



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 Compliance Inspection**

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

**Eloy Federal Contract Facility
Eloy, Arizona**

June 7-10, 2021

FOLLOW-UP COMPLIANCE INSPECTION
of the
ELOY FEDERAL CONTRACT FACILITY
Eloy, Arizona

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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 compliance inspection of the Eloy Federal Contract Facility (EFCF) in Eloy, Arizona, from June 7 to 10, 2021.¹ This inspection focused on the standards found deficient during ODO’s last inspection of ECFC from January 4 to 8, 2021. The facility opened in 1994 and is owned and operated by CoreCivic. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at EFCF in 1991 under the oversight of ERO’s Field Office Director in Phoenix (ERO Phoenix). The facility operates under the Performance-Based National Detention Standards (PBNDS) 2011 (Revised 2016).

ERO has assigned deportation officers and a detention services manager to the facility. An EFCF warden handles daily facility operations and manages █████ support personnel. Trinity Food Service provides food services, ICE Health Service Corps provides medical care, and Keefe Supply Company provides commissary services at the facility. The facility was accredited by the American Correctional Association and the National Commission on Correctional Health Care in 2018. In 2020, EFCF was audited for the Department of Homeland Security (DHS) Prison Rape Elimination Act (PREA) and was DHS PREA certified.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity ²	1550
Average ICE Detainee Population ³	████
Male Detainee Population (as of June 7, 2021)	████
Female Detainee Population (as of June 7, 2021)	████

During its last inspection, in Fiscal Year (FY) 2021, ODO found eight deficiencies in the following areas: Emergency Plans (1); Environmental Health and Safety (1); Facility Security and Control (2); Food Service (2); and Special Management Units (2).

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 Data Source: ERO Facility List Report as of May 31, 2021.

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.

While follow-up inspections are intended to focus on previously identified deficiencies, ODO will conduct a complete review of several core standards, which 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 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.

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 PERFORMANCE-BASED NATIONAL
DETENTION STANDARDS 2011 (REVISED 2016)
MAJOR CATEGORIES**

PBNDS 2011 (Revised 2016) Standards Inspected⁴	Deficiencies
Part 1 – Safety	
Emergency Plans	0
Environmental Health and Safety	0
Sub-Total	0
Part 2 – Security	
Admission and Release	3
Custody Classification System	0
Facility Security and Control	0
Funds and Personal Property	1
Special Management Units	0
Use of Force and Restraints	0
Sub-Total	4
Part 4 – Care	
Food Service	0
Hunger Strikes	0
Medical Care	0
Medical Care (Women)	0
Significant Self-harm and Suicide Prevention and Intervention	0
Sub-Total	0
Total Deficiencies	4

⁴ For greater detail on ODO’s findings, see the *Follow-Up 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 Phoenix and the facility were not able to accommodate this request due to technological issues. As such, ODO conducted the detainee interviews via telephone.

Staff-Detainee Communication: A detainee stated he submitted an ICE request form 10 days ago and has not received a response.

- Action Taken: ODO interviewed a supervisory detention and deportation officer (SDDO), reviewed the ICE request electronic log and the detainee's detention file, and did not find a record of the detainee submitting a request. On June 8, 2021, the SDDO spoke with the detainee and provided an ICE request form for future correspondence.

FOLLOW-UP COMPLIANCE INSPECTION FINDINGS

SECURITY

ADMISSION AND RELEASE (AR)

ODO reviewed ■ detainee detention files and found ■ out of ■ files did not bear the appropriate ERO Authorizing Official signature on the Order to Detain or Order to Release form (Form I-203 or I-203a) (**Deficiency AR-54**⁵).

ODO interviewed an intake supervisor and found ERO Phoenix did not approve the facility's orientation procedures (**Deficiency AR-61**⁶).

Additionally, ODO found ERO Phoenix did not approve the facility's release procedures (**Deficiency AR-79**⁷).

FUNDS AND PERSONAL PROPERTY (FPP)

ODO reviewed the facility's detainee handbook and found it did not notify detainees how to access their personal funds to pay for legal services (**Deficiency FPP-20**⁸).

⁵ "An Order to Detain or an Order to Release the detainee (Form I-203 or I-203a), bearing the appropriate ICE/ERO Authorizing Official signature, must accompany each newly arriving detainee." See ICE PBNDS 2011 (Revised 2016), Standard, Admission & Release, Section (V)(E).

⁶ "Orientation procedures in CDFs and IGSAs must be approved in advance by the local ICE/ERO Field Office." See ICE PBNDS 2011 (Revised 2016), Standard, Admission and Release, Section (V)(F).

⁷ "ICE/ERO shall approve all facility release procedures." See ICE PBNDS 2011 (Revised 2016), Standard, Admission and Release, Section (V)(H).

⁸ "The detainee handbook or equivalent shall notify the detainees of facility policies and procedures related to personal property, including:

CONCLUSION

During this inspection, ODO assessed the facility's compliance with 13 standards under PBNS 2011 (Revised 2016) and found the facility in compliance with 11 of those standards. ODO found four deficiencies in the remaining two standards. ODO commends members of the facility staff for their responsiveness during the inspection. ODO recommends ERO Phoenix 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 EFCF which occurred in January 2021.

Compliance Inspection Results Compared	First FY 2021 PBNS 2011 (Revised 2016)	Second FY 2021 PBNS 2011 (Revised 2016)
Standards Reviewed	21	13
Deficient Standards	5	2
Overall Number of Deficiencies	8	4
Repeat Deficiencies	1	0
Areas of Concern	0	0
Corrective Actions	0	0

6. access to detainee personal funds to pay for legal services." See ICE PBNS 2011 (Revised 2016), Standard, Funds and Personal Property, Section (V)(C)(6).