



January 9, 2020

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) of the Polk County Adult Detention Center in Livingston, Texas, during the period of January 7-9, 2020. 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 NDS for Over 72 hour facilities. The facility received a previous rating of Acceptable during the January 2019 annual inspection.

Inspection Summary

The Polk County Adult Correctional 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 2019 and the 2020 annual inspections:

<i>2019 Annual Inspection</i>	
Acceptable	38
Deficient	0
Repeat Deficiency	0
Not Applicable	1

<i>2020 Annual Inspection</i>	
Acceptable	38
Deficient	0
Repeat Deficiency	0
Not Applicable	1

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

- Access to Telephones - 1
- Suicide Prevention and Intervention - 1
- Disciplinary Policy - 1
- Staff/Detainee Communications - 2

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. [REDACTED]

[REDACTED] and 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 office 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. 115 of the housing units are designated 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. The primary outdoor recreation area is a large outdoor recreation yard. There are four additional recreation areas which are substantially covered but which allow sunlight and fresh air. Detainees in general population are offered a minimum of one hour of recreation daily; detainees in the SMU are offered at least one of hour of recreation five days per week. 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. The entire facility is climate controlled. Cleanliness and sanitation throughout the facility were observed to be average.

The housing units and common areas of the facility used by ICE detainees were visited and/or observed during the inspection. No less than sixty (60) detainees were interviewed informally, either individually or in small groups. Twenty formal interviews were conducted with detainees with limited English proficien-

cy (LEP). Language line was used to interview detainees who spoke neither English nor Spanish. A bilingual member of the inspection team conducted formal interviews with Spanish speaking detainees. The detainees voiced no concerns regarding life/safety issues. Detainees stated they felt safe and were generally satisfied with the interaction, responsiveness, and professionalism of staff and with access to medical services, mail, the law library, telephones, visitation, and recreation. Detainees expressed general satisfaction with the quantity and quality of food provided.

Most detainees interviewed stated that ICE officers do not routinely visit their housing units. The inspection team could not substantiate either through a review of hallway/housing logs or ICE facility liaison checklists that ICE staff conduct weekly scheduled visits with detainees although a weekly schedule of visits was posted in each housing unit. This issue was addressed with the Acting Assistant OIC (ICE) and the SDDO.

There were four medical complaints voiced during detainee interviews. The medical SME reviewed the medical record for each complaint and confirmed the detainees were receiving timely, adequate care for their health care concerns.

Detainee telephone services are provided by NCIC Inmate Communications. Medical services are provided by MTC Medical, a division of MTC. The commissary vendor is Lone Star. All other services are provided by MTC.

ICE detainees do not incur medical co-pays at this facility.

Areas of Concern/Significant Observations

Although the facility does not receive large numbers of grievances from detainees, a review of the Facility Significant Incident Summary (SIS) indicated a substantial number of substantiated grievances, specifically in the Staff Misconduct and Other categories. Sixteen of 33 Staff Misconduct grievances filed during the previous twelve months were substantiated and 40 of 47 grievances in the Other category were substantiated. This observation was discussed with the OIC. Regarding staff misconduct, according to the OIC, there were no instances where staff were disciplined as a result of misconduct addressed in the grievances. The behavior addressed in the grievances was not related to mistreatment or abuse of detainees. Rather, an example would be that an officer failed to call for a recreation period, several detainees filed a grievance, the grievances were categorized as staff misconduct, and each grievance filed was counted as substantiated. In both the Staff Misconduct and Other categories, most of the grievances were not individual incidents but rather several grievances were filed regarding one incident. Some of the issues raised in grievances may have been more appropriately addressed on a detainee request form, however, the facility accepted the request as a grievance and counted it as substantiated if the detainee received favorable action as a result of the grievance/request.

Recommended Rating and Justification

The Lead Compliance Inspector recommends that the facility receive a rating of Acceptable. The facility complies with the ICE National Detention Standards. No (0) standards were found Deficient and one (1) standard was Not Applicable (N/A). All remaining thirty-eight (38) 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]

[REDACTED]

[REDACTED], Lead Compliance Inspector

January 9, 2020

Printed Name of LCI

Date