



## Ballard Spahr Andrews & Ingersoll, LLP

### MEMORANDUM

To: Anthony S. Tangeman, Deputy Executive Associate Commissioner, Office of Detention and Removal, Immigration & Naturalization Service

Copy to: Director, ABA Immigration Pro Bono Project

From: American Bar Delegation to Aurora Processing Facility

Date: June 18, 2002

Re: INS Compliance with Detention Standards at the Aurora, Colorado facility

This memorandum summarizes and evaluates information gathered at the Wackenhut Corrections Corporation (“WCC”) processing center in Aurora, Colorado (“Aurora Facility”), through interviews with detainees, observations by delegation staff, and discussions with INS and Aurora Facility personnel during our April 2, 2002 visit. This memorandum also discusses information gathered from attorneys in the Denver metropolitan area who currently or in the past have represented persons detained at the Aurora Facility.

The delegation to the Aurora Facility consisted of [b6], [b6], [b6], [b6], [b6], and [b6], attorneys at Ballard Spahr Andrews & Ingersoll, LLP in Denver Colorado, and [b6] legal assistant at Ballard Spahr, who acted as our English – Spanish interpreter. [b6] attorney at Ballard Spahr, assisted with gathering information from immigration attorneys and legal assistance providers. Assistance in gathering detainee consents to be interviewed was provided by [b6] of the Rocky Mountain Immigration Advocacy Network.

During our visit to the facility we met with the following individuals: [b6, b7C], Supervisory Deportation Officer of the U.S. Department of Justice, Immigration & Naturalization Service; [b6, b7C], Warden; Team Leader [b6, b7C], WCC employee; Ms. [b6] WCC employee responsible for telephones; Ms. [b6, b7C], WCC programs coordinator; Ms. [b6] WCC employee responsible for the library; Ms. [b6] WCC health services administrator; and Ms. [b6], WCC employee responsible for food services. We also interviewed 12 detainees, 11 males and one female. The female detainee that we interviewed expected to be released the following week. Since she knew that she was the only female detainee that we would interview, she spoke with the other female detainees prior to our visit, in order to present their viewpoints as well.

#### INS Detention Standards

The thirty-six “Detention Standards”, which were promulgated by the Immigration & Naturalization Service in November 2000, cover a broad spectrum of issues ranging from

visitation and grievance policies to food service (the “INS Detention Standards”). These standards apply to INS Service Processing Centers (“SPCs”), Contract Detention Facilities (“CDFs”), and state and local governments used by the INS through Intergovernmental Service Agreements. The INS Detention Standards went into effect at INS SPCs on January 1, 2001. The INS aims to phase-in the standards in its contract facilities as well as its state and local facilities over the next two years. This memorandum focuses on INS compliance at the Aurora Facility with regards to the following INS Detention Standards: (1) Legal Access; (2) Telephone Access; (3) Legal Materials; (4) Group Rights Presentations; (5) Recreation Issues; (6) Classes; (7) Medical Issues; and (8) Religious Issues.

### The Aurora Facility

The Aurora Facility is a CDF that opened in May 1987, in order to serve a geographic area ranging from Chicago to Salt Lake City and Wyoming to Colorado.<sup>1</sup> The facility is licensed to house 340 detainees.<sup>2</sup> The facility averages 10 to 15 female detainees (although there were approximately 27 female detainees on the day of our visit), with the remainder of detainees being men.<sup>3</sup> There is only one dormitory area for the female detainees and it is separate from the dormitories for male detainees.<sup>4</sup> Since there is limited space for female detainees, the facility generally does not detain non-criminal females.<sup>5</sup> The facility does not detain minors (under 18 years of age) although minors being held in one of the four juvenile facilities in the area may be removed from the Aurora Facility.<sup>6</sup>

The average length of stay is approximately 12 days.<sup>7</sup> The detainee population is comprised of approximately 55% criminal aliens, 45% non-criminal aliens, and 0% non-immigration cases.<sup>8</sup> The countries of origin most represented at the facility are Mexico and Central America (particularly Guatemala, El Salvador and Honduras).<sup>9</sup> The facility has detained a few asylum seekers arriving at Denver International Airport. Generally these have been people from Vietnam, Laos, Cambodia and Cuba who cannot get passports to return home.<sup>10</sup>

The Aurora Facility is not being run pursuant to the INS Detention Standards. Pursuant to the current contract between the INS and WCC, the Aurora Facility is being run under the “old” detention standards. However, WCC has already implemented the “new” detention standards to the extent that it could do so without incurring additional costs. The cost of running

<sup>1</sup> Conversation with Mr. [b6, b7C]; Ms. [b6] s notes.

<sup>2</sup> There were 331 detainees on the morning of our visit. Conversation with Mr. [b6, b7C] Mr. [b6] s notes.

<sup>4</sup> Conversation with Mr. [b6, b7C] Mr. [b6] notes.  
<sup>5</sup> Ms. [b6] s notes.

<sup>6</sup> Conversation with Mr. [b6, b7C] Ms. [b6] notes.

<sup>6</sup> Conversation with Mr. [b6, b7C] Ms. [b6] notes.

<sup>7</sup> Conversation with Mr. [b6, b7C] Ms. [b6] notes. Mr. [b6, b7C] explained that sometimes illegal immigrants are picked up by the Colorado highway patrol and brought to the facility. If the illegal immigrant does not have a record, he can get an immediate voluntary departure without being detained at the facility. It is not clear if the short stay of these catch-and-release detainees skews the average. The average length of detention of the 12 detainees that we interviewed was approximately 169.8 days with the shortest stay (to the date of our visit) at 42 days and the longest at 913 days. On the other hand, it is likely that the requirement that we identify and obtain signed consents from detainees willing to be interviewed, and give at least 2 weeks’ notice of our intended visit, skews the average of the detainees we interviewed.

<sup>8</sup> Conversation with Mr. [b6]; Mr. [b6] notes; Ms. [b6] notes.

<sup>9</sup> Conversation with Mr. [b6, b7C]; Mr. [b6] notes; Ms. [b6] notes.

