



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
2023-002-156**

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

**Clay County Jail
Brazil, Indiana**

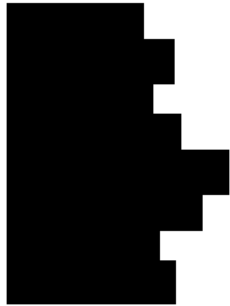
August 1-3, 2023

FOLLOW-UP COMPLIANCE INSPECTION
of the
CLAY COUNTY JAIL
Brazil, Indiana

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FOLLOW-UP COMPLIANCE INSPECTION TEAM MEMBERS



Team Lead	ODO
Assistant Team Lead	ODO
Senior Inspections and Compliance Specialist	ODO
Inspections and Compliance Specialist	ODO
Contractor	Creative Corrections
Contractor	Creative Corrections
Contractor	Creative Corrections
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 Clay County Jail (CCJ) in Brazil, Indiana, from August 1 to 3, 2023.¹ This inspection focused on the standards found deficient during ODO’s last inspection of CCJ from February 7 to 9, 2023. The facility opened in 2006 and is owned by Clay County Commissioners and operated by the Clay Sheriff’s Department. 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). ICE is an authorized user of this facility under a United States Marshals Service intergovernmental agreement contract, which does not specify an ICE NDS, and ODO inspected to the NDS listed on the ERO Facility List as of July 31, 2023. Clay County Jail was inspected against the Performance-Based National Detention Standards (PBNDS) 2008.

[REDACTED] A jail commander handles daily operations and manages support personnel. Tiger Commissary provides food and commissary services, and Quality Correctional Care provides medical care 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 August 1, 2023)	[REDACTED]
Adult Female Population (as of August 1, 2023)	[REDACTED]

During its last inspection, in Fiscal Year (FY) 2023, ODO found 23 deficiencies in the following areas: Funds and Personal Property (2); Key and Lock Control (11); Sexual Abuse and Assault Prevention and Intervention (2); Tool Control (3); and Use of Force and Restraints (5).

¹ This facility holds male and female detainees with security classification levels for periods greater than 72 hours.

² Data Source: ERO Facility List as of July 31, 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, Hunger Strikes, 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 PERFORMANCE-BASED NATIONAL DETENTION STANDARDS 2008 MAJOR CATEGORIES

PBNDS 2008 Standards Inspected ^{5,6}	Deficiencies
Part 1 - Safety	
Emergency Plans	0
Environmental Health and Safety	0
Sub-Total	0
Part 2 - Security	
Admission and Release	0
Classification System	2
Facility Security and Control	2
Funds and Personal Property	1
Key and Lock Control	1
Sexual Abuse and Assault Prevention and Intervention	0
Special Management Units	0
Staff-Detainee Communication	0
Tool Control	0
Use of Force and Restraints	0
Sub-Total	6
Part 4 - Care	
Food Service	0
Medical Care	0
Suicide Prevention and Intervention	0
Terminal Illness, Advance Directives, and Death	0
Sub-Total	0
Part 5 - Activities	
Telephone Access	1
Sub-Total	1
Part 6 - Justice	
Grievance System	0
Sub-Total	0
Total Deficiencies	7

⁵ For greater detail on ODO's findings, see the *Follow-up Compliance 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 13 detainees, who each voluntarily agreed to participate. ODO attempted to interview additional detainees; however, the detainees declined ODO's request for an interview. None of the detainees made allegations of discrimination, mistreatment, or abuse. All detainees reported satisfaction with facility services.

FOLLOW-UP COMPLIANCE INSPECTION FINDINGS

SECURITY

CLASSIFICATION SYSTEM (CCS)

ODO reviewed █ detainee files and found in █ out of █ files, the facility assigned a medium-high custody detainee to a low/medium-low custody housing unit and a low custody detainee to a medium-high/high custody housing unit (**Deficiency CCS-22⁷**).

