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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 (“ABA”) Delegation to Santa Ana Detention Facility<sup>1</sup>

**File no:** 502130-0022

**Copies to:** [REDACTED] ABA Commission on Immigration

**Subject:** Report on Tour of the Santa Ana Detention Facility, Santa Ana, California

This Report summarizes and evaluates information gathered at the Santa Ana Detention Facility (“SADF,” “Santa Ana,” or “the Facility”) in Santa Ana, California during the delegation’s June 30, 2005 observational visit to the Facility. During the visit, the delegation interviewed four detainees, and conducted discussions with personnel from the Facility.

## I. ICE DETENTION STANDARDS

In November 2000, the Immigration and Naturalization Service (“INS”) promulgated the “*INS Detention Standards*” (“the *Standards*”)<sup>2</sup> 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.

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<sup>1</sup> The Santa Ana Detention Facility Delegation Members were [REDACTED] a Partner at Latham & Watkins LLP, [REDACTED] an Associate at Latham and Watkins LLP and three Summer Associates at Latham and Watkins LLP, [REDACTED] and [REDACTED]

<sup>2</sup> Effective March 1, 2003, the INS ceased to exist as an agency of the Department of Justice. The INS’ immigration enforcement functions previously were 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.

## II. INTRODUCTION

### A. The Delegation's June 30, 2005 Visit

On Thursday, June 30, 2005, members of our delegation met with several members of the Santa Ana Detention Facility staff in Santa Ana, California. The staff provided an overview of the Facility and the general procedures concerning immigrant detainees. Detention Supervisor [REDACTED] b6, b7C was our main contact person for the visit. Ms. [REDACTED] b6, b7C led our tour and answered the majority of our questions before, during, and after the tour. During our tour we also met with Detention Manager [REDACTED] b6, b7C and Health Services Supervisor [REDACTED] b6. Our guides were very knowledgeable about the Facility and were also very helpful in answering our questions. The delegation greatly appreciates the cooperation of these helpful individuals.

### B. The Delegation's Final Report

The following Final Report is based on the delegation's discussions with the identified Santa Ana Detention Facility employees during the tour, observations during the tour, and interviews with four immigration detainees at the conclusion of the visit. In many instances, the detainees' comments were compatible with statements made by Facility personnel and/or our observations. In such cases, the delegation was able to more accurately determine whether Santa Ana Detention Facility policy and procedures successfully implemented the *Standards*. However, in certain instances, the detainees' comments conflicted with statements made by Facility personnel. Where we were unable to verify the conflicting reports, the delegation was unable to conclusively determine whether the *Standards* have been implemented.

### C. General Information About the Santa Ana Detention Facility

The Santa Ana Detention Facility holds immigrant detainees under contract with U.S. Immigration and Customs Enforcement (ICE). The Facility is owned and operated by the City of Santa Ana. The Facility houses immigration detainees as well as Pay-to-Stay inmates and inmates from the U.S. Marshal, the State Parole, Juvenile Probation, Drug Court, and the California Youth Authority. The Santa Ana Detention Facility also provides courtesy holds for various agencies. According to the Santa Ana Detention Facility personnel, the Facility has capacity for around 482 individuals, plus another 25 in the transfer room.<sup>3</sup> There are currently 55 long-term detainees.

The Santa Ana Detention Facility houses both criminal and non-criminal inmates. Modules that contain both criminal and non-criminal inmates have a lockdown structure that prevents interaction between the two groups.

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<sup>3</sup> Conversation with Ms. [REDACTED] b6, b7C

Facility personnel said that the Facility housed immigration detainees from many different countries, with the majority from Mexico, but others from Russia, Armenia, Iraq, Guatemala, El Salvador, China, and the former Yugoslavia.<sup>4</sup>

### III. IMPLEMENTATION OF LEGAL ACCESS PROVISIONS OF ICE DETENTION STANDARDS

#### A. Legal Access/Visitation<sup>5</sup>

##### 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.<sup>6</sup> Visits that extend through a scheduled meal should not be interrupted and a meal should be provided for the detainee following the visit.<sup>7</sup> The rules and hours for these visits should be properly communicated to detainees.<sup>8</sup> Legal visits from legal assistants should be allowed with the proper authorization.<sup>9</sup> Interpreters should be allowed to accompany legal representatives.<sup>10</sup> The *Standards* require that attorneys and legal assistants present some form of legal identification.<sup>11</sup> Bar membership cards are preferable, but if unavailable, some other form of legal identification should be allowed.<sup>12</sup> Legal representatives should be able to call a facility to confirm that a detainee remains housed at that facility.<sup>13</sup> Private rooms should be available for meetings between legal representatives and detainees.<sup>14</sup>

**The Facility appears substantially to have implemented this portion of the *Standards*.** Attorneys may visit at any time, twenty-four hours a day, seven days a week.<sup>15</sup> According to Ms. Rubalcaba, detainees' attorneys generally do not schedule their visits ahead of time.<sup>16</sup> Usually, attorneys come to the Facility during working hours.<sup>17</sup> After the attorney

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<sup>4</sup> *Id.*

<sup>5</sup> All general information in this Section was provided during conversations with Ms. [REDACTED] b6, b7C

<sup>6</sup> Detention Operations Manual, Detainee Services, Standard 17, III.I.2.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at III.I.3.b.

<sup>10</sup> *Id.* at III.I.2.c.

<sup>11</sup> *Id.* at III.I.4.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at III.I.6.

<sup>14</sup> *Id.* at III.I.9.

<sup>15</sup> Observation of delegation member [REDACTED] b6 from conversation with Ms. [REDACTED] b6, b7C

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

presents his/her bar card to the Facility, the Facility checks that he/she is the attorney of record.<sup>18</sup> Then, the attorney can meet with his/her client on a first-come, first-served basis.<sup>19</sup> Interpreters who have been cleared by the Facility may accompany the attorney.<sup>20</sup> Law students with a supervisory attorney also are welcome. However, an “attorney’s investigator”<sup>21</sup> may only visit a detainee if he/she has a court order.<sup>22</sup> Similarly, independent medical service providers or medical experts are allowed into the Facility to see a detainee only with a court order.<sup>23</sup> Attorney-client meetings have no set time limit.<sup>24</sup> Ms. [REDACTED] b6, b7C reported that if a detainee misses a meal due to a meeting with his/her attorney, the detainee will be fed later.<sup>25</sup>

Any attorney can have either a contact or a non-contact visit. If a detainee has a non-contact visit with his/her attorney, the detainee meets with the attorney in the module’s non-contact visiting booths.<sup>26</sup> The visiting booths do not allow for complete privacy, although the Facility reports that it does not listen to the conversations.<sup>27</sup> In the non-contact visiting booth designated for attorneys, there is a slot through which the parties can exchange paper work.<sup>28</sup> If a detainee wants a contact visit with his/her attorney, the Facility has two official contact rooms available, but as many as four contact rooms can be made available if needed.<sup>29</sup> Although the Facility does not listen to conversations between lawyers and detainees, the contact rooms are enclosed with glass, allowing the Facility to observe the parties in the room.<sup>30</sup> In the event of a contact visit, a detainee afterwards will be thoroughly strip-searched in a private room, one-on-one with an officer of the same sex to ensure that no outside contraband was concealed by the detainee during the contact visit.<sup>31</sup>

While the *Standards* on searches after visitation does allow strip-searches after contact visits with a legal representative, it instructs that each detainee receive a copy of the search procedure in the detainee handbook or equivalent upon admission to the facility.<sup>32</sup> The handbook provided by the Facility, the Santa Ana Jail Inmate Orientation Handbook (the

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Term used by Ms. [REDACTED] b6, b7C to describe legal assistants.

<sup>22</sup> Observation of delegation member [REDACTED] b6 from conversation with Ms. [REDACTED] b6, b7C

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> Detention Operations Manual, Detainee Services, Standard 17, III.I.11.

“Handbook”), however, does not include a section on strip-searches. The Facility is in accord with the *Standards* by requiring that searches be performed by an officer of the same sex as the detainee being searched and providing the option of a non-contact visit, should the detainee prefer not to be searched.<sup>33</sup>

## 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.<sup>34</sup> Facilities should also make an effort to accommodate the scheduling needs of visitors for whom the schedule poses a hardship.<sup>35</sup> Facilities are encouraged to schedule visiting hours for both weekend days.<sup>36</sup> 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.<sup>37</sup>

**The Facility appears to have implemented most of this portion of the *Standards*.** There are regular visiting hours at the Facility. According to the Handbook, visiting hours are from 10 a.m. until 10 p.m. seven days a week, excluding lockdown periods.<sup>38</sup> The Facility has printed cards which list the current visitation schedule and are available for visitors.<sup>39</sup> The family visitation schedule is posted in the modules.<sup>40</sup>

Detainees are allowed three visits a week, each lasting an hour.<sup>41</sup> Personal visits will not be allowed on the day an inmate is scheduled for court.<sup>42</sup> Visits may resume after court appearances for “contract hold inmates,” meaning inmates at SADF because of SADF’s contracts with various agencies.<sup>43</sup> A maximum of three adult visitors, and a maximum of five visitors in any minor/adult combination, are allowed per visit.<sup>44</sup> Minors may only visit if accompanied by an adult.<sup>45</sup>

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<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at III.A.

<sup>35</sup> *Id.* at III.H.1.

<sup>36</sup> *Id.* at III.H.1.

<sup>37</sup> *Id.* at III.H.2.d.

<sup>38</sup> Santa Ana Jail Inmate Orientation Handbook at 2.

<sup>39</sup> Observation of delegation member [REDACTED] b6

<sup>40</sup> Observation of delegation member [REDACTED] b6

<sup>41</sup> Santa Ana Jail Inmate Orientation Handbook at 3.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at 2.

The detainees with whom we talked generally were aware of the policies regarding visits with their family and friends.<sup>46</sup> These visits may take place in the visiting rooms at the top of each module.<sup>47</sup> Each visiting room has eight or more non-contact visiting booths. These visiting booths generally were adequate and quiet, but not necessarily private. Because the visiting booths were fully windowed, officers could monitor the visit if they so desired. It is not routine, however, for an officer to monitor a visit. Ms. [b6, b7C] stated that the Facility did not listen to visits with family and friends.<sup>48</sup>

The visitation policy at the SADF does not allow contact visits with family and friends.<sup>49</sup> Detainees only are allowed contact visits with their attorneys. As a result, detainees may not hug or touch in any way any member of their family who visits them at the Facility, including their own children. Both criminal and non-criminal detainees are subject to this policy. The rationale behind this policy is the Facility's fear of the possible infiltration of contraband if contact visits are allowed.<sup>50</sup> Though the *Standards* allow for the limitation of contact visits to minimize opportunities for introduction of contraband,<sup>51</sup> the *Standards* also state that ordinarily "handshaking, embracing, and kissing" are permitted at the beginning and end of a visit.<sup>52</sup>

## B. Telephone Access<sup>53</sup>

### 1. Access, Number, and Time Limit of Telephones

**Applicable Standards.** The *Standards* suggest that facilities provide detainees with "reasonable and equitable access to telephones during established Facility waking hours."<sup>54</sup> There must be at least one telephone per 25 detainees.<sup>55</sup> The Facility may not limit the number of legal calls a detainee makes. If time limits on legal calls are necessary, these limits should be no shorter than 20 minutes.<sup>56</sup> Non-legal calls should be restricted in number and duration based only on usage demands, operational concerns, and emergencies.<sup>57</sup>

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<sup>46</sup> Interview of Detainee [b6, b7C] conducted by delegation members [b6] and [b6]. Interview of unnamed Male Detainee conducted by delegation members [b6] and [b6].

<sup>47</sup> Observation of delegation member [b6].

<sup>48</sup> *Id.*

<sup>49</sup> Observation of delegation member [b6] from conversation with Ms. [b6, b7C].

<sup>50</sup> *Id.*

<sup>51</sup> Detention Operations Manual, Detainee Services Standard 17, Section III.H.4.

<sup>52</sup> *Id.*

<sup>53</sup> All general information in this Section was provided during conversations with Ms. [b6, b7C].

<sup>54</sup> Detention Operations Manual, Detainee Services Standard 16, Section III.A.

<sup>55</sup> *Id.* at III.C.

<sup>56</sup> *Id.* at III.F.

<sup>57</sup> *Id.*

**The SADF appears to have implemented this portion of the *Standards*.** There are four telephones in each housing module of 64 inmates, which is more than sufficient to meet the one telephone per 25 detainees requirement. Telephone access also is sufficient. Detainees can use the phones throughout the day when they are not locked-down, from 7:00 a.m. to 12:00 noon, 2:00 p.m. to 5:30 p.m., and 7:00 p.m. to 11:00 p.m.<sup>58</sup> All detainees interviewed reported ready access to the phones.<sup>59</sup> Detainees held in administrative segregation have access to the phone one hour per day. During these hours, there is no time limit on telephone usage.

## 2. *Payment Options*

**Applicable Standards.** When telephone service generally is limited to collect calls as it is in the SADF, the *Standards* instruct facilities to permit detainees to make direct calls to immigration courts, consulates, pro bono providers, and other immigration service providers.<sup>60</sup> The facility should allow indigent detainees to call each of these providers at no charge if the call is local.<sup>61</sup> The facility further “shall enable all detainees to make calls to the INS [now, ICE]-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.”<sup>62</sup>

**The SADF appears to have partially implemented this portion of the *Standards*.** All long distance calls made from the SADF housing modules are made collect or paid for with a calling card, and local calls are made without charge.<sup>63</sup> Detainees can purchase calling cards from the commissary. One detainee mentioned that these calling cards sell for \$25.00 and allow for 21 minutes of phone time, whether the call is within the United States or international.<sup>64</sup> This cost of more than a dollar per minute seems exorbitant. Indigent detainees, defined as those with less than \$5.00 in their accounts, can use an ICE-issued code to make free calls. However, one male detainee was not aware of an ICE code for attorney calls,<sup>65</sup> and there is no mention of it in the Handbook.

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<sup>58</sup> Observation of delegation member [REDACTED] b6 from conversation with Ms. [REDACTED] b6, b7C

<sup>59</sup> Interview of Detainee [REDACTED] b6, b7C conducted by delegation members [REDACTED] b6 and [REDACTED] b6. Interview of Detainee [REDACTED] b6, b7C conducted by delegation members [REDACTED] b6, [REDACTED] b6 and [REDACTED] b6. Interview of unnamed Male Detainee conducted by delegation members [REDACTED] b6 and [REDACTED] b6. Interview of unnamed Male Detainee conducted by delegation members [REDACTED] b6, [REDACTED] b6, [REDACTED] b6.

<sup>60</sup> Detention Operations Manual, Detainee Services Standard 16, III.E.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> Observation of delegation member [REDACTED] b6 from conversation with Ms. [REDACTED] b6, b7C

<sup>64</sup> Interview of Detainee [REDACTED] b6, b7C conducted by delegation members [REDACTED] b6, [REDACTED] b6, and [REDACTED] b6

<sup>65</sup> Interview of unnamed Male Detainee conducted by delegation members [REDACTED] b6 and [REDACTED] b6.

### 3. *Messages, Privacy, and Monitoring of Telephone Calls*

**Applicable Standards.** The *Standards* instruct that “the facility ... take and deliver telephone messages to detainees as promptly as possible.”<sup>66</sup>

**The SADF does not appear to have implemented this portion of the *Standards*.** The SADF has a policy of not taking or delivering phone messages,<sup>67</sup> a policy not permitted by the *Standards*.

**Applicable Standards.** The *Standards* for privacy state that the “facility shall provide a reasonable number of telephones on which detainees can make [legal] calls without being overheard by officers, other staff, or other detainees.”

**The SADF does not appear to have implemented this portion of the *Standards*.** Telephone usage in the Santa Ana Facility occurs primarily in the common rooms. Detainees may use holding cells in the booking area for privacy, but only in “special circumstances, [such as a] court order.”<sup>68</sup> The Facility does not provide a “reasonable number” of telephones from which detainees can make private legal calls.

**Applicable Standards.** The *Standards* instruct facilities to “provide telephone access rules in writing to each detainee upon admittance, and also to post these rules where detainees may easily see them.”<sup>69</sup>

**The SADF appears to have implemented this portion of the *Standards*.**<sup>70</sup> The Santa Ana telephone policy is written and detailed in the Handbook.<sup>71</sup> There are notices at each telephone stating that calls are subject to monitoring. Legal calls are not monitored if the detainee alerts the Facility by placing his attorney’s phone number in the Facility file. When that number is dialed, the call is not monitored.

#### C. **Access to Legal Material**

**Applicable Standards.** According to the *Standards*, each ICE Detention facility shall provide a law library and allow detainees access to updated legal materials and other equipment necessary to facilitate detainees’ legal research and writing.<sup>72</sup> The *Standards* also outline specific recommendations concerning facility conditions, holdings, equipment, access, and procedures.

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<sup>66</sup> Detentions Operations Manual, Detainee Services Standard 16, III.I.

<sup>67</sup> Conversation with Ms. [REDACTED] b6, b7C

<sup>68</sup> *Id.*

<sup>69</sup> Detentions Operations Manual, Detainee Services Standard 16, III.B.

<sup>70</sup> Detentions Operations Manual, Detainee Services Standard 16, III.K.

<sup>71</sup> Santa Ana Jail Inmate Orientation Handbook at 3.

<sup>72</sup> Detention Operations Manual, Detainee Services Standard 1, III.A, B, J, N.

**The SADF appears substantially to have implemented this portion of the Standards.** The Facility has not implemented all specific requirements outlined by the *Standards*.

**1. Library Conditions**

**Applicable Standards.** The *Standards* instruct that the library should be in a designated room, reasonably isolated from noisy areas, and sufficiently large to accommodate all detainees who request its use.<sup>73</sup>

**SADF does not appear to have implemented this portion of the Standards.** The library system is entirely computerized, with one available computer per module.<sup>74</sup> In the male units, the computer is located in the noisy common area.<sup>75</sup> In the female module, the computer station is located in the multi-purpose room/classroom and separated from the general common area.<sup>76</sup> There is minimal workspace and the system may only be accessed by one detainee at a time.<sup>77</sup>

**2. Equipment<sup>78</sup>**

**Applicable Standards.** The *Standards* state that the library facility provide adequate equipment, including typewriters and/or computers, writing implements, paper, and access to document copying, to enable detainees effectively to conduct research and prepare documents.<sup>79</sup>

**SADF appears only partially to have implemented this portion of the Standards.** General office supplies are available, but must be purchased from the Commissary.<sup>80</sup>

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<sup>73</sup> *Id.* at III.A.

<sup>74</sup> Observation of delegation member [REDACTED].

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> The level of detainee awareness and use of the library facilities is difficult to gauge, but appears minimal. None of the detainees interviewed had ever personally used the library or computer system, though all were represented by outside counsel and relied on them. Some detainees interviewed had used the system. One female detainee demonstrated generally how it worked, and a couple of detainees had created files on the system. Interview of Detainee [REDACTED] conducted by delegation member [REDACTED]. Interview of Detainee [REDACTED] conducted by delegation members [REDACTED], and [REDACTED]. Interview of unnamed Male Detainee conducted by delegation members [REDACTED] and [REDACTED]. Interview of unnamed Male Detainee conducted by delegation members [REDACTED] and [REDACTED]. Observation of delegation member [REDACTED].

<sup>79</sup> Detentions Operations Manual, Detainee Services, Standard 1, III.B.

<sup>80</sup> Observation of delegation member [REDACTED] from conversation with Ms. [REDACTED].

Exceptions are made for indigent detainees.<sup>81</sup> Detainees have free access to printers and a portable copier that is taken through the modules.<sup>82</sup>

In the male module, no Facility staff member on the tour knew how to turn on the computer. However, it appeared that some detainees did know how to use it. Facility staff indicated that if a detainee wants assistance with the computer, they ask a guard and someone from the staff will be sent.<sup>83</sup> In the female module, the delegation was able to turn on the computer.<sup>84</sup> It appeared to have the capacity for internet access.<sup>85</sup> However, that internet access did not seem operational.<sup>86</sup> In order for detainees to access the internet, they must sign up for a computer class, and then access the internet instead of listening to the instruction.<sup>87</sup> The delegation was unable to determine whether a single computer provides word processing and research assistance adequate to meet the needs of all detainees.

### 3. *Holdings*

**Applicable Standards.** The *Standards* specify that the library holdings should conform to the materials list provided by ICE, a list of the library's holdings should be posted in the facility, and a procedure should be in place to ensure that they are up-to-date.<sup>88</sup>

**SADF appears substantially to have implemented this portion of the *Standards*.** The library has all of the required materials pursuant to *Standard 1*, Attachment A of the *Standards*. The system was installed in February by an ICE representative and contains all of the required materials in electronic form.<sup>89</sup> Because the system had only recently been installed, no updates had been done as of the date of the tour. Ms. [REDACTED] indicated that any future updates would come from the national ICE office.<sup>90</sup> There was no available copy of the

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<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> Observation of delegation members [REDACTED] and [REDACTED] from conversation with Facility Staff.

<sup>84</sup> *Id.*

<sup>85</sup> The female module had a printer attached to the computer workstation, while male detainees printed remotely and had their materials brought to them. Additionally, it is not clear whether the copier is circulated according to a regular schedule or in response to specific detainee requests. Observation of delegation member [REDACTED]

<sup>86</sup> Observation of delegation member [REDACTED] from conversation with Ms. [REDACTED].

<sup>87</sup> *Id.* The only computers hooked up to the internet are those used for computer classes. The only time a detainee can access those computers is during classes, so if a detainee wants to use the internet, he has to sign up for a class, and then work on the internet instead of paying attention the class.

<sup>88</sup> Detentions Operations Manual, Detainee Services, Standard 1, III.E.

<sup>89</sup> Observation of delegation member [REDACTED].

<sup>90</sup> *Id.*

Florence Project's "Know Your Rights" packet as suggested by the *Standards*, and none of the detainees interviewed had ever heard of such a resource.<sup>91</sup>

#### 4. Access

**Applicable Standards.** The *Standards* suggest that each detainee be permitted access to the law library for a minimum of five hours per week, which should not come in lieu of their minimal recreation time, and special priority should be given to requests for additional library time when a detainee is facing a court deadline.<sup>92</sup> Detainees housed in Administrative Segregation or Disciplinary Segregation units shall have the same law library access as the general population, unless compelling security concerns require limitations. Under no circumstances may any detainee be subjected to reprisals, retaliation, or penalties because of a decision to seek judicial relief on any matter.<sup>93</sup>

#### **SADF appears partially to have implemented this portion of the *Standards*.**

Time constraints do not appear to preclude the detainees from accessing legal materials. Detainees may access the library whenever they are not locked down, approximately six hours per day.<sup>94</sup> While this time period overlaps with general recreation and free time, "non-lock-down" periods comprise a sufficient number of hours to provide ready access to the library to the general population. Detainees in Administrative Segregation are allowed access to the library only during their one-hour of recreation each day, contrary to the *Standards* and potentially imposing a significant burden upon a detainee attempting to do legal research.<sup>95</sup> The *Standards* provide that, in the event of a conflict, preference is given for pro per detainees and those facing court deadlines.<sup>96</sup>

#### 5. Assistance

**Applicable Standards.** The *Standards* state that detainees shall be permitted to assist other detainees in researching and preparing legal documents upon request and never for payment, except when such assistance poses a security risk.<sup>97</sup>

**SADF appears substantially to have implemented this portion of the *Standards*.** Several of the detainees indicated that assistance was available from the officers (though none of the Facility officers on duty were familiar with how to work the system) or other

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<sup>91</sup> *Id.* Interview with Detainee [REDACTED] b6, b7C [REDACTED] a and unnamed Male detainee conducted by delegation members [REDACTED] b6 [REDACTED] b6 and [REDACTED] b6

<sup>92</sup> Detentions Operations Manual, Detainee Services, Standard 1, III.G.

<sup>93</sup> *Id.* at III.M, R.

<sup>94</sup> Observation of delegation member [REDACTED] b6

<sup>95</sup> *Id.*

<sup>96</sup> *Id.*

<sup>97</sup> Detentions Operations Manual, Detainee Services, Standard 1, III.K.

inmates/detainees (though one detainee indicated that other inmates often charge for such assistance—a violation of the *Standards*).<sup>98</sup>

## 6. *Personal Legal Materials*

**Applicable Standards.** The *Standards* state that, in the course of using the library, the facility shall permit detainees to retain all personal legal material upon admittance to the general population or segregation, unless such material creates a safety, security, and/or sanitation hazard.<sup>99</sup>

**SADF appears partially to have implemented this portion of the *Standards*.** Like the library system itself, the Facility's personal material retention policy is computer-based. Detainees may create their own password-protected files on the computer, but cannot retain hard copies in their living quarters.<sup>100</sup>

### D. **Correspondence and Other Mail**<sup>101</sup>

**Applicable Standards.** The *Standards* suggest that detainees be able to send and receive correspondence in a timely manner subject only to safety, security, and operational limitations.<sup>102</sup> **The SADF appears partially to have implemented this portion of the *Standards*.**

#### 1. *Mail Inspection*

##### a. General Correspondence

**Applicable Standards.** The *Standards* instruct that the detainee be present when general correspondence or other mail, including packages, is inspected, whether incoming or outgoing, unless otherwise authorized by the OIC.<sup>103</sup> The Facility is to provide both sender and addressee written notice, with explanation, when the Facility rejects incoming or outgoing mail.<sup>104</sup>

**The SADF does not appear to have implemented this portion of the *Standards*.** The Facility routinely opens and skims incoming general correspondence and other mail without the detainee present.<sup>105</sup> Facility personnel also inspect outgoing general

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<sup>98</sup> Observation of delegation member [REDACTED] b6

<sup>99</sup> Detentions Operations Manual, Detainee Services, Standard 1, III.K.

<sup>100</sup> *Id.*

<sup>101</sup> All general information in this Section was provided during conversations with Ms. [REDACTED] b6, b7C

<sup>102</sup> Detention Operations Manual, Detainee Services, Standard 3, I.

<sup>103</sup> *Id.* at III.F.1.

<sup>104</sup> *Id.* at III.G.

<sup>105</sup> Observation of delegation member [REDACTED] b6

correspondence without the detainee present.<sup>106</sup> When incoming mail is rejected, the mail is returned to the sender and, contrary to the *Standards*,<sup>107</sup> no written notice is sent to the sender and the addressee.<sup>108</sup> When outgoing mail is rejected, however, the detainee is provided with signed written notice.<sup>109</sup>

b. Special Correspondence

**Applicable Standards.** For incoming mail, the *Standards* suggest that staff neither read nor copy special correspondence, and that they only inspect for contraband in the presence of the detainee.<sup>110</sup> Outgoing special correspondence is not to be opened, inspected, or read.<sup>111</sup>

**The SADF appears to have implemented this portion of the *Standards*.** Officers do not read or copy incoming special correspondence, and they only inspect the mail for physical contraband with the detainee present. To mail outgoing special mail, the detainee hands the officer unsealed correspondence, the officer then checks for physical contraband and seals the mail.<sup>112</sup>

2. *Postage Allowance*

**Applicable Standards.** The *Standards* for postage instruct that indigent detainees be allowed to mail, at government expense, “at least five pieces of special correspondence and three pieces of general correspondence” per week.<sup>113</sup>

**The SADF appears substantially to have implemented this portion of the *Standards*.** The Facility allows indigent detainees unlimited legal mail, but only two other letters per week.<sup>114</sup> Full implementation of the Standard requires the Facility to allow detainees to mail at least three pieces of non-legal mail per week.

3. *Supplies*

**Applicable Standards.** The *Standards* for supplies suggest that facilities have either a system for detainees to purchase stamps or a process for detainees to mail items at

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<sup>106</sup> *Id.*

<sup>107</sup> Detention Operations Manual, Detainee Services, Standard 3, III.G.

<sup>108</sup> Observation of delegation member [REDACTED] b6

<sup>109</sup> *Id.*

<sup>110</sup> Detention Operations Manual, Detainee Services, Standard 3, III.E.2.

<sup>111</sup> *Id.* at III.F.2.

<sup>112</sup> Observation of delegation member [REDACTED] b6

<sup>113</sup> Detention Operations Manual, Detainee Services, Standard 3, III.I.

<sup>114</sup> Observation of delegation member [REDACTED] b6.

government expense.<sup>115</sup> In addition, the facility is to “provide writing paper, writing implements and envelopes at no cost to detainees.”<sup>116</sup>

**The SADF appears partially to have implemented this portion of the Standards.** While the Facility provides a system for detainees to purchase stamps through the commissary, detainees must purchase paper, envelopes, and pencils.<sup>117</sup>

#### **E. Group Rights Presentations.**

**Applicable Standards.** According to the *Standards*, facilities “shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures.”<sup>118</sup>

**SADF appears to have implemented this portion of the Standards.** At the time of the delegation’s visit, it had been over a year since the last group rights presentation, and no videos had been submitted to the Facility or shown to the detainees.<sup>119</sup> Ms. [REDACTED] b6, b7C indicated that Catholic Charities was preparing to begin regular presentations in the near future, and that the Facility was compiling lists of interested detainees.<sup>120</sup>

### **IV. IMPLEMENTATION OF OTHER PROVISIONS OF THE ICE DETENTION STANDARDS**

#### **A. Recreation**

**Applicable Standards.** According to the *Standards*, “all facilities shall provide INS [now, ICE] detainees with access to recreational programs and activities, under conditions of security and supervision that protect their safety and welfare.”<sup>121</sup>

**SADF appears substantially to have implemented this portion of the Standards.** All inmates are provided with at least the minimum access to recreational activities recommended by the *Standards*, and for inmates other than those in Administrative Segregation, the amount of recreation time exceeds the time required by the *Standards*.

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<sup>115</sup> Detention Operations Manual, Detainee Services, Standard 3, III.I.

<sup>116</sup> *Id.* at III.J.

<sup>117</sup> *See id.* at III.J. (“The facility shall provide writing paper, writing implements and envelopes at no cost to detainees.”).

<sup>118</sup> Detentions Operations Manual, Detainee Services, Standard 9, I.

<sup>119</sup> Observation of delegation member [REDACTED] b6

<sup>120</sup> *Id.*

<sup>121</sup> Detentions Operations Manual, Detainee Services, Standard 13, I.

## 1. Recreation Schedule

**Applicable Standards.** The *Standards* state that each detainee shall have access to outdoor recreation for a minimum of one hour daily, five days a week and to indoor recreation for at least 1 hour each day, and should not be forced to choose between library and recreation privileges.<sup>122</sup> Detainees in administrative or disciplinary segregation should be provided with recreation that is separate from the general prison population, but may be denied recreation for “safety or security purposes.”<sup>123</sup>

**SADF’s access schedule exceeds the recommendations of the *Standards*.** The schedule does not generally differentiate between indoor and outdoor recreation periods. SADF permits detainees to use both the dayroom and outdoor facilities whenever they are not in lockdown.<sup>124</sup> The Facility rotates the lockdowns of criminal and non-criminal inmates so that they are not out of their cells simultaneously.<sup>125</sup> According to interviews with detainees, the amount of non-lockdown time (time available for recreation) averages nearly six hours per day.<sup>126</sup> The detainees in administrative segregation are allowed one hour of recreation per day, seven days per week.<sup>127</sup> Their recreation time does not overlap with other detainees’ recreation periods.<sup>128</sup>

## 2. Indoor Recreation

**Applicable Standards.** The *Standards* indicate that dayrooms should provide “board games, television, and other sedentary activities.”<sup>129</sup>

**SADF appears to have implemented this portion of the *Standards*.** The indoor recreation areas are large open rooms with couches and TVs arranged throughout.<sup>130</sup> An additional TV and sitting area is located upstairs.<sup>131</sup> Each module also has a classroom that is used for scheduled programs, such as classes or religious services.<sup>132</sup> A cart with books is

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<sup>122</sup> *Id.* at III.B.

<sup>123</sup> *Id.* at III.H.

<sup>124</sup> Observation of delegation member [REDACTED] b6

<sup>125</sup> *Id.*

<sup>126</sup> Interview of Detainee [REDACTED] b6, b7C conducted by delegation members [REDACTED] b6 and [REDACTED] b6 Interview of unnamed Male Detainee conducted by delegation members [REDACTED] b6 and [REDACTED] b6

<sup>127</sup> Observation of delegation member [REDACTED] b6

<sup>128</sup> *Id.*

<sup>129</sup> Detentions Operations Manual, Detainee Services, Standard 13, III.G.3.

<sup>130</sup> Observation of delegation member [REDACTED] b6

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

located on the first floor next to the guard's station.<sup>133</sup> In addition, there is a bank of telephones in the center of the room.<sup>134</sup> For meals, tables and chairs are set up throughout the room.<sup>135</sup>

During recreation hours, detainees may watch TV, talk on the telephone, and/or use the law library computer.<sup>136</sup> In the men's module, it appeared that detainees were permitted to request movies for viewing on videotape. The Handbook indicates that board games are available to the detainees, although the delegation neither saw nor heard about board games during the visit.<sup>137</sup>

### 3. *Outdoor Recreation*

**Applicable Standards.** The *Standards* recommend that outdoor exercise areas "offer a variety of fixed and movable equipment," and recreational activities "based on the facility's size and location."<sup>138</sup>

**SADF appears to have implemented this portion of the *Standards*.** The exercise area has only one piece of weight equipment (consisting of a pull up bar and sit-up bench), and handball was the only available activity.<sup>139</sup> Additionally, the women's module had a ping-pong table.<sup>140</sup> The yard itself is limited to a small concrete area that is approximately twenty feet by thirty feet with high walls that prevent much of the outdoor space from receiving direct sunlight.<sup>141</sup>

#### B. **Access to Medical Care**

**Applicable Standards.** All detainees shall have access to medical services that promote detainee health and general well-being.<sup>142</sup> Every facility will provide its detainee population with initial medical screening, cost effective primary medical care and emergency care.<sup>143</sup> All facilities must employ, at a minimum, a medical staff large enough to perform basic exams and

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<sup>133</sup> *Id.*

<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> *Id.* Santa Ana Jail Inmate Orientation Handbook at 4.

<sup>138</sup> Detentions Operations Manual, Detainee Services, Standard 13, III.G.

<sup>139</sup> Observation of delegation member [REDACTED] b6

<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> Detentions Operations Manual, Health Services, Standard 2, I.

<sup>143</sup> *Id.* at III.A.

treatments for all detainees.<sup>144</sup> The detention center must have sufficient facilities so that the detainees can receive an examination or treatment in private.<sup>145</sup>

Detention centers must provide an initial medical screening upon a detainee's arrival.<sup>146</sup> The prescreening shall include an evaluation of the detainee's suicide risk and mental disorders.<sup>147</sup> If language difficulties prevent the health care provider/officer from sufficiently communicating with the detainee for purposes of completing the medical screening, the officer shall obtain translation assistance.<sup>148</sup> Such assistance may be provided by another officer or by a professional service, such as a telephone translation service.<sup>149</sup>

There must be procedures in place by which detainees can request medical attention when they feel that it is needed.<sup>150</sup> All facilities must have a procedure in place to ensure that all request slips are received by the medical facility in a timely manner.<sup>151</sup>

**The SADF appears to have implemented this portion the *Standards*.** There is no onsite medical center or infirmary available at the SADF.<sup>152</sup> The Facility maintains a total of sixteen per diem medical staff.<sup>153</sup> A doctor associated with the Facility is on-call twenty-four hours a day, seven days a week.<sup>154</sup> Two doctors are at the Facility for four hours, one day per week.<sup>155</sup> A nurse practitioner is at the Facility five days per week.<sup>156</sup> RNs are on duty at the Facility twelve hours a day, seven days a week, while LVNs are at the Facility twenty-four hours per day, seven days per week.<sup>157</sup> Dentists and psychologists visit the Facility when necessary.<sup>158</sup> For serious medical emergencies, the Facility will call an ambulance and will transport a detainee to a contracted medical facility.<sup>159</sup> For detainees' prescription needs, the Facility

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<sup>144</sup> *Id.*

<sup>145</sup> *Id.* at III.B.

<sup>146</sup> *Id.* at III.A.

<sup>147</sup> *Id.* at III.D.

<sup>148</sup> *Id.*

<sup>149</sup> *Id.*

<sup>150</sup> *Id.* at III.F.

<sup>151</sup> *Id.*

<sup>152</sup> Interview with Ms. [REDACTED] conducted by delegation member [REDACTED]

<sup>153</sup> *Id.* Observations of delegation members [REDACTED] and [REDACTED].

<sup>154</sup> Interview with Ms. [REDACTED] conducted by delegation member [REDACTED]

<sup>155</sup> Observation of delegation member [REDACTED]

<sup>156</sup> Interview with Ms. [REDACTED] conducted by delegation member [REDACTED]

<sup>157</sup> *Id.*

<sup>158</sup> Santa Ana Jail Inmate Orientation Handbook at 10. Observation of delegation member Alison Pulaski.

<sup>159</sup> Interview with Ms. [REDACTED] conducted by delegation member [REDACTED] Observation of delegation member [REDACTED]

contracts with a pharmacy.<sup>160</sup> Independent medical service providers or medical experts are allowed into the Facility to see a detainee only with a court order.<sup>161</sup>

According to Ms. [b6] almost all of the medical staff is bilingual.<sup>162</sup> If a translation problem existed, the medical staff uses a telephone translation line.

When a detainee is first brought to the Facility, he/she is medically screened to determine if he/she needs any treatment and if the detention center can accept him/her.<sup>163</sup> Since the Facility does not have an onsite medical center, it only accepts those detainees who are healthy enough to be housed with the general population.<sup>164</sup> Generally, the Facility does not segregate detainees for medical observation.<sup>165</sup> However, the Facility will segregate detainees for short-term illnesses like chicken pox, lice, scabies, and parasites.<sup>166</sup> If a detainee's TB test comes back positive, the Facility will segregate him/her for several days until his/her chest x-rays results come back.<sup>167</sup>

If detainees believe that they need medical attention, they fill out a "sick slip" and give it to the officer on duty.<sup>168</sup> Detainees are seen within twenty-four hours, unless it is an emergency, in which case they are seen sooner.<sup>169</sup> Most detainees interviewed by the delegation understood the procedures for accessing medical care.<sup>170</sup> None of the detainees interviewed said that they have ever been denied medical attention that they requested.<sup>171</sup> The detainees also reported that they had observed medical care provided promptly to other detainees.<sup>172</sup>

For mental health issues, a psychiatrist comes to the Facility twice a month.<sup>173</sup> Counselors come to the Facility when needed.<sup>174</sup> The Facility also offers crisis prevention.<sup>175</sup>

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<sup>160</sup> Interview with Ms. [b6] conducted by delegation member [b6]

<sup>161</sup> *Id.*

<sup>162</sup> *Id.* The languages spoken by medical staff include Spanish and Vietnamese.

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> *Id.*

<sup>166</sup> *Id.*

<sup>167</sup> *Id.*

<sup>168</sup> *Id.*

<sup>169</sup> *Id.*

<sup>170</sup> Interview of Detainee [b6, b7C] conducted by delegation members [b6] and [b6]. Interview of Detainee [b6, b7C] conducted by delegation members [b6], [b6], and [b6]. Interview of unnamed Male Detainee conducted by delegation members [b6] and [b6]. Interview of unnamed Male Detainee conducted by delegation members [b6], [b6] and [b6].

<sup>171</sup> *Id.*

<sup>172</sup> Interview with Detainee [b6, b7C] conducted by delegation members [b6] and [b6]. Interview of unnamed Male Detainee conducted by delegation members [b6] and [b6].

<sup>173</sup> Interview with Ms. [b6] conducted by delegation member [b6]

For detainees with mental health issues, the Facility will provide counseling, treat depression and distribute medicine for psychological problems.<sup>176</sup> Detainees with more challenging mental health issues cannot stay at the Facility and will be sent offsite.<sup>177</sup>

**C. Detainee Grievance Procedures<sup>178</sup>**

**Applicable Standards.** The *Standards* state that every facility must develop and implement standard operating procedures that address detainee grievances within a reasonable time limit.<sup>179</sup> Each facility must have procedures for informal resolution of oral grievances within 5 days of the event precipitating the grievance.<sup>180</sup> If dissatisfied with or instead of the informal process, a detainee must be allowed to submit a formal, written grievance to a grievance committee.<sup>181</sup>

**The SADF appears to have implemented this portion of the *Standards*.** Santa Ana detainees have access to a grievance procedure, responses are documented in a timely manner, and there is a process whereby detainees may appeal a grievance decision.<sup>182</sup> Informal resolutions are encouraged for minor violations, major violations are promptly forwarded to the ICE supervisor, and incident reports are investigated within 24 hours.<sup>183</sup> In addition, a disciplinary panel adjudicates major incidents.<sup>184</sup> If a detainee has a complaint, he can speak to a module officer, available 24 hours a day, 7 days a week, to try to have the grievance resolved.<sup>185</sup> Three of the four detainees interviewed were unaware of any grievance policy.<sup>186</sup> The other detainee said she had not had any problems, though she would feel comfortable reporting issues to her module officer, or, if the problem involved the officer, to the officer’s superior.<sup>187</sup>

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*

<sup>176</sup> *Id.*

<sup>177</sup> *Id.*

<sup>178</sup> All general information in this Section was provided during conversations with Ms. [REDACTED].

<sup>179</sup> Detention Operations Manual, Detainee Services, Standard 5, I.

<sup>180</sup> *Id.* at III.A.1.

<sup>181</sup> *Id.* at III.A.2.

<sup>182</sup> Santa Ana Jail Inmate Orientation Handbook at 7.

<sup>183</sup> Observation of delegation member [REDACTED].

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*

<sup>186</sup> Interview of Detainee [REDACTED] conducted by delegation members [REDACTED], [REDACTED], and [REDACTED]. Interview of unnamed Male Detainee conducted by delegation members [REDACTED] and [REDACTED]. Interview of unnamed Male Detainee conducted by delegation members [REDACTED], [REDACTED] and [REDACTED]. [REDACTED]

<sup>187</sup> Interview of Detainee [REDACTED] conducted by delegation members [REDACTED] and [REDACTED].

#### D. Disciplinary Policy<sup>188</sup>

**Applicable Standards.** The *Standards* suggest that each facility have a detainee disciplinary system that has a “progressive level of review, appeals, procedures, and documentation of procedures.”<sup>189</sup> Any disciplinary action “may not be capricious or retaliatory,”<sup>190</sup> and must not include corporal punishment, deviation from normal food service, deprivation of clothing, bedding, items of personal hygiene, correspondence privileges or physical exercise.<sup>191</sup> The Handbook must provide notice of the facility’s conduct rules and the sanctions imposed for violations of the rules.<sup>192</sup> When an officer witnesses a prohibited act that is unsuitable for informal settlement, the officer must prepare and submit an incident report, which shall be investigated within 24 hours of the incident.<sup>193</sup> A disciplinary panel will adjudicate these reports.<sup>194</sup>

**The SADF appears substantially to have implemented this portion of the *Standards*.** The Facility has a disciplinary system with three progressive levels of reviews and a process for appeals.<sup>195</sup> Rules of conduct, sanctions, and procedures for violations are defined in the Handbook, which is given to all detainees upon admittance.<sup>196</sup> The Handbook also notifies detainees of the discipline severity scale and the process for appeal.<sup>197</sup> The Handbook, however, fails to state the procedure for appealing disciplinary action.<sup>198</sup> In addition, while the rules, sanctions, and discipline procedures are detailed in the Handbook, they are not conspicuously posted.<sup>199</sup> Further, one of the detainees interviewed claimed that discipline is imposed unilaterally by the guards.<sup>200</sup> Specifically, this detainee claimed to have been wrongly accused of using the microwave outside of allowed hours.<sup>201</sup> When he refused to sign a document acknowledging the violation, he was put in lockdown for 23 hours.<sup>202</sup>

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<sup>188</sup> All general information in this Section was provided during conversations with Ms. [REDACTED] b6, b7C

<sup>189</sup> Detention Operations Manual, Security and Control, Standard 5, III.A.1.

<sup>190</sup> *Id.* at III.A.2.

<sup>191</sup> *Id.* at III.A.3.

<sup>192</sup> *Id.* at III.A.5.

<sup>193</sup> *Id.* at III.B, C.

<sup>194</sup> *Id.* at III.F.

<sup>195</sup> Observation of delegation member [REDACTED] b6 s from Conversation with Ms. [REDACTED] b6, b7C

<sup>196</sup> Observation of delegation member [REDACTED] b6 s from Conversation with Ms. [REDACTED] b6, b7C

<sup>197</sup> Santa Ana Jail Inmate Orientation Handbook at 7.

<sup>198</sup> Santa Ana Hail Inmate Orientation Handbook at 10.

<sup>199</sup> *Id.* See Detention Operations Manual, Security and Control, Standard 5, III.A.5, requiring posting in SPCs and CDFs.

<sup>200</sup> Interview of unnamed Male Detainee conducted by delegation members [REDACTED] b6 and [REDACTED] b6

<sup>201</sup> *Id.*

<sup>202</sup> *Id.*

## E. Detainee Classification

### 1. Classification in general

**Applicable Standards.** According to the *Standards*, all detainees shall be classified upon arrival.<sup>203</sup> ICE is to provide I.G.S.A. facilities with the data needed to classify detainees received from ICE upon arrival.<sup>204</sup> Detainees are to be classified according to risk, and to be given color-coded uniforms and wristbands that correspond to their level of risk.<sup>205</sup> A supervisor shall review the intake officer's classification files for accuracy,<sup>206</sup> and facilities shall house detainees according to their classification level.<sup>207</sup>

**The SADF appears to have implemented this portion of the *Standards*.** A detainee's classification occurs at the end of the booking process.<sup>208</sup> The Facility's classification system has six categories, with "Class One" being the lowest security level and "Class Six" being the highest security level.<sup>209</sup> In classifying a detainee, the Facility's officers consider: (1) the detainee's criminal history; (2) Form 120, which is delivered by the US Marshall; (3) the Facility's prior records of the detainee's history at the Facility, if any; and (3) interviews with the detainee regarding his state of mind and mental health.<sup>210</sup> Class Five and Class Six detainees live in "administrative segregation"<sup>211</sup> in a separate high security module.<sup>212</sup> Detainees in administrative segregation do not share cells, but reside alone in a high security cell.<sup>213</sup> Administrative segregation detainees are escorted by two officers whenever outside their cells while handcuffed and shackled.<sup>214</sup> For a detainee placed in administrative segregation, the Facility reviews the detainee's classification every thirty days.<sup>215</sup> During this review, officers will consider any new written reports on the detainee and will conduct additional interviews with the detainee.<sup>216</sup> Generally, the Facility does not review non-criminal classifications.<sup>217</sup>

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<sup>203</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.A.1.

<sup>204</sup> *Id.*

<sup>205</sup> *Id.* at III.A.4.

<sup>206</sup> *Id.* at III.C.

<sup>207</sup> *Id.* at III.D.

<sup>208</sup> Observation of delegation member [REDACTED] from conversation with Ms. [REDACTED].

<sup>209</sup> Observation of delegation member [REDACTED].

<sup>210</sup> *Id.* Observation of delegation member [REDACTED].

<sup>211</sup> The Facility refers to the high security housing area as "administrative segregation." Although the area is called "administrative segregation," this area is what the ICE *Standards* would call "disciplinary segregation."

<sup>212</sup> Observation of delegation member [REDACTED].

<sup>213</sup> *Id.*

<sup>214</sup> *Id.*

<sup>215</sup> *Id.* Observations of delegation members [REDACTED] and [REDACTED].

<sup>216</sup> *Id.*

<sup>217</sup> *Id.*

However, if a non-criminal detainee is misbehaving or acting abnormally, officers will reevaluate the detainee's classification status.<sup>218</sup>

At the Facility, non-criminal detainees are segregated from the general criminal population.<sup>219</sup> Although both criminal and non-criminal detainees are housed in the same module, they never come into contact.<sup>220</sup> Non-criminal and criminal detainees never share cells and are never in the module's common area at the same time.<sup>221</sup> Typically, officers lockdown criminal detainees and non-criminal detainees at alternate times.<sup>222</sup> Thus, for part of the day, while criminal detainees are in lockdown, the non-criminal detainees use the common area and outdoor recreation area.<sup>223</sup> After the allocated period of time, the two groups switch.<sup>224</sup> In the alternative, when both groups are out of lockdown at the same time, one group is sent outside while the other group stays inside in the common areas.<sup>225</sup> Criminal and non-criminal detainees get equal access to the indoor and outdoor common areas, though at different times.<sup>226</sup>

## 2. *Disciplinary Segregation*

**Applicable Standards.** The *Standards* provide that "facility authorities shall discipline anyone whose behavior does not comply with facility rules and regulations" in order to ensure a safe and orderly living environment for the general population.<sup>227</sup> Detainees should only be placed in disciplinary segregation after a hearing at which the detainee "is found to have committed a prohibited act."<sup>228</sup> The *Standards* also provide that "facilities shall implement written procedures for the regular review of all disciplinary-segregation cases."<sup>229</sup>

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<sup>218</sup> *Id.*

<sup>219</sup> Observation of delegation member [REDACTED] b6 from conversation with Ms. [REDACTED] b6, b7C.

<sup>220</sup> *Id.* Ms. [REDACTED] b6, b7C added that non-criminal and criminal detainees have different color uniforms to easily distinguish between the populations in the Facility.

<sup>221</sup> *Id.*

<sup>222</sup> *Id.*

<sup>223</sup> *Id.*

<sup>224</sup> *Id.*

<sup>225</sup> *Id.* This scenario occurs more frequently in female modules since there are more female non-criminal detainees than male non-criminal detainees.

<sup>226</sup> *Id.*

<sup>227</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.A.

<sup>228</sup> *Id.*

<sup>229</sup> *Id.*

**The SADF appears to have implemented this portion of the *Standards*.**<sup>230</sup> A separate module exists at the SADF for those in disciplinary segregation.<sup>231</sup> Some detainees are put into disciplinary segregation upon arrival based on the classification procedures discussed above.<sup>232</sup> Detainees whom the Facility classifies as Class Five or Class Six will reside in the separate “administrative segregation” high security module.<sup>233</sup> Detainees may also end up in disciplinary segregation if they seriously violate Facility rules.<sup>234</sup> For a minor rule violation, a detainee may be punished with a twenty-four hour lockdown period.<sup>235</sup> For a major rule violation, a detainee will have a hearing.<sup>236</sup> If the detainee is found guilty of breaking a major rule, he/she may be punished with ten to sixty days of disciplinary segregation.<sup>237</sup> If a detainee is segregated for disciplinary reasons, the detainee is either moved to the “administrative segregation” module or is put on lockdown in his/her module.<sup>238</sup>

Those kept in disciplinary segregation are put in their own rooms that are smaller than the rooms in the other modules.<sup>239</sup> While in disciplinary segregation, detainees receive medical checkups every fifteen days.<sup>240</sup> Detainees in disciplinary segregation have no commissary privileges.<sup>241</sup> While detainees are in disciplinary segregation, they are allowed out of their room for only one hour each day for recreation.<sup>242</sup> Thus, detainees in segregation have limited access to legal services, with only one hour to contact their lawyers.<sup>243</sup>

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<sup>230</sup> The *Standards* recognize that detainees in disciplinary segregation usually have fewer privileges than those in the general population. However, the *Standards* require that the detainees in disciplinary segregation have the same humane living conditions as the general population, including receiving clean clothes, receiving meals according to schedule, and having the opportunity to maintain a normal level of personal hygiene. Detention Operations Manual, Security Inspections.

<sup>231</sup> Ms. [b6, b7C] often referred to the disciplinary segregation unit as “ad-seg,” an abbreviation for “administrative segregation.”

<sup>232</sup> *Id.*

<sup>233</sup> *Id.*

<sup>234</sup> *Id.*

<sup>235</sup> *Id.*

<sup>236</sup> *Id.*

<sup>237</sup> *Id.*

<sup>238</sup> *Id.*

<sup>239</sup> Observation of delegation member [b6] from conversation with Ms. [b6, b7C].

<sup>240</sup> *Id.*

<sup>241</sup> *Id.* The delegation was unable to conclude whether or not detainees in disciplinary segregation receive necessary hygienic materials even though they do not have commissary privileges. *See* Detention Operations Manual, Security and Control, Standard 13, Section III.D

<sup>242</sup> Observation of delegation member [b6] from conversation with Ms. [b6, b7C].

<sup>243</sup> *Id.*

For a detainee placed in segregation, the Facility reviews his/her classification decision every thirty days.<sup>244</sup> During this review, officers will consider any new written officer reports on the detainee and will conduct additional interviews with the detainee.<sup>245</sup>

### 3. *Administrative Segregation*

According to Ms. [REDACTED], detainees occasionally are placed in administrative segregation (other than disciplinary segregation, which she also referred to as administrative segregation).<sup>246</sup> Homosexuals generally are not segregated.<sup>247</sup> However, Ms. [REDACTED] explained that the Facility may segregate homosexuals for their own safety if there is a disruption in the general population.<sup>248</sup> Ms. [REDACTED] also reported that detainees may be separated from the general population if: (a) the detainee committed certain crimes, such as child molestation; (b) the detainee is a testifying witness, which may cause them danger; (c) the detainee requests to be in protective custody; (d) the detainee is a former gang member in danger of reprisal; or (e) the detainee is the subject of a gang's order to attack or kill.<sup>249</sup>

### 4. *Medical Quarantine*

Detainees are quarantined at the Facility when they have diseases such as lice, scabies, parasites, or chicken pox.<sup>250</sup>

## F. **Voluntary Work Program**

**Applicable Standards.** The *Standards* suggest that every facility provide detainees, who are physically and mentally able to work, with an opportunity to work and earn money.<sup>251</sup> A detainee's classification will help determine the type of assignment for which he or she is eligible.<sup>252</sup> Detainees shall receive monetary compensation for work completed in accordance with the facility's standard policy.<sup>253</sup>

**The SADF appears partially to have implemented this portion of the *Standards*.** According to Ms. [REDACTED], various job opportunities exist for both male and female detainees,

<sup>244</sup> *Id.* Observations of delegation members [REDACTED] and [REDACTED] from conversation with Ms. [REDACTED].

<sup>245</sup> Observations of delegation members [REDACTED], [REDACTED], and [REDACTED] from conversation with Ms. [REDACTED].

<sup>246</sup> Observation of delegation member [REDACTED] from conversation with Ms. [REDACTED].

<sup>247</sup> *Id.*

<sup>248</sup> *Id.*

<sup>249</sup> *Id.*

<sup>250</sup> Interview with Ms. [REDACTED] conducted by delegation member [REDACTED].

<sup>251</sup> Detention Operations Manual, Detainee Services, Standard 18, III.A.

<sup>252</sup> *Id.*

<sup>253</sup> *Id.* at III.K.

although male and female detainees never work together.<sup>254</sup> Job opportunities include serving food, cleaning up after meals, laundry duty and cleaning duty.<sup>255</sup> Module officers and work crew leaders select the detainees who will work for them.<sup>256</sup> In selecting a detainee for a job, module officers and work crew leaders consider the detainee's file.<sup>257</sup> The criteria for particular jobs differ depending on whether the job is performed inside or outside the module.<sup>258</sup> The criteria for a detainee working outside the module is higher than for a detainee working inside the module.<sup>259</sup> Detainees are not paid in cash for their work.<sup>260</sup> Rather, detainees are paid in special benefits, such as more food at meal times, extra free time, or extra goods from the commissary at the module officer's discretion.<sup>261</sup> Module officers are allowed to order a certain dollar amount of goods from the commissary, and distribute them as payment to detainee workers.<sup>262</sup> The Facility does not allow detainees to earn money for their work, contrary to the *Standards*. The Facility does allow detainees to volunteer to work and it does compensate them for their efforts, though not with cash compensation.

### G. Detainee Handbook

**Applicable Standards.** The *Standards* instruct that each facility shall have a detainee handbook that "briefly describe[s] individual programs and services and associated rules."<sup>263</sup> The handbook shall be distributed to detainees immediately upon their admission to the facility.<sup>264</sup> The handbook should include topics such as "recreation, visitation, education, voluntary work, telephone use, correspondence, library use, and the canteen/commissary."<sup>265</sup> In addition, the handbook shall cover the facility's medical policy, facility-issued items such as clothing and bedding, access to personal property, and meal service.<sup>266</sup> The handbook must also specify the rules and regulations with which detainees must generally comply, and it must detail detainees' rights and responsibilities.<sup>267</sup> The handbook must be available in English and Spanish and, where appropriate, in "the next most-prevalent language(s) among the facility's

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<sup>254</sup> Observation of delegation member [REDACTED] b6 from conversation with Ms. [REDACTED] b6, b7C

<sup>255</sup> *Id.*

<sup>256</sup> *Id.*

<sup>257</sup> *Id.*

<sup>258</sup> *Id.*

<sup>259</sup> *Id.*

<sup>260</sup> *Id.*

<sup>261</sup> *Id.* Observation of delegation member [REDACTED] b6 .

<sup>262</sup> Observation of delegation member [REDACTED] b6 from conversation with Ms. [REDACTED] b6, b7C

<sup>263</sup> Detention Operations Manual, Detainee Services Standard 6, III.B.

<sup>264</sup> *Id.*

<sup>265</sup> *Id.*

<sup>266</sup> *Id.*

<sup>267</sup> *Id.* at III.C.

detainees.”<sup>268</sup> The handbook should be revised as necessary, and formally reviewed at least annually.<sup>269</sup>

**SADF’s Handbook appears substantially to have implemented the *Standards*.** The Facility’s Inmate Orientation Handbook (the “Handbook”) explains the behavior expected from detainees, and details the Facility’s rules and regulations.<sup>270</sup> It includes a discussion of recreation,<sup>271</sup> visitation,<sup>272</sup> education,<sup>273</sup> correspondence,<sup>274</sup> library use,<sup>275</sup> telephone use,<sup>276</sup> and commissary use.<sup>277</sup> The Handbook, in accordance with the *Standards*, also contains information on the Facility’s medical policy,<sup>278</sup> Facility-issued items,<sup>279</sup> and meal service.<sup>280</sup> Missing from the Handbook’s coverage is a discussion of the voluntary work program and access to personal property. The Handbook’s discussion of correspondence also could be more complete. While the Handbook provides some explanation of the rules regarding mail,<sup>281</sup> the Handbook does not specify:<sup>282</sup> 1) how outgoing mail should be addressed, 2) that non-legal mail shall be opened and inspected in the detainee’s presence, 3) that legal mail may not be read, 4) the definition of special correspondence, 5) how to specially label outgoing legal mail so that it will not be read, 6) how to obtain writing implements, paper, and envelopes, and 7) rules for providing indigent and certain other detainees free postage.

The Handbook does discuss subject areas other than those suggested by the *Standards*. For instance, it provides inmates with information on voting,<sup>283</sup> religious services,<sup>284</sup> and procedures for counsel.<sup>285</sup> The Handbook is translated into Spanish.<sup>286</sup> For all other languages,

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<sup>268</sup> *Id.* at III.E.

<sup>269</sup> *Id.* at III.H, I.

<sup>270</sup> Santa Ana Jail Inmate Orientation Handbook.

<sup>271</sup> *Id.* at 4-5.

<sup>272</sup> *Id.* at 2.

<sup>273</sup> *Id.* at 10.

<sup>274</sup> *Id.* at 8-9.

<sup>275</sup> *Id.* at 9.

<sup>276</sup> *Id.* at 3.

<sup>277</sup> *Id.* at 7.

<sup>278</sup> *Id.* at 10.

<sup>279</sup> *Id.* at 6-7.

<sup>280</sup> *Id.* at 4.

<sup>281</sup> *See id.* at 8.

<sup>282</sup> *See* Detention Operations Manual, Detainee Services, Standard 3, III.B.

<sup>283</sup> Santa Ana Jail Inmate Orientation Handbook at 9.

<sup>284</sup> *Id.*

<sup>285</sup> *Id.* at 10.

<sup>286</sup> *See id.* at 15-30.

the Facility relies on the translation line to verbally dictate the contents of the Handbook.<sup>287</sup> Although the translation line is available to detainees at the Facility, detainees, especially detainees who do not speak English or Spanish, may not be aware of it. The Facility could improve communication with detainees who do not speak English or Spanish by informing these detainees about the language line upon their arrival.

Based on the delegation's interviews, the Facility may not consistently distribute the SADF's Handbook to all detainees. Detainee [REDACTED] b6, b7C indicated that she had in fact received and signed for a Handbook upon her arrival at SADF, but Detainee [REDACTED] b6, b7C and the male detainees interviewed stated that they have never been issued a Handbook.<sup>288</sup>

## H. Religious Practices

**Applicable Standards.** The *Standards* suggest that detention centers provide detainees of different religious beliefs with "reasonable and equitable opportunities to participate in the practices of their respective faiths," limited only by considerations of safety, security, the orderly operation of the facility, or costs. The *Standards* further provide that detainees may not be harassed for their particular beliefs or affiliation.<sup>289</sup> Each facility should have a chaplain available to lead group religious programs or individual counseling.<sup>290</sup> In the event a detainee's faith differs from that of the chaplain, the detainee shall be provided with access to outside religious representatives.<sup>291</sup> Detainees shall be allowed access to personal religious items such as prayer beads during religious services, but need not be allowed to take the items into their individual cells.<sup>292</sup> Additionally, the facility should accommodate any recognized holy days or dietary requirements, including food restrictions and unusual eating hours.<sup>293</sup>

**SADF appears substantially to have implemented this portion of the *Standards*.** The SADF provides religious services on site, with an average of two to three visits by different religious figures per week.<sup>294</sup> Catholic and Protestant services are held as a matter of course, while other faiths are accommodated upon request, as the inmate population does not reflect an ongoing need for such services.<sup>295</sup> Some services are offered in both English and Spanish, though one male detainee interviewed stated that no Spanish-speaking Christian services or

<sup>287</sup> Observation of delegation member [REDACTED] b6.

<sup>288</sup> Interview of Detainee [REDACTED] b6, b7C conducted by delegation members [REDACTED] b6 and [REDACTED] b6. Interview of Detainee [REDACTED] b6, b7C conducted by delegation members [REDACTED] b6, [REDACTED] b6, and [REDACTED] b6. Interview of unnamed Male Detainee conducted by delegation members [REDACTED] b6 and [REDACTED] b6. Interview of unnamed Male Detainee conducted by delegation members [REDACTED] b6, [REDACTED] b6, and [REDACTED] b6.

<sup>289</sup> Detention Operations Manual, Detainee Services, Standard 14, I.

<sup>290</sup> *Id.* at III.D.

<sup>291</sup> *Id.* at III.F.

<sup>292</sup> *Id.* at III.K.

<sup>293</sup> *Id.* at III.I, M.

<sup>294</sup> Observation of delegation member [REDACTED] b6.

<sup>295</sup> *Id.*

religious personnel were available.<sup>296</sup> Special religious dietary requirements generally will be accommodated, provided that the legitimacy of the need can be verified.<sup>297</sup> None of the detainees the delegation interviewed had suffered any harassment for their religious beliefs while in the Facility.<sup>298</sup>

## I. ICE Presence at the Facility/Staff-Detainee Communication

**Applicable Standards.** The *Standards* recommend that facilities implement procedures to facilitate formal and informal communication between and among facility staff, ICE staff, and ICE detainees.<sup>299</sup> Also, detainees should be able to file written requests to ICE and receive responses in a timely fashion.<sup>300</sup>

**SADF appears to have implemented this portion of the *Standards*.** An ICE representative makes a weekly visit to the SADF (usually on Fridays).<sup>301</sup> The visits are announced in advance, and detainees may sign up if they wish to meet with the representative.<sup>302</sup>

## V. CONCLUSION

The Santa Ana Detention Facility has implemented or substantially implemented many of the ICE Detention *Standards*. The Facility should take additional steps toward full implementation of the *Standards* with regard to the following practices:

- Revising the Handbook to convey more specific information to the detainees about the procedures for strip searches and disciplinary action appeals.
- Providing copies of the Handbook to every detainee immediately upon arrival.
- Providing private telephone access to detainees for legal calls.
- Opening mail only in front of detainees.
- Locating computer stations in quiet areas with sufficient space to work.

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<sup>296</sup> Observation of delegation member [REDACTED] from conversation with Ms. [REDACTED]; Interview with unnamed Male Detainee conducted by delegation members [REDACTED] and [REDACTED].

<sup>297</sup> *Id.*

<sup>298</sup> Interview of Detainee [REDACTED] conducted by delegation members [REDACTED] and [REDACTED]. Interview of Detainee [REDACTED] conducted by delegation members [REDACTED], [REDACTED], and [REDACTED]. Interview of unnamed Male Detainee conducted by delegation members [REDACTED] and [REDACTED]. Interview of unnamed Male Detainee conducted by delegation members [REDACTED], [REDACTED], and [REDACTED].

<sup>299</sup> Detention Operations Manual, Detainee Services, Standard 15, I.

<sup>300</sup> *Id.*

<sup>301</sup> Observation of delegation member [REDACTED].

<sup>302</sup> *Id.*

- Providing free office supplies.
- Allowing detainees in Administrative Segregation access to the library at times other than their recreation times.
- Ensuring that detainees are not allowed to charge fees for assisting others with legal research and preparing legal documents.
- Providing additional outdoor exercise equipment.
- Allowing detainees to work for cash compensation.
- Providing hard copy library materials.
- Promoting better communication with detainees who speak languages other than English or Spanish by informing them about the telephone translation line upon arrival.

Facility Name: **SANTA ANA DETENTION FACILITY, SANTA ANA, CA**

Date of Tour: **June 30, 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.

	<b>ICE Standard*</b>	<b>Delegation Observation</b>	<b>Source</b>	<b>ICE Response</b>
1.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> <li>III.I.9. Private Meeting Room. Visits between legal service providers and an individual detainee are confidential and shall not be subject to auditory supervision. Private consultation rooms shall be available for such meetings.</li> </ul>	<ul style="list-style-type: none"> <li>If a detainee has a non-contact visit with his/her attorney, the detainee meets with the attorney in the module's non-contact visiting booths. Although the Facility reports that it does not listen to the conversations, the visiting booths do not allow for complete privacy (p.4 ¶2).</li> </ul>	Delegation conversation with Officer [REDACTED].	
2.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> <li>III.I.11. Detainee Search Written procedures will govern detainee searches. Each detainee will receive a copy of these search procedures in the detainee handbook or equivalent provided upon admission to the facility. An IGSA facility's general-population search procedures will also apply to [ICE] detainees.</li> </ul>	<ul style="list-style-type: none"> <li>The handbook provided by the Facility, the Santa Ana Jail Inmate Orientation Handbook, does not include a section on strip-searches (p.4 ¶3).</li> </ul>	Inmate handbook.	
3.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>I. Facilities holding [ICE] detainees shall permit them to have reasonable and equitable access to telephones.</li> </ul>	<ul style="list-style-type: none"> <li>Calling cards sell for \$25.00 and allow for 21 minutes of phone time, domestic or international (p.7 ¶3).</li> </ul>	Detainee interview.	
4.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>III.E. The facility shall not require indigent detainees to pay for [legal, court-related, consular, emergency calls] if they are local calls, nor for non-local calls if there is a compelling need.</li> </ul>	<ul style="list-style-type: none"> <li>Indigent detainees can use an ICE-issued code to make calls without charge. However, one detainee was not aware of the ICE code, and there is no mention of it in the Handbook (p.7 ¶3).</li> </ul>	Detainee interview.	
5.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>The SADF has a policy of not taking or delivering phone messages (p.8 ¶2).</li> </ul>	Delegation conversation with Officer [REDACTED].	

6.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>Telephone usage occurs primarily in the common rooms. Detainees may use holding cells in the booking area for privacy, but only in "special circumstances, [such as with a] court order." (p.8 ¶4).</li> </ul>	Delegation conversation with Officer [REDACTED].	
7.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>III.A. Law Library. [The law library] shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.</li> </ul>	<ul style="list-style-type: none"> <li>In the male units, the computer is located in the noisy common area (p.9 ¶3). In the female module, the computer station is located in the multi-purpose room/classroom and separated from the general common area (p.9 ¶3).</li> </ul>	Delegation observations.	
8.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>The library system is entirely computerized, with only one available computer per module, and minimal workspace (p.9 ¶3).</li> </ul>	Delegation observations.	
9.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>III.K. The facility shall permit detainees to assist other detainees in researching and preparing legal documents upon request .... Such assistance is voluntary; no detainee shall be allowed to charge a fee or accept anything of value for assistance.</li> </ul>	<ul style="list-style-type: none"> <li>Detainees indicated that assistance was available from officers or other detainees/inmates but one detainee indicated that other inmates often charge for such assistance (p.11 ¶5).</li> </ul>	Detainee interviews.	
10.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> <li>III.G. Rejection of Incoming and Outgoing Mail. The affected detainees shall be notified when incoming or outgoing mail is confiscated or withheld (in whole or in part). The detainee shall receive a receipt for the confiscated or withheld item(s).</li> </ul>	<ul style="list-style-type: none"> <li>When incoming mail is rejected, no written notice is sent to the addressee (p.13 ¶1).</li> </ul>	Delegation notes.	
11.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> <li>III.J. Writing Implements, Paper, and Envelopes. The facility shall provide writing paper, writing implements and envelopes at no cost to detainees.</li> </ul>	<ul style="list-style-type: none"> <li>Detainees must purchase paper, envelopes, and pencils (p.14 ¶2).</li> </ul>	Delegation notes.	
12.	<p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> <li>III.L. Notice to Detainees. The detainee handbook, or equivalent, shall notify detainees of the following: ... 3. The procedure for appealing disciplinary findings.</li> </ul>	<ul style="list-style-type: none"> <li>The Handbook fails to state the procedure for appealing disciplinary action (p.20 ¶2).</li> </ul>	Inmate handbook.	

13.	<p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> <li>▪ III.A. Disciplinary action may not be capricious or retaliatory.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detainee claimed to have been wrongly accused of using the microwave outside of allowed hours. When he refused to sign a document acknowledging the violation, he was put in lockdown for 23 hours (p.20 ¶2).</li> </ul>	Detainee interview.	
14.	<p>Standard 18, Voluntary Work Program</p> <ul style="list-style-type: none"> <li>▪ I. Every facility with a work program will provide detainees the opportunity to work and earn money.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Facility does not allow detainees to earn money for their work. It does compensate them for their work, but not with cash compensation (p.25 ¶1)</li> </ul>	Delegation notes; conversation with Officer [REDACTED]	