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MEMORANDUM

August 4, 2005

To: John P. Torres, Acting Director, Office of Detention and Removal
Immigration and Customs Enforcement

From: American Bar Association Delegation to El Centro Detention Facility¹

File no: 502130-0022

Copies to: [REDACTED] ABA Commission on Immigration

Subject: Report on Delegation Tour of the El Centro Detention Facility, El Centro, California

This Report summarizes and evaluates information gathered at the El Centro Detention Facility (“ECDF” or “the facility”) in El Centro, California during the delegation’s July 1, 2005 observational visit to the facility. During the visit, the delegation interviewed three detainees, and conducted discussions with personnel from the facility and Immigration and Customs Enforcement (“ICE”).

I. ICE DETENTION STANDARDS

In November 2000, the Immigration and Naturalization Service (INS) promulgated the “*INS Detention Standards*” (“the *Standards*”)² to ensure the “safe, secure and humane treatment” of immigration detainees. The thirty-eight standards contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies to grievance procedures and food service. These standards apply to ICE-operated detention centers and other facilities that house immigration detainees pursuant to a contract or inter-governmental service agreement (“IGSA”). The *Standards* went into effect at ICE-operated detention facilities on January 1, 2001. ICE intended to phase in the *Standards* at all of its contract and IGSA facilities by December 31, 2002. The *Standards* constitute a “floor” rather

¹ The El Centro Detention Facility Delegation included [REDACTED], a Partner at Latham & Watkins LLP, [REDACTED], an Associate at Latham & Watkins LLP, and three Summer Associates at Latham & Watkins LLP, [REDACTED], [REDACTED] and [REDACTED].

² Effective March 1, 2003, the INS ceased to exist as an agency of the Department of Justice. The INS’ immigration enforcement functions have been transferred to Immigration and Customs Enforcement (“ICE”), a division of the newly-created Department of Homeland Security (“DHS”). Therefore, the INS Detention Standards will be referred to as the ICE Detention Standards or ICE *Standards* throughout this report.

than a “ceiling” for the treatment of immigration detainees. In other words, they are designed to establish the minimum requirements to which ICE must adhere in its facilities.

II. INTRODUCTION

A. The Delegation’s July 1, 2005 Visit

1. *The Facility Tour*

On Friday, July 1, 2005, members of our delegation met with several members of ECDF’s staff and representatives from the ICE office in El Centro, California to tour the facility and interview detainees. Our tour began with an overview of the facility and its role in the system of detention centers for immigrant detainees. Officer-In-Charge [REDACTED] b6, b7C described the inmates held at the facility and explained in detail a typical inmate’s legal experience at the facility. Assistant Officer-In-Charge [REDACTED] b6, b7C was our main contact person during the visit and oversaw our return from the facility tour, as well as answered questions by the delegation. Our tour of the facility was led by Mr. [REDACTED] b6, b7C and assisted by Mr. [REDACTED] b6, b7C, both from the security staff. We also were accompanied on our tour by Mr. [REDACTED] b6, Counsel for the facility. During our tour we met with Health Services Administrator Captain [REDACTED] b6 who led the medical facilities segment of our tour. Our tour also included visiting the meal area, the detainee processing area, recreational facilities, the law library, one of the several detainee housing areas, and the Special Management Unit (“SMU”). Throughout the tour, our guides answered all of our questions, and were very knowledgeable about the facility and the *Standards*. They also made themselves available to meet with us at the conclusion of the tour to answer any questions. The delegation greatly appreciates the cooperation of these helpful individuals.

2. *Interview With Detainees*

At the conclusion of the tour, the delegation had the opportunity to meet with three detainees to ask them questions about their experiences at the facility. The detainees were Mr. [REDACTED] b6, b7C who had been a detainee for two weeks, Mr. [REDACTED] b6, b7C who had been a detainee for many months and a third gentleman who did not wish to disclose his name who had been in the facility for only a few weeks. The detainees were personally selected by the security staff at the conclusion of the tour. The delegation met with all three detainees together in a conference room in the presence of two security personnel. The delegation requested to meet with the detainees in a confidential setting. The facility declined the request, citing security concerns, and required two security personnel to attend the detainee interviews. During the interviews, the security personnel were able to hear the questions and answers, and would occasionally interject answers to some of the questions posed to the detainees. The delegation also experienced some language barriers communicating with the detainees, as two of them spoke limited English.

³ Inmate Number [REDACTED] b6, b7C

⁴ Inmate Number [REDACTED] b6, b7C

B. The Delegation's Report

The following Report is based on the delegation's discussions with the identified ECDF and ICE employees during the tour, the delegation's observations during the tour, as well as the interview with the three immigration detainees at the conclusion of the visit. In many instances, the detainees' reports were compatible with statements made by facility personnel and/or our observations. In such cases, the delegation was able to more accurately determine whether ECDF policy and procedures successfully implemented the *Standards*. However, in certain instances, the detainees' reports conflicted with statements made by facility personnel. Where we were unable to verify the conflicting reports, the delegation was unable to conclusively confirm compliance with the *Standards*.

C. General Information About the El Centro Detention Facility

The El Centro Detention Facility is a federally operated Service Processing Center (SPC). The facility houses only federal immigration detainees. According to the ECDF personnel, the facility has the capacity for around 550 individuals, with a population that fluctuates between 500-540 detainees.⁵

ECDF houses Level 1 and Level 2 male detainees exclusively.⁶ Level 3 and 4 detainees and female detainees that arrive at the facility are quickly processed and transferred to a facility equipped to handle those individuals.

Further, the facility personnel indicated the facility housed immigration detainees from many different countries, but the majority were from Latin America. Most detainees were from countries other than Mexico.⁷

III. IMPLEMENTATION OF LEGAL ACCESS PROVISIONS OF ICE DETENTION STANDARDS

A. Legal Access/Visitation

1. Visitation by Attorneys

Applicable Standards. The *Standards* suggest that facilities permit legal visits seven days a week for at least eight hours a day during the week and four hours a day on weekends and holidays.⁸ Visits that extend through a scheduled meal should not be interrupted

⁵ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED]

⁶ Level 1 detainees were categorized as those that have no criminal records besides an immigration violation. Level 2 detainees were categorized as those transferred from the county jail having committed non-violent crimes and misdemeanors.

