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# ARNOLD & PORTER

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## Memorandum

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

**From:** Arnold & Porter

**Date:** September 30, 2002

**Re:** Compliance with Detention Standards at  
INS Mira Loma Detention Center, Lancaster, California

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On June 10, 2002, a delegation of three lawyers and three summer law clerks from our Los Angeles and Century City offices visited the Immigration and Naturalization Service (INS) Mira Loma Detention Center in Lancaster, California.<sup>1</sup> We met with members of both the facility's INS staff and the Los Angeles County Sheriff's Department, which operates the facility for INS. We toured the facility and interviewed 19 detainees, all of whom spoke with us in response to an announcement and request for volunteers made by the INS staff a few days prior to our visit.<sup>2</sup> Mr. [REDACTED] (INS officer in charge) and Deputy [REDACTED] (of the Sheriff's Department) led the tour and answered most of our questions. INS Lieutenant [REDACTED] and Sheriff's Deputy [REDACTED], who were also present during our visit, answered others. The purpose of our visit was to evaluate the facility's compliance with the INS Detention Standards, particularly those concerning living conditions and access to visitors, attorneys and legal materials. We appreciated the staff's courtesy, professionalism and willingness to answer our questions. This memorandum contains our impressions and evaluation.

<sup>1</sup> Our team consisted of [REDACTED] (associate), [REDACTED] (associate), [REDACTED] (UCLA '03, summer clerk), [REDACTED] (partner), [REDACTED] (Harvard '03, summer clerk) and [REDACTED] (UCLA '03, summer clerk).

<sup>2</sup> Efforts to identify potential interviewees through contacts with local immigration lawyers proved almost entirely unsuccessful. Very few local attorneys represented any individuals detained at the Mira Loma facility, and the few detainees who had agreed in advance to speak with us were deported prior to our visit.

## **EXECUTIVE SUMMARY**

Both the INS and Sheriff's Department staff with whom we spoke appeared familiar with the Detention Standards and have made substantial efforts to comply. In general, the facility seems clean, safe, secure and well-managed. There does not appear to be any problems with visits from attorneys or families. The detainees enjoy considerable freedom to move about in the immediate vicinity of their barracks. Access to telephones and the library appears adequate. Food service also appears adequate.

However, interviews and observations gave rise to the following concerns:

- Detainees may not receive the Detainee Handbook upon arrival.
- Detainees are not paid for the work that they perform (although working detainees do receive other benefits, such as extended family visits, special meals and the use of a big screen television in their barracks).
- Detainees may not receive adequate "yard time." (Yard time is reportedly lost waiting in lines to make purchases from the store, retrieving money from the cashier or in trades with religious or other activities.)
- A number of detainees said that they were not kept apprised of the status of their deportation proceedings.
- There are presently no groups rights presentations at the facility.
- Some detainees complained that medical conditions do not always receive prompt, appropriate attention.

Overall, we believe that the Mira Loma facility is run in a very professional manner and that both the INS and Sheriff's Department staff are making a sincere effort to comply with the Detention Standards and operate a clean, humane and secure facility. Some of the inconsistencies between Mira Loma procedures and the Standards appear to be minor differences between the Standards and the Sheriff's Department's standard procedures for jails and other correction facilities. Nonetheless, we believe there is some room for improvement in these conditions and others discussed below.

## **INS DETENTION STANDARDS**

The INS issued the INS Detention Standards ("Standards") contained in the Detention Operation Manual in November 2000 to ensure the "safe, secure and humane treatment of

individuals detained by the INS.” The thirty-six Standards cover a broad spectrum of issues ranging from visitation policies to grievance procedures and food service. The Standards constitute a “floor,” not a “ceiling,” for treatment of INS detainees. In other words, they are meant to establish minimum requirements.

