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MEMORANDUM

December 13, 2005

To: Wesley J. Lee, Acting Director, Office of Detention and Removal, Immigration and Customs Enforcement

From: American Bar Association Delegation to the Pamunkey Regional Jail¹

File no: 502130-0020

Copies to: [REDACTED] ABA Commission on Immigration

Subject: Report on July 18, 2005 Observational Tour of the Pamunkey Regional Jail, Ashland, Virginia

¹ The delegation was comprised of attorneys and summer associates from the Washington, D.C. office of Latham & Watkins, LLP, including [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and

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This memorandum summarizes and evaluates information gathered at the Pamunkey Regional Jail (“PRJ” or “the Facility”) in Ashland, Virginia, during the delegation’s July 18, 2005 visit to the Facility. All information contained herein was gathered via observation of the Facility by the delegation, discussions with PRJ and Immigration and Customs Enforcement (“ICE”) personnel, detainee interviews and review of the Pamunkey Regional Jail Institutional Operations Manual and the Pamunkey Regional Jail Inmate Handbook (“the Handbook”). Note that at the time of our visit, there were only two immigration detainees, one of whom was unwilling to share much information with us, and thus this report relies almost entirely on representations of the ICE and PRJ personnel.

I. ICE DETENTION STANDARDS

In November 2000, the Immigration and Naturalization Service (INS),² promulgated the “*INS Detention Standards*” (the “*Standards*”) 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 intergovernmental 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 than a “ceiling” for the treatment of immigration detainees; they are designed to establish the minimum requirements to which ICE must adhere in its facilities. Each Field Office or Officer-in-Charge has discretion to promulgate policies and practices affording ICE detainees more enhanced rights and protections, beyond those provided by the *Standards*.

II. INTRODUCTION

The Delegation’s Visit, July 18, 2005

On Monday, July 18, 2005, the members of our delegation met with several members of PRJ’s staff and a representative from the ICE office in Washington, D.C. Note that PRJ serves primarily as a transfer facility that does not tend to house immigration detainees on a long-term basis; most of its detainees are heading either to deportation or from initial apprehension to Hampton Roads Regional Jail or Piedmont Regional Jail in Farmville, Virginia. Those two facilities house a large number of immigration detainees awaiting Immigration Court hearings. Accordingly, while as discussed in detail below we did not see any substantial issues of failure to meet the Standards, nor did the staff at PRJ have extensive experience with application of those Standards to immigration detainees. For the most part, it appears that following the Standards is incidental to compliance with regulations implemented for the general criminal population.

² Effective March 1, 2003, the INS ceased to exist as an agency of the Department of Justice. The INS’ immigration enforcement functions which previously were transferred to ICE, a division of the newly-created Department of Homeland Security (“DHS”).

Captain [b6, b7C] Sergeant [b6, b7C] Lieutenant [b6, b7C] Officer [b6, b7C] and ICE Deportation Officer/Jail Liaison Officer [b6, b7C] led our delegation on a tour of the Facility and participated in post-tour follow-up discussions. The delegation also met with other PRJ personnel along the tour. The delegation appreciates the cooperation of these individuals. They were direct and accommodating during the tour of the Facility and were responsive to post-tour requests for additional information.

General Information About the Pamunkey Regional Jail

The PRJ houses federal immigration detainees pursuant to an intergovernmental service agreement (“IGSA”) with ICE. According to PRJ personnel, the Facility presently holds 405 inmates, 362 of whom are male and 43 of whom are female.³ As of July 10, 2005, the Facility held 147 immigration detainees.⁴ On July 11 and 12, 2005, 145 immigration detainees were transferred to other facilities.⁵ As a result, only two immigration detainees were available for interview. All detainees transferred in the month of July were either from Mexico or El Salvador.⁶ ICE Officer [b6, b7C] explained that the majority of PRJ immigration detainees are from Central and South American countries.⁷

III. OBSERVATIONS OF LEGAL ACCESS STANDARDS

A. Legal Access/Visitation

1. Visitation by Attorneys

The *Standards* suggest that facilities permit legal visitation seven days per week.⁸ Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend.⁹ The visits must be private, and should not be interrupted for head counts.¹⁰ Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.¹¹ Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.¹²

³ Notes of delegation member [b6]

⁴ Notes of delegation member [b6]

⁵ Notes of delegation member [b6]

⁶ Notes of delegation member [b6] Other than the coincidental timing, we have no reason to believe the transfer was related to our upcoming tour. PRJ is not a permanent home for most detainees, who are regularly housed at Piedmont Regional Jail or at Hampton Roads Regional Jail.

⁷ Notes of delegation member [b6] on conversation with Officer [b6, b7C]

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

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

¹⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

¹¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

¹² Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

PRJ appears to meet this section of the *Standards*. According to the conversations with PRJ staff, attorneys may visit the detainees seven days per week.¹³ However, the Handbook states that professional visits from attorneys will be authorized Monday to Friday, 8:00 a.m. to 9:30 p.m.¹⁴ It is unclear whether the detainees know that the Handbook provisions are inapplicable. Professional visits from others such as law students, clergy members, or physicians are allowable to the extent they conform to the Handbook rules on pre-approval.¹⁵ PRJ staff explained that there are no general time limits on how long an attorney may visit with a detainee, and if a meeting runs through a scheduled meal, the detainee will be provided with a sack meal.¹⁶ Attorneys are offered the option of telephone conference calls with their clients.¹⁷ According to PRJ staff, attorneys typically initiate the calls,¹⁸ though detainee instructions for making outside calls are available in the Handbook and are posted in the housing units.¹⁹

There are two private consultation rooms available for attorney visits with their clients. Visitations in the consultation rooms are private to the extent that PRJ staff are not able to listen in, but they are viewable from the corridors.²⁰ After every contact visit in a consultation room, detainees will be subject to strip-search. If detainees do not wish to be strip-searched, they can opt for non-contact visits with their attorneys.²¹

2. *Visitation by Family and Friends*

The *Standards* suggest that facilities establish written visitation hours and procedures, and make them available to the public.²² This includes procedures for handling incoming money for detainees.²³ The *Standards* require that visiting hours be set on Saturdays, Sundays, and holidays, and the *Standards* encourage facilities to accommodate visitors at other times when they are facing a particular hardship. Visits should be at least 30 minutes and longer when possible.²⁴ If a facility does not provide for visits from minors, the ICE should arrange for visits

¹³ Notes of delegation member [REDACTED] on conversations with facility staff.

¹⁴ PRJ Inmate Handbook, p. 16.

¹⁵ PRJ Inmate Handbook, p. 16.

