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MEMORANDUM

September, 2003

To: Anthony Tangeman, Deputy Executive Associate Commissioner, Office of Detention and Removal, Immigration and Naturalization Service
From: American Bar Association Delegation to Hampton Roads Regional Jail¹
File no:
Copies to: [REDACTED], ABA Commission on Immigration Policy, Practice and *Pro Bono*
Subject: Report on Observations during a General Tour of the Hampton Roads Regional Jail

I. Introduction

This memorandum summarizes facts and findings gathered during a recent tour of the Hampton Roads Regional Facility in Portsmouth, Virginia (the "Facility") and evaluates the Facility's compliance with the "*INS Detention Standards* (the "*Standards*").² The information was gathered via observation of the Facility by the delegation and interviews with detainees and Facility staff on July 29, 2003.

Based on visual assessment and interviews with current detainees, it is the delegation's opinion that, overall, the Facility is in compliance with a majority of the standards listed in the *Standards* and is a clean and well-managed detention center. The delegation did note several areas, however, that could be improved upon to ensure compliance with the *Standards*, including:

- A lack of computers and/or typewriters in the detainee legal library;
- Insufficient private phone access and a complicated phone system; and
- A lack of Spanish-speaking staff.

¹ The delegation was comprised of Latham & Watkins attorneys [REDACTED] and [REDACTED] and summer associates [REDACTED] and [REDACTED].

² See Detention Operations Manual (November 1, 2000).

II. The Hampton Roads Regional Jail

The Hampton Roads Regional Jail is located in Portsmouth, Virginia. The Facility is not a Bureau of Immigration and Customs Enforcement (“BICE”) facility but operates primarily as a local jail and contracts with BICE to hold BICE detainees. On the day of the delegation visit, the Facility housed 1050 inmates, 132 of which were BICE detainees. Of the 132 detainees, 114 were male and 18 female. The male detainees are customarily held separately from the general jail population and live in a separate BICE pod. The male detainees may be mixed in with the general population upon arrival if there is not an open space in the detainee pod, or if they are moved to a room in the medical area. Female detainees do not have a separate pod and thus are always mixed in with the general female population.

Built in 1998, the Facility is a modern building, which utilizes a pod system for housing inmates and detainees. Each pod is a guarded, self-contained unit and includes a dining facility/dayroom and an indoor recreation facility. Inmates and detainees may only leave their pod to travel to court appearances, use the main legal library or see a health professional in the medical ward. Access to each pod is controlled by the staff stationed in the respective pod. The entire facility is also monitored by security cameras.

As required by the *Standards*, the Facility publishes and distributes an “Inmate Handbook of Jail Rules and Regulations.”³ The handbook discusses General Rules of Conduct, Admissions Process, Classification, Facility Orientation, Inmate Rights, Inmate Discipline, Inmate Services, Daily Activity Schedules, Inmate Programs and Inmate Grievances, and thus complies with the *Standards*. The handbook is available in English and Spanish only,⁴ even though detainees with other native languages are housed at the Facility.

The Facility appears to be an extremely secure facility and there have been no reported escapes.

III. Observation of Implementation of Legal Access Standards

A. Visitation

1. Visitation by Attorneys

a. Visitation Times

Attorney visits are allowed during business hours, by request and on weekends if the visit is pre-arranged. The Facility does not place time constraints on attorney visits, though the staff requests that they be of a reasonable duration, a standard that the staff stated was quite flexible. The staff stated it was also supportive of *pro bono* attorney visits because they felt such visits gave detainees an outlet for their complaints. The Facility staff stated that visiting hours are posted, but the delegation did not observe a copy of the schedule on the visit to the Facility. The

³ See Inmate Handbook of Jail Rules and Regulations (September 1, 2000), attached at Tab A.

