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August 15, 2006

MEMORANDUM

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

From: American Bar Association Delegation to the Hampton Roads Regional Jail¹

Copies to: [REDACTED] b6, ABA Commission on Immigration

Subject: Report on Observational Tour of the Hampton Roads Regional Jail in Portsmouth, Virginia

This memorandum summarizes and evaluates information gathered at the Hampton Roads Regional Jail (“HRRJ” or “the facility”) in Portsmouth, Virginia, during the delegation’s July 25, 2006 visit to the facility. The information was gathered via observation of the facility by the delegation, interviews with detainees, and discussions with HRRJ and Immigration and Customs Enforcement (“ICE”) personnel.

I. ICE DETENTION STANDARDS

In November 2000, the Immigration and Naturalization Service (INS),² promulgated the “INS Detention 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 Detention Standards (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. In other words, 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 for by the *Standards*.

¹ The delegation was comprised of attorneys and summer associates from the Washington, D.C. office of Latham & Watkins LLP, including [REDACTED] b6, [REDACTED] b6, [REDACTED] b6, [REDACTED] b6, [REDACTED] b6, and [REDACTED] b6.

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 Immigration and Customs Enforcement (“ICE”), a division of the newly-created Department of Homeland Security (“DHS”).

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II. INTRODUCTION

A. The Delegation's Visit, July 25, 2006

On Tuesday, July 25, 2006, the members of our delegation met with several members of Hampton Roads' staff and Immigration Enforcement Agent [REDACTED] b6, b7C, a representative from the ICE office in Portsmouth, Virginia. Assistant Superintendent Lieutenant Colonel [REDACTED] b6, b7C, and Captain [REDACTED] b6, b7C led our delegation on a tour of the facilities and participated in a post-tour follow-up discussion. The delegation also met with other HRRJ personnel along the tour: Lieutenant [REDACTED] b6, b7C, Sergeant [REDACTED] b6, b7C, Master Jail Officer [REDACTED] b6, b7C and Administration Director [REDACTED] b6, b7C. The delegation appreciates the cooperation of these individuals; they were direct and accommodating during our tour of the facility. They were also interested in hearing the delegation's thoughts and suggestions at the conclusion of the visit.

Our report is based on the discussions we had with these HRRJ employees, as well as observations of the facility and an interview with six immigration detainees. In many instances, the detainees' reports were compatible with statements made by facility personnel and/or our observations. In such cases, the delegation was able more accurately to determine whether HRRJ policy and procedures successfully meet the *Standards*. However, in certain instances, detainees' reports conflicted with statements made by facility personnel. Where we were unable to verify the conflicting reports, the delegation was unable to determine conclusively whether the *Standards* have been met.

B. General Information About the HRRJ Regional Jail

The HRRJ Regional Jail is a general purpose regional jail that serves the cities of Hampton, Newport News, and Norfolk, Virginia. Additionally, HRRJ houses federal immigration detainees according to an intergovernmental service agreement ("IGSA") with ICE. According to the HRRJ personnel, the Facility has the capacity to hold more than 1200 total individuals. HRRJ has a current immigration detainee population of 96, including 84 men and 12 women (see Attachment B). On the date of our delegation's visit, HRRJ housed immigration detainees from these countries: Brazil, Cameroon, China, Congo, Costa Rica, Egypt, El Salvador, Ghana, Guatemala, Haiti, Honduras, India, Iraq, Israel, Jamaica, Jordan, Kosovo, Mexico, Nicaragua, Nigeria, Peru, Philippines, Senegal, Trinidad, Turkmenistan, Vietnam, the Virgin Islands, and Zambia.

III. LEGAL ACCESS STANDARDS

A. Legal Access/Visitation

1. Visitation by Attorneys

The *Standards* suggest that facilities permit legal visitation seven days per week.³ Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend.⁴ The visits must be private, and should not be interrupted for head counts.⁵

HRRJ substantially meets this section of the *Standards*. Attorneys may visit the detainees seven days per week during regular business hours.⁶

³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

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Each housing unit has visitation booths that are used for family/friend visits as well as attorney visits.⁷ All visits are non-contact, unless special circumstances warrant a contact visit.⁸ There is a wire-mesh divider between the detainee and the attorney.⁹ Attorneys are not searched, and detainees are subject to only a pat down search after a legal visit.¹⁰ However, the Inmate Handbook states: “You will be strip searched after all contact visits.”¹¹ Interviews with detainees did not indicate any problems in meeting with counsel.

2. Visitation by Family and Friends

The *Standards* suggest that facilities establish written visitation hours and procedures, and make them available to the public.¹² Visiting hours shall 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.¹³ Visits should be at least 30 minutes long, and longer when possible.¹⁴ If a facility does not provide for visits from minors, ICE should arrange for visits with children or stepchildren within the detainee’s first 30 days at the facility, with continuing monthly visits.¹⁵

HRRJ does not meet this section of the *Standards* because there are no visiting hours on weekends or holidays and the visitation hours are not long enough and are generally inflexible.

The visitation schedule is contained in a pamphlet that is available at the entrance of the facility.¹⁶ Visiting hours are five days per week, from 7:30 p.m. until 10:30 p.m.¹⁷ However, visitation days are allocated according to the housing unit in which the detainee is housed such that each detainee may receive visitors only two days per week.¹⁸ The Inmate Handbook caps the number of visits to two per week, and a maximum of three people may visit at one time.¹⁹ The schedule does not provide for visitors on either Saturday or Sunday.²⁰ HRRJ generally confines visits to twenty minutes²¹, but supervisors may adjust the schedule and extend the visit if a detainee’s visitors face a particular hardship.²² All visits are non-contact.²³

⁶ Notes of delegation member [REDACTED] b6, on conversation with Lt. Col. [REDACTED] b6, b7C, and HRRJ Inmate Handbook, p. 23.

⁷ Observations of delegation member [REDACTED] b6.

⁸ HRRJ Inmate Handbook, p. 23.

⁹ Observations of delegation member [REDACTED] b6.

¹⁰ HRRJ Inmate Handbook, p. 23.

¹¹ HRRJ Inmate Handbook, p. 23.

¹² Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

¹³ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

¹⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

¹⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.

¹⁶ Observations of delegation member [REDACTED] b6.

¹⁷ HRRJ Inmate Visiting Schedule; HRRJ Inmate Handbook, p. 23.

¹⁸ HRRJ Inmate Visiting Schedule; HRRJ Inmate Handbook, p. 23.

¹⁹ HRRJ Inmate Handbook, p. 23.

²⁰ HRRJ Inmate Visiting Schedule; HRRJ Inmate Handbook, p. 23.

²¹ HRRJ Inmate Handbook, p. 23; notes of delegation member [REDACTED] b6, recording conversation with Lt. Col. [REDACTED] b6, b7C.

²² HRRJ Inmate Handbook, p. 23; notes of delegation member [REDACTED] b6, recording conversation with Lt. Col. [REDACTED] b6, b7C.

²³ HRRJ Inmate Visiting Schedule; HRRJ Inmate Handbook, p. 23.

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Although the *Standards* do not cap the number of visitors, HRRJ requires each detainee to submit a list of six individuals in order to receive them as visitors.²⁴ The detainees may make periodic changes to their list at the discretion of the Unit Manager.²⁵ Minors may be included on this list, and may visit if accompanied by an adult.²⁶

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.²⁷ In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees.²⁸ The *Standards* maintain that phone calls should not be unreasonably restricted and that time limits, if necessary, should be no shorter than 20 minutes.²⁹

HRRJ meets this section of the Standards. Under the *Standards*, IGSAs must provide detainees with the access rules for telephones in writing upon admittance. The handbook summarizes the conditions of telephone use. The rules are also posted near the telephones in each housing unit.³⁰

Detainees are separated into housing units that vary somewhat in size, depending on whether the unit is separated into two parts; the unit holding the male ICE detainees can hold approximately 90 individuals (there were 84 male detainees the day of our delegation).³¹ This housing unit, and all of comparable size, had 10 telephones available at all times for inmate use.³² The women's unit, which is half the size of the men's (and where ICE detainee women are commingled with minimum and medium security prisoners), had five telephones.³³ One of the phones in the ICE men's housing unit was out of order; the facility was in the process of having it fixed.³⁴ HRRJ Officer [b6, b7C] explained to us that he is responsible for phone maintenance, and responds to calls promptly, and that phones are fixed within one week.³⁵

According to the Inmate Handbook, HRRJ places 15-minute time limits on telephone calls made from the housing units.³⁶ Although HRRJ disconnects calls after 15 minutes, this generally does not apply to calls to attorneys,³⁷ legal service providers, and consulates, as long as detainees notify staff that they are making a legal call.³⁸

²⁴ HRRJ Visitation Pamphlet.

²⁵ HRRJ Inmate Handbook, p. 23.

²⁶ HRRJ Inmate Visiting Schedule; HRRJ Inmate Handbook, p. 23.

²⁷ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

²⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

²⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

³⁰ Observation of delegation member [b6]

³¹ Notes of delegation member [b6], recording conversation with Lt. [b6, b7C]

³² Observation of delegation member [b6]

³³ Observation of delegation member [b6]

³⁴ Notes of delegation member [b6], recording conversation with Officer [b6, b7C]

³⁵ Notes of delegation member [b6], recording conversation with Officer [b6, b7C]

³⁶ HRRJ Inmate Handbook, p. 21.