¹⁶ Notes of delegation member [REDACTED] on conversations with facility staff.

¹⁷ Notes of delegation member [REDACTED] on conversations with facility staff.

¹⁸ Notes of delegation member [REDACTED] on conversations with facility staff.

¹⁹ Notes of delegation member [REDACTED] on conversations with facility staff.

²⁰ Observations of delegation member [REDACTED]

²¹ Notes of delegation member [REDACTED] based on conversation with Officer [REDACTED]

²² Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

²³ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

²⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

with children within the detainee's first 30 days at the facility, with continuing monthly visits.²⁵ If a detainee violates the visitation rules, s/he may have visitation privileges revoked.²⁶

PRJ substantially meets this section of the *Standards*, but there are no weekend visiting hours. The visitation schedule is clearly posted at the entrance of the Facility and is available in the Handbook.²⁷ Visiting hours are from Monday through Friday, 9 a.m. to 9:30 p.m., although visits are not allowed from 11 a.m. to 2 p.m. and 4 p.m. to 7:30 p.m. for lunch and dinner breaks.²⁸ This visitation schedule does not comport with the *Standards*, which requires that visits be allowed on the weekends. Detainees are allowed to either have up to two adults or one adult and two children visitors at any given time, and may have up to two visits per week on any one day lasting up to thirty minutes.²⁹ When visitors live up to 75 miles away from PRJ, visits can be extended up to one hour.³⁰ Detainees must schedule their visits a week in advance in the visitation log.³¹ Upon arrival at PRJ, dress code instructions are clearly visible in the lobby.

Visitors are able to send money in to detainees, which will be placed in an account for the detainee.³² Detainees are also allowed to keep personal property such as small religious items like the Bible or prayer rugs, legal documents, photographs, and personal correspondence, but are not allowed to wear their wedding rings.³³

B. Telephone Access

1. General Requirements

The *Standards* suggest that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.³⁴ In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees.³⁵ The *Standards* also require that telephone access rules be provided in writing to each detainee upon admittance, and that the rules be posted where detainees may easily see them.³⁶

²⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.

²⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5.

²⁷ Observations of delegation member [REDACTED] and Pamunkey Regional Jail (PRJ) Inmate Handbook, p. 15.

²⁸ PRJ Inmate Handbook, p. 15.

²⁹ PRJ Inmate Handbook, p. 15.

³⁰ PRJ Inmate Handbook, p. 16.

³¹ PRJ Inmate Handbook, p. 16.

³² PRJ Inmate Handbook, p. 8.

³³ Notes of delegation member [REDACTED] on interview with anonymous detainee.

³⁴ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

³⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

³⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

PRJ substantially meets this section of the *Standards*. The Handbook summarizes the conditions of telephone use. These rules were not, however, posted elsewhere in the Facility where detainees might easily find them.³⁷

Detainees are separated into housing units that vary in size, the largest equipped to hold perhaps 50-60 individuals. In each housing unit were four telephones available for inmate use. In addition, there are a number of telephones (6-8) located in the “intake” portion of the Facility. These phones are available upon request to detainees while they are awaiting initial classification upon arrival. Also, while the telephones in the housing units are for outgoing calls only, detainees’ lawyers may schedule a call to the detainee at a predetermined time during which the Facility will bring the detainee to the intake room to receive the call.³⁸

2. *Direct Calls and Free Calls*

The *Standards* maintain that facilities should 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 cases of emergency.³⁹ These calls are not to be charged if the detainee is indigent, and all detainees should be able to make calls to an ICE-provided list of free legal service providers and consulates at no charge to the detainee or receiving party.⁴⁰

PRJ does not fully meet this section of the *Standards*. While instructions on how to use the telephones in the housing units were posted near the phones, there was no detailed list of consulate numbers nor numbers for legal services providers in the housing unit we observed.⁴¹ There was a listing for a toll-free number for ICE. This information was posted both in English and Spanish.⁴²

PRJ staff explained that the phones did have consulate numbers pre-programmed into them, though there was no individualized listing of such numbers by the phones.⁴³ PRJ personnel indicated that they had made available to detainees the phone numbers for organizations offering legal services, such as the CAIR Coalition.⁴⁴ Detainees are permitted to contact Officer [b6, b7C] for assistance in placing such calls, and ICE has provided her office with phone cards specifically for this purpose.⁴⁵ This information was not posted near any of the

³⁷ Observations of delegation team.

³⁸ Notes of delegation member [b6] on conversations with facility staff.

³⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

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

⁴¹ Observations of delegation team.

⁴² Observation of delegation member [b6]

⁴³ Notes of delegation member [b6] on conversation with Officer [b6, b7C]

⁴⁴ Notes of delegation member [b6] on conversation with Officer [b6, b7C]

⁴⁵ Notes of delegation member [b6] on conversation with Officer [b6, b7C]

phones we observed, however, indicating that detainees would be dependent on notification from staff that such services are available.⁴⁶

While telephone service for detainees (indeed, for all prisoners) is not limited to collect calls alone, direct calling from the telephones located in the housing units is fairly expensive. Local calls had a connection fee of \$1.35 and cost \$.18/minute. International calls had a \$3.95 connection fee and cost \$.89/minute.⁴⁷ During our interview with one detainee, s/he repeatedly mentioned that the cost of phone calls even within the state were prohibitively expensive. S/he estimated that a call to his/her brother or lawyer in northern Virginia cost \$20.00 or more for a 15-minute call.⁴⁸ All calls are restricted to no more than 15 minutes.⁴⁹

3. *Incoming Calls and Messages*

The *Standards* suggest that facilities take and deliver messages from attorneys and emergency incoming telephone calls to detainees as promptly as possible.⁵⁰ 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.⁵¹

PRJ partially meets, and partially exceeds, this section of the *Standards*. Incoming phone calls and messages are generally not accepted at the Facility.⁵² In situations where an attorney is seeking to make telephone contact with a client, the Facility will try either to bring the detainee to the phone call at the time it is received or, alternatively, try to work out with the attorney a scheduled call soon thereafter when the detainee can be brought to the front office to receive the call.⁵³ The Handbook states that if a message is "verified" as an emergency, it will be delivered to an inmate.⁵⁴

4. *Telephone Usage Restrictions*

The *Standards* maintain that phone calls should not be unreasonably restricted and that time limits, if necessary, should be no shorter than 20 minutes.⁵⁵

⁴⁶ Observations of delegation member [REDACTED]

⁴⁷ Observations of delegation member [REDACTED]

⁴⁸ Interview with anonymous detainee.

⁴⁹ PRJ Inmate Handbook at 13.

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

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

⁵² PRJ Inmate Handbook at 13.