⁴ See La Guia del preso de Normas y sus Reglamentos (September 1, 2000), attached at Tab B.

staff confirmed that detainees are not forced to forgo meals in favor of attorney visits and are provided with meal trays if they miss a meal to meet with an attorney.

b. Attorney Access

Attorneys visiting the Facility were required to show identification and bar membership if the visit was not pre-arranged. All other legal representatives only had to show a picture ID. The delegation, consisting of both attorneys and summer associates, only had to present picture ID upon arrival.

c. Security Concerns

The delegation was informed by the prison staff that the Facility has a policy of strip searching inmates after contact visits and thus detainees are strip searched after attorney visits. Though the staff reports this policy is generally followed, some detainees reported that they are not always strip searched.

d. Access to Contact Information for Legal Services

Because the phone system did not operate optimally, as discussed below, it was difficult to assess where the problem, if any, may lie in obtaining access to legal services. The staff stated that detainees are able to reach embassies and consulates using the Facility's preprogrammed telephone system and that lists of numbers are posted in English and Spanish to reach free legal services providers. However, when the delegation tried several of the listed numbers, they were unable to reach the intended recipient. Several detainees also noted that most attorneys working on a *pro bono* basis would not represent clients with a criminal record and the delegation observed that many of the detainees at the Facility had no legal representation. The delegation was informed that, on average, it took about three weeks before a detainee's first court appearance.

e. Visitation Conditions

Attorney visits are not recorded and are not monitored except for the presence of a guard passively observing outside the room. The staff indicated that conversations could be monitored if probable cause for such monitoring existed and a court order was obtained. There was adequate space provided for visits and the visitation areas were spartan and very clean. Visitation rooms are "contact" facilities, in that papers can be passed to detainees, but no physical touching is possible.

2. Visitation by Family and Friends

a. Visitation Times and Duration

Visitation is allowed for twenty minute intervals during scheduled visiting hours.⁵ Detainees noted that the allotted duration of the visits was not always observed. Visits can occur twice a week and detainees are allowed a list of six people who are eligible to visit at any given time. Detainees usually have the opportunity to change the list once a week. Special visits for relatives traveling from out of town are allowed if scheduled ahead of time, which usually last forty minutes. The limit on meeting time was implemented to ensure equal access for all inmates.

b. Other Limits on Visitors

Family visits are strictly non-contact and money must be wired to the Facility, at which point it will be put in an account for the detainee's use. Multiple people are allowed to visit a detainee at the same time. Though a guard patrols the interview room, conversations are not recorded and the staff noted it was rare for a conversation to be interrupted. Minors are allowed to visit if accompanied by an adult. Family members detained at the same facility have absolutely no contact with one another unless they are housed in the same detention pod.

c. Security Concerns

As mentioned, family visits are non-contact so there is no strip search of detainees after family visits. The staff reported that visitation privileges could be revoked for disciplinary problems and restraints are not used on detainees during visits.

B. Telephone Access

The delegation observed that ten phones were present in each of the pods visited, with nearby bulletin boards listing telephone numbers of various *pro bono* legal services, embassies etc. as required by the *Standards*. This information was also provided in Spanish. The delegation was informed that two prison staff members were responsible for maintenance of the phones and that technical difficulties with the phones were discovered via complaints from detainees rather than through regular maintenance checks. The delegation was also informed that if a detainee is having difficulties placing a call it has been the staff's practice to take the detainee into their office and personally assist the detainee in placing the call. Upon inspection, the delegation noted that two of the ten phones in one pod were not functional and one of the ten phones in another pod was also not working properly.

In addition, the delegation observed several other problems with the phone systems in the Facility. First, the *Standards* dictate that detainees should be able to make free calls through pre-programmed technology to consular offices, free legal service providers, local courts, government offices and family members (in case of emergency). Although this pre-programmed system was in place, each such service provider or office was assigned a three-digit phone number that had to be dialed in order to reach them. These numbers were not posted near the phones nor was it explained on any of the bulletin boards that a detainee would need to obtain such numbers in order to place such a call. The prison staff had this list of numbers available

⁵ Visitation is currently scheduled for Tuesday through Saturday.

upon request, but the lack of communication about how this system functioned appeared to make the pre-programmed system quite ineffective and confusing for a detainee. The prison staff informed the delegation that free calls (emergency or not) to family members were not available to detainees but rather had to be placed collect. In addition, numerous 800 numbers for various services were listed on the information sheets near the phones, which was very misleading, as it was not possible to place 800 calls from the phones, although the prison staff noted that most of these numbers were available on the pre-programmed list.

The *Standards* also dictate that detainees should be able to discuss their legal cases on the phone in a private environment. The phones in the Facility do not provide such privacy as they are in a visible, open environment where a person placing a call would be surrounded by other inmates and prison guards.