³⁷ This applies to calls to all attorneys, as long as a detainee notifies the staff that he or she is making an attorney call. Notes of delegation member [b6], on conversation with Lt. Col. [b6, b7C]

³⁸ Notes of delegation member [b6], recording conversation with Lt. Col. [b6, b7C]

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.

HRRJ meets this section of the Standards, although calls are expensive. The HRRJ Inmate Handbook contains an addendum permitting ICE detainees to make “special access” calls to certain “free numbers” provided by ICE. Accordingly, posted in each housing unit were full instructions to dial consulates, legal service providers, courts and government offices.⁴⁰ We tested the dialing system, and it worked without a hitch in a call to CAIR Coalition, which reported that it receives calls from HRRJ daily.⁴¹ These calls are free to all detainees.

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. This was a common complaint among the detainees with whom we spoke.⁴² The detainees estimated that a call to Richmond or elsewhere in Virginia cost upwards of \$20.00 for a 15 minute call.⁴³

3. Privacy for Telephone Calls on Legal Matters

The *Standards* require that the facility ensure privacy for detainees’ telephone calls regarding legal matters.⁴⁴ 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.

HRRJ does not meet this section of the Standards: telephones do not afford privacy and calls are recorded. None of the telephones available were situated to ensure detainee privacy. All phones were in the middle of the housing units, located within two feet of another phone and near tables where detainees would congregate.⁴⁵ Officer Close, Lt. Col. [b6, b7C] and ICE Agent [b6, b7C] all indicated that they would allow detainees to use private areas for calls if requested,⁴⁶ but this is not a policy⁴⁷ nor does it appear to be common knowledge to the detainees.⁴⁸

Telephone calls are not supposed to be monitored under the *Standards*.⁴⁹ Per the HRRJ Inmate Handbook (and confirmed by Lt. Col. [b6, b7C]), HRRJ records detainee phone calls.⁵⁰ Lt. Col. [b6, b7C]

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

⁴⁰ Observation of delegation member [b6, b7C]; Attachment C: HRRJ Phone Instructions and Directory.

⁴¹ Observation of delegation member [b6, b7C].

⁴² Notes of delegation member [b6, b7C], recording interviews of detainees [b6, b7C], [b6, b7C] and [b6, b7C].

⁴³ Notes of delegation member [b6, b7C], recording interviews of detainees [b6, b7C] [b6, b7C] and [b6, b7C].

⁴⁴ Detention Operations Manual, Detainee Services, Standard 16, Section J.

⁴⁵ Observation of delegation member [b6, b7C].

⁴⁶ Notes of delegation member [b6, b7C], on conversations with Officer [b6, b7C] Lt. Col. [b6, b7C] and ICE Agent [b6, b7C].

⁴⁷ Notes of delegation member [b6, b7C], recording conversations with Lt. Col. [b6, b7C].

⁴⁸ Notes of delegation member [b6, b7C], recording interviews of detainees [b6, b7C], [b6, b7C] and [b6, b7C].

⁴⁹ Detention Operations Manual, Detainee Services, Standard 16, Sections J.

⁵⁰ HRRJ Inmate Handbook, p. 21 (“Notice: Inmate phones may be recorded or monitored at any time.”); notes of delegation member [b6, b7C], recording conversation with Lt. Col. [b6, b7C]. No exception is

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said that HRRJ does not record detainee calls that use the free, pre-programmed codes to call consulates, legal service providers, and select attorneys, and does not in any event listen to the recordings for the calls that are recorded.⁵¹

4. 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. 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.

HRRJ does not fully meet this section of the Standards: incoming messages are generally not taken. The HRRJ Inmate Handbook states: "You are not allowed to receive incoming phone calls. Only messages of an emergency nature will be taken for you."⁵² Our visit confirmed that incoming phone calls and messages are generally not accepted at HRRJ.⁵³ Lt. Col. [b6, b7C] said that in situations where an attorney is urgently seeking to make telephone contact with a client (for instance, where a filing needs to be done), he will arrange for the phone contact.⁵⁴ In general, however, HRRJ does not accept incoming phone calls for detainees, even from attorneys.⁵⁵ Lt. Col. [b6, b7C] said that the preferred mode of communication from an attorney to the client is by letter, and that attorneys simply set up a schedule for clients to call them from HRRJ.⁵⁶

5. Telephone Privileges in Special Management Unit

The *Standards* state that telephone privileges should generally be the same for detainees in the Special Management Unit, consistent with security concerns.⁵⁷

It is unclear whether HRRJ meets this section of the Standards. While we did not visit the Special Management Unit, Lt. Col. [b6, b7C] indicated that SMU inmates were not provided as ready access to telephones as detainees in the regular housing units.⁵⁸ It appears that SMU detainees need to request the use of the phone.⁵⁹

C. Access to Library and Legal Material

All facilities holding ICE detainees "shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents."⁶⁰

provided for attorney phone calls; in fact, the Handbook states that "All calls to attorneys must be made using the inmate phone system." Id.

⁵¹ Notes of delegation member [b6], recording conversations with Lt. Col. [b6, b7C].

⁵² HRRJ Inmate Handbook, p. 21.

⁵³ Notes of delegation member [b6], recording conversation with Lt. Col. [b6, b7C].

⁵⁴ Notes of delegation member [b6], recording conversation with Lt. Col. [b6, b7C].

⁵⁵ Notes of delegation member [b6], recording conversation with Lt. Col. [b6, b7C].

⁵⁶ Notes of delegation member [b6], recording conversation with Lt. Col. [b6, b7C].

⁵⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

⁵⁸ Notes of delegation member [b6], recording conversation with Lt. Col. [b6, b7C].

⁵⁹ Notes of delegation member [b6], recording conversation with Lt. Col. [b6, b7C].

⁶⁰ Detention Operations Manual, Detainee Services, Standard 1, Section I.

1. Library Condition

The *Standards* require that facilities provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing.⁶¹ It shall be large enough to provide reasonable access to all detainees who request its use and shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.⁶²

HRRJ meets this section of the *Standards*. The facility has one main law library, which detainees may request to use. This library is well-lit and quiet and has room for approximately 10 people to sit and read.⁶³ In addition, each housing unit has a smaller library space that has room for 1-2 people to work.⁶⁴

⁶¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

⁶² Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

⁶³ Observations of delegation member [REDACTED]

b6

[REDACTED]

⁶⁴ Observations of delegation member [REDACTED]

2. Library Access

The *Standards* require that all detainees, regardless of classification, shall be permitted to use the library for a minimum of five hours per week and should not have to forgo recreation time in order to use the library.⁶⁵ Detainees housed in special management units shall have the same law library access as the general population.⁶⁶

HRRJ meets these sections of the Standards. Detainees are allowed access to housing unit libraries during their morning, afternoon, and evening free time.⁶⁷ Detainees may also use the main library upon request.⁶⁸ There are no weekly time limits placed on their use of either the main or the housing unit libraries.⁶⁹ Detainees in special management units are permitted access to the law library, limited only by safety and security concerns.⁷⁰ In addition, these detainees can request to have legal materials brought to them.⁷¹

3. Library Equipment and Supplies

The *Standards* require that the law library provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.⁷² Inspections should occur at least once weekly to ensure good working order of the equipment and to stock sufficient supplies.⁷³ In addition, the facility shall provide indigent detainees with free envelopes and stamps for legal mail.⁷⁴

HRRJ does not fully meet these sections of the Standards; there is only one computer per housing unit, and the delegation observed that equipment was not functioning and computer materials were not accessible. While the main law library does not have computers, each housing unit has one computer that detainees may use for preparing legal documents.⁷⁵ One computer for the 80-100 people housed in each housing unit does not seem sufficient. During the visit to the housing unit inhabited by the majority of the facility's male detainees, the printer was not working and the program containing many of the electronic legal materials would not open.⁷⁶ Agent [b6, b7C] stated that he inspects these computers periodically when he updates the electronic materials and suggested that detainees damaged the equipment purposefully.⁷⁷ While it does not appear that either the main library or the

⁶⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

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

⁶⁷ Notes of delegation member [b6], on conversation with Sgt. [b6, b7C]

⁶⁸ This requires detainees to fill out a request form. Notes of delegation member [b6], on conversation with Lt. [b6, b7C].

⁶⁹ Notes of delegation member [b6], on conversation with Capt. [b6, b7C] and Lt. Col. [b6, b7C].

⁷⁰ Immigration and Naturalization Inmates Addendum to HRRJ Inmate Handbook.

⁷¹ Notes of delegation member [b6], on conversations with Lt. [b6, b7C] and Lt. Col. [b6, b7C].

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

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

⁷⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

⁷⁵ Observations of delegation member [b6]

⁷⁶ Observations of delegation member [b6]

⁷⁷ Notes of delegation member [b6], on conversation with Agent [b6, b7C].