⁵³ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]

⁵⁴ PRJ Inmate Handbook, p. 15.

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

PRJ does not fully meet this section of the *Standards*. PRJ places 15-minute time limits on telephone calls made from the housing units.⁵⁶ The Jail also deactivates telephones in the housing units during meals and other logistical events.⁵⁷ Our tour of a housing unit occurred during lunchtime, when the phones had been deactivated and could not be tested.

5. *Privacy for Telephone Calls on Legal Matters*

The *Standards* maintain that the facility should ensure privacy for detainees' telephone calls regarding legal matters. As a consequence, the facility should provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees.⁵⁸

PRJ does not fully meet this section of the *Standards*. The only telephones available to detainees were situated in public spaces, with no way to ensure detainee privacy. There were small meeting rooms at the detainees' disposal for face-to-face meetings with lawyers, and conversations in these rooms are reportedly not monitored, but there were no telephones in these rooms.

Telephone calls on legal matters are not supposed to be monitored under the *Standards*.⁵⁹ While PRJ staff indicated that there was no policy to monitor such calls actively, the right to do so is explicitly reserved in the Handbook.⁶⁰ Moreover, PRJ staff indicated that there may be some random monitoring of phone activity.⁶¹

C. *Access to Legal Materials*

This section of the *Standards* aims to ensure that detention facilities provide detainees "access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents."⁶² These standards are applicable to intergovernmental service agreements (IGSAs) as "guidelines... provided they meet or exceed the objective represented by each standard."⁶³

1. *Library Conditions*

The *Standards* suggest that each facility provide "a designated room with sufficient space to facilitate detainees' legal research and writing."⁶⁴ The library should be large enough to

⁵⁶ PRJ Inmate Handbook at 13.

⁵⁷ PRJ Inmate Handbook at 14.

⁵⁸ Observations of delegation member [REDACTED] b6

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

⁶⁰ Observations of delegation member [REDACTED] b6

⁶¹ Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

⁶² Detention Operations Manual, Detainee Services, Standard 1, Section I.

⁶³ Detention Operations Manual, Detainee Services, Standard 1, Section II.

⁶⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

facilitate use by all detainees who request its use, have an adequate number of tables and chairs and be well-lit and relatively quiet.⁶⁵ In addition, the *Standards* provide that the library make available supplies, such as typewriters, computers, paper, and pens, to facilitate the preparation of legal materials and that the facility assign a staff member to maintain the equipment and supplies.⁶⁶

PRJ substantially meets this section of the *Standards*. The Facility provides a small well-lit room for the law library.⁶⁷ The space has three bookshelves filled with legal materials, a computer, which did not appear to work when tested and was not connected to a printer, and one medium-sized table for research.⁶⁸ The library is located adjacent to a main corridor, but was very quiet during our visit.⁶⁹ According to Facility staff, three to four people can use the library at one time.⁷⁰ Staff also gave the impression that there is a low demand for the law library.⁷¹ According to staff, few inmates request use of the law library.⁷² The current facilities available at the law library are adequate given the small demand for the service, and small number of detainees at the Facility. Detainees are not routinely provided access to typewriters or computers to prepare legal documents, but typing is provided upon request and for a fee.⁷³ According to staff, detainees rarely request this service.⁷⁴ In addition, all detainees are issued legal pads and pens.⁷⁵

2. *Library Holdings*

Attachment A to the *Standards* provide a list of materials that should be included in the law library. Facilities should also define procedures for updating and maintaining the materials and receiving and requesting new materials.⁷⁶

PRJ substantially meets this section of the *Standards*. The law library had copies of most of the materials listed.⁷⁷ There was not a copy of the Florence Project’s “Know your

⁶⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.
⁶⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.
⁶⁷ Observations of delegation member [REDACTED]
⁶⁸ Observations of delegation member [REDACTED] b6
⁶⁹ Observations of delegation member [REDACTED]
⁷⁰ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]
⁷¹ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED] b6, b7C and Office [REDACTED] b6, b7C
⁷² Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED] b6 and Office [REDACTED] b6, b7C
⁷³ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]
⁷⁴ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] b6, b7C
⁷⁵ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] PRJ Inmate Handbook, Section 6-E.
⁷⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.C-F.
⁷⁷ Notes of delegation member [REDACTED] b6

Rights” video.⁷⁸ The library contained both English and Spanish language materials. The Facility receives updated materials from ICE on an irregular schedule, usually every three to four months.⁷⁹ Inmates may request materials not available in the library by submitting a request form to program staff.⁸⁰ Program staff seemed willing to process these requests.

3. *Hours of Access*

The *Standards* advise that the library schedule should allow all detainees use of the library for a minimum of five hours per week. Library use should not conflict with recreation time. The library schedule should also provide for maximum use of the library without “interfering with the orderly operation of the facility.”⁸¹

PRJ substantially meets this section of the *Standards*; although normal library time allotted is only one hour per week, detainees may request additional time. Detainees may sign up in their housing unit to use the library for one hour, one day per week.⁸² This time does not conflict with recreational time.⁸³ Detainees may request additional time.⁸⁴ Staff indicated that few detainees request to use the library, therefore such requests are ordinarily granted and a detainee may achieve more than five hours of library use per week.⁸⁵

4. *Library Services and Assistance from Other Detainees*

The *Standards* urge facilities to provide a mechanism for detainees to receive legal materials not available in the law library and for detainees to photocopy legal materials.⁸⁶ The facility should allow detainees to assist fellow inmates with legal research, but not allow fellow inmates to charge for these services.⁸⁷ In addition, the facility should provide “more than access to a set of English-language law books,” to illiterate or non-English speaking detainees, and should establish procedures for assisting such detainees.⁸⁸

PRJ fully meets this section of the *Standards*. Detainees can request additional materials through the standard inmate request form. Program staff indicated a willingness to acquire these materials, including non-English language materials, but noted that staff rarely

78 Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]

79 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

80 Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]

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

82 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C Officer [REDACTED] b6, b7C and Sergeant [REDACTED] b6, b7C

83 Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]

84 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

85 Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]

86 Detention Operations Manual, Detainee Services, Standard 1, Section III.I & J.

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

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

received such requests.⁸⁹ Photocopies are provided on request, and are usually processed within twenty-four hours. Copies cost \$0.25 per page and are charged to detainees' accounts.⁹⁰ Inability to pay will result in a negative balance, but will not prevent detainees from receiving photocopies. Prisoners often volunteer to help other prisoners with non-English materials, and staff helps facilitate this relationship.⁹¹ The Facility prohibits charging for legal assistance.⁹²

