

Facility Name: **Mira Loma Detention Center, Lancaster, California**

Date of Tour: **July 17, 2006**

nts:

(b)(6)

(b)(6)

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

	ICE Standard*	Delegation Report	Source	ICE Response
1.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>▪ I. Facilities holding INS detainees shall permit them to have reasonable and equitable access to telephones.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detainees complained of the expense of phone calls from the barracks' phones. One detainee indicated that a calling card purchased for ten dollars was not enough to make a ten minute call. (p.8 ¶2)</li> </ul>	<p>(b)(6), (b)(7)c</p>	
2.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>▪ III.E. The facility shall not require indigent detainees to pay for [legal, court-related, consular, emergency calls] if they are local calls, nor for non-local calls if there is a compelling need. The facility shall enable all detainees to make calls to the INS-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Free calls to consular offices and pro bono attorneys may be made through inmate services on a phone near the library. (p.8 ¶3) However, detainees were unaware that they could use the inmate services phone for these free calls. (p.9 ¶1) Rather, the Detainees believed that a calling card or a collect call must be used for these calls. (p.9 ¶1)</li> </ul>	<p>(b)(6), (b)(7)c</p>	
3.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>▪ III.J. The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The delegation observed that it may be hard for a detainee to have a phone conversation that would not be readily overheard by other detainees or facility staff. (p.9 ¶2) One detainee complained that the phones do not provide any privacy for conversations and that the other detainees listen when someone makes (b)(6), (b)(7)c ll. (p.9 ¶2)</li> <li>▪ Deputy (b)(6), (b)(7)c indicated that the inmate service (b)(6), (b)(7)c at the library could be used for private phone conversations if requested. (p.9 ¶2) However, the inmate services phone is near the desk of a staff member and would not provide privacy. (p.9 ¶2) Further, detainees were unaware that they were allowed to use this phone. (p.9 ¶2)</li> <li>▪ The inmate services phone was out of order during the delegation visit and could not be tested. (p.9 ¶2)</li> </ul>	<p>Delegation observations Detainee (b)(6), (b)(7)c</p> <p>Deputy Delegation (b)(6), (b)(7)c</p> <p>Delegation observation (b)(6), (b)(7)c</p>	

4.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>▪ III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Center does not allow detainees to receive phone messages from attorneys or others, unless it is an emergency. (p.9 ¶3)</li> </ul>	Deputy
5.	<p>Standard 18, Voluntary Work Program</p> <ul style="list-style-type: none"> <li>▪ I. Every facility with a work program will provide detainees the opportunity to work and earn money.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detainees have the opportunity to participate in a voluntary work program. (p.19 ¶5)</li> <li>▪ The detainees who participate in the program are not paid. (p.20 ¶1) However, they receive special privileges: they live in a special barracks with large-screen televisions and extra vending machines, receive special meals, and are offered extra visiting hours. (p.20 ¶1)</li> </ul>	Deputy  Deputy

(b)(6), (b)(7)c



## **U.S. Immigration and Customs Enforcement**

October 20, 2006

MEMORANDUM FOR: KENNETH W. COX  
Assistant Field Office Director  
Lancaster, CA.

FROM: (b)(6), (b)(7)c  
Acting Assistant Officer in Charge  
Mira Loma Detention Facility

SUBJECT: Delegation Observation Report of Mira Loma Detention Facility  
502130-0027 (July 17, 2006)

Upon being provided a copy of the report, the Acting Assistant Officer in Charge reviewed the recommendations and items indicated as needing corrective action.

On July 17, 2006, representatives from the Latham & Watkins Legal Firm visited the Mira Loma Detention Facility. They presented a report outlining the issues they perceived as needing action. The scope of their review covered all aspects of detention and followed the ICE Detention Standards. The issues in review were: (1) Telephone Access; (2) Voluntary Work Program.

The following issues were determined to be under the control of the Los Angeles County Sheriffs Department.

On **Telephone Access**, both ICE and the Los Angeles County Sheriff's Department (LASD) have been working on resolving the issues previously identified.

The first issue under telephone access is the costs associated with the use of the telephone calling card. The LASD and ICE have been aware of the problem relating to the telephone cards and continue to seek a resolution that is acceptable to the detainees within the facility. A solution will require the coordinated efforts of the LASD and the telephone company that is under contract with the LASD. The current contract that the LASD entered into involves all facilities that the LASD operates. A means to provide a viable solution either within the current contract or an addendum to the contract for the purpose of providing lower costs for calling cards is complex in its scope and to date has not been resolved.

The second issue is the detainee awareness of use of the telephones for indigent detainees to be able to contact pro bono legal services and their consular office. The ICE staff will, during routine daily interviews provide the information the detainees of the availability of telephones for use to contact the consulates and pro bono services. In addition, the LASD staff will post the notices throughout the barracks of the phone use for consular contact and pro bono services.

The third issue is that the delegation observed the detainees to not have the ability to have private telephone conversations that cannot be overheard by staff or other detainees. The LASD and ICE have provided a sufficient number of phones for daily use and have additionally provided the use of ICE telephones in emergent situations to afford detainees private telephone conversations. It is also the responsibility of both ICE and the LASD to provide a safe and secure environment for the detainees. In order to accomplish the request for more privacy in telephone calls, barriers or isolation areas would have to be created. This would compromise the safety and security of the detainees. The standard indicates "a reasonable number of phones which detainees can make such calls without being heard by officers, other staff or other detainees". The available number and location of telephones and emergency procedures in place fulfill the standard, it is both cost prohibitive and a compromise in security to effect changes as requested by the report.

The fourth issue of immediate message delivery has been resolved through discussions between the agencies. The Los Angeles Sheriff's Department has issued instructions to its staff in the form of post orders to forward all requests to deliver messages to the ICE office phone general telephone number. The person desiring to leave the message is directed within the system to forward the message to the appropriate officer. The ICE staff has daily interaction with the detainees and will provide routine messages on a daily, emergency messages will be provided as rapidly as possible.

### **Voluntary Work Program**

The issue presented is that the opinion of the delegation was that the detainees should receive payment in the form of the standard of one dollar (\$1.00) a day for work performed. In reviewing the standard, the subsection K. Compensation, states, "Detainees shall receive monetary compensation for work completed in accordance with the facility's standard policy *In SPCs/CDFs, the stipend is \$1.00 per day, to be paid daily*". The policy within the facility exceeds this provision although it is not specified as applicable to IGSA's. While the detainees do not receive payment in the form of one dollar a day, payment is rendered in the following. Detainees are housed in barracks that provide additional recreation time, special meals are provided, and enhanced services are provided within the barracks in the form of large screen televisions and vending machines. The privileges provided exceed the stipend required. In addition, the delegation indicated that all of the detainees interviewed indicated this to be more than satisfactory. To remove the incentives and replace them with the lesser standard of \$1.00 a day would be counterproductive and is not in keeping with the facilities desire to exceed wherever possible, the ICE Detention Standards.

Delegation Observation Report of Mira Loma Detention Facility  
502130-0027 (July 17, 2006)

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In conclusion, the facility has been previously visited by delegations from Latham & Watkins and sought to implement areas identified as needing corrective action. The Immigration and Customs Enforcement staff and the Los Angeles County Sheriff's Department staff remain committed to providing superior care to the detainees within custody in the Mira Loma Detention Center. The periodic reviews by Latham & Watkins and other entities provide the facility with an unbiased review from an outside entity. These reviews have provided the facility with the opportunity to take steps to ensure that it is in compliance with current regulation and policy with the goal to meet or exceed the standards. Within the Mira Loma Detention facility, the ICE Detention Standard is in continuous review and areas identified as needing correction are identified and addressed.