⁷ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED]

⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

and a meal should be provided for the detainee following the visit.⁹ The rules and hours for these visits should be properly communicated to detainees.¹⁰ Legal visits from legal assistants should be allowed with the proper authorization.¹¹ Interpreters should be allowed to accompany legal representatives.¹² The *Standards* require that attorneys and legal assistants present some form of legal identification.¹³ Bar membership cards are preferable, but if unavailable, some other form of legal identification should be allowed.¹⁴ Legal representatives should be able to call a facility to confirm that a detainee remains housed at that facility.¹⁵ Private rooms should be available for meetings between legal representatives and detainees.¹⁶

ECDF has implemented this section of the *Standards*. At ECDF, attorney visitation is unlimited.¹⁷ Attorney visits are permitted to continue through meal times.¹⁸ If a detainee misses a meal because of a legal visit, the facility provides a meal after the visit.¹⁹ The visitation schedule is communicated to detainees in the detainee handbook.²⁰ Whether the handbook communicates all of the visitation rules cannot be confirmed because the delegation was only permitted to review the handbooks for a limited period of time.²¹ If a non-attorney, legal assistant, or law student requests an attorney visit, it *may* be allowed, but requires special approval.²² ECDF permits interpreters to accompany legal representatives.²³ Bar membership cards typically are requested from visiting attorneys. If an attorney arrives without a bar card, ECDF permits the attorney to have the necessary documents faxed to the facility.²⁴ Attorneys are permitted to call ahead to confirm the location of their detainee.²⁵ Five or six private rooms

⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.b.

¹² Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.c.

¹³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.4.

¹⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.4.

¹⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

¹⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

¹⁷ El Centro Inmate Handbook as noted by delegation member [REDACTED] b6

¹⁸ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED] b6, b7C

¹⁹ Notes of delegation member [REDACTED] b6 from conversation with Mr. [REDACTED] b6, b7C

²⁰ El Centro Inmate Handbook as noted by delegation member [REDACTED] b6

²¹ El Centro Inmate Handbook as noted by delegation member [REDACTED] b6

²² Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED]

²³ Notes of delegation member [REDACTED] b6 from conversation with Mr. [REDACTED] b6, b7C

²⁴ Notes of delegation member [REDACTED] b6 from conversation with Mr. [REDACTED] b6, b7C

²⁵ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED]

are available for detainee interviews.²⁶ All visits are non-contact.²⁷ Searches are not required after these non-contact visits.²⁸

2. Visitation by Family and Friends

Applicable Standards. The *Standards* suggest that facilities establish written visitation procedures and make visitations schedules and procedures available to the public.²⁹ Facilities should also make an effort to accommodate the scheduling needs of visitors for whom the schedule poses a hardship.³⁰ Facilities are encouraged to schedule visiting hours for both weekend days.³¹ If facilities have no provision for visits from minors, visits from a detainee's children and grandchildren should be arranged within the first 30 days of detention.³²

ECDF has implemented this section of the *Standards*. The family and friends visitation hours for ECDF are 7 p.m.-9:30 p.m. on the weekdays and 9 a.m.-11 a.m., 1 p.m.-3 p.m., and 7 p.m.-9:30 p.m. on weekends and holidays.³³ The detainee handbook states this schedule.³⁴ Whether or not the handbook sets out additional procedures cannot be confirmed because the delegation was only permitted to review the handbooks for a limited period of time.³⁵ The visitation hours are designed to accommodate the typical work schedule of detainee visitors. As recommended, both weekend days have visitation hours. Visitors who cannot visit during scheduled hours can arrange for different visitation times.³⁶ Minors are allowed to visit detainees.³⁷ All visits are non-contact.³⁸

²⁶ Notes of delegation member [REDACTED] from observation and a conversation with Mr. [REDACTED].

²⁷ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED].

²⁸ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED].

²⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.A.

³⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³² Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.d.

³³ El Centro Inmate Handbook as noted by delegation member [REDACTED].

³⁴ El Centro Inmate Handbook as noted by delegation member [REDACTED].

³⁵ El Centro Inmate Handbook as noted by delegation member [REDACTED].

³⁶ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED].

³⁷ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED].

³⁸ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED].

B. Telephone Access

1. General Requirements

Applicable Standards. The *Standards* suggest that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.³⁹ In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees.⁴⁰ Additionally, the facility should provide written notification of telephone access rules and should also “post these rules where detainees may easily see them.”⁴¹

ECDF has implemented most of this section of the *Standards*. Generally, the phones were sufficient in number, well maintained, and easy enough to use that all detainees with whom we spoke were able to make calls without difficulty.

The booking area at the El Centro facility contained at least one phone per holding area, including separate phones in the private interview rooms.⁴² Upon being booked the detainees are given a standard inmate handbook (the “Handbook”) explaining the facility’s procedures.⁴³ Two of the three interviewed detainees confirmed that they had received a copy of the Handbook, and each understood the telephone policy.⁴⁴

There are approximately 100 telephones located throughout the facility, including phones located in the housing modules, well within the Standard of 1 phone for every 25 detainees.⁴⁵ The detainees may access the phones at any time when they are not locked down. One detainee explained that only on a rare occasion did he have to wait for a phone.⁴⁶ During our visit we observed a non-lockdown period in which none of the phones were being utilized.⁴⁷

The phone bank in the barracks toured by the delegation did not have instructions regarding phone usage posted near the phones although the *Standards* suggest instructions be posted.

³⁹ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

⁴⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

⁴¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

⁴² Notes of delegation member [b6] and [b6].

⁴³ Although the delegation asked for a copy of the Handbook, the facility would not allow anyone to remove a copy from the premises.

⁴⁴ All three detainee interviews were conducted by Mr. [b6], Ms. [b6], Ms. [b6], and Mr. [b6]. The detainee who indicated that he had not received a handbook spoke little English. We could not determine if he actually had not received a handbook, or if he received a handbook which he could not read. Handbooks are only available in Spanish or English, and this detainee did not speak either language.

⁴⁵ Notes of delegation member [b6]. When asked how many phones were in the facility, Officer [b6, b7C] did not know the number, but explained that there were at least 100 phones.

⁴⁶ Interview with detainee Mr. [b6, b7C] conducted by [b6].

⁴⁷ Notes of delegation member [b6].

2. *Direct vs. Collect Calls*

Applicable Standards. The *Standards* allow facilities to generally restrict calls to collect calls;⁴⁸ however, the facility must permit detainees to make direct calls to the local immigration court and the Board of Immigration Appeals, federal and local courts, consular officials, legal service providers, government offices, and to family members in case of emergency.⁴⁹ The facility shall not require indigent detainees to pay for these types of calls if local, nor for non-local calls if there is a compelling need.⁵⁰ In addition, the facility should allow all detainees to make calls to the ICE list of free legal service providers and consulates at no charge to the detainee or the receiving party.⁵¹

ECDF has fully implemented this section of the *Standards*. The detainees are allowed to buy phone cards from private service providers.⁵² Their calls are not limited to a particular time period. Although Mr. [REDACTED] b6, b7C did not know the phone card rates,⁵³ a detainee explained that they were \$0.17 per minute to call within the U.S. and \$0.95 per minute to call internationally.⁵⁴ Detainees are able to make direct calls to legal service providers, courts, or consular officials free of charge, through the phone's preprogrammed system.

