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MEMORANDUM

May 19, 2009

To: James T. Hayes, Jr., Director, Office of Detention and Removal, Immigration and Customs Enforcement
From: American Bar Association Delegation to the El Centro Detention Facility¹
Copies to: [REDACTED] ABA Commission on Immigration
Subject: Report on Observational Tour of the El Centro Detention Facility, El Centro, California

This memorandum summarizes and evaluates information gathered at the Immigration and Customs Enforcement (“ICE”) Service Processing Center in El Centro, California (the “El Centro SPC” or the “facility”), during the delegation’s August 8, 2007 visit to the facility. The information was gathered via observation of the facility by the delegation, interviews with four detainees, and discussions with 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-nine standards contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies to grievance procedures. 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 San Diego office of Latham & Watkins LLP, including [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

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

II. INTRODUCTION

A. The Delegation's Visit, August 8, 2007

On Wednesday, August 8, 2007, the members of our delegation met with several members of El Centro SPC's staff, including, Acting Officer in Charge [REDACTED] ("Officer [REDACTED]"), Assistant Officer in Charge [REDACTED] ("Officer [REDACTED]"), and Compliance Officers [REDACTED] ("Officer [REDACTED]"), [REDACTED] ("Officer [REDACTED]"), and [REDACTED] ("Officer [REDACTED]"). The officers discussed the implementation of the ICE detention standards. Assistant Officer in Charge [REDACTED] and Compliance Officers [REDACTED], [REDACTED], and [REDACTED] then led our delegation on a tour of the facilities. The delegation appreciates the cooperation of these individuals; they were direct and accommodating during our tour of the facility.

Our report is based on the discussions we had with these El Centro SPC staff members, as well as observations of the facility and interviews with four immigration detainees. Two detainees, one of whom was not interviewed by the delegation, sent subsequent letters to a member of the delegation, detailing experiences that were not discussed during the interviews. Where information in this report is based on those letters, it is explicitly noted. In many instances, the detainees' reports were compatible with statements made by facility personnel and our observations. In such cases, the delegation was able to more accurately determine whether El Centro SPC policies and procedures successfully meet the Standards. However, in certain instances, the detainees' reports conflicted with statements made by facility personnel. Where we were unable to reconcile the conflicting reports, the delegation was unable to determine conclusively whether the Standards are being met.

B. General Information About the El Centro Detention Facility

According to Officer [REDACTED], the Facility has the capacity to hold over 500 individuals.³ On the day we visited, El Centro SPC had a population of 414 inmates, all of whom were immigration detainees.⁴ On average, the facility houses between 450-500 detainees.⁵ El Centro SPC houses males exclusively.⁶ The facility houses immigration detainees from many different countries, including Mexico, Somalia, Iraq, and many Central American countries.⁷

III. 2006 ABA REPORT ON EL CENTRO SPC

A review of the 2006 ABA report on El Centro SPC shows that problems persist with regard to privacy for private phone calls, access to legal materials, and housing of violent detainees. The 2006 ABA report indicated that detainees' privacy was very limited when making phone calls because all phones were grouped together in open, close-quartered common

³ Notes of delegation member [REDACTED] on conversation with Acting Officer in Charge ("OIC") [REDACTED]

⁴ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED]

⁵ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED]

⁶ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED]

⁷ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED]

areas surrounded by other detainees or guards.⁸ The 2006 report also indicated a lack of required legal materials in the facility law library.⁹ Lastly, the report stated that violent or disruptive detainees were often housed with the general non-violent detainee population.¹⁰ These problems have apparently not been resolved.

IV. LEGAL ACCESS STANDARDS

A. Visitation

1. Visitation by Attorneys

The Standards require that facilities permit legal visitation seven days per week.¹¹ Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend.¹² The visits must be private, and should not be interrupted for head counts.¹³ Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.¹⁴ Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.¹⁵ If standard operating procedures at the facility require strip searches after contact visits with a legal representative, then the facility must provide an option for confidential non-contact visits with legal representatives and a mechanism to exchange documents.¹⁶

El Centro SPC substantially meets this section of the Standards; however, one detainee stated that he is subject to a strip search after all non-contact visits. Attorneys may visit the detainees seven days per week, and are also offered the option of telephone conferences with their clients.¹⁷ Law students and interpreters may meet with detainees as long as they or an attorney have made a formal request to the El Centro SPC staff.¹⁸

Attorneys are not allowed to schedule visits that start during counts, which occur at 8 a.m., 3:30 p.m., and 10:00 p.m.¹⁹ However, an attorney may continue a visit that starts earlier and runs into a count or mealtime.²⁰

⁸ 2006 ABA report.

⁹ 2006 ABA report.

¹⁰ 2006 ABA report.

¹¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

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

¹³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

¹⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

¹⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

¹⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.11.

¹⁷ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED].

¹⁸ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

¹⁹ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

The facility has four attorney visitation booths.²¹ All visits are non-contact, with a Plexiglas divider between the detainee and the attorney.²² An attorney can exchange documents with a detainee through a monitored window.²³ According to Officer [b6, b7C], attorneys are not searched, and if documents are not exchanged, then detainees are also not subject to a search.²⁴ If documents are exchanged, Officer [b6, b7C] stated that a detainee is only subject to a pat down search.²⁵ An officer must justify in writing the need for any strip search.²⁶ However, one detainee told us that he was always strip searched after non-contact visits, including legal visits.²⁷

Attorneys may call El Centro SPC to determine whether their client is being housed at the facility.²⁸ According to Officer [b6, b7C], El Centro SPC will go out of their way and perform a name search if an attorney does not know a detainee’s Alien Identification Number.²⁹

2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the Standards encourage visits from family and friends.³⁰ The Standards require that facilities establish written visitation hours and procedures, post them where detainees can see them, and make them available to the public.³¹ This includes procedures for handling incoming money for detainees.³² The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”³³ 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.³⁴ Visits should be at least 30 minutes long, and longer when possible.³⁵

²⁰ Notes of delegation member [b6] on conversation with Officer [b6, b7C]

²¹ Observations of delegation member [b6].

²² Notes of delegation member [b6], on conversation with Officer [b6, b7C]

²³ Notes of delegation member [b6], on conversation with Officer [b6, b7C]

²⁴ Notes of delegation member [b6], on conversation with Officer [b6, b7C]

²⁵ Notes of delegation member [b6], on conversation with Officer [b6, b7C]

²⁶ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

²⁷ Notes of delegation member [b6] on conversation with detainee [b6, b7C]

²⁸ Notes of delegation member [b6] on conversation with Officer [b6, b7C]

²⁹ Notes of delegation member [b6] on conversation with Officer [b6, b7C]

³⁰ Detention Operations Manual, Detainee Services, Standard 17, Section I.

³¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

³² Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

³³ Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

³⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

Visits should be granted to detainees in both disciplinary and administrative segregation unless a detainee violates the visitation rules or threatens the security of the visitation room.³⁶

El Centro SPC does not meet this section of the Standards with regard to Level 3 detainees, who may receive visitors for only about twenty minutes and are subject to unposted, limited visiting hours. While its visitation policies meet the Standards for Level 1 and Level 2 detainees, the visitations afforded to Level 3 detainees do not meet the Standards. The visitation schedule for Level 1 and Level 2 detainees is clearly posted on the bulletin boards in each barracks and the front door.³⁷ The schedule ensures that each detainee may receive visitors on Saturdays, Sundays, and holidays.³⁸ Visits generally last for 45 minutes.³⁹ However, if demand for visitation is high, the maximum time allowed will be lowered to allow all detainees to see their visitors, although this generally only occurs on holidays.⁴⁰ All visits are non-contact, and children are permitted to visit.⁴¹

According to Level 3 detainees, a more restricted, unposted visitation schedule applies to them.⁴² One Level 3 detainee reported that Level 3 detainees are only permitted to receive visitors after 9:00 p.m. on weekdays or at 8:30 a.m. on weekends.⁴³ Detainees also reported that visits for Level 3 detainees are limited to about 20 minutes.⁴⁴

If a detainee expects visitors from out of town, the detainee can make a written request for a longer visitation or different visitation hours.⁴⁵ Officer Munoz reported that concessions are generally granted for these out of town visitors.⁴⁶ However, the detainees interviewed, each of whom was Level 3, reported that concessions were not made for their out of town visitors.⁴⁷ One detainee's family visited from Northern California, but was unaware that the visitation schedule for Level 3 detainees was different than the posted schedule.⁴⁸ This detainee's visitors came to the facility during regular visiting hours and were refused admittance, requiring them to

³⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5.

³⁷ Observations of delegation member [redacted] b6 notes of delegation members [redacted] b6, and [redacted] b6 on conversation with Acting OIC [redacted] b6, b7C

³⁸ Notes of delegation member [redacted] b6, on conversation with Acting OIC [redacted] b6, b7C

³⁹ Notes of delegation member [redacted] b6, on conversation with Acting OIC [redacted] b6, b7C

⁴⁰ Notes of delegation member [redacted] b6, on conversation with Acting OIC [redacted] b6, b7C

⁴¹ Notes of delegation member [redacted] b6, on conversation with Acting OIC [redacted] b6, b7C; notes of delegation member [redacted] b6, on conversation with detainee [redacted] b6, b7C

⁴² Notes of delegation member [redacted] b6, on conversation with detainee [redacted] b6, b7C

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

⁴⁴ Notes of delegation members [redacted] b6 and [redacted] b6, on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C

⁴⁵ Notes of delegation members [redacted] b6 and [redacted] b6, on conversation with Acting OIC [redacted] b6, b7C

⁴⁶ Notes of delegation members [redacted] b6 and [redacted] b6, on conversation with Acting OIC [redacted] b6, b7C

⁴⁷ Notes of delegation members [redacted] b6 and [redacted] b6, on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C

⁴⁸ Notes of delegation members [redacted] b6 on conversation with detainee [redacted] b6, b7C

leave and come back another day.⁴⁹ Another detainee reported that he requested extra time to visit with a friend visiting from Northern California, which officials refused.⁵⁰ He was given only fifteen minutes to visit with him.⁵¹ Another day, his wife and children visited from Colorado, but he was only given thirty minutes to visit with them.⁵² Another detainee said he was not aware that special arrangements could be made for out of town visitors.⁵³

B. Telephone Access

1. General Requirements

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.⁵⁴ In order to meet this requirement, facilities must provide at least one telephone for every twenty-five detainees.⁵⁵ The Standards also require that telephone access rules be provided in writing to each detainee upon admittance, and that the rules be posted where detainees may easily see them.⁵⁶

El Centro SPC meets this Standard. Each housing unit has its own set of phones and the number was approximately one phone per fifteen detainees.⁵⁷ Detainees, including those in the SMU, have access to the phone throughout the day.⁵⁸

Telephone usage rules and instructions regarding usage of the phones are posted next to the phones in both English and Spanish.⁵⁹ The phone numbers of local consulates are posted by each phone or bank of phones in the facility.⁶⁰

2. Direct Calls and Free Calls

The Standards allow facilities to generally restrict calls to collect calls;⁶¹ however, the facility must permit detainees to make direct calls to the local immigration court and the Board of Immigration Appeals, federal and local courts, consular officials, legal service providers,

⁴⁹ Notes of delegation members [REDACTED] on conversation with detainee [REDACTED].

⁵⁰ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

⁵¹ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

⁵² Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

⁵³ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

⁵⁴ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

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

⁵⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

⁵⁷ Observations of delegation member [REDACTED].

⁵⁸ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

⁵⁹ Observations of delegation members [REDACTED] and [REDACTED].

⁶⁰ Observations of delegation members [REDACTED] and [REDACTED].

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

government offices, and to family members in case of emergency.⁶² The facility shall not require indigent detainees to pay for these types of calls if local, nor for non-local calls if there is a compelling need.⁶³ In addition, the facility “shall enable all detainees to make calls to the provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.”⁶⁴

El Centro SPC substantially meets this section of the Standards; detainees are able to make calls to local legal service providers and consulates at no charge. The delegation observed notification of the ability to place free calls posted on bulletin boards by barracks phone banks.⁶⁵ One member of the delegation tested a phone and successfully placed a free call to a foreign consulate using the instructions posted next to the phone banks.⁶⁶ Still, one detainee was not aware of their ability to make free calls.⁶⁷ However, another detainee reported that he was once permitted to use a supervisor’s phone to call his attorney for no charge when he did not have any money.⁶⁸

3. Telephone Access to Legal Representatives

The Standards provide that the facility shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones.⁶⁹ If time limits are necessary, they shall be no shorter than twenty minutes.⁷⁰ The Standards require that the facility ensure privacy for detainees’ telephone calls regarding legal matters, and that calls shall not be electronically monitored absent a court order.⁷¹

El Centro SPC substantially meets this section of the Standards; however, detainees may not be able to make private calls. Telephone calls made by detainees are not automatically disconnected after a set period of time, although calls often randomly disconnect.⁷² Detainees appear to be unable to make private telephone calls.⁷³ Phones are located in the public dayrooms and separated by only a few feet and small partitions.⁷⁴ Facility personnel explained

⁶² Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶³ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶⁴ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶⁵ Delegation observations.

⁶⁶ Observations of delegation member [REDACTED] b6

⁶⁷ Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C

⁶⁸ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C

⁶⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

⁷⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

⁷¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

⁷² Notes of delegation member [REDACTED] b6, on conversations with detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C

⁷³ Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C

⁷⁴ Observations of delegation member [REDACTED] b6

that if a private call is necessary a detainee can specially request and arrange one, although no formal guidelines existed.⁷⁵ However, one detainee reported that his request to El Centro SPC staff to arrange a private phone call was denied.⁷⁶ El Centro SPC personnel reported that no calls are monitored, and the detainees interviewed do not believe that calls are being monitored.⁷⁷ However, one detainee who wrote a letter to a member of the delegation stated that phone calls are subject to monitoring and recording.⁷⁸ El Centro SPC staff members are usually present when detainees make phone calls.⁷⁹

4. Incoming Calls and Messages

The Standards require that facilities take and deliver messages from attorneys and emergency incoming telephone calls to detainees as promptly as possible.⁸⁰ 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.⁸¹

El Centro SPC substantially meets this section of the Standards; however, information provided by Officers [b6, b7C] and [b6, b7C] and two detainees conflicts with information provided by another detainee. Officer [b6, b7C] stated that messages are delivered on the day they are received, Monday through Friday, and Officer [b6, b7C] stated that messages are delivered immediately upon receipt.⁸² While two detainees agreed that messages were promptly delivered,⁸³ another detainee stated that on two occasions messages from his attorney were delivered two to three days after the message was taken.⁸⁴

5. Telephone Privileges in Special Management Unit

⁷⁵ Notes of delegation member [b6], on conversation with Officer [b6, b7C]

⁷⁶ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

⁷⁷ Notes of delegation member [b6], on conversation with Officer [b6, b7C]; notes of delegation member [b6], on conversation with detainee [b6, b7C]

⁷⁸ Letter from Detainee A to [b6], dated May 22, 2007. The delegation did not meet with this individual; he wrote to the delegation after their tour.

