



**U.S. Immigration
and Customs
Enforcement**

June 23, 2021

MEMORANDUM FOR: Otero County Manager – Pamela Heltner
Management & Training Corporation (MTC)
Warden for Otero County Processing Center (OCPC)
26 McGregor Range Rd., Chaparral, NM 88081

FROM: Shawn Hedgspeth.
Contracting Officer (CO)
Detention, Compliance & Removals (DCR)
Office of Acquisition Management (OAQ)

SUBJECT: Letter of Concern

Ref: EROIGSA-14-0001 / 70CDCR20FIGR00099

1. This Letter of Concern serves to formally document the Performance-Based National Detention Standards (PBNDS) violations that have been identified over the last month at the OCPC facility. These findings run across many areas of the overall operations that are specifically regulated by 2011 PBNDS and contractual requirements. These findings will require the OCPC facility staff to submit a Corrective Action Plan (CAP) to the Contracting officer (CO) for each finding. If these findings are not adequately addressed and corrected, they may ultimately result in the issuing of a Contract Deficiency Report (CDR). This decision will be based on the collective impact to the facility operations, repeat findings, and the guidelines established in the contract Performance Requirements Statement (PRS).

There are seven (7) overarching findings that show the 2011 PBNDS and Performance Work Statement (PWS) contractual violations:

- Inadequate Staffing Plan and Standards Compliance – At Risk Findings
- Unauthorized Suspension of Recreation Services – At Risk Findings
- Lack of Safety Plan – Deficient Findings
- Inadequate Food Service Staffing - Deficient Findings
- Inadequate Medical Staffing and Pocket Talk Use – At Risk Findings
- Suspension of Religious Services – Deficient Findings
- Abuse of Voluntary Work Program – At Risk Findings

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The following are examples of the types of violations and operational issues that have been noted:

- Overall management, supervision, and effective communications of standards and information flow.
 - How standards are being communicated and proper dissemination from the top leadership down to each individual employee.
 - Supervisor's involvement of the daily operations, to include properly checking posts.
 - The leadership's ability to address issues and concerns with a well-developed plan of action that does not require external help from ICE or other Contractors. MTC Corporate involvement to support the facility and staff when shortcomings have and are being identified.
 - Employees making critical decisions on their own without notifying facility leadership and not promptly notifying ICE leadership.
 - When information has been provided, it needs to be timely, accurate, and informative.
 - Allowing the Detainees to decide if they will participate in recreation times or any other area that is not open for general consensus when following established procedures.
 - Providing Detention Officer statements as justification or a reason for a standard not being met.
 - Using unauthorized Pocket Talk devices for sensitive Detainee interactions and processing. The staff has repeatedly been told to stop using these devices and staff continues to follow unauthorized practices. The medical and intake unit personnel have been identified as continuing to use this practice. This was a finding during the December Civil Rights and Civil Liberties (CRCL) inspection.
 - Detention Officer staffing shortages and other key personnel positions.
 - Recreation Officer status and involvement in Detainee recreation standards and allotted times.
 - Round the clock supervision and property accountability issues. This includes phone and tablet operability issues and radio and chat accountability concerns as examples.
 - General facility safety checks and maintenance checks on fire extinguishers on-going fire alarm fault issues, and staff understanding the fire evacuation plan. This includes emergency plans for staff recall and staff accountability.
 - Nonoperational security cameras being properly identified and repaired.
 - There have been several Detainee reports of only receiving beans for a given meal or multiple days with the same menu items.
 - A pattern of following the Pandemic Response Requirements (PRR) for properly logging the fogging / disinfecting of housing units.
2. The findings in this Letter of Concern are not all inclusive but shows that there are many areas of concern within the OCPC facility operations with regards to the performance based contractual requirements and standards of this contract.
3. The El Paso Field Office is forwarding these findings to the assigned OAQ Contracting Officer for formal inclusion into the contract file and review for further contracting actions.

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4. The identified findings must be adequately addressed in a formal CAP for each of the individual findings within fifteen (15) calendar days of the official notification of the Letter of Concern. Once the Contracting Officer has reviewed the responses from the Otero County Officials and MTC Corporate Leadership, will be determined if the responses are adequately address the finding or if additional actions will be needed.

5. Questions or concern regarding this Letter of Concern may be routed through the Contracting Officer for clarification and additional guidance.