A private service provider provides phone service to the facility. Detainees can purchase phone cards at the facility to make international or local calls. Collect calls can also be made from the phones. In addition, there is a direct line which provides access to immigration courts, consulates, pro bono providers, and other immigration service providers free of charge.

Applicable Standards. The *Standards* also provide that the facility shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones.⁵⁵ If time limits are necessary, they shall be no shorter than 20 minutes.⁵⁶ In addition, the *Standards* suggest that the facility ensure privacy for detainees' telephone calls regarding legal matters.⁵⁷

ECDF has not fully implemented this portion of the *Standards*. The phones where detainees make outgoing calls are all located in the public dayrooms with no privacy

⁴⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁴⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁵⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁵¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁵² Notes of delegation member [REDACTED] b6 from conversation with Officer [REDACTED] b6, b7C

⁵³ Notes of delegation member [REDACTED] b6 from conversation with Officer [REDACTED] b6, b7C

⁵⁴ Interview with detainee Mr. [REDACTED] b6, b7C conducted by [REDACTED] b6.

⁵⁵ Detention Operations Manual, Detainee Services, Standard 16, Section F.

⁵⁶ Detention Operations Manual, Detainee Services, Standard 16, Section F.

⁵⁷ Detention Operations Manual, Detainee Services, Standard 16, Section J.

safeguards whatsoever. At the very least, the phone conversations can be overheard by other detainees and inmates in the barracks, as well as officers. Mr. [REDACTED] b6, b7C explained that, if necessary, detainees can request to place calls from facility staff offices, but the detainees would not be left alone in the offices for security purposes.

3. *Incoming Calls and Messages*

Applicable Standards. The *Standards* suggest that facilities take and deliver messages from attorneys and emergency incoming telephone calls to detainees as promptly as possible.⁵⁸ If the facility receives an emergency telephone call for a detainee, the *Standards* suggest that the facility obtain the caller's name and number and permit the detainee to return the emergency call as soon as possible.⁵⁹

ECDF has not fully implemented this portion of the *Standards*. Incoming phone messages are accepted at the facility, however there is no system in place for a detainee to receive an emergency phone call. A message can be left on the voicemail system, messages are checked once a day, and then delivered to detainees that day or the next day. There is no apparent way for a detainee to receive a real-time emergency message.⁶⁰

4. *Telephone Privileges in Special Management Unit*

Applicable Standards. The *Standards* provide that detainees in the Special Management Unit ("SMU") for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions.⁶¹ Detainees at the facility placed in the SMU for administrative reasons should have access to telephones.⁶²

It is unclear whether ECDF has fully implemented this portion of the *Standards*. The detainees placed in the SMU for administrative reasons have access to telephones according to the *Standards*.⁶³ The delegation did not determine whether detainees in the SMU for disciplinary reasons have access to the telephones according to the *Standards*.⁶⁴

⁵⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁵⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁶⁰ Notes of delegation member [REDACTED] b6

⁶¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

⁶² Detention Operations Manual, Security and Control, Standard 12, Section III.D.18.

⁶³ Notes of delegation member [REDACTED] b6 on conversations with Mr. [REDACTED] b6, b7C

⁶⁴ Notes of delegation member [REDACTED] b6 on conversations with Mr. [REDACTED] b6, b7C

C. Access to Legal Materials

Applicable Standards. All facilities holding detainees “shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.”⁶⁵

The ECDF appears to have substantially implemented many sections of the Standards. It was unclear during the visit whether all sections of the *Standards* regarding access to legal materials were implemented.

1. Library Conditions

Applicable Standards. The *Standards* require that a facility provide a law library with space to facilitate detainees’ legal research and writing.⁶⁶ Furthermore, the law library must be large enough to provide access for the detainees who request to use it, with a “sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.”⁶⁷

ECDF has implemented this section of the Standards. ECDF has a centrally located law library that is well lit, has ample space, and is generally well maintained.⁶⁸ Specifically, the law library has 3 computers, several desks and chairs in addition to those housing the computers.⁶⁹ Additionally, the library is located in a building separate from the housing units that is free of distractions and noise.⁷⁰

2. Access to the Library and Assistance from other Detainees

Applicable Standards. The *Standards* suggest that each facility shall have a flexible schedule for law library use that permits all detainees to use the law library on a regular basis.⁷¹ Each detainee should be permitted to use the law library for a minimum of five hours per week.⁷² Additionally, the *Standards* suggest that, except when a security risk is created, detainees should be allowed to assist other detainees in researching and preparing legal documents.⁷³

ECDF appears to have implemented this section of the Standards. ECDF generally permits all detainees to use the law library. The staff indicated that there is a schedule

⁶⁵ Detention Operations Manual, Detainee Services, Standard 1, Section I.

⁶⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

⁶⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

⁶⁸ Notes of delegation member

⁶⁹ Notes of delegation member

⁷⁰ Notes of delegation member



⁷¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁷² Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁷³ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

for detainees to use the library, but indicated there was no restrictions on how many times a detainee could come to the library in a week.⁷⁴ The library was not available during mealtime and count time.⁷⁵ The staff also noted many detainees “come every day.” The staff did not indicate detainees were prohibited from helping other detainees with legal research.⁷⁶

3. *Assistance to Illiterate and Non-English Speaking Detainees*

Applicable Standards. The *Standards* suggest non-English speaking detainees and illiterate detainees without representation who want to pursue a legal claim and indicate difficulty understanding legal materials, should be provided with “more than access to a set of English-language law books.”⁷⁷ The facility should “establish procedures to meet this obligation,” such as contacting pro bono legal assistance organizations and helping the detainee use the law library and draft legal documents.⁷⁸

It is unclear whether ECDF has implemented this section of the *Standards*. The delegation noted that there were little or no legal materials for those detainees who do not speak English, as all legal material appeared to be in English only.⁷⁹ While the delegation was unable to determine whether any detainees had “indicated difficulty with legal materials,” the delegation did not see signs or other writings informing the detainees of the facility’s procedures enacted to “provid[e] more than access to a set of English-language law books.”⁸⁰

4. *Computer Access, Equipment and Photocopies*

Applicable Standards. The *Standards* suggest that facility law libraries provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.⁸¹ Additionally, each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.⁸²

ECDF appears to have implemented this section of the *Standards*. ECDF has three computers available in the law library equipped with Lexis for legal research, Microsoft Word, and printing capabilities, and also provides detainees access to typewriters.⁸³ The

⁷⁴ Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED]

⁷⁵ Notes of delegation member [REDACTED] b6 on conversation with Mr. [REDACTED] b6, b7C

⁷⁶ Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED]

⁷⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.L.