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

⁸⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁸¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁸² Notes of delegation members [b6] on conversation with Officer [b6, b7C]; notes of delegation members [b6], on conversation with Officer [b6, b7C]

⁸³ Notes of delegation members [b6] and [b6] on conversations with detainees [b6, b7C], and [b6, b7C]

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

The Standards provide that detainees in the Special Management Unit (“SMU”) for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions.⁸⁵

El Centro SPC meets this section of the Standards. Detainees at El Centro SPC placed in the SMU for disciplinary reasons have full access to telephones.⁸⁶ One detainee temporarily placed in the SMU noted that SMU staff gave him ample opportunity to use the phones.⁸⁷

C. Access to Library and Legal Materials

All facilities “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.”⁸⁸

1. Library Access

The Standards suggest that each facility shall have a flexible schedule for law library use that permits all detainees, regardless of housing or classification, to use the law library on a regular basis.⁸⁹ Each detainee shall be permitted to use the law library for a minimum of five hours per week.⁹⁰

El Centro SPC meets this section of the Standards. El Centro SPC permits all detainees to use the law library for one hour per day, and allows the detainees to spend extra time in the library if needed.⁹¹ Detainees can access the library for about four hours on Saturday and two hours on Sunday.⁹² Detainees’ regularly scheduled library time does not conflict with their recreation time.⁹³ However, if a detainee needs extra library time, he must choose between using the library and taking recreation time.⁹⁴ While the library’s maximum occupancy is fifteen to twenty people, a rotating schedule has been developed so that only a limited number of detainees will use the library at one time.⁹⁵ More than fifteen to twenty detainees seldom want to use the

⁸⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

⁸⁶ Notes of delegation member [REDACTED] b6 on conversation with Acting OIC [REDACTED] b6, b7C observations of delegation member [REDACTED] b6.

⁸⁷ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C.

⁸⁸ Detention Operations Manual, Detainee Services, Standard 1, Section I.

⁸⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁹⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁹¹ Notes of delegation member [REDACTED] b6, on conversation with Acting OIC [REDACTED] b6, b7C.

⁹² Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C.

⁹³ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED] b6, b7C.

⁹⁴ Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C.

⁹⁵ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED] b6, b7C.

library at once.⁹⁶ The facility has not received any complaints about library access from detainees.⁹⁷

2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees' legal research and writing.⁹⁸ Furthermore, the law library must be large enough "to provide reasonable access to all detainees who request its use. It shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas."⁹⁹

El Centro SPC does not fully meet this section of the Standards because computers are often inoperable. El Centro SPC has one law library.¹⁰⁰ It is well lit, has ample space, and is well-isolated from noise and foot traffic.¹⁰¹ The library provides access to five computers, four typewriters, a copy machine, and other desks and chairs.¹⁰² Additionally, this library is located in an enclosed room that is free of distractions and noise.¹⁰³

One detainee reported that computers were often inoperable or unavailable.¹⁰⁴ Often, computers are unavailable because they are all being used by detainees.¹⁰⁵ Also, at times the facility allows passwords for the LexisNexis software to expire, rendering the software inoperable.¹⁰⁶ Officer [REDACTED] b6, b7C also stated that there is sometimes a problem with the LexisNexis passwords expiring.¹⁰⁷ One detainee reported that, about three months before the interview, the facility went four or five weeks without an operable computer.¹⁰⁸

3. Materials Identified in the Detention Standards

The Standards require that all facility law libraries contain the materials listed in Attachment A to the chapter on *Access to Legal Materials*.¹⁰⁹ These materials must be updated regularly, and information must be added on significant regulatory and statutory changes

⁹⁶ Notes of delegation member [REDACTED] b6 on conversation with Acting OIC [REDACTED] b6, b7C

⁹⁷ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED] b6, b7C

⁹⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

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

¹⁰⁰ Notes of delegation member [REDACTED] b6 on conversation with Acting OIC [REDACTED] b6, b7C

¹⁰¹ Observations of delegation member [REDACTED]

¹⁰² Observations of delegation member [REDACTED] b6

¹⁰³ Observations of delegation member [REDACTED]

¹⁰⁴ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]

¹⁰⁵ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED] b6, b7C

¹⁰⁶ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED]

¹⁰⁷ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] b6, b7C

¹⁰⁸ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED] b6, b7C

¹⁰⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

regarding detention and deportation of aliens in a timely manner.¹¹⁰ Damaged or stolen materials must be promptly replaced.¹¹¹

El Centro SPC appears to meet this section of the Standards, although it was unclear whether all of the required materials were available on the LexisNexis CD ROM. Officer [b6, b7C] informed us that ICE recently announced that the legal materials listed in Attachment A were no longer required.¹¹² Instead, ICE only requires facilities to provide detainees with access to a standardized LexisNexis CD ROM of immigration law materials on each computer.¹¹³ Despite this policy change, the facility will continue to maintain its hardcopy library.¹¹⁴ While LexisNexis provides access to numerous legal materials, a delegation member who reviewed the LexisNexis CD ROM was unable to find some of the secondary resources listed on Attachment A to the chapter on *Access to Legal Materials*—the delegation member had some difficulty navigating the disc.¹¹⁵ Still, the facility’s library was updated with all of the required hardcopy books listed on Attachment A.¹¹⁶ The LexisNexis CD ROM is updated quarterly and the hardcopy library is now updated annually.¹¹⁷ It is difficult for detainees to navigate the CD ROMs and they need instruction on how to use the software.¹¹⁸ The facility does provide library workers to help detainees find useful materials, but does not train detainees on how to operate the software.¹¹⁹ As mentioned in the previous section, computers are sometimes inoperable or unavailable, which at times makes accessing the CD ROMs difficult if not impossible.¹²⁰

4. Library Equipment and Supplies

The Standards require that facility law libraries provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.¹²¹ Staff must inspect this equipment at least weekly

¹¹⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

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

¹¹² Notes of delegation member [b6] on conversation with Acting OIC [b6]

¹¹³ Notes of delegation member [b6] on conversation with Acting OIC [b6, b7C]

¹¹⁴ Notes of delegation member [b6] on conversation with Acting OIC [b6]

¹¹⁵ Observations of CD ROM by delegation member [b6]

¹¹⁶ Observations and Notes of delegation members [b6] and [b6]

¹¹⁷ Notes of delegation member [b6], on conversation with a Compliance Officer.

¹¹⁸ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

¹¹⁹ Notes of delegation member [b6] on conversation with Acting OIC [b6, b7C]

¹²⁰ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

¹²¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

to ensure equipment is in working order and to stock sufficient supplies.¹²² In addition, indigent detainees must be provided free envelopes and stamps for legal mail.¹²³

El Centro SPC meets this section of the Standards. The library has five computers, four typewriters, a recently purchased copy machine, and three printers.¹²⁴ While detainees complained that the computers are often out of service, they all appeared to function properly during our visit.¹²⁵ Also, while the old copy machine often broke down, the copy machine recently purchased by the facility performs adequately.¹²⁶ Library workers inspect all equipment at the beginning and end of the day.¹²⁷ The facility also provides pencils, free envelopes, and stamps for domestic mail to all detainees.¹²⁸ If a detainee needs to send international mail, someone from the outside has to send him stamps.¹²⁹

5. Photocopies/ Printing

The Standards provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.¹³⁰ Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.¹³¹ Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.¹³²

El Centro SPC meets this section of the Standards. El Centro SPC allows detainees to have a reasonable number of copies made free of charge.¹³³ If an inmate asks a library worker, he will make copies of whatever documents the detainee needs.¹³⁴ While detainees said that facility personnel were under pressure to keep the number of copies made low, none had strong

¹²² Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

¹²³ Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

¹²⁴ Observations of delegation member [REDACTED] on conversation with Acting OIC [REDACTED].

¹²⁵ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].
observations of delegation member [REDACTED].

¹²⁶ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

¹²⁷ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

¹²⁸ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

¹²⁹ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

¹³⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹³¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹³² Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹³³ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

¹³⁴ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

complaints about this system.¹³⁵ A detainee can also print cases and legal materials from the Lexis CD ROM, within reason.¹³⁶

6. Assistance From Other Detainees

The Standards require that each facility permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.¹³⁷

El Centro SPC meets this section of the Standards. Detainees are allowed to assist other detainees with research as long as they have the same security classification.¹³⁸ One detainee reported helping numerous detainees with research, although facility staff did not allow him to teach classes on how to type or effectively use the library.¹³⁹ While this detainee helps illiterate and non-English speaking detainees to the best of his ability, he likens his assistance to “the blind leading the blind,” and does not know how much his assistance actually helps.¹⁴⁰

7. Notice to Detainees

The Standards require that the detainee handbook provide detainees with the rules and procedures governing access to legal materials.¹⁴¹

El Centro SPC meets this section of the Standard: the handbook provides detainees with the rules and procedures governing access to legal materials.¹⁴²

D. Group Rights Presentations

The Standards provide that facilities holding ICE detainees “shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of each facility.”¹⁴³ Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.¹⁴⁴ While the presentations are open to all detainees, the facility “may limit the number of detainees at a single session.”¹⁴⁵ “The facility

¹³⁵ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C
notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C

¹³⁶ Observations of delegation member [REDACTED] b6, on conversation with Acting OIC [REDACTED] b6, b7C

¹³⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

¹³⁸ Notes of delegation member [REDACTED] b6 on conversation with Acting OIC [REDACTED] b6, b7C

¹³⁹ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C

¹⁴⁰ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C

¹⁴¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

¹⁴² Notes of delegation member [REDACTED] b6 on El Centro SPC Detainee Handbook.

¹⁴³ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹⁴⁴ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁴⁵ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

shall select and provide an environment conducive to the presentation, consistent with security.”¹⁴⁶ In addition, detainees shall have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”¹⁴⁷

It is unclear whether El Centro SPC fully meets this section of the Standards; one detainee did not recall seeing the video presentation on legal rights. According to El Centro SPC personnel, a group can make a presentation as long as it is pre-approved by the San Diego ICE office.¹⁴⁸ However, no groups have recently given group rights presentations.¹⁴⁹

Officer [b6, b7C] stated that when detainees first arrive at El Centro SPC, a video on detainee rights is played continuously in English and Spanish.¹⁵⁰ At least one detainee had no recollection of seeing this video.¹⁵¹

V. 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.¹⁵² 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.¹⁵³ Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.¹⁵⁴ Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹⁵⁵ Outgoing special correspondence may not be opened, inspected, or read.¹⁵⁶

The detainee handbook must specify how to address correspondence, the definition of special correspondence and how it should be labeled, and the procedure for purchasing postage and rules for providing indigent detainees free postage.¹⁵⁷ The Standards also require that

¹⁴⁶ Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹⁴⁷ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹⁴⁸ Notes of delegation member [b6] on conversation with Acting OIC [b6, b7C]

¹⁴⁹ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

¹⁵⁰ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

¹⁵¹ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

¹⁵² Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹⁵³ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹⁵⁴ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.

¹⁵⁵ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹⁵⁶ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

¹⁵⁷ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B.

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.¹⁵⁸ Finally, the Standards require that facilities notify detainees of specific information regarding correspondence policies.¹⁵⁹

El Centro SPC substantially meets this section of the Standards; however, information provided by El Centro SPC personnel and one detainee conflicts with information provided by two other detainees who stated that mail may not always be delivered and can be slow. El Centro SPC personnel report that mail is delivered to detainees Monday through Friday, no more than twenty-four hours after being delivered to the facility.¹⁶⁰ According to personnel, no letters are rejected.¹⁶¹ If a package is not pre-approved by facility personnel, it will be rejected and notification letters will be sent to the sender and recipient.¹⁶² Detainees stated that special correspondence is opened in the presence of the detainee.¹⁶³ The facility also provides all detainees with stamps and envelopes.¹⁶⁴

One detainee noted that generally the mail service was quite good.¹⁶⁵ However, two of the four detainees had complaints about the mail. One detainee stated that the mail seems slow.¹⁶⁶ He has also had problems sending mail.¹⁶⁷ Once, a letter that he sent to the Director of ICE was returned to him undelivered for the reason that it failed to list the Director's A-number.¹⁶⁸ Another detainee noted that it took more than one day for the facility to deliver mail.¹⁶⁹ After his interview, this detainee sent several letters with various documents to a member of the delegation.¹⁷⁰ One of these letters, which the detainee said he mailed on August 9, 2007, was postmarked August 14, 2007 and returned to the detainee because the facility attached insufficient postage.¹⁷¹ When the detainee resent the letter, using stamps he purchased himself, the letter was delivered on August 28, 2007.¹⁷² As the envelope itself did not have a dated postmark, it is impossible to know for certain how many days it took to be processed and

¹⁵⁸ Detention Operations Manual, Detainee Services, Standard 3, Section III.I, and Standard 1, Section III.N.

¹⁵⁹ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁶⁰ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

¹⁶¹ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

¹⁶² Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

¹⁶³ Notes of delegation member and [REDACTED], on conversations with detainees [REDACTED].

¹⁶⁴ Notes of delegation member [REDACTED] on conversations with Acting OIC [REDACTED].

¹⁶⁵ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

¹⁶⁶ Notes of delegation member [REDACTED], on conversation with [REDACTED].

¹⁶⁷ Notes of delegation member [REDACTED], on conversation with [REDACTED].

¹⁶⁸ Notes of delegation member [REDACTED], on conversation with [REDACTED].

¹⁶⁹ Notes of delegation member [REDACTED] on conversations with detainee [REDACTED].

¹⁷⁰ Observation of delegation member [REDACTED].

¹⁷¹ Letter from Detainee [REDACTED] to [REDACTED].

¹⁷² Observation of delegation member [REDACTED].

delivered.¹⁷³ The detainee stated that he sent three additional letters to the delegation member, but the delegation member has received only one other letter.¹⁷⁴ He therefore believes his mail to the delegation is purposefully being held back.¹⁷⁵

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.¹⁷⁶ Every detainee should receive a copy of the handbook upon admission to the facility.¹⁷⁷ The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.¹⁷⁸ The handbook must include visitation hours and rules.¹⁷⁹ The handbook must notify detainees of the facility correspondence policy.¹⁸⁰ The grievance section of the handbook must provide notice of the opportunity to file both formal and informal grievances and the procedures for filing grievances and appeals.¹⁸¹ The handbook must provide notice of the facility's rules of conduct and the sanctions imposed.¹⁸² It must advise detainees of rights including the right to protection from abuse, right to freedom from discrimination, and right to pursue a grievance.¹⁸³ The handbook must also state that detainees have the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so.¹⁸⁴ The Officer in Charge will provide a copy of the handbook to every staff member who has contact with detainees.¹⁸⁵

It is unclear whether El Centro SPC fully meets this section of the Standards: the facility permitted the delegation to see a Handbook, but informed the delegation that it could not be disseminated.¹⁸⁶ The Handbook was recently revised.¹⁸⁷ Detainees reported receiving the Handbook upon entering the facility.¹⁸⁸ However, one detainee reported that the

¹⁷³ Observation of delegation member [REDACTED] b6

¹⁷⁴ Letter from Detainee [REDACTED] to [REDACTED] b6 observation of [REDACTED] b6

¹⁷⁵ Letter from Detainee [REDACTED] b6, b7C

¹⁷⁶ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹⁷⁷ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹⁷⁸ Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

¹⁷⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

¹⁸⁰ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

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

¹⁸² Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

¹⁸³ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

¹⁸⁴ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

¹⁸⁵ Detention Operations Manual, Detainee Services, Standard 6, Section III.H.

¹⁸⁶ Delegation observations.

¹⁸⁷ Notes of delegation member [REDACTED] b6, on Detainee Handbook.