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housing unit libraries have supplies,⁷⁸ detainees can get paper, writing implements, envelopes, and stamps either by purchasing these at the facility, or if indigent, by requesting a free “indigent pack.”⁷⁹

4. Library Holdings

The *Standards* require that all facility law libraries contain the materials listed in Attachment A to the chapter on Access to Legal Materials.⁸⁰ The facility shall post a list of its holdings in the law library.⁸¹ The facility shall designate an employee with responsibility for updating legal materials, inspecting them weekly, and maintaining them in good condition.⁸² Damaged or stolen materials shall be promptly replaced.⁸³

HRRJ does not meet these sections of the *Standards*; the materials in the law library and housing units, including those provided on computers, are incomplete. The law library does not contain the materials listed in Attachment A, and contains very few immigration-related materials at all in hard-copy.⁸⁴ The law library contains: the U.S. Code (from 1987), a Martindale Hubbard directory and two immigration treatises.⁸⁵ The housing unit that holds most of the detained men contains some additional immigration-related resources.⁸⁶ These include: the Immigration Case Reporter (Bender), Immigration Law and Procedure Reporter (Lexis), and Federal Habeas Corpus Practice & Procedure (Lexis).⁸⁷ The women’s housing unit does not contain any books,⁸⁸ but these resources can be brought to that housing unit on a portable library cart.⁸⁹ Lt. [b6, b7C], who is responsible for maintaining the library holdings in accordance with the *Standards*,⁹⁰ stated that the HRRJ facility never received the initial set of legal materials from ICE and that he has requested missing sources from ICE.⁹¹ Included in this report is a list provided by Lt. [b6, b7C] that specifies which materials the library currently has and which are needed. The print materials available in the library and in the male detainees’ housing unit appeared to be in good condition.⁹²

In addition to these printed materials, each of the housing unit computers has electronic versions of immigration-related materials provided to ICE by Lexis.⁹³ These electronic resources appear to include: cases from the U.S. Supreme Court, the Court of Appeals, the Federal Circuit, the District Courts, the Court of Federal Claims, the Bankruptcy Courts, the Board of Alien Labor Certification Appeals (BALCA), and the Office of Chief Administrative Hearing Officers (OCAHO); the Immigration & Nationality Act; the ICE law library containing immigration-related definitions; a document on the

⁷⁸ Observations of delegation member [b6].

⁷⁹ Notes of delegation member [b6], on conversations with detainees [b6, b7C] and [b6, b7C]
[b6, b7C]

⁸⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

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

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

⁸³ Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

⁸⁴ Observations of delegation member [b6]. Attachment A: List of Legal Reference Materials is included with this report and materials absent from the HRRJ law library are marked with an asterisk.

⁸⁵ Observations of delegation member [b6].

⁸⁶ Observations of delegation member [b6].

⁸⁷ Observations of delegation member [b6].

⁸⁸ Observations of delegation member [b6].

⁸⁹ Notes of delegation member [b6], recording conversation with Lt. Col. [b6, b7C].

⁹⁰ Notes of delegation member [b6], recording conversation with Lt. Col. [b6, b7C].

⁹¹ Notes of delegation member [b6], recording conversation with Lt. [b6, b7C].

⁹² Observations of delegation member [b6].

⁹³ Notes of delegation member [b6], recording conversation with Agent [b6, b7C].

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Board of Immigration Appeals prepared by the Department of Justice; Ballentine's law dictionary; a Spanish-English dictionary; a database of country reports and Amnesty International country reports; a "how to" guide on legal research and writing; a list of non-profits related to immigration issues; resources on criminal procedure and habeas practice; INS and DOJ opinions; and BIA and AAU decisions.⁹⁴

In some cases, the electronic materials contain information similar, but not identical, to the resources on Attachment A.⁹⁵ In other cases, there did not appear to be an equivalent source available in electronic format.⁹⁶ Some of the required materials from Attachment A that do not seem to have equivalents in the electronic materials include: the Code of Federal Regulations; Guide for Immigration Advocates; UNHCR Handbook on Procedures and Criteria for Determining Refugee Status; Considerations for Asylum Officers Adjudicating Asylum Claims From Women; Immigration and Naturalization Service Basic Law Manual; Lawyer's Committee Handbook on Representing Asylum Applicants; and Rights of Prisoners.⁹⁷ These materials are updated regularly by Agent [b6, b7C].⁹⁸ While these electronic materials were available in the women's housing unit, at the time of this visit these were not available in the men's housing unit.⁹⁹ Agent [b6, b7C] stated that these electronic resources are often deleted by inmates.¹⁰⁰

The electronic materials available are somewhat difficult to navigate¹⁰¹ and the print resources that are available are spread between several libraries in the facility.¹⁰² No list of holdings was posted in either the main library or the housing unit libraries.¹⁰³ There is confusion over the extent of the library holdings. By prominently displaying a list of the library's printed and electronic materials in the main and housing unit libraries, detainees will be better able to take advantage of the resources offered and request materials that are not available.

5. Photocopies

The *Standards* require facilities to ensure that detainees can obtain photocopies of legal material for their legal proceedings.¹⁰⁴

HRRJ meets this section of the Standards. Detainees who wish to photocopy materials must fill out a written request for photocopies.¹⁰⁵ Detainee [b6, b7C] stated that she had followed this procedure to request photocopies in the past.¹⁰⁶

⁹⁴ Observations of delegation member [b6]. Due to the difficulty of identifying some of the electronic materials, this list may not be entirely accurate.

⁹⁵ Observations of delegation member [b6].

⁹⁶ Observations of delegation member [b6].

⁹⁷ Observations of delegation member [b6]. There may also be others required materials that do not have equivalents in electronic format, however due to the difficulty of identifying some of the electronic resources, it was difficult to cross-reference these with Attachment A.

⁹⁸ Notes of delegation member [b6] recording conversation with Agent [b6, b7C].

⁹⁹ Observations of delegation member [b6].

¹⁰⁰ Notes of delegation member [b6] recording conversation with Agent [b6, b7C].

¹⁰¹ Delegation member [b6] was unable to locate half of the materials available until assisted by Agent [b6, b7C].

¹⁰² Observation of delegation member [b6].

¹⁰³ Observation of delegation member [b6].

¹⁰⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.I.

6. Assistance for Detainees

The *Standards* require that facilities permit detainees to voluntarily assist other detainees in legal research and writing.¹⁰⁷ They also provide that unrepresented illiterate or non-English speaking detainees who wish to pursue a legal claim related to their immigration proceedings or detention and indicate difficulty with the legal materials must be provided with more than access to a set of English-language law books.¹⁰⁸

HRRJ apparently does not fully meet this section of the *Standards*: there does not appear to be assistance for illiterate or non-English speaking detainees aside from assistance from other detainees. Detainees are allowed to assist one another in legal research and writing, but there does not seem to be any formal procedure in place for assisting illiterate or non-English speakers.¹⁰⁹ Apparently some assistance is being given informally: when asked if assistance was available for non-English speakers, Detainee [REDACTED] b6, b7C stated that detainees always help one another.¹¹⁰

7. Notice to Detainees

The *Standards* require that detainees be provided with rules and procedures governing access to legal materials in the detainee handbook.¹¹¹ This should include the fact that a law library is available for detainee use, the hours of access, and the procedures for requesting additional time, for requesting additional legal materials, and for notifying staff of missing or damaged materials.¹¹² These policies should also be posted in the law library along with a list of the library's holdings.¹¹³

HRRJ does not fully meet this section of the *Standards*. The detainee handbook mentions the law library and states that all detainees are offered a minimum of five hours per week of access.¹¹⁴ However, the handbook does not mention any of the procedures for requesting additional time, requesting additional materials, or notifying staff of missing or damaged materials.¹¹⁵ Neither these policies, nor the list of the library's holdings, were posted in either the main library or the housing unit libraries.¹¹⁶ Detainee [REDACTED] b6, b7C was not aware that she could request time in the law library.¹¹⁷ Some confusion over library policies could be remedied by including this information in the handbook and by posting it in the housing unit.

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

¹⁰⁵ Notes of delegation member [REDACTED] b6, recording conversation with Lt. [REDACTED] b6, b7C.

¹⁰⁶ Notes of delegation member [REDACTED] b6, recording conversation with detainee [REDACTED] b6, b7C.

¹⁰⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

¹⁰⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.L.

¹⁰⁹ Notes of delegation member [REDACTED] b6, recording conversation with detainee [REDACTED] b6, b7C.

¹¹⁰ Notes of delegation member [REDACTED] b6, recording conversation with detainee [REDACTED] b6, b7C.

¹¹¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

¹¹² Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

¹¹³ Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

¹¹⁴ INS Addendum to HRRJ Inmate Handbook.

¹¹⁵ See HRRJ Inmate Handbook and INS Addendum to HRRJ Inmate Handbook.

¹¹⁶ Observations of delegation member [REDACTED] b6 in the main library, the library in the housing unit holding the majority of male detainees, and the library in the women's housing unit.

¹¹⁷ Notes of delegation member [REDACTED] b6, recording conversation with detainee [REDACTED] b6, b7C.

