



U.S. Department of Homeland Security
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Office of Professional Responsibility
ICE Inspections
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**Office of Detention Oversight
Follow-Up Compliance Inspection**

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

**Robert A. Deyton Detention Facility
Lovejoy, Georgia**

August 2-4, 2022

FOLLOW-UP COMPLIANCE INSPECTION
of the
ROBERT A. DEYTON DETENTION FACILITY
Lovejoy, Georgia

TABLE OF CONTENTS

FACILITY OVERVIEW	4
FOLLOW-UP COMPLIANCE INSPECTION PROCESS.....	5
FINDINGS BY NATIONAL DETENTION STANDARDS 2019 MAJOR CATEGORIES.....	6
DETAINEE RELATIONS	7
FOLLOW-UP COMPLIANCE INSPECTION FINDINGS.....	7
SECURITY	7
Custody Classification System	7
Facility Security and Control.....	8
CARE	8
Personal Hygiene	8
ACTIVITIES	9
Correspondence and Other Mail	9
Telephone Access	9
CONCLUSION	9



FOLLOW-UP 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 follow-up compliance inspection of the Robert A. Deyton Detention Facility (RDDF) in Lovejoy, Georgia, from August 2 to 4, 2022.¹ This inspection focused on the standards found deficient during ODO’s last inspection of RDDF from January 10 to 13, 2022. The facility opened in 2007 and is owned by Clayton County and operated by The GEO Group, Inc (GEO). The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at RDDF in August 2018 under the oversight of ERO’s Field Office Director in Atlanta (ERO Atlanta). The facility operates under the National Detention Standards (NDS) 2019.

ERO does not have any staff assigned to the facility. A facility administrator handles daily facility operations and manages █████ support personnel. GEO provides food services and medical care, and Keefe Commissary provides commissary services at the facility. The facility was accredited by the American Correctional Association in January 2022 and the National Commission on Correctional Health Care in June 2020.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity ²	████
Average ICE Detainee Population ³	████
Male Detainee Population (as of August 2, 2022)	████
Female Detainee Population (as of August 2, 2022)	████

During its last inspection, in Fiscal Year (FY) 2022, ODO found 18 deficiencies in the following areas: Admission and Release (3); Correspondence and Other Mail (5); Custody Classification System (7); and Funds and Personal Property (3).

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 July 18, 2022.

³ *Ibid.*

⁴ RDDF’s FY 2021 average daily population was 12, which is why ODO scheduled RDDF for biannual inspections in FY 2022.

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 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.

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	8
Facility Security and Control	0
Funds and Personal Property	0
Use of Force and Restraints	0
Special Management Units	0
Staff-Detainee Communication	0
Sub-Total	8
Part 4 – Care	
Food Service	0
Hunger Strikes	0
Medical Care	0
Personal Hygiene ⁷	1
Significant Self-Harm and Suicide Prevention and Intervention	0
Sub-Total	1
Part 5 – Activities	
Correspondence and Other Mail	0
Recreation	0
Telephone Access	3
Sub-Total	3
Part 6 – Justice	
Grievance Systems	0
Sub-Total	1
Total Deficiencies	12

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

⁶ Beginning in FY 2021, ODO added Emergency Plans, Facility Security and Control, Population Counts, Hunger Strikes, and Staff Training as core standards. NDS 2019 does not include Emergency Plans, Population Counts, nor Staff Training as individual standards; however, those specific requirements are resident in other core standards.

⁷ The deficiency cited under the Personal Hygiene standard was identified when ODO completed the facility tour. ODO did not review the Personal Hygiene standard in its entirety.

DETAINEE RELATIONS

ODO did not conduct any detainee interviews because the facility housed only two detainees at the time of the inspection and had placed one detainee in quarantine and the other detainee into a cohort dorm for 10 days. Despite a two-detainee population count, the facility had an active contract to house ICE detainees and an average daily population (ADP) of 12 ICE detainees for FY 2021, meeting ODO's inspection criteria to conduct inspections of over 72-hour ICE detention facilities with an ADP of 10 or more.

