



**U.S. Department of Homeland Security**  
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  
Montgomery County Jail  
Montgomery City, Missouri

June 20-22, 2017

**COMPLIANCE INSPECTION  
for the  
MONTGOMERY COUNTY JAIL  
MONTGOMERY CITY, MISSOURI**

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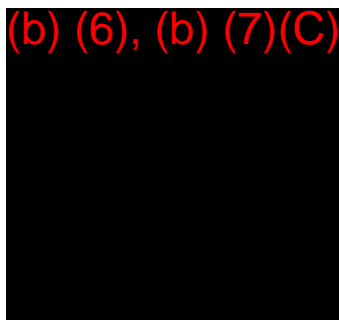
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**INSPECTION TEAM MEMBERS**



Section Chief (Team Lead)	ODO
Inspections and Compliance Specialist	ODO
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Contractor	Creative Corrections
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## FACILITY OVERVIEW

The Office of Detention Oversight (ODO), a unit within U.S. Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR), conducted a compliance inspection of the Montgomery County Jail (MCJ) in Montgomery City, Missouri from June 20-22, 2017.<sup>1</sup> The MCJ opened in January 1997 and is owned and operated by the Montgomery County Sheriff's Office. The Office of Enforcement and Removal Operations (ERO) started housing ICE detainees at MCJ in July 1998, pursuant to an Intergovernmental Service Agreement (IGSA) (non-dedicated), under the oversight of ERO Field Office Director (FOD) Chicago.

The facility is not assigned a Detention Services Manager or other ERO officers. A Jail Administrator is responsible for oversight of daily facility operations and is supported by (b) (7)(E) personnel. Arthur Center Community Health provides detainee medical services, and Consolidated Food Services provides food services. MCJ holds no accreditations.

Capacity and Population Statistics	Quantity
Average ICE Detainee Population <sup>2</sup>	28
Male Detainee Population (as of 6/19/2017)	28
Female Detainee Population (as of 6/19/2017)	0

In FY 2014, ODO conducted a compliance inspection of MCJ under the National Detention Standards (NDS) 2000. ODO reviewed the facility's compliance with 16 standards and found eleven (11) deficiencies in the following eight (8) standards: Access to Legal Material (1 deficiency), Detainee Classification System (1), Detainee Grievance Procedures (1), Environmental Health and Safety (3), Food Service (1), Funds and Personal Property (2), Medical Care (1), and Use of Force (1).

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<sup>1</sup> This facility holds male and female detainees with low and medium low classification levels for periods greater than 72 hours.

<sup>2</sup> *Ibid.*

## FY 2017 FINDINGS BY NDS 2000 MAJOR CATEGORIES

NDS 2000 STANDARDS INSPECTED <sup>3</sup>	DEFICIENCIES
<b>Part 1 – Detainee Services</b>	
Access to Legal Material	0
Admission and Release	0
Detainee Classification System	0
Detainee Grievance Procedures	0
Detainee Handbook	0
Food Service	0
Funds and Personal Property	2
Staff-Detainee Communication	0
Telephone Access	1
<b>Sub-Total</b>	<b>3</b>
<b>Part 2 – Security and Control</b>	
Environmental Health and Safety	1
Special Management Unit (Administrative Segregation)	0
Special Management Unit (Disciplinary Segregation)	0
Use of Force	0
<b>Sub-Total</b>	<b>1</b>
<b>Part 3 – Health Services</b>	
Medical Care	0
Suicide Prevention and Intervention	0
<b>Sub-Total</b>	<b>0</b>
<b>Total Deficiencies</b>	<b>4</b>

<sup>3</sup> For greater detail on ODO's findings, see the *Inspection Findings* section of this report.

## COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population greater than ten and where detainees are housed for over 72-hours to assess compliance with ICE National Detention Standards (NDS) 2000, or the Performance-Based National Detention Standards (PBNDS) 2008 or 2011, as applicable. 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 linked to ICE detention standards, ICE policies, or operational procedures as *deficiencies*. ODO also highlights instances when the facility resolves deficiencies prior to completion of the ODO inspection -- these corrective actions are annotated with “C” under the Inspection Findings section of this report.

At the conclusion of each inspection, ODO hosts a closeout briefing with facility and local ERO officials to discuss preliminary findings. A summary of these findings is also shared with ERO management officials. Thereafter, ODO provides ICE leadership with a final compliance inspection report to: (i) assist ERO develop and initiate corrective action plans; and (ii) provide senior executives with an independent assessment of facility operations. Additionally, ODO findings inform ICE executive management decision making in better allocating resources across the agency’s entire detention inventory.