<sup>10</sup> Conversation with Mr. [b6]; Ms. [b6] notes.

the facility is approximately \$70/day per detainee. WCC estimates that it will cost approximately \$2 million to implement the remainder of the “new” detention standards.<sup>11</sup> Mr. [b6, b7C] and Mr. [b6, b7C] stated that it was their understanding that the facility had three years to implement the INS Detention Standards.<sup>12</sup>

The current contract between the INS and WCC expired on September 30, 2002. The RFP for the next contract will contain the INS Detention Standards. Both the current contract and the prior contract were for 5-year terms and WCC was the sole bidder on both. Mr. [b6, b7C] anticipates that the new contract will be for a 10-year term. The INS is considering expanding the facility to 500 beds. WCC owns approximately 5 to 6 acres near the current facility which could be used for expansion purposes.<sup>13</sup>

Although there probably are numerous business reasons why longer-term contracts are beneficial to both the INS and WCC, there is a possibility that such contracts will be detrimental to the detainees. We are concerned that as the INS Detention Standards continue to evolve, there may be a significant delay in the implementation of new or revised standards. This may be particularly true of standards that would require additional expenditures to implement.

WCC is ACA certified.<sup>14</sup> The staff at WCC is composed of approximately 95 people.<sup>15</sup>

All detainee requests for services at the Aurora Facility are made via a detainee request form called a “KITE.” There is a general KITE and a medical KITE. A sample general KITE is attached to this memorandum.

## I. General Information

The INS Detention Standards require that each facility “develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility. The handbook also will describe the services, programs, and opportunities available through various sources, including the facility....”<sup>16</sup>

Upon arrival at the facility detainees are given a “Detainee Handbook.” These handbooks are available in English or Spanish only.<sup>17</sup> Interviews with detainees did not reveal any significant deviation from this procedure. At least one detainee noted that he was given a Detainee Handbook written in Spanish even though he does not read or speak Spanish.

Both Mr. [b6, b7C] and Mr. [b6, b7C] stated that no new policies or procedures had been implemented at the Aurora Facility in the wake of the terrorist attacks on September 11, 2001. They specifically stated that Muslim detainees have not been segregated.<sup>18</sup>

---

11 Conversation with Mr. [b6, b7C] and Mr. [b6, b7C] ; Mr. [b6] and Ms. [b6] notes.

12 Conversation with Mr. [b6, b7C] and Mr. [b6, b7C] ; Mr. [b6] notes.

13 Conversation with Mr. [b6, b7C] and Mr. [b6, b7C] ; Ms. [b6] notes.

14 Conversation with Mr. [b6, b7C] ; Ms. [b6] notes.

15 Mr. [b6] notes.

16 INS Detention Standard: Detainee Handbook § I.

17 Mr. [b6] notes.

18 Mr. [b6] notes.

## II. Legal Access/ Visitation

The INS Detention Standards provide that facilities should allow detainees to meet privately with their current or prospective legal representatives and legal assistants. Detainees also should be allowed to meet with their consular officials.<sup>19</sup> The policy of the Aurora Facility regarding legal service visitation is outlined in the Detainee Handbook.<sup>20</sup>

### Legal

According to Mr. [b6, b7C] and Mr. [b6, b7C],<sup>21</sup> attorneys representing detainees may visit either day or night and either during the week or weekends. Attorneys may call the facility to determine if a particular detainee is at the facility. When contacting the facility, an attorney speaks with the receptionist regarding a particular detainee. Anyone authorized by the detainee's attorney to act in a representative capacity is allowed to visit under the attorney visitation rules. Attorneys are not required to present their bar identification cards. The facility would prefer that attorneys provide picture identification and a bar identification card but other documentation is generally acceptable. Interpreters are allowed to visit and interpret for attorneys. However, they must undergo a security clearance involving a background check and this procedure must be performed before the interpreter will be allowed to visit with the attorney and the detainee in the facility.<sup>22</sup>

There is one visitation room available for attorney visits. This is a "contact" room. Visitation periods are generally continuous but breaks may be taken for meals if requested. Visitation with attorneys is not interrupted for head counts; detainees are included in head counts while visiting with their attorneys. Attorneys and their clients may visit through meals according to their preference. However, if the detainee does not break for a meal and therefore misses a scheduled meal, the only available food until the next scheduled meal will be what the detainee has previously purchased through the commissary.<sup>23</sup> A detainee commented that the guards on one occasion left a meal for her on the bed in her dorm after she missed a scheduled meal while meeting with her attorney.

The detainees are supposed to be strip searched after attorney visits. However, Mr. [b6, b7C] and Mr. [b6, b7C] both noted that this procedure probably does not always occur. In fact, most detainees interviewed indicated that they had never been strip searched after an attorney visit but only "frisked" before and after the visit. Several detainees indicated that no search occurred whatsoever. Both Mr. [b6, b7C] and Mr. [b6, b7C] indicated that if a detainee desires, he could request a non-contact visit with his attorney to avoid a strip search. However, both gentlemen indicated that this had never been requested or explicitly provided as an option to detainees. The same procedures apply for individuals that are in administrative or disciplinary segregation.

In general, interviewed detainees did not experience any significant problems related to attorney visitation. A few detainees indicated that information regarding pro bono representation was not available. However, several other detainees indicated that such information was

---

<sup>19</sup> INS Detention Standard: Visitation § I.

<sup>20</sup> Aurora Detainee Handbook § III.D at 16.

<sup>21</sup> Mr. [b6] notes.

<sup>22</sup> Mr. [b6, b7C] stated that under new detention standards implemented by the INS, there has to be a minimum security clearance for interpreters. It is not clear when this new standard went into effect. Ms. [b6] notes.

Mr. [b6] notes.

available, but that they had experienced difficulty in getting pro bono legal service providers to return their phone calls.

In our conversations with practicing attorneys in the Denver metropolitan area, a few lawyers complained that recently WCC has been selectively requiring lawyers to present bar cards to gain admission to the Aurora Facility. Several attorneys also complained that the WCC rules regarding translators is not clear. WCC seems to be selectively denying admission to the Aurora Facility to translators who are not professional translators. Several lawyers also complained about WCC's new policy of denying access to interpreters without a "security" clearance. In one instance, a lawyer went to the Aurora Facility with an interpreter who had been to the facility several times in the past. Initially, WCC would not let the interpreter in and proposed that lawyer interview the client with the facility's interpreter. The lawyer refused, citing attorney-client confidentiality concerns. After a call to the INS district director, the interpreter was allowed in but then was detained for 45 minutes before she could leave the facility. With regard to our visit to the facility, our English-Spanish interpreter was required to provide background information whereas none of the attorneys were asked to provide similar information.

### Family and Friends

The visiting schedule for the facility is posted on bulletin boards in the detainee dorms and is also set forth in the Detainee Handbook. The visitation room for family and friends is a small room with approximately six telephones and Plexiglas separating the visitors from the detainees.