# LATHAM & WATKINS<sup>LLP</sup>

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## MEMORANDUM

August 1, 2006

## CONFIDENTIAL

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

**From:** American Bar Association Delegation to the Mira Loma Detention Center<sup>1</sup>

**File no:** 502130-0027

**Copies to:** (b)(6) ABA Commission on Immigration

**Subject:** Report on Observational Tour of the Mira Loma Detention Center, Lancaster, California

## I. INTRODUCTION

On July 17, 2006, our delegation of one attorney and four summer clerks from Latham & Watkins LLP's Orange County office visited the Mira Loma Detention Center in Lancaster, California (the "Center"). The Los Angeles County Sheriff's Department operates the ration and Customs Enforcement ("ICE").<sup>2</sup> We spoke extensively with Deputy (b)(6), (b)(7)c of the Special Projects Unit of the Los Angeles County Sheriff's Department, with a tour of the Center and arranged for us to interview four immigration detainees.<sup>3</sup>

<sup>1</sup> The delegation was comprised of an attorney and summer associates from the Orange County office of Latham & Watkins LLP, including (b)(6)

(b)(6)

<sup>2</sup> The Mira Loma Detention Center was previously operated by the Sheriff's Department for the Immigration and Naturalization Service ("INS"). As of March 1, 2003, the INS ceased to exist as an agency of the Department of Justice. The immigration enforcement functions of the INS were assigned to ICE, an investigative bureau within the Department of Homeland Security ("DHS").

<sup>3</sup> Prior to our visit, (b)(6) of the Catholic Legal Immigration Network, Inc. (CLINIC) provided u On the date of our visit, we were informed that two of the detainees were no longer at the facility. We ultimately interviewed four of the detainees that CLINIC had identified for us.

The purpose of our visit was to observe the Center and compare its procedures to the Immigration and Naturalization Service Detention Standards (the “Standards”). More specifically, we focused on those Standards regarding legal access (access to visitors/attorneys and legal materials) and living conditions. This memorandum summarizes and evaluates the information gathered by our delegation regarding the Center’s operating procedures.

## **II. EXECUTIVE SUMMARY**

Based on our observations and interviews, the staff at the Center has made substantial efforts to familiarize themselves with the Standards. Officers also seem to make attempts to address detainees’ concerns and to offer additional services above and beyond those required by the Standards. Overall, the Center appeared well-run, clean, and secure. From our observations, the staff was extremely professional and humane.

With regard to visitation, access to the law library and legal materials, group rights presentations, recreation and classes, medical issues, religious issues, and most additional miscellaneous issues, the Center appears to meet the Standards.

With regard to the Detainee Handbook (“Handbook”), , we are pleased to learn that an update effort is in progress given that the current text is out of date.

With regard to telephone access, we became aware of the following concerns that need to be addressed: (1) lack of adequate privacy for detainee phone conversations, and (2) detainees’ lack of awareness of how to use the phones.

With regard to the Voluntary Work Program, we became aware of the fact that the Center does not pay its volunteers as required by the Standards; however, the current alternative incentive system seems to be well received and has not generated any complaints.

## **III. DETENTION STANDARDS**

In November 2000, the Immigration and Naturalization Service (“INS”) promulgated the Detention Standards, which are contained in its Detention Operation Manual. The Standards were created to ensure the “safe, secure and humane treatment of individuals detained by the INS.” The 38 Standards encompass a broad range of issues, from visitation policies to food service to grievance procedures. The Standards are meant to establish minimum guidelines for treatment of immigration detainees; they are not intended to place a ceiling on treatment requirements.

After providing general information, this memorandum evaluates whether the Center meets these Standards in the following areas: (1) Visitation; (2) Telephone Access; (3) Access to the Law Library and Legal Materials; (4) Group Rights Presentations. The group also examined the Standards relating to: (1) Recreation and Classes; (2) Medical Issues; (3) Religious Issues; and (4) Additional Issues.

#### IV. EVALUATION OF WHETHER FACILITY MEETS STANDARDS

##### A. General Information

###### 1. The Facility

The Center is located in Lancaster, California. Lancaster is a city with an estimated population of 134,000 and is located in Antelope Valley near Palmdale, approximately 80 miles north of Los Angeles.

The Center consists of 17 barracks, a recreation center, library, classroom, mess hall, and infirmary.<sup>4</sup> Each barrack has 64 beds, four telephones, and two televisions that provide six channels in languages that include English, Spanish, and Armenian.<sup>5</sup> There is also an administrative building, three Executive Office for Immigration Review courtrooms, and a central building that holds the main guard center and visitation rooms.

###### 2. Detainee Population

The current population of the Detention Center is 899; all detainees at the Center are adult male aliens.<sup>6</sup> According to Deputy (b)(6), (b)(7)c most detainees had served jail time with the state or county before arriving at the Center. The largest ethnic group represented at the Center is Latin American, with a variety ethnic groups making up the remainder, including Chinese and Armenians.<sup>7</sup> Deputy (b)(6), (b)(7)c informed us that the average length of stay for the detainees varies greatly on a case-asis. Detainees can be in the Center for a couple of days if they sign a waiver and agree to be returned to their native country, or for a couple of years if they opt to seek asylum.<sup>8</sup>

Deputy (b)(6), (b)(7)c informed us that every detainee receives a Detainee Handbook al.<sup>9</sup> The is available in English, Spanish, Chinese and Arabic.<sup>10</sup> Deputy (b)(6), (b)(7)c indicated that the Handbook is out of date (though it is in the process of being and that most detainees learn basic information from an orientation video broadcasted twice per day in the barracks.

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<sup>4</sup> Interview with Deputy

<sup>5</sup> Interview with Deputy

<sup>6</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>7</sup> Interview with Deputy

<sup>8</sup> Interview with Deputy

<sup>9</sup> A copy of the Detainee Handbook is attached hereto as Exhibit A.

<sup>10</sup> Interview with Deputy (b)(6), (b)(7)c

## B. Visitation

### 1. Attorneys

The Standards provide that facilities holding immigration detainees shall permit authorized persons to visit detainees and that such facilities should encourage visits from family and friends. These holding facilities should also permit private meetings with a detainee and his legal representative or legal assistant.<sup>11</sup> In order to properly facilitate visitation with detainees, an immigration detention facility shall provide written visitation procedures—including a schedule and hours of visitation—to the detainees within the Detainee Handbook, post this information where detainees can easily see it, and provide this information to the public in written form and telephonically.<sup>12</sup> Legal visitation shall be permitted seven days a week, including holidays, and shall be for a period of eight hours per day during the week and four hours per day on weekends.<sup>13</sup> Persons allowed to visit include attorneys and other legal representatives, including legal assistants; legal assistants may visit with detainees upon presentation of a letter of authorization from the legal representative under whose supervision the legal assistant is working.<sup>14</sup> All lawyers and assistants must provide identification prior to each visit.<sup>15</sup> They may not be asked to state the legal subject matter of the meeting and shall not be subject to search of their person or belongings at any time.<sup>16</sup>

Meetings between a detainee and his attorney or legal representative shall be confidential and not subject to auditory supervision.<sup>17</sup> Such meetings shall be held in private consultation rooms and an officer shall not be present in the room, unless requested by the attorney, although officers may visually observe such meetings through windows or a camera.<sup>18</sup> Prior to a visitation by a legal representative, if standard operating procedures require strip searches, the facility must provide for noncontact, confidential visits with legal representatives.<sup>19</sup>

**The Center meets this Standard.** During our tour of the Center, we observed the attorney visitation room and the general visitation room as well as the posted schedule of visitation hours, rules and regulations. The Center has one attorney visitation room that is located directly across from the main guard control room. While we were checking in at the control room, an attorney visit was in progress. The room has windows on two sides, which allows the staff to visually observe the room from either the control room/hallway or the main visitation room. The room was furnished with chairs and appeared to be an adequate size. The

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

<sup>12</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.A.