¹⁸⁸ Notes of delegation member [REDACTED] b6 on conversations with detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C; notes of delegation member [REDACTED] b6, on conversations with detainee [REDACTED] b6, b7C; notes of delegation member [REDACTED] b6, on conversations with detainee [REDACTED] b6, b7C.

procedures outlined in the Handbook were not always followed.¹⁸⁹ He stated that facility personnel often “do their own thing” instead of following the Handbook.¹⁹⁰ Another detainee believed that the Handbook accurately described conditions in the facility.¹⁹¹

C. Recreation

The Standards require that all detainees have access to recreational programs and activities, under conditions of security and safety.¹⁹² Detainees should be housed in facilities with outdoor recreation.¹⁹³ If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.¹⁹⁴ Detainees should have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise, and games and television in dayrooms.¹⁹⁵ Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.¹⁹⁶

It is unclear whether El Centro SPC fully meets this section of the Standards; one detainee reported that more than half of the allotted recreation time is spent waiting in line. El Centro SPC has indoor and outdoor recreation facilities.¹⁹⁷ Every detainee is afforded of one hour of recreation time per day.¹⁹⁸ Detainees can play basketball, soccer, or run outdoors, while indoors they can play board games, table tennis, and have access to musical instruments.¹⁹⁹ The facility also employs a recreation specialist.²⁰⁰ Still, one detainee noted that, while recreation time was technically an hour, the detainees are required to spend thirty-five of those minutes in line for their daily change of clothing in the laundry room, which takes place during the recreation period.²⁰¹

D. Access to Medical Care

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.²⁰² Each facility is required to have regularly scheduled

¹⁸⁹ Notes of delegation member [REDACTED] on conversations with detainee [REDACTED]

¹⁹⁰ Notes of delegation member [REDACTED] on conversations with detainee [REDACTED]

¹⁹¹ Notes of delegation member [REDACTED], on conversations with detainee [REDACTED]

¹⁹² Detention Operations Manual, Detainee Services, Standard 13, Section I.

¹⁹³ Detention Operations Manual, Detainee Services, Standard 13, Section III.A, which also provides that “all new or renegotiated contracts and IGSA’s will stipulate that INS detainees have access to an outdoor recreation area.”

¹⁹⁴ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

¹⁹⁵ Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

¹⁹⁶ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

¹⁹⁷ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED]

¹⁹⁸ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED]

¹⁹⁹ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED]

²⁰⁰ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED]

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

²⁰² Detention Operations Manual, Health Services, Standard 2, Section I.

times, known as sick call, when medical personnel are available to see detainees who have requested medical services.²⁰³ For a facility of over 200 detainees, there must be sick call five days per week.²⁰⁴ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.²⁰⁵ 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.²⁰⁶ If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the Officer in Charge in writing.²⁰⁷

It is unclear whether El Centro SPC fully meet this section of the Standards; information provided by El Centro SPC personnel conflicts with information provided by the detainees, who stated that care can be slow and is not adequate for those in longer-term detention. In two cases the facility has not provided operations that doctors have prescribed. One detainee was denied prescribed medication for several days because a facility computer crashed. All detainees at El Centro SPC are screened for medical issues upon their initial processing, which takes place on the day they arrive at the facility.²⁰⁸ Each detainee is given a brief medical examination, including x-rays for tuberculosis.²⁰⁹ The tuberculosis x-rays are processed off-site and returned to the facility within 4 hours.²¹⁰ The infirmary has four isolation rooms used to separate those with tuberculosis and other communicable diseases. It is also used for suicide watch.²¹¹ The facility has one clinical doctor, two physician assistants, and one nurse practitioner on call, and always maintains two nurses on staff.²¹² The facility provides triage service in the case of emergency but does not perform any surgery.²¹³ Furthermore, regular mass injury triage drills are conducted for the staff.²¹⁴ There is a pharmacy and pharmacy technician on-site.²¹⁵ Sick call is available seven days per week. Officer Munoz reported that detainees will receive all non-cosmetic medical care that they need, and that

²⁰³ Detention Operations Manual, Health Services, Standard 2, Section III.F.

²⁰⁴ Detention Operations Manual, Health Services, Standard 2, Section I.

²⁰⁵ Detention Operations Manual, Health Services, Standard 2, Section III.A, D, and G.

²⁰⁶ Detention Operations Manual, Health Services, Standard 2, Section III.H.

²⁰⁷ Detention Operations Manual, Health Services, Standard 2, Section III.J.

²⁰⁸ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED].

²⁰⁹ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] and Acting OIC [REDACTED].

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

²¹¹ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

²¹² Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

²¹³ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED] and Acting OIC [REDACTED].

²¹⁴ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

²¹⁵ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

detainees are not released from the facility until administrators are confident the detainee has adequate healthcare outside of the facility.²¹⁶

According to the facility administrators, when a sick call request is put in by a detainee, the detainee is seen within twenty-four hours.²¹⁷ According to the detainees interviewed, the turnaround time is closer to forty-eight to seventy-two hours.²¹⁸ According to one detainee, when a sick call request is put in, a detainee will see a nurse who performs a screening and determines whether the detainee needs to see a doctor.²¹⁹ He also stated that if there is an emergency medical need, a detainee will be immediately seen, and if it is determined that immediate care is necessary, the detainee will be taken to the local hospital.²²⁰

The facility is in the process of hiring a full-time mental health provider, but currently has an on-call psychologist who visits twice per week and a contract psychiatrist who visits as needed.²²¹ Detainees who need mental health services are identified during the initial medical screening or when the detainee says he needs help, threatens to hurt himself, or otherwise acts in an alarming way.²²²

All of the detainees interviewed had complaints about the medical care. These complaints ranged from long waits to see a doctor, to lack of resources to provide anything but basic remedies like pain killers and fungal creams.²²³ In general the detainees felt that the medical care was adequate for detainees in custody for less than six months, but the long-term medical care was not sufficient.²²⁴ In the words of one detainee, “If [they] don’t watch it, someone is going to die here.”²²⁵ Detainee [b6, b7C] wrote the following in a grievance he filed with the facility expressing his discontent with the medical care:

Action requested by detainee: To be treated with dignity and respect and not like animals. There has been some dangerous cases and instances where detainees could have

²¹⁶ Notes of delegation member [b6] on conversation with Acting OIC [b6, b7C]
²¹⁷ Notes of delegation member [b6] on conversation with Acting OIC [b6, b7C]
²¹⁸ Notes of delegation members [b6] and [b6] on conversations with detainees [b6, b7C]
[b6, b7C] and [b6, b7C]
²¹⁹ Notes of delegation member [b6] on conversation with detainee [b6, b7C]
²²⁰ Notes of delegation member [b6] on conversation with detainee [b6, b7C]
²²¹ Notes of delegation member [b6] on conversation with Acting OIC [b6, b7C]
²²² Notes of delegation member [b6] on conversation with Acting OIC [b6, b7C]
²²³ Notes of delegation members [b6] and [b6] on conversation with detainees [b6, b7C]
[b6, b7C] and [b6, b7C]
²²⁴ Notes of delegation member [b6] on conversations with detainees [b6, b7C]
and [b6, b7C]; Letter from Detainee A to [b6]
²²⁵ Notes of delegation member [b6] on conversation with detainee [b6, b7C]

lost some limbs and maybe even their lives because detainees were diabetic. WE NEED PROPER MEDICAL CARE WITH RESPECT AS HUMAN BEINGS, not cattle.²²⁶

Approximately three weeks before the delegation's visit, Detainee [b6, b7C] was rushed to the emergency room with chest pains and was told that he needs a pacemaker.²²⁷ The facility has been non-responsive to his inquires into these medical needs.²²⁸ As a result, Mr. [b6, b7C] fears that he may die before he receives the required medical attention.²²⁹

Detainee [b6, b7C] had several complaints. First, the facility is aware that he requires a special diet to control his diabetes.²³⁰ However, when he complained about the special meals, they took away his special meals card and refused his subsequent requests for special meals.²³¹ Additionally, the facility refused his requests to have his blood sugar level tested.²³² Second, he has an extremely painful ingrown toenail that the doctors refuse to treat, despite the fact that it sometimes prevents him from walking.²³³ Third, he has a heart condition that requires careful monitoring of his blood pressure.²³⁴ However, the medical staff will not check his blood pressure when he requests it.²³⁵ Finally, he needs new glasses, which the facility refuses to provide.²³⁶ He is in need of an eye exam and has offered to pay for his own exam and eye glasses, but his request for an exam continues to be denied.²³⁷

Detainee [b6, b7C] has shoulder problems that required surgery in 2005 and cause him tremendous pain.²³⁸ However, the inability of the facility to provide therapy post-surgery has caused his injury not to heal properly and requiring him to rely on pain killers.²³⁹ The facility only offers four types of pain killers, three of which cause Mr. [b6, b7C] to bleed internally.²⁴⁰ Therefore, he was prescribed the fourth type of painkiller, which is a narcotic, although he was

²²⁶ Copy of a grievance form filed by detainee [b6, b7C]. The copy was provided to delegation member [b6] upon completion of her interview with Mr. [b6, b7C]

²²⁷ Notes of delegation members [b6] and [b6], on conversation with detainee [b6, b7C] [b6, b7C]

²²⁸ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²²⁹ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²³⁰ Notes of delegation member [b6] on conversation with detainee [b6, b7C]

²³¹ Notes of delegation member [b6] on conversation with detainee [b6, b7C]

²³² Letter from detainee [b6, b7C] to [b6]

²³³ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²³⁴ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²³⁵ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²³⁶ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²³⁷ Letter from detainee [b6, b7C] to [b6]

²³⁸ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²³⁹ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²⁴⁰ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

not informed of this fact.²⁴¹ The drug’s effectiveness started wearing off, but when [b6, b7C] stopped taking it, he went into severe withdrawal because he had, unknowingly, become addicted to the drug.²⁴² Mr. [b6, b7C] is now taking the drug again because it is the only painkiller the facility will give him, but he believes that the drug is damaging his internal organs.²⁴³ Doctors have told him that the side effects of the drug are bad, but that they are unable to do anything additional to help him.²⁴⁴ Doctors have also told him that he needs to have another operation on his shoulder, but that the facility will not give him the operation.²⁴⁵

Detainee [b6, b7C] also has complaints about the way he is treated by the medical staff.²⁴⁶ [b6, b7C] stated that Dr. [b6] the facility’s main doctor, was tired of receiving his medical requests and refuses to see him.²⁴⁷ Therefore, he only sees Dr. [b6] who is not based out of the El Centro facility and is often away from the facility for weeks.²⁴⁸ When Dr. [b6] is not available, Mr. [b6, b7C] does not receive medical attention.²⁴⁹ In these instances, when Mr. Forero seeks medical care from Dr. [b6] he is given the “runaround” and “treated very nast[ily]” and told that “[your] doctor is [b6].”²⁵⁰

Additionally, Mr. [b6, b7C] has difficulties receiving and taking medicine according to physician instructions.²⁵¹ First, he is prescribed a gastrointestinal medicine that his physician instructed him to take at night.²⁵² However, the facility staff refuses to give it to him at night and instead make him take it in the morning.²⁵³ Second, approximately two weeks before he was interviewed, facility computers that housed detainee prescription information crashed.²⁵⁴ He went several days without his blood pressure medication before the facility staff got the computer on line and provided him with his medication.²⁵⁵

A fifth detainee wrote a letter to a member of the delegation describing his concern with the medical care provided at the facility.²⁵⁶ He is in need of new eye glasses or contact lenses

²⁴¹ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁴² Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁴³ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁴⁴ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁴⁵ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁴⁶ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁴⁷ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁴⁸ Notes of delegation member [b6] [redacted], on conversation with detainee [b6, b7C]
²⁴⁹ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁵⁰ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁵¹ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁵² Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁵³ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁵⁴ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁵⁵ Notes of delegation member [redacted], on conversation with detainee [redacted]
²⁵⁶ Letter from Detainee A to [b6] dated May 22, 2007.

but the facility refuses to provide an eye exam.²⁵⁷ He was informed that his family may purchase and send him glasses or contacts but the detainee stated that without an exam his family will not know what prescription he needs.²⁵⁸ According to his letter, his request to pay for the exam himself was denied for security reasons.²⁵⁹

Two detainees indicated the medical staff genuinely wants to help them, but they simply do not have the resources to do so.²⁶⁰ To this end, Officer [b6, b7C] informed us that a majority of the facility's budget goes to medical care.²⁶¹

E. Access to Dental Care

The Standards require that detainees have an initial dental screening exam within 14 days of the detainee's arrival, and require the facility to provide emergency dental treatment and repair of prosthetic appliances.²⁶² For detainees who are held in detention for over 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.²⁶³

El Centro SPC does not meet this section of the Standards. The detainees do not receive the initial dental screening required under the Standards.²⁶⁴ According to one detainee, the dentist only comes about twice per month, during which time he has to see everybody.²⁶⁵ One detainee with tooth problems has repeatedly been told that the facility does not have a dentist who can see him.²⁶⁶ Another detainee noted that all the dentist will do is pull teeth.²⁶⁷ One detainee wrote the following in a letter to ICE administrators:

I have filled out and sent many requests for dental help at ICE . . . finally, I guess because they saw I was not going to leave them alone, they called me in only to tell me that they do not do dental work to [anybody] unless you have been detained one whole year . . . So, I [sent] a dental request a couple of days afterwards of my year [in detention], and about 7 more requests within a period of time of about 3 months and . . . NOTHING! They never called me or answered my requests anymore. . . . Based on this personal

²⁵⁷ Letter from Detainee A to [redacted] dated May 22, 2007.

²⁵⁸ Letter from Detainee A to [redacted] dated May 22, 2007.

²⁵⁹ Letter from Detainee A to [redacted] dated May 22, 2007.

²⁶⁰ Notes of delegation members [redacted] and [redacted], on conversations with detainees [redacted] and [redacted].

²⁶¹ Notes of delegation member [redacted], on conversation with Acting OIC [redacted].

²⁶² Detention Operations Manual, Health Services, Standard 2, Section III.E.

²⁶³ Detention Operations Manual, Health Services, Standard 2, Section III.E.

²⁶⁴ Notes of delegation member [redacted], on conversation with detainee [redacted] notes of delegation member [redacted] on conversation with detainee [redacted].

²⁶⁵ Notes of delegation member [redacted], on conversation with detainee [redacted].

²⁶⁶ Notes of delegation member [redacted], on conversations with detainee [redacted].

²⁶⁷ Notes of delegation member [redacted], on conversations with detainee [redacted].

experience and seeing many other dental and medical abuses to myself and other detainees I conclude that [ICE] lies, cheats, and tricks ICE detainees about medical and dental services . . . [this policy] must stop and be replaced with a comprehensive health system that reflects civilized human beings instead of animals herding animals.²⁶⁸

Officer [b6, b7C] noted that a full time dentist would start next month.²⁶⁹

F. Detainee Classification System

The Standards require that detention facilities use a classification system and physically separate detainees into different categories.²⁷⁰ Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.²⁷¹ A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.²⁷² Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.²⁷³ Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees.²⁷⁴

All facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.²⁷⁵ 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.²⁷⁶

It is unclear the extent to which El Centro SPC meets this section of the Standards; detainees stated that violent detainees are housed with non-violent detainees, and that they are not aware of how they are classified or how to appeal. All detainees and inmates are classified when they first arrive at the facility.²⁷⁷ Within twelve hours of arrival detainees are housed according to their classification, with non-violent detainees separated from violent detainees.²⁷⁸

²⁶⁸ Excerpt from a letter written by detainee [b6, b7C] to ICE officials. Mr. [b6, b7C] provided a copy of the letter to delegation member [b6] at the conclusion of their interview.