The delegation was informed that only emergency messages were delivered to detainees, although the *Standards* dictate that a facility should receive and deliver all phone messages for a detainee promptly. However, members of the prison staff did mention that they make special efforts to deliver messages from attorneys to detainees.

The *Standards* also dictate that non-legal calls may have a maximum time limit of 15 minutes while legal calls should have a 20 minute maximum. While the delegation was informed by prison staff that calls have a 20 minute limit, in a subsequent interview with a detainee⁶ a member of the delegation was told that calls were limited to 10 minutes.

The major detainee complaint regarding the phone systems was that collect phone call rates were prohibitively high. The delegation was informed by prison staff that collect calls were \$1.00 for 15 minutes, however, in a subsequent interview with a detainee,⁷ a delegation member was told that local calls were \$3.00 for ten minutes and that out-of-state collect calls were \$4.73 for the first minute and \$.73 per minute thereafter.

Overall, the Facility provided adequate access to phones, although lack of privacy was a problem, the pre-programmed call systems was quite complicated and therefore, most likely ineffective, and rates imposed on collect calls made such calls prohibitive for detainees and their intended recipients as well.

C. Legal Materials

The Facility contains two permanent legal libraries and one traveling library. The main legal library is used by all inmates and thus is only used by detainees who are housed in mixed pods. Detainees who are not housed in mixed pods are generally not permitted to use the main legal library as detainees in the detainee pods and inmates do not usually interact. Male detainees who live in the detainee pod use an immigration law-specific library located in the detainee pod and female detainees use the immigration law-specific traveling library, which is

⁶ Interview with [REDACTED] b6, b7C

⁷ Interview with [REDACTED] b6, b7C

brought to the female pod. Detainees housed in mixed-pods do not use this library as the main legal library to which they have access is sufficiently equipped to accommodate immigration law-specific research. Although the Facility should be commended for creating a separate immigration law-themed library for the detainees, the detainee library is not sufficiently equipped for legal research and writing as it contains only one computer and, based on interviews with detainees, priority does not appear to be given to those seeking to perform legal work as opposed to personal work.

1. Materials Identified in Detention Standards List

The detainee library includes materials in book and computer form. The library is lacking of many of the books listed in supplement A-2 of the *Standards* and its collection consists mainly of the U.S. Code and Matthew Bender materials.⁸ The Facility staff stated that they attempted to purchase the books listed in the A-2 supplement and cited lack of funding as the reason for the missing texts. The delegation was not informed of the methods the Facility uses to replace missing or outdated materials.

In addition to the immigration books, the library also contains an immigration-specific computer program, which allows access to the U.S. Code, Mathew Bender materials and cases pertaining to immigration law. Although this program may be quite helpful to detainees, the lack of computers in the library, as noted below, virtually eliminates the program as a research option.

2. Library Conditions

The most compelling issue relating to the library is the lack of computers. The *Standards* recommend that the Facility maintain one computer or typewriter per five detainees; however, the Facility only has one computer and no typewriters for 85 male detainees in the detainee pod.⁹ The female detainees, of which there are 18, also have one computer on their traveling library cart. The majority of the Facility's computers are found in the main legal library, but these are generally off-limits to detainees. In addition, detainees report that the Facility allows detainees equal access to use the computer, without giving preference for detainees conducting legal research. As a result, a detainee who wishes to search LEXIS for a case would have to wait behind a detainee utilizing the computer for personal use.

The delegation also noted that the detainee library is quite small and can only accommodate four or five detainees at a time. The detainee library contains two writing tables, one computer table and five chairs.

3. Photocopies and Mail

⁸ Due to time constraints, the delegation was unable to account for all books listed in the A-2 supplement. The delegation was able to ascertain that the library included: *Bender's Immigration and Nationality Act Service, Title 8 of the United States Code, Federal Habeas Corpus, Practice and Procedure, and Federal Civil Judicial Procedure and Rules.*

⁹ Facility officials report that the detainee pod originally had two computers but one was rendered inoperable by the detainees.

Mail is delivered to the detainees Monday through Friday. Although the *Standards* suggest that all mail should be inspected in front of the detainee and not read, except in random inspections, personal mail is inspected and read before delivery to the detainee. Legal mail is opened and inspected in front of the detainee but is not read.

