

September 26, 2019

TO: [REDACTED]
Assistant Director for Detention Management

FROM: [REDACTED]
Lead Compliance Inspector
The Nakamoto Group, Inc.

SUBJECT: **Annual Detention Inspection of the Essex County Corrections Facility**

The Nakamoto Group, Inc. performed an annual inspection for compliance with the ICE Performance-Based National Detention Standards (PBNDS 2011) of the Essex County Corrections Facility in Newark, NJ during the period of September 24-26, 2019. This is an IGSA facility.

The inspection was performed under the guidance of [REDACTED], Lead Compliance Inspector. Team members were:

Subject Matter Field	Team Member
Detainee Rights	[REDACTED]
Security	[REDACTED]
Medical Care	[REDACTED]
Safety	[REDACTED]
Medical Care	[REDACTED]

Type of Inspection

This is a scheduled annual inspection which is performed to determine overall compliance with the ICE PBNDS 2011 for Over 72 hour facilities. The facility received a previous rating of Meets Standards during the September 2018 inspection.

Inspection Summary

The Essex County Corrections Facility is currently accredited by:

- The American Correctional Association (ACA) - Yes
- The National Commission on Correctional Health Care (NCCHC) - Yes
- The Joint Commission (TJC) - No
- Prison Rape Elimination Act (PREA) - Yes

Standards Compliance

The following information is a summary of the standards that were reviewed and overall compliance that was determined as a result of the 2018 and 2019 annual inspections:

2018 Annual Inspection	
Meets Standard	40
Does Not Meet Standard	0
Repeat Finding	0
Not Applicable	2

2019 Annual Inspection	
Meets Standard	41
Does Not Meet Standard	0
Repeat Finding	0
Not Applicable	1

The inspection team identified six (6) deficient components in the following five (5) standards:

Environmental Health and Safety – 2
 Food Service – 1
 Personal Hygiene – 1
 Telephone Access - 1
 Detainee Transfers - 1

Facility Snapshot/Description

The Essex County Corrections Facility is operated under the jurisdiction of the Essex Department of Corrections. The facility is located in the port district of Newark, New Jersey across the Hudson River from New York City. [REDACTED] The four-story structure houses adult male and female detainees from Essex and surrounding counties, adult male ICE, U.S. Marshal detainees and adult male State of New Jersey Department of Corrections inmates. The facility houses all classification levels. [REDACTED]

The facility consists of 38 separate general population housing units of which twelve are dedicated to ICE detainees. Those housing units are comprised of six dormitories ranging from 48-60 beds, and six two-bed housing units consisting of 32-64 rooms. All housing units are governed by a direct supervision model of management. There is one special management unit dedicated for ICE detainees. It consists of eight one-bed cells. Two detainees were confined in SMU during the inspection; both were interviewed by the security SME and registered no concerns about their treatment in the unit or understanding the process that put them there. The health care unit contains an eight one-bed infirmary room.

Each housing unit is designed with a dayroom area consisting of two televisions, fourteen to sixteen informational tablets, on which detainees can file requests/grievances, send personal e-mails, check their commissary account balances, play games or watch movies, order commissary and make telephone calls. Each dayroom has a bank of mounted telephones and table/chair settings where detainees eat their meals and can sit for games, conversation or watching television programs.

General population detainees have access to outdoor recreation daily. An outdoor recreation area adjoins each housing unit giving detainees open access during their waking hours. Special management unit (SMU) detainees in administrative segregation status are offered outdoor recreation for at least two hours a day, seven days a week. SMU detainee in disciplinary segregation status are offered outdoor recreation for at least two hours a day, five days a week. Detainees are under constant monitored camera surveillance in their housing units and while using the outdoor recreation areas.

During the inspection, detainees were observed socializing in the dayrooms, watching television, using the telephones/tablets and engaging in activities in the outdoor recreation areas. Board games were being enjoyed in the dayrooms.

Detainees spoke freely with the inspectors. Interaction between detainees and facility and ICE/ERO staff was observed to be professional and normal. The atmosphere throughout the facility was relaxed, quiet and free from any concernment. Facility staff were professional in appearance and knowledgeable of the daily event schedule and emergency response protocols. Detainees knew the staff by name and vice versa.

No less than sixty detainees were interviewed by the inspection team in public and confidential settings in the housing units and on work details during the inspection. English speaking and LEP interviews were conducted using interpreters and the language line. The detainees voiced no concerns regarding life/safety issues. Detainees were satisfied with the interaction from facility staff and the treatment they receive from the officers. They were also satisfied with the access and responsiveness from on-site ICE/ERO personnel and facility staff when addressing their complaints, requests and grievances. There were no substantive concerns registered regarding access to medical services, meals served, clothing issued, laundry exchange schedules, telephone access, visitation procedures, cleanliness, access to recreation areas, conditions of confinement or the variety of program activities.