⁷⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.L.

⁷⁹ Notes of delegation member [REDACTED]

⁸⁰ Notes of delegation member [REDACTED] b6

⁸¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

⁸² Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

⁸³ Notes of delegation member [REDACTED] b6 on conversation with Mr. [REDACTED] b6, b7C

delegation observed that the computers were functioning, but were not able to physically verify printing and Lexis access.⁸⁴ A photocopy machine was available for a nominal fee, and was operated by a library attendant. The delegation also noted a large supply of mailing materials that were available to the detainees for legal purposes.⁸⁵ In the interview with one of the detainees, he indicated having sufficient access to legal materials and photocopies should he wish to draft legal documents or conduct legal research, and that he has utilized those resources.⁸⁶

5. *Materials Identified in the Detention Standards*

Applicable Standards. The *Standards* suggest that law libraries should contain the materials listed in Attachment A to the section on *Access to Legal Materials*.⁸⁷ These materials should be updated regularly, and maintained in good condition.⁸⁸

ECDF appears to have fully implemented this section of the *Standards*. The facility has a substantial amount of legal material stored in a secure room adjacent to the main library area. While the detainees were allowed unlimited access to a variety of novels in the main library area, the legal research books were controlled by a librarian.⁸⁹ The delegation was unable to speak with the librarian directly about policy, as he or she was not present during the library tour. The room was initially locked.⁹⁰ Later during the library visit, the delegation was allowed brief access to the secure room where the legal books were stored. During the brief visit to the room, the delegation noted there were several volumes of U.S. immigration law reporters and related research tools and dictionaries. All of the books appeared to be in good condition, however, the delegation was unable to confirm whether the library contained the entire list of legal reference materials indicated in the *Standards*.⁹¹

D. Correspondence and Other Mail

Applicable Standards. The *Standards* require that detainees be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility.⁹² General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and

⁸⁴ Notes of delegation member [REDACTED]

⁸⁵ Notes of delegation member [REDACTED]

⁸⁶ Interview with detainee Mr. [REDACTED] conducted by [REDACTED]

⁸⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

⁸⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

⁸⁹ Notes of delegation member [REDACTED]

⁹⁰ Notes of delegation member [REDACTED]

⁹¹ Notes of delegation member [REDACTED]

⁹² Detention Operations Manual, Detainee Services, Standard 3, Section I.

even read outside the presence of the detainee if security reasons exist for doing so.⁹³ The *Standards* also require that facilities provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential representative, or any court.⁹⁴ Finally, the *Standards* suggest that facilities should notify detainees of specific information regarding correspondence policies.⁹⁵

ECDF appears to have fully implemented this section of the *Standards*. The facility provides all detainees with writing implements, paper, and envelopes for no charge. Each detainee is notified of the facility's correspondence policy, which is written in the El Centro Inmate Handbook. During the tour, the facility's correspondence policy was observed posted in the detainees' barracks. Detainee mail is distributed once a day, and is often distributed the day it enters the facility or the next day. All mail is normally delivered within one day of its entering the internal mail system. All outgoing mail is mailed by the facility at no cost to the detainee, including FedEx and UPS shipments.⁹⁶

Every piece of mail is opened in front of the detainees, including special correspondence. This mail is not read, it is simply checked for contraband. According to Mr. [REDACTED] this is the facility's policy and it was implemented to ensure that there are no contraband items in the correspondence. Mr. [REDACTED] also explained that Facility staff never open detainees' mail without the detainee being present. If any correspondence is rejected or censored, the detainee is provided written notice of the action.⁹⁷

E. Group Rights Presentations

Applicable Standards. The *Standards* indicate that facilities should allow authorized persons to "make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures."⁹⁸ Informational posters should be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.⁹⁹ The facility should "select and provide an environment conducive to the presentation, consistent with security."¹⁰⁰ In addition, detainees shall have regular opportunities to view an "INS-approved videotaped presentation on legal rights."¹⁰¹

ECDF appears to have implemented this section of the *Standards*. According to facility personnel, there are no unreasonable restrictions on group rights presentations, and all

⁹³ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B. & E.

⁹⁴ Detention Operations Manual, Detainee Services, Standard 3, Section III.I.

⁹⁵ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

⁹⁶ Notes of delegation member [REDACTED], on conversation with Mr. [REDACTED].

⁹⁷ Notes of delegation member [REDACTED].

⁹⁸ Detention Operations Manual, Detainee Services, Standard 9, Section I.

⁹⁹ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁰⁰ Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹⁰¹ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

necessary accommodations are made to facilitate presentations.¹⁰² The individuals with whom the delegation spoke were not familiar with the procedures to facilitate a group rights presentation, as a considerable amount of time has passed since a group has come to the facility for a presentation. Area volunteers and not-for-profit organizations have been unable to make presentations to detainees for reasons unknown to the facility staff, though the staff speculated that the lapse was due to funding constraints.¹⁰³ The detainees whom the delegation interviewed had not attended a group rights presentation. It was unclear whether a presentation had been given during the time the interviewed detainees had been at the facility.¹⁰⁴ Facility personnel indicated that a video describing detainees' rights is shown to recently arrived detainees to view during their initial introduction to the facility.¹⁰⁵

IV. IMPLEMENTATION OF OTHER PROVISIONS OF THE ICE DETENTION STANDARDS

A. Recreation

Applicable Standards. The *Standards* suggest that all detainees have “access to recreation programs and activities” under safe and secure conditions.¹⁰⁶ Detainees should be housed in facilities with outdoor recreation.¹⁰⁷ If a facility only provides indoor recreation, detainees should have access for at least one hour per day, including exposure to natural light.¹⁰⁸ Detainees should also have access to fixed and movable equipment, including opportunities for cardiovascular exercise, and games and television in dayrooms.¹⁰⁹

ECDF appears to have implemented this section of the *Standards*. The facility provides several types of activities for the detainees throughout the day. The detainees are given one hour per day recreation time, during which they have access to either a large playing field with soccer goals and a ball, or an indoor recreational facility with table tennis and handball.¹¹⁰ The delegation did not observe the indoor recreational facility, but was able to see the outdoor facility where many detainees were participating in a soccer game.¹¹¹ In addition to recreation time, detainees are able to access a smaller loitering area outside, adjacent to their housing

¹⁰² Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED]

¹⁰³ Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED] and Mr. [REDACTED]

¹⁰⁴ Interview with detainees Mr. [REDACTED] Mr. [REDACTED] and unnamed detainee conducted by [REDACTED]

¹⁰⁵ Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED] and Mr. [REDACTED]

¹⁰⁶ Detention Operations Manual, Detainee Services, Standard 13, Section I.

