



U.S. Immigration
and Customs
Enforcement

April 10, 2015

MEMORANDUM FOR: Tae Johnson
Assistant Director for Custody Management

THROUGH: Jay Brooks, (A) AD
Deputy Assistant Director for Detention Management

FROM: Timothy Aitken
Field Office Director San Francisco Field Office

SUBJECT: Waiver for Recreation Access

Purpose

Request a waiver for the Yuba County Jail (YUBAJCA) as it relates to the Recreation Schedule in Section (III)(B) within the 2000 National Detention Standards (NDS), which states "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."

Background

Yuba County Jail is a 900 bed Intergovernmental Service Agreement (IGSA) facility, located in Marysville, California. Yuba County Jail houses approximately 200 ICE detainees daily for Immigration and Customs Enforcement (ICE).

On August 5-7, 2014, the Office of Detention Oversight (ODO) conducted a Compliance Inspection of the Yuba County Jail for areas of noncompliance with the ICE National Detention Standards. The ODO review found that Yuba was not allowing the detainees access to the outdoor recreation area five days a week. This is considered a repeat deficiency according to section (III) (B) of the 2000 National Detention Standards (NDS).

Discussion

Yuba County Jail has limited outdoor recreation space and has a number of different detainee population groups, both male and female, that must use the outdoor recreation area at separate times. In order to accommodate all the different groups, and to provide as much outdoor recreation time as possible, the Yuba Jail schedules their detainees for recreation time four

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days per week for two hours, rather than five days per week for one hour as specified in the NDS. It is scheduled this way so all the different groups can be accommodated at a reasonable time of day. Yuba County Jail feels they are in compliance with the spirit and intent of the recreation standard by offering the greatest amount of outdoor recreation time that they can spread throughout the week. In addition, it is the practice at Yuba to offer additional outdoor recreation time to detainees when available. For instance, if a detainee or group of detainees declines to go to the outdoor recreation area that time will be offered to other detainees.

In order to accommodate outdoor access five times a week for all the different detainee groups, at a reasonable time of day, the Yuba Jail would be forced to significantly reduce the amount of outdoor recreation time afforded each detainee. Not only would this be a disservice to the detainees, the additional movement would also require more time and manpower for the jail staff.

Recommendation

I recommend that you approve a waiver to NDS section (III) (B) to allow Yuba County Jail to continue offering two hours of outdoor recreation, four days a week, rather than one hour of outdoor recreation, five days per week. Granting the waiver still complies with the spirit and intent of the standard and exceeds the minimum number of recreation hours required. Granting the waiver would be in the best interest of our detainees in Yuba. If circumstances change, this waiver can be amended or rescinded at any time.

Approve/date jmb 6/2/15 Disapprove/date _____

Modify/date _____ Needs more discussion _____