FOLLOW-UP COMPLIANCE INSPECTION FINDINGS

SECURITY

CUSTODY CLASSIFICATION SYSTEM (CCS)

ODO interviewed the facility classification supervisor, reviewed the facility classification policy and 12 detention files, and found in 8 out of 12 files, no completed custody classification prior to the facility releasing the detainees into the general population (**Deficiency CCS-2⁸**). **This is a repeat deficiency.**

ODO interviewed the facility training administrator and classification officer, reviewed the facility classification policy, and found all facility officers assigned to classification duties at the facility did not complete training. Specifically, the facility did not provide any documentation that staff completed training on the facility classification process (**Deficiency CCS-3⁹**).

ODO interviewed the facility classification officer, reviewed the facility classification policy and 12 detention files, and found in 8 out of 12 files, no custody classification forms completed within 12 hours of the detainees' admission to the facility (**Deficiency CCS-4¹⁰**). **This is a repeat deficiency.**

ODO interviewed the classification supervisor, reviewed the facility's classification policy and 12 detention files, and found 1 out of 12 files did not have the detainee's criminal or institutional history and the facility placed the detainee in the general population prior to receipt of this information (**Deficiency CCS-5¹¹**). **This is a repeat deficiency.**

⁸ "The classification system shall ensure:

1. All detainees are classified upon arrival, before being admitted into the general population."

See ICE NDS 2019, Standard, Custody Classification System, Section (II)(A)(1).

⁹ "The classification system shall ensure: ...

2. All officers assigned to classification duties shall be trained in the facility's classification process."

See ICE NDS 2019, Standard, Custody Classification System, Section (II)(A)(2).

¹⁰ "The classification system shall ensure: ...

2. The initial classification process and initial housing assignment should be completed within 12 hours of admission to the facility."

See ICE NDS 2019, Standard, Custody Classification System, Section (II)(A)(2).

¹¹ "The classification system shall ensure: ...

3. If a detainee cannot be classified without certain information that is missing at the time of processing (e.g., results of criminal-record check), the detainee will be kept apart from the general population pending arrival

ODO interviewed the classification supervisor, reviewed the facility classification policy and 12 detention files, and found in 8 out of 12 files, no documented supervisor’s review of detainee classification levels (**Deficiency CCS-6¹²**). **This is a repeat deficiency.**

ODO interviewed the classification supervisor, reviewed the facility classification policy and 12 detention files, and found in 8 out of 12 files, no documented supervisor’s review of detainee classification levels for accuracy and completeness (**Deficiency CCS-10¹³**). **This is a repeat deficiency.**

ODO interviewed the intake processing sergeant, reviewed the facility classification policy and 12 detention files, and found in 1 out of 12 files, the facility did not use the most reliable and objective information during the classification process. Specifically, the facility relied only upon the assigned classification level on the Record of Persons Transferred form (Form I-216) and did not use the Record Deportable/Inadmissible Alien form (Form I-213) as required by the facility policy (**Deficiency CCS-12¹⁴**). **This is a repeat deficiency.**

ODO interviewed the facility classification supervisor, reviewed the facility classification policy and 12 detention files, and found in 1 out of 12 files, ERO Atlanta did not provide the facility with the Form I-213 and the facility instead used the Form I-216 to complete the detainee’s classification (**Deficiency CCS-13¹⁵**).

FACILITY SECURITY AND CONTROL (FSC)

ODO reviewed the facility FSC policy and found the policy stated, “the facility does not consult with a religious authority before confiscating a religious item deemed ‘soft’ contraband.” Specifically, the policy stated, “the facility consults with the Contracting Officer’s Representative instead of a religious authority.” However, ODO interviewed the facility chief of security and found the facility consulted with the chaplain before confiscating a religious item. Because of the inconsistency in the facility policy and practice, ODO noted this as an **Area of Concern**.