This memorandum evaluates the Mira Loma Detention Center’s compliance with the Standards. We emphasize Standards where compliance is of particular importance to achievement of the Standards’ stated goal: “safe, secure and humane treatment” of INS detainees. In particular, we focus on compliance with the following Standards: (1) Visitation; (2) Telephone Access; (3) Legal Materials; (4) Group Rights Presentations; (5) Recreation Issues; (6) Classes; (7) Medical Issues; and (8) Religious Issues.

## **STANDARDS COMPLIANCE REVIEW**

### **1. GENERAL INFORMATION**

#### ***1.1. The Facility***

The Mira Loma facility is located in Southern California’s high desert, which is approximately eighty miles north of Los Angeles. It is near the edge of Lancaster, which is adjacent to a California state prison, and close to a county hospital.

The site of the detention facility and the prison served as a flight training base during World War II. The prison and the INS facility are physically and operationally separate. After the War, the Sheriff’s Department intermittently operated a jail at the site, until final closure for budgetary reasons in 1993. After the Sheriff’s Department entered into a contract with the INS, the facility re-opened in 1997 to house INS detainees awaiting deportation.

The INS facility’s barracks-style housing and expansive campus have a military appearance. A chain-link fence approximately twenty feet high, topped with razor wire surrounds the facility. Similar fences surround some of the buildings within the compound. A handful of guard towers stand along the perimeter. Our delegation entered through a gate at the foot of one of the guard towers.

The facility consists of approximately thirty separate buildings. Just inside the gate are: (1) an administrative building; (2) the Immigration Court (with holding cells, offices for asylum officers and three courtrooms); and (3) a central building with the main guard desk, a visiting room and offices for INS staff counsel. Beside the central building is a motor pool, where vans and two buses were parked. Behind the central building, in the northeastern portion of the facility, stand various service buildings, including those that

house the mess hall, infirmary, library, chapel, classroom and laundry. There are a number of open spaces between buildings.

Most of the buildings date from the mid-1980's, but a few (including the mess hall and kitchen) are decades older. Apart from the guard towers, all buildings at the facility consist of a single story. All buildings in use appeared clean and well-maintained. The buildings all had effective air conditioning. (Our visit took place on an early summer day, with afternoon temperatures in the mid-90's.)

To the right of the central building, on the southerly portion of the property, are the recreation area (described below), another building for INS staff (where detainees may inquire concerning the status of their cases, using a computer or an 800 number), a recreation building and the barracks.

We began our visit by entering the facility's central building and small reception area, where we provided identification and obtained visitors' badges. The Sheriff's Department officer who manned the booth was frequently interrupted while attempting to have us sign in, and members of our delegation had to move out of the way of staff as they came and went through the control room area. The facility's sole attorney meeting room is located immediately off of the control room/reception area.

After meeting Mr. [b6, b7C] in the reception area, our delegation was escorted to the adjacent building that houses the INS administrative offices, where we met with Messrs. [b6, b7C] [b6, b7C] and [b6, b7C] for approximately two hours. After that initial interview, we were given a tour of the facility, during which time we continued to ask questions of Messrs. [b6, b7C] [b6, b7C], [b6, b7C] and [b6, b7C] as well as other staff and a handful of detainees whom we encountered during the tour.

The detainees are housed in approximately twenty rectangular barracks-style buildings. The barracks are grouped in pairs and threes, with each group surrounded by a locked, chain-link fence. The fences are sufficiently far away from the buildings, however, that detainees have room to congregate outside of their respective buildings but within their respective perimeters. Detainees are permitted to go outside into the area within the perimeter of their barracks between daybreak and 10:00 p.m. Indeed, during our visit, many detainees were milling about or socializing outside of their barracks. Each of the barracks had open paved areas in front and grassy areas to the rear. On the paved areas, there are banks of four telephones. Our delegation tested a few of these telephones, and they appeared to be in working order.

During our visit, we were permitted to enter two of the barracks. Each barracks houses approximately 60 detainees. The barracks contain steel bunks with thin mattresses. On

the walls between the bunks are metal lockers in which the detainees keep personal effects. In the center of each barracks, there are a few steel shower stalls and open toilets. Each barracks also has two 27-inch color televisions, with satellite service. At the rear of each barracks, there are four telephones and a small office for use by Sheriff's Department staff. Immediately outside the door of the offices, there are "Complaint" forms for detainee use, together with a box where completed forms may be returned.

