ODO found 2 deficiencies in the remaining 2 standards. ODO commends facility staff for their responsiveness during this inspection. ODO recommends ERO work with the facility to remedy any deficiencies which remain outstanding, as applicable and in accordance with contractual obligations.

| Compliance Inspection Results Compared | FY 2019 (NDS 2000) | FY 2020 (NDS 2019) |
|--|-----------------------|-----------------------|
| Standards Reviewed | 17 | 18 |
| Deficient Standards | 5 | 2 |
| Overall Number of Deficiencies | 11 | 2 |
| Repeat Deficiencies | 0 | N/A |
| Corrective Actions | 2 | 0 |

⁶ "A detainee's classification level will determine his or her housing assignment, voluntary work assignment, and how his or her recreational activities, meals, and religious services are managed." See ICE NDS 2019, Standard, Custody Classification System, Section (II)(A)(5).

⁷ "... The facility shall enable indigent detainees to make a free return emergency call." See ICE NDS 2019, Standard, Telephone Access, Section (II)(I).