



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
Follow-Up Compliance Inspection
2023-002-207**

**Enforcement and Removal Operations
ERO Chicago Field Office**

**Chase County Detention Facility
Cottonwood Falls, Kansas**

September 26-28, 2023

FOLLOW-UP COMPLIANCE INSPECTION
of the
CHASE COUNTY DETENTION FACILITY
Cottonwood Falls, Kansas

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FOLLOW-UP COMPLIANCE INSPECTION TEAM MEMBERS



Acting Team Lead	ODO
Inspections and Compliance Specialist	ODO
Inspections and Compliance Specialist	ODO
Contractor	Creative Corrections
Contractor	Creative Corrections
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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 follow-up compliance inspection of the Chase County Detention Facility (CCDF) in Cottonwood Falls, Kansas, from September 26 to 28, 2023.¹ This inspection focused on the standards found deficient during ODO’s last inspection of CCDF from March 14 to 16, 2023. The facility opened in 1992 and is owned and operated by Chase County. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at CCDF in 2008 under the oversight of ERO’s Field Office Director in Chicago (ERO Chicago). The facility operates under the National Detention Standards (NDS) 2019.

[REDACTED] A facility administrator handles daily operations and manages [REDACTED] support personnel. CCDF provides food services, medical care, and commissary services at the facility. The facility does not hold any accreditations from any outside entities.

Capacity and Population Statistics	Quantity
ICE Bed Capacity ²	[REDACTED]
Average ICE Population ³	[REDACTED]
Adult Male Population (as of September 26, 2023)	[REDACTED]
Adult Female Population (as of September 26, 2023)	[REDACTED]

During its last full inspection, in Fiscal Year (FY) 2023, ODO found 13 deficiencies in the following areas: Custody Classification System (3); Disability Identification, Assessment, and Accommodation (1); Disciplinary System (1); Environmental Health and Safety (2); Facility Security and Control (1); Funds and Personal Property (1); Hold Rooms in Detention Facilities (1); Special Management Unit (1); 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 Facility List as of September 26, 2023.

³ *Ibid.*

FOLLOW-UP 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.⁴

While follow-up inspections are intended to focus on previously identified deficiencies, ODO will conduct a complete review of several core standards, which may include but are not limited to Medical Care, Suicide Prevention, Food Service, Environmental Health and Safety, Emergency Plans, Use of Force and Restraints/Use of Physical Control Measures and Restraints, 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 uniform corrective action plan (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. Any areas found non-compliant during both inspections are annotated as "Repeat Deficiencies" in this report.

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

FINDINGS BY NATIONAL DETENTION STANDARDS 2019 MAJOR CATEGORIES

NDS 2019 Standards Inspected ^{5,6}	Deficiencies
Part 1 - Safety	
Environmental Health and Safety	0
Sub-Total	0
Part 2 - Security	
Admission and Release	0
Custody Classification System	0
Facility Security and Control	0
Funds and Personal Property	0
Hold Rooms in Detention Facilities	1
Use of Force and Restraints	0
Special Management Unit	0
Staff-Detainee Communication	0
Sub-Total	1
Part 3 - Order	
Disciplinary System	0
Sub-Total	0
Part 4 - Care	
Food Service	0
Medical Care	0
Significant Self-Harm and Suicide Prevention and Intervention	0
Terminal Illness and Death	0
Disability Identification, Assessment, and Accommodation	0
Sub-Total	0
Part 5 - Activities	
Visitation	0
Sub-Total	0
Total Deficiencies	1

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

⁶ Beginning in FY 2022, ODO instituted a process of rotating all standards on a 3-year basis. As a result, some standard components may not be present in all standards.

DETAINEE RELATIONS

ODO interviewed 26 detainees, who voluntarily agreed to participate. ODO attempted to interview four additional detainees; however, all four detainees declined ODO's request for an interview. Most detainees reported satisfaction with facility services except for the concerns listed below.

Funds and Personal Property: One detainee stated he had \$645.00 in his account when he transferred to the CCDF; however, CCDF considered him indigent because his account showed a zero balance.

- Action Taken: ODO interviewed an ERO Chicago supervisory detention and deportation officer (SDDO) and a deportation officer and found the detainee departed from Lansing Correctional Facility (LCF) without the funds from his account. LCF staff confirmed no transfer of a check for the detainee's funds upon release from the facility on September 22, 2023. On September 28, 2023, LCF staff informed the SDDO the Kansas Department of Corrections issued a check to the detainee in the amount of \$659.22 and mailed the check to CCDF. On October 11, 2023, ODO received confirmation from the SDDO that CCDF received the check and credited the funds to the detainee's account on October 2, 2023.

Medical Care: One detainee stated she experienced pain on both sides of her mouth and still had not received any dental care. She further stated medical staff prescribed ibuprofen, but it was ineffective.

- Action Taken: ODO interviewed the CCDF health services administrator (HSA) and found the detainee reported dental concerns during intake on August 14, 2023. Medical staff added the detainee to the wait list for a dental appointment at CCDF's off-site dental clinic. According to the detainee, her teeth had significant decay and had been an issue for more than a year. The detainee also reported pain with her top molars on both sides of her mouth; two teeth on the left side and one tooth on the right side. The HSA also indicated the detainee had never requested any pain medication, and during her physical examination, she denied having any pain. Additionally, medical staff never prescribed ibuprofen to the detainee but made it available by request via the medication sign-up sheet. The detainee also has the option to order ibuprofen or Tylenol from the commissary for her own use. CCDF typically scheduled dental trips when a detainee reported pain or had an infection. The detainee indicated she had no pain nor an infection, and medical staff placed her on the dental wait list in the order of arrival to CCDF. On September 28, 2023, CCDF scheduled the detainee for tooth extraction at the off-site dental clinic with ERO Chicago's approval. On October 3, 2023, a dentist at the off-site clinic examined the detainee, prescribed an antibiotic, and scheduled her for a follow-up appointment on November 7, 2023.

Personal Hygiene: One detainee stated CCDF staff did not provide her with replacement clothing due to the staining of her clothes during her menstrual cycle on September 26, 2023.

- Action Taken: ODO interviewed the CCDF inspections coordinator and found CCDF never received a grievance pertaining to the detainee not receiving menstrual pads and replacement clothing. The inspections coordinator also stated detainees exchange clothing three times a week on Mondays, Wednesdays, and Fridays. On September 27, 2023, ODO confirmed the detainee received replacement clothing. ODO requested the inspections coordinator inform the female detainees on how to request additional menstrual pads and clothing during their menstrual cycles.

FOLLOW-UP COMPLIANCE INSPECTION FINDINGS

SECURITY

HOLD ROOMS IN DETENTION FACILITIES (HRDF)

ODO reviewed 14 hold room observation logs and found in 10 out of 14 logs, 18 instances where CCDF's irregular visual monitoring exceeded 15 minutes. Additionally, ODO found in 1 out of 14 observation logs, no recording of the officer's name or identifier (**Deficiency HRDF-37⁷**). **This is a repeat deficiency and a priority component.**

CONCLUSION

During this follow-up inspection, ODO assessed the facility's compliance with 16 standards under NDS 2019 and found the facility in compliance with 15 of those standards. ODO found one deficiency in the remaining one standard. Since CCDF's last full inspection in March 2023, the facility's overall compliance with the ICE NDS 2019 has improved. CCDF went from 9 deficient standards and 13 deficiencies in March 2023 to 1 deficient standard and 1 deficiency during this follow-up inspection, which is a repeat deficiency. The facility's improved performance was likely a result of completing a UCAP for ODO's last inspection of CCDF in March 2022 and the facility hiring additional staff. ODO recommends ERO Chicago continue to work with the facility to resolve the deficiency that remains outstanding in accordance with contractual obligations.

⁷ "Officers shall closely supervise the hold rooms through direct supervision, which involves irregular visual monitoring not to exceed 15 minutes between checks (each time recording the time and officer's name or identifier in the detention log)." See ICE NDS 2019, Standard, Hold Rooms in Detention Facilities, Section (II)(D)(4).

Compliance Inspection Results Compared	FY 2023 Full Inspection (NDS 2019)	FY 2023 Follow-up Inspection (NDS 2019)
Standards Reviewed	20	16
Deficient Standards	9	1
Overall Number of Deficiencies	13	1
Priority Component Deficiencies	4	1
Repeat Deficiencies	1	1
Areas Of Concern	0	0
Corrective Actions	0	0
Facility Rating	Acceptable/Adequate	N/A