

November 8, 2018

TO: [REDACTED]
Assistant Director for Detention Management

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

SUBJECT: **Annual Detention Inspection of the Theo Lacy Facility**

The Nakamoto Group, Inc. performed an annual inspection for compliance with the ICE Performance-Based National Detention Standards (PBNDS 2008; PBNDS 2011 SA-API) of the Theo Lacy Facility in Orange, CA, during the period of November 6-8, 2018. 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]
Medical Care	[REDACTED]
Safety	[REDACTED]

Type of Inspection

This is a scheduled annual inspection which is performed to determine overall compliance with the ICE PBNDS 2008/2011 SA-API for Over 72 hour facilities. The facility received a previous rating of Meets Standards during the November 2017 annual inspection.

Inspection Summary

The Theo Lacy Facility is currently accredited by:

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

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 2017 and 2018 annual compliance inspections:

2017 Annual Inspection	
Meets Standard	39
Does Not Meet Standard	0
Repeat Finding	0
Not Applicable	2

2018 Annual Inspection	
Meets Standard	39
Does Not Meet Standard	0
Repeat Finding	0
Not Applicable	2

The inspection team identified fifteen (15) deficient components in the following ten (10) standards:

Environmental Health and Safety—1
Classification System—1, which is a repeat deficiency
Hold Rooms in Detention Facilities—1
Special Management Units—4, all of which are repeat deficiencies
Tool Control—1, which is a repeat deficiency
Disciplinary System—1, which is a priority component and a repeat deficiency
Food Service—1
Recreation—2, both of which are repeat deficiencies and one is a priority component
Visitation—1, which is a repeat deficiency
Grievance System—2, both of which are repeat deficiencies and one is a priority component

Facility Snapshot/Description

The Theo Lacy Facility is located in urban Orange, California directly across the street from The Outlets at Orange Mall. The Orange County Sheriff's Office owns and operates the facility. [REDACTED]

ICE detainees are housed in four barracks-style dormitory units and two cell housing units equipped with sixteen two person cells each. The facility also has a restricted housing unit for both administrative and disciplinary segregation management which consists of eight single-bed cells. No detainees were housed in the segregation management unit during the inspection. The facility employs the indirect supervision model. [REDACTED]

The housing units each have a dayroom equipped with one television, telephones and various board games. Both indoor and outdoor recreation areas are available. Although detainees in the barracks dormitory housing have daily access to recreation opportunities during waking hours, detainees housed in the module units with cell beds are limited to two hours out of their cells each day; one hour in the dayroom and one hour in the recreation area. The entire facility is climate controlled. Sanitation throughout the facility was observed to be average.

All housing units for ICE detainees and all common areas of the facility which are used by ICE detainees were observed during the inspection. Each member of the inspection team made multiple visits to the housing units and numerous detainees were interviewed. Some interviews were with small groups of detainees and several were private and confidential and included detainees with limited English proficiency (LEP). Detainees who had recently arrived at the facility and some who had been housed at the facility more than eighteen months were interviewed. The detainees voiced no concerns regarding life/safety is-

sues. Detainees were generally satisfied with the interaction, responsiveness and professionalism of facility and ICE staff and with access to medical services, the law library, telephones and recreation.

Several detainees assigned to the module cell housing units complained that they only receive two hours per day out of cell time; one hour of recreation and one hour in the dayroom. Their description of the amount of out-of-cell time afforded them was confirmed to be accurate. The inspection team determined that the limited time out-of-cell for these general population detainees did not specifically violate any standard. However, the limited amount of out-of-cell time afforded these general population detainees is more in alignment with a criminal detention model than civil detention model of confinement.

Some detainees complained that the sack lunches fed daily for lunch always consists of a bologna sandwich. The Safety SME reviewed these complaints. The food service department feeds two hot meals per day at breakfast and dinner. Cold sack lunches are fed daily for lunch and include a sandwich accompanied by some assortment of fruit, vegetables, chips and a drink. Although the sack lunches routinely contain sandwiches, per review of the menu, the type of meat used in the sandwiches does vary from day to day.

ICE detainees do not incur medical co-payments. Detainees voiced no concerns regarding access to medical care. Two detainees interviewed had a question regarding receiving eyeglasses subsequent to their ophthalmology appointments. The Medical SME performed a follow-up and found that the detainees were only recently seen by ophthalmology. One detainee had previously had Lasik surgery and glasses were not indicated. The other detainee was seen by the ophthalmologist during the week of the inspection; glasses were ordered.

All services, with the exception of detainee telephone services contracted with Global Tel*Link Corporation, are provided by the Orange County Sheriff's Office.

Areas of Concern/Significant Observations

Priority Components Rated Does Not Meet Standards

Standard—Disciplinary System (Repeat Deficiency)

Priority Component #3: Staff do not allow disposition of the following sanctions: (In part)....indoor or outdoor recreation, unless such activity creates a documented unsafe condition.

Finding: Outdoor recreation privileges are automatically suspended while a detainee is housed in disciplinary segregation. This is a repeat deficiency.

Recommendation: Detainees housed in the disciplinary segregation in the special management unit should be provided outdoor recreation as required by the standard.

Standard—Recreation (Repeat Deficiency)

Priority Component #12: Recreation for detainees housed in the SMU shall be separate from the general population. Detainees in the SMU shall be offered at least one hour of recreation per day, outside their cells and scheduled at a reasonable time, at least five days per week. Where cover is not provided to mitigate inclement weather, detainees shall be provided weather-appropriate equipment and attire.

Finding: Detainees housed in disciplinary segregation do not receive at least one hour of recreation outside their cells. Recreation privileges are automatically suspended once an ICE detainee is placed in disciplinary segregation. This is a repeat deficiency.



The Nakamoto Group, Inc.

Recommendation: Policy and procedures should be revised to permit detainees to receive one hour of recreation outside their cells at least five days per week to meet the requirements of the standard.

Standard—Grievance System (Repeat Deficiency)

Priority Component #9: Each facility shall devise a method for documenting detainee grievances, at a minimum, a Detainee Grievance Log. The documentation shall include the date of the grievance, nature of the grievance in detail, and the date the grievance was resolved. A copy of the grievance disposition shall be placed in the detainee's detention file and provided to the detainee. Medical grievances are maintained in the detainee's medical file.

Finding: Medical grievances are not filed in the detainee's medical file as required by the standard. This is a repeat deficiency.

Recommendation: File medical grievances in the appropriate detainee's medical file as required by the standard.

Recommended Rating and Justification

The Lead Compliance Inspector recommends that the facility receive a rating of Meets Standards. The facility complies with the ICE Performance Based National Detention Standards (PBNDS 2008 and PBNDS 2011 SAAP). No (0) standards were found Does Not Meet Standard and two (2) standards were Not Applicable (N/A). All remaining thirty-nine (39) standards were found to be in compliance.

LCI Assurance Statement

The findings of compliance and non-compliance are accurately and completely documented on the G-324 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 various other staff and supervisors

[REDACTED]
[REDACTED], Lead Compliance Inspector
Printed Name of LCI

November 8, 2018
Date