

January 6, 2021

TO: [REDACTED]  
Assistant Director for Detention Management

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

SUBJECT: **Annual Detention Inspection of the Polk County Adult Detention Center**

The Nakamoto Group, Inc. performed an annual inspection for compliance with the National Detention Standards (NDS 2019) of the Polk County Adult Detention Center in Livingston, Texas during the period of January 4-6, 2021. This is an IGSA facility.

The annual 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 that is performed to determine overall compliance with the ICE NDS 2019 for Over 72-hour facilities. The facility received a previous rating of Meets Standards as a result of the January 2020 annual inspection.

### **Inspection Summary**

The Polk County Adult Detention Center is currently accredited by:

- The American Correctional Association (ACA) – Yes
- The National Commission on Correctional Health Care (NCCHC) – No
- 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 2020 (NDS 2000) and 2021 (NDS 2019) annual compliance inspections:



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<b>2020 Annual Inspection</b>	
Meets Standards	38
Does Not Meet Standards	0
Repeat Finding	0
Not Applicable	1

<b>2021 Annual Inspection</b>	
Meets Standards	33
Does Not Meet Standards	0
Repeat Finding	0
Not Applicable	0

The inspection team identified two (2) deficient components in the following two (2) standards:

Hold Rooms in Detention Facilities—1  
Use of Force and Restraints—1

### **Facility Snapshot/Description**

The Polk County Adult Detention Center is located on Farm to Market Road 350 South in a rural area of Livingston, Texas, approximately one mile from a state prison and sixty miles north of the George Bush Intercontinental Airport in Houston, Texas. The facility, constructed in 2005, is owned by Polk County and operated by Management and Training Corporation (MTC), a private corrections company. The facility operates pursuant to an IGSA between Polk County and ICE. The facility [REDACTED] [REDACTED] houses all custody levels of adult male detainees for ICE and the United States Marshals Service. [REDACTED]

The facility is a one-story structure surrounded by two, twelve-foot chain link fences; both of which are supplemented by razor ribbon. Additionally, an electronic monitoring system on the interior fence enhances the security provided by the fences. There is a partially paved and gravel road that encircles the entire compound; an armed officer in a vehicle patrols the perimeter periodically during daylight hours and constantly during dark hours.

Branching off a center rotunda are four main hallways on which are located 116 housing units ranging in capacities from four to 24 beds. One hundred fifteen housing units are designated for general population housing and one is designated as the special management unit (SMU). [REDACTED]

[REDACTED] Five of the dormitory-style housing units are handicap accessible. The SMU contains 22 single-bed cells. All housing units receive indirect supervision from roving officers. Recording cameras are in housing units, hallways, and other sections of the facility. ICE detainees do not come in contact with other detainees.

The primary outdoor recreation area is a large outdoor recreation yard. Four additional recreation areas are substantially covered but allow sunlight and fresh air. Detainees are offered a minimum of one hour of recreation daily. The housing units each have a dayroom area equipped with a television, at least one telephone (depending on bed capacity), and various card and board games. Detainees are permitted to participate in the Voluntary Work Program. The entire facility is climate controlled.

All detainees arriving at the facility are placed in a ten-day cohort (quarantine status) due to COVID-19 protocols. Detainees are classified prior to placement in the cohort status. Additionally, ICE suspended on-site general/social visitation for ICE detainees in March 2020. Legal and professional visitation are exempt from this suspension. To mitigate the impact of the visitation suspension, ICE provides each detainee at the facility with 500 free minutes of telephone calls each month. The suspension of non-



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employee volunteers entering the facility has impacted religious programs and the legal orientation program.

Twelve detainees were interviewed individually by telephone. Ten interviews were with detainees with limited English proficiency (LEP) who spoke French, Somalia, Spanish, and Tamil; a telephonic language line interpreter service was used to facilitate the interviews. The detainees interviewed stated they felt safe and were generally satisfied with the interaction, responsiveness, and professionalism of the facility and ICE staff and with access to medical services, mail, the law library, telephones, and recreation. Two LEP detainees interviewed stated they could not recall if they received an orientation in a language they understood during the admissions process. The classification and records supervisor checked the admissions documentation in the detainees' files and found that one of the detainees speaks English and received all the orientation materials in English. Documentation for the second detainee substantiated that a language line was used to interview him when he was processed. Another detainee complained that he has not been able to exchange his underwear. Facility staff was notified and resolved the issue with the detainee. One detainee complained that the officer left the television on all night and he could not sleep. Facility staff investigated by reviewing the housing unit video which showed that another detainee had turned on the television and it did remain on all night. A detainee stated he filed a grievance against an officer who threw away his cake but had not received a response. The Environmental Health and Safety SME searched the grievance log and could not find a formal grievance. The detainee subsequently recanted his original statement and stated he did not complete the process of filing a grievance. The detainees who voiced complaints and/or concerns were made aware of their access to the OIG and the grievance process. None had contacted OIG or filed a grievance regarding any of the issues.

This inspection was conducted remotely, therefore, the inspectors were not able to observe interactions between facility staff and detainees regarding translation services. The staff interviewed were aware of the availability of language line and other web-based translation services. Limited English proficient detainees interviewed stated that translation services had been used for communications with them, especially in the medical department.

Forms used for various purposes and information distributed to detainees were found to be available in English and Spanish.

Detainee telephone services are provided via a contract with NCIC Inmate Communications. All other services are provided by MTC.

ICE detainees do not incur medical co-pays.

### **Areas of Concern/Significant Observation**

The inspection team did not identify any areas of concern or significant observations. The inspection was conducted remotely and inspectors were unable to personally observe practices and procedures within the facility. The inspection team relied upon a review of policies, procedures, logs, photographs, and/or videos to validate the observation of many standards. Additionally, interviews were conducted with multiple key staff members.

### **Recommended Rating and Justification**

The Lead Compliance Inspector recommends that the facility receive a rating of Meets Standards unless unobserved practices and conditions are contrary to what was reported to the inspection team. The facility complies with the ICE National Detention Standards (NDS 2019). No (0) standards were found Does Not Meet Standard. All thirty-three (33) standards were found to Meet Standards.



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### 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 by telephone conference call and in addition to the entire Nakamoto Group, Inc. Inspection Team, the following persons participated in the call:

- ICE Officials— [REDACTED]
- Facility Staff [REDACTED]

[REDACTED]

[REDACTED], Lead Compliance Inspector

January 6, 2021

Printed Name of LCI

Date