5. *Personal Legal Materials, Law Library Access for Detainees in Special Management Units, Envelopes and Stamps for Legal Documents*

The *Standards* state that facilities should allow detainees to retain all personal legal materials.⁹³ In addition, the *Standards* require that detainees housed in administrative or disciplinary segregation should have the same access to legal materials as other detainees.⁹⁴ The *Standards* suggest the facility provide detainees with free envelopes and stamps for mailing legal documents.⁹⁵

PRJ meets this section of the *Standards*. Detainees are allowed to retain all of their legal materials in their housing units.⁹⁶ In addition, detainees who pose a security risk are allowed full access to the library. If a detainee who poses a security-risk wants to use the library, the Facility posts a guard outside the library to maintain order.⁹⁷ The Facility provides each inmate with a specific amount of envelopes and stamps per month if indigent.⁹⁸

6. *Notaries, Certified Mail, and Miscellaneous Needs Associated with Legal Materials*

The *Standards* specify that facilities should provide access to a notary public, certified mail, or other similar services needed for legal matters.⁹⁹

PRJ fully meets this section of the *Standards*. A detainee may have documents notarized through the programs office for a fee.¹⁰⁰

⁸⁹ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]

⁹⁰ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]; PRJ Inmate Handbook, Section 4-C.

⁹¹ Notes of delegation member [REDACTED] on conversation with Captain [REDACTED]

⁹² Pamunkey Regional Jail, Institutional Operations, Rules and Discipline, Section 3C-01-A-2-16.

⁹³ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

⁹⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.M.

⁹⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

⁹⁶ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

⁹⁷ Notes of delegation member [REDACTED] on conversation with Captain [REDACTED]

⁹⁸ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED] PRJ Inmate Handbook, Section 2.

⁹⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.P.

¹⁰⁰ Pamunkey Regional Jail, Institutional Operations, Inmate Rights, Section 3E-03.

7. *Notice to Detainees*

The *Standards* state that a facility should inform detainees of law library access procedures, including the library's hours of access and procedures for requesting access to the law library, to additional time in the library, to legal materials not available in the library, and for notifying staff if materials are missing or damaged. In addition, the library should post a list of the library's holdings and of library procedures in the law library.¹⁰¹

PRJ meets this section of the *Standards*. Information about the law library is provided in the Handbook, which specifies how to gain access to the library and where to find a library schedule.¹⁰² Staff mentioned that a schedule and sign up sheet for access to the library is available in each housing unit.¹⁰³ A binder listing the library holdings is available in the law library.¹⁰⁴

D. **Group Rights Presentations**

The *Standards* provide that facilities holding ICE detainees "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 IGSA facility."¹⁰⁵ Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.¹⁰⁶ While the presentations are open to all detainees, the facility "may limit the number of detainees at a single session."¹⁰⁷ "The facility shall select and provide an environment conducive to the presentation, consistent with security."¹⁰⁸ In addition, detainees shall have regular opportunities to view an "INS-approved videotaped presentation on legal rights."¹⁰⁹

PRJ meets this section of the *Standards*. According to PRJ staff, there are no restrictions on group rights presentations, although only the CAIR Coalition has requested to make such presentations. The CAIR Coalition makes presentations once every two months.¹¹⁰ PRJ detainees are housed in dormitory style units, each containing a separate seating area. Group rights presentations are held in the seating area of the units and are open to any detainee

¹⁰¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

¹⁰² PRJ Inmate Handbook, Section 4.

¹⁰³ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED] Captain [REDACTED] and Officer [REDACTED]

¹⁰⁴ Notes of delegation member [REDACTED]

¹⁰⁵ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹⁰⁶ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁰⁷ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁰⁸ Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹⁰⁹ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹¹⁰ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]

housed in that unit.¹¹¹ Typically, an authorized organization makes a presentation to the assembled detainees and is subsequently available for individual questions from detainees afterwards.¹¹²

IV. OTHER GENERAL OBSERVATIONS UNRELATED TO THE LEGAL ACCESS STANDARDS

A. Recreation

The ICE policy on recreation requires facilities to provide detainees with “access to recreational programs and activities, under conditions of security and supervision that protect their safety and welfare.”¹¹³ If outdoor recreation is available, the *Standards* stipulate that each detainee shall have access for at least one hour daily, five days per week.¹¹⁴

PRJ meets this section of the *Standards*. PRJ has an open-air courtyard that is enclosed but exposed above.¹¹⁵ There, detainees are able to access the outdoors every day for one hour at 3:00 pm.¹¹⁶ On the weekends, due to staffing constraints, access to outdoor recreation is at the guard’s discretion.¹¹⁷ There is a basketball court available to detainees in the courtyard, as well as some other limited exercise equipment.¹¹⁸ There is no conflict between outdoor recreation access and library access, as the library can be accessed at any time during the day upon request and subject to availability.¹¹⁹

B. Access to Medical Care

1. General

a. Personnel

The *Standards* mandate that all facilities employ a medical staff large enough to perform basic exams and treatments for all detainees.¹²⁰ The *Standards* further require that health care staff have valid professional licensure or certification.¹²¹ The *Standards* also require that each

¹¹¹ Notes of delegation member [redacted] on conversation with Officer [redacted]
¹¹² Notes of delegation member [redacted] on conversation with Officer [redacted]
¹¹³ Detention Operations Manual, Detainee Services, Standard 13, Section I.
¹¹⁴ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.1.
¹¹⁵ Observations of delegation members.
¹¹⁶ Notes on interview with anonymous detainee.
¹¹⁷ Notes on interview with anonymous detainee.
¹¹⁸ Observations of delegation members.
¹¹⁹ Observations of delegation members.
¹²⁰ Detention Operations Manual, Health Services, Standard 2, Section III-A.
¹²¹ Detention Operations Manual, Health Services, Standard 2, Section III-C.

facility enter into certain arrangements with nearby medical facilities or health care providers for the provision of required health care that is not available within that facility.¹²²

PRJ meets this section of the *Standards*. PRJ currently employs five full-time health care professionals: one registered nurse, two licensed practical nurses, one paramedic and one basic EMT. Interviews with health care staff revealed that PRJ typically employs six full-time health care professionals and, accordingly, the Facility is currently seeking an additional health care professional.¹²³ Additionally, PRJ employs various “on-call” doctors, dentists and counselors. According to interviews conducted with health care staff, there is a least one doctor, dentist and counselor “on-call” at all times.¹²⁴ Moreover, there are two doctors “on-call” during daytime hours.¹²⁵ Finally, according to PRJ staff, the Facility has agreements with nearby health care facilities to provide certain services.¹²⁶

b. Facility

The *Standards* maintain that each facility must provide adequate space and equipment for the provision of health care services.¹²⁷ The *Standards* also require that such space should allow detainees to receive health examinations and treatment in private.¹²⁸

PRJ meets this section of the *Standards*. The PRJ infirmary provides more than adequate space for the provision of health care services and includes several private examination rooms for individual treatment. The infirmary also includes a waiting room with its own restroom facilities.

