



December 04, 2018

Dear Senators,

Thank you for the opportunity to respond. All too often, something gets reported and no validation is required. It hinders the process of improving government when allegations are made and thorough fact-finding does not follow.

The Nakamoto Group, Inc., is a small, disadvantaged, minority-owned, woman-owned business. My mother's family were American citizens that were forced into internment camps and as such she was born in a Japanese internment camp. My father was one of the first Japanese-American members of the Green Berets. My family has worked our entire lives to overcome disadvantage and prejudice. I am a hard-working minority woman, who took a risk fifteen years ago in forming a small business to try to make my way in this great country. In regards to the OIG report your letter references about our inspection processes, our inspections are a snapshot of what we observed on that particular visit, usually once a year. So, what OIG members observed during their visit may not be what was present when we visited that facility.

As a point of clarification, the current contract is an annual inspection contract. It was awarded in 2011 and re-solicited once between then and now. This contract is an annual review of the performance of detention facilities in relationship to the National Detention Standards. Every Standard is evaluated over a period of three days. It is as thorough as would be expected of this type of inspection. Basically, it gives ICE the assurance that the critical portions of the Standards are substantially being complied with...or not. Every Standard has numerous requirements, hundreds even, and while Nakamoto inspectors evaluate all of these requirements, the checklist form developed by ICE several years ago only requires reporting on the most critical components, as detailed on that form. It is the mechanism provided to us for reporting our inspection findings.

From 2007 to 2010, we worked under another contract that was a monthly monitoring contract. That contract involved monthly technical assistance visits to most ICE detention facilities and included full-time technical assistance compliance reviewers at the forty largest ICE detention facilities. The monthly visits provided more assurance of compliance for ICE, as Nakamoto compliance experts were very hands-on with issues from month to month and reported progress, or the lack thereof, before anything could escalate into a health or safety concern. In 2010, the government chose to in-source that program, in effect, terminating our contract. As a result, Nakamoto laid off over 150 employees and absorbed over \$100,000.00 worth of contract closing costs. Due to those costs, I was on the brink of losing my company altogether. We stayed afloat only because of the hard work of the few determined and dedicated staff that I had left.

The Nakamoto Group has earned a reputation for being objective and thorough in ensuring that ICE detainees receive the care and treatment required by the National Detention Standards. Our interest lies in compliance with the Standards, to ensure that all ICE detainees are provided the medical care required by the Standards; are nutritionally tended to through effective diet and food portions; are housed safely and humanely, in a manner free from intimidation or fear; are clothed according to climate and hygienic needs; are provided the opportunity to tend to their personal care needs; are communicated with in a language and manner that they understand; remain protected from environmental and workplace hazards; are offered the opportunity to practice their religious beliefs; have access to legal materials and assistance; may express their personal identity without reprisal; and a number of other critical provisions that ensure

their health, safety, and welfare while detained. Our work helps ensure that the detained are cared for appropriately, and we are overtly and unapologetically absolute in that sense. Without question, the detained immigrant population as a whole has a better life because of what Nakamoto does.

The DHS ICE Detention program has dedicated significant resources to ensure the proper care of ICE detainees and compliance with the Standards. While Nakamoto does find compliance issues, overall the program has been widely successful. The ICE detained population has less incidents and issues than any other detained population with which Nakamoto has contact, and that is because of the attention and resources that the ICE administration has dedicated to the program. Nakamoto is proud to be part of this effort.

The best way to illustrate the misrepresentation of some of the OIG claims is to quote the Nakamoto inspection report findings for the referenced facility in Adelanto, California. The below excerpts are quoted from the Cover Letters of the most recent inspections.

From the Adelanto ICE Processing Center East Cover Letter, dated 10/11/2018:

“ICE and facility staff expressed concerns over the recent OIG report in terms of the characterizations of certain information and erroneous reporting. Of note was the OIG’s reference to “nooses” in the living areas. Examination of the pictures presented as evidence in the report indicated that the sheets were being used as privacy curtains or clotheslines, and were tied up loosely so that they could be easily pulled down for use by the detainees. The local staff indicated that they explained this to the OIG inspectors, but nonetheless they chose to use the inflammatory term of “nooses”, even though there was no question about the purpose of the sheets. The OIG report also tied the privacy curtains and clotheslines to suicide prevention, when in fact there was no evidence to suggest that any privacy curtain or clothesline was used for such purposes. In the expert judgment of the inspection team, this mischaracterization in the OIG report only serves to exaggerate a housekeeping infraction. There were no makeshift clotheslines or privacy curtains observed during this inspection.