<sup>13</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

<sup>14</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.a-c.

<sup>15</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.4.

<sup>16</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.4.

<sup>17</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

<sup>18</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

<sup>19</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.11.

staff ensured that the detainee was seated in a specific seat, which would allow individuals to check on the detainee during the meeting; yet with the door closed, the staff could not hear any of the conversation. The room provided the necessary privacy for attorney-client conversations in a comfortable forum and maintained the expected level of security for the staff.

If the attorney visitation room is already occupied, an attorney may meet with his/her client in the general visitation room.<sup>20</sup> The general visitation room is a large room with long benches separated by glass partitions.<sup>21</sup> Attorneys may meet with their clients across the glass partitions using phones, or the attorneys may meet with clients face-to-face within a set of glass partitions if a contact meeting is preferred.<sup>22</sup> The detention facility staff has a separated glass viewing room to oversee any conversations in the large room.<sup>23</sup> This viewing room is sufficiently separated from the conversation areas to provide the necessary privacy.<sup>24</sup> Attorney visitations in the room are confidential, and according to Deputy (b)(6), (b)(7)c few attorney-client meetings are held in the general visitation room rather than the attorney visitation room because the attorney visitation room is rarely overbooked.<sup>25</sup> Our delegation observed that the hours of visitation and a poster containing visitation rules and regulations are posted in the visitation area, the entrance to the barracks, and the library.<sup>26</sup>

Attorneys and other legal representatives are permitted to visit their clients 24 hours a day, 7 days a week.<sup>27</sup> Attorneys must show their bar cards upon arrival.<sup>28</sup> Legal visitations are allowed for paralegals and law students as long as they present a letter confirming the visit on an active attorney's letterhead.<sup>29</sup> An attorney or other legal representative does not need to call ahead to schedule an appointment, although most do.<sup>30</sup> Attorney visits are contact visits, although non-contact visits may be requested.<sup>31</sup> Deputy (b)(6), (b)(7)c informed us that detainees are only subject to physical searches if a reasonable belief that contraband was exchanged during the legal visitation.<sup>32</sup> In most cases, no search is necessary; if a search is necessary, a pat-

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<sup>20</sup> Interview with Deputy

<sup>21</sup> Delegation observation

<sup>22</sup> Interview with Deputy

<sup>23</sup> Delegation observation

<sup>24</sup> Delegation observation

<sup>25</sup> Interview with Deputy

<sup>26</sup> Delegation observation (b)(6), (b)(7)c

<sup>27</sup> Interview with Deputy

<sup>28</sup> Interview with Deputy

<sup>29</sup> Interview with Deputy

<sup>30</sup> Interview with Deputy

<sup>31</sup> Interview with Deputy

<sup>32</sup> Interview with Deputy

down is usually sufficient.<sup>33</sup> The attorney visitation policy is exactly the same as stated above for detainees that are held in administrative or disciplinary segregation.<sup>34</sup>

## 2. Family and Friends

According to the Standards, immigration detention facilities should establish a visiting schedule based on detainee population and visitation demand, but in any case should permit visitation during set hours on Saturdays, Sundays and holidays.<sup>35</sup> Visitations should be for a minimum of 30 minutes.<sup>36</sup> Visitation should take place in a secure but comfortable area, and all visits should be quiet and orderly.<sup>37</sup>

**The Center meets this Standard.** Outside the Center, visitors are provided with a comfortable space to wait in before meeting with detainees.<sup>38</sup> This waiting space includes restrooms, a vending machine, chairs and benches, and a cool water mister.<sup>39</sup> Inside the Center, we observed a general visitation room that was large, open and able to hold a maximum of 70 detainees at one time.<sup>40</sup> The room was furnished with individual stools on either side of a glass partition.<sup>41</sup> Detainees could converse with visitors through phones connected through the glass partition.<sup>42</sup> It was explained to us that detainees are led in on one side after the families are seated and that a detainee may meet with up to two visitors at once during his allowed visitation time.<sup>43</sup> Guards are positioned inside a glass viewing room located in the room slightly above ground level in order to observe the visits.<sup>44</sup> The visitation room appears to be adequately comfortable, spacious, and private.<sup>45</sup>

Family and friends are able to visit detainees at the Center from 7:00 a.m. until 3:00 p.m. on Saturdays, Sundays and holidays.<sup>46</sup> Generally, all visitation requests are granted, including those by minors and unrelated friends.<sup>47</sup> All detainees that were interviewed reported

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<sup>33</sup> Interview with Deputy

<sup>34</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>35</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>36</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>37</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

<sup>38</sup> Delegation observations.

<sup>39</sup> Delegation observations.

<sup>40</sup> Delegation observations.

<sup>41</sup> Delegation observations.

<sup>42</sup> Delegation observations.

<sup>43</sup> Interview with Deputy

<sup>44</sup> Interview with Deputy

<sup>45</sup> Delegation observation (b)(6), (b)(7)c

<sup>46</sup> Interview with Deputy

<sup>47</sup> Interview with Deputy

knowing of the visitation hours and policies.<sup>48</sup> Each detainee has a maximum of one hour of visitation time per weekend or per holiday to ensure that every detainee has time to visit; however, this rule is relaxed if there is room to accommodate a longer visit.<sup>49</sup> Detainees who take on work positions are allowed two hours of visitation time per weekend.<sup>50</sup> During visits, family and friends may leave money for the detainee.<sup>51</sup>

### C. Telephone Access

The policy of the Standards is to permit “reasonable and equitable access to telephones.”<sup>52</sup> Accordingly, the facility should allow access to telephones during waking hours, and should provide at least one telephone for every 25 detainees.<sup>53</sup> Additionally, the facility should not restrict the number or duration of calls, unless it is necessary for security purposes, and even then, the time limit should be no shorter than 20 minutes.<sup>54</sup> Detainees should be permitted to make free calls to the local immigration court and the Board of Immigration Appeals, to Federal and State courts where the detainee is or may become involved in a legal proceeding, to consular offices, to legal service providers, to a government office to obtain documents regarding his case and in the case of a personal or family emergency or for an otherwise compelling need.<sup>55</sup> A list of pro bono legal organizations provided to the facility by ICE shall be posted by the facility prominently in each of the detainee housing units and other appropriate areas.<sup>56</sup> Furthermore, the Standards require that the facility enable all detainees to make calls to the INS-provided list of pro bono legal service providers and consulates at no charge to the detainee or receiving party.<sup>57</sup>

The Standards provide that the facility should take and deliver telephone messages to detainees.<sup>58</sup> If such call is an emergency, care should be taken to deliver the message as soon as possible, and the detainee should be permitted to return the emergency call as soon as reasonably possible.<sup>59</sup>

Finally, the Standards require measures of privacy be put in place with regard to telephone calls, especially those of a legal nature. The staff may not electronically monitor

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<sup>48</sup> Interviews with detainees (b)(6), (b)(7)c and anonymous detainee.