2. Initial Screenings

The *Standards* require that all new arrivals receive initial health screening within fourteen (14) days of arrival at a facility.¹²⁹ Initial health screenings must include a TB screening, as well as screening for substance abuse and/or withdrawal.¹³⁰ Along with a basic physical and collection of medical history, an initial screening must include a dental screening exam and a mental health assessment.¹³¹ The *Standards* also mandate that each facility provide translation services in connection with initial health screenings.¹³² Facilities are encouraged to use

¹²² Detention Operations Manual, Health Services, Standard 2, Section III.A.

¹²³ Notes of delegation member [REDACTED] on conversation with Facility health care staff.

¹²⁴ Notes of delegation member [REDACTED]

¹²⁵ Notes of delegation member [REDACTED]

¹²⁶ Notes of delegation member [REDACTED] on conversation with facility health care staff.

¹²⁷ Detention Operations Manual, Health Services, Standard 2, Section III.B.

¹²⁸ Detention Operations Manual, Health Services, Standard 2, Section III.B.

¹²⁹ Detention Operations Manual, Health Services, Standard 2, Section III.D.

¹³⁰ Detention Operations Manual, Health Services, Standard 2, Section III.D.

¹³¹ Detention Operations Manual, Health Services, Standard 2, Section III.D.

¹³² Detention Operations Manual, Health Services, Standard 2, Section III.D.

telephone translation services and, when appropriate, the *Standards* allow other detainees to be used for translation purposes.¹³³

PRJ meets this section of the *Standards*. PRJ requires all detainees to undergo a complete health assessment within fourteen days of detainment.¹³⁴ For translation services, PRJ staff indicated that the Facility uses an AT&T telephonic translation service and also relies on other detainees to provide translation services, where appropriate.¹³⁵

3. *Medical Care*

a. Sick Call

The *Standards* maintain that each facility must have a regularly scheduled Sick Call, when medical personnel are available to see detainees who have requested medical services.¹³⁶ Each facility must make Sick Call request slips available to detainees and must process such requests slips in a timely manner.¹³⁷ The *Standards* also require Sick Call to be scheduled a minimum number of days per week, according to the specific size of each facility.¹³⁸

PRJ meets this section of the *Standards*. The Facility conducts “Sick Call” on a scheduled basis and it is performed by, or at the direction of, a registered nurse.¹³⁹ Sick Call request slips are available in all housing units and are to be picked up once a day by medical department staff.¹⁴⁰ PRJ staff indicated that the Facility conducts Sick Call two days per week.¹⁴¹

b. Emergency Care

The *Standards* require that facility health care staff be properly trained to handle medical emergencies.¹⁴² The *Standards* also maintain that each facility have procedures allowing for 24-hour emergency care.¹⁴³

PRJ meets this section of the *Standards*. As previously mentioned, the Facility’s health care staff includes both a paramedic and an EMT and at least one “on-call” doctor is available to

¹³³ Detention Operations Manual, Health Services, Standard 2, Section III.D.

¹³⁴ Pamunkey Regional Jail Institutional Operations, Section 4E-21; PRJ Inmate Handbook, p. 12.

¹³⁵ Notes of delegation member [REDACTED] on conversation with Facility health care staff.

¹³⁶ Detention Operations Manual, Health Services, Standard 2, Section III.F.

¹³⁷ Detention Operations Manual, Health Services, Standard 2, Section III.F.

¹³⁸ Detention Operations Manual, Health Services, Standard 2, Section III.F.

¹³⁹ Pamunkey Regional Jail, Institutional Operations, Section 4E-26.

¹⁴⁰ PRJ Inmate Handbook, pp. 10-11.

¹⁴¹ Notes of delegation member [REDACTED] on conversation with Facility health care staff.

¹⁴² Detention Operations Manual, Health Services, Standard 2, III.G.

¹⁴³ Detention Operations Manual, Health Services, Standard 2, III.G.

the Facility at all times.¹⁴⁴ Moreover, the Facility’s emergency medical care plan includes provisions for (1) on-site emergency first aid and crisis intervention, (2) emergency evacuation of a detainee from the Facility, (3) use of an emergency medical vehicle, (4) use of one or more designated hospital emergency rooms or designated health facilities and (5) security procedures providing for the immediate transfer of inmates when appropriate.¹⁴⁵ Additionally, first aid kits are available throughout the Facility.¹⁴⁶

c. Disbursement of Medication

The *Standards* maintain that medication must be disbursed to detainees according to specific instructions and procedures.¹⁴⁷

PRJ fully meets this section of the *Standards*. The Handbook states that Pill Call will be conducted by medical staff or a trained staff member. Interviews with health care staff revealed that Pill Call is conducted three times per day at the Facility.¹⁴⁸ Moreover, PRJ also has procedures allowing detainees to participate in a self-administered medication program, where appropriate.¹⁴⁹

4. Dental Care

The *Standards* require that all detainees be provided with emergency dental treatments, as well as routine dental treatment for those detainees who remain at a facility for more than six months.¹⁵⁰

PRJ appears to meet this section of the *Standards*. According to PRJ Institutional Operations, PRJ provides emergency dental care, including the retention of an “on-call” dentist for such purposes, and by providing all detainees with dental examinations within three months of admission to the Facility.¹⁵¹

5. Miscellaneous Standards

a. Confidentiality

The *Standards* state that all detainee medical records should be kept confidential, to the extent possible.¹⁵² The *Standards* also mandate that copies of detainee health records be released

¹⁴⁴ Notes of delegation member [REDACTED] on conversation with Facility health care staff.

¹⁴⁵ Pamunkey Regional Jail, Institutional Operations, Section 4E-08.

¹⁴⁶ Pamunkey Regional Jail, Institutional Operations, Section 4E-25.

¹⁴⁷ Detention Operations Manual, Health Services, Standard 2, Section III.I.

¹⁴⁸ Notes of delegation member [REDACTED], on conversation with Facility health care staff.

¹⁴⁹ Pamunkey Regional Jail, Institutional Operations, Section 4E-28; PRJ Inmate Handbook, pp. 12-13.

¹⁵⁰ Detention Operations Manual, Health Services, Standard 2, Section III.E.

¹⁵¹ Pamunkey Regional Jail, Institutional Operations, Section 4E-23.