Detainees have free access to copies of legal materials through the Facility's request system.

Envelopes and stamps are available to detainees, though detainees with money in their inmate accounts are required to pay for them. Indigent detainees receive such materials without cost. Each detainee is also provided with a special pen that is unable to be used as a weapon.

4. Access to Library, Equipment and Holdings

Access to the detainee library is quite liberal and exceeds the *Standards* requirement of one hour of access of day. Detainees are permitted to use the library during their free time out of their cells, which results in almost unlimited library access.¹⁰ The *Standards* guideline is not met in regards to the female pod, however, as the traveling library only visits the female pod once a week and, as mentioned, detainees are not generally allowed to use the main legal library because the staff prefers that detainees not interact with inmates on a regular basis.

D. Group Rights Presentations

The *Standards* provide that facilities shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures consistent with the security and orderly operation of the BICE facility.¹¹ All facilities must cooperate fully with authorized persons seeking to make such presentations.

According to Facility staff, a group called the CARE Coalition conducts a monthly group rights presentation for all detainees who wish to attend. Those presentations are held in the basketball court/recreation room in the pod where the majority of detainees are housed and are announced by fliers posted in the pods. The CARE Coalition shows the "Know Your Rights" video and then provides individual counseling to any unrepresented detainees who request it. Facility staff expressed appreciation for these presentations, as well as for all outside volunteers seeking to work with the detainees. They also confirmed that no detainee is required to forgo recreation or meals if they decide to attend a rights presentation.

Several detainees communicated that these presentations occur regularly, and that the Facility cooperates with the presenters.

E. Immigration Court

¹⁰ During the day, detainees are locked in their cells during shift change but are otherwise free to use the common area and library.

¹¹ See Detention Operations Manual, Group Presentations on Legal Rights, Standard 3.

The Facility does not have an on-site immigration court, but rather, detainees are transported by the prison staff to the local immigration court to appear in person for their scheduled hearing. Detainees are handcuffed during this ride, per prison rules. One of the main *pro bono* legal services in the area assisting detainees during such proceedings is the CARE Coalition. The number for the CARE Coalition is listed next to each phone bank contained in the BICE pod and the organization can be reached by dialing the applicable code, which can be obtained from the pre-programmed list upon request.

F. BICE Presence

The delegation was informed that there is no daily BICE presence at the Facility but that BICE staff, usually field agents, visit the site approximately twice a month.

IV. Other General Observations Unrelated to the Legal Access Standards

A. Recreation

There is no outdoor recreation area at the Facility. Each pod has a fully enclosed and roofed recreation room, approximately the size of a half-court basketball court, with one barred window approximately seven feet tall and six feet wide placed high up on one wall. Facility staff believe that this window meets the corrections industry definition of “outdoor” recreation, but that interpretation does not appear to be consistent with the *Standards*.¹² To the contrary, these recreation rooms appear to be exactly what the *Standards* specify as acceptable conditions for *indoor* recreation—a large recreation room with exercise equipment and some access to sunlight. The recreation rooms are clean and attractive, like the rest of this relatively new facility.

The *Standards* require “a variety of fixed and movable equipment.”¹³ Each recreation room has a basketball hoop on one wall and detainees are provided with a basketball upon request. Both Facility staff and detainees with which we spoke with indicated that the detainees generally play either basketball or some variant of soccer. No other exercise equipment is available.

The delegation did not discover whether case officers are processing requests for transfers from the Facility to a facility with the required outdoor recreation in accordance with the *Standards*. The *Standards* provide that such requests must be reviewed after six months, and that “[a] detainee’s stay in a facility providing no regular opportunities for outdoor recreation will exceed nine months only if the detainee has read and signed a voluntary waiver.”¹⁴ It would

¹² The *Standards* provide that every effort shall be made to place a detainee in a facility that provides outdoor recreation. If a facility does not have an outdoor area, a large recreation room with exercise equipment and access to sunlight will be provided.” If only indoor recreation is available, each detainee must have access to at least one hour each day, and shall have access to natural light.

¹³ See Detention Operations Manual, Section 27, at III.G.