<sup>49</sup> Interview with Deputy

<sup>50</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>51</sup> Interview with Deputy

<sup>52</sup> Detention Operations Manual, Detainee Services, Standard 16, Section I.

<sup>53</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.A, C.

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

<sup>55</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>56</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.14.

<sup>57</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>58</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

<sup>59</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

detainee phone calls relating to legal matters without a court order.<sup>60</sup> Additionally, the facility should maintain a sufficient number of phones on which detainees can make calls without being overheard by officers, staff, or other detainees.<sup>61</sup>

**The Center does not meet this Standard; detainees are not aware that they may make free calls to pro bono service providers and consulates; phones do not provide privacy; and the Center does not take phone messages.** Our delegation observed the barracks, which can house up to 64 detainees, although there are usually fewer than 64 detainees in a barrack at any given time.<sup>62</sup> Each barrack contains four phones, which is well within the ratio of phones required by the Stan<sup>63</sup> e did not specifically see any signs indicating a time limit to phone calls, and Deputy (b)(6), (b)(7)c and at least one detainee interviewed indicated that there was no time limit to phone calls unless th<sup>64</sup> t for the phones.<sup>64</sup> The phones are operated by pre-paid calling cards, and Deputy (b)(6), (b)(7)c indicated that phone cards were available to be purchas<sup>65</sup> ever, the Handbo<sup>65</sup> at calling cards are not available at the facility.<sup>66</sup> Deputy (b)(6), (b)(7)c was not aware of the purchase price or rates of use for these phone cards, but pho<sup>66</sup> ces were listed next to the windows where cards could be purchased during recreation time.<sup>67</sup> Three detainees noted the high expense of phone calls from the barracks' phones.<sup>68</sup> One detainee indicated that a calling card purchased for ten dollars was not enough to make a ten minute call.<sup>69</sup> Another detainee said that the phone cards could not be used for international calls to his home country of Guatemala because the value of the cards was insufficient to complete such calls.<sup>70</sup> He said that everyone he knew used collect calls for international calls.<sup>71</sup> However, there were large posters advertising international calling cards posted in the recreation hall near the window where other calling card information was posted.<sup>72</sup>

The phones are not pre-programmed for free calls to pro bono attorneys.<sup>73</sup> According to Deputy Ruggiero, free calls to consulate offices and pro bono attorneys may be

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

<sup>61</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

<sup>62</sup> Interview with Deputy

<sup>63</sup> Interview with Deputy

<sup>64</sup> Interview with detainee (b)(6), (b)(7)c

<sup>65</sup> Interview with Deputy

<sup>66</sup> Detainee Handbook at 6.

<sup>67</sup> Interview with (b)(6), (b)(7)c delegation observations.

<sup>68</sup> Interviews with detainees (b)(6), (b)(7)c

<sup>69</sup> Interview with detainee

<sup>70</sup> Interview with detainee (b)(6), (b)(7)c

<sup>71</sup> Interview with detainee

<sup>72</sup> Delegation observations.

<sup>73</sup> Interview with Deputy (b)(6), (b)(7)c

made through inmate services on a phone near the library.<sup>74</sup> Phone numbers for consular offices and pro bono attorneys are provided to the detainees in group rights presentations and posted in the library and on a bulletin board outside the door to the barracks.<sup>75</sup> However, detainees were unaware of any ability to use the inmate services phone for free calls of this nature.<sup>76</sup> Most detainees interviewed believed that a calling card or collect call needed to be used to contact these organizations.<sup>77</sup> The Center should provide detainees with a notice of their telephone privileges and how they can use them. Since the Standards require the facility to enable such calls at no cost to the detainees, perhaps instructions and numbers should be placed next to the phones in the barracks to enable the detainees to make use of this opportunity.

The Center does not actively monitor phone calls made by the detainees.<sup>78</sup> One detainee stated that the phones do not provide any privacy for conversations and that the other detainees listen when someone makes a phone call.<sup>79</sup> Observations during the tour seemed to indicate that it may be hard for a detainee to have a phone conversation that would not be overheard by other detainees or facility staff, as required by the Standards.<sup>80</sup> Deputy (b)(6), (b)(7)c indicated that the inmate services phone near the library could be used for private conversations if requested, but even this phone is near the desk of a staff member and would not provide the type of privacy necessary for attorney-client communications.<sup>81</sup> Furthermore, most detainees were unaware of the ability to use this phone.<sup>82</sup> We were unable to test this phone because it was out of order during our visit. Perhaps the Center could offer a more private phone use opportunity or better inform the detainees of how to use the inmate services phone near the library, provided they are able to use them without a staff member nearby.

The Center's policy is to allow detainees to receive phone messages from attorneys or others.<sup>83</sup> Deputy (b)(6), (b)(7)c indicated that the Center generally does not take messages for detainees unless it is an emergency.<sup>84</sup> He also indicated that attorneys usually visit in person and do not attempt to leave messages. In the case of an emergency, staff members taking the message need to obtain approval from ICE before delivering the message to a detainee.<sup>85</sup> Since the Standards provide that messages should be delivered to detainees as

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<sup>74</sup> Interview with Deputy

<sup>75</sup> Interview with Deputy (b)(6), (b)(7)c delegation observations.

<sup>76</sup> Interviews with detainees

<sup>77</sup> Interviews with detainees (b)(6), (b)(7)c

<sup>78</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>79</sup> Interview with detainee (b)(6), (b)(7)c

<sup>80</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

<sup>81</sup> Interview with Deputy (b)(6), (b)(7)c delegation observations.

<sup>82</sup> Interviews with detainees (b)(6), (b)(7)c

<sup>83</sup> Interview with Deputy

<sup>84</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>85</sup> Interview with Deputy

promptly as possible, the Center's policies in this regard need to be improved in order for the Center to fully comply with the Standards.<sup>86</sup>

In general, the Center is doing a good job of providing reasonable access to telephones. However, additional steps can be taken in order to better meet the Standards. The Center should provide a way for detainees to make private calls to attorneys and better inform the detainees of their telephone privileges, especially regarding free calls. If proper facilities were provided, detainees would be better able to work with pro bono attorneys over the phone. Furthermore, the Center should work to meet the Standards with regard to taking messages for the detainees, even in non-emergency situations.

#### **D. Access to the Law Library and Legal Materials**

##### **1. Library Access**

The Standards require each facility to allow all detainees access to a law library, regardless of their housing or classification.<sup>87</sup> Facilities must permit detainees to use the library a minimum of five hours per week.<sup>88</sup>

**The Center meets the requirements of this section of the Standards.** The library is open five days a week, Monday through Friday; it opens at approximately 8:00 a.m. and typically closes between 2:30 p.m. and 4:00 p.m., depending on when the librarian leaves for the day.<sup>89</sup> Detainees have up to three hours of recreational time every day, which they can choose to spend in the library.<sup>90</sup> Although library hours of operation are not posted anywhere outside the library, one detainee that we interviewed stated that he was aware of the library's hours.<sup>91</sup> According to the librarian, detainees will be allowed to remain in the library for longer periods of time on a case-by-case basis, especially if the additional time requested is for legal research.<sup>92</sup> The librarian has the discretion to grant or deny such requests for additional library time.<sup>93</sup> The librarian stated that she grants such requests for additional time "fairly freely."<sup>94</sup>

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<sup>86</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

<sup>87</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>88</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>89</sup> Interview with Deputy

<sup>90</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>91</sup> Interview with Detainee

<sup>92</sup> Interview with Center librarian.

