



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
Follow-Up/Interim Compliance Inspection

Enforcement and Removal Operations
ERO Chicago Field Office

Boone County Jail
Burlington, Kentucky

May 3-7, 2021

**FOLLOW-UP/INTERIM COMPLIANCE INSPECTION
of the
BOONE COUNTY JAIL
Burlington, Kentucky**

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FOLLOW-UP/INTERIM COMPLIANCE INSPECTION TEAM MEMBERS



Acting Team Lead
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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 follow-up/interim compliance inspection of the Boone County Jail (BCJ) in Burlington, Kentucky, from May 3 to 7, 2021.¹ This inspection focused on the standards found deficient during ODO’s last inspection of BCJ from December 14 to 17, 2020. The facility opened in 2005, is owned by Boone County Fiscal Court, and is operated by BCJ. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at BCJ in 2005 under the oversight of ERO’s Field Office Director (FOD) in Chicago (ERO Chicago). ODO’s last inspection of BCJ was December 14 to 18, 2020, during which the facility operated under the National Detention Standards (2019). The facility now operates under the National Detention Standards (NDS) 2000.²

ERO does not have assigned deportation officers nor a detention services manager at the facility. The BCJ jailor handles daily facility operations and manages █ personnel. BCJ provides food and medical care, and Combined Public Communications provides commissary services at the facility. The facility does not hold any accreditations from any outside entities.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity ³	200
Average ICE Detainee Population ⁴	█
Male Detainee Population (as of May 3, 2021)	█
Female Detainee Population (as of May 3, 2021)	█

During its last inspection, in Fiscal Year (FY) 2021, ODO found five deficiencies in the following areas: Funds and Personal Property (2); Medical Care (1); Sexual Abuse and Assault Prevention and Intervention (1); and Significant Self-Harm and Suicide Prevention and Intervention (1).

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

² ODO inspected BCJ in December 2020 against the NDS 2019; however, ERO Custody Management provided ODO with an updated list of United States Marshals Service facilities and standards to inspect those facilities to, which changed BCJ from NDS 2019 back to NDS 2000. As such, ODO conducted this follow-up inspection in accordance with NDS 2000.

³ Data Source: ERO Facility List Report as of April 26, 2021.

⁴ *Ibid.*

FOLLOW-UP/INTERIM COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population of 10 or more detainees, 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. In FY 2021, to meet congressional requirements, ODO began conducting follow-up inspections at all ICE ERO detention facilities, which ODO inspected earlier in the FY.

Follow-Up/Interim Compliance Inspections focus on facilities that changed their contractually required ICE National Detention Standards (i.e., from NDS 2000 to NDS 2019 or vice versa) following their first ODO inspection of the FY. ODO will conduct a complete review of several core standards, in accordance with the facility's new contractually required ICE National Detention Standards, which include but are not limited to Medical Care/Health Care, Medical Care (Women)/Health Care (Females), Hunger Strikes, Suicide Prevention, Food Service, Environmental Health and Safety, Emergency Plans, Use of Force and Restraints/Use of Physical Control Measures and Restraints, Special Management Units, Educational Policy (FRS only), Behavior Management (FRS only), Admission and Release, Classification, and Funds and Personal Property. ODO may decide to conduct a second full inspection of a facility in the same FY based on additional information obtained prior to ODO's arrival on-site. Factors ODO will consider when deciding to conduct a second full inspection will include the total number of deficiencies cited during the first inspection, the number of deficient standards found during the first inspection, the completion status of the first inspection's UCAP, and other information ODO obtains from internal and external sources ahead of the follow-up compliance inspection. Conditions found during the inspection may also lead ODO to assess new areas and identify new deficiencies or areas of concern should facility practices run contrary to ICE standards.

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.

FINDINGS BY NATIONAL DETENTION STANDARDS 2000 MAJOR CATEGORIES

NDS 2000 Standards Inspected ⁵	Deficiencies
Part 1 – Detainee Services	
Admission and Release	1
Detainee Classification System	0
Food Service	0
Funds and Personal Property	1
Sub-Total	2
Part 2 – Security and Control	
Emergency Plans	0
Environmental Health and Safety	1
Special Management Unit (Administrative Segregation)	0
Special Management Unit (Disciplinary Segregation)	0
Use of Force	1
Sub-Total	2
Part 3 – Health Services	
Hunger Strikes	0
Medical Care	0
Suicide Prevention and Intervention	0
Sub-Total	0
Other Standards Inspected	
NDS 2019 Sexual Abuse and Assault Prevention and Intervention	0
Sub-Total	0
Total Deficiencies	4

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

DETAINEE RELATIONS

ODO interviewed 12 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. ODO attempted to conduct detainee interviews via video teleconference; however, ERO Chicago and the facility were not able to accommodate this request due to technological issues. As such, ODO conducted the detainee interviews via telephone.