Family and friends may visit three days a week depending on the last name of the detainee. Detainees with last names beginning with A-L may have family and friends visit Tuesdays, Thursdays and Saturdays. Detainees with last names beginning in M – Z may have family and friends visit on Wednesdays, Fridays and Sundays. The visitation hours are 9:00 a.m. – 11:00 a.m., 3:30 p.m. – 4:30 p.m., and 7:00 p.m. – 9:00 p.m. Each visit may last up to 30 minutes and only two visitors are allowed at one time. Occasionally arrangements may be made for special visits determined on a case by case basis when normal visiting hours are a hardship for family members. Several interviewed detainees indicated that the facility had extended the visitation period for visitors that had traveled from out of town.

Visits are not limited to immediate family or other relatives. Just about anyone can visit a detainee during normal visiting hours. Minors are allowed to visit detainees. Family and friends are generally only allowed to visit a detainee in the room containing the Plexiglas and phones separating the detainee from the visitor.

Visitors may leave money with a designated staff member for deposit into a detainee's account, although the hours of deposit are limited for administrative purposes.<sup>24</sup> Several detainees complained that the hours for making deposits are too limited (a one hour period one afternoon a week) and that this proved very inconvenient to friends and family members who had to work and impeded the detainees' ability to get money deposited into their accounts.

---

<sup>24</sup> Conversation with Mr. [b6, b7C]; Mr. [b6] notes; Ms. [b6] notes.

### III. Telephone Access

The INS Detention Standards provide that facilities shall permit detainees to have reasonable and equitable access to telephones during established waking hours.<sup>25</sup>

The Detainee Handbook provides that “Blue Charge-A-Call Phones” are available in all living areas and intake for personal calls, including local, long-distance and international. Once a week pre-paid phone cards may be purchased for use with the blue phones, the purchase price of which will be deducted from the detainee’s personal account. Detainees who do not have the funds to purchase a phone card will be permitted to make one local legal phone call per day on a facility phone (a white phone). Detainee access to the telephones will be suspended at count times, in the event of an emergency, and when it is determined by staff to be necessary to protect the good running order and security of the facility.<sup>26</sup>

#### Blue Phones.<sup>27</sup>

The blue phones can be used only for collect calls and calls with telephone debit cards. There are two blue phones in the larger dormitories (between 20 to 40 detainee beds) and one blue phone for smaller dormitories. There appear to be at least one phone for every 25 detainees and there was general agreement among the male detainees interviewed that the number of blue phones was sufficient and rarely was there a wait to use the telephones. The female detainee interviewed indicated that the one blue phone for the female dormitory of about 20 beds was insufficient. There is a blue phone in the intake area and one for the segregation area.

There is no privacy afforded when using the blue phones. Ms. [b6] indicated that on a case by case basis arrangements could be made to use the phones in the INS offices if a detainee requests a private call to an attorney (by filling out a KITE request). The detainees interviewed were not aware such an arrangement could be made.

The vendor of the telephone services at the facility is PCS. Detainees can purchase telephone debit cards at intake and at the commissary on Fridays (orders due on Thursdays). Telephone cards are available in varying amounts - \$5, \$10, and \$20 cards. For local calls, the charge is \$.80 per call. For long distance calls in the 48 states, the charge is \$0.18 per minute. For international calls, the rates range from \$.65 to \$1 per minute, depending on the country. Detainees interviewed indicated the rates were very expensive. The most common complaint reported by private practitioners was the requirement that detainees use their phone cards to make local calls to their attorneys.

The phones are freely available for use by the detainees except during the hours of 1 a.m. to 6 a.m., and during counts and releases. There is a 15 minute (rather than 20) limit per call. There are no restrictions in the number of calls detainees can make.

#### White Phones.

One white telephone is located in each section of the facility, outside the dormitories, adjacent to the guard’s monitoring desk. The white phones are to allow detainees to receive calls

---

<sup>25</sup> INS Detention Standard: Telephone Access §§ I and III.A.

<sup>26</sup> Aurora Detainee Handbook §§ III.H, III.I and III.K at 17-18.

<sup>27</sup> Ms. [b6] notes.

from their lawyers. Generally calls from lawyers are routed directly to the detainees. If an attorney calls during a shift change or a count, the attorney is requested to call back. One detainee interviewed indicated that he did not get a message that his attorney had called while he was on kitchen duty. No privacy is afforded when using the white phones.

White phones can be used only for local calls and toll free calls. There appear to be different understandings regarding use of the white phones to make calls. Several detainees interviewed indicated that they are not allowed to make calls from the white phones. If a detainee is unable to make a call from the blue phones (i.e., is not able to purchase a phone card because there is no money in his or her account; has run out and cards are not available from the commissary until Friday; or the calling party does not take collect calls) the detainee must fill out a KITE request to use the white phone. Responses to KITEs are delayed and sometimes no response is received. One detainee interviewed indicated it takes at least three days to get a response to use the white phone.

One detainee interviewed indicated that his embassy office is located in California. The embassy does not have a toll-free number and does not accept collect calls. The detainee does not have sufficient funds to make the long distance call to the embassy.

#### Other Access Issues.

The telephone access for the general population applies to detainees in segregation. However, because there are no phones located in the segregation units, the detainee must be let out to use the phone under guard supervision.

Other than notices that calls are limited to 15 minutes, the only posting observed was a list of consulate offices located in Colorado, in English, posted at one white telephone. No other postings were observed. There are no telephones preprogrammed with any numbers. No cellular telephones are available for use by the detainees.

According to Ms. (b)(6) personal (non-legal) messages are taken for detainees and generally delivered within 24 hours. Several detainees interviewed indicated that they did not receive all their messages and that some messages did not get passed to them for two or three days. Others had no idea how long it took for the messages to be delivered to them (no indication of when the call was received).

The receptionist does not make any decisions about whether a call is an emergency call. A message regarding each emergency call is forwarded to Captain (b6, b7C) for her determination on the nature of the call and how the call should be handled.

One detainee believed that all calls were being recorded. Ms. (b6) informed us that while the telephone system has an electronic monitoring capability, no monitoring is conducted.

There is no schedule for regular inspection of the phones. If a malfunctioning phone is reported, a call is made to PCS, which dispatches a repair person.