<sup>93</sup> Interview with Center librarian.

<sup>94</sup> Interview with Center librarian.

The Center allows detainees who are held in disciplinary or administrative segregation to access the library.<sup>95</sup> They are escorted to the library and permitted to use all of its resources.<sup>96</sup>

## 2. Library Conditions and Holdings

Detention facilities should provide detainees with legal research and writing materials that are sufficient for detainees to prepare legal documents.<sup>97</sup> Specifically, facilities should allow detainees access to a law library with up-to-date immigration-related legal materials.<sup>98</sup> The library should contain a sufficient number of tables and chairs and be reasonably well lit and isolated from noisy areas.<sup>99</sup>

**Detainees at the Center have access to a law library that appears to meet the Standards.** The library is well lit and has three large tables with chairs to seat up to twelve individuals.

The library appeared to hold a substantial collection of legal materials. While we did not have adequate time to crosscheck the library's materials with those listed in the Standards, we observed many of those texts that the Standards require. Among the materials provided were: Matthew Bender Immigration Law and Procedure treatise, the United States Code Title VII, the Federal rules of Civil Procedure, a number of the Nutshell treatises, legal dictionaries, West's Annotated California Codes, and English and Spanish versions of the Florence Project's Know Your Rights packet.

## 3. Computer Access and Equipment

The Standards require that Facilities provide an adequate number of computers and/or typewriters to enable detainees to prepare legal documents.<sup>100</sup> The library should also provide detainees with other writing supplies, such as pens, pencil and paper.<sup>101</sup>

**The Center meets this section of the Standards.** There are six computers in the law library and they appeared to be in working condition. One detainee interviewed said that he was aware of the computers and that he knew of others having successfully used them; however, he had never attempted to use them himself.<sup>102</sup>

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<sup>95</sup> Interview with Deputy

<sup>96</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>97</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>98</sup> Detention Operations Manual, Detainee Services, Standard 1, Section I.

<sup>99</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

<sup>100</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>101</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>102</sup> Interview with detainee (b)(6), (b)(7)c

The librarian provides detainees with pens, paper, and pencils upon request.<sup>103</sup> One detainee interviewed said he was aware of the equipment provided in the library and that he had previously requested and been given writing materials.<sup>104</sup> According to this detainee, indigent detainees may also receive free postage stamps and envelopes for legal materials that need to be mailed.<sup>105</sup> He said the librarian will check to see whether the detainee has funds available to him, and if he does not, then she will provide him with the necessary mailing materials.<sup>106</sup>

#### 4. Assistance from Other Detainees

Detainees should be allowed to assist other detainees in researching and preparing legal documents without charge, except when such assistance presents a security risk.<sup>107</sup>

**The Center meets this section of the Standards.** It permits detainees to help other detainees research and write legal documents.<sup>108</sup> Detainees may not charge other detainees for their assistance.<sup>109</sup>

#### 5. Photocopies

According to the Standards, detention facilities shall permit detainees to make and retain photocopies of legal materials.<sup>110</sup> Detainees should be allowed enough copies that they can satisfy court procedural rules and maintain a copy for their own records.<sup>111</sup>

**The Center appears to meet this section of the Standards.** The Center has one photocopier for detainees' copying needs and the librarian handles requests for photocopies.<sup>112</sup> Detainees may copy up to five pages per day.<sup>113</sup> Detainees will be allowed more copies on a case-by-case basis, to be decided by the librarian.<sup>114</sup> The librarian indicated that she grants additional copies freely.<sup>115</sup>

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<sup>103</sup> Interview with Deputy

<sup>104</sup> Interview with detainee

<sup>105</sup> Interview with detainee (b)(6), (b)(7)c

<sup>106</sup> Interview with detainee

<sup>107</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

<sup>108</sup> Interview with Deputy

<sup>109</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>110</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>111</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>112</sup> Interview with Deputy

<sup>113</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>114</sup> Interview with Deputy

<sup>115</sup> Interview with Center librarian.

While detainees are not allowed to save materials on diskettes, they are allowed to print an unlimited number of documents from the computers.<sup>116</sup> Detainees may store their printouts and photocopies in their barracks.<sup>117</sup>

### **E. Group Rights Presentation**

Facilities must permit “authorized persons” to make presentations to detainees informing them of United States immigration laws and procedures.<sup>118</sup> These presentations are to be announced to detainees on informational posters prominently displayed in the housing units at least forty-eight hours in advance of the presentation.<sup>119</sup>

**The Center meets this section of the Standards.** According to Deputy (b)(6), (b)(7)c the Florence Project’s Know Your Rights video is broadcast in the housing units twice day.<sup>120</sup> The broadcasts are announced in advance and are played on at least one of the televisions in each barrack.<sup>121</sup> The presentations are played in English and Spanish, and the Center is currently working to accommodate inmates’ requests to offer Chinese as well.<sup>122</sup> Group rights presentations are given to detainees three times per week on Mondays, Wednesdays and Fridays.<sup>123</sup> We were not able to determine how or when detainees are informed of group rights presentations. At least one inmate interviewed indicated he knew of such presentations and had attended them.<sup>124</sup>

### **F. Recreation and Classes**

#### **1. Recreation Activities**

The Standards require that “all facilities shall provide INS detainees with access to recreational programs and activities, under conditions of security and supervision that protect their safety and welfare.”<sup>125</sup> Every effort is to be made to provide outdoor recreational facilities

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<sup>116</sup> Interview with Deputy

<sup>117</sup> Interview with Deputy (b)(6), (b)(7)c

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

<sup>119</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

<sup>120</sup> Interview with Deputy

<sup>121</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>122</sup> Interview with Deputy

<sup>123</sup> Presentations are offered by the Catholic Legal Services Network. Interview with Detainee (b)(6), (b)(7)c

<sup>124</sup> Interview with detainee (b)(6), (b)(7)c

<sup>125</sup> Detention Operations Manual, Detainee Services, Standard 13, Section I.

with access to sunlight:<sup>126</sup> “Each detainee shall have access to outdoor or indoor recreation for at least one hour daily, five days a week.”<sup>127</sup>

**The Center generally appears to meet this Standard.** Deputy (b)(6), (b)(7)c indicated that detainees are typically given recreation time, or “yard time,” twice a day for one hour each time.<sup>128</sup> The majority of detainees with whom we spoke verified this, although they pointed out that the scheduling of yard time was often unpredictable, and that there would occasionally be days when there was no yard time at all.<sup>129</sup> Those detainees who have been segregated from the rest of the population are given a minimum of one hour of yard time per day up to seven days per week.<sup>130</sup> Detainees who have been segregated are given access to the same activities as the rest of the population.<sup>131</sup>

The “yard” is a large, fenced-in complex containing paved and grassy segments.<sup>132</sup> There is a track for running, basketball and volleyball courts, facilities for soccer, and a series of pull-up bars.<sup>133</sup> Additionally, the Center has indoor recreational facilities in which there is a large space where detainees may watch television, movies, and play cards.<sup>134</sup> Also within this area there are what the staff referred to as “stores,” from which detainees may buy envelopes, stamps, and other personal items.<sup>135</sup> Detainees have access to a television within each of their barracks.<sup>136</sup> Even when detainees are not engaged in yard time, the Center is considered an “open compound” such that detainees have access to the grassy areas located outside of their barracks.<sup>137</sup>

## 2. Classes

The Center provides a classroom with fifteen computers and allows any detainee to attend classes.<sup>138</sup> These classes are computer-based and include English as a second language and coursework that will allow a detainee to receive his high school diploma.<sup>139</sup>

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<sup>126</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.A.