¹⁰⁷ Detention Operations Manual, Detainee Services, Standard 13, Section III.A.

¹⁰⁸ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

¹⁰⁹ Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

¹¹⁰ Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED]

¹¹¹ Notes of delegation member [REDACTED]

facility where they have access to natural light, outside air and a pull-up bar.¹¹² Inside the facility, detainees have game tables where they are able to play chess, checkers, backgammon and other similar games.¹¹³ Additionally, the delegation saw a functioning television set inside the facility where the detainees could watch news or sporting event.¹¹⁴

B. Access to Medical Care

1. General Access

Applicable Standards. The *Standards* require that all detainees have access to medical and dental services.¹¹⁵ Facilities should provide detainees with an initial medical screening including a mental health evaluation and a TB screening.¹¹⁶ A health appraisal, including physical and dental screening, should follow within 14 days, unless there is evidence of a health appraisal within the previous 90 days.¹¹⁷ Language difficulties should be resolved through a translation service, like a phone service, or through another detainee if the patient consents.¹¹⁸ Facilities should have a procedure to ensure the timely intake of detainees requesting medical services.¹¹⁹ Facilities with over 500 detainees should have at least five days when medical personnel are available to take detainee sick calls.¹²⁰ Emergency treatment plans should be in place at every facility.¹²¹

ECDF has implemented this section of the *Standards*. The El Centro facility has its own health care facility.¹²² The health care facility operates seven days a week.¹²³ Upon arrival, detainees receive an initial screening, including a chest x-ray to test for tuberculosis.¹²⁴ The health care facility has its own x-ray machine.¹²⁵ Detainees are given a physical and dental

¹¹² Notes of delegation member [REDACTED]

¹¹³ Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED] b6, b7C

¹¹⁴ Notes of delegation member [REDACTED]

¹¹⁵ Detention Operations Manual, Health Services, Standard 2, Section I, Section III.E.

¹¹⁶ Detention Operations Manual, Health Services, Standard 2, Section III.A, D.

¹¹⁷ Detention Operations Manual, Health Services, Standard 2, Section III.D, E.

¹¹⁸ Detention Operations Manual, Health Services, Standard 2, Section III.D.

¹¹⁹ Detention Operations Manual, Health Services, Standard 2, Section III.F.

¹²⁰ Detention Operations Manual, Health Services, Standard 2, Section III.F.

¹²¹ Detention Operations Manual, Health Services, Standard 2, Section III.G.

¹²² Notes of delegation member [REDACTED]

¹²³ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED] b6

¹²⁴ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED] b6

¹²⁵ Notes of delegation member [REDACTED] from observation and a conversation with Captain [REDACTED] b6

examination within 14 days of their arrival at the facility.¹²⁶ The health care facility has 10 beds, including beds in private rooms.¹²⁷ The health care facility also has a trauma unit.¹²⁸

Captain [REDACTED] b6 is the Health Services Administrator for the health care facility. The health care staff includes a doctor, a dentist, a dental assistant, a mental health practitioner, approximately eight registered nurses, and approximately three mid-level staff.¹²⁹ Many staff members speak Spanish.¹³⁰ If translation from another language is required, health care staff uses a telephone language line.¹³¹ ECDF may want to consider contracting with the language line to ensure the confidentiality of patient callers. The health care facility ensures the confidentiality of patient files by keeping them in an attended room throughout the day and locking that room at night.¹³²

The health care facility has procedures in place for the treatment of sick detainees.¹³³ If there is an emergency, a detainee is brought into the health care facility immediately.¹³⁴ Detainees requiring emergency assistance beyond the capacity of the health care facility are taken to a nearby medical center.¹³⁵ If the situation is not an emergency, detainees fill out a sick call slip.¹³⁶ Health care staff treats urgent sick calls by the next morning.¹³⁷ The staff treats routine sick calls by the second morning.¹³⁸

2. *Hunger Strikes*

Applicable Standards. The *Standards* require that facilities follow the accepted standards of care in the medical and administrative management of hunger-striking detainees.¹³⁹ Every effort should be made to obtain the hunger striker’s informed consent for treatment.¹⁴⁰ Care for a detainee on hunger strike should include an initial medical assessment by a qualified medical professional about whether the detainee’s actions are reasoned and deliberate or the

¹²⁶ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED] b6

¹²⁷ Notes of delegation member [REDACTED] from observation and a conversation with Captain [REDACTED] b6

¹²⁸ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED] b6, b7C

¹²⁹ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹³⁰ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹³¹ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹³² Notes of delegation member [REDACTED] b6 from conversation with Captain [REDACTED]

¹³³ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹³⁴ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED] b6

¹³⁵ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹³⁶ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹³⁷ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹³⁸ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹³⁹ Detention Operations Manual, Health Services, Standard 1, Section I.

¹⁴⁰ Detention Operations Manual, Health Services, Standard 1, Section I.

manifestation of mental illness.¹⁴¹ In Service Processing Centers and Contract Detention Facilities, staff should refer detainees for evaluation and possible treatment within the first 72 hours.¹⁴² Detainees should then be isolated if medically advisable.¹⁴³ If a detainee refuses to accept treatment, the staff should make every effort to encourage voluntary treatment. Forced medical treatment should only be administered in accordance with applicable laws.¹⁴⁴

ECDF has implemented this section of the *Standards*. If a detainee has refused food for 72 hours, staff members will refer the detainee to the health care facility.¹⁴⁵ At the health care facility, the detainee will be placed in isolation if it is deemed beneficial.¹⁴⁶ Staff members will observe the detainee and the mental health practitioner will evaluate the detainee.¹⁴⁷ Staff members will encourage the detainee to voluntarily consent to treatment, but treatment will only be forced on a detainee with legal approval.¹⁴⁸ The health care facility has a procedure outlining the treatment of detainees, and staff members are trained in this procedure.¹⁴⁹

C. Detainee Grievance Procedures

Applicable Standards. The *Standards* require that every facility develop and implement standard procedures for handling detainee grievances and encourage that the facility initially seek to resolve grievances informally before having to engage in a more formalized procedure.¹⁵⁰ Translating assistance for both formal and informal grievances must be provided upon request.¹⁵¹ The *Standards* also require that each facility establish a reasonable time limit for: (1) “processing, investigating, and responding to grievances;” (2) “convening a grievance committee to review formal complaints;” and (3) “providing written responses to detainees who filed formal grievances, including the basis for the decision.”¹⁵² All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.¹⁵³

¹⁴¹ Detention Operations Manual, Health Services, Standard 1, Section I.