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procedures, consistent with the security and orderly operation of each facility.”¹¹⁸ Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.¹¹⁹ While the presentations are open to all detainees, the facility “may limit the number of detainees at a single session.”¹²⁰ “The facility shall select and provide an environment conducive to the presentation, consistent with security.”¹²¹ In addition, detainees shall have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”¹²²

HRRJ substantially meets this section of the Standards. While HRRJ administers these group presentations within the spirit of the Standards (providing notice and access), they do not follow some logistical provisions of the Standards. According to HRRJ personnel, there are no restrictions on group rights presentations and they are open to all detainees.¹²³ The only organization that provides these presentations is the Capital Area Immigrant Rights Coalition (“CAIR Coalition”), based in Washington, D.C.¹²⁴ HRRJ administrators have an established relationship with the CAIR Coalition and regularly schedule these presentation visits with them.¹²⁵ A CAIR Coalition representative typically visits HRRJ once every month, and sometimes comes more often than that.¹²⁶ A few days prior to the presentation, a guard in each housing unit makes an announcement regarding the presentation and gets interested detainees to sign up to attend.¹²⁷ While the guards do notify the detainees in advance of the presentation, it is not always with at least forty-eight hours notice as required by the *Standards*, and sometimes this notice is under twenty-four hours.¹²⁸

No informational posters, required by the Standards are displayed in the housing units; the detainees must rely on the verbal announcements from guards regarding presentation schedules.¹²⁹ Interviews with detainees confirmed that the guards have notified detainees of the presentation in the past.¹³⁰ However, with HRRJ’s verbal notification process, it cannot be confirmed that the detainees receive notification on a consistent basis.

HRRJ personnel indicated that the presentations take place either in the housing unit common area, the recreation area, or the small library room within the housing unit.¹³¹ The housing unit common area is the most conducive to the presentation since there is adequate seating and lighting available. While the housing unit common area provides an adequate space for the presentations, the small library room is very small and has limited seating, and the recreation room is large but there is no additional seating.¹³² As a result, the presentation space used may not be consistently conducive to the presentation.

¹¹⁸ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹¹⁹ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹²⁰ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹²¹ Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹²² Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹²³ Notes of delegation member [REDACTED] recording conversation with Lt. Col.

¹²⁴ Notes of delegation member [REDACTED] recording conversation with Lt. Col.

¹²⁵ Notes of delegation member [REDACTED] recording conversation with Lt. Col.

¹²⁶ Notes of delegation member [REDACTED] recording conversation with Lt. Col.

¹²⁷ Notes of delegation member [REDACTED] recording conversation with Lt. Col.

¹²⁸ Notes of delegation member [REDACTED] recording conversation with Lt. Col.

¹²⁹ Notes of delegation member [REDACTED] recording conversation with Lt. Col. [REDACTED], and observation by delegation member [REDACTED] b6 [REDACTED].

¹³⁰ Interviews of detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C.

¹³¹ Notes of delegation member [REDACTED] b6, recording conversation with Lt. Col. [REDACTED] b6, b7C.

¹³² Observations of [REDACTED] b6.

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Finally, the HRRJ personnel are not aware that the “Know Your Rights” video is shown to detainees.¹³³

IV. OTHER PROVISIONS OF THE ICE DETENTION STANDARDS

A. Correspondence and Other Mail

The *Standards* require that detainees be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility.¹³⁴ General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and even read outside the presence of the detainee if security reasons exist for doing so.¹³⁵ Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.¹³⁶ Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹³⁷ Outgoing special correspondence cannot be opened, inspected, or read.¹³⁸ The *Standards* also require that facilities provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential representative, or any court.¹³⁹ Finally, the *Standards* require that facilities notify detainees of specific information regarding correspondence policies.¹⁴⁰

HRRJ substantially meets this section of the *Standards*, although the Handbook indicates that all outgoing mail is inspected, and that incoming and outgoing mail may be read by staff under certain circumstances. According to the Inmate Handbook, incoming mail is to be opened and inspected for contraband outside of the presence of the detainee and delivered within 24 hours of arrival.¹⁴¹ Legal correspondence is to be opened and inspected in the presence of the detainee.¹⁴² The Inmate Handbook states that all outgoing mail is inspected for contraband; there is no indication that outgoing legal mail will not be inspected for contraband.¹⁴³ Both incoming and outgoing mail will be read by staff under certain circumstances, when “there is a reasonable suspicion that a particular letter threatens the safety of the facility, the safety of any person, or is being used for illegal activities.”¹⁴⁴ Indigent detainees are to be provided “enough paper, stamps, and envelopes to send five (5) letters per week.”¹⁴⁵

B. Detainee Handbook

The *Standards* require that every Officer in Charge develop a site-specific detainee handbook to serve as an overview of detention policies, rules, and procedures.¹⁴⁶ Every detainee should receive a copy

¹³³ Notes of delegation member [REDACTED] b6, recording conversation with Lt. Col. [REDACTED] b6, b7C

¹³⁴ Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹³⁵ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹³⁶ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E. & F.

¹³⁷ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹³⁸ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

¹³⁹ Detention Operations Manual, Detainee Services, Standard 3, Section III.I.

¹⁴⁰ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁴¹ HRRJ Inmate Handbook, p. 22.

¹⁴² HRRJ Inmate Handbook, p. 22.

¹⁴³ HRRJ Inmate Handbook, pp.22-23.

¹⁴⁴ HRRJ Inmate Handbook, p. 22.

¹⁴⁵ HRRJ Inmate Handbook, p. 23.

¹⁴⁶ Detention Operations Manual, Detainee Services, Standard 6, Section I.

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of the handbook upon admission to the facility.¹⁴⁷ The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.¹⁴⁸ The Officer in Charge will provide a copy of the handbook to every staff member who has contact with detainees.¹⁴⁹

HRRJ does not fully meet this section of the *Standards*: the Inmate Handbook lacks information regarding several legal access issues. HRRJ staff gave each delegation member a copy of the Inmate Handbook, which includes a short “INS Inmates Addendum,” and indicated that all staff and inmates/detainees are given a copy upon admission.¹⁵⁰ All detainees interviewed indicated that they received a copy of the Inmate Handbook at admission.¹⁵¹ Lt. [b6, b7C] showed us a printed copy of the Inmate Handbook translated into Spanish.¹⁵² The Inmate Handbook appears to provide a fair amount of detail on the facility’s detention policies, rules and procedures.¹⁵³ Areas where the Inmate Handbook conflicts with or does not provide information required by the *Standards* are identified in this report in Sections III.A.2, Visitation by Family and Friends; III.B.4, Incoming Calls and Messages; III.B.5, Telephone Privileges in Special Management Unit; III.C.7, Notice to Detainees; IV.A, Correspondence and Other Mail; IV.K, Disciplinary Policy.

C. Recreation

The *Standard* 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.”¹⁵⁴ If outdoor recreation is available, the *Standard* stipulates that each detainee shall have access for at least one hour daily, five days per week.¹⁵⁵ If no outdoor recreation is available, detainees should be considered for transfer to a facility with outdoor recreation after six months.¹⁵⁶

HRRJ does not fully meet this section of the *Standards*: outdoor recreation is not provided. HRRJ has recreation areas in each housing unit, and they are open for detainee use throughout the day, except during meals and transitions from activities.¹⁵⁷ These recreation rooms contain a basketball court and volleyball nets.¹⁵⁸ These closed recreation rooms have a single open window of approximately 10 feet by 10 feet, about 12 feet off the ground, covered by mesh wire.¹⁵⁹ According to Lt. Col. [b6, b7C] [b6, b7C], this large opening allows rain and snow to come into the room, and thus under American Correctional Association standards qualifies as “outdoor.”¹⁶⁰ Lt. Col. [b6, b7C] acknowledged that this is

¹⁴⁷ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹⁴⁸ Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

¹⁴⁹ Detention Operations Manual, Detainee Services, Standard 6, Section III.H.

¹⁵⁰ Observation of delegation member [b6]

¹⁵¹ Interviews with detainees [b6, b7C], [b6, b7C], [b6, b7C], [b6, b7C], [b6, b7C], [b6, b7C], and [b6, b7C].

¹⁵² Observation of delegation member [b6]

¹⁵³ Observation of delegation member [b6]

¹⁵⁴ Detention Operations Manual, Detainee Services, Standard 13, Section I.

¹⁵⁵ Detention Operations Manual, Detainee Services, Standard 13, Section I.

¹⁵⁶ Detention Operations Manual, Detainee Services, Standard 13, Section III.C.1.