<sup>127</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

<sup>128</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>129</sup> Interviews with detainees (b)(6), (b)(7)c

<sup>130</sup> Interview with Deputy

(b)(6), (b)(7)c

<sup>131</sup> Interview with Deputy

<sup>132</sup> Delegation observations.

<sup>133</sup> Delegation observations.

<sup>134</sup> Delegation observations.

<sup>135</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>136</sup> Interviews with Deputy (b)(6), (b)(7)c

<sup>137</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>138</sup> Interview with Center teacher.

<sup>139</sup> Interview with Center teacher.

**G. Medical Issues**

1. Access to Health Care

The Standards require that detainees have access to medical services promoting their health and welfare.<sup>140</sup> Detention facilities must have regularly scheduled times when a detainee may attend “sick call” to seek medical attention.<sup>141</sup> The number of “sick call” times each week will depend on how large a population is present in the Center at the time.<sup>142</sup>

**The Center meets this Standard.** Deputy Ruggiero indicated that the Center is considered a “wellness facility,” meaning that detainees with serious medical conditions or diseases are not kept at the Center.<sup>143</sup> Mental health care services are not provided at the Center; however, ICE will administer any psychological medications previously prescribed.<sup>144</sup> Medical staff is available to serve detainees 24 hours per day seven days per week.<sup>145</sup> Most of the health care services at the Center are contracted through the Los Angeles County Department of Health Services and the High Desert Medical Group.<sup>146</sup>

Deputy (b)(6), (b)(7)c informed us that every detainee goes through a screening process upon arrival, meaning that each detainee is given a complete physical examination by registered nurses after being stripped down to his underwear.<sup>147</sup> Also upon arrival, each detainee is asked whether he is taking any medication.<sup>148</sup> Any detainee with a medical problem may seek assistance from a registered nurse or nurse practitioner every morning, Monday through Friday, as a part of “sick call.”<sup>149</sup> The Center stores detainees’ medication and offers a “pill call” three times per day to provide detainees with their medication.<sup>150</sup> There is also a doctor present at the Center on various days; two to three doctors rotate through the Center each week.<sup>151</sup> If a detainee is found to have a serious medical condition, that individual will be immediately transported to a nearby hospital.<sup>152</sup>

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<sup>140</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

<sup>141</sup> Detention Operations Manual, Health Services, Standard 2, Section III.F.

<sup>142</sup> Detention Operations Manual, Health Services, Standard 2, Section III.F.

<sup>143</sup> Interview with Deputy

<sup>144</sup> Interview with Deputy

<sup>145</sup> Interview with Deputy

<sup>146</sup> Interview with Deputy

<sup>147</sup> Interview with Deputy

<sup>148</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>149</sup> Interview with Deputy

<sup>150</sup> Interview with Deputy

<sup>151</sup> Interview with Deputy

<sup>152</sup> Interview with Deputy

In the recreation hall and at least one of the barracks, information concerning skin infections caused by *methicillin resistant staphylococcus aureus* (Staph) was posted.<sup>153</sup> And near the library, contact information was posted for local doctors, who a detainee could pay to provide him with a physical exam.<sup>154</sup>

The detainees interviewed knew about the medical care provided at the Center and have never been denied medical attention.<sup>155</sup> One detainee said that medical visits are conducted in English, but when explanation of procedures becomes necessary, an interpreter is brought in.<sup>156</sup> Another detainee has had glaucoma treatment three times per day and has never experienced any problems with his medical care.<sup>157</sup>

## 2. Access to Dental Care

A detainee can request that a dentist come to the Center to provide him with dental care.<sup>158</sup> Any emergency dental work is done off site under an officer's supervision.<sup>159</sup>

## 3. Hunger Strikes

When detainees hunger strike, they are taken to separate housing and monitored by registered nurses.<sup>160</sup>

# H. Religious Issues

According to the Standards, detainees of different religious beliefs shall have reasonable and equitable opportunities to practice their respective faiths.<sup>161</sup> These opportunities shall 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."<sup>162</sup> Facilities should also make reasonable efforts to accommodate dietary needs dictated by detainees' particular religions.<sup>163</sup>

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<sup>153</sup> Observation by delegation member

<sup>154</sup> Observation by delegation member (b)(6)

<sup>155</sup> Interview with detainees (b)(6), (b)(7)c and anonymous detainee.

<sup>156</sup> Interview with detainee (b)(6), (b)(7)c

<sup>157</sup> Interview with detainee

<sup>158</sup> Interview with Deputy

<sup>159</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>160</sup> Interview with Deputy

<sup>161</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>162</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>163</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

**The Center appears to meet the religion-related requirements of the Standards.**

Chaplains that are authorized to practice or lead their respective faiths may visit the facility and can lead services.<sup>164</sup> Currently, both Protestant and Catholic services are held within the Center on a weekly, or sometimes biweekly, basis.<sup>165</sup> Detainees can also join weekly Bible study classes.<sup>166</sup> Muslim detainees are permitted to leave their barracks to conduct morning and other prayers, and they are permitted to keep their prayer mats and other religious items with them in their barracks.<sup>167</sup> Furthermore, the recreation room contains multiple copies of the Old Testament, the Koran, and religious newsletters and publications in English, Armenian, and Chinese.<sup>168</sup>

The Center does not prohibit religious services of other faiths and denominations.<sup>169</sup> In fact, detainees are free to put in requests for other services.<sup>170</sup> Deputy (b)(6), (b)(7)c indicated, however, that chaplains or organizations representing other religions sometimes visit the Center or are not available in the area.<sup>171</sup>

Detainees with religious dietary needs are accommodated at the Center. Specifically, the facility provides vegetarian meals to all who mention this need upon entering the facility.<sup>172</sup> These detainees are given yellow wristbands and the facility will provide vegetarian meals to whoever wears these wristbands. Deputy (b)(6), (b)(7)c explained that an inmate who is caught eating meat will lose his wristband and no longer be given vegetarian meals.<sup>173</sup>

**I. Additional Issues**

**1. Detainee Classification**

The Standards call for detainees to be classified upon arrival before admission into the main population.<sup>174</sup> Classification is to be performed by trained officers, and detainees are to be kept in detention until all information necessary for the classification process is received.<sup>175</sup> The classification is based upon security risk, and detainees' security classification must be

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<sup>164</sup> Interview with Deputy

<sup>165</sup> Interview with Deputy

<sup>166</sup> Interview with Deputy

<sup>167</sup> Interview with Deputy

<sup>168</sup> Delegation observation

<sup>169</sup> Interview with Deputy

(b)(6), (b)(7)c

<sup>170</sup> Interview with Deputy

<sup>171</sup> Interview with Deputy

<sup>172</sup> Interview with Deputy

<sup>173</sup> Interview with Deputy

<sup>174</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.