Admission and Release: Seven detainees stated they did not receive the facility's handbook nor the ICE National Detainee Handbook upon intake to the facility.

- Action Taken: ODO reviewed the detainee detention files for all seven detainees and found signed acknowledgement forms from each detainee, indicating they received a copy of the facility's handbook and the ICE National Detainee Handbook upon intake.

Sexual Abuse and Assault Prevention and Intervention: Multiple male detainees stated female officers do not announce their presence when entering the housing unit.

- Action Taken: ODO reviewed the facility's sexual abuse and assault training curriculum and found staff of the opposite gender are required to announce their presence when entering a housing unit. ODO interviewed facility staff, who sent a reminder to all staff to announce their presence when entering a housing unit of the opposite gender. Although the facility is not contractually obligated to comply with NDS 2019 Sexual Abuse and Assault Prevention and Intervention (SAAPI) standard, ODO noted this as an **Area of Concern** in the *SAAPI* section of this report.

FOLLOW-UP/INTERIM COMPLIANCE INSPECTION FINDINGS

DETAINEE SERVICES

ADMISSION AND RELEASE (AR)

ODO reviewed the facility's AR policy, interviewed the AR supervisor, and found ERO Chicago had not approved the facility's orientation procedures (**Deficiency AR-54⁶**).

Corrective Action: Prior to the conclusion of the inspection, the facility received a memorandum from ERO Chicago, approving all orientation procedures (**C-1**).

FUNDS AND PERSONAL PROPERTY (FPP)

ODO reviewed the facility's handbook and found the facility does not notify detainees on the following items:

⁶ "In IGSA's the INS office of jurisdiction shall approve all orientation procedures." See ICE NDS 2000, Standard, Admission and Release, Section (III)(J).

- Upon request, the facility will provide a certified copy of any identity document (passport, birth certificate, etc.) placed in their migrant files;
- The procedure for claiming property upon release, transfer, or removal; nor
- The procedures for filing a claim for lost or damaged property (**Deficiency FPP-89⁷**).

SECURITY AND CONTROL

ENVIRONMENTAL HEALTH AND SAFETY (EHS)

ODO reviewed the facility’s EHS policy, interviewed the EHS manager, and reviewed photographs of the eyewash stations utilized at the facility. ODO found the facility’s eyewash stations did not meet Occupational Safety and Health Administration (OSHA) approval because of the OSHA requirement to provide hands-free eye flushing for 15-minutes (**Deficiency EHS-195⁸**).

USE OF FORCE (UOF)

ODO reviewed [REDACTED] detention officer training records and the UOF training curriculum and found no training on approved methods of self-defense for [REDACTED] detention officers (**Deficiency UOF-117⁹**).

OTHER STANDARDS INSPECTED

SEXUAL ABUSE AND ASSAULT PREVENTION AND INTERVENTION (SAAPI)

During detainee interviews, several male detainees informed ODO that female officers do not announce their presence when they enter a housing unit. ODO cited this as an **Area of Concern**. ODO also noted the facility leadership’s commitment to remind facility staff of the obligation to announce entry into a male or female housing unit.

CONCLUSION

During this inspection, ODO assessed the facility’s compliance with 12 standards under NDS 2000, 1 standard under NDS 2019, and found the facility in compliance with 9 of those standards. ODO found four deficiencies in the remaining four standards. ODO commends facility staff for their responsiveness during this inspection. ODO recommends ERO Chicago work with the facility to resolve any deficiencies that remain outstanding in accordance with contractual

⁷ “The detainee handbook or equivalent shall notify the detainees of facility policies and procedures concerning personal property, including: ...

2. That, upon request, they will be provided an INS-certified copy of any identity document (passport, birth certificate, etc.) placed in their A-files;
4. The procedure for claiming property upon release, transfer, or removal;
5. The procedures for filing a claim for lost or damaged property.” *See* ICE NDS 2000, Standard, Funds and Personal Property, Section (III)(J)(2)(4) and (5).

⁸ “OSHA-approved eyewash stations will be installed in designated areas throughout the facility.” *See* ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(T)(2).

⁹ “All detention personnel shall also be trained in approved methods of self-defense, confrontation avoidance techniques, and the use of force to control detainees.” *See* ICE NDS 2000, Standard, Use of Force, Section (III)(O).

obligations.

Compliance Inspection Results Compared	First FY 2021 (NDS 2019)	Second FY 2021 (NDS 2000)
Standards Reviewed	18	13
Deficient Standards	4	4
Overall Number of Deficiencies	5	4
Repeat Deficiencies	0	0
Areas of Concern	0	1
Corrective Actions	0	1