#### **IV. Legal Materials**

The INS Detention Standards mandate the designation of a law library in each INS facility. Each library must be large enough to facilitate detainee research and writing in a well lit and reasonably quiet area. In addition to size, each library facility must have an adequate number

of tables and chairs, in order to provide access to all detainees who request to use the library. It also must provide materials, equipment and library holdings sufficient to enable detainees to research and prepare legal documents.<sup>28</sup>

The Detainee Handbook provides that general library reading materials will be made available Monday through Friday, 7:30 a.m. to 3:00 p.m. Each detainee may have in his possession a maximum of three soft covered books and five magazines (other than those issued by religious or educational programs).<sup>29</sup>

Generally, the law library at the Aurora Facility meets the requirements of the INS Detention Standards. The library facility appears to be large enough to accommodate those detainees who actually request access. In addition, it is sufficiently quiet to allow detainees to research and prepare legal documents and is equipped with the majority of the INS Detention Standard's prescribed materials. However, organization and cataloging of the available materials is virtually nonexistent and many of the required materials are outdated. Additionally, the amount of library space devoted to legal materials, as opposed to non-legal materials, is insufficient. The small size of the library and small space devoted to legal materials may discourage detainee use of the library. As a result, there is some question as to whether the library is, in fact, sufficient to allow detainees to research and prepare legal documents.

#### Materials Identified in Attachment A of the INS Detention Standards<sup>30</sup>

The INS Detention Standards require all law libraries to hold the legal materials contained in Attachment A of the Access to Legal Material Standard.<sup>31</sup> These materials must be updated regularly and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner. In addition, the facility must post a list of holdings in the law library and designate an employee with responsibility for updating the materials, inspecting them weekly and maintaining them in good order.<sup>32</sup>

The law library contains the majority of legal materials on the list, including a significant amount of case law and administrative decisions on CD-ROM. Missing materials were limited to: 1) Guide for Immigration Advocates; 2) Human Rights Watch-World Report; 3) Considerations for Asylum Officers Adjudicating Asylum Claims for Women; 4) Lawyer's Committee Handbook on Representing Asylum Applicants; and 5) Directory of Nonprofit Agencies that Assist Persons in Immigration Matters. The library, however, is extremely disorganized and the available materials are maintained in a cabinet that is physically too small to allow detainees easy access to all of the materials. The facility has only recently established an individual to oversee the library's materials and operations (Ms. [b6]) and she had limited knowledge of the available materials. There is no list of materials the library maintains either posted or otherwise available to the detainees.

Additionally, the majority of available legal materials are outdated. Most statutes, federal regulations and treatises were last updated in 2000. Other materials were also generally out-of-date, including some materials dated as old as 1999. Ms. [b6] stated that requests for

---

<sup>28</sup> INS Detention Standard: Access to Legal Material §§ I, III.A and III.B.

<sup>29</sup> Aurora Detainee Handbook § IV.J at 23.

<sup>30</sup> Mr. [b6] notes.

<sup>31</sup> INS Detention Standard: Access to Legal Material § III.C

<sup>32</sup> INS Detention Standard: Access to Legal Material §§ III.C and III.E.

additional legal material would be accommodated if possible, but that detainees would be required to pay for any additional materials. No third parties have requested permission to submit additional materials to the library.

### Library Conditions<sup>33</sup>

The library is generally quiet and well-lit. The library contains a significant amount of non-legal materials and the space devoted to legal materials is limited to one corner of the library. The legal materials are disorganized and maintained in too small a space.

For a facility that houses approximately 340 detainees, the library is relatively small. There were only two worktables with approximately six chairs. While Ms. [b6] stated that demand had never been a problem, the size of the library and the complete lack of organization of available legal materials may discourage detainees from using the library. Few of the detainees interviewed had ever used or attempted to use the facility. However, most of the detainees interviewed were represented by legal counsel.

The library houses two typewriters (both of which were very old and one of which was broken) and two computers. We did not observe any instructional materials for use of the computers. The number of typewriters and computers is short of the INS Detention Standard's specification of one typewriter or computer for every five detainees.

Ms. [b6] indicated that illiterate or non English-speaking detainees are allowed to work with other detainees to the extent requested. Detainees are allowed to maintain legal materials with them in the dormitory areas.

### Photocopies and Mail

Detainees have indirect access to photocopying equipment through WCC personnel. Ms. [b6] stated that detainees were able to make an unlimited number of copies for legal purposes, although the size of the request may in some instances (such as copying large numbers of cases) require additional time to complete. Indigent clients are provided stamps for legal purposes. Other detainees are required to purchase stamps through the facility's commissary.<sup>34</sup>

### Computer Access, Equipment and Holdings

The INS Detention Standards require that an adequate number of typewriters and/or computers, carbon paper, writing implements, writing tablets and non-toxic liquid paper be available for use by the detainees.<sup>35</sup> Detainees are provided with an unlimited supply of paper and there did not appear to be any problems with detainees' ability to obtain supplies for purposes of preparing legal documents.<sup>36</sup>

The library contains a significant number of multilingual dictionaries, although they are not organized and, thus, may be difficult to locate within the space allotted to legal materials.

---

<sup>33</sup> Mr. [b6] s notes.

<sup>34</sup> Mr. (k)(6) s notes.

<sup>35</sup> INS Detention Standard: Access to Legal Material § III.B.

<sup>36</sup> Mr. [b6] notes.

### Access to the Library

The INS Detention Standards mandate that each facility devise a flexible schedule in order to permit all detainees' use of the law library.<sup>37</sup> Detainees are required to submit a KITE to WCC representatives in order to gain access to the library. Up until recently (approximately two or three months ago), the facility did not staff the library. Interviews with detainees indicated that prior to a guard being staffed in the library, KITEs requesting library time were delayed for long periods of time. Since Ms. [b6] has been staffed in the library full-time, there do not appear to have been any problems or delays in obtaining library access.<sup>38</sup>

### Notaries, Certified Mail, and Miscellaneous Needs Associated with Legal Matters

The INS Detention Standards mandate that notary public, certified mail and other services be provided to detainees in connection with legal matters.<sup>39</sup> WCC employees stated that these services were provided to the extent needed or requested by detainees.<sup>40</sup>

In our conversations with practicing attorneys in the Denver metropolitan area, several attorneys commented that the library is small and has limited and outdated resources, which makes it difficult for unrepresented detainees to research their cases. Attorneys also commented on the lack of legal materials in languages other than English. One attorney said that a client of his recently missed a filing deadline because the printer in the law library was broken for several weeks and the detainee had no way to print his paperwork.