<sup>175</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.

easily identifiable by color-coded uniforms or wristbands.<sup>176</sup> The Standards also bar “Level 1 detainees” (noncriminal detainees or nonviolent detainees guilty of petty offenses) from interacting with “Level 3 detainees” (those convicted of aggravated felonies).<sup>177</sup> Classification is required in order to separate detainees with no or small criminal records from inmates with serious criminal records.<sup>178</sup> The Standards call for reclassification after 45 to 60 days and every 60 to 90 days thereafter.<sup>179</sup> Detainees should have the right to appeal their classification.<sup>180</sup>

**The Center meets this Standard.** Although many of the detainees at the Center are convicted criminals, the noncriminal detainee population is not separated from the criminal population because all the detainees at the Center are considered minimal security risks.<sup>181</sup> To some extent, the detainees are separated and housed to ethnicity to minimize ethnic friction.<sup>182</sup> Specifically, we were informed by Deputy (b)(6), (b)(7)c that the Chinese are housed in a separate barrack from the tes and our obse the Chinese barrack confirmed this statement.<sup>183</sup> Deputy (b)(6), (b)(7)c informed us that the Chinese are segregated because the detainees prefer it this way. Detainees are not classified based on medical conditions, since detainees with serious medical or psychological conditions are not housed at the Center.<sup>185</sup> All detainees at the Center wear the same orange clothes, except for those in disciplinary segregation who are given blue jumpsuits to wear.

## 2. Accommodations

The Standards require that a facility have an excess clothing inventory of at least 200% of the detainee population.<sup>186</sup> Undergarments are to be exchanged daily; outer garments are to be exchanged at least twice weekly with no more than 72 hours between exchanges.<sup>187</sup> Bed linens are to be exchanged weekly.

**The Center appears to meet the Standard regarding clean clothing and linens.** Our delegation viewed the laundry storage facility at the Center. The laundry facility appeared to

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<sup>176</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.B.

<sup>177</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.E.

<sup>178</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.A and III.E.

<sup>179</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.G.

<sup>180</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.H.

<sup>181</sup> Interview with Deputy

<sup>182</sup> Interview with Deputy

<sup>183</sup> Interview with Deputy (b)(6), (b)(7)c delegation observations.

<sup>184</sup> Interview with Deputy

<sup>185</sup> Interview with Deputy

<sup>186</sup> Detention Operations Manual, Detainee Services, Standard 10, Section III.A.

<sup>187</sup> Detention Operations Manual, Detainee Services, Standard 10, Section III.E.

be well-supplied and the delegation was told that the Center had an ample supply of clothing and linens.<sup>188</sup>

3. Dietary Requirements

The Standards are vague on nutritional requirements, but dictate that food service is to be run by a professional Food Service Administrator,<sup>189</sup> assisted by a Cook Supervisor.<sup>190</sup> The Standards also note that custody and supervision of the kitchen is the responsibility of the food service administrator,<sup>191</sup> who is also responsible for providing “nutritionally adequate menus” for the detainees.<sup>192</sup>

**The Center appears to meet this Standard.** At the Center, detainees are provided with three hot meals per day.<sup>193</sup> The Center also provides special meals to accommodate vegetarians, who wear a designated wristband.<sup>194</sup> Detainees can help prepare the food through the voluntary work program.<sup>195</sup>

4. Voluntary Work Program

The Standards require that every physically and mentally able detainee have an opportunity to work and earn money.<sup>196</sup> Work assignments are to be made based on a detainee’s classification.<sup>197</sup> Qualified detainees cannot be denied work assignments on the basis of factors such as race, religion, physical or mental handicap or national origin.<sup>198</sup> Supervisory officials must consider the precise limitations of disabled individuals before rejecting them for particular work assignments.<sup>199</sup> Work is limited to 8 hours per day, and a maximum of 40 hours per week. Workers are to be paid \$1.00 per day and are to be paid daily.<sup>200</sup>

**The Center does not fully meet this Standard. Detainees are afforded the opportunity to participate in a voluntary work program; however, contrary to the**

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<sup>188</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>189</sup> Detention Operations Manual, Detainee Services, Standard 7, Section III.A.1.

<sup>190</sup> Detention Operations Manual, Detainee Services, Standard 7, Section III.A.2.

<sup>191</sup> Detention Operations Manual, Detainee Services, Standard 7, Section III.B.1.

<sup>192</sup> Detention Operations Manual, Detainee Services, Standard 7, Section III.A.1.

<sup>193</sup> Interview with Deputy

<sup>194</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>195</sup> Interview with Deputy

<sup>196</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.A.

<sup>197</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.A.

<sup>198</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.F.

<sup>199</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.G.

<sup>200</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.K.

**Standards, the detainees are not paid.**<sup>201</sup> Detainees who work at the Center receive special benefits including living in special barracks with large screen televisions and extra vending machines, receiving a special meal at least once a week, and being offered extended visiting hours.<sup>202</sup> While detainees appeared satisfied with receiving special privileges in lieu of payment for their work, the Center should pay its volunteer workers to fully meet the Standards.

## 5. Grievance Procedures

The Standards aim for an informal resolution of most detainee grievances.<sup>203</sup> However, each facility is required to have a formal written grievance process.<sup>204</sup> The facilities are to provide assistance for illiterate, disabled, and non-English speaking detainees.<sup>205</sup> The Standards prohibit retaliation against detainees for filing a grievance,<sup>206</sup> and the facilities are required to keep a record of grievances.<sup>207</sup> Further, the Standards require detainee handbooks to provide an explanation of the grievance procedures and provide the opportunity to file a complaint about officer misconduct directly with the Justice Department (including the phone number and address).<sup>208</sup>

**The Center appears to meet this Standard.** At the Center, detainees are able to file a grievance by filling out a form,<sup>209</sup> which can be found in every barrack.<sup>210</sup> The detainee then places the form in a lock box, which is checked by the officer on duty during every shift.<sup>211</sup> The Sheriff's staff reviews and records the complaints.<sup>212</sup> The grievances are then assigned to an officer who will discuss the matter with the detainee, typically within two days of the grievance form being filed.<sup>213</sup> If necessary, a translator is provided to translate the complaint or assist the detainee when he is discussing the grievance with officers.<sup>214</sup> In the event a detainee wishes to

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<sup>201</sup> Interview with Deputy

(b)(6), (b)(7)c

<sup>202</sup> Interview with Deputy

<sup>203</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.1.

<sup>204</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.2.

<sup>205</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.2.6.

<sup>206</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.D.

<sup>207</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.E.

<sup>208</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

<sup>209</sup> English and Chinese copies of the Inmate Complaint Form are attached hereto as Exhibit B.