¹⁵² Detention Operations Manual, Health Services, Standard 2, Section III.M.

to a detainee or an person designated by the detainee, upon receipt of written authorization by the detainee.¹⁵³

PRJ partially meets this section of the *Standards*. While the Facility keeps all medical records confidential and separate from other detainee records, the Facility apparently only permits detainee access to medical records through court order.¹⁵⁴

b. Informed Consent

The *Standards* maintain that no medical treatment should be administered against a detainee's will.¹⁵⁵ Accordingly, facility health care providers are required to obtain signed and dated consent forms from all detainees prior to any medical examination or treatment, except in emergency situations.

PRJ meets this section of the *Standards*. PRJ procedures require the written consent of detainees prior to medical treatment except in emergency situations or when a detainee is otherwise unable to give consent.¹⁵⁶

c. Suicide Prevention and Intervention

The *Standards* maintain that all staff working inside detention facilities must be trained to recognize signs and situations that potential indicate a suicide risk, to act to prevent suicides with appropriate sensitivity, supervision and referrals and to provide any at-risk detainee with preventative supervision and treatment.¹⁵⁷

PRJ meets this section of the *Standards*. Facility procedures provide for assessment and prevention of suicide risk beginning with a detainee's initial health assessment and continuing throughout his/her detainment.¹⁵⁸ The Facility's suicide prevention and intervention progress is to be carried out by all employees who come into contact with the detainees.¹⁵⁹

C. Detainee Classification

The *Standards* suggest that detention facilities use a classification system and physically separate detainees in different categories.¹⁶⁰ A detainee's classification is to be determined by "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary

¹⁵³ Detention Operations Manual, Health Services, Standard 2, Section III.M.

¹⁵⁴ Pamunkey Regional Jail, Institutional Operations, Section 4E-46.

¹⁵⁵ Detention Operations Manual, Health Services, Standard 2, Section III.L.

¹⁵⁶ Pamunkey Regional Jail, Institutional Operations, Section 4E-42.

¹⁵⁷ Detention Operations Manual, Health Services, Standard 3, Section I.

¹⁵⁸ Pamunkey Regional Jail, Institutional Operations, Section 4E-34.

¹⁵⁹ Pamunkey Regional Jail, Institutional Operations, Section 4E-34.

¹⁶⁰ Detention Operations Manual, Detainee Services, Standard 4, Section I.

history, violent incidents, etc.¹⁶¹ Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.¹⁶² Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.¹⁶³

Additionally, all facility classification systems must allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.¹⁶⁴ Finally, the detainee handbook’s section on classification must include (1) an explanation of the classification levels, with the conditions and restrictions applicable to each, and (2) the procedures by which a detainee may appeal his classification.¹⁶⁵

PRJ does not fully meet this section of the Standards. PRJ has the capacity for segregation as it possesses both “minimum” and “medium” security units.¹⁶⁶ However, the Facility is by and large unable to make appropriate classifications of detainees upon entry to the jail because the Facility lacks the background information about the detainees needed to make such assessments.¹⁶⁷ When a detainee arrives at PRJ, the only information provided to the staff is his/her name, country of origin, and alien number.¹⁶⁸ Thus, the lack of proper information makes it impossible for the staff initially to separate non-violent from violent detainees.

However, PRJ strives to classify and segregate detainees when evidence of criminal history and violence is available.¹⁶⁹ PRJ does not base such classifications on opinions or unconfirmed information, or solely on physical characteristics and appearance.¹⁷⁰ Opportunities for classification and segregation tend to exist in two situations. First, PRJ apparently has received many detainees who are members of an El Salvadoran gang called MS-13.¹⁷¹ If a detainee identifies himself as a member of MS-13 and is deemed dangerous, he is segregated into a “medium” security unit.¹⁷² However, PRJ officials do not automatically segregate a detainee simply because s/he has gang tattoos or other markings. Instead, PRJ staff assesses whether the detainee is an active gang member and dangerous through an interview.¹⁷³ Second, detainees are

¹⁶¹ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

¹⁶² Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

¹⁶³ Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & E.

¹⁶⁴ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G. & H.

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

¹⁶⁶ Observations of delegation member [redacted] b6

¹⁶⁷ Notes of delegation member [redacted] e, on conversation with Officer [redacted]

¹⁶⁸ Notes of delegation member [redacted] e, on conversation with Officer [redacted] b6, b7C

¹⁶⁹ Notes of delegation member [redacted] e, on conversation with Officer [redacted]

¹⁷⁰ Notes of delegation member [redacted] b6 e, on conversation with Captain [redacted]

¹⁷¹ Notes of delegation member [redacted] e, on conversation with Captain [redacted] b6, b7C

¹⁷² Notes of delegation member [redacted] e, on conversation with Captain [redacted]

¹⁷³ Notes of delegation member [redacted] e, on conversation with Captain [redacted] As Captain

[redacted] b)(6), (b)(7) explained, it would be unfair to segregate someone just because of his tattoo when he may have he gang as a young person and since dropped out.

segregated into “medium” security when they commit a dangerous infraction while housed in the “minimum” security portion of the Facility.¹⁷⁴

The Inmate Handbook has a section on classification, but it does not include an explanation of the classification levels with the conditions and restrictions applicable to each.¹⁷⁵

D. Voluntary Work Program

The *Standards* suggest that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”¹⁷⁶ Participation must be voluntary, and detainees may not work more than eight hours per day, and 40 hours per week.¹⁷⁷

PRJ does not meet this section of the *Standards*, however this may be due to the temporary nature of PRJ. PRJ does not have in place any voluntary work program through which detainees might earn money.¹⁷⁸ PRJ staff implied that this could be a function of PRJ being a temporary holding station where detainees are rarely held for more than a month.¹⁷⁹

E. Grievance Procedures

The *Standards* recommend that each facility develop operating procedures that address detainee grievances including emergency grievances and guarantee against reprisals.¹⁸⁰ The grievance procedure should also include provisions for translation and assistance to detainees needing help with filing a grievance.¹⁸¹ A grievance procedure should also allow informal oral reporting within five days of the incident.¹⁸²

PRJ appears to meet this section of the *Standards*. The Inmate Handbook describes a grievance procedure that allows for filing of formal complaints and informal resolution, though it does not include provisions for oral reporting.¹⁸³ Based on our interviews with PRJ personnel, it appears that in practice the facility allows oral reporting of grievances. PRJ personnel did not report any problems with the grievance procedure, however, the detainees with whom we spoke had not used the grievance procedure.¹⁸⁴

¹⁷⁴ Notes of delegation member [redacted] on conversation with Captain [redacted]

¹⁷⁵ PRJ Inmate Handbook at p. 10.