¹⁴ *Id.* at III.C.1.

appear, therefore, that no detainee should be held in the Facility longer than nine months without such a waiver.

Notwithstanding these shortcomings in the Facility and its equipment, the Facility staff should be commended for their generous and flexible attitude toward detainee recreation. All detainees are provided with the one hour per day as required by the *Standards*, but Facility staff informed us that unless there is a particular reason to confine the detainees to their cells or dayrooms the recreation rooms are in fact open and available for use for much of the day. Detainees are allowed in the recreation rooms in groups of six to ten at a time (unless they are in segregation or protective custody, in which case they may be alone), and are often permitted to remain there for several hours if they desire. Several detainees we spoke with confirmed that the Facility staff did not limit recreation to the one hour per day minimum.

The dayrooms are all equipped with televisions, and the dayroom in the pod where most detainees are housed has two—one showing English and the other Spanish programming.¹⁵ The Facility's inmate handbook states that table games are available upon request from the staff.

B. Medical Care

The Facility employs 40 full time personnel to operate its medical unit. Of those 40 employees, there is one full time physician on staff, 2 physician assistants, 1 psychiatrist, 2 psychologists, 1 dentist, 1 dental assistant, and 32 nurses. The medical unit is accredited by the National Commission on Correctional Health Care and the American Corrections Association.¹⁶ Medical services are available at the Facility 24 hours per day, seven days a week. Although Dr. [REDACTED] b6 the full-time physician at the Facility, works five days a week, he is on call during the weekends to provide emergency medical care. Finally, all Facility officers are trained in CPR and First Aid.

Dr. [REDACTED] b6 speaks French and the staff psychiatrist speaks five languages, but the Facility does not provide any other interpretation services for detainees seeking medical assistance. Several detainees expressed dissatisfaction with the lack of translation services available at the Facility.

If a detainee needs medical care, he or she must fill out a Health Care Request Form. The detainee will be seen by a medical professional within 24 hours of submitting the Health Care Request Form. If the detainee requires emergency medical care, he or she should notify the appropriate housing pod supervisor. The detainees interviewed by the delegation were familiar with the procedure for accessing medical care at the Facility. The Facility has the capacity to provide several specialized medical services including: dialysis, x-rays, and the provision of pressure rooms for inmates with communicable diseases. If the Facility does not have the capability to properly serve a detainee's medical needs, he or she will be referred to an

¹⁵ One detainee pointed out that the Spanish language television does not generate sufficient volume to be easily heard, however.

¹⁶ Interview with Ms. [REDACTED] b6 Health Services Administrator.

off-site physician for specialized treatment. The Facility does not provide vision services for inmates or detainees. The Facility has an on-site pharmacy that dispenses medications to the Facility staff members who, in turn, provide the medications to the appropriate detainees. There are certain medications, however, that the Facility does not provide to detainees.¹⁷

All detainees receive an initial medical screening during intake at the Facility. During this screening, a registered nurse assesses the detainee's medical history, mental health history, and performs a cursory physical exam. If a medical or mental health problem is detected during the initial intake screening, the detainee will be referred to the appropriate care provider for further services. Detainees are also asked to sign consent forms to accept medical treatment at this time. The consent forms are kept on file in the Facility's medical unit. If a detainee refuses to sign a consent form, he or she may be segregated from the general inmate population if the medical staff deems the detainee to be a possible medical risk to the other inmates/detainees.

The psychiatrist is at the Facility for appointments twelve hours per week. The psychiatrist is also on call twenty-four hours per day for mental health emergencies. Some inmates and detainees are also referred to the local CSB if the staff psychiatrist or psychologists are unable to meet his or her mental healthcare needs.

Detainees also receive a general dental screening by a staff nurse during intake. Dental care is provided by an on-site dentist four days per week. The delegation was told that the dentist provides only major dental work to treat medically threatening dental conditions (e.g. root canals, caps, bridges). The Facility does not offer periodic cleanings to detainees who have been housed at the Facility longer than six months.

The Facility does not have a designated procedure for releasing medical records to a detainee or a detainee's legal representative. When the delegation asked about the release of medical records, the Facility staff members told us that they had not yet received a request from a detainee for medical records. General population inmates are required to pay a fee for their medical records. The Facility staff was unable to tell the delegation whether or not a fee would be assessed for the release of detainee medical records.

