

July 18, 2019

TO: [REDACTED]  
Assistant Director for Detention Management

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

SUBJECT: **Annual Detention Inspection of the Phelps County Jail**

The Nakamoto Group, Inc. performed an annual inspection for compliance with the ICE National Detention Standards (NDS) of the Phelps County Jail in Holdrege, Nebraska during the period of July 16-18, 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
Safety	[REDACTED]
Security	[REDACTED]
Medical Care	[REDACTED]
Detainee Rights	[REDACTED]
Medical Care	[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 has not been inspected since 2013.

### **Inspection Summary**

The Phelps County Jail 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 2019 annual inspection:

<i>No previous inspection-N/A</i>	
Acceptable	
Deficient	
Repeat Deficiency	
Not Applicable	

<i>2019 Annual Inspection</i>	
Acceptable	36
Deficient	2
Repeat Deficiency	0
Not Applicable	1

The inspection team identified fourteen (14) deficient components in the following five (5) standards:

Access to Legal Materials – 5  
 Detainee Telephone Access – 1  
 Environmental Health and Safety – 2  
 Staff/Detainee Communications – 5  
 Sexual Abuse and Assault Prevention and Intervention – 1

### **Facility Snapshot/Description**

The Phelps County Jail is located in Holdrege, Nebraska approximately 200 miles west of Omaha, Nebraska. The facility is owned by Phelps County and operated under the jurisdiction of the Phelps County Sheriff's Office. The jail currently houses adult male and female ICE detainees; adult male and female Phelps and surrounding county detainees; and adult male and female State of Nebraska Department of Corrections inmates. The facility houses all classification custody levels of these populations. [REDACTED]

The jail opened in 2004 [REDACTED]. The facility is a multi-story structure which houses the Phelps Sheriff's Office, Phelps County government offices, a Nebraska State Patrol regional office, and the Phelps County Jail. The facility is located in a residential and business neighborhood in the center of downtown Holdrege. There is no perimeter fence but the outside of the building is patrolled by an unarmed officer on an irregular schedule. The exterior walls of the building comprise the secure perimeter which is monitored by surveillance cameras. The 64 surveillance camera network also monitors all housing units, common areas, and movement corridors. All movement is escorted. All exterior doors of the building are alarmed and controlled by central control personnel. The secure portion of the facility contains nine housing units; seven are general population units; and two can be used for housing general population or segregation status detainees depending on bed space demand. Housing units are either dormitory or one/two bed cell configurations. Housing unit and roving officers provide direct observation to all living areas. ICE detainees are free to come in with non-ICE detainees of compatible custody levels.

Housing units are equipped with a television in the dayroom; a dedicated closed circuit television which displays the local handbook on a continuous loop as well as activity schedules and bulletins; and a kiosk used for retrieving commissary account balances, sending e-mails, filing requests, and conducting video visits. The dayroom is equipped with fixed dining/seating tables where detainees can play board games, cards, engage in social interactions with one another, and eat their meals.

Inspectors spoke with all five LEP detainees using the language line in a private setting. Detainees voiced no substantive complaints or concerns when questioned about their personal safety, treatment by staff, medical care, asylum requests, consulate/court access, ICE services, visiting privileges, law library access, or food services.

Medical care is provided by Advanced Correctional Healthcare, Inc.; food service is provided by Summit Food Service; and maintenance services are provided by Phelps County employees. Detainee telephone services, housing unit kiosks, and closed circuit televisions are provided by Encartele, Inc. ICE detainees are not charged a medical co-payment.

### **Areas of Concern/Significant Observations**

The inspection team identified two (2) deficient standards:

#### **Access to Legal Materials:**

*Policy:* Facilities holding ICE detainees shall permit detainees access to a law library, and provide legal materials, facilities, equipment, document copying privileges, and the opportunity to prepare legal documents.

*Finding:* The facility law library has one LexisNexis installed computer work station but the software license has been expired for approximately two years. This condition prohibits detainees from having access to legal materials for their research into case law and it impairs their preparation of legal documents.

*Recommendation:* The local ICE representative should reapply for the LexisNexis license and activate the LexisNexis program to enable detainee access to legal documents so they can prepare their immigration case work.

#### **Staff Detainee Communications:**

*Policy:* Procedures must be in place to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.

*Finding:* There was no documentation provided to verify that ICE officers were making scheduled weekly visits to this facility; there was no postings in the housing units announcing the scheduled visit days for ICE; and a review of detainee requests submitted to ICE over the last twelve months revealed they are not being responded to within 72 hours.

*Recommendation:* The local ICE representative should set a deportation officer (DO) visitation schedule and post it in the housing units. All DO visits to the facility should be documented and cite the required observations, checks and contacts made; and the records should be filed in a manner that makes retrieval of the information accessible. A system should be established that tracks submissions and responses of detainee requests to ensure the 72-hour response timeline is met.

### **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 (NDS). Two (2) standards were found Deficient and one (1) standard was Not Applicable (N/A). All remaining thirty-six (36) 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]

[REDACTED], Lead Compliance Inspector

July 18, 2019

Printed Name of LCI

Date