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

## DETAINEE RELATIONS

ODO interviewed eighteen (18) detainees to assess the conditions of confinement at MCJ. All of the individuals interviewed volunteered to participate and none made allegations of abuse, discrimination or mistreatment. The detainees reported being satisfied with facility services, with the exception of the complaints below:

*Medical Care:* One detainee stated he submitted a sick call request for a toothache and was told he would either be given medication for his pain or the option of having his tooth extracted. The detainee stated he had not received further direction from facility staff.

- Action Taken: ODO reviewed the detainee's medical record and determined he submitted a sick call request on June 20, 2017 for tooth pain. Later that day, and after ODO's inquiry, the facility nurse evaluated the detainee, and with doctor's approval, initiated antibiotic treatment for the detainee's infection. The nurse practitioner explained to the detainee that all tooth infections are first treated with antibiotics, but, if the infection persists, the detainee could choose to have his tooth extracted.

*Telephone Access:* Seven detainees complained that it is too expensive to make calls at MCJ.

- Action Taken: ODO reviewed MCJ's telephone service contract and calling rates. The facility entered into a contract with Legacy Inmate Communications, a division of Legacy Long Distance International, Inc. on May 6, 2010, which was later amended on March 31, 2016, to ensure compliance with the FCC rules. ODO found the current, amended call rates are within compliance of FCC rules and ICE policy (\$0.25 per minute for local calls and \$0.75 per minute for interstate calls). No connection fees are charged. ODO nevertheless informed the Jail Administrator and SDDO of the detainee's concerns.

# COMPLIANCE INSPECTION FINDINGS

## DETAINEE SERVICES

### FUNDS AND PERSONAL PROPERTY (F&PP)

The facility's detainee handbook does not inform detainees of the process to request and obtain copies of identity documents contained in their A-File (**Deficiency F&PP-1<sup>5</sup>**). Additionally, the procedure for claiming property upon release, transfer, or removal is not included in the handbook (**Deficiency F&PP-2<sup>6</sup>**).

*Corrective Action:* The facility initiated corrective action prior to the end of the inspection by revising the facility handbook to inform detainees of the process to request and obtain copies of identity documents contained in their A-File (**C-1**).

*Corrective Action:* Additionally, the facility initiated corrective action prior to the end of the inspection by revising the facility handbook to explain the procedure for claiming property upon release, transfer, or removal (**C-2**).

### TELEPHONE ACCESS (TA)

The procedure for obtaining an unmonitored call to a court, legal representative, or to obtain legal representation is not placed at each monitored telephone (**Deficiency-1<sup>7</sup>**).

*Corrective Action:* The facility initiated corrective action prior to the end of the inspection by placing the procedure for obtaining an unmonitored call to a court, legal representative, or for the purpose of obtaining legal representation at each monitored telephone (**C-3**).

## SECURITY AND CONTROL

### ENVIRONMENTAL HEALTH AND SAFETY (EH&S)

Monthly fire drills are not conducted separately in each department (**Deficiency EH&S-1<sup>8</sup>**).

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<sup>5</sup> "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." See ICE NDS 2000, Standard, Funds and Personal Property, Section (III)(J)(2).

<sup>6</sup> "The detainee handbook or equivalent shall notify the detainees of facility policies and procedures concerning personal property, including: ... 4. The procedure for claiming property upon release, transfer, or removal." See ICE NDS 2000, Funds and Personal Property, Section (III)(J)(2).

<sup>7</sup> "If telephone calls are monitored, the facility shall notify detainees in the detainee handbook or equivalent provided upon admission. It shall also place a notice at each monitored telephone stating: ... 2. The procedure for obtaining an unmonitored call to a court, legal representative, or for the purposes of obtaining legal representation." See ICE NDS 2000, Standard, Telephone Access, Section (III)(K)(2).

<sup>8</sup> "Monthly fire drills will be conducted and documented separately in each department." See ICE NDS 2000, Standard, Environmental Health and Safety, Section (III)(L)(4).

## CONCLUSION

ODO reviewed the facility's compliance with fifteen (15) standards and found the facility compliant with twelve (12) standards. ODO found four (4) deficiencies in the remaining three (3) standards. ODO commends facility staff for their responsiveness noting corrective action was initiated prior to completion of the inspection for three (3) of the noted deficiencies. ODO found considerably fewer deficiencies during this inspection than in FY 2014. ODO recommends ERO work with the facility to remedy any deficiencies that remain outstanding, as applicable and in accordance with contractual obligations.

<b>Inspection Results Compared</b>	<b>FY 2014 (NDS 2000)</b>	<b>FY 2017 (NDS 2000)</b>
Standards Reviewed <sup>9</sup>	16	15
Deficient Standards	8	3
Overall Number of Deficiencies	11	4
Corrective Actions	0	3
Repeat Deficiencies	0	0

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<sup>9</sup> ODO reviewed the same standards in FY14 and FY17 with the exception of Detention Files in FY17.