## **V. Group Rights Presentations**

The INS Detention Standards provide that facilities shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of the facility. The facility must cooperate fully with authorized persons seeking to make such presentations.<sup>41</sup> According to both Mr. [b6, b7C] and Mr. [b6, b7C], no person has ever requested to make a group rights presentation at the facility. To their knowledge, none have ever been conducted. They both agreed, in principle, to allow group rights presentations.<sup>42</sup>

The facility has copies of the "Know Your Rights" video created by the Florence Project, in both English and Spanish. Mr. [b6, b7C] stated that currently every new detainee is given the opportunity to watch the video as part of the detainee in-take process. Every day at 7:00 p.m., all new detainees who agree to watch are brought to the facility's library to view the video. However, detainees are not forced to watch the video if they choose not to do so. Mr. [b6, b7C] was not aware of a time when there was a need to show the video more than once per day due to overcrowding in the library. Mr. [b6, b7C] said that any detainee who chose not to see the video at in-take could request to see it at another time by filling out a KITE, and would be permitted to do so. He was not aware of anyone having made such a request.<sup>43</sup>

---

<sup>37</sup> INS Detention Standard: Access to Legal Material § III.G.

<sup>38</sup> Mr. [b6] s notes.

<sup>39</sup> INS Detention Standard: Access to Legal Material § III.P.

<sup>40</sup> Conversations with Ms. [b6] and Ms. [b6]; Mr. [b6] notes.

<sup>41</sup> INS Detention Standard: Group Presentation on Legal Rights § I.

<sup>42</sup> Ms. [b6] s notes.

<sup>43</sup> Ms. [b6] s notes.

Of the 12 detainees that we interviewed, at least seven had viewed the “Know Your Rights” video. One detainee stated that he did not watch the video because he does not understand English well enough, and it was not available in his native language of Arabic. Another detainee said that there was a notice posted about the video and he had to request to see it. (He apparently was not given the opportunity to view the video as part of the in-take process, most likely because he arrived at the facility before that policy was instituted.) Another detainee recalled that he was given the opportunity to watch a video within two or three days after his arrival at the facility (not the first day), but he chose not to see it.

## VI. Recreation Issues

The Detention 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>44</sup> Every effort is to be made to provide outdoor recreation facilities, but if only indoor facilities are provided, they should be large, containing exercise equipment and having access to sunlight.<sup>45</sup>

The Detainee Handbook provides that each detainee will be afforded one hour of exercise and recreation away from his dormitory living area seven times per week. A schedule of recreation activities shall be arranged to coincide with normal facility operations.<sup>46</sup> Mr. [b6, b7C] stated that if the detainee population is low, detainees could get more than one hour of recreation per day.<sup>47</sup>

The Detainee Handbook also provides that television viewing hours will begin after morning cleanup, if cleanup is satisfactory based on the dormitory officer’s sanitation inspection. Sunday through Thursday nights the television will be turned off at 1:00 a.m. and Friday, Saturday and holiday nights the television viewing may be permitted up to 2:00 a.m. at the discretion of the on-duty Watch Commander.<sup>48</sup>

The Aurora Facility has three recreation areas, one outdoor, one indoor with an open roof and one indoor with a closed roof. The outdoor recreation is provided in a rectangular caged-in area with a volleyball net, basketball hoops and a pull-up bar. Access to the outdoor recreation area is weather-dependent. The indoor recreation area with an open roof was a smallish concrete room with a mesh-wire ceiling. It contained weight equipment and a treadmill. The closed-roof indoor recreation area was larger and contained weight equipment, ping-pong tables, stationary bikes, treadmills, foosball tables and stair-master equipment.<sup>49</sup>

We did not see the recreation areas for detainees held in segregation but we were told that they do exist. No television is allowed in segregation. Also, only male detainees are sent to the segregation areas; female detainees are sent to medical segregation. It was not clear what recreation was offered to female detainees held in segregation.<sup>50</sup>

---

44 INS Detention Standard: Recreation § I.  
45 INS Detention Standard: Recreation § III.A.1.  
46 Aurora Detainee Handbook § IV.A at 19.  
47 Ms. [b6] notes.  
48 Aurora Detainee Handbook § IV.B at 19.  
49 Ms. [b6] notes.  
50 Conversation with Mr. [b6, b7C] Ms. [b6]’s notes.

According to the detainees that we interviewed, the recreation areas are often too crowded as two or three dorms are taken to recreation at the same time. Also, the recreation times seem to change frequently and sometimes dorms are called to recreation early in the morning. Not every detainee has access to outdoor recreation every day. The female detainees complained about the lack of non-exercise opportunities during recreation time such as video games and movies. The female detainees also stated that there is a perception that the male detainees are treated more favorably than the female detainees. One example of this is that male detainees get extra recreation time whereas the female detainees do not. Several detainees also complained that the televisions are on too late at night and are too loud to permit sleeping.

## VII. Classes

The Detainee Handbook states that:

If you are interested in educational programs while you are here, contact the Program Coordinator to discuss your interest. You may apply for correspondence courses through the Program Coordinator. You or your community contacts must pay for any and all costs associated with these courses. To receive the courses, you must have the prior approval of the Program Coordinator to have the course(s) mailed to the facility. If you have an interest in a particular educational program, contact the Program Coordinator with your interest to determine if the program may be provided at the facility in the limited period of time that you may be at the institution.<sup>51</sup>

Mr. [b6, b7C] stated that no one is paid to conduct classes at the Aurora Facility and therefore not many classes were offered. Mr. [b6, b7C] said that no rehabilitation classes were offered and that there was no need for, and the contract with WCC did not require, vocational, GED, ESL or other classes. Mr. [b6, b7C] further said that when people were detained for longer periods of time, there used to be a facility in Oklahoma that offered detainees vocational classes.<sup>52</sup>

According to interviews with detainees, the only classes offered are Bible study. Detainees have requested ESL and vocational classes but their requests have been denied.

In our conversations with practicing attorneys in the Denver metropolitan area, several attorneys mentioned the lack of rehabilitation services at the Aurora Facility. They stated that in implementing the U.S. Supreme Court's decision in INS v. Zadvydas, the INS policy is that a detainee needs to show he has been rehabilitated before he may be released. This is difficult, if not impossible, where no rehabilitation services are offered. One attorney stated that he has a practice of trying to get clients transferred to the facility in El Reno, Oklahoma, where rehabilitation-related classes are available. However, such transfers present other difficulties for detainees with local family or other support networks.

## VIII. Medical Issues

The INS Detention Standards provide that all detainees shall have access to medical services that promote detainee health and general well-being. Medical facilities in SPCs and CDFs will maintain current accreditation by the National Commission on Correctional Health

---

<sup>51</sup> Aurora Detainee Handbook § IV.D at 20.

<sup>52</sup> Ms. [b6] notes.