²⁶⁹ Notes of delegation member [b6] on conversation with Acting OIC [b6, b7C]

²⁷⁰ Detention Operations Manual, Detainee Services, Standard 4, Section I.

²⁷¹ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

²⁷² Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

²⁷³ Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & E.

²⁷⁴ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

²⁷⁵ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

²⁷⁶ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

²⁷⁷ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

²⁷⁸ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

El Centro SPC uses three levels of classification: Level 1 detainees are basic status violators, Level 2 detainees are non-violent misdemeanor criminals, and Level 3 are violent offenders.²⁷⁹ Level 1 and 2 detainees are allowed to commingle, but Level 3 detainees are segregated.²⁸⁰ Segregation of homosexual and transgender detainees is handled on a case-by-case basis.²⁸¹ If a detainee has had a sex change then he is automatically segregated, but if the detainee is homosexual and has no sex reassignment he is allowed in the general population unless he requests special care or causes a distraction.²⁸² The volunteer work programs are segregated: Level 3 detainees have their own set of volunteer workers who perform jobs that only require interaction with the other Level 3 detainees.²⁸³ Detainees classified at different levels are allowed to attend religious services together.²⁸⁴

The detainees were largely unaware of how the classification process occurred. One detainee insisted violent detainees are housed with non-violent ones, and that the facility does not explain how people are classified.²⁸⁵ A Level 3 detainee believed that he did not belong in Level 3 housing, and said he was not informed why he was placed there.²⁸⁶ One of the detainees also wanted to appeal his classification but was not aware of any re-classification ever occurring at the facility.²⁸⁷

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.²⁸⁸ Translating assistance for both formal and informal grievances must be provided upon request.²⁸⁹ 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

²⁷⁹ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

²⁸⁰ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].

²⁸¹ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED].

²⁸² Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED].

²⁸³ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

²⁸⁴ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

²⁸⁵ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

²⁸⁶ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

²⁸⁷ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

²⁸⁸ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

²⁸⁹ Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1 & 2.

basis for the decision.”²⁹⁰ All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.²⁹¹

It is unclear whether El Centro SPC meets this section of the Standards; one detainee reported that he does not receive responses to his grievances, and another that facility staff told him that filing grievances would be a waste of paper because staff would not do what he wanted. According to Officer [b6, b7C], if a detainee has a grievance, he can fill out a detainee grievance form which is then reviewed by immigration officers and logged.²⁹² Officer [b6, b7C] assured the delegation that everything is done according to the Standards.²⁹³ For the most part, the detainee interviews confirmed this sentiment. One detainee recollected that grievances he filed did receive a quick response.²⁹⁴ On the other hand, another detainee stated he had filed approximately forty grievances for himself, and about 100 for other people, none of which received a written response.²⁹⁵ The detainees indicated that if one complains too much the guards will become unresponsive or will begin to think that the detainee is a troublemaker.²⁹⁶ One detainee was told by a guard that he “shouldn’t waste [his] paper, we’re not going to do what you want.”²⁹⁷

The handbook contains the information regarding grievances required by the Standards.²⁹⁸ Detainees believed that the handbook provided adequate notice of the grievance procedure.²⁹⁹

H. 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.”³⁰⁰ Each facility holding ICE detainees must have a detainee disciplinary system which has “progressive levels of reviews, appeals, procedures, and documentation procedures.”³⁰¹ The disciplinary policy must clearly define

²⁹⁰ Detention Operations Manual, Detainee Services, Standard 5, Section I.

²⁹¹ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

²⁹² Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

²⁹³ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

²⁹⁴ Notes of delegation member [b6] on conversation with detainee [b6, b7C].

²⁹⁵ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²⁹⁶ Notes of delegation member [b6] and [b6], on conversations with detainees [b6, b7C] [b6, b7C] and [b6, b7C]

²⁹⁷ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²⁹⁸ Notes of delegation member [b6] on detainee handbook.

²⁹⁹ Notes of delegation member [b6] on conversation with detainee [b6, b7C] notes of delegation member [b6], on conversation with detainee [b6, b7C]

³⁰⁰ Detention Operations Manual, Security and Control, Standard 5, Section I.

³⁰¹ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.³⁰²

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.”³⁰³ Officers who witness a prohibited act must prepare and submit an incident report.³⁰⁴ The Standards provide that all incident reports filed by officers must be investigated within twenty-four hours of the incident.³⁰⁵

The Detainee Handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.³⁰⁶ The handbook must also notify detainees of specific rights, including the right to protection from abuse, harassment, and discrimination, the right to pursue a grievance, and the right to due process, including prompt resolution of a disciplinary matter.³⁰⁷

El Centro SPC appears to meet this section of the Standards. When a rules violation occurs, a written report must be filed.³⁰⁸ If the violation is a physical one, such as a fight, the first line of defense is the contract security—contract security guards will break up the incident, lock down the dorms until the situation is safely under control, and then write a report of the incident.³⁰⁹ Immigration supervisors then analyze the report to determine if further action is needed.³¹⁰ If discipline looks like it might be in order, the case will then go before a disciplinary panel.³¹¹ When a detainee goes before a panel, they are allowed to present witnesses and receive assistance from fellow detainees, facility staff members, or outside counsel.³¹² If the incident involves a serious assault, outside law enforcement will be contacted and the victim will be given the opportunity to press charges if they desire.³¹³

The disciplinary panel determines punishment based on a graduated scale of offenses and resultant consequences.³¹⁴ The only disciplinary procedure utilized is segregation—the time

³⁰² Detention Operations Manual, Security and Control, Standard 5, Section III.A.1 & A.2.

³⁰³ Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

³⁰⁴ Detention Operations Manual, Security and Control, Standard 5, Section III.B.

³⁰⁵ Detention Operations Manual, Security and Control, Standard 5, Section III.B and III.C.

³⁰⁶ Detention Operations Manual, Security and Control, Standard 5, Section III.L.

³⁰⁷ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

³⁰⁸ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED] b6, b7C

³⁰⁹ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]

³¹⁰ Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

³¹¹ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]

³¹² Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED] b6, b7C Notes of delegation member [REDACTED] b6 on conversations with detainee [REDACTED] b6, b7C

³¹³ Notes of delegation member [REDACTED] b6 on conversation with [REDACTED] b6, b7C

³¹⁴ Notes of delegation member [REDACTED] b6 on conversation with Acting OIC [REDACTED] b6, b7C

span runs from three to sixty days.³¹⁵ Any segregation for more than sixty days requires approval from the chain of command and is almost never done.³¹⁶ The interviewed detainees confirmed that no other type of discipline (including removal of privileges, etc.) is utilized.³¹⁷

The detainee handbook does provide notification of the disciplinary procedures.³¹⁸ Detainees were familiar with this information and, on the whole, thought the disciplinary procedure and disciplinary panel was fair.³¹⁹

I. Environmental Health and Safety

Environmental health conditions must be maintained at a level that meets recognized standards of hygiene.³²⁰ The Standards require that each facility contract with pest control professionals to perform monthly inspections.³²¹

El Centro SPC does not appear to meet this section of the Standards: a detainee complained that his dorm was filthy and infested with roaches and rats.³²²

J. Special Management Unit

The Standards suggest that each facility establish a Special Management Unit (“SMU”) that will isolate certain detainees from the general population.³²³ The Standards for Administrative and Disciplinary Segregation differ somewhat from one another, but both provide for legal access and other protections. A detainee may be placed in disciplinary segregation only by order of the Institutional Disciplinary Committee, after a hearing in which the detainee has been found to have committed a prohibited act.³²⁴ The disciplinary committee may order placement in disciplinary segregation only when alternative dispositions would inadequately regulate the detainee’s behavior.³²⁵

³¹⁵ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].
³¹⁶ Notes of delegation member [REDACTED], on conversation with Acting OIC [REDACTED].
³¹⁷ Notes of delegation member [REDACTED] and [REDACTED], on conversations with Officer [REDACTED] and detainees [REDACTED] and [REDACTED].
³¹⁸ Notes of delegation member [REDACTED] on detainee handbook.
³¹⁹ Notes of delegation members [REDACTED] and [REDACTED], on conversations with detainees [REDACTED], [REDACTED], and [REDACTED].
³²⁰ Detention Operations Manual, Security and Control, Standard 7, Section III.R.
³²¹ Detention Operations Manual, Security and Control, Standard 7, Section III.M.
³²² Notes of delegation member [REDACTED], on conversations with detainee [REDACTED].
³²³ Detention Operations Manual, Security and Control, Standard 14, Section I.
³²⁴ Detention Operations Manual, Security and Control, Standard 14, Section III.A.
³²⁵ Detention Operations Manual, Security and Control, Standard 14, Section III.A.

All cells in the SMU must be well ventilated, appropriately heated, and sanitary, and must be equipped with beds.³²⁶ Segregated detainees shall have the opportunity to maintain a normal level of personal hygiene.³²⁷ Recreation shall be provided to detainees in segregation in accordance with the “Recreation” standard.³²⁸ Access to the law library shall generally be granted to detainees in segregation.³²⁹ Detainees generally retain visiting privileges while in disciplinary segregation, and may not be denied legal visitation.³³⁰

EI Centro SPC meets this section of the Standards. The Special Management Unit appears well run and meets the criteria required by the ICE Standards.³³¹ One interviewed detainee was housed in the SMU.³³² He indicated that reading materials are allowed in the SMU (including a newspaper the guards will bring to the detainees), the SMU facilities are very clean, detainees are provided a change of clothes daily, and are allowed the normal recreation time (although it is segregated recreation).³³³ He also stated that phone use is allowed and privacy is respected while using the phones.³³⁴ The guards allow this detainee to draw with colored pencils while in the SMU.³³⁵

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

The Standards require that procedures be in place “to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.”³³⁶ The Standards suggest that both weekly visits be conducted by ICE personnel and that “regular unannounced (not scheduled) visits” be conducted by the ICE OIC, the Assistant OIC, and designated department heads.³³⁷ Unannounced visits to the facility’s housing areas must be conducted on a regular basis—weekly at SPCs and CDFs.³³⁸ The purpose of such visits is to monitor housing conditions, interview detainees, review records, and answer questions for

³²⁶ Detention Operations Manual, Security and Control, Standard 13, Section III.D.2, and Standard 14, Section III.D.6.

³²⁷ Detention Operations Manual, Security and Control, Standard 14, Section III.D.11.

³²⁸ Detention Operations Manual, Security and Control, Standard 13, Section III.D.8, and Standard 14, Section III.D.13.

³²⁹ Detention Operations Manual, Security and Control, Standard 13, Section III.D.18, and Standard 14, Section III.D.15.e.

³³⁰ Detention Operations Manual, Security and Control, Standard 13, Section III.D.13 & 14, and Standard 14, Section III.D.17.

³³¹ Notes of delegation member		on conversation with detainee	
³³² Notes of delegation member		on conversation with detainee	
³³³ Notes of delegation member	b6	on conversation with detainee	b6, b7C
³³⁴ Notes of delegation member		on conversation with detainee	
³³⁵ Notes of delegation member		on conversation with detainee	

³³⁶ Detention Operations Manual, Detainee Services, Standard 15, Section I.

³³⁷ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

³³⁸ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.1.

detainees who do not comprehend the immigration removal process.³³⁹ The Standards also require that detainees “have the opportunity to submit written questions, requests, or concerns to ICE staff,” which “shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay.”³⁴⁰ All facilities that house ICE detainees must have “written procedures to route detainee requests to the appropriate ICE official.”³⁴¹ Moreover, the Standards suggest that detainee requests be forwarded to the appropriate ICE office within 72 hours and “answered as soon as possible or practicable, but not later than 72 hours from receiving the request.”³⁴²

El Centro SPC meets this section of the Standards. ICE has a constant on-site presence at the facility, which is an ICE facility, and detainee communications to ICE staff are delivered without being read, altered or delayed by facility staff.³⁴³ The ICE staff and department heads conduct weekly unannounced visits to the living and activity areas and inspect housing, food service, recreation, special management units, and infirmary rooms, among other areas.³⁴⁴ The findings of all visits are logged accordingly, and a written schedule of planned inspections is posted in the detainee living area.³⁴⁵ The log contains the date the request was received, detainee number, A-number, nationality, officer logging request, and date returned to detainee.³⁴⁶

Officer [b6, b7C] explained that he often conducts random inspections of the facility, checking up on the performance of the officers as much or more than the detainees.³⁴⁷ These walk-through inspections are performed on a weekly basis (his inspections are in addition to walk through inspections by immigration officers and operation supervisors), and any discrepancies or other issues identified during inspections are documented.³⁴⁸ The department in charge of the area of where a discrepancy is noted must respond in writing with the corrective measure taken to correct the discrepancy.³⁴⁹

³³⁹ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

³⁴⁰ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

³⁴¹ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

³⁴² Detention Operations Manual, Detainee Services, Standard 15, Section III.B.1.

³⁴³ Notes of delegation member [b6, b7C], on conversation with Acting OIC [b6, b7C]

³⁴⁴ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

³⁴⁵ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

³⁴⁶ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

³⁴⁷ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

³⁴⁸ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

³⁴⁹ Notes of delegation member [b6], on conversation with Acting OIC [b6, b7C]

L. 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.³⁵⁰ 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.”³⁵¹ Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.³⁵² Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.³⁵³

El Centro SPC meets this section of the Standards; facility staff stated that they make religious accommodations and detainees verified this. Reasonable requests for religious services or special dietary needs are met; for example, the facility will find local imams for Muslims.³⁵⁴ The facility employs a full-time religious coordinator to facilitate religious practices for the detainees.³⁵⁵ All religious services are conducted in the cafeteria; times of religious practice are the only occasion on which Level 3 detainees mix with the rest of the detainee population.³⁵⁶ Particular care is given to accommodate less common religious practices, including special large meals for the feast of Ramadan, for example.³⁵⁷ The detainees were generally under the impression that the religious practices procedures were very fair in the facility.³⁵⁸

M. Voluntary Work Program

The Standards require that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”³⁵⁹ Participation must be

³⁵⁰ Detention Operations Manual, Detainee Services, Standard 14, Section I.

³⁵¹ Detention Operations Manual, Detainee Services, Standard 14, Section I.

³⁵² Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

³⁵³ Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

³⁵⁴ Notes of delegation member [b6], on conversation with Officer [b6, b7C] and detainee [b6, b7C].

³⁵⁵ Notes of delegation member [b6], on conversation with Officer [b6, b7C].

³⁵⁶ Notes of delegation member [b6] on conversation with Officer [b6, b7C]; and notes of delegation member [b6], on conversation with detainee [b6, b7C].

³⁵⁷ Notes of delegation member [b6], on conversation with Officer [b6, b7C].

³⁵⁸ Notes of delegation member [b6], on conversation with detainee [b6, b7C].