¹⁴² Detention Operations Manual, Health Services, Standard 1, Section III.A.1.

¹⁴³ Detention Operations Manual, Health Services, Standard 1, Section III.A.2.

¹⁴⁴ Detention Operations Manual, Health Services, Standard 1, Section III.D.

¹⁴⁵ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹⁴⁶ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹⁴⁷ Notes of delegation member [REDACTED] b6 from conversation with Captain [REDACTED] b6

¹⁴⁸ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹⁴⁹ Notes of delegation member [REDACTED] from conversation with Captain [REDACTED]

¹⁵⁰ Detention Operations Manual, Detainee Services, Standard 5, Sections I. & III.A.

¹⁵¹ Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1. & 2.

¹⁵² Detention Operations Manual, Detainee Services, Standard 5, Section I.

¹⁵³ Detention Operations Manual, Detainee Services, Standard 5, Sections I. & III.C.

ECDF has implemented this section of the *Standards*. When necessary, detainees can fill out an “Inmate Grievance Form” should they have any concerns about the facility or its staff. The Detainee Handbook provides information on how to file a grievance and how each grievance will be handled. The Handbook also details the appeal process with the ICE.¹⁵⁴ During the delegation interview, one of the detainees stated that he was aware of other detainees filing grievances, and that they hadn’t indicated any problems or retaliation afterwards.¹⁵⁵

D. Disciplinary Policy

Applicable Standards. The *Standards* state that facility authorities “will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures” in order “to provide a safe and orderly living environment.”¹⁵⁶ Each facility holding ICE detainees must have a detainee disciplinary system which has “progressive levels of reviews, appeals, procedures, and documentation procedures.”¹⁵⁷ Any disciplinary action taken must not be capricious or retaliatory and the following sanctions may not be imposed: “corporal punishment; deviations from normal food services; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; or deprivation of physical exercise unless such activity creates an unsafe condition.”¹⁵⁸ In addition, the *Standards* provide that all incident reports filed by officers must be investigated within twenty-four hours of the incident.¹⁵⁹ An intermediate level of investigation or adjudication must be established to adjudicate low or moderate infractions.¹⁶⁰

ECDF appears to have implemented this section of the *Standards*. The facility’s disciplinary process is based on the ICE Standards.¹⁶¹ Facility staff follows a strict set of rules set out by ICE. If there is a minor infraction, the officers attempt to settle it without going through formal procedures.¹⁶² There is a general attitude at the facility of keeping the detainees happy and secure in their environment. The officers attempt to keep things as low-key as possible in order to create a calm environment. Therefore, the officers prefer to use the formal discipline process only when absolutely necessary.

¹⁵⁴ Although the delegation was unable to take the Handbook off the facility’s premises, the delegation was able to look through the Handbook while at the facility.

¹⁵⁵ Interview with detainee Mr. [REDACTED] conducted by [REDACTED].

¹⁵⁶ Detention Operations Manual, Security and Control, Standard 5, Section I.

¹⁵⁷ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

¹⁵⁸ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.2 and III.A.3.

¹⁵⁹ Detention Operations Manual, Security and Control, Standard 5, Section III.B. and III.C.

¹⁶⁰ Detention Operations Manual, Security and Control, Standard 5, Section III.C.

¹⁶¹ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED].

¹⁶² Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED].

E. Detainee Classification

Applicable Standards. The *Standards* suggest that detainees should be classified upon arrival before being admitted into the general population.¹⁶³ Detainees who cannot be classified because of insufficient information, their file should be kept from the general population until a classification can be made.¹⁶⁴ First line supervisors should review each classification.¹⁶⁵ Detainees should be assigned housing, offered recreational activities, assigned work (if voluntarily chosen), and provided food according to their classification.¹⁶⁶ The classification should be based on “objective” information.¹⁶⁷ Opinion is an unacceptable basis for classification.¹⁶⁸ Service Processing Centers and Contract Detention Facilities should follow ICE provisions for reclassification and reassessment.¹⁶⁹ Facilities should also include procedures allowing new arrivals to appeal their classification.¹⁷⁰

ECDF appears to have implemented this section of the *Standards*. The facility classifies detainees upon their arrival according to the ICE standard for classification.¹⁷¹ Delegation members observed that detainees in the intake and processing center had already been classified as level one or level two detainees and wore the appropriate blue or orange clothing.¹⁷² Level three detainees are rarely detained at ECDF.¹⁷³ When level three detainees are housed at the facility, they are isolated in the Special Management Unit.¹⁷⁴

ECDF classifies detainees using the objective information from their file.¹⁷⁵ Detainees are not classified based on opinion or observation.¹⁷⁶ A supervisor reviews each classification. The facility follows the ICE provisions for reclassification, reassessment, and appeal.¹⁷⁷

¹⁶³ Detention Operations Manual, Detainee Services, Standard 4, Section III.A.1.

¹⁶⁴ Detention Operations Manual, Detainee Services, Standard 4, Section III.A.2.

¹⁶⁵ Detention Operations Manual, Detainee Services, Standard 4, Section III.A.3.

¹⁶⁶ Detention Operations Manual, Detainee Services, Standard 4, Section III.A.4.

¹⁶⁷ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

¹⁶⁸ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

¹⁶⁹ Detention Operations Manual, Detainee Services, Standard 4, Section III.G.

¹⁷⁰ Detention Operations Manual, Detainee Services, Standard 4, Section III.H.

¹⁷¹ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED] b6, b7C

¹⁷² Notes of delegation member [REDACTED]

¹⁷³ Notes of delegation member [REDACTED] from conversation with [REDACTED] b6, b7C

¹⁷⁴ Notes of delegation member [REDACTED] b6 from conversation with [REDACTED]

¹⁷⁵ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED]

¹⁷⁶ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED] b6, b7C

¹⁷⁷ Notes of delegation member [REDACTED] from conversation with Mr. [REDACTED]

F. Voluntary Work Program

Applicable Standards. The *Standards* suggest that facilities should provide detainees who are capable of working with the opportunity to do so.¹⁷⁸ Participation must be voluntary. Detainees in Service Processing Centers and Contract Detention Facilities may not work more than 8 hours a day and 40 hours a week.¹⁷⁹

ECDF appears to have implemented this section of the *Standards*. ECDF provides work opportunities to detainees who choose to participate in the voluntary work program.¹⁸⁰ Approximately 10-15 percent of the detainee population participates in the volunteer work program.¹⁸¹ Detainees typically work four to five hours a day for up to three days a week.¹⁸² Detainees never work more than 8 hours a day and 40 hours a week.¹⁸³