Care.<sup>53</sup> Each facility is also to have regularly scheduled times, known as sick call, when medical personnel will be available to see detainees who have requested medical services. For a facility of over 200 detainees, a minimum of five days per week is required.<sup>54</sup> With respect to emergency care, each facility must have a written plan for the delivery of 24-hour emergency health care when no medical personnel are on duty at the facility, or when immediate outside medical attention is required.<sup>55</sup>

The INS Detention Standards state that detainees shall be afforded only authorized emergency and routine dental treatment. Authorized emergency dental treatment includes those procedures directed toward the immediate relief of pain, trauma and acute oral infection that endangers the health of the detainee. It also includes the repair of prosthetic appliances to prevent detainee suffering. Routine dental treatment may be provided to detainees for whom dental treatment is inaccessible for prolonged periods because of detention for over six months.<sup>56</sup>

The Detainee Handbook provides that each detainee will be screened for tuberculosis upon arrival at the Aurora Facility and will be scheduled for a physical exam within the first 14 days of detention. A dental screening is conducted on all detainees normally within 14 days after admission. All requests for routine medical or dental attention must be submitted in writing to the medical department.<sup>57</sup>

Mr. [b6, b7C] explained that requests for medical attention are made via a medical KITE form. The form is available in English and Spanish. The facility does have access to the AT&T Language Line for medical interpretation. However, if a detainee needs assistance in completing a medical request form, generally another detainee will provide the assistance.<sup>58</sup> This compromises the detainee's reasonable expectation of privacy in his medical status. It also increases the likelihood of an inaccurate translation, potentially denying a detainee needed medical services.<sup>59</sup>

According to Mr. [b6, b7C], only detainees who have tuberculosis or another contagious disease are placed into medical segregation. He stated that detainees with HIV/AIDS are not placed into medical segregation.<sup>60</sup>

As part of our tour of the Aurora Facility, we spoke with [b6], the facility's Health Services Administrator. She is generally at the facility Monday through Friday from 7:30 a.m. to 4 p.m.<sup>61</sup> Ms. [b6] is a registered nurse. There are two nurses present at the facility during the day and evening and one nurse at night. They are available 24 hours per day, seven days per week for medical emergencies. Prescriptions are filled by a contract pharmacy. Physician services are provided by a part-time contract physician and dental care is outsourced to

---

<sup>53</sup> INS Detention Standard: Medical Care § I.

<sup>54</sup> INS Detention Standard: Medical Care § III.F.

<sup>55</sup> INS Detention Standard: Medical Care § III.G.

<sup>56</sup> INS Detention Standard: Medical Care § III.E.

<sup>57</sup> Aurora Detainee Handbook § IV.F at 21.

<sup>58</sup> Conversation with Mr. [b6, b7C]; Ms. [b6] notes.

<sup>59</sup> In our interviews with detainees, we were told of a detainee who did not receive medical attention for 3 days because of a misspelled word.

<sup>60</sup> Ms. [b6] notes. As noted above, female detainees are sent to the medical segregation areas when placed in administrative segregation.

<sup>61</sup> Conversation with Mr. [b6, b7C]; Ms. [b6] notes.

a local dentist. The only mental health services provided are prescription drugs. A local psychiatrist provides approximately six hours per month of services to the facility.<sup>62</sup>

Ms. [b6] estimated that the nurses see up to 100 detainees per day. Nurses generally see detainees within four or five hours of receiving the medical request form, although emergencies requests are treated sooner. Medications are dispensed three times per day by the nurses and WCC pays for all of the medications. Detainees are permitted to have up to five doses of Tylenol and an inhaler in their possession.<sup>63</sup>

The medical facilities consist of a waiting room, staff offices, three infirmary rooms, and one room that serves as a medical/ dental examination/ x-ray/ treatment room. According to Ms. [b6] minor surgery can be performed at the facility, including teeth removal.<sup>64</sup>

Regarding outside doctors and prescriptions, Mr. [b6, b7C] stated that an outside physician would not need a court order to perform a medical or psychiatric evaluation on a consenting detainee. He also stated that there is a medical examination room that the facility would make available for such an exam, upon request by the outside doctor. Mr. [b6, b7C] stated that if an outside doctor wrote a prescription, the detainee could fill the prescription at the facility if the facility doctor approved it.<sup>65</sup>

In response to our inquiry whether they had been any hunger strikes at the facility, Mr. [b6, b7C] stated that they occur from time to time. Mr. [b6, b7C] said that they had one detainee for whom they obtained a court-order to force feed. The local hospitals refused to force feed him because of liability concerns so they flew the detainee to an INS facility in El Centro to force feed him. As described by Mr. [b6, b7C], the Aurora Facility's procedures regarding hunger strikes appear to be generally consistent with the INS Detention Standards.<sup>66</sup> However, from the detainees that we interviewed, it appears that there is a high level of frustration among the detainees at the lack of responses to their KITE requests and thus refusing to eat is one, if not the only, way to call attention to their needs.

According to interviews with detainees, it generally takes approximately 24 to 48 hours after the submission of a KITE request to receive any medical attention from a nurse. It may be several days (up to a week) before a detainee sees a doctor. It may be weeks before a detainee receives the physical required to participate in the voluntary work programs offered at the Aurora Facility. Several detainees complained about the lack of dental services and the quality thereof. Several Muslim detainees complained that the physician treats them differently from other detainees and, in one instance, the physician asked a detainee whether he was a terrorist. Detainees often miss doses of prescription medication if they are not in their dorms when the medicine cart makes its rounds (i.e., if the detainee is at recreation or in the library). Several detainees complained that they cannot get aspirin or other pain relief medication without submitting a KITE and because of the nurses' delay in responding to KITEs, they effectively receive no medical attention whatsoever in cases of headaches, migraines and fevers.

---

62 Conversation with Ms. [b6] and Mr. [b6, b7C]; Ms. [b6] notes.

63 Conversation with Ms. [b6]; Ms. [b6] notes.

64 Ms. [b6] notes.

65 Ms. [b6] notes.

66 INS Detention Standard: Hunger Strikes.

In our conversations with practicing attorneys in the Denver metropolitan area, some attorneys stated that detainees have had problems getting their prescription medications correctly, timely or at all. At least one attorney mentioned that gay detainees at the Aurora Facility are routinely put into administrative segregation “for their own protection.”<sup>67</sup>

## **IX. Religious Issues**

The INS Detention Standards provide that detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths. These opportunities must exist regardless of the number of practitioners of the religion or whether the religion is mainstream.<sup>68</sup> The INS Detention Standards further provide that detainees who belong to a religious faith different from the facility’s chaplain will, if they prefer, have access to pastoral care from external clergy and religious service providers.<sup>69</sup> If requested by a detainee, the chaplain shall facilitate arrangements for pastoral visits by a clergyperson or representative of the detainee’s faith.<sup>70</sup>