³⁵⁹ Detention Operations Manual, Detainee Services, Standard 37, Sections I & III.A.

voluntary, and detainees may not work more than eight hours per day, and forty hours per week.³⁶⁰

El Centro SPC meets this section of the Standards. Detainees are provided an opportunity to work in the facility should they choose to do so.³⁶¹ Detainees may work in the laundry room or kitchen, or serve as a translator, barber, or maintenance worker.³⁶² Detainees are compensated for their work with pay of \$1 per day worked, regardless of the job undertaken.³⁶³ Level 3 detainees are permitted to undertake jobs in which contact with Level 1 or 2 detainees will not occur.³⁶⁴ For example, when the Level 3s have access to the law library, there is a Level 3 library attendant working.³⁶⁵ The work program is entirely voluntary, and sign ups are on a first come, first served basis.³⁶⁶ Those desiring to work must fill out a form and drop it in a box in the cafeteria.³⁶⁷ Work assignment preferences are accommodated whenever possible.³⁶⁸ While a waiting list usually exists for jobs, the waiting time for a job is usually not long.³⁶⁹

N. Detainee Transfer

When transferring a detainee, the Standards require ICE to take into consideration whether a detainee is represented before the immigration court, and the location of the attorney and the court.³⁷⁰ The Standards require ICE to notify a detainee’s legal representative of record that the detainee is being transferred.³⁷¹ Indigent detainees will be permitted to make a single domestic telephone call at government expense upon arrival at their final destination; non-indigent detainees will be permitted to make telephone calls at their own expense.³⁷² Records including the detainee’s Alien File (“A-file”) and health records (or transfer summary for IGSAAs) must accompany the detainee.³⁷³ Prior to transfer, medical personnel must provide the transporting officers with instructions and any applicable medications for the detainee’s care; medications must be turned over to an officer at the receiving field office.³⁷⁴ A detainee’s legal

³⁶⁰ Detention Operations Manual, Detainee Services, Standard 37, Sections III.A & H.

³⁶¹ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED].

³⁶² Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

³⁶³ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

³⁶⁴ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

³⁶⁵ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

³⁶⁶ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

³⁶⁷ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

³⁶⁸ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

³⁶⁹ Notes of delegation member [REDACTED] on conversation with Acting OIC [REDACTED].

³⁷⁰ Detention Operations Manual, Security and Control, Standard 4, Section I.

³⁷¹ Detention Operations Manual, Security and Control, Standard 4, Section III.A.

³⁷² Detention Operations Manual, Security and Control, Standard 4, Sections III.G.

³⁷³ Detention Operations Manual, Security and Control, Standard 4, Sections III.D.1 and III.D.6.

³⁷⁴ Detention Operations Manual, Security and Control, Standard 4, Section III.D.D [sic].

materials, cash, and small valuables shall always accompany the detainee to the receiving facility; larger items may be shipped.³⁷⁵

It is unclear whether El Centro SPC meets this section of the Standards; interviewed detainees recounted unfavorable transfer experiences, including lack of a phone call. Officer [b6, b7C] stated that the facility follows the detention standard for transfers and that the facility notifies attorneys when their clients are transferred.³⁷⁶ However, one detainee indicated that when he arrived at the facility from CCA he was not afforded a telephone call at all, nor did he believe his attorney had been contacted.³⁷⁷ He stated: “[my] attorney did not know where [I] was at.”³⁷⁸ ICE should ensure that attorneys have been contacted—if not by the transferring facility, then upon arrival. The detainee said that he was allowed to bring his personal property with him and his medical records were transferred.³⁷⁹ He and another detainee complained that, while being transferred, no opportunity was afforded for them to take care of personal hygiene.³⁸⁰ The detainees were not allowed to shower, brush their teeth, or otherwise clean themselves for two days or more.³⁸¹

VI. CONCLUSION

The El Centro Detention Facility meets the requirements of several of the ICE Detention Standards but fails to meet a number of sections.

To provide access to medical care, the facility should ensure that patients with pressing medical concerns receive care. While the facility only provides medical treatment that is “necessary,” this definition may not help make meaningful distinctions. What is medically necessary for a person detained six months is not the same as what is medically necessary for a person detained for twelve months. Conditions such as ingrown toenails and chronic pain are not being treated because, presumably, they are not considered necessary, even though the individuals with these ailments are being detained for years. The turnaround time between making a sick call request and seeing a nurse should be standardized.

To provide access to dental care, detainees should receive a dental exam upon arrival. They should also receive more care than just having teeth extracted.

To provide access to private calls, the facility should ensure that detainees are able to use a private phone and that they are informed of this option.

³⁷⁵ Detention Operations Manual, Security and Control, Standard 4, Sections III.E.

³⁷⁶ Notes of delegation members [b6] and [b6] on conversation with Acting OIC [b6, b7C].

³⁷⁷ Notes of delegation member [b6] on conversation with detainee [b6, b7C].

³⁷⁸ Notes of delegation member [b6] on conversation with detainee [b6, b7C].

³⁷⁹ Notes of delegation member [b6] on conversation with detainee [b6, b7C].

³⁸⁰ Notes of delegation member [b6] on conversation with detainee [b6, b7C]; notes of delegation member [b6] on conversation with [b6, b7C].

³⁸¹ Notes of delegation member [b6], on conversation with detainee [b6, b7C]; notes of delegation member [b6] on conversation with [b6, b7C].

To provide adequate access to legal materials, passwords to the LexisNexis CD ROMs should be kept current to ensure that no service interruptions occur. Additionally, detainees should receive training on how to navigate the LexisNexis CD ROM.

To maintain proper classification of detainees, ICE should ensure that detainees know how to appeal their classification. Additionally, detainees should have reasons for the classification explained to them.

b6, b7C

b6, b7C

El Centro, CA 92243

Attention: b6

May 22nd, 2007

Dear Ms. b6

I commence this letter thanking you and the rest of the legal group that came down to El Centro ICE Detention to conduct the interviews requested by some of my peers on August 8th, 2007. Unfortunately I was not able to meet with you or any other member of the group. However, Mr. b6, b7C who was one of the persons that requested your assistance, informed me that you are requesting the participation of more detainees in raising up issues that will aid your attempts to make a difference in the injustice that is being done in the ICE detention system. Further more, I am one of the persons that have been aiding Mr. b6, b7C in his legal case—mainly the typing and spelling of his documents and not so much the legal aspect of his claims.

Mr. b6, b7C briefed me on the interview that he had with you and to further attest to his statements I can say to you that the medical department does little to provide certain individuals with proper assistance. They claim that since we are only here on a “short” temporarily period of time they are limited to the type of aid they can provide. If, however, we are here for more than one year, then and just then, they will provide a more intense and detail care. In my opinion, that is a very ludicrous point of view, or in their words “the policy”, because not even when we were in prison we lacked the medical service that is provided to inmates—and according to them we are no longer inmates yet most of the time I still feel like one in this place. In my personal experience, my problem with medical is that they are refusing to provide me with an eye examination. Their defense is that ICE does not provide that kind of medical service because I am only suppose to be here for a short period of time, and that they do not have a contract with an optometrist to conduct examinations. I told them that if there was anyway that I could get an outside optometrist (in the local area) to provide me with the examination, and that I was willing to pay for the costs. They informed me that it is not possible because of the security factor. I wear contacts and have only one more pair in my property. I also have some glasses that have a four year old prescription, since I am fighting my case and thus insuring that I will be detained at this facility for a while, I need more contacts of a pair of glasses. I was informed by my assigned care-provider that my family could purchase more contacts and/or eyeglasses and have them send in, but that they do not provide the exam. I told them that with out the prescription my family could not purchase either. I was told that they understood but that they cannot and will not provide the exam. I explained that my eye sight is pretty bad and that with out my eye ware I can not see, and that I considered not having my contacts or glasses a safety issue. I was told that that was my problem and not theirs. (Which I find those type of comments very unprofessional and unethical coming from a health care provider) Medical provides me with solution and a case for storage for nighttime and mornings, however, I do not store my contacts because of the safety issue I mentioned before. I cannot see without my contacts and in the environment we find ourselves in, I cannot afford to be impaired. I informed my care provider that this was a disability issue and that I could contact my VA office and asked them to step in. her response was, “go ahead, you do what you have to do, but I am telling you the policy won’t change.” At that point I realized that any further attempts to make my point was futile and decide to withdraw my attempts and returned to my barracks. This is just one of the many complains that the medical department is being accredited to. I have witnessed more. People being denied dental care because they have not been here over a year, people being denied care for their in-grown toe nails, and a few more complains. Their “fail-proved” answer: this facility is designed for people who are here temporarily. But how about us who come from prison and will be here perhaps years trying to fight for our rights—our constitutional rights, and fight our cases?

Living conditions are not that much better than the medical problem. Our barracks lack adequate air conditioning system. There is a problem with mice and cockroaches. Phone conversations are subject to monitoring and recording—which by the way is the same system that the prisons have. As far as I knew, once released from prison I am no longer an inmate and become a civilian again. The only two rights that I give up are the right to bare arms and the right to search and seize with out permission. Then why are they treating us like inmates still? But when we mention to ICE that we feel like we are still inmates they are quick to correct us by saying that we are just detainees. Why do you think that they did not allow you to come in to our barracks and see for yourself?

Because they know that unlike the guys in blue, we will stand for our rights. We come from a place (prison) where if we don't speak out, they trample all over us. Since we are in "red" level three colors, we are segregated from the rest of the population, however, some of us have come together from prison where we were living in the same yard, dorms, and cell but once we arrive here they separate us and consider us dangerous. They escort us from one place to another, they stop all other traffic before we mobilize, and they even have a hard time letting us mingle in religious services. And they say we are not inmates! Even in prison we are not treated like that. We are allowed to move freely within the yard. They keep on reminding us that we are not detainees but we feel that we are still treated like inmate.

Changing the subject, when it comes to the way this court handles our cases, it is sad to see the judicial system work in such a manner. I don't know how true it is but I have heard that El Centro is the worst place for any detainee to get any action in their cases. I have seen how this court (like many other throughout the nation, speaking in general) is separating families. How the judges deport people and force us to fight our cases all the way to the 9th circuit where the superior judges carefully review the cases and apply to law how it's supposed to be. It is a no-win situation. If we get deported by the judge (which happens, from what I have seen 90-something percent of the time) we have a choice to make: either we accept deportation—because most of us have been down for 5, 6, 7, 12 years and don't want to do more time—and leave the United States, or we stay detained (I like referring it as custody) and wait roughly three or four years for the decision from the 9th circuit to come back. And if we wait for that, these deportation officers—having the authority to grant us release on bond or under supervision to wait for our appeals from our homes, they do not. What do they claim as the reasons for denial? They claim that we are a danger to society and a flight risk. My opinion on the matter is: the Correction and Rehabilitation system (CDCR) has two main purposes; their primary objective is to punish the misbehavior that led us to prison. In other words pay for our crimes. The second objective is to rehabilitate us to re-enter society as a changed person. That is the reason why after serving our sentence they allow us to go home, because we have paid our dues and according to them we have been rehabilitated. If a former inmate can demonstrate that he/she has done everything in their power while incarcerated to change their lives, to be a productive member to society despite the past failures and mistakes, then why would this system (ICE) deem us dangerous to society? If you research the actual CDCR objectives in their manual, you will find that their main objectives are to punish the crime and secondly to rehabilitate the criminal. Another concern they have with us is the flight risk; well, how can they say that we are a flight risk if what we want is to stay with our families in this country. We do not want to be separated from our wives, our small children, and our parents. Most of us have been a legal permanent resident for many years, we have ties to our communities, we have business; we own houses, properties, assets, that is the reason why we choose to stay "detained" and fight our cases. Then how is that considered a flight risk? Where would we want to go? If you ask me, that is a very ludicrous assumption on their behalf.

Another issue that I am having a hard time understanding from this place is why, if a legal permanent resident after being detained for a period of time of (6) six months and he/she will not be deported in the foreseeable future, they do not grant any release from custody to fight our cases from the street with our families? I have read many cases that have been granted relief via a Habeas Corpus where the argument is the same: the six months time limit cited in *ZADVIAS*. Most of us that choose to fight our rights, qualify for this time of release however, this people here will not grant us any. If the statute does not permit indefinite detention, why then are we kept in for three or four years? It is something that has me bewildered!

Ms. [REDACTED] b6, I will be writing you another letter if it is O.K. with you explaining a few more issues.

Thank you for your time and consideration in this matter,

Cordially,

[REDACTED]
b6, b7C

b6, b7C

El Centro, Cal. 92243

Ms.

b6

**Latham & Watkins LLP
600 West Broadway Suite # 1800
San Diego, California 92101-3375**

Ms.

b6

:

We thank you so very much for your visit and for taking your time to talk to us, to interview us.

I promised the one that interviewed me, sorry, I did not get his name but he was your interpreter, that I would send you this information and here I am enclosing it for you. I hope that it can be useful to you and to us and I want to remind you that I am at your service for anything you guys might need from me.

This young man that interviewed me asked me also if you could use my name for any type of future report and the answer is yes; you can use my name for anything you have a use for it and also if in the future you guys have any more questions for me, all you have to do is get in touch with me and I'll happily collaborate with all of you.

Thank You for all your help provided

Sincerely and Respectfully Submitted

b6, b7C

El .Centro.Calif.#92243-1739.

79

DEAR MS.

b6

P.
en
S
the exc
postage
money even thou

I SEND YOU THIS envelope as evidence of what
with the mail I'm sending you. This letter, and en
one day after you came to interview us. Thereafter
three additional letters, all of whom I have no
them or not I have suspicion that this enve
with as the envelop upon returned was semi-oo
I don't understand why this envelop was r
insufficient funds (ie: 22 cents) where ICE is
for all of our correspondence. I can't believ
not enough for the FOUR (4) pages I sent inside
I believe that they're doing this because
I'm writing you. I'm also afraid that
the letters I have been sending you
along with several more complaints are
being intercepted or something because I
haven't received any correspondence from you or
office that you have received them. Thank yo

El Centro California-#92243-

Incidentes de problemas graves aqui en Inmigracion, especialmente de problemas medicos:

Llegue en Octubre del 2006 a C.C.A.,-San Diego y empezo una gran tortura mental y psicologica. Estubimos veinticuatro (24) horas en el proceso y despues nos trasladaron finalmente a un dormitorio a compartir con dos personas una celda chica de 12 pies por 6 pies diseñada solo para dos personas no tres, pero a los encargados no les importaba eso.

Me toco dormir en el piso en una "lancha", "boat" en Ingles. Luego me movieron a otra celda con un homosexual, yo les decia que no queria estar en esa celda, que no me sentia agusto, que por favor me cambiaran a otra celda y me dijo la official encargada que no podia hacer nada, que ahi me habian puesto y que alli me tocaba y no me cambiaron.

Eso fue muy traumante para mi; vivir con una persona de esas y bajo esas condiciones es muy dificil para dormir, para ir al baño, siempre me atropellaban. Aparte de estas indignidades, se me complicaba mas mi vida porque yo padesco de Diabetis, de Colesterol alto y de presion de la sangre alta, tambien en ese tiempo tenia las uñas de los pies enterradas. Les pedi ayuda para todas mis enfermedades y solo me dieron medicina para la diabetis, les segui pidiendo antibioticos para la infeccion en los pies por las uñas enterradas y me dijo la enfermera que todavia no se me reventaban los dedos, que no hera tiempo de atendermelos, que podia esperarme. Despues de eso solo me chequearon la azucar en la sangre por como una semana y fue todo, dejaron de chequearmela aunque yo me sentia mal y les decia que a lo mejor hera por la azucar en la sangre pero no me hacian caso.