Virginia law requires a facility to have a court order to administer forced treatment to an inmate. When the delegation queried the Facility staff regarding its policy relating to the forced treatment of BICE detainees, it was told that forced treatment would be administered only in emergency situations and after the Facility had contacted the BICE to notify the agency of its decision to administer forced treatment. The Facility has dealt with a hunger strike scenario on one occasion in November of 2002. The hunger strike lasted for only five days and did not necessitate any medical treatment. The Facility followed BICE guidelines when managing the hunger strike.¹⁸

¹⁷ For example, one detainee interview revealed that the Facility would not dispense Accutane to help treat the detainee's severe acne (the detainee had been using Accutane prior to her detention). The Facility personnel told the detainee that Accutane was not required to maintain her general health and welfare.

¹⁸ Interview with Ms. [REDACTED] Health Services Administrator.

Detainees with HIV are housed with other detainees/inmates and are not separated from the general population. HIV positive detainees receive specialized medical care from the Facility medical staff and are also referred for mental health counseling. All cases of HIV positive detainees are reported to the appropriate authorities.

C. Religious Issues

The Facility has a Chaplain's office on-site and provides regular on-site religious services as well. The delegation was informed by prison staff that each detainee's religious affiliation is noted at intake and that each detainee is informed of the schedule of services during this time. The delegation noted that such service times are also posted in each pod. Religious services and programs at the Facility are run by the Good News Jail Ministry, a non-denominational organization run by a volunteer Chaplain. Although services are performed in numerous denominations, a detainee or prisoner may request that a service of a certain faith be performed at the Facility and the Good News organization will then seek volunteer religious leaders from local religious communities to come in to the prison to perform the religious services and classes. An inmate or detainee may also request a particular volunteer to come to the prison if they happen to be familiar with someone in the area. Colonel [REDACTED] b6, b7C noted that the Facility has recently had problems accommodating requests for Muslim services due to the heightened background checks in the post-September 11 era.

Religious services are performed in the area of the Facility where classes are conducted and individual counseling services may also be performed in the pod where a particular detainee resides.

The delegation was informed that special diets are provided upon request to accommodate different religious requirements of inmates. The prison Chaplain determines such diets in conjunction with the prison's medical staff. Any fasting undertaken by an inmate, whether for religious reasons or not, is strictly monitored by the prison's medical staff.

The *Standards* dictate that religious headwear be permitted and that detainees be allowed to retain certain items in their personal belongings such as prayer beads, religious medallions and oils. The delegation was informed that detainees are not allowed to wear headwear such as turbans, and they may not wear religious jewelry such as crosses because, as noted by the prison staff, such objects can pose a security concern. Detainees are, however, permitted to keep a copy of the Bible or Koran or similar literature in their personal effects.

With the exception of the limitations on detainee's right to wear religious headwear and other religious items, the Facility seemed to comply with the *Standards* in all material respects and was very sensitive and accommodating to detainee's religious and spiritual needs.

1. Dietary Requirements

Inmates' diets are determined by a dietician retained by the Facility's food service provider, Aramak. If a detainee has religious dietary requirements, their diet is set by the medical staff and the Facility's Chaplain to ensure that the detainee remains in good health. In the event of a hunger strike, for religious reasons or otherwise, the detainee's mental and

physical health is closely monitored by the medical staff and the Chaplain. Detainees on a regular prison-prescribed diet receive an average of 2900 calories per day. The delegation was informed that each meal costs the Facility approximately \$0.91 per day and that prison volunteers often work in the Facility's kitchen and prepare meals for inmates.

D. Detainee Classification

Upon arrival at the Facility, a detainee is classified according to the type of crime committed and gender. The Facility maintains separate pods for both male and female BICE detainees, but there is no interaction between the male and female pods. Some BICE detainees are co-mingled with criminal inmates but this is usually necessary only when there is no space in the applicable BICE pod. As soon as space is available, the detainee who has been in with the regular prison population would be relocated first. Detainees may also be segregated from the regular BICE detainee population due to mental health concerns, illness or other medical reasons or for disciplinary reasons.

