



**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

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Office of Detention Oversight  
Compliance Inspection

Enforcement and Removal Operations  
ERO Chicago Field Office

Clay County Jail  
Brazil, Indiana

November 15-18, 2021

**COMPLIANCE INSPECTION  
of the  
CLAY COUNTY JAIL  
Brazil, Indiana**

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## COMPLIANCE INSPECTION TEAM MEMBERS



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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 Clay County Jail (CCJ) in Brazil, Indiana, from November 15 to 19, 2021.<sup>1</sup> The facility opened in 2006 and is owned and operated by Clay County. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at CCJ in 2013 under the oversight of ERO’s Field Office Director in Chicago (ERO Chicago). The facility operates under the Performance-Based National Detention Standards (PBNDS) 2008.

ERO has assigned deportation officers to the facility. A captain handles daily facility operations and manages support personnel. Enhanced Food Service provides food services, Tiger Commissary provides commissary services, and Quality Correctional Care provides medical care at the facility. The facility does not hold any national accreditations from any outside entities.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity <sup>2</sup>	
Average ICE Detainee Population <sup>3</sup>	
Male Detainee Population (as of November 15, 2021)	
Female Detainee Population (as of November 15, 2021)	

During its last inspection, in Fiscal Year (FY) 2021, ODO found 24 deficiencies in the following areas: Admission and Release (2); Facility Security and Control (5); Funds and Personal Property (7); Special Management Units (4); Hunger Strikes (1); Medical Care (4); and Suicide Prevention and Intervention (1).

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

<sup>2</sup> Data Source: ERO Facility List Report as of October 12, 2021.

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

## COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population greater than 10, 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.<sup>4</sup>

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 its 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.

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

## FINDINGS BY PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2008 MAJOR CATEGORIES

PBNDs 2008 Standards Inspected <sup>5</sup>	Deficiencies
<b>Part 1 – Safety</b>	
Emergency Plans	0
Environmental Health and Safety	0
<b>Sub-Total</b>	<b>0</b>
<b>Part 2 – Security</b>	
Admission and Release	0
Classification System	0
Funds and Personal Property	1
Post Orders	2
Searches of Detainees	0
Sexual Abuse and Assault Prevention and Intervention	0
Special Management Units	0
Use of Force and Restraints	0
<b>Sub-Total</b>	<b>3</b>
<b>Part 4 – Care</b>	
Food Service	0
Hunger Strikes	0
Medical Care	0
Personal Hygiene	0
Suicide Prevention and Intervention	0
<b>Sub-Total</b>	<b>0</b>
<b>Part 5 – Activities</b>	
Correspondence and Other Mail	1
Escorted Trips for Non-Medical Emergencies	0
Marriage Requests	0
Voluntary Work Program	0
<b>Sub-Total</b>	<b>1</b>
<b>Part 6 – Justice</b>	
Legal Rights Group Presentations	0
<b>Sub-Total</b>	<b>0</b>
<b>Part 7 – Administration and Management</b>	
Detention Files	1

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

News Media Interviews and Tours	0
Transfer of Detainees	0
<b>Sub-Total</b>	<b>1</b>
<b>Total Deficiencies</b>	<b>5</b>

## 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 technology issues. As such, the detainee interviews were conducted via telephone.

*Environmental Health and Safety:* One detainee stated he doesn't have money to buy containers or cups for drinking and the facility staff disposes of cups that are not from the commissary.

- Action Taken: ODO interviewed the head cook and custody sergeant, who both stated facility staff collect the cups issued with the meal trays and return the cups to the food service department for security and cost saving reasons. The sergeant additionally stated there are indigent packages available to detainees, which provide for a cup along with other necessities the detainees can retain for their personal use. The sergeant further stated the detainee had never requested an indigent package; however, he would ensure the detainee received instruction for requesting such a package with a drinking cup. Furthermore, the detainee had a balance of over \$100 in his commissary account at the time of the inspection.

*Funds and Personal Property:* One detainee stated he hasn't had money in his account for the past 15 days and hasn't been able to make phone calls.