ODO reviewed detainee housing records and █ detainee files, and found the facility housed a medium-high custody detainee in a low/medium-low custody housing unit and they housed a low custody detainee in a medium-high/high custody housing unit (**Deficiency CCS-28⁸**).

FACILITY SECURITY AND CONTROL (FSC)

ODO reviewed the facility's electronic video visitation log and found the log does not include the following information: the detainee's A-number; the visitor's relationship to the detainee; and the visitor's immigration status (**Deficiency FSC-19⁹**). **This is a repeat deficiency.**

ODO interviewed the jail commander, observed facility procedures, and found facility staff do not require visitors to leave photo identification when they check in at the post officer's desk (**Deficiency FSC-28¹⁰**).

FUNDS AND PERSONAL PROPERTY (FPP)

ODO observed two detainee housing units and found no securable space for detainees to store their authorized personal property (**Deficiency FPP-26¹¹**). **This is a repeat deficiency.**

⁷ "Among other things, the supervisor shall ensure that each detainee has been assigned to the appropriate housing unit." See ICE PBNDS 2008, Standard, Classification System, Section (V)(D).

⁸ "All facilities shall ensure that detainees are housed according to their classification level." See ICE PBNDS 2008, Standard, Classification System, Section (V)(F).

⁹ "The entry for a person visiting a detainee shall also include the name and A-number of the detainee being visited, along with the visitor's relationship to the detainee, immigration status, and address." See ICE PBNDS 2008, Standard, Facility Security and Control, Section (V)(C)(1)(b)(3).

¹⁰ "The visitor must leave his or her photo-identification card with the post officer until the end of the visit, marked by the time-out entry in the logbook." See ICE PBNDS 2008, Standard, Facility Security and Control, Section (V)(C)(1)(c).

¹¹ "Every housing area shall have lockers or other securable space for storing detainees' authorized personal property."

KEY AND LOCK CONTROL (KLC)

ODO reviewed the facility's training records, interviewed facility staff, and found security officers have not attended an approved locksmith training program (**Deficiency KLC-15¹²**). **This is a repeat deficiency.**

ACTIVITIES

TELEPHONE ACCESS (TA)

ODO observed two detainee housing units and found both housing units had outdated pro bono legal service flyers from April 2016 posted (**Deficiency TA-37¹³**).

CONCLUSION

During this inspection, ODO assessed the facility's compliance with 18 standards under PBND 2008 and found the facility in compliance with 13 of those standards. ODO found seven deficiencies in the remaining five standards. Since CCJ's last full inspection in February 2023, the facility's overall compliance has trended up. CCJ went from 5 deficient standards and 23 deficiencies in February 2023 to 5 deficient standards and 7 deficiencies during this most recent follow-up inspection. ODO noted the facility's significant improvement in the KLC standard, going from 11 deficiencies down to only 1 in KLC. ODO did not receive a completed UCAP for ODO's last inspection in February 2023; therefore, ODO could not confirm it as a factor in the facility's improved performance. However, ERO Chicago's oversight of facility operations likely factored into the noted improvements. ODO recommends ERO Chicago continue to work with the facility to resolve any deficiencies that remain outstanding in accordance with contractual obligations.

Compliance Inspection Results Compared	FY 2023 Full Inspection (PBND 2008)	FY 2023 Follow-up Inspection (PBND 2008)
Standards Reviewed	23	18
Deficient Standards	5	5
Overall Number of Deficiencies	23	7
Priority Component Deficiencies	0	0
Repeat Deficiencies	2	3
Areas Of Concern	0	0
Corrective Actions	1	0
Facility Rating	Good	N/A

The amount of storage space shall correspond to the number of detainees assigned to that housing area." See ICE PBND 2008, Standard, Funds and Personal Property, Section (V)(E).

¹² "All security officers shall successfully complete an approved locksmith training program." See ICE PBND 2008, Standard, Key and Lock Control, Section (V)(B)(2).

¹³ "Updated lists need to be posted in the detainee housing units." See ICE PBND 2008, Standard, Telephone Access, Section (V)(E).