G. Detainee Handbook

Applicable Standards. The *Standards* suggest that a handbook be made available for detainees that “briefly describe[s] individual programs and services and associated rules.”¹⁸⁴ The purpose of the handbook is to specify the rules and regulations with which detainees must generally comply, and it must detail rights and responsibilities of the detainees. The handbook should describe the facility’s policies towards “recreation, visitation, education, voluntary work, telephone use, correspondence, library use, and the canteen/commissary.” Additionally, the handbook should explain the facility’s medical policy, facility-issued items such as clothing and bedding, access to personal property, and meal service. The handbook should be available in English and Spanish and, if appropriate, to “the next most-prevalent language(s)” of the detainees.¹⁸⁵

ECDF appears to have implemented most of this section of the *Standards*, but it is unclear whether it has implemented all of this section. Upon arrival each detainee is assigned a facility handbook that details the requisite subjects noted above.¹⁸⁶ However, during the delegation’s interview, one of the detainees indicated he had never received a handbook.¹⁸⁷ When the delegation visited the processing center during the tour, several detainees sitting in a

¹⁷⁸ Detention Operations Manual, Detainee Services, Standard 18, Section III.A.

¹⁷⁹ Detention Operations Manual, Detainee Services, Standard 18, Sections III.A, H.

¹⁸⁰ Notes of delegation member [redacted] from conversation with Mr. [redacted]

¹⁸¹ Notes of delegation member [redacted] from conversation with Mr. [redacted]

¹⁸² Notes of delegation member [redacted] from conversation with Mr. [redacted]

¹⁸³ Notes of delegation member [redacted] from conversation with Mr. [redacted]

¹⁸⁴ Detention Operations Manual, Detainee Services, Standard 5, Section III.B.

¹⁸⁵ Detention Operations Manual, Detainee Services, Standard 5, Section III.E.

¹⁸⁶ Notes of delegation member [redacted], on conversation with Mr. [redacted] and Mr. [redacted]

¹⁸⁷ Interview with detainees Mr. [redacted] Mr. [redacted] and unnamed detainee conducted by [redacted]

processing room were browsing their yellow copies of the detainee handbook.¹⁸⁸ Based on the delegation’s tour, we could not conclude whether it was appropriate for the handbook to be available in the “next most prevalent language(s).”¹⁸⁹

According to facility personnel, the handbooks are kept by the detainees for the duration of their stay at the facility and are “checked back in” upon their departure. The delegation was told by facility personnel that the handbook did contain relevant sections.¹⁹⁰ The delegation was given several minutes to browse the manual and noted that it contained many sections as indicated, and that it was available in both English and Spanish.¹⁹¹ Additionally, facility personnel indicated translators are available over the phone for other language needs.¹⁹²

H. Religious Practices

Applicable Standards. The *Standards* suggest that detainees of different religious beliefs be provided with “reasonable and equitable opportunities to participate in the practices of their respective faiths.”¹⁹³ Opportunities to practice religion should be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.¹⁹⁴ Detainees should be allowed access to “personal religious property, consistent with facility security.”¹⁹⁵ The food service department should reasonably accommodate detainees’ religious dietary requirements.¹⁹⁶

ECDF appears to have substantially implemented this section of the *Standards*. Detainees are allowed to keep a personal copy of a religious text (Bible, Koran, etc.), as well as other items such as prayer beads, religious items of clothing and headwear.¹⁹⁷ Detainees are not allowed to have items such as oils or other items that would create health or safety concerns.¹⁹⁸ The facility places special emphasis on providing meals that cater to all religious needs. In the delegation’s interview with the detainees, they acknowledged that meals prepared for religious diets were provided, and added that the facility appears to do a good job in respecting all religious beliefs and allowing for worship within reason.¹⁹⁹ The delegation was told the facility

¹⁸⁸ Notes of delegation member [REDACTED]

¹⁸⁹ Notes of delegation member [REDACTED]

¹⁹⁰ Notes of delegation member [REDACTED] b6 on conversation with Mr. [REDACTED]

¹⁹¹ Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED] b6, b7C

¹⁹² Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED]

¹⁹³ Detention Operations Manual, Detainee Services, Standard 14, Section I.

¹⁹⁴ Detention Operations Manual, Detainee Services, Standard 14, Section I.

¹⁹⁵ Detention Operations Manual, Detainee Services, Standard 14, Section III.K.

¹⁹⁶ Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

¹⁹⁷ Notes of delegation member [REDACTED] b6 on conversation with Mr. [REDACTED] b6, b7C and Mr. [REDACTED] b6, b7C

¹⁹⁸ Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED] b6, b7C and Mr. [REDACTED] b6, b7C

¹⁹⁹ Interview with detainees Mr. [REDACTED] b6, b7C Mr. [REDACTED] b6, b7C and unnamed detainee conducted by [REDACTED] b6

also has a non-denominational chaplain and a chapel available for worship from all religions, although the delegation did not visit the chapel or meet the chaplain.²⁰⁰

I. Special Management Unit

Applicable Standards. The *Standards* suggest that each facility should establish a Special Management Unit (“SMU”) for purposes of isolating certain detainees from the general population, either for administrative or disciplinary purposes.²⁰¹ A detainee may be placed in administrative segregation when the detainee’s presence in the general population would “pose a threat to self, staff, other detainees, property or the security or orderly operation of the facility.”²⁰² A detainee may be placed in disciplinary segregation only by order of the Institutional Disciplinary Committee, after a hearing in which the detainee has been found to have committed a prohibited act.²⁰³

All cells in the SMU must be equipped with beds which are securely fastened to the cell floor or wall, and should allow detainees to maintain a normal level of personal hygiene.²⁰⁴ In accordance with the “Telephone Access” standard, detainees in disciplinary segregation shall be restricted to telephone calls relating to the detainee’s immigration case or other matters, calls to consular/embassy officials, and family emergencies.²⁰⁵ Also, detainees in segregation shall have the same correspondence privileges as detainees in the general population.²⁰⁶

ECDF appears to have implemented this section of the *Standards*. ECDF has established an SMU for both administrative and disciplinary segregation.²⁰⁷ The SMU visited by the delegation contained detainees for both administrative and disciplinary reasons, but it was unclear how they were segregated from each other, apart from an indication on the paperwork outside each detainee’s unit.²⁰⁸ The units had bedding, a toilet and sink for personal hygiene, as well as a small desk for the detainee’s use.²⁰⁹ The delegation noted telephones in the SMU building, and was told that telephone access, visitation rights, recreation and correspondence were all in accordance with the promulgated guidelines.²¹⁰

²⁰⁰ Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED]

²⁰¹ Detention Operations Manual, Security and Control, Standard 14, Section I.