Pursuant to the INS Detention Standards, detainees shall have access to personal religious property (such as rosaries and prayer beads, oils, prayer rugs, phylacteries, medicine pouches and religious medallions), consistent with facility security. However, a detainee who wishes to have religious books must comply with the facility’s general rules for ordering, purchasing, retaining and accumulating personal property. Religious literature is permitted in accordance with the procedures governing incoming publications.<sup>71</sup>

Under the INS Detention Standards, the food service department must implement procedures for accommodating, within reason, detainees’ religious dietary requirements. When a detainee’s religion requires special food services, either daily or during certain holy days or periods that involve fasting, restricted diets, etc., the facility staff must make all reasonable efforts to accommodate them. This will require, among other things, modifying menus to exclude certain foods or food combinations, providing meals at unusual hours, etc.<sup>72</sup>

The Detainee Handbook provides that each detainee has the right to religious affiliation and will have the opportunity to practice his religious faith that is deemed essential by the faith’s judicatory, consistent with the safety, security and the orderly operation of the facility. Qualified volunteers offer Catholic and Protestant services along with non-denominational services on a weekly basis. Services may be provided to detainees who are in the SMU/ Segregation Unit on an individual basis. Bibles, religious items and literature are available from the facility library upon request. Detainees may be allowed to wear or use personal religious items during religious services, ceremonies, or meetings in the multipurpose room, unless the Facility Administrator, through the Program Coordinator, determines that the wearing of such items would threaten facility security, safety or good order.<sup>73</sup>

---

<sup>67</sup> During our visit, Mr. [b6, b7C] stated that gay detainees are not automatically put into administrative segregation. Ms. [b6] notes.

<sup>68</sup> INS Detention Standard: Religious Practices § I.

<sup>69</sup> INS Detention Standard: Religious Practices § III.D.

<sup>70</sup> INS Detention Standard: Religious Practices § III.J.

<sup>71</sup> INS Detention Standard: Religious Practices § III.K.

<sup>72</sup> INS Detention Standard: Religious Practices § III.M.

<sup>73</sup> Aurora Detainee Handbook § IV.I at 22.

According to Mr. [b6, b7C] there is no on-site chaplain at the Aurora Facility. Catholic, Protestant and Muslim religious visits are permitted when requested by the detainees. Priests and representatives of other approved denominations can visit the facility at any time during normal visiting hours. The Muslim detainees conduct their own services in the library on Fridays with a local Imam. There also are weekly Protestant services in the library. A Catholic priest comes to the facility to offer services in the dorms. Detainees are allowed to have one religious medallion but no head coverings, holy oil, etc. The library has some religious books that the detainees may borrow. The only special diets offered at the Aurora Facility are medical-dictated diets and vegetarian diets. Detainees can request no meat on Fridays.<sup>74</sup>

According to interviews with detainees, Christian services are offered but no Catholic masses are offered. Christian services are only offered once every three weeks and the detainees would like them to be offered more frequently. One detainee mentioned that Bible study is available over the telephone.

Various requests by Muslim detainees to have an Imam present at the Friday prayer services have gone unanswered. More than one detainee complained that their one hour of prayer service is often shorter than that because the facility staff deducts the time it takes the staff to gather the detainees and take them to the library for the service. Thus, the service may actually be only 40 or 45 minutes in length.

One detainee stated that the facility generally will hold meals for a detainee who is on a religious fast (until sundown). Various Muslim detainees have requested halal meat but instead are served fish and there is no variety in their meals.

One detainee stated that he was allowed to keep his Bible and rosary and a Muslim detainee stated that he was allowed to keep his prayer carpet. However, a request by a Muslim detainee for a head covering or for an additional towel to use as head coverings during daily prayers has been denied, presumably because they were not personal items already in his possession at the facility. Although it appears that there is at least one copy of the Koran in the library, detainee requests for copies of the Koran have gone unanswered. It is not clear whether the detainees asked the facility to provide them with personal copies of the Koran or if they asked that the facility acquire additional copies for them to borrow from the library.<sup>75</sup>

## **X. Other Issues**

### Detainee Classification

At a macro level, detainees are segregated based on sex. Detainees are further segregated according to whether they have been classified as criminal or non-criminal. However, criminal and non-criminal female detainees share the same dormitory. Detainees are classified as "criminal" if they have been arrested for an offense that goes beyond violation of the immigration laws. Criminal detainees are given red badges that they must wear; non-criminal detainees wear blue badges. The facility also provides for both administrative and disciplinary segregation of

---

<sup>74</sup> Ms. [b6] notes.

<sup>75</sup> During our visit, Mr. [b6, b7C] said that if a detainee requested a book in any language other than English, he probably would have to pay for it himself. Ms. [b6] notes.

detainees. There is a medical unit that has three cells for detainees who are ill, and there is a smaller housing unit with five beds for detainees who require special care of some nature.<sup>76</sup>

### Accommodations

The detainees are housed in dormitories sleeping from six detainees to approximately 50 detainees each. The female detainees are housed in a separate dormitory that is beyond the sight and sound of the male detainees. We were able to tour the female dormitory to see that it had two televisions, beds lined up next to each other in two rows, a bathroom in the back with at least one toilet and one shower, lockers, books and magazines, a small table and chairs, and a blue telephone. We were told that each dormitory has at least one toilet, one shower and a television.<sup>77</sup> One complaint made by male detainees is that the dormitory can get overcrowded, requiring mattresses to be placed on the floor for sleeping.

In addition to the dormitories, detainees are also housed in segregation and the infirmary. The segregation area (disdainfully called “the hole” by detainees) has 24 individual cells that are very small and contain only a ledge for a mattress, a toilet and a sink. The doors face a central corridor and have a small glass window. The cell that we were permitted to enter had no windows to the outside. There is one shower for the segregation area. The infirmary has three cells used for detainees with medical conditions. They were all unoccupied the day of our visit.<sup>78</sup>

The Detainee Handbook outlines the clothing that is provided to detainees as follows: two orange uniforms, three pair of undergarments, one gym shirt, one pair of shorts, one pair of shower shoes, and tennis shoes. Female detainees are further provided with three bras.<sup>79</sup> Consistently, the detainees we interviewed confirmed that they were provided with two tee shirts, two orange jumpsuits (or shirt and pants sets), three pairs of underwear, three pairs of socks, one pair of shoes and one pair of shower shoes. The uniforms provided to detainees are not color-coded to reflect the detainees’ classification levels, but facility staff and detainees interviewed confirmed that detainees who work at the facility are provided with additional white uniforms. Upon arrival, each detainee is provided with a free toiletry kit consisting of soap, a toothbrush, tooth paste and comb. Detainees have an opportunity to refill these items every day after breakfast. Shampoo is not provided, but may be purchased at the commissary. Detainees have access to razors on a daily basis.<sup>80</sup> The detainees that we interviewed consistently confirmed that their clothing items were exchanged twice per week. The female detainee interviewed reported that the female detainees are often cold and questioned why they could not buy sweatshirts and sweatpants at the commissary to keep warm.