CARE

PERSONAL HYGIENE (PH)

During the facility tour, ODO observed the facility staff and found staff members of the opposite gender did not consistently announce their presence when entering the housing units (**Deficiency**

of that information.”

See ICE NDS 2019, Standard, Custody Classification System, Section (II)(A)(3).

¹² “The classification system shall ensure: ...

4. A supervisor will review each detainee’s classification.”

See ICE NDS 2019, Standard, Custody Classification System, Section (II)(A)(4).

¹³ “A supervisor will review the intake/processing officer’s classification file for each detainee for accuracy and completeness.” See ICE NDS 2019, Standard, Custody Classification System, Section (II)(B).

¹⁴ “Staff shall use the most reliable, objective information available during the classification process. “Objective” information refers to documented or discernible facts, such as gender identification, most recent and/or prior criminal offense(s), escapes, institutional disciplinary history, violent episodes/incidents, victimization, mental health and/or medical status, and age.” See ICE NDS 2019, Standard, Custody Classification System, Section (II)(C).

¹⁵ “ICE/ERO offices will provide the facility with any information available to ICE to assist the facility in classifying detainees.” See ICE NDS 2019, Standard, Custody Classification System, Section (II)(C).

PH-1¹⁶).

ACTIVITIES

CORRESPONDENCE AND OTHER MAIL (COM)

ODO reviewed the facility's site-specific detainee handbook and found the facility gives identity documents (passports, birth certificates, etc.) to ERO Atlanta. However, the facility COM policy states the facility holds identity documents with a detainee's property. ODO did not observe any identity documents in detainee property or detainee files, and ODO interviewed the facility classification manager who confirmed the facility gives identity documents to ERO Atlanta. Because of the inconsistency in the facility policy and practice, ODO cited this as an **Area of Concern**.

TELEPHONE ACCESS (TA)

ODO observed the facility housing units and found in one out of two units no telephone access rules posted in the housing unit (**Deficiency TA-4**¹⁷).

ODO interviewed ERO Atlanta and the facility staff and found ERO Atlanta did not provide the facility with current pro bono legal service information (**Deficiency TA-13**¹⁸).

ODO observed the facility housing units and found in two out of two units, no notice stating the procedures for obtaining an unmonitored call to a court or legal representative, or for the purpose of obtaining legal representation (**Deficiency TA-41**¹⁹).

CONCLUSION

During this inspection, ODO assessed the facility's compliance with 16 standards under NDS 2019 and found the facility in compliance with 12 of those standards. ODO found 12 deficiencies in the remaining 3 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. ERO provided ODO with the UCAP for ODO's last inspection of RDDF on May 28, 2022.

¹⁶ "Staff of the opposite gender shall announce their presence when entering an area where detainees are likely to be showering, performing bodily functions, or changing clothing." *See* ICE NDS 2019, Standard, Personal Hygiene, Section (II)(G).

¹⁷ "The facility shall provide telephone access rules in the facility handbook and shall post these rules where detainees may easily see them." *See* ICE NDS 2019, Standard, Telephone Access, Section (II)(B).

¹⁸ "All Field Offices are responsible for ensuring facilities which house ICE detainees under their jurisdiction are provided with current pro bono legal service information." *See* ICE NDS 2019, Standard, Telephone Access, Section (II)(E).

¹⁹ "If telephone calls are monitored, the facility shall notify detainees of this in a language or manner that they understand and in the facility handbook provided upon admission. The facility 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 2019, Standard, Telephone Access, Section (II)(K).

Compliance Inspection Results Compared	First FY 2022 (NDS 2019)	Second FY 2022 (NDS 2019)
Standards Reviewed	19	16
Deficient Standards	4	3
Overall Number of Deficiencies	18	12
Repeat Deficiencies	2	6
Areas of Concern	1	2
Corrective Actions	0	0
Facility Rating	Superior	N/A