Cada vez que salia del C.C.A. como para venir a la corte aqui a El Centro, hera lo mismo. No me daban una atencion medica correcta; ni para mi diabetis, mucho menos para mis pies lo de el problema de las uñas enterradas en los dedos. Finalmente, gracias a D I O S salimos del C.C.A.

Cuandos nos movieron, estuvimos 40 horas en proceso aguantando el frio en esos tanques que de tan frios no se puede ni dormir. Despues de todo este tiempo estuvimos esperando sentados en los buses como 8 horas mas antes de ponernos en camino a Florence, Arizona. El viaje a Florence duro casi 10 horas. Finalmente llegamos a Florence, Arizona y otra vez estuvimos 46 horas de nuevo en proceso. Todos estos tiempos de procesos y del viaje sin bañarnos, sin cepillarnos los dientes y casi sin dormir fueron una verdadera gran tortura.

En Florence, Arizona si me atendieron correctamente de mis problemas medicos. Me dieron medicina para el diabetis y tambien me dieron antibioticos para la infeccion de mis dedos de los pies por las uñas enterradas que para ese tiempo ya estaban infectados con

sangre y pus, todo morado y que en el C.C.A.-San Diego no me quisieron atender. Me atendieron por una semana y luego la Doctora [REDACTED] b6 dio la orden de que al día siguiente me llevaran a operar mis dedos, pero ese mismo día al regresar al dormitorio, nos movieron a otro lugar. Hable con el oficial Villa acerca de la orden de la Doctora [REDACTED] b6 sobre la operación de mis dedos al día siguiente por mi enfermedad y me contestó que eso no importaba en ese momento, que nos iban a mover de lugar. Le dije que yo necesitaba tratamiento para mi enfermedad y me dijo que al lugar que nos iban a llevar había todos los servicios médicos que necesitáramos. Nos movieron al departamento del sheriff de el condado de Pinal.

En el Departamento del Sheriff del condado de Pinal no tenían ni agua caliente para bañarnos, mucho menos tenían los servicios médicos apropiados que necesitábamos. Empezamos a pedir los servicios médicos necesarios y finalmente tuvieron que llevar medias-enfermeras que no sabían lo que estaban haciendo, a mí personalmente entre las cuatro no podían sacarme sangre y me dejaron los brazos morados de lo inútil que eran. Les pregunté que cuando me iban a atender mis dedos de los pies y me dijeron que no tenían ninguna autorización para atenderme de ese problema; pasaron 9 días y nos volvieron a llevar de donde nos habían traído. Tuvimos que pasar otra vez por el mismo proceso pero no me atendieron bien porque ya no estaba la Doctora [REDACTED] b6. Estuvimos una semana más y nos movieron de nuevo a San Diego y esa misma noche nos trasladaron al Centro, California y otra vez por proceso como de 18 a 24 horas en los tanques antes de ir a los dormitorios.

Cuando me llevaron al doctor tenía el nivel de azúcar en la sangre de 360 puntos, me dieron una doble dosis de medicina. Les pedí que me atendieran el problema de mis uñas de los pies porque ya no aguantaba el dolor en mis dedos. Ya estaban muy morados y con mucha pus. Me dijeron que me iban a dar medicina para parar la infección y que después me iban a tratar el problema. Eso pasó el 12 de Febrero del 2007, ya pasaron 5 meses y solo he recibido un montón de excusas por parte del cuerpo médico que tienen en este lugar, empezando con la ayudante de enfermera Ms. [REDACTED] b6.

Yo le pedí ayuda a esta ayudante de enfermera y me pidió que le enseñara los pies, cuando los examinó me dijo que en verdad si estaba malo pero que ella la única medicina que me podía dar era un cepillo de dientes para que cada vez que me bañara me cepillara los dedos enfermos con ese cepillo y que ella figuraba que iba a estar mejor como dentro de un año. Hasta la guardia que me llevo frente esta "enfermera" la oficial Madrigal, se quedó impresionada de lo que me dijo y me comentó que "no podía creer que una persona profesional como la "doctora" [REDACTED] b6 te ahiga dicho tal cosa, si no lo hubiera escuchado yo misma no lo hubiera creído".

He puesto muchos medical requests para que me atiendan y no me hacen caso. Una vez que puse uno le tocó el turno de verme al Doctor [REDACTED] b6. Me dijo que en este lugar no atendían esa clase de problemas pero que él iba a pedir permiso para traer a alguien que me pudiera atender, que le diera dos o tres semanas. Nunca me llamaron, volví a poner otro request médico y me miró el mismo doctor, me preguntó para que había llenado una queja médica y le dije que para mandarlo a Washington. Me dijo que íbamos a hacer un trato: que él me iba a ayudar en todos mis problemas médicos pero que necesitaba firmarle un papel donde supuestamente yo le daba a él la autorización de ayudarme. Yo le dije que no porque él podía poner algo que me perjudicara a mí y él me

dijo que no tuviera desconfianza, que él era un profesional. Le dije que si se lo firmaba pero que me diera una copia de lo que él iba a escribir en el medical request y él accedió a esto. Los dos firmamos el request y salió como 5 minutos, volvió y me dijo que en ese momento no servía la copiadora y no podía darme una copia que tenía que esperar a que la arreglaran pero no me volvió a llamar. Mandé otro request y me vio el mismo Dr. [REDACTED] junto con la enfermera [REDACTED]. Ahora el Doctor [REDACTED] me dijo que dejara de poner requests médicos, que nadie podía dar la orden para que me atendieran mi problema médico, que no había nada que hacer con mi problema y que ICE miraba mi problema médico ese como algo sin importancia, que no era necesario atenderme, que de eso no me moría. Yo le contesté que tenía mucho dolor, entonces la enfermera me dijo que ella tenía dos medicinas para mí, le pregunté que cuáles eran esas medicinas y me dijo que la primera medicina era que me pusiera un trapo con agua caliente en los pies para que se me quitara lo hinchado y la segunda medicina era que me aguantara como un verdadero hombre. Yo le dije que eso no estaba bien. El Doctor [REDACTED] me dijo que no había poder en la tierra que les ordenara que me dieran atención médica para el problema de mis uñas enterradas

de los dedos de los pies). Y en otra ocasión que fui a tomar mi Medicina estaba de Turno. la Enfermera [REDACTED] me pidió que por favor checara el nivel de azúcar en mi sangre y ella me contestó que no tenía las cosas que se necesitan para hacer el chequeo y que además no tenía el tiempo para hacerlo y que ella no iba a perder su trabajo por andar haciéndome favores a mí y que no tenía la obligación de

hacer nada para ayudarme en uno de los tantos recues que puse me llamaron otras veces y le tocó el turno a la Doctora [REDACTED]. Le pedí que me diera alguna medicina para calmar mis dolores de mis pies y ella me contestó que la medicina que ella podía recetarme era que me pasara un momento por el día acostado que no caminará y que eso me iba a ayudar y que pusiera mis pies en alto para que no tuviera peso sobre ellos y que eso me iba a ayudar a calmar mis dolores no así

Nada hasta la tarjeta para la supuesta comida de dieta me quitaron según ellos que por no mostrarla de bes en cuando y por eso cuando yo no la mostraba era por que cambiaba mi comida con otra persona por su porción de vegetales y ensalada y de esa manera completaba mis comidas porque para mí es de vital importancia el cuidado de mi salud

**REQUEST FOR MEDICAL CARE
(PETICION MEDICA)**

EL CENTRO DETENTION FACILITY

Housing Unit: B-W-16
(Unidad de Vivienda)

Name: [Redacted] b6, b7C
(Nombre)

Alien # A [Redacted] b6, b7C
(Numero de Expediente)

Date of Birth: [Redacted] b6, b7C
(Fecha de Nacimiento)

Country: MEXICO
(País)

Sex: M / F
(Sexo)

Medical Problem: (Problema de Salud)

necesito ayuda con mis ojos me duele mucho la cabeza ya tengo como cuatro semanas

Signature: [Redacted] b6, b7C
(Firma)

Date: 07/12/07
(Fecha) N-18

**REQUEST FOR MEDICAL CARE
(PETICION MEDICA)**

EL CENTRO DETENTION FACILITY

Housing Unit: B-W-16
(Unidad de Vivienda)

Name: [Redacted] b6, b7C
(Nombre)

Alien # A [Redacted] b6, b7C
(Numero de Expediente)

Date of Birth: [Redacted] b6, b7C
(Fecha de Nacimiento)

Country: MEXICO
(País)

Sex: M / F
(Sexo)

Medical Problem: (Problema de Salud)

yo se que ya me au dicho muchas veces que no pueden a ser nada para alivarme con mi problema de las uñas entendidas pero es que el dolor es insoportable y quisiera saber si pueden darme algo para el dolor

Signature: [Redacted] b6, b7C
(Firma)

Date: 07/14/07
(Fecha) N-19

**REQUEST FOR MEDICAL CARE
(PETICION MEDICA)**

EL CENTRO DETENTION FACILITY

Housing Unit: B-M-16
(Unidad de Vivienda)

Name: [Redacted] b6, b7C
(Nombre)

Alien # A [Redacted] b6, b7C
(Numero de Expediente)

Date of Birth: [Redacted] b6, b7C
(Fecha de Nacimiento)

Country: MEXICO
(País)

Sex: M / F
(Sexo)

Medical Problem: (Problema de Salud)

Necesito un cheque de mis ojos me duele mucho la cabeza y me dan marcas

Signature: [Redacted] b6, b7C

Date: 07/26/07

100. MANY REQUESTS FOR help on this — MANY WITNESSES

EL CENTRO DETENTION FACILITY

REQUEST FOR MEDICAL CARE (PETICION DE MEDICAL)

Barracks K-16

Name: (Nombre)

b6, b7C

Alien #: A (Número A)

b6, b7C

Date of Birth: (Fecha de Nacimiento)

Country: (Pais)

Sex: M / F (Sexo)

Medical Problem (Problema de Salud)

I HAVE A LOT OF PAIN IN MY FEET DUE TO MY TOE-NAILS

I AM A DIABETIC & THAT IS THE REASON MY TOE-NAILS ARE INFECTED
PLEASE HELP.

Signature (Firma)

Date 04 10 07 (Fecha)

COPY HAS BEEN MADE & RETAINED FOR FUTURE REFERENCE

EL CENTRO DETENTION FACILITY

REQUEST FOR MEDICAL CARE (PETICION DE MEDICAL)

Barracks K-16

Name: (Nombre)

b6, b7C

Alien #: A (Número A)

b6, b7C

Date of Birth: (Fecha de Nacimiento)

b6, b7C

Country: MEXICO (Pais)

Sex: (M) / F (Sexo)

Medical Problem (Problema de Salud)

I HAVE EXTREME ABDOMINAL PAIN - ON BOTH SIDES

BUT ALMOST UNBEARABLE ON MY L/SIDE. PLEASE HELP

THANK YOU

Signature (Firma)

b6, b7C

Date 04 10 07 (Fecha)

ABOUT 9th REQUEST
COPY HAS BEEN MADE & RETAINED FOR FUTURE REFERENCE.

EL CENTRO DETENTION FACILITY

REQUEST FOR MEDICAL CARE (PETICION DE MEDICAL)

Barracks K-16

Name: (Nombre)

b6, b7C

Alien #: A (Número A)

b6, b7C

Date of Birth: (Fecha de Nacimiento)

Country: MEX. (Pais)

Sex: (M) / F (Sexo)

Medical Problem (Problema de Salud)

I AM DIABETIC
I HAVE ALMOST UNBEARABLE PAIN ON MY FEET BECAUSE

OF INGROWN TOE-NAILS. I NEED FOR YOU TO DO SOMETHING TO
TAKE CARE OF THE PROBLEM - NOT PAIN PILLS OR PAIN MEDICINE OR
RELEASE ME SO I CAN TAKE CARE OF IT MYSELF. THANK YOU

Signature (Firma)

b6, b7C

Date 04 09 07 (Fecha)

EL CENTRO DETENTION FACILITY

REQUEST FOR MEDICAL CARE (PETICION DE MEDICAL)

Barracks K-16

Name: [redacted] b6, b7C
(Nombre)

Alien #: A [redacted] b6, b7C
(Número A)

Date of Birth: [redacted] b6, b7C
(Fecha de Nacimiento)

Country: MEXICO
(Pais)

Sex: M / F
(Sexo)

Medical Problem YOU TOOK SOME BLOOD FROM ME ABOUT 3 WEEKS AGO AND I STILL DON'T KNOW THE RESULTS FROM THE ANALYSIS.
(Problema de Salud)

Signature [redacted] b6, b7C
(Firma)

Date 04 110 107
(Fecha)

EL CENTRO DETENTION FACILITY FOR FUTURE LITIGATION
REQUEST FOR MEDICAL CARE (PETICION DE MEDICAL)

THIS IS MY 8th Request
Barracks Kilo-16

Name: [redacted] b6, b7C
(Nombre)

Alien #: A [redacted] b6, b7C
(Número A)

Date of Birth: [redacted] b6, b7C
(Fecha de Nacimiento)

Country: MEX/AM - Legal
(Pais)

Sex: M / F
(Sexo)

Medical Problem WHAT ARE YOU WAITING FOR? FOR ME TO LOSE MY TOES OR MY FEET? FOR YOU TO GET ME TREATMENT? I AM A DIABETIC AND NEED HELP WITH MY INGROWN TOENAILS. THE PAIN IS UNBELIEVABLE. I ALMOST CAN'T WALK. I NEED HELP AND HAVE BEEN NEEDING HELP AND YOU DO NOTHING NEXT REQUEST IS GOING TO ACLU, WASHINGTON AND NEW YORK.
(Problema de Salud)

Signature [redacted] b6, b7C
(Firma)

Date 05 105 107
(Fecha)

COPY HAS BEEN MADE & RETAINED & WILL BE DISTRIBUTED FOR FUTURE REFERENCE ABOUT 7th WRITTEN REQUEST. ABOUT 20th ORAL REQUEST

EL CENTRO DETENTION FACILITY 2nd. Request
REQUEST FOR MEDICAL CARE (PETICION DE MEDICAL)

Barracks K-#16

Name: [redacted] b6, b7C
(Nombre)

Alien #: A [redacted] b6, b7C
(Número A)

Date of Birth: [redacted] b6, b7C
(Fecha de Nacimiento)

Country: MEXICO
(Pais)

Sex: M / F
(Sexo)

Medical Problem ABOUT A MONTH AGO YOU TOLD ME YOU WERE GOING TO CALL ME TO CHECK MY EYES TO SEE ABOUT PAIN IN THEM & WHY I SEE BLURRY (IER) AND... NOTHING
(Problema de Salud)

Signature [redacted] b6, b7C
(Firma)

Date 04 106 107
(Fecha)

COPIES HAVE BEEN MADE FOR FUTURE REFERENCE.

