



OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

April 4, 2019

The Honorable Elizabeth Warren
United States Senate
317 Hart Senate Office Building
Washington, DC 20510

Dear Senator Warren:

Thank you for your February 28, 2019 letter providing us the opportunity to respond to the allegations made by The Nakamoto Group, Inc. (Nakamoto) in its December 4, 2018 response to you regarding our two reports: *OIG-18-67, ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*, and *OIG-18-86, Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California*.¹ Your letter also asks that we provide you with any additional information to put Nakamoto's allegations in context and to help you determine if Nakamoto is meeting its contractual requirements in inspecting U.S. Immigration and Customs Enforcement (ICE) detention facilities.

First, let me assure you that we stand behind the results of our inspections and evaluations, which produce objective reports aimed to correct vulnerabilities in Department of Homeland Security (DHS) programs, particularly in such complex areas as ICE detention practices and oversight. Our public reports do not make allegations, but state factual analysis and evidence-based conclusions, which rely on direct observations and documentary evidence.

As I briefed your staff on February 21, 2019, Nakamoto's letter makes factual errors and misrepresents OIG reporting. We are confident in the results that we reported, and appreciate the opportunity to correct the errors and misrepresentations documented in Nakamoto's letter.

First, we would like to highlight one major difference between our inspections and Nakamoto's inspections. Nakamoto's visits are announced and the facility has weeks to prepare for the inspection, whereas, we arrive, without notice, to conduct our reviews. This unannounced element provides a more accurate picture of what the facility looks like on a daily basis without the benefit of preparing for inspection. Our staff is highly trained in collecting evidence through observations

¹ [ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements](#) (OIG-18-67); [Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California](#) (OIG-18-86).



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and documentation/records review, which continues after our inspections are completed. To assert that our teams might lack context is, again, a gross misrepresentation of our fieldwork techniques.

With respect to OIG-18-67, *ICE's Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements*, the statements in Nakamoto's letter regarding its inspection process contradict our team's direct observations, contain factual errors that misquote our public report, and show a misunderstanding of the intent of our findings. During the course of our inspection, we observed Nakamoto's practices conducting inspections at two facilities, thoroughly documented every observation, and verified observations against the checklist records and reports Nakamoto completes. We concluded that because the inspection scope—determined by ICE—is too broad, the Nakamoto inspections are not thorough.

As we detailed in our report, it is remarkably difficult for a single Nakamoto inspector to *thoroughly* review compliance with 10 standards in 3 days, even if that review were limited to the key elements of each standard. In fact, our report states that ICE staff with expertise in detention and familiar with Nakamoto inspections reported that Nakamoto inspectors “breeze by the standards” and do not “have enough time to see if the [facility] is actually implementing the policies.” They also described Nakamoto inspections as being “very, very, very difficult to fail.” One ICE Enforcement and Removal Operations official suggested these inspections are “useless.” These statements are consistent with our direct observations. Experienced inspectors alone are not enough to verify compliance; sufficient time is necessary to see actual conditions, verify facilities' staff statements through review of records, and to observe facility procedures. Hence, we recommended that ICE revise its scope and methodology for these inspections and reinstate a quality assurance program so that ICE experts can decide whether Nakamoto is meeting contractual obligations with ICE.

We would also like to refute Nakamoto's assertion that our report said Nakamoto inspectors did not interview the Chief of Security during an inspection. Our report does not make any such statement.

In reference to OIG-18-86, *Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California*, Nakamoto reported that there was no evidence to suggest that privacy curtains or clotheslines were used for suicides. While Nakamoto reported this as a housekeeping infraction, our review notes that multiple detainees at the Adelanto ICE Processing Center had attempted suicide by using bedsheets. Our report states, “In March 2017, a 32-year old male died at an area hospital after being found hanging from his bedsheets in an Adelanto cell. In the months after this suicide, ICE compliance



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reports documented at least three suicide attempts by hanging at Adelanto, two of which specifically used bedsheets.” Further, Nakamoto notes that it observed no makeshift clotheslines or privacy curtains during its October 2018 inspection, about five months after ours. As a part of our inspection process, we worked with the Adelanto facility to ensure that immediate action was taken to address the deficiencies we identified. During our inspection, the facility removed all of the bedsheet nooses found and worked with guards to ensure compliance to prevent detainees from continuing this practice.

In another instance, Nakamoto asserts that a blind detainee held in disciplinary segregation was enjoying television, freely moving around his cell and sleeping in his bunk. Again, Nakamoto’s observation was five months after our visit to the facility. During our visit, this detainee was in disciplinary segregation and detainee records and observations confirmed that detainees are restricted from watching television. In addition, the blind detainee was given a toiletry bag with hygiene items and bedding which had been sitting unused and in a bag for the nine days since the detainee was improperly placed in disciplinary segregation. Nakamoto did not have the benefit of any observations regarding this detainee’s care and treatment in disciplinary segregation to accurately ascertain the conditions during the period of time we inspected the facility.

The Office of Inspector General’s audits, inspections, and evaluations are intended to provide an objective assessment of the Department’s vulnerabilities and to make recommendations for improvement. As we reported in both reports in question, as well as more recent reports,² ICE’s oversight over its detention facilities is in need of improvement. ICE officials concurred with all of our recommendations in recent reports and are taking steps to address them.

Thank you again for the opportunity to respond to the concerns raised in your correspondence with Nakamoto. Please contact me with any questions, or your staff may contact Rachel Magnus, Legislative Counsel, Office of External Affairs, at (202) 981-6000.

Sincerely,

John V. Kelly
Acting Inspector General

² [ICE Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable for Failing to Meet Performance Standards](#) (OIG-19-18); [Issues Requiring Action at the Essex County Correctional Facility in Newark, New Jersey](#) (OIG-19-20).