¹⁷⁶ Detention Operations Manual, Detainee Services, Standard 18, Sections I & III.A.

¹⁷⁷ Detention Operations Manual, Detainee Services, Standard 18, Sections III.A. & H.

¹⁷⁸ Notes of delegation member [redacted] on conversation with Captain [redacted]

¹⁷⁹ Notes of delegation member [redacted] based on conversations with Officer [redacted]

¹⁸⁰ Detention Operations Manual, Detainee Services, Standard 5, Section I & III.C & D.

¹⁸¹ Detention Operations Manual, Detainee Services, Standard 5, Section III.A.

¹⁸² Detention Operations Manual, Detainee Services, Standard 5, Section III.A.1.

¹⁸³ PRJ Inmate Handbook at pp. 43-44.

¹⁸⁴ Notes of delegation member [redacted] based on conversations with Officers [redacted] and anonymous detainees.

F. Religious Practices

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.¹⁸⁵ According to the *Standards*, these “opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is ‘mainstream,’ whether the religion is ‘Western’ or ‘Eastern,’ or other such factors. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”¹⁸⁶

PRJ does provide opportunity for religious practice. According to PRJ staff, each unit has a classroom that is used for worship services.¹⁸⁷ It was further explained that worship services for the Christian, Jewish, Muslim and Buddhist faiths are provided.¹⁸⁸

G. Disciplinary Policy

The *Standards* preclude discipline that uses corporal punishment, deviation from normal food, or deprivation of clothing, bedding, personal hygiene products, physical exercise, telephone access, correspondence, or access to law libraries.¹⁸⁹ Detainees ordinarily retain visiting privileges while in administrative or disciplinary segregation.¹⁹⁰ Facilities shall have graduated scales of offenses and disciplinary consequences.¹⁹¹ Disciplinary segregation is to be limited to 60 days.¹⁹²

PRJ does not fully meet this section of the *Standards*. Neither of the immigration detainees at the Facility when we visited had been disciplined, so our review of PRJ’s disciplinary policy is based on the Detainee Handbook and interviews of PRJ personnel. PRJ appears to follow much of this section of the *Standards*, including an appropriate hearing and appeals procedure. However, PRJ does not allow detainees in segregation to have any visitation aside from legal visits, and does not allow detainees in segregation to go outside.¹⁹³ Each detainee in segregation is allowed one hour per day outside the cell to use the shower, phone and read the papers.¹⁹⁴

H. Staff-Detainee Communication

¹⁸⁵ Detention Operations Manual, Detainee Services, Standard 14, Section I.

¹⁸⁶ Detention Operations Manual, Detainee Services, Standard 14, Section I.

¹⁸⁷ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

¹⁸⁸ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

¹⁸⁹ Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

¹⁹⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5.

¹⁹¹ Detention Operations Manual, Security and Control, Standard 5, Section III.I.

¹⁹² Detention Operations Manual, Security and Control, Standard 5, Section III.H.

¹⁹³ PRJ Inmate Handbook at 20; notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

¹⁹⁴ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

A certain level of contact between ICE staff and the staff at a detention facility is necessary to ensure proper oversight of detention conditions. The *Standards* suggest both weekly ICE visits as well as unscheduled visits.¹⁹⁵

PRJ meets this section of the *Standards*. PRJ staff confirmed that they have both the office and cell phone numbers of ICE staff, and communicate with them regularly. They estimate that they had contact with ICE roughly 3-4 times each week, and it is initiated from both sides.

On our tour of the Facility, an ICE official joined our delegation.¹⁹⁶ He works with the PRJ and confirmed that representatives from ICE and the Facility's staff are often in contact. He also noted that an ICE officer lives in the surrounding area and is in touch with the Facility either by phone or in person roughly three times each week.

I. Detainee Transfer Policy

The ICE Detention Standard on Detainee Transfer requires the notification of attorneys of detainees who have filed Forms G-28 after the transfer has been made.¹⁹⁷ Transfers may be made for the following reasons: medical need, EOIR change of venue, recreation, security and other needs of ICE.¹⁹⁸ Prior to transfer, the detainee's A-file must be organized, and include relevant forms and information.¹⁹⁹ Detainees should be given the opportunity to place a phone call after transfer, and should be fed during transfer if longer than six hours or if the transfer is over a meal time.²⁰⁰

It appears that ICE meets part of this Standard at PRJ. We were unable to talk to any detainees who had been transferred, thus all of our information about transfers came from ICE officer [REDACTED]. According to Officer [REDACTED] ICE notifies attorneys after detainee transfer by phone in most cases, and if not, by letter. If a family member calls, they will be told that the detainee has been transferred, and the new facility will be identified after the detainee has arrived there.²⁰² The vast majority of PRJ immigration detainees are transferred to Hampton Roads or Piedmont, neither of which are more than six hours away.²⁰³ If detainees are transferred during meal times, they are fed on arrival at the new facility.²⁰⁴ Detainees who are

¹⁹⁵ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

¹⁹⁶ Notes of delegation member [REDACTED] on conversation with ICE Officer [REDACTED]

¹⁹⁷ Detention Operations Manual, Security and Control, Standard 4, Section III.A.1.

¹⁹⁸ Detention Operations Manual, Security and Control, Standard 4, Section III.B.

¹⁹⁹ Detention Operations Manual, Security and Control, Standard 4, Section III.D.

²⁰⁰ Detention Operations Manual, Security and Control, Standard 4, Section III.G & H.

²⁰¹ Notes of delegation member [REDACTED] based on conversation with [REDACTED]

²⁰² Notes of delegation member [REDACTED] based on conversation with [REDACTED]

²⁰³ Notes of delegation member [REDACTED] based on conversation with [REDACTED]

²⁰⁴ Notes of delegation member [REDACTED] based on conversation with [REDACTED]

coming from the Washington metropolitan area are fed at the Fairfax ICE facility.²⁰⁵ Detainees may keep papers on their person when they are transferred.²⁰⁶

V. CONCLUSION

The Pamunkey Regional Jail meets many of the *ICE Detention Standards* but also fails to meet a number of sections.

- To facilitate legal visitation, PRJ should make it clear to detainees that their attorneys are free to visit them seven days a week by changing the Handbook to conform to PRJ practice.
- To facilitate visitation by family and friends, visitation should be allowed on weekends.
- PRJ should not cut off phone calls before 20 minutes have expired and should not limit legal phone calls unless necessary. To provide adequate telephone access to detainees, PRJ should look into lowering the costs for telephone calls. Presently, the cost appears to be prohibitive to the extent that detainees wishing to make calls cannot do so due to high costs.
- PRJ staff should not record or monitor legal phone calls (absent a court order), and if regular phone calls are monitored, PRJ should provide detainees with the procedure for obtaining an unmonitored call for legal purposes.
- To establish that detainees are properly classified, PRJ staff should put in place procedures that will enable them to more adequately gain information about detainees' backgrounds and classify them accordingly.
- PRJ staff should create a voluntary work program.

²⁰⁵ Notes of delegation member [REDACTED] based on conversation with [REDACTED]

²⁰⁶ Notes of delegation member [REDACTED] based on conversation with [REDACTED]

Facility Name: **Pamunkey Regional Jail, Ashland, VA**

Date of Tour: **July 18, 2005**

Tour Participants: Latham & Watkins LLP attorneys and summer associates

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

	ICE Standard*	Delegation Observation	Source	ICE Response
1.	Standard 17, Visitation <ul style="list-style-type: none"> ▪ III.H.1. Visits shall be permitted during set hours on Saturdays, Sundays, and holidays. 	<ul style="list-style-type: none"> ▪ Visits are not permitted on weekends. (p.6 ¶2) 	Inmate Handbook	
2.	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"> ▪ Telephone access rules are not posted where they can easily be found by detainees. (p.7 ¶1) 	Delegation observations	
3.	Standard 16, Telephone Access <ul style="list-style-type: none"> ▪ III.E. The facility shall enable all detainees to make calls to the INS-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party. ▪ III.F. 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 rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones. If time limits are necessary for such calls, they shall be no shorter than 20 minutes 	<ul style="list-style-type: none"> ▪ Staff explained that the phones had consulate numbers pre-programmed into them. However, there was no individualized listing of such numbers or of numbers for legal services providers by the phones. (p.7 ¶¶5, 4) ▪ There is a 15-minute time limit on telephone calls made from the housing units. (p.8 ¶2) 	Officer [redacted] delegation observations Inmate Handbook	
4.	Standard 16, Telephone Access <ul style="list-style-type: none"> ▪ III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible. When facility staff receives an emergency telephone call for a detainee, the caller's name and telephone number will be obtained and given to the detainee as soon as possible. 	<ul style="list-style-type: none"> ▪ Incoming phone calls and messages are generally not accepted at the Facility. However, staff will try either to bring the detainee to the phone for a call or, alternatively, try to schedule a call with the attorney soon after a call when the detainee can be brought to the front office to receive the call. (p.8 ¶4) ▪ The Handbook states that if a message is "verified" as an emergency, it will be delivered to an inmate. (p.8 ¶4) 	Inmate Handbook; Officer [redacted] Inmate Handbook	

5.	<p>Standard 16, Telephone Access</p> <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. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order. 	<ul style="list-style-type: none"> The only telephones available to detainees are located in public spaces. (p.9 ¶3) While PRJ staff indicated that there was no policy to monitor legal calls actively, the right to do so is explicitly reserved in the Handbook. Moreover, PRJ staff indicated that there may be some random monitoring of phone activity. (p.9 ¶4) 	<p>Delegation observations</p> <p>Detainee Handbook; Officer [REDACTED]</p>	
6.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.B. Equipment. The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper and office supplies to enable detainees to prepare documents for legal proceedings. 	<ul style="list-style-type: none"> The law library has one computer that delegation members were unable to turn on, and which was not connected to a printer. (p.10 ¶2) Detainees are not routinely provided access to typewriters or computers to prepare legal documents; typing is provided for a fee. (p.10 ¶2) The library does not have a copy of the Florence Project's "Know your Rights" video. (p.10 ¶4) 	<p>Delegation observations</p> <p>Officer [REDACTED]</p> <p>Officer [REDACTED]</p>	
7.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> I. Facilities ... shall permit detainees access to a library, and provide legal materials, ... and the opportunity to prepare legal documents. 		<p>Officer [REDACTED]</p>	
8.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.G. Each detainee shall be permitted to use the law library for a minimum of five (5) hours per week. 	<ul style="list-style-type: none"> Detainees may sign up in their housing unit to use the library for one hour, one day per week. Detainees may request additional time. (p.11 ¶3) 	<p>Officers [REDACTED] and [REDACTED] and Sgt. [REDACTED]</p>	
9.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> III.M. Copies of health records may be released by the facility health care provider directly to a detainee, or any person designated by the detainee, upon receipt by the facility health care provider of a written authorization from the detainee. 	<ul style="list-style-type: none"> The facility only permits detainees to access their medical records through court order. (p.18 ¶2) 	<p>Pamunkey Regional Jail Operational Standards</p>	
10.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> III.A.1. All detainees are classified upon arrival, before being admitted into the general population. [ICE] will provide CDFs and IGSA facilities with the data they need from each detainee's file to complete the classification process. III.F. The classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security. 	<ul style="list-style-type: none"> The Facility is generally unable to make appropriate classifications of detainees upon entry to the Facility because the Facility lacks the background information about the detainees needed to make such assessments. The only information provided to the staff is name, country of origin, and alien number. (p.19 ¶3) PRJ strives to classify and segregate detainees when evidence of criminal history and violence is available. (p.19 ¶4) 	<p>Officer [REDACTED]</p> <p>Officer [REDACTED]</p>	

11.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> III.I. The detainee handbook's section on classification will include the following: 1. An explanation of the classification levels with the conditions and restrictions applicable to each. 	<ul style="list-style-type: none"> The Inmate Handbook has a section on classification, but it does not include an explanation of the classification levels with the conditions and restrictions applicable to each. (p.20 ¶6) 	Inmate Handbook	
12.	<p>Standard 18, Voluntary Work Program</p> <ul style="list-style-type: none"> I. Every facility with a work program will provide detainees the opportunity to work and earn money. 	<ul style="list-style-type: none"> There is no voluntary work program through which detainees might earn money. (p.20 ¶4) Staff implied that this could be because PRJ is a temporary holding station where detainees are rarely held for more than a month. (p.20 ¶4) 	<p>Captain b6 b7 Officer</p>	
13.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> III.H.5. A detainee shall ordinarily retain visiting privileges while in administrative or disciplinary segregation status. <p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> III.A.3. Staff may not impose or allow imposition of the following sanctions: ... deprivation of physical exercise unless such activity creates an unsafe condition. 	<ul style="list-style-type: none"> PRJ does not allow detainees in segregation to have any visitation aside from legal visits, and does not allow detainees in segregation to go outside. (p.21 ¶4) 	<p>Detainee Handbook; Sergeant b6 b7</p>	