1. Accommodations

Detainees are usually placed two to a cell and sleep in bunk beds. They are provided with clean sheets, blankets and washcloths upon arrival and bed linens are changed by the prison staff once per week. Linens are cleaned in the main laundry room of the Facility while personal effects (i.e., clothes, undergarments) are usually cleaned in a small laundry room located in each pod by detainee/inmate volunteer workers. Detainees are able to purchase personal hygiene items at the Facility's commissary or, if unable to afford such items, a detainee will be presented with an "indigent pack" upon arrival, which contains, among other things, a comb, towels, blanket, soap, shampoo, toothpaste and a toothbrush. These indigent packs are refilled free of charge upon request.

2. Personal Item Retention

The *Standards* provide that detainees should be allowed to keep small religious items, religious and secular reading materials (soft cover), legal documents, ten 5 x 7 pictures, prescription glasses, dentures, address books and a wedding ring.¹⁹ Detainees at the Facility are allowed to keep the Bible, Koran or other such literature in soft cover only. Detainees are not allowed to wear necklaces, whether worn as a religious symbol or not. The only jewelry they are allowed to retain is a wedding ring. Legal documents are also permissible, as long as the materials fit in the space allotted (usually 5 boxes worth of documents). Extra legal materials are retained by the prison staff and a detainee may exchange materials that he or she has already reviewed for materials kept in storage, as necessary. Detainees are also allowed to retain personal effects such as pictures and prescription glasses.

3. Work Programs

¹⁹ See Detention Operations Manual, Standard 17.

The *Standards* provide that every facility with a work program will provide detainees who are physically and mentally able to work the opportunity to work and earn money.²⁰ The Facility does afford detainees the opportunity to work in various positions within the Facility such as laundry, kitchen and tutoring. However, all such work is performed on a volunteer basis and detainees are not paid for their services.

E. Grievance and Disciplinary Procedures

The *Standards* dictate that each facility must develop standard operating procedures that address detainee grievances including emergency grievances and must guarantee against any reprisals.²¹ The Facility has such standard operating procedures in place to address detainee grievances. The delegation was informed that a detainee is able to write a complaint and place it in one of the “grievance boxes” located in each pod. One detainee noted however, that upon placing such a complaint about one of the prison guards in his pod, he felt as if that guard began to treat him unfairly and he did not feel as if his complaint was being addressed.²² This detainee also noted that complaints placed by non-English speaking detainees seemed to go unaddressed longer than those placed by English speaking detainees.

Detainees can be placed in segregation for certain medical conditions such as Tuberculosis or other specified contagious diseases but not for having HIV. Detainees can also be placed in segregation for disciplinary reasons. A detainee placed in segregation for a medical condition is usually placed in a quarantined ward, whereas a detainee segregated for disciplinary reasons is usually placed in solitary confinement. If necessary, restraints can and will be used by prison guards. One detainee noted an incident where an individual, after causing a disturbance, had his hands and feet restrained by prison guards and was then left face down in his cell for approximately five hours before being released.²³

F. Classes

There are three teachers and one substance abuse counselor on staff at the Facility. The delegation had the opportunity to speak with two of the teachers to discuss the classes they offer at the Facility. The Facility offers the following classes on a weekly basis: Substance Abuse Training, English as a Second Language, Prenatal classes, GED Preparedness, Anger Management, Special Education, Life Skills, and Job Readiness. The times and dates of these classes are posted near the classrooms at the Facility, but are not posted within the prison housing areas. All of these classes are offered to the BICE detainees. Those detainees that successfully complete the GED class are awarded a GED. The delegation met with detainees

²⁰ See Detention Operations Manual, Standard 37.

²¹ See Detention Operations Manual, Standard 18.

²² Interview with Mr.

b6, b7C

²³ Interview with Mr.

who have attended the English as a Second Language class, as well as the Anger Management class. They provided positive feedback on the quality and regularity of the classes.²⁴

The delegation found that the Facility is in compliance with the *Standards*. The Facility makes significant efforts to provide detainees with structured classes that meet their educational and emotional needs.

V. Conclusion

Overall, the Facility appears to have implemented a majority of the Standards. The delegation generally found it to be well-run and well-maintained. The problem areas noted were access to telephones, which the Facility said they were addressing, and the legal materials available to inmates.

²⁴ Ms. [REDACTED] notes. Interview with detainee, [REDACTED] b6, b7C