The Detainee Handbook outlines the bed linens that are provided to detainees as follows: two sheets, one pillowcase, and one blanket.<sup>81</sup> The detainees we interviewed confirmed that they were given a mattress, two sheets, one blanket (some stated two blankets), one pillow, two pillowcases and a towel. Detainees interviewed consistently confirmed that their bed linens were exchanged at least weekly. Three detainees (one of whom represented the women detainees) complained that they were cold and needed an extra blanket, but were not provided with one upon

---

76 Mr. [b6]’ notes.

77 Ms. [b6] notes.

78 Ms. [b6] notes.

79 Aurora Detainee Handbook § 1.C at 6.

80 Ms. [b6]’s notes.

81 Aurora Detainee Handbook § 1.C at 6.

request. One such detainee was provided with a second blanket, but reported that he was still cold.

### Personal Item Retention

Each detainee has a small storage unit in his or her dorm. Detainees are allowed to keep books, writing materials (pencils and paper), phone cards, religious items (e.g., Korans and prayer rugs), prescription glasses, commissary items (food) and legal documents and papers with them in their dorms, although WCC officials indicated that if the volume of a detainee's legal documents and papers becomes too great to fit in the detainee's storage unit, they must be put into the property office. These legal materials are then provided to the detainee upon request. Detainees are not allowed to retain any jewelry, including wedding rings.<sup>82</sup>

In our conversations with practicing attorneys in the Denver metropolitan area, a few attorneys said that detainees getting access to their paperwork has been an issue. It appears that detainees do not understand that they need to keep their legal paperwork with them in their cells and thus, when they arrive at the facility, generally they put their paperwork in the property office and it can take weeks to get anything out of the property office.

### Dietary Requirements

The facility allows detainees to work in the kitchen to help prepare food. The food is served to detainees on individually portioned trays that are delivered to the dormitories/cells. There are no dining rooms or cafeterias at the facility. We observed detainee food service workers assisting in the delivery of food trays and eating in the kitchen. Detainees are not required to pay for their food unless they want to purchase extra non-perishable food items through the commissary (available each Friday).<sup>83</sup>

According to Mr. [b6, b7C], the menu is dictated by a dietician in WCC's corporate offices in Florida and is based on a 28-day cycle. This menu cycle does not comply with the 35-day menu cycle provided in the current INS Detention Standards. There is no licensed dietician employed at the site. Ms. [b6], the food service employee on site the day of our visit, stated that the menu is designed to provide 3,000 calories per day. She also stated that the facility accommodates special diet requirements for Muslim detainees and vegetarians. The facility accommodates Muslim detainees by providing a "Muslim tray," which replaces all meat items with fish.<sup>84</sup> One detainee complained that he is always hungry because the quantity of food provided is not sufficient.

### Detainee Work Program

Up to 40 detainees who are not in segregation are provided the opportunity to work voluntarily at the rate of \$1.00 per day plus one liter of soda each week, although several of the detainees interviewed indicated that detainees who have been placed in disciplinary segregation must wait 60 days following their release from disciplinary segregation before they are again afforded an opportunity to work. The types of work provided include janitorial work, working in the kitchen and working in the laundry facility.<sup>85</sup> The female detainee that we interviewed stated

---

82 Mr. [b6] notes.

83 Ms. [b6] notes.

84 Ms. [b6] notes.

85 Mr. [b6] notes.

that only male detainees are allowed to work in the laundry facility even though female detainees have requested to work there.

### Grievance and Disciplinary Procedures

The delegation did not observe that grievance procedures were posted in the dorms, although the Detainee Handbook contains a detailed description of grievance procedures<sup>86</sup> and detainees seemed to know the procedures for registering a grievance. The facility provides grievance forms that detainees fill out and deposit in a box provided for that purpose. A WCC officer is then assigned to respond to the grievance.<sup>87</sup> A number of the detainees interviewed complained that they either received no response to grievances they had submitted or received responses that provided no explanation for the response. There was a general consensus among the detainees who were interviewed that the grievance process was ineffective due to the fact that it was being administered by the same people who were the subjects of the complaints. One detainee also pointed out that there is only one original of a grievance form and a detainee has no copy to keep with him in case the original is lost.

The delegation did not observe that disciplinary procedures were posted in the dorms, although the Detainee Handbook contains a detailed description of the disciplinary procedures, including levels of offenses and the punishments that can be meted out for those offenses.<sup>88</sup> WCC officials stated that detainees maybe put into disciplinary segregation for a maximum of three days at a time (the exact amount of time being determined by the hearing officer).<sup>89</sup> These statements are inconsistent with the Detainee Handbook, however, which allows placement of detainees in disciplinary segregation for longer periods of time – up to five days for the least serious offenses and up to 15 days for the most serious offenses.<sup>90</sup> In addition, several detainees who were interviewed indicated that they had been placed in disciplinary segregation for periods in excess of three days at a time. One detainee stated that he had been placed in disciplinary segregation for 13 days without ever having a hearing.

Detainees who are in disciplinary segregation must wear handcuffs whenever they are out of their cells. WCC officials stated that additional restraints are used as necessary (the watch commander makes this decision on a case by case basis), such as for extracting an uncooperative detainee from his cell.<sup>91</sup>

Detainees who are in disciplinary segregation are not allowed commissary privileges, and the disciplinary cells do not contain televisions.<sup>92</sup> One detainee also indicated that he was denied library privileges while he was in disciplinary segregation.

### **Conclusion**

As noted above, the Aurora Facility is not being operated in accordance with the new INS Detention Standards but should start operating in accordance with them some time after October 2002 when the anticipated new contract between the INS and WCC goes into effect. Areas that

---

<sup>86</sup> Aurora Detainee Handbook § VI at 26-27.

<sup>87</sup> Mr. [b6], notes.

<sup>88</sup> Aurora Detainee Handbook § VIII at 30-40.

<sup>89</sup> Mr. [b6], notes.

<sup>90</sup> Aurora Detainee Handbook § VIII at 30-31.

<sup>91</sup> Mr. [b6], notes.

<sup>92</sup> Mr. [b6], notes.

we noted for improvement are updating and improving the legal resources available to detainees in the law library and improving the delivery of medical and dental services to detainees.