<sup>210</sup> Interview with Deputy

<sup>211</sup> Interview with Deputy

<sup>212</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>213</sup> Interview with Deputy

<sup>214</sup> Interview with Deputy

appeal a decision made concerning his grievance, his appeal is sent directly to the Los Angeles County Sheriff's Department Captain at the Center.<sup>215</sup>

Two of the detainees interviewed had never filed a grievance, but were aware of the process to do so.<sup>216</sup> One detainee noted that he had filed two grievance forms after a vending machine kept his money without giving him the item he intended to purchase, but he received no response from anyone at the Center.<sup>217</sup> However, he was not very upset about not receiving a response, and assumed the lack of response was probably due to the small amount of money at issue.<sup>218</sup>

6. Segregation

a. Administrative Segregation

The Standards allow detainees to be placed in administrative segregation when they pose a threat to themselves, to staff, to other detainees, or to the security or proper operation of the facility.<sup>219</sup> Administrative segregation may also be used for protective custody, for those awaiting disciplinary hearings and for those in medical isolation.<sup>220</sup> This form of segregation is nonpunitive.<sup>221</sup> Detainees in administrative segregation are to receive recreation privileges.<sup>222</sup>

**The Center appears to meet this Standard.** At the Center, administrative segregation is used temporarily for detainees who pose a security risk to either other inmates or facility staff.<sup>223</sup> Administrative segregation is also used to protect detainees for a multitude of reasons, as well as to house detainees awaiting disciplinary hearings.<sup>224</sup> Detainees in administrative segregation are provided with recreation time as required by the Standards.<sup>225</sup>

b. Disciplinary Segregation

Disciplinary segregation is allowed only where alternative disciplinary methods are inadequate.<sup>226</sup> Detainees may not spend more than 60 days in disciplinary segregation for a

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<sup>215</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>216</sup> Interview with anonymous detainee and detainee (b)(6), (b)(7)c

<sup>217</sup> Interview with detainee (b)(6), (b)(7)c

<sup>218</sup> Interview with detainee

<sup>219</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.A.

<sup>220</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.A.

<sup>221</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.A.

<sup>222</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.A.

<sup>223</sup> Interview with Deputy

<sup>224</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>225</sup> Interview with Deputy

<sup>226</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

single incident, and the officer-in-charge must send written justification to the Assistant District Director for Detention and Deportation to place a detainee in disciplinary segregation for over 30 days.<sup>227</sup> Detainees may be sent to disciplinary segregation only on an order of the Institutional Disciplinary Panel; the order must be sent to the detainee within 24 hours of being entered.<sup>228</sup> A detainee's status must be reviewed every seven days.<sup>229</sup> Detainees in disciplinary segregation may not be deprived of clothing or bedding, except for medical or psychiatric reasons.<sup>230</sup> They are to be fed according to the facility's normal meal schedule, but may only use disposable utensils.<sup>231</sup> They must be allowed to shave and shower at least three times a week and are entitled to recreation time.<sup>232</sup> They are entitled to legal documents, unless there are security hazards, and are entitled to comparable (but not identical) library access.<sup>233</sup>

**The Center appears to meet this Standard.** Disciplinary segregation is used at the Center after a review process that includes an appearance before a Discipline Review Board.<sup>234</sup> The Board may impose a sentence ranging from one to thirty days, depending on the severity of the offense.<sup>235</sup> Detainees subject to disciplinary segregation are first taken to administrative segregation pending a hearing.<sup>236</sup> Following the disciplinary hearing, detainees receive notice of any further punishment.<sup>237</sup> The detainees in disciplinary segregation receive recreation time in a segregated yard.<sup>238</sup> The status of the detainee is reviewed every seven days.<sup>239</sup>

#### c. Medical Quarantines

The Standards are vague about medical quarantines. The Standards simply provide that (1) detainees should be screened upon arrival; (2) detainees with symptoms of tuberculosis are to be placed in isolation and evaluated properly; and (3) detainees with communicable diseases should be isolated according to local medical procedures.<sup>240</sup>

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<sup>227</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

<sup>228</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.B.

<sup>229</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.C.

<sup>230</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.9.

<sup>231</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.10.

<sup>232</sup> Detention Operations Manual, Security and Control, Standard 14, Sections III.D.11 and 13.

<sup>233</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.

<sup>234</sup> Interview with Deputy

<sup>235</sup> Interview with Deputy

<sup>236</sup> Interview with Deputy

<sup>237</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>238</sup> Interview with Deputy

<sup>239</sup> Interview with Deputy

<sup>240</sup> Detention Operations Manual, Health Services, Standard 2, Section III.D.

**The Center appears** **he section of the Standards regarding medical segregation.** According to Deputy (b)(6), (b)(7)c medical segregation is used at the discretion of the medical professionals at the Center medical professionals deem medical segregation to be appropriate, it will be used.<sup>242</sup> Individuals that are seriously ill or have communicable diseases are transferred to another facility because the Center is not equipped to house those detainees.<sup>243</sup>

## 7. Staff-Detainee Communication

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.”<sup>244</sup>

**The Center meets this Standard.** ICE has a sizeable on-site presence at the Center.<sup>245</sup> No ICE visitation schedule is posted.<sup>246</sup> Instead detainees can simply submit a request to meet with ICE and they are usually able to do so within a couple days of completing the request form.<sup>247</sup> Request forms are available in the barracks and are pre-screened by staff prior to ICE-related complaints/requests being re-routed to ICE.<sup>248</sup>

## 8. Detainee Transfers

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.<sup>249</sup> The Standards require ICE to notify a detainee’s legal representative of record that the detainee is being transferred.<sup>250</sup> 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.<sup>251</sup> Records including the detainee’s Alien File (“A-file”) and health records (or transfer summary for IGSA) must accompany the detainee.<sup>252</sup> Prior to transfer, medical personnel must provide the transporting officers with instructions and any applicable medications for the detainee’s care;

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<sup>241</sup> Interview with Deputy

<sup>242</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>243</sup> Interview with Deputy

<sup>244</sup> Detention Operations Manual, Health Services, Standard 15, Section I.

<sup>245</sup> Interview with Deputy

<sup>246</sup> Interview with Deputy

<sup>247</sup> Interview with Deputy (b)(6), (b)(7)c A copy of the Detainee Request Form is attached hereto as Exhibit C.

<sup>248</sup> Interview with Deputy

<sup>249</sup> Detention Operations Manual, Security and Control, Standard 4, Section I.

<sup>250</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.A.

<sup>251</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.G.

<sup>252</sup> Detention Operations Manual, Security and Control, Standard 4, Sections III.D.1 and III.D.6.

medications must be turned over to an officer at the receiving field office.<sup>253</sup> A detainee's legal materials, cash, and small valuables shall always accompany the detainee to the receiving facility; larger items may be shipped.<sup>254</sup>

**The Center generally appears to meet this Standard.** When a detainee is transferred from the Center, his attorney and family are contacted.<sup>255</sup> His property, including cash, medical records and legal materials, is sent with him; his medication is bagged and sent separately.<sup>256</sup> Upon arrival at the Center, detainees are able to make a domestic telephone call if they are indigent.<sup>257</sup> One detainee stated that he was forced to make a collect call upon arriving at the Center, which he felt was "too expensive."<sup>258</sup>

## V. CONCLUSION

Although the Center satisfies almost all of the Standards, it could make several improvements:

The Center should implement certain changes to bring it into compliance with the Standard sections regarding telephone privacy, message delivery, and access to free telephone calls to consular offices and the free legal service providers. The Center should also provide detainees with additional instructions on how to use the phones.

The Center should pay those who participate in the voluntary work program.

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<sup>253</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.D.D [sic].

<sup>254</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.E.

<sup>255</sup> Interview with Deputy

<sup>256</sup> Interview with Deputy

<sup>257</sup> Interview with Deputy (b)(6), (b)(7)c

<sup>258</sup> Interview with detainee