REQUEST FOR MEDICAL CARE (PETICION DE MEDICAL)

Barracks K 16 #18

Name: [Redacted] b6, b7C
(Nombre)

Alien #: A [Redacted] b6, b7C
(Número A)

Date of Birth: [Redacted] b6, b7C
(Fecha de Nacimiento)

Country: MEX.
(Pais)

Sex: (M) / F
(Sexo)

Medical Problem I AM STILL A DIABETIC. WHY DID YOU TAKE MY CARD AWAY FOR SPECIAL DIET?
(Problema de Salud)

Signature [Redacted] b6, b7C
(Firma)

Date MAY 28 07
(Fecha)

este es una copia.

REQUEST FOR MEDICAL CARE (PETICION DE MEDICAL)

#21 Barracks K-16

Name: [Redacted] b6, b7C
(Nombre)

Alien #: A [Redacted] b6, b7C
(Número A)

Date of Birth: / /
(Fecha de Nacimiento)

Country: _____
(Pais)

Sex: M / F
(Sexo)

Medical Problem I WOULD LIKE TO HAVE MY SUGAR LEVEL CHECKED AT LEAST ONCE A WEEK, THIS WAY I KNOW HOW I'M DOING.
(Problema de Salud)

Signature [Redacted] b6, b7C
(Firma)

Date 05 14 07
(Fecha)

COPY HAS BEEN MADE, RETAINED FOR FUTURE REFERENCE

United States Department of Homeland Security
Bureau of Immigration and Customs Enforcement

DETAINEE GRIEVANCE FORM

(A grievance must be filed within 5 days of original incident or issue)

Grievance # _____

Detainee Name: [redacted] b6, b7C A# [redacted] b6, b7C Housing Unit: K-16

Complaint / Comments: I AM HAVING A LOT OF PROBLEMS W/ MEDICAL (MEDICAL, DENTAL, VISION) TREATING ME. I AM A DIABETIC W/ IT'S OWN ISSUES AND I DON'T GET TREATED PROPERLY EVEN AFTER MANY REQUESTS. MY NEXT GRIEVANCE WILL BE TO WASHINGTON AND ACLU.

Action requested by detainee: I NEED TO TAKE OUT IN-GROWN TOE-NAILS TO BE CHECKED FOR GALL-STONES, ANOTHER PRESCRIPTION GLASSES - DENTAL CHECK-UP AND CLEAN-UP.

Detainee Signature: [redacted] b6, b7C Date / time: 04/16/07 6:00 PM.

Housing Unit Officer: _____ Date / time: _____

INFORMAL [] Resolution is accepted by detainee: (to be completed within 24 hours and only if resolved prior to hearing)

This grievance has been informally resolved as follows:

Detainee Signature: _____ Date / time: _____
Staff Member: _____ Date / time: _____
Supervisory Review: _____ Date / time: _____

FORMAL [] Informal Resolution is not accepted by detainee and the grievance has been assigned to the following Department for formal resolution: [] Deportation [] Detention [] Administration
(Response to detainee within five (5) business days is required)

Departmental Findings/Actions Taken: _____

Dep. Head: _____
Dep. Staff: _____ Dep. Staff: _____
Date of Findings: _____ Date Returned to Detainee: _____

(Detainee return within five days of receipt and check the appropriate box)

I would like this matter:

- Referred to the Detainee Grievance Committee (DGC).
- I agree with the resolution.

Detainee Signature: _____ Date / time: _____

DETAINEE GRIEVANCE FORM

(A grievance must be filed within 5 days of original incident or issue)

Grievance # _____

Detainee Name: [redacted] A# [redacted] Housing Unit: M-16

Complaint / Comments: I am a diabetic. I have had ingrown toe-nails since November 2006 in C.C.A.-San Diego. When I got here on Feb. 12,07 I asked for medical help with this problem. There are times that I cannot even walk. Neither C.C.A. nor the medical department here want to treat me besides the medical staff being very rude.

Action requested by detainee: I need to be treated for my very painful in-grown toe-nails AND the medical staff here at this facility El Centro Processing Center needs to be re-trained in the proper way to treat civil detainees. Instead of treating people like Animals like at C.C.A.-San Diego.

Detainee Signature: [redacted] Date / time: 05-17-07

Housing Unit Officer: _____ Date / time: _____

INFORMAL [] Resolution is accepted by detainee: (to be completed within 24 hours and only if resolved prior to hearing)

This grievance has been informally resolved as follows:

Detainee Signature: _____ Date / time: _____
Staff Member: _____ Date / time: _____
Supervisory Review: _____ Date / time: _____

FORMAL [] Informal Resolution is not accepted by detainee and the grievance has been assigned to the following Department for formal resolution: [] Deportation [] Detention [] Administration
(Response to detainee within five (5) business days is required)

Departmental Findings/Actions Taken: _____

Dep. Head: _____
Dep. Staff: _____ Dep. Staff: _____
Date of Findings: _____ Date Returned to Detainee: _____

(Detainee return within five days of receipt and check the appropriate box)

I would like this matter:

- Referred to the Detainee Grievance Committee (DGC).
- I agree with the resolution.

Detainee Signature: _____ Date / time: _____
Housing Unit Officer: _____

b6, b7C

El Centro, Cal. 92243

Ms.

b6

**Latham & Watkins LLP
600 West Broadway Suite # 1800
San Diego, California 92101-3375**

Ms. Gobeski:

Le agradezco la visita y la entrevista y sobre todo el tiempo que se tomaron para venir a hablar con todos nosotros.

Yo quede con la persona que me hizo el favor de entrevistarme de mandarle esta informacion y aqui se la hago llegar y espero de algo le pueda servir tanto a ustedes como a mi, y quiero ponerme a sus servicios para todo lo que yo pueda aportar.

Tambien, la persona que me hizo la entrevista me pregunto que si podia usar mi nombre para algun futuro reporte y quiero decirle que cuente con mi apoyo, puede usarlo para cualquier caso que lo necesite y si en el futuro tiene otras preguntas, nada mas escribame y yo con gusto colaborare con ustedes.

Gracias por toda su ayuda

Atentamente su servidor:

b6, b7C

b6, b7C

El. Centro. Calif. #92243.

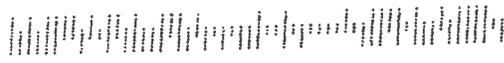
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Ms. [REDACTED]
 Latham & Watkins. LLP.
 600 West Broadway Suite#1800
 San Diego California #92101-3375.



b6, b7C

El Centro, Cal. 92243

Ms.

b6

Latham & Watkins LLP
600 West Broadway Suite # 1800
San Diego, California 92101-3375

Ms.

b6

Le saludo esperando se encuentre bien de salud. En esta ocasión tengo otras quejas del servicio medico en El Centro. Después de varios "medical requests" el día 20 de Agosto me llevaron al medico, pues yo quería ayuda para mis ojos porque como ya le comente que soy diabético y cada DIA mi vista se esta deteriorando. Ahora me resulto un nuevo problema en mi ojo derecho. Yo les pedí ayuda y el doctor [b6] me dijo que ya me han dicho que no puede hacer nada y que para este problema ellos no peden darme ni gotas para los ojos.

También les volvi a pedir que porfavor me hicieran el favor de chequearme el nivel de azucar y el doctor [b6] me contesto que no tenian suficiente codas para hacerlo y que las enfermeras no tenian tiempo, o que estaban muy cansadas, o el otro motivo por el que no se te puede dar mas servicios es porque hay mucha gente en este lugar y todo senos esta escaciendo. El doctor dijo que por eso nos están dando menos pata de dientes, menos jabones, menos comida, y menos medicina. El doctor dijo; "así que tu le debes de dar gracias a Dios que de menos té están dando medicina para la diabetes." Luego le pregunte acerca del problema de mis ojos y si yo podía comprar mis lentes. Él me dijo que el me iba a dar un chrono autorizando que me manden mis lentes. Pero el problema es que necesito un examen de la vista, algo que ellos no dan porque no están autorizados para darnos ese tipo de asistencia medica porque nosotros solamente tenemos que estar aquí por un ratito. Yo le dije entonces déjeme salir de este lugar para que yo pueda cuidar de mi salud.

En CCA ya hubo una pelea entre los guardias y los detenidos por la pobre ayuda medica y otras injusticias que ICE hace contra nosotros. En San Pedro acaba de haber otra pelea

gente como ustedes a investigar y a preguntar, ICE cambia su semblante y corre todo como debe de ser para que la gente que viene no tenga nada malo que decir. Ahora a salido un nuevo memo que dice que cuando estemos en la área de ver televisión tenemos que andar nuestras camisas puestas. Afuera del dormitorio esta a 115 grados F, adentro del dormitorio esta a mas como a 118 porque no hay aire acondicionado y como las barracas son viejas el sistema de aire es viejo también. Tenemos dos ventiladores grandes y en la área de la televisión esta muy caliente, y ahora quieren que andemos con camisas puestas, no hace sentido. Cada día que pasa esta gente nos están quitando mas y más el poco de libertad que tenemos. Y dicen que no somos presos!

Ms. b6 disculpe que la moleste con mis quejas pero es demasiado lo que esta gente esta haciendo hacia nosotros. Espero escuchar de usted en el futuro y le boy a escribir mas adelante.

Cordialmente.

b6, b7C

From:

[Redacted]
b6, b7C

August 14, 2007

El Centro, Cal. 92243-1739

To: Latham & Watkins LLP C/O Ms. Elizabeth Gobeski

Re: Thank You Letter for Visit and Interview

Dear Ms. [Redacted]:
b6

Knowing how very busy you must be, I don't want to take too much of your very valuable time. I just want to thank you and your firm for your recent visit and interviews on Wednesday August 8, 2007 at this facility. . . .
THANK YOU for taking some of your valuable time to talk to us and hopefully you got enough information for your intended purposes.

Anything else we may be of assistance, we are here to help you, just let us know.

Personally, the packet I prepared for you, if there are any questions as to any of it's contents, please don't hesitate to ask me and I'll gladly explain and/or answer and/or expand on anything you need or want to know. It has some stuff describing abuses at the private contract facility C.C.A.(Corrections Corporation of America) located in San Diego, California which ICE is ultimately responsible for. They know about those abuses and choose to ignore them by turning a blind eye and a deaf ear and by not answering or acknowledging our grievances/complaints and as a matter of fact, use the fact that it is run like a Nazi-Concentration Camp to keep detainees here in El Centro in line by threatening us that if we don't behave, they will send us back to C.C.A.

Thank You again to all of you and your firm for your visit, your interviews and your concerns, may G O D bless you all.

Sincerely and Respectfully:

[Redacted]
b6, b7C

P.S.

We would like to know if your firm can give us some legal referrals to sue ICE (class-action lawsuit maybe) in regards with prolonged, excessive, **indefinite** detentions to which they subject many of us. From what we understand, they were given more or less about 6 months to detain us to find out about our cases and after that release us except for treason or admitted and known terrorists; but they keep many of us for years in detention and nobody does anything about it, mostly because people out there don't know or don't know how to stop it. It should be known that it is almost impossible to fight our cases from here from detainment because of all the rules and regulations that they have set-up in these places. Thank you for any help.

DETAINEE GRIEVANCE FORM

(A grievance must be filed within 5 days of original incident or issue)

Grievance # _____

Detainee Name: [redacted] A# [redacted] Housing Unit: M-10

Complaint / Comments: ICE-EI Centro, Calif. Medical Officer [redacted] refuses to give many of us detainees proper medical treatment per facility, city, county, state, federal and international laws, rules, regulations and guidelines, besides being very disrespectful and very rude to detainees and staff. She seems to have also trained her medical staff to treat people this way. Many do.

Action requested by detainee: To be treated with dignity and respect not like animals. There has been some dangerous cases and instances where detainees could have lost some limbs and maybe even their lives because detainees were diabetic. WE NEED PROPER MEDICAL CARE W/RESPECT AS HUMAN BEINGS, not cattle.

Thank You Maybe re-training is needed.

Detainee Signature: [redacted] Date / time: 05/17/07

Housing Unit Officer: _____ Date / time: _____

INFORMAL [] Resolution is accepted by detainee: (to be completed within 24 hours and only if resolved prior to hearing)

This grievance has been informally resolved as follows:

Detainee Signature: _____ Date / time: _____
Staff Member: _____ Date / time: _____
Supervisory Review: _____ Date / time: _____

FORMAL [] Informal Resolution is not accepted by detainee and the grievance has been assigned to the following Department for formal resolution: [] Deportation [] Detention [] Administration
(Response to detainee within five (5) business days is required)

Departmental Findings/Actions Taken: _____

Dep. Head: _____

Dep. Staff: _____ Dep. Staff _____

Date of Findings: _____ Date Returned to Detainee: _____

(Detainee return within five days of receipt and check the appropriate box)

I would like this matter:

- Referred to the Detainee Grievance Committee (DGC).
- I agree with the resolution.

Detainee Signature: _____ Date / time: _____
Housing Unit Officer: _____

FIRST Request (copy)

EL CENTRO DETENTION FACILITY

Barracks K-10

REQUEST FOR MEDICAL CARE (PETICION DE MEDICAL)

Name: [Redacted] b6, b7C Alien #: A [Redacted] b6, b7C
(Nombre) (Número A)

Date of Birth: [Redacted] b6, b7C Country: Mex / U.S. Sex: (M) / F
(Fecha de Nacimiento) (Pais) (Sexo)

Medical Problem PAINFUL, NIGHT BLEEDING AND RECEDING GUMS. C.S.A. - SAN DIEGO
(Problema de Salud) Told me they would give me TREATMENT AT ONE YEAR THERE. IT WAS
LIES. THEY NEVER CALLED ME NO MATTER HOW MANY REQUESTS I SENT. ONE TOOTH HAS THE BASE
EXPOSED ALREADY & FOOD GETS IN THERE. PLEASE HELP. THANK YOU

Signature [Redacted] b6, b7C Date AROUND 02 / 27 / 07
(Firma) (Fecha)

EL CENTRO DETENTION FACILITY

Barracks K-10

REQUEST FOR MEDICAL CARE (PETICION DE MEDICAL)

Name: [Redacted] b6, b7C Alien #: A [Redacted] b6, b7C
(Nombre) (Número A)

Date of Birth: [Redacted] b6, b7C Country: MEX / U.S. Sex: (M) / F
(Fecha de Nacimiento) (Pais) (Sexo)

Medical Problem THANK YOU FOR THE INFORMATION ON MY DAILY DENTAL CLEAN-UP MOST OF IT IS BEING VERY
(Problema de Salud) USEFUL AND HELPFUL BUT SOME IS NOT AT ALL THANK YOU! PLEASE, IF A DENTIST
IS BEING HIRED ALREADY, CALL ME LIKE YOU SAID YOU WOULD FOR A DENTAL CLEAN-UP
BEFORE MY TEETH START FALLING-OFF. THANK YOU VERY MUCH.

Signature [Redacted] b6, b7C Date 03 / 17 / 07
(Firma) (Fecha)

COPY, mine 2nd Request

DETAINEE GRIEVANCE FORM

(A grievance must be filed within 5 days of original incident or issue)

Grievance # _____

Detainee Name: [b6, b7C] A# [b6, b7C] Housing Unit: M-30

Complaint / Comments: I had a back operation to remove a cyst and it got infected with pus and has been bleeding and they (medical staff) which includes medical officer [b6] have refused to treat me properly. They have not given me any antibiotics but a lot of hard times because i keep asking for them. I talked to Sub-director [b6, b7C] he was also ignored and treated rude by officer [b6] when he tried to find out about the problem.