The OIG report also stated there had been no dental fillings or cleanings performed by the dental staff for the past four years; and that a dentist indicated that detainees could use strings from their socks as dental floss. Records revealed that a number of cleanings and fillings had been completed during the months prior to the OIG inspection, and have continued throughout the inspection period. Further, the witnessing staff indicated that the dentist was relaying a story from his past employment at a state correctional facility when he talked about threads being used as dental floss. He never suggested that detainees should do so.

The G-324 records more examples of inaccurately reported findings in the recent OIG report, to include those regarding the presence of segregation orders and medical rounds in segregation. It would be advantageous for OIG to use inspectors with detention and corrections backgrounds for future inspections to avoid this type of embarrassment to their office and ICE, especially since the inaccuracies have now been reported by the news media as fact.”

From the Adelanto ICE Processing Center West Cover Letter, dated 10/11/2018:

“The recent OIG report indicated that a detainee had been confined to a wheelchair for nine days without moving from the chair. A medical record review and interviews with staff and the detainee during this annual inspection revealed that the detainee is in fact not confined to a wheelchair, but was rather issued a wheelchair out of courtesy so that he could sit in his cell and watch television. Segregation records

indicate that, during the nine days cited on the OIG report as the detainee having no movement, he in fact was walking, standing, eating, and lying on his bed. He was clearly not in the wheelchair for nine consecutive days with no movement, as reported by OIG. This fact was easily documented via records review. Although the detainee is legally blind, he could make out enough images to enjoy television viewing, and the facility made the decision to give him a wheelchair to sit in while watching television, for his convenience. All of these facts were readily available, but it seems that the OIG inspection team chose not to check them or include them in their report. ICE and facility staff also reported that an OIG inspector spent two hours trying to talk the same detainee into another housing assignment, to no avail. The detainee ultimately dismissed the OIG inspector so that he could return to his personal recreation in his cell. There was apparently no thought given by the OIG inspector to the possibility that the detainee preferred his living arrangement to others offered throughout the facility, as records indicate that the detainee had been housed in a number of settings throughout the facility, including the medical area, general population housing, disciplinary housing, and administrative segregation housing. The onsite staff question the appropriateness of an OIG inspector involving themselves in the counseling or daily management of detainees at the facility; an excellent question in the view of the annual inspection team.”

As to the allegations from the two Nakamoto inspections the OIG observed, the most effective method of explaining them is that the OIG reported erroneously. The claim of misrepresentation of information is unfounded. The OIG report indicated that certain facility staff were not interviewed, when in fact they were. The report indicated that detainees were not confidentially interviewed, when in fact they were. The OIG claimed that the inspection team did not interview corrections officers about the understanding of their duties. We informally talk to corrections officers and other staff throughout the inspection, and observe with scrutiny the environment and how the performance of the staff impacts the environment. We do not routinely ask a facility staff member, “Do you understand your duties?”, because of what the obvious obligatory answer would be. Instead, we converse with staff informally and observe the manner in which they perform their duties. This is an effective means of evaluating their understanding of their duties. Our inspectors are experts in exactly that type of observation and evaluation, due to their years of public service in detention settings. The report also claimed that Nakamoto inspectors did not interview the Chief of Security during an inspection. The Chief of Security at either of the inspected facilities, as well as our inspectors, disagree with that claim. We checked with each of them and it was confirmed that the appropriate security personnel were interviewed. If it is within the time allowance of your esteemed Body to do so, you could bring in both of the Chiefs of Security from the respective facilities and ask them if they were interviewed during those inspections; they would respond in the affirmative.

As a point of interest, to ensure that there is no confusion in the future about confidential detainee interviews, Nakamoto has adopted a practice of conducting formal and informal interviews at every facility, regardless of the apparent need. As in the past, these interviews include confidential conversations, and Limited English Proficiency interviews using interpreters or language lines. But in all inspections, a certain amount of formal interviews are now conducted in private settings, simply to diffuse any uninformed observations in the future.

As far as the OIG reviews of our inspection reports, and comparing the findings to other reports, we can only remind you that our inspectors can only observe and report what they see and experience during the inspection. Our reports can include only that which was verified while we were on-site, notwithstanding any changes that may have occurred before or after the inspection. To report otherwise would be negligent. If another entity observed an issue while they were at the facility, that was not ongoing during our inspection, we of course cannot be accountable for that.