The Sheriff's staff at Mira Loma consists of approximately 250-300 employees. The INS staff totals twenty-four. Each enclosed barracks is staffed by one deputy and two "custody assistants" (unsworn full-time employees of the Sheriff). Officers within the living and working areas are unarmed.

### **1.2. Detainee Handbook**

The 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 is to describe the services, programs, and opportunities available through various sources including the facility."<sup>3</sup> The handbook is supposed to be a comprehensive guide to life in the facility.<sup>4</sup> Handbooks are intended to give detainees notice of all applicable rules, policies, and privileges of the facility.<sup>5</sup> We received an English copy of Mira Loma's manual, which appeared well-organized and reasonably complete. We were told that the handbook is also available in Spanish, Chinese, Arabic and Sri Lankan.

According to INS personnel we interviewed, arriving detainees should receive a copy of the handbook, presumably in their native language, if possible. However, compliance with this standard appears to be one of the biggest failures that our team observed while at Mira Loma. Only one of the nineteen detainees that we interviewed at the end of our visit believed he had received a copy of the handbook in any language. Some detainees reported that facility personnel orally informed them of the rules at Mira Loma.<sup>6</sup> During a brief conversation with Deputy [b6, b7C] immediately before to our departure, we advised him that detainees did not appear to be receiving the handbook upon arrival. Deputy [b6, b7C] seemed legitimately surprised and concerned, noting the considerable time and effort that went in to preparing and translating the handbook. He said he would look into the matter.

<sup>3</sup> Standards, Ch. 19: Detainee Handbook, Sec. I.

<sup>4</sup> *Id.* at III.

<sup>5</sup> *Id.*

<sup>6</sup> Interview Memorandum by [b6] (June 26, 2002), pp. 1 and 10.

### **1.3. Detainee Population**

According to Deputy [b6, b7C] the maximum capacity of the detention facility is 1300, but the population was only 892 on the day of our visit. Of that number, approximately 350 were from Mexico, 250 from China and the balance from other places throughout the world. Whenever it is possible, detainees are assigned to barracks with other detainees of the same ethnicity or from the same region of the world. The staff informed us that Chinese and Latino detainees are separated in order to prevent friction, and some Sri Lankans are also separated. All detainees at Mira Loma are healthy adult males. Officer [b6, b7C] and Deputy [b6, b7C] described Mira Loma as a “wellness facility,” meaning that no one with a known serious illness (such as HIV) is detained there. Detainees with psychiatric problems are either not sent to Mira Loma, or are referred elsewhere. Approximately two-thirds of the detainees are convicted criminals, and most of the remainder are asylum applicants awaiting “credible fear” determinations. According to Officer [b6, b7C] most detainees are at Mira Loma for only about two weeks before being deported. We were told, however, that detainees from Vietnam, Laos, Cambodia and Cuba may remain longer, but should generally be released within 90 days. Many of the detainees interviewed by our team had been there for several months, primarily because they were appealing deportation orders.

### **1.4. Overall Environment**

Our team observed what appeared to be a fairly relaxed atmosphere. Ordinarily, one should not, perhaps, read too much into manners, tone of voice or mannerisms during a brief visit, on a pleasant day, however there was little of the sense of stress, tedium or sullen resentment one expects in a place of confinement. This may be explained by the relatively pleasant conditions at the Mira Loma facility. The barracks are decent; detainees may go outside at will during the day; recreational facilities are good; and the climate is generally pleasant,<sup>7</sup> without the city’s noise or pollution.