There were a few noted comments regarding the food relative to its bland taste and the quantity of the servings. The food SME discussed these issues with the food service administrator and noted daily caloric targets are high and the meals are prepared in accordance with approved recipe cards. Most detainee were satisfied with the food.

Food service practices were scrutinized thoroughly. Observation of frozen food thawing practices showed appropriate procedures are in place, and that items being thawed were labeled indicating when the product began thawing and the intended use date. Poultry was being thawed in a separate cooler and was stored in a manner so their juices were contained. Neither prepared food items nor raw produce were stored in the cooler used for thawing, thus reducing the possibility of cross contamination. Observation of the refrigeration and freezer units confirmed that food was properly labelled and stored. There was no evidence of moldy, spoiled or out of date food in any storage location. Coolers and freezers were clean and well maintained and were operating at safe temperatures.

During the inspectors' movements throughout the facility, ceilings were observed with the specific intent of searching for current of past signs of leakage. There were no apparent signs of current leaks or attempts to conceal such evidence from previous occurrences.

A complete inspection of all ICE detainee showers, wash basins, toilet units, and mop/storage closets was conducted throughout the inspection by all inspection team members. These areas were maintaining a good routine cleaning schedule; however, a few of the shower area ceilings were hosting small black mold spots. The side walls and floors were free of such mottle. Some of the mop closets were in need of better sanitation and general cleaning, and in a few of the closets mold blotches were evident on the side walls due to wet mops routinely resting against the wall. The safety SME discussed these concerns with the OIC and corrective sanitation practices were implemented during the inspection.

Detainees were maintaining acceptable personal hygiene through the provision of temperature appropriate bathing facilities and the regular exchange of clean clothing, linens and towels. The cleanliness conditions of the mattresses, bedding and linens was checked in the different housing units. All articles were clean and none were observed to be torn or spotted. In the event one of these items becomes damaged it is exchanged as soon as discovered, per the administrative sergeant. Laundry services are available in the

housing units and in the facility's main laundry on a regular schedule.

Detainees have access to recreational and exercise programs and activities within the constraints of safety and security. Access to recreation meets the requirement set in the standard. Detainees are provided access to indoor and outdoor recreation, with all recreation being under constant staff supervision. Detainees interviewed were satisfied with the amount of time they had for recreation. The recreation program is supervised by trained recreation specialists who ensure programs are operated in an orderly, safe and secure manner. Officers search the recreation areas before and after each use to detect altered or damaged equipment, hidden contraband and security breaches. All recreational issued equipment is checked for damage and general condition by officers.

There was one concern raised by one detainee using the law library regarding the LexisNexis collection. Some of the forms in the collection were showing they had expired i.e. (I-589 Application for Asylum and for Withholding of Removal). The detainee rights SME discussed the concern with the Newark AFOD who investigated the issue with ICE Headquarters and LexisNexis and revealed the form is the most current and the expired date was not changed after the form was last reviewed in April 2019. The AFOD and ICE headquarters confirmed the form is still valid and is being accepted by the courts in its current state.

ICE detainees are not charged medical co-payments. Food services are contracted to GD Correctional Services and medical services are contracted to CFG Health Systems, LLC. All other services are provided by Essex County employees.

Areas of Concern/Significant Observations

The LexisNexis collection should be updated to reflect all of its content is current. Detainees are not aware an outdated form will be accepted by the courts, and the courts should not have the option of disallowing a document submitted simply because it shows it is outdated.

Recommended Rating and Justification

The Lead Compliance Inspector recommends that the facility receive a rating of Acceptable. The facility complies with the ICE Performance Based National Detention Standards (PBNDS) 2011. No (0) standards were found Does Not Meet Standard and one (1) standard was Not Applicable (N/A). All remaining forty-one (41) standards were found to be in compliance.

LCI Assurance Statement

The findings of compliance and noncompliance are accurately and completely documented on the G-324A inspection form and are supported by documentation in the inspection file. An out brief was conducted at the facility and in addition to the entire Nakamoto Group, Inc. Inspection Team, the following were present:

- ICE Officials – [REDACTED]
- Facility Staff – [REDACTED] and other command staff and department supervisors

[REDACTED]

[REDACTED], Lead Compliance Inspector

September 26, 2019

Printed Name of LCI

Date