²⁰² Detention Operations Manual, Security and Control, Standard 13, Section III.A.

²⁰³ Detention Operations Manual, Security and Control, Standard 14, Section III.A.

²⁰⁴ Detention Operations Manual, Security and Control, Standard 14, Section III.D.6.

²⁰⁵ Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

²⁰⁶ Detention Operations Manual, Security and Control, Standard 14, Section III.D.18.

²⁰⁷ Notes of delegation member [REDACTED]

²⁰⁸ Notes of delegation member [REDACTED]

²⁰⁹ Notes of delegation member [REDACTED]

²¹⁰ Notes of delegation member [REDACTED] on conversation with Mr. [REDACTED]

J. Staff-Detainee Communication

Applicable Standards. The *Standards* require that procedures 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.”²¹¹ The *Standards* require ICE personnel to conduct weekly scheduled and unannounced, unscheduled visits, which are to be conducted by the ICE OIC, the Assistant OIC, and designated department heads.²¹² During the visits, the facility personnel should monitor housing conditions, interview detainees, review records, and answer questions for detainees who do not comprehend the immigration detainee process.²¹³ The *Standards* also require that detainees have the opportunity to submit written questions, requests, or concerns to ICE staff, which “shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay.”²¹⁴ All facilities that house ICE detainees must have written procedures to handle detainee requests.²¹⁵

ECDF appears to have implemented this section of the *Standards*. An ICE officer makes weekly and monthly unannounced visits to the ECDF to tour the facility, speak with detainees and attempt to discover any issues or concerns that need to be addressed at the facility.²¹⁶ The delegation was told an ICE officer will also come whenever s/he is requested. The facility provides specific forms for the detainees to fill out if they have a grievance or want to speak to someone from ICE.²¹⁷ Detainees interviewed indicated that the forms were easy to obtain and believed that the ICE personnel responded well to the requests.²¹⁸

V. CONCLUSION

The El Centro Detention Facility has implemented or substantially implemented nearly all of the ICE Detention *Standards* based on what the delegation was able to determine from its tour and interviews. The facility has done a superb job in educating its staff on the *Standards* and in implementing most provisions of the *Standards*. The detainees interviewed were very content with their experience at the facility and the staff with whom they interacted. Throughout the tour, the delegation was impressed at the cleanliness and orderliness of the facility, and the general positive demeanor of the detainees.

²¹¹ Detention Operations Manual, Detainee Services, Standard 15, Section I.

²¹² Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²¹³ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²¹⁴ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

²¹⁵ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

²¹⁶ Notes of delegation member [REDACTED], on conversation with Mr. [REDACTED].

²¹⁷ Notes of delegation member [REDACTED], on conversation with Mr. [REDACTED].

²¹⁸ Interview with detainees Mr. [REDACTED], Mr. [REDACTED] and unnamed detainee conducted by [REDACTED].

The Report identifies certain provisions of the *Standards* with which the delegation could not verify compliance. One of the detainees interviewed indicated he either had not received a handbook, or had not received one in his language (*see supra*, note 44). While the handbook was available in English and Spanish as the *Standards* require, the delegation was unable to determine whether the facility also should make the handbook available in “the next most-prevalent language(s)” of the detainees.

The delegation observed detainees have adequate access to telephones for personal and legal communication. However, the delegation was unable to determine whether the facility provided adequate access to emergency incoming phone calls and messages. Additionally, the delegation could not verify whether the facility provided detainees with adequate privacy for telephone conversations regarding legal matters. The delegation also noted that telephone access rules did not appear to be posted where “detainees may easily see them.”

The delegation did not note any indication of group rights presentations available in the facility. None of the detainees interviewed had attended a group rights presentation. The delegation did not observe any institutional barriers that would prevent or discourage volunteer presentations during its visit.

The delegation also observed that many, if not most, of the detainees were individuals who spoke Spanish as a primary language, and that most detainees were not native English speakers.²¹⁹ The delegation could not determine if the detainees who indicate difficulty with the provided legal materials were provided by the facility with “more than access to a set of English-language law books,” as the *Standards* suggest. The delegation did not observe any indication of adopted “procedures to meet this obligation” or, if adopted, notification to detainees of these alternate legal materials.

The delegation was able to interview three detainees, though confidentiality may have been a concern for the detainees during the interview. The fact-finding process would benefit if facilities agreed to accommodate detainees’ confidentiality and privacy by providing future delegations with opportunities to interview detainees in a secure setting.

²¹⁹ Notes of delegation member [REDACTED] b6, on observing conversations between detainees, during detainee interviews, and observing recreation areas when many detainees interacted.

Facility Name: **EL CENTRO DETENTION FACILITY (SPC), EL CENTRO, CA**

Date of Tour: **July 1, 2005**

Tour Participants: Latham & Watkins LLP attorneys and summer associates [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]

**Standards are Detainee Services Standards unless otherwise indicated. Issues are listed in the order in which they appear in the Report.*

****The Detainee interviews for this delegation took place in the presence of security personnel, although the delegation had requested to meet with the detainees in a confidential setting (p. 2 ¶3). “During the interviews, the security personnel were able to hear the questions and answers, and would occasionally interject answers to some of the questions posed to the detainees.” (p. 2 ¶3).**

	ICE Standard*	Delegation Observation	Source	ICE Response
1.	Standard 16, Telephone Access <ul style="list-style-type: none"> ▪ III.B. [T]he facility shall provide telephone access rules in writing to each detainee upon admittance, and also shall post these rules where detainees may easily see them. 	<ul style="list-style-type: none"> ▪ The phone banks in the barracks toured by the delegation did not have instructions regarding phone usage posted near the phones (p.6 ¶5). 	Delegation observations.	
2.	Standard 16, Telephone Access <ul style="list-style-type: none"> ▪ III.J. The facility shall ensure privacy for detainees’ telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. 	<ul style="list-style-type: none"> ▪ The phones where detainees make outgoing calls are all located in the public dayrooms with no privacy safeguards (p. 7 ¶5). ▪ Detainees can request to place calls from facility staff offices, but the detainees would not be left alone in the offices (p. 8 ¶1). 	Delegation observations. [REDACTED]	
3.	Standard 6, Detainee Handbook <ul style="list-style-type: none"> ▪ I. Every OIC will develop a site-specific detainee handbook to serve as an overview of ... the detention policies, rules, and procedures in effect at the facility. Every detainee will receive a copy of this handbook upon admission to the facility. 	<ul style="list-style-type: none"> ▪ Detainee indicated he never received a handbook (p.19 ¶4). 	Detainee interview.	