A number of detainees said they felt safe at Mira Loma, and none expressed fear of other detainees or the guards.<sup>8</sup> As some detainees remarked, most of the individuals held at Mira Loma appear to just try to do their time and keep out of trouble.<sup>9</sup> We heard no

<sup>7</sup> A word about climate. Lancaster is in the high desert, north of the San Gabriel and San Bernardino Mountains, and just south of the Mojave Desert. Summer days can be hot, but dry. Winter nights can be well below freezing. Snow falls occasionally. An altitude of approximately 2,000 feet above sea level means colder winter nights, and somewhat less severe summer heat, than adjacent desert.

<sup>8</sup> Interview Memoranda by [b6] (June 18, 2002), p. 5, [b6] (July 2, 2002), p. 9, [b6] (July 3, 2002), pp. 4-5 and [b6] (July 5, 2002), p. 7.

<sup>9</sup> Interview Memoranda by [b6] (July 5, 2002), pp. 5 and 7 and [b6] (July 3, 2002), p. 4.

reports of significant gang activity. We did hear, however, about isolated instances of detainees making fun of other detainees who wear turbans<sup>10</sup> and of both guards and detainees making fun of Chinese detainees.<sup>11</sup>

## 2. VISITATION

Permitted visitors include attorneys, legal assistants, law students, friends, family and news media. Laptop computers, cameras, recording devices and cellular telephones are prohibited.

### 2.1. Attorneys

The Standards provide that facilities should allow detainees to meet privately with their current or prospective legal representatives and legal assistants.<sup>12</sup> Visits should be permitted seven days a week, for at least eight hours a day during the week and for at least four hours on weekends.<sup>13</sup> Visits should be allowed to proceed during meal periods<sup>14</sup> and counts.<sup>15</sup> Legal assistants may meet with detainees unaccompanied, if they provide a letter of authorization from the retained attorney.<sup>16</sup> Attorneys and legal assistants may be accompanied by interpreters.<sup>17</sup> All lawyers and assistants must provide identification prior to each visit and may be subject to searches.<sup>18</sup> Facilities must establish procedures to allow attorneys and assistants to call the facility in advance of a visit to determine if a detainee is housed at that facility.<sup>19</sup>

Legal visits should not be subject to auditory supervision, and private meeting rooms should be made available for such meetings.<sup>20</sup> Officers may visually observe such

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<sup>10</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 8.

<sup>11</sup> Interview Memorandum by [REDACTED] (July 5, 2002), p. 14.

<sup>12</sup> Standards, Ch. 1: Visitation, Sec. III.I.1.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at III.I.9.

<sup>16</sup> *Id.* at III.I.3.b.

<sup>17</sup> *Id.* at III.I.3.c.

<sup>18</sup> *Id.* at III.I.4.

<sup>19</sup> *Id.* at III.I.6.

<sup>20</sup> *Id.* at III.I.9.

meetings to the extent necessary to maintain security.<sup>21</sup> The facility must allow for the exchange of documents during legal visits, even if contact visits are prohibited.<sup>22</sup> Detainees in segregation must be allowed legal visitation.<sup>23</sup> Finally, upon request, a legal service provider may be allowed to have confidential meetings with more than one detainee at a time.<sup>24</sup>

Mira Loma appears to be in compliance with these Standards. Messrs. [b6, b7C] and [b6, b7C] informed us that attorneys may visit detainees at any time, but must show their bar cards upon arrival. Attorneys may arrange for visits in advance, but staff stated that the vast majority of attorney visits are not arranged in advance and that attorneys are not turned away for failing to pre-arrange visits. Attorneys may also arrange for paralegals to visit detainees by confirming the visit through a letter on the attorney's stationery. Similarly, interpreters may visit detainees so long as they provide identification. Staff explained that the requirements for identification and notification for non-attorney visits arose because of past problems with paralegals posing as attorneys.

The facility has just one attorney visitation room and it is next to the control room. The room is reasonably sized, with a table and bench seating sufficient to accommodate four persons. The room has windows on two sides, to permit visual observation by staff. The door to the attorney visitation room appeared adequately thick to prevent staff from being able to hear conversations occurring within the room. We were informed that staff is looking for space to add more attorney visitation rooms. Visiting attorneys may also use the larger general visitation area to meet with detainees, and