The “government inspectors” referenced in the OIG report refers to the Office of Detention Oversight (ODO). Their processes are much different than the scope of work required in the Nakamoto contract. These are two different types of inspections that do not lend themselves to comparison. All Nakamoto annual inspections are conducted with five inspectors, and we inspect all of the Standards (39- 42) on every inspection. Deficiencies are recorded on a checklist designed by ICE to encapsulate the most important points of the Standards. Other deficiencies are reported in comments sections. A deficiency with the components represented on the checklist results in a corrective action plan for the facility. Deficiencies recorded in the comments sections do not generate corrective action plans. Conversely, ODO generally uses some 6-8 inspectors, and inspects 14-16 Standards. Their mission is more to the specifics of each of the Standards they choose to inspect, and every finding is reported as a deficiency. Therefore, although they may find the same deficiency Nakamoto has found, it may not have generated a corrective action from the Nakamoto report due to the fact that it was reported in the comments sections, and not on the component checklist (if it did not violate a provision of a component). Again, this is due to the different nature of each of the inspections. Nakamoto inspections are required annual inspections, during which every Standard must be evaluated. The government decided long ago that the component checklists represented the more critical portions of the Standards, and therefore in an annual review, those items would be that which would generate corrective action plans. ODO inspection sites and frequencies are determined via other means, and are conducted differently, and likewise reported on differently. These processes are simply not comparable.

On to your specific requests, responded to with the same numerical reference you gave them in your letter.

1. a. ICE has and does provide Nakamoto with guidance on all issues. The contract language defines the procedures used for inspections. These procedures, combined with the intellectual and experiential expertise of the inspectors, result in the effective evaluation of detention conditions, especially in terms of their relationship to the National Detention Standards.
- b. The inspection methodology has been approved by ICE, as it was in fact issued in the contract language. Updates to the inspection methodologies have also been approved by ICE. ICE has also approved the Nakamoto inspectors, based on their experience, training, and education.
- c. The inspection methodologies and procedures are attached.
- d. The procedures that are established via the ICE annual inspection contract were provided at the onset of the contract. Further, ICE issues updates and opinions periodically, as needed. Often this guidance is provided during conference calls or via individual conversations between the Nakamoto Project Manager and ICE officials.
- e. All inspectors are trained by the Nakamoto Project Manager prior to deployment. The training consists of the basic inspection protocol and methodologies, inspection forms, and updates since the training was initially launched. A basic training created by ICE at the onset of the 2011 contract is used as well, albeit updated to reflect new emphasis or changes since 2011. Inspectors are evaluated by the Lead Compliance Inspectors on all of their inspections, and special attention is given to new inspectors.
- f. Nakamoto is not always informed when a quality assurance visit occurs. To our knowledge, the field offices are expected to report any issues with the quality of our inspections to ICE headquarters.

2. All inspection reports are submitted to ICE for final approval. Our submissions are considered drafts. Please submit the request for finalized reports to ICE HQ.

3. The annual inspection contract is attached. The deliverables and costs are part of the contract.

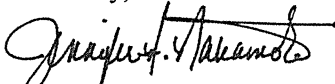
4. As previously stated, our Inspectors did not provide inaccurate information, and they can all be subpoenaed to provide statements to that effect. Facility staff of the inspected facilities could further verify this. All reported information was garnered from a verified source(s) during inspections, including but not limited to, interviews, policies, post orders, observations, or other sources. Our inspectors were not queried during the inspection by OIG inspectors to determine how they came to any specific conclusion. Our inspectors are the experts on the National Detention Standards, and our work ethic is second to none. We consider ourselves advocates for the Standards, and staunch advocates of detainee rights. We do not report inaccurately nor do we misrepresent information in our reports.

Given the information provided to you previously, it is understandable why the Senate may have questions about integrity; and now that you know the truth, maybe these questions can be directed to the appropriate entity.

According to our financial records, we have not made the \$55,000,000.00 as quoted in your letter. I would urge you to check our tax returns, which will quickly verify this. We get audited regularly, as well.

We are humbled and grateful that you have provided us this opportunity to clear the good name of Nakamoto. Please consider me at your service.

Sincerely,



Jenni Nakamoto, President