Action requested by detainee: I still need proper medical care which includes antibiotics for the infection. We also want to be treated like human beings that we are. Also the whole medical staff needs to be re-trained in the proper way to treat detainees at this facility.

Detainee Signature: [b6, b7C] Date / time: 05/17/07

Housing Unit Officer: _____ Date / time: _____

INFORMAL [] Resolution is accepted by detainee: (to be completed within 24 hours and only if resolved prior to hearing)

This grievance has been informally resolved as follows:

Detainee Signature: _____ Date / time: _____
Staff Member: _____ Date / time: _____
Supervisory Review: _____ Date / time: _____

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(Response to detainee within five (5) business days is required)

Departmental Findings/Actions Taken: _____

Dep. Head: _____
Dep. Staff: _____ Dep. Staff: _____
Date of Findings: _____ Date Returned to Detainee: _____

(Detainee return within five days of receipt and check the appropriate box)

I would like this matter:

- Referred to the Detainee Grievance Committee (DGC).
- I agree with the resolution.

Detainee Signature: _____ Date / time: _____
Housing Unit Officer: _____ Date / time: _____

DETAINEE GRIEVANCE FORM

(A grievance must be filed within 5 days of original incident or issue)

Grievance # _____

Detainee Name: [redacted] A# [redacted] Housing Unit: M-16

Complaint / Comments: I am a diabetic. I have had ingrown toe-nails since November 2006 in C.C.A.-San Diego. When I got here on Feb. 12,07 I asked for medical help with this problem. There are times that I cannot even walk. Neither C.C.A. nor the medical department here want to treat me besides the medical staff being very rude.

Action requested by detainee: I need to be treated for my very painful in-grown toe-nails AND the medical staff here at this facility El Centro Processing Center needs to be re-trained in the proper way to treat civil detainees. Instead of treating people like animals like at C.C.A.-San Diego.

Detainee Signature: [redacted] Date / time: 05-07-07

Housing Unit Officer: _____ Date / time: _____

INFORMAL [] Resolution is accepted by detainee: (to be completed within 24 hours and only if resolved prior to hearing)

This grievance has been informally resolved as follows:

Detainee Signature: _____ Date / time: _____
Staff Member: _____ Date / time: _____
Supervisory Review: _____ Date / time: _____

FORMAL [] Informal Resolution is not accepted by detainee and the grievance has been assigned to the following Department for formal resolution: [] Deportation [] Detention [] Administration
(Response to detainee within five (5) business days is required)

Departmental Findings/Actions Taken: _____

Dep. Head: _____
Dep. Staff: _____ Dep. Staff _____
Date of Findings: _____ Date Returned to Detainee: _____

(Detainee return within five days of receipt and check the appropriate box)

I would like this matter:

- Referred to the Detainee Grievance Committee (DGC).
- I agree with the resolution.

Detainee Signature: _____ Date / time: _____
Housing Unit Officer: _____

TO :

July 7, 2007

Distribution: All ICE employees at the El Centro, California Processing Center (top to bottom); American Civil Liberties Union (ACLU) at National Prison Project 915 15th Street N.W. 7th Floor Washington, D.C. 20005-2112; National Office 125 Broadway Street 18th Fl. New York, N. Y. 10004-2400; Human Rights Watch 350 Fifth Avenue 34th Floor New York, N.Y. 10118-3299; American Bar Association Commission on Immigration 740 Fifteenth Street, NW, 9th Floor Washington, DC 20005-1022; [b6, b7C] San Diego ICE-Field Office Director; [b6, b7C] Assistant ICE-Field Office Director-El Centro; [b6, b7C] Supervisor of Detention and Deportation Officer – El Centro Processing Center; Chief Medical Officer-El Centro [b6, b7C] Dental Department; El Centro Processing Center.

I have sent you multiple requests for dental care. You do **not** have a permanent dentist on board and once in a while bring one in only for a couple of days and only to pull teeth and perform a few clean-ups and/or check-ups, that is all you do or want to do and nothing else.

I learned that the dentist was here a couple of weeks ago and even though I have sent you multiple requests for dental work I was **not** called in and I want to know why? What do you do with the old dental/medical requests? throw them away? Don't you keep track of who has been requesting dental/medical help?

I also learned from a couple of the detainees that "lucked-out" and were called in to see the dentist that they were told "do not tell anybody else that you have seen the dentist, otherwise everybody else will want to see him"

I have asked for dental help for the last 6 accumulated years; 4 at State Prison-Solano and 2 years here at Immigration which includes Calipatria-2 months, El Centro facility-6 weeks, C.C.A.-San Diego-1 year 3 months, Florence Arizona-/Pinal County Sheriff's Department-6 weeks, El Centro Processing Center (here again) since February 22, 2007 and so far, and always . . . **NOTHING**. Only excuses!.

<u>Time</u>	<u>Place</u>	<u>Comment(s)</u>
Since 4 years ago to 2 years ago	State Prison-Solano	We have a backlog of 3 to 4 <u>years</u>
August and September 2005	Calipatria State Prison (Under ICE Custody)	you won't be seen by a dentist because you will be here temporarily from 30 to 60 days only.
September 22 nd 2005 to October 28, 2005	ICE-El Centro Processing Center in El Centro, California	We don't have a permanent dentist
From October 28, 2005 to January, 27 th 2007	C.C.A.-San Diego	After many requests I finally was called in only to be told that they did dental work only after one year of detainment. and told me to put-in a request after I was there 1 year and they would promptly call me. I put in about 9 requests within about 7 weeks after I had been there a year and they <u>never</u> called me.

<u>Time</u>	<u>Place</u>	<u>Comment(s)</u>	<u>cont.</u>
From January 28 th 2007 to February 21 st , 2007	Florence, Arizona ICE/and the Pinal County Sheriff's Dept. in Arizona	You won't be here long enough to see a dentist.	You ain't getting shit!!
From February 22, 2007 to present time 07/07/07 Saturday, July	ICE- El Centro Processing Center El Centro, Calif.	I put in various requests and were told that there is no permanent dentist on board now but there will be one in the future, how long? no one knows. One comes in every now and then for a few days and when he comes in we will call you or put in another request to see him.	

I was barely able to fend-off dental decay for a long time at State Prison because there, at the store, you could purchase dental floss and mouthwash unlike at this facility. But now, ignored by you all this time, it's getting very hard to keep a good oral-hygiene program. When we get to Immigration (ICE) I don't know why you take away all our hygiene and cosmetic products; creams, deodorants, baby powders but especially our regular toothbrushes, regular toothpastes, dental floss and mouthwash that are helpful for good dental hygiene. They are doing no one any good there in storage just waiting for us when we get out, sometimes years afterwards, you must have a good reason to take them away although for the life of me I do not see why. Probably somebody sometime tried to do something or did something w/these products and now you, in your panicky way like always punish everyone else because of those few fools, that, is called group punishment, which is morally wrong, against GOD's wishes, rules, regulations, laws and commandments, it is also illegal my friends.

You provide a very small toothbrush that is extremely hard to use and cheap toothpaste. You do not provide dental floss nor mouthwash that are necessary for proper dental hygiene nor are there any for sale at the vending machines that we can purchase ourselves.

Most detainees are here for just a little while therefore your present medical and dental care system are o.k. for most, however, there are those of us that are here for years, for one reason or another and for those of us, your present medical/dental system does not work. It is inadequate, and illegal!. and we respectfully request proper changes to bring adequate dental/medical care in line with international, humanitarian, civil rights, human rights, state, county, city and federal guidelines.

Personally, because of these type of problems of not getting adequate dental care for a very long time in these type of places, I am concerned about my future dental care/hygiene and offer the following suggestions:

1. Find a way to get to know which detainees are going to be here or have been here for a long time and offer them better dental and medical services than the current system is providing them.
2. Allow for and arrange for mouthwash and dental floss to be sold at the vending machines.
3. If nothing else, at least allow for those detainees that have those items in their stored properties here at ICE waiting for them for when they get out to get them from their property to be able to use them.
4. Keep better track of dental/medical requests and call those that have filled requests before without them having to fill-out and send another one. There are times that we don't even know when the dentist was here or when he is going to be here and we don't find out until he is gone again that he was here for just a few days at a time.

Thank you for your time to read this letter

Sincerely and Respectfully Submitted

Facility Name: EL CENTRO DETENTION FACILITY, El Centro, CA

Date of Tour: August 8, 2007

Tour Participants: Latham & Watkins LLP attorneys and summer associates

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*Standards are Detainee Services Standards unless otherwise indicated. Standards excerpts are typed verbatim. Issues are generally listed in their order from the Report.

Report comments in bold are priority issues for ICE-ABA discussion.

	ICE Standard*	Delegation Report	Source	ICE Response
1.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ 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. The facility’s written rules shall specify time limits for visits: 30 minutes minimum, under normal conditions. 	<ul style="list-style-type: none"> ▪ Level 3 detainees may only receive visitors for about twenty minutes and are subject to unposted, limited visiting hours. (p.5 ¶3) 	<p>[Redacted] b6, b7C</p>	
2.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ III.I.11. If standard operating procedures require strip searches after every contact visit with a legal representative, the facility must provide an option for non-contact visits with legal representatives 	<ul style="list-style-type: none"> ▪ One detainee stated he is always strip searched after visits, including legal visits. (p.4 ¶2) 	<p>Detainee [Redacted] b6, b7</p>	
3.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> ▪ III.J. The facility shall ensure privacy for detainees’ telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. 	<ul style="list-style-type: none"> ▪ Phones are located in the public dayrooms and separated by only a few feet and small partitions. Facility personnel explained that if a private call is necessary a detainee can specially request and arrange one, although no formal guidelines exist. However, one detainee reported that his request to El Centro SPC staff to arrange a private phone call was denied. (p.7 ¶ 3) 	<p>Delegation observations; Officer [Redacted] b6, b7 detainee [Redacted] b6, b7</p>	
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. 	<ul style="list-style-type: none"> ▪ One detainee reported that on two occasions messages from his attorney were delivered to him after two or three days. (p. 7 ¶ 3) However, officers and two other detainees stated that messages are delivered promptly. (p.8 ¶3) 	<p>Detainee [Redacted] b6, b7 Officers [Redacted] b6, b7 and [Redacted] b6, b7 detainees [Redacted] b6, b7 and [Redacted] b6, b7</p>	

5.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.A. The facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing. The law library shall be large enough to provide reasonable access to all detainees who request its use. 	<ul style="list-style-type: none"> Computers are often inoperable. (p.10 ¶3, p.11 ¶1) Also, at times the facility allows passwords for the LexisNexis software to expire, rendering the software inoperable. (p.10 ¶3) 	<p>Detainee [redacted] and Officer [redacted]</p>	
6.	<p>Standard 9, Group Presentations on Legal Rights</p> <ul style="list-style-type: none"> III.I. Videotaped presentations. The facility shall play [ICE]-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"> One detainee did not recall seeing a video presentation on legal rights. (p.14 ¶1) 	<p>Detainee [redacted]</p>	
7.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> I. All facilities will ensure that detainees send and receive correspondence in a timely manner. III.C. Incoming correspondence shall be distributed to detainees within 24 hours of receipt by the facility 	<ul style="list-style-type: none"> Two detainees stated that mail may not always be delivered and can be slow. (p.14 ¶4, p.15 ¶¶1 & 2) 	<p>Detainees [redacted] and [redacted]</p>	
8.	<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. 	<ul style="list-style-type: none"> The facility permitted the delegation to see a Handbook, but informed the delegation that it could not be disseminated. (p.16 ¶2) 	<p>Delegation observations</p>	
9.	<p>Standard 13, Recreation</p> <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. 	<ul style="list-style-type: none"> One detainee reported that more than half of the one hour allotted recreation time is spent waiting in line. (p.17 ¶2) 	<p>Detainee [redacted]</p>	
10.	<p>Health Services Standard 2, Medical Care</p> <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"> Detainees stated that there are long waits for medical care, and that is not adequate for those in longer-term detention. (p.19 ¶3) In two cases the facility has not provided operations that doctors have prescribed. (p.20 ¶2, p.20 ¶5) One detainee was denied prescribed medication for several days because a facility computer crashed. (p.21 ¶2) 	<p>Detainees [redacted] and [redacted] and detainees [redacted] and detainee A [redacted] and [redacted] and [redacted].</p> <p>Detainee [redacted]</p>	
11.	<p>III.E. Dental Treatment.</p> <ul style="list-style-type: none"> An initial dental screening exam should be performed within 14 days of the detainee's arrival. 	<ul style="list-style-type: none"> The detainees do not receive the initial dental screening. (p.22 ¶2) 	<p>Detainees [redacted] and [redacted]</p>	

12.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> ▪ III.E.1. Level 1 Classification. May not be housed with Level 3 Detainees. ▪ III.F. The classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security. ... 2. Levels one and two may be mixed, and high level twos and level threes may be mixed, when a facility is at or above full capacity. 3. Under no circumstances will a level two detainee with a history of assaultive or combative behavior be placed in a level one housing unit. ▪ III.I. The detainee handbook’s section on classification will include the following: 1. An explanation of the classification levels with the conditions and restrictions applicable to each. 2. The procedures by which a detainee may appeal his/her classification. 	<ul style="list-style-type: none"> ▪ A detainee stated that violent detainees are housed with non-violent detainees. (p.24 ¶2) ▪ Another detainee stated that he was not informed regarding how he was classified or how to appeal. (p.24 ¶2) 	<p>Detainee §, b7 §, b7</p> <p>Detainee §, b7 §, b7</p>	
13.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> ▪ I. [S]tandard operating procedures (SOP) must establish a reasonable time limit for: ... (iii) providing written responses to detainees who filed formal grievances, including the basis for the decision. 	<ul style="list-style-type: none"> ▪ One detainee reported that he does not receive responses to his grievances. (p.25 ¶1) ▪ Another detainee stated that facility staff told him that filing grievances would be a waste of paper because staff would not do what he wanted. (p.25 ¶1) 	<p>Detainee §, b7 §, b7</p> <p>Detainee §, b7 §, b7</p>	
14.	<p>Security and Control Standard 7, Environmental Health and Safety</p> <ul style="list-style-type: none"> ▪ III.R. Environmental health conditions must be maintained at a level that meets recognized standards of hygiene. ▪ III.M. Each facility must contract with pest control professionals to perform monthly inspections. 	<ul style="list-style-type: none"> ▪ A detainee complained that his dorm was filthy and infested with roaches and rats. (p.27 ¶2) 	<p>Detainee §, b7 §, b7</p>	
15.	<p>Security and Control Standard 4, Detainee Transfers</p> <ul style="list-style-type: none"> ▪ III.G. Indigent detainees being transferred will be authorized a single domestic phone call at the Government’s expense upon arrival at their final destination. ... Non-indigent detainees shall have access to make calls at their own expense pursuant to the Telephone Access Detention Standard. 	<ul style="list-style-type: none"> ▪ One detainee stated that he was not afforded a telephone call when he arrived at the facility, nor did he believe his attorney had been contacted. (p.31 ¶3) 	<p>Detainee §, b7 §, b7</p>	