- Action Taken: ODO discussed the issue with a facility staff member, who reviewed the detainee's account and request for a phone call. In view of his lack of funds, the facility interviewed the detainee and arranged for him to make a phone call on November 17, 2021.

*Personal Hygiene:* One detainee stated he has only a cover and two bed linens and lacks sweaters and extra blankets for the cold weather.

- Action Taken: ODO discussed the issue with a facility staff member and ERO and viewed the detainee Spanish language orientation video. Per facility staff, ERO, and the Spanish language detainee orientation video, detainees may complete and submit request forms for items they need while detained at the facility. A sergeant confirmed the facility issued the detainee an extra blanket on November 17, 2021.

# COMPLIANCE INSPECTION FINDINGS

## SECURITY

### FUNDS AND PERSONAL PROPERTY (FPP)

ODO interviewed the property supervisor and reviewed photos of the housing unit storage compartments used to store the detainees' authorized personal property and found the compartments did not have locks, making the space non-securable (**Deficiency FPP-26<sup>6</sup>**). **This is a repeat deficiency.**

### POST ORDERS (PO)

ODO reviewed nine post orders and found nine out of nine post orders do not describe and explain the proper care and safe handling of firearms (**Deficiency PO-19<sup>7</sup>**).

ODO reviewed nine post orders and found the facility did not review the post orders for sergeant, suicide watch, and dry cell within the last year (**Deficiency PO-29<sup>8</sup>**).

## ACTIVITIES

### CORRESPONDENCE AND OTHER MAIL (COM)

ODO interviewed facility staff and found detainees do not sign a logbook upon receipt of special correspondence and/or legal mail to verify the opening of special correspondence or legal mail in a detainee's presence (**Deficiency COM-35<sup>9</sup>**).

## ADMINISTRATION AND MANAGEMENT

### DETENTION FILES (DF)

ODO reviewed [REDACTED] detainee detention files and found [REDACTED] out of [REDACTED] files do not contain required originals or copies of documentation generated during the admissions process. Specifically, the facility does not include the detainee's housing identification cards in a detainee's file (**Deficiency**

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<sup>6</sup> "Every housing area shall have lockers or other securable space for storing detainees' authorized personal property." See ICE PBNDS 2008, Standard, Funds and Personal Property, Section (V)(E).

<sup>7</sup> "In addition to the above requirements for all Post Orders, Post Orders for armed and perimeter-access posts assignment shall describe and explain: ...

- The proper care and safe handling of firearms."

See ICE PBNDS 2008, Standard, Post Orders, Section (V)(F).

<sup>8</sup> "Post Orders shall be kept current at all times and formally reviewed at least annually and updated as needed." See ICE PBNDS 2008, Standard, Post Orders, Section (V)(G).

<sup>9</sup> "All facilities shall implement procedures for inspecting Special Correspondence and Legal mail for contraband in the presence of the detainee. Detainees shall sign a logbook upon receipt of Special Correspondence and/or Legal Mail to verify that the Special Correspondence or Legal Mail was opened in their presence." See ICE PBNDS 2008, Standard, Correspondence and Other Mail, Section (V)(F)(2).



DF-6<sup>10</sup>).

## CONCLUSION

During this inspection, ODO assessed the facility's compliance with 23 standards under PBNDS 2008 and found the facility in compliance with 19 of those standards. ODO found five deficiencies in the remaining four standards. ODO commends facility staff members 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. ODO has not received the uniform corrective action plan for ODO's last inspection of CCJ in May 2021.

<b>Compliance Inspection Results Compared</b>	<b>Second FY 2021 (PBNDS 2008)</b>	<b>First FY 2022 (PBNDS 2008)</b>
Standards Reviewed	13	23
Deficient Standards	7	4
Overall Number of Deficiencies	24	5
Repeat Deficiencies	2	1
Areas of Concern	1	0
Corrective Actions	1	0
Facility Rating	N/A	Superior

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<sup>10</sup> "The detainee Detention File shall contain either originals or copies of forms and other documents generated during the admissions process." See ICE PBNDS 2008, Standard, Detention Files, Section, (V)(B)(1).