¹⁵⁷ Observation of delegation member [b6] and notes of delegation member [b6] recording conversation with Lt. Col. [b6, b7C]

¹⁵⁸ Observation of delegation member [b6]

¹⁵⁹ Observation of delegation member [b6]

¹⁶⁰ Notes of delegation member [b6], recording statements by Lt. Col. [b6, b7C]

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hardly “outdoors.”¹⁶¹ According to ICE Agent [b6, b7C], there is no provision to transfer detainees to facilities with a true outdoor recreation area per the Standards.¹⁶²

D. Access to Medical Care

The *Standards* require that all detainees have access to medical services that promote detainee health and general well-being.¹⁶³ The *Standards* suggest that IGSA’s maintain current accreditation by the National Commission on Correctional Health Care and strive for accreditation with the Joint Commission on the Accreditation of Health Care Organizations.¹⁶⁴ All medical personnel are required to have a valid professional licensure and/or certification.¹⁶⁵ Each facility is required to have regularly scheduled times, known as sick call, when medical personnel are available to see detainees who have requested medical services.¹⁶⁶ For a facility of more than 200 detainees, a minimum of five days per week is suggested.¹⁶⁷ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.¹⁶⁸ With respect to emergency care, the *Standards* state that in a situation in which a detention officer is uncertain whether a detainee requires emergency medical care, the officer should immediately contact a health care provider or an on-duty supervisor.¹⁶⁹ The *Standards* require that adequate space and equipment be furnished in all facilities so that all detainees can be provided basic health examinations and treatment in private.¹⁷⁰

HRRJ appears to substantially meet this portion of the *Standards*; however there appear to be delays in responding to non-emergency sick call requests. HRRJ has a medical facility with a waiting area, multiple private examination rooms, on-site dialysis services, dental treatment facilities, and a room for taking and developing x-rays.¹⁷¹ The facility employs one full-time physician, 32 full-time equivalent nurses, and several mental health professionals.¹⁷²

Nursing staff are available to treat minor medical complaints and determine whether the detainee needs to be examined by a doctor or other medical professional.¹⁷³ Psychiatrists and psychiatric social workers are on call for mental health needs at HRRJ.¹⁷⁴

All detainees at HRRJ are screened for medical issues upon their initial processing.¹⁷⁵ Each detainee is questioned regarding prior health history, current health, medical history, suicide risk, mental health, drug and/or alcohol dependence, and TB.¹⁷⁶ Detainees who are initially flagged as having some

¹⁶¹ Notes of delegation member [b6] recording statements by Lt. Col. [b6, b7C]

¹⁶² Notes of delegation member [b6] recording statements by Agent [b6, b7C]

¹⁶³ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁶⁴ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁶⁵ Detention Operations Manual, Health Services, Standard 2, Section III.C.

¹⁶⁶ Detention Operations Manual, Health Services, Standard 2, Section III.F.

¹⁶⁷ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁶⁸ Detention Operations Manual, Health Services, Standard 2, Section III.A, D, and G.

¹⁶⁹ Detention Operations Manual, Health Services, Standard 2, Section III.H.

¹⁷⁰ Detention Operations Manual, Health Services, Standard 3, Section III.B.

¹⁷¹ Observation of delegation member [b6]

¹⁷² Notes of delegation member [b6] recording conversations with Lt. Col. [b6, b7C]

¹⁷³ HRRJ Inmate Handbook, p. 20.

¹⁷⁴ Notes of delegation member [b6] recording conversations with Lt. Col. [b6, b7C]

¹⁷⁵ HRRJ Inmate Handbook, p. 4.

¹⁷⁶ Notes of delegation member [b6] recording conversations with Lt. Col. [b6, b7C]

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mental health issue, including suicidal tendencies, may be kept separately and monitored closely by the staff.¹⁷⁷ Hampton Roads has designated facilities for individuals having mental health issues.¹⁷⁸

For non-English-speaking detainees, HRRJ uses bilingual officers and telephone services, including the AT&T Language Line, to provide translation services.¹⁷⁹ The HRRJ Inmate Handbook states that “[m]edical services will ensure that deaf and/or hearing-impaired inmates are afforded effective communications during medical appointments and evaluations.¹⁸⁰

The HRRJ Inmate Handbook states that “[m]edication call is normally scheduled three times daily.”¹⁸¹ The facility provides additional medication to detainees as approved by the jail’s physician. Over-the-counter medications are available through the commissary, and can be ordered as part of the commissary order. The medications are not delivered by detainees and are kept secured in a pharmacy.¹⁸²

HRRJ has sick call five days a week, as suggested in the *Standards*. To see a nurse or doctor an inmate/detainee may submit a Medical Request Form.¹⁸³ While the Inmate Handbook states that “[a] member of the medical staff at the next regularly scheduled sick call will see you” following the submission of a Medical Request Form, detainees complained of delays of several months before seeing a medical professional for non-emergency care.¹⁸⁴ While HRRJ charges a fee for non-ICE detainees, the INS Inmates Addendum to HRRJ Inmate Handbook states that “INS Prisoners will not pay any fee for health care services.”¹⁸⁵

E. Access to Dental Care

The *Standards* suggest that detainees have an initial dental screening exam within 14 days of the detainee’s arrival and require the facility to provide a number of services, including emergency dental treatment and repair of prosthetic appliances.¹⁸⁶ For detainees who are held in detention for more than six months, routine dental treatment may be provided, including amalgam and composite restorations, prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee’s health.¹⁸⁷

HRRJ does not provide a range of dental treatments to detainees held more than six months, which is optional under the *Standards*. HRRJ has a dental care facility on-site.¹⁸⁸ According to the Inmate Handbook, inmates are not provided with dentures, crowns, caps, root canals, fillings, or other dental treatments unless the dental problems indicate a serious risk to the inmate’s health.¹⁸⁹ The

¹⁷⁷ HRRJ Inmate Handbook, p. 8.

¹⁷⁸ Notes of delegation member [redacted] b6 recording conversations with Lt. Col. [redacted] b6, b7C.

¹⁷⁹ Notes of delegation member [redacted] b6 recording conversations with ICE Agent [redacted] b6, b7C and Lt. Col. [redacted] b6, b7C.

¹⁸⁰ HRRJ Inmate Handbook, p. 20.

¹⁸¹ HRRJ Inmate Handbook, p. 20.

¹⁸² HRRJ Inmate Handbook, p. 20; observation of delegation member [redacted] b6, b7C.

¹⁸³ HRRJ Inmate Handbook, p. 20.

¹⁸⁴ HRRJ Inmate Handbook, p. 20; interview of detainee [redacted] b6, b7C.

¹⁸⁵ INS Addendum to HRRJ Inmate Handbook.

¹⁸⁶ Detention Operations Manual, Health Services, Standard 2, Section III.E.

¹⁸⁷ Detention Operations Manual, Health Services, Standard 2, Section III.E.

¹⁸⁸ Observation of delegation member [redacted] b6.

¹⁸⁹ HRRJ Inmate Handbook, p. 20.

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INS Inmates Addendum to HRRJ Inmate Handbook does not indicate that any exception to this policy exists for INS detainees.¹⁹⁰

F. Detainee Classification System

The *Standards* require that detention facilities use a classification system and physically separate detainees in different categories.¹⁹¹ Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.¹⁹² A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.¹⁹³ Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.¹⁹⁴ Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.¹⁹⁵ Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees.¹⁹⁶

All facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.¹⁹⁷ 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.¹⁹⁸

HRRJ substantially meets this section of the *Standards*; however, it does not separate women according to classification level. All detainees and inmates are classified when they first arrive at HRRJ,¹⁹⁹ using a single classification process for both criminal inmates and immigration detainees that is similar to that of the U.S. Department of Justice National Institute of Corrections Objective Jail Classification System.²⁰⁰ The classification process is known as intake; new detainees and inmates are placed in a holding area pending classification.²⁰¹

HRRJ separates inmates into three separate security classes: minimum, medium, and maximum security.²⁰² This classification is determined by reviewing the detainee's past criminal record, past record of behavior in other detention facilities/jails, and any other documented incidences of violence and applying this data to an objective set of criteria.²⁰³ There is no commingling of male minimum and maximum security inmates/detainees. There are also additional subject-related classifications of

¹⁹⁰ INS Addendum to HRRJ Inmate Handbook.

¹⁹¹ Detention Operations Manual, Detainee Services, Standard 4, Section I.

¹⁹² Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

¹⁹³ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

¹⁹⁴ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

¹⁹⁵ Detention Operations Manual, Detainee Services, Standard 4, Sections III.E & F.

¹⁹⁶ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

¹⁹⁷ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

¹⁹⁸ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

¹⁹⁹ HRRJ Inmate Handbook, pp. 7-9; notes of delegation member [REDACTED] b6, recording conversations with Lt. [REDACTED] b6, b7C and Admissions Director [REDACTED] b6, b7C.

²⁰⁰ Notes of delegation member [REDACTED] b6, recording conversations with Lt. [REDACTED] b6, b7C and Admissions Director [REDACTED] b6, b7C. See attached Objective Jail Classification Systems: A Guide for Jail Administrators, U.S. Dept. of Justice.

²⁰¹ Notes of delegation member [REDACTED] b6, recording conversation with Lt. [REDACTED] b6, b7C.

²⁰² Notes of delegation member [REDACTED] b6, recording conversation with Admissions Director [REDACTED] b6, b7C.

²⁰³ Notes of delegation member [REDACTED] b6, recording conversation with Admissions Director [REDACTED] b6, b7C.

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infirmary, medical, disciplinary, worker, and immigration detainee (minimum security).²⁰⁴ During our visit, all of the men detained at HRRJ were classified as “minimum security immigration detainees” and were housed in a single male immigration detainee housing unit.²⁰⁵ HRRJ personnel explained that typically immigration detainees are classified as minimum security, as they usually do not have sufficient criminal or violent backgrounds to warrant a stricter classification.²⁰⁶ However, in the event that an immigration detainee is classified as maximum security, he would be housed with the other maximum security jail inmates and separated from the minimum security immigration detainees.²⁰⁷

Women are classified under the same system.²⁰⁸ However, because of constrained space at the facility, all women inmates and detainees are housed in a single female housing unit.²⁰⁹ Moreover, unlike the detained men who have their own “immigration detainee” housing unit, the detained women are housed among the general female inmate population. This is not a *per se* violation of the *Standards*; nevertheless, it would be optimal for detained women, particularly those with no criminal record, to be housed separately from the general female inmate population.

The Inmate Handbook outlines the criteria for the classification system and provides the procedure to appeal the classification status, in accordance with the *Standards*.²¹⁰

G. Detainee Grievance Procedures

The *Standards* require that every facility develop and implement standard procedures for handling detainee grievances and encourage that the facility initially seek to resolve grievances informally before having to engage in a more formalized procedure.²¹¹ Translating assistance for both formal and informal grievances must be provided upon request.²¹² The *Standards* also require that each facility establish a reasonable time limit for: (1) “processing, investigating, and responding to grievances;” (2) “convening a grievance committee to review formal complaints;” and (3) “providing written responses to detainees who filed formal grievances, including the basis for the decision.”²¹³ All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.²¹⁴

HRRJ substantially meets this section of the *Standards*, although it is unclear whether translation assistance is available, and whether all grievances receive a response. According to the HRRJ Inmate Handbook, detainees should first attempt to resolve grievances verbally through an informal process with their housing unit manager.²¹⁵ If this does not resolve the situation to the detainee’s satisfaction, they may request an Inmate Grievance Form.²¹⁶ The detainee must then fill out the form and return it addressed to the Unit Manager.²¹⁷ Though the Inmate Handbook does not explicitly

²⁰⁴ Notes of delegation member [REDACTED]

[REDACTED], recording conversation with Admissions Director [REDACTED]

²⁰⁵ Notes of delegation member [REDACTED]

[REDACTED], recording conversation with Admissions Director [REDACTED]

²⁰⁶ Notes of delegation member [REDACTED]

[REDACTED], recording conversation with Admissions Director [REDACTED]

²⁰⁷ Notes of delegation member [REDACTED]

[REDACTED], recording conversation with Admissions Director [REDACTED]

²⁰⁸ Observations of delegation member [REDACTED]

b6 [REDACTED]

²⁰⁹ Notes of delegation member [REDACTED]

b6 [REDACTED]

[REDACTED], recording conversation with Lt. Col. [REDACTED] b6, b7C [REDACTED], and observations of delegation member [REDACTED] b6 [REDACTED]

²¹⁰ HRRJ Inmate Handbook, pp. 7-9.

²¹¹ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

²¹² Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1 & 2.

²¹³ Detention Operations Manual, Detainee Services, Standard 5, Section I.

²¹⁴ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

²¹⁵ HRRJ Inmate Handbook, p. 29.

²¹⁶ HRRJ Inmate Handbook, p. 29.

²¹⁷ HRRJ Inmate Handbook, p. 29.

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require the informal process, the HRRJ internal Policies and Procedures for staff state that the only after an inmate has “exhausted all efforts at informally resolving a grievance” may they request an Inmate Grievance Form.²¹⁸ The Inmate Handbook is silent on whether or not translation services are provided for formal and informal complaints.

In each of the housing units where detainees are held, there are boxes mounted on the wall of the common area where grievance forms can be deposited by detainees.²¹⁹ Once an Inmate Grievance Form as been submitted, the Unit Manager is responsible for investigating and resolving the detainee grievance.²²⁰ The Inmate Handbook requires that the Unit Manager investigate and respond in writing to the detainee grievance within nine (9) working days, which is provided in the form of a response containing the reason for the decision.²²¹

HRRJ provides two levels of appeal for detainee grievances. The initial decision by the Unit Manager may be appealed within three (3) days of the receipt of the decision and is reviewed by a Captain on the HRRJ staff.²²² If the response to this appeal is not satisfactory, the detainee may appeal that decision to the Superintendent within five (5) days of receipt.²²³ The Inmate Handbook also guarantees that detainees will not be “punished or subject to reprisal” due to the submission of a grievance.²²⁴

One detainee whom the delegation interviewed stated that he had submitted several grievances, but had only received responses to some of his requests.²²⁵

H. Staff-Detainee Communication/ICE Presence at the Facility

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.²²⁶ In particular, the ICE Field Office Director “shall devise a written schedule and procedure for weekly detainee visits by District ICE deportation staff.”²²⁷ The *Standards* also recommend that detainees shall have the opportunity to submit written questions, notes or requests to ICE officials.²²⁸

ICE does not fully meet this section of the *Standards*: ICE staff visits to the facility occur erratically, and detainees stated that ICE can be unresponsive to their concerns. ICE does not have a schedule for visits to HRRJ.²²⁹ HRRJ staff noted that ICE is not present as much as they would like; a request for a full-time ICE person on staff to assist with the daily population of nearly 100 detainees has been denied.²³⁰ ICE has assigned only one agent to HRRJ, Agent Mojica, who has a number of other responsibilities, including visiting other facilities in Virginia and escorting detainees to ICE offices in

²¹⁸ HRRJ Policies and Procedures 15.4, p. 3.

²¹⁹ Observations of delegation member [REDACTED] b6 [REDACTED].

²²⁰ HRRJ Inmate Handbook, p. 29.

²²¹ HRRJ Inmate Handbook, p. 29.

²²² HRRJ Inmate Handbook, p. 30; HRRJ Policies and Procedures 15.4, p. 5.

²²³ HRRJ Inmate Handbook, p. 30; HRRJ Policies and Procedures 15.4, p. 5.

²²⁴ HRRJ Inmate Handbook, p. 30.

²²⁵ Interview of detainee [REDACTED] b6, b7C [REDACTED].

²²⁶ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²²⁷ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²²⁸ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²²⁹ Observations of delegation member [REDACTED] b6 [REDACTED].

²³⁰ Notes of delegation member [REDACTED] b6, recording conversation with Superintendent [REDACTED] b6, b7C [REDACTED].

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Arlington and also back to their home countries, which takes him away sometimes for an entire week.²³¹ HRRJ staff confirmed that Agent [REDACTED] b6, b7C schedule at HRRJ is erratic; he is sometimes there every day, and then absent for long periods.² Detainees mentioned to us that ICE can be unresponsive to their concerns.²³³

I. Religious Practices

The *Standards* require that detainees of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths.²³⁴ 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.”²³⁵ Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.²³⁶ Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.²³⁷

HRRJ meets this section of the Standards. HRRJ provides reasonable opportunities for detainees to practice their faith. HRRJ personnel coordinate with a variety of religious organizations of different faiths that regularly visit the inmate/detainee population.²³⁸ Moreover, HRRJ allows detainees to possess religious materials such as the Bible or Koran.²³⁹ HRRJ also provides special accommodations for religious practice, including Kosher meals and Ramadan meal services.²⁴⁰ Interviews with detainees indicated that the detainees were provided adequate opportunity and resources to practice their faith.²⁴¹

J. 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.”²⁴² Participation must be voluntary, and detainees may not work more than eight hours per day, and 40 hours per week.²⁴³

HRRJ does not fully meet this section of the Standards; detainees are unable to earn money for their work. Detainees are provided an opportunity to work in the facility should they choose to do

²³¹ Notes of delegation member [REDACTED] b6, recording conversation with Superintendent [REDACTED] b6, b7C ; notes of delegation member [REDACTED] b6, recording conversation with Agent [REDACTED] b6, b7C .

²³² Notes of delegation member [REDACTED] b6, recording conversation with Superintendent [REDACTED] b6, b7C .

²³³ Notes of delegation member [REDACTED] b6, recording interviews of detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C .

²³⁴ Detention Operations Manual, Detainee Services, Standard 14, Section I.

²³⁵ Detention Operations Manual, Detainee Services, Standard 14, Section I.

²³⁶ Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

²³⁷ Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

²³⁸ Notes of delegation member [REDACTED] b6, recording conversation with Lt. Col. [REDACTED] b6, b7C .

²³⁹ HRRJ Inmate Handbook, p. 5.

²⁴⁰ Notes of delegation member [REDACTED] b6, recording conversation with Lt. Col. [REDACTED] b6, b7C .

²⁴¹ Interviews of detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C .

²⁴² Detention Operations Manual, Detainee Services, Standard 37, Sections I & III.A.

²⁴³ Detention Operations Manual, Detainee Services, Standard 37, Sections III.A & H.

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so.²⁴⁴ However, detainees are not compensated for their work.²⁴⁵ Detainees may work in the laundry room and the kitchen, or serve as a facility maintenance worker.²⁴⁶

K. Disciplinary Policy

The *Standards* state that facility authorities “will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures” in order “to provide a safe and orderly living environment.”²⁴⁷ Each facility holding ICE detainees must have a detainee disciplinary system which has “progressive levels of reviews, appeals, procedures, and documentation procedures.”²⁴⁸ Any disciplinary action taken must not be capricious or retaliatory and the following sanctions may not be imposed: “corporal punishment; deviations from normal food services; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; or deprivation of physical exercise unless such activity creates an unsafe condition.”²⁴⁹ In addition, the *Standards* provide that all incident reports filed by officers must be investigated within twenty-four hours of the incident.²⁵⁰ An intermediate level of investigation or adjudication must be established to adjudicate low or moderate infractions.²⁵¹

HRRJ substantially meets this section of the *Standards*; however, the Inmate Handbook lacks certain important information. No detainees we interviewed had experience with the disciplinary system, but the HRRJ Inmate Handbook has a well developed set of disciplinary procedures that are applied in the same manner to both inmates as well as detainees.²⁵² Disciplinary infractions are divided between minor and major infractions depending on the offense and the severity of the offense.²⁵³ Minor violations may be dealt with informally by the security staff through a verbal warning, reprimand, counseling, or up to a 48 hour cell restriction.²⁵⁴ Inmates may choose to proceed to a hearing process, but the possible punishment increases to a maximum of thirty days cell restriction or disciplinary segregation.²⁵⁵ For all major violations as well as minor violations referred to a Disciplinary Hearing, a Disciplinary report will be filed against the detainee.²⁵⁶ The Shift Supervisor or Unit Manager is required to make an investigation of all Disciplinary Reports within 24 hours of the time the violation is reported.²⁵⁷ The Disciplinary Report is served to the detainee within 24 hours prior to the Disciplinary Hearing which is held within 7 days from the date of the incident.²⁵⁸ A Hearing Officer not directly involved in the incident conducts the Disciplinary Hearing, where detainees may make a statement, request witnesses, present evidence, and be assisted by a staff member or other inmate in presenting their

²⁴⁴ HRRJ Inmate Handbook, pp. 27-28; notes of delegation member [REDACTED] b6, recording conversation with Lt. Col. [REDACTED] b6, b7C.

²⁴⁵ HRRJ Inmate Handbook, pp. 27-28; notes of delegation member [REDACTED] b6, recording conversation with Lt. Col. [REDACTED] b6, b7C. Inmates receive reduced time in jail for their work, but the time reduction does not apply to detainees.

²⁴⁶ HRRJ Inmate Handbook, pp. 27-28.

²⁴⁷ Detention Operations Manual, Security and Control, Standard 5, Section I.

²⁴⁸ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

²⁴⁹ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.2 and III.A.3.

²⁵⁰ Detention Operations Manual, Security and Control, Standard 5, Section III.B. and III.C.

²⁵¹ Detention Operations Manual, Security and Control, Standard 5, Section III.C.

²⁵² Notes of delegation member [REDACTED] b6, recording conversation with Lt. Col. [REDACTED] b6, b7C.

²⁵³ HRRJ Inmate Handbook, p. 14.

²⁵⁴ HRRJ Inmate Handbook, p. 18.

²⁵⁵ HRRJ Inmate Handbook, p. 18.

²⁵⁶ HRRJ Inmate Handbook, p. 18.

²⁵⁷ HRRJ Policies and Procedures 10.30, p. 7.

²⁵⁸ HRRJ Inmate Handbook, p. 19.

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defense.²⁵⁹ A written decision of the punishment imposed is provided to the detainee, which can be appealed first to a Captain or designee who will review the appeal within 5 days.²⁶⁰ If the response is not satisfactory to the detainee, they may appeal to the Superintendent who will review the decision and provide a final decision in writing.²⁶¹

The Inmate Handbook contains a detailed description of the disciplinary process, the specific rules of conduct divided into Major and Minor violations, and the process for appealing the result of a Disciplinary Hearing.²⁶² The Handbook also informs detainees that they may not be punished through: 1) restriction of food or meals, 2) any form of corporal punishment, 3) deprivation of clothing, bedding or necessary personal items, 4) the use of restraints as punishment, 5) the restriction of mail privileges, or 6) the restriction of attorney visits or contacts.²⁶³ However, the handbook does not state that detainees may not be deprived of physical exercise unless such activity causes an unsafe condition, as is required in the *Standards*.²⁶⁴ The Handbook also did not inform detainees of their “right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs.”²⁶⁵

V. CONCLUSION

HRRJ meets many of the *ICE Detention Standards* but fails to meet a number of specific provisions. We have the following recommendations:

- To facilitate personal visitation, HRRJ should allow for longer and more flexible visiting hours, including on weekends and holidays when most family members and friends have the time and opportunity to make such visits.
- To provide adequate telephone access to detainees on legal matters, HRRJ should reposition the telephones or provide additional telephone access to ensure detainees have privacy on calls pertaining to legal matters. HRRJ should take incoming phone messages from attorneys and relay them to their client/detainee. HRRJ should provide the same telephone privileges to detainees in a Special Management Unit as it does to all other detainees.
- To support the detainee’s access to legal materials and legal representation, HRRJ should acquire all of the printed materials listed in Attachment A to the chapter on Access to Legal Materials in the Standards. Also, HRRJ should ensure that all electronic versions of legal materials are current and actually accessible from the computer terminals in both the male and female housing units. A list of printed and electronic resources should be posted in the main library or housing units to ensure that detainees know what resources are easily available to them. HRRJ should also revise the Inmate Handbook to include information on how to request additional materials or notify staff of missing or damaged materials.

²⁵⁹ HRRJ Inmate Handbook, p. 19.

²⁶⁰ HRRJ Inmate Handbook, p. 19.

²⁶¹ HRRJ Inmate Handbook, p. 19.

²⁶² HRRJ Inmate Handbook, p. 14.

²⁶³ HRRJ Inmate Handbook, p. 18.

²⁶⁴ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.2 and III.A.3.

²⁶⁵ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.5.a and III.A.5.b.

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- To support the detainee's access and participation in group presentations on legal rights, HRRJ should provide at least 48 hours notice of such presentations and post the information on the bulletin board in each housing unit. HRRJ should also designate a dedicated space conducive to these presentations, and allow the detainees to have reasonable access to view the ICE approved "Know Your Rights" video.
- The Inmate Handbook should be revised to indicate that special correspondence may not be read or copied by facility staff, and that outgoing special correspondence may not be opened, inspected, or read.
- The Inmate Handbook should be revised to accurately reflect the requirements of the *Standards*.
- To support the detainee's access to medical care, HRRJ should ensure there are no delays in responding to non-emergency sick call requests. Also, to support detainee's access to dental care, HRRJ should provide routine dental treatment (including dentures, crowns, caps, root canals, and fillings among others) to detainees held more than six months.
- Finally, to support the detainee's access to ICE staff and ensure adequate ICE oversight over the facility, ICE should provide staff to make weekly scheduled and unscheduled visits to HRRJ.

Facility Name: **Hampton Roads Regional Jail, Portsmouth, Virginia**

Date of Tour: **July 25, 2006**

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

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

Report comments in bold are priority issues for ICE-ABA discussion; others are issues of concern to discuss if time permits.

	ICE Standard*	Delegation Report	Source	ICE Response
1.	Standard 17, Visitation <ul style="list-style-type: none">▪ I. To maintain detainee morale and family relationships, INS encourages visits from family and friends.▪ III.B. Notification. The facility shall provide written notification of visitation rules and hours in the detainee handbook The facility shall also post these rules and hours where detainees can easily see them.▪ III.H. Visits shall be permitted during set hours on Saturdays, Sundays, and holidays.... The facility's written rules shall specify time limits for visits: 30 minutes minimum, under normal conditions.	<ul style="list-style-type: none">▪ There are no family visiting hours on weekends or holidays. (p.3 ¶¶3,4)▪ HRRJ provides for 20 minute visits, although visits may be extended at the discretion of supervisors if a detainee's visitors face a particular hardship. (p.3 ¶4)	HRRJ Inmate Visiting Schedule; HRRJ Inmate Handbook. HRRJ Inmate Handbook; Lt. Col. [REDACTED].	
2.	Standard 16, Telephone Access <ul style="list-style-type: none">▪ I. Facilities holding INS detainees shall permit them to have reasonable and equitable access to telephones.	<ul style="list-style-type: none">▪ Telephone calls are very expensive: they may be more than \$20.00 for a 15 minute call. (p.5 ¶3)	Detainees [REDACTED] b7c and [REDACTED] b7c.	
3.	Standard 16, Telephone Access <ul style="list-style-type: none">▪ III.J. The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order.	<ul style="list-style-type: none">▪ All telephones are in the middle of the housing units, located within two feet of another phone and near tables where detainees congregate. Officers indicated that they would allow detainees to use private areas if requested; however, this is not a policy and does not appear to be known to the detainees. (p.5 ¶5)▪ Lt. Col. [REDACTED] b7c said that HRRJ does not record detainee calls that use the free, pre-programmed codes to call consulates, legal service providers, and select attorneys, however, detainee phone calls are generally recorded. Lt. Col. [REDACTED] b7c said that recordings aren't listened to though.. (p.5 ¶6)	Delegation observations; Officer [REDACTED] b7c, Lt. Col. [REDACTED] b7c, and ICE Agent [REDACTED] b7c; detainees [REDACTED] b7c and [REDACTED] b7c. HRRJ Inmate Handbook; Lt. Col. [REDACTED] b7c.	

4.	<p>Standard 16, Telephone Access</p> <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. The detainee shall be permitted to return the emergency call as soon as reasonably possible within the constraints of security and safety. 	<ul style="list-style-type: none"> ▪ The HRRJ Inmate Handbook states: "You are not allowed to receive incoming phone calls. Only messages of an emergency nature will be taken for you." (p.6 ¶3) ▪ In general, HRRJ does not accept incoming phone calls and messages for detainees, even from attorneys. However, in situations where an attorney is urgently seeking to make telephone contact with a client, Lt. Col. [§ b7] says he will arrange for the phone contact. (p.6 ¶3) 	<p>HRRJ Inmate Handbook.</p> <p>Lt. Col. [§ b7]</p>	
5.	<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"> ▪ There is no computer in the main law library and only one computer in each housing unit that is shared by 80-100 detainees. (p.8 ¶4) ▪ In the housing unit inhabited by the majority of HRRJ's male detainees, the printer was not working and the program containing many of the electronic legal materials would not open. (p.8 ¶4) 	<p>Delegation observations.</p> <p>Delegation observations.</p>	
6.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.C. The law library shall contain the materials listed in Attachment A.... The facility shall post a list of its holdings in the law library. 	<ul style="list-style-type: none"> ▪ The law library does not contain all of the materials listed in Attachment A. (p.9 ¶3) Housing units contain some additional materials in print and on computers, but it is not clear what materials are available, and no list is posted. (p.9 ¶4, p.10 ¶3) ▪ Of the Attachment A materials on computers, the men's housing unit appears to be missing the following: the Code of Federal Regulations; Guide for Immigration Advocates; UNHCR Handbook on Procedures and Criteria for Determining Refugee Status; Considerations for Asylum Officers Adjudicating Asylum Claims From Women; Immigration and Naturalization Service Basic Law Manual; Lawyer's Committee Handbook on Representing Asylum Applicants; and Rights of Prisoners. (p.10 ¶2) 	<p>Delegation observations;</p> <p>dettainee [§ b7].</p> <p>Delegation observations.</p>	

7.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.L. Unrepresented illiterate or non-English speaking detainees who wish to pursue a legal claim ... and indicate difficulty with the legal materials must be provided with more than access to a set of English-language law books. 	<ul style="list-style-type: none"> ▪ There does not seem to be any formal procedure in place for assisting illiterate or non-English speakers. It appears that the only assistance available is help from other detainees. (p.11 ¶2) 	<p>Detainee [REDACTED] [REDACTED]</p>	
8.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.Q. The detainee handbook ... shall provide detainees with the rules and procedures governing access to legal materials, including ... 4. the procedure for requesting additional time in the law library ...; 5. the procedure for requesting legal reference materials not maintained in the library; and 6. the procedure for notifying a designated employee that library material is missing or damaged. 	<ul style="list-style-type: none"> ▪ HRRJ handbook does not mention any of the procedures for requesting additional time, requesting additional materials, or notifying staff of missing or damaged materials. (p.11 ¶4) ▪ These policies were not posted in either the main library or the housing unit libraries. Detainees seemed unaware that they could request time in the law library. (p.11 ¶4) 	<p>HRRJ Inmate Handbook. Delegation observations; Detainee [REDACTED] [REDACTED]</p>	
9.	<p>Standard 9, Group Presentations on Legal Rights</p> <ul style="list-style-type: none"> ▪ III.I. Videotaped presentations. The facility shall play INS-approved videotaped presentations on legal rights, at the request of outside organizations. ... The facility shall provide regular opportunities for detainees in the general population to view the videotape. 	<ul style="list-style-type: none"> ▪ The guards notify detainees in advance of the presentation, although not always with at least forty-eight hours notice. (p.12 ¶2) Also, there are no informational posters in the housing units to notify detainees of the visits, so they must rely solely upon the verbal notification. (p.12 ¶3) 	<p>Lt. Col. [REDACTED]; delegation observations.</p>	
10.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> ▪ III.E.2. Staff shall neither read nor copy special correspondence. ▪ III.F. Outgoing special correspondence will not be opened, inspected, or read. 	<ul style="list-style-type: none"> ▪ The Inmate Handbook states that all outgoing mail is inspected for contraband; there is no indication that outgoing legal mail will not be inspected for contraband. (p.13 ¶3) ▪ Incoming and outgoing mail may be read by staff when "there is a reasonable suspicion that a particular letter threatens the safety of the facility, the safety of any person, or is being used for illegal activities." (p.13 ¶3) 	<p>HRRJ Inmate Handbook HRRJ Inmate Handbook</p>	
11.	<p>Standard 6, Detainee Handbook</p> <ul style="list-style-type: none"> ▪ I. Every OIC will develop a site-specific detainee handbook to serve as an overview of ... the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available Every detainee will receive a copy of this handbook upon admission to the facility. 	<ul style="list-style-type: none"> ▪ There are several areas where the Inmate Handbook conflicts with or does not provide information required by the <i>Standards</i>, identified in the report in Sections III.A.2, Visitation by Family and Friends; III.B.4, Incoming Calls and Messages; III.B.5, Telephone Privileges in Special Management Unit; III.C.7, Notice to Detainees; IV.A, Correspondence and Other Mail; IV.K, Disciplinary Policy. (p.14 ¶2) 	<p>HRRJ Inmate Handbook</p>	

12. Standard 13, Recreation <ul style="list-style-type: none"> ▪ III.B.1. If outdoor recreation is available at the facility, each detainee shall have access for at least one hour daily, at a reasonable time of day, five days a week, weather permitting. ▪ III.B.2. If only indoor recreation is available, detainees shall have access for at least one hour each day and shall have access to natural light. ▪ III.C.1. The case officer shall review the case of any detainee without the required access to outdoor recreation for a period of six months ... [to] determine the detainee's eligibility to transfer to a facility where the required outdoor recreation is available. 	<ul style="list-style-type: none"> ▪ HRRJ does not have outdoor recreation. Rather, each housing unit has one recreation room with an open window of approximately 10 feet by 10 feet. Lt. Col. ██████ stated that recreation there qualifies as "outdoors" under ACA standards. There is no provision to transfer detainees to facilities with a true outdoor recreation area. (p.14 ¶4) 	Delegation observations; Lt. Col. ██████.	
13. Health Services Standard 2, Medical Care <ul style="list-style-type: none"> ▪ I. All detainees shall have access to medical services that promote detainee health and general well-being. ▪ III.A. Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care. 	<ul style="list-style-type: none"> ▪ While the Inmate Handbook states that "[a] member of the medical staff at the next regularly scheduled sick call will see you" following the submission of a Medical Request Form, detainees complained of delays of several months before seeing a medical professional for non-emergency care. (p.16 ¶4) 	HRRJ Inmate Handbook; detainee ██████.	
14. Standard 4, Detainee Classification System <ul style="list-style-type: none"> ▪ III.F. The classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security.... By grouping detainees with comparable records together, ... the system reduces noncriminal and nonviolent detainees' exposure to physical and psychological danger. 	<ul style="list-style-type: none"> ▪ Because of constrained space at the facility, all women inmates and detainees are housed in a single female housing unit. (p.18 ¶2) 	Lt. Col. ██████, delegation observations.	
15. Standard 5, Detainee Grievance Procedures <ul style="list-style-type: none"> ▪ III.A.1. Informal/Oral Grievance. ... Translating assistance shall be provided upon request. ▪ III.A.2. Formal/Written Grievance. ... Illiterate, disabled, or non-English speaking detainees shall be given the opportunity to receive additional assistance upon request. 	<ul style="list-style-type: none"> ▪ The Inmate Handbook does not state whether or not translation services are provided for formal and informal complaints. (p.19 ¶1) 	HRRJ Inmate Handbook.	
16. Standard 5, Detainee Grievance Procedures <ul style="list-style-type: none"> ▪ I. Every facility will develop and implement standard operating procedures (SOP) that address detainee grievances. ... [E]ach SOP must establish a reasonable time limit for: ... (iii) providing written responses to detainees who filed formal grievances. 	<ul style="list-style-type: none"> ▪ One detainee stated that he had submitted several grievances, but had only received responses to some of his requests. (p.19 ¶4) 	Detainee ██████.	

17. Standard 15, Staff-Detainee Communication. <ul style="list-style-type: none"> ▪ III.A.1. Policy and procedures shall be in place to ensure and document that the ICE Officer in Charge (OIC), the [AOIC] and designated department heads conduct regular unannounced (not scheduled) visits to the facility's living and activity areas ▪ III.A.2.b. The ICE Field Office Director shall devise a written schedule and procedure for weekly detainee visits by District ICE deportation staff. ▪ III.B. All detainees shall have the opportunity to submit written questions, requests, or concerns to ICE staff. ▪ III.B.1. The detainee requests shall be forwarded to the ICE office of jurisdiction within 72 hours and answered as soon as possible and practicable, but not later than within 72 hours from receiving the request. 	<ul style="list-style-type: none"> ▪ ICE does not have a schedule for visits to HRRJ. HRRJ staff stated that ICE is not present as much as they would like. (p.19 ¶6) ▪ ICE has assigned one agent to HRRJ, who has a number of other responsibilities which make his schedule at HRRJ erratic. He is sometimes there every day, and then absent for long periods. (p.19 ¶6) ▪ Detainees stated that ICE could be unresponsive to their concerns. (p.20 ¶1) 	Delegation observations; Superintendent [§ 87] Superintendent [§ 87]; Agent [§ 87] Detainees [§ 87] and [§ 87]	
18. Standard 18, Voluntary Work Program <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"> ▪ Detainees are not compensated for their work. (p.21 ¶1) 	HRRJ Inmate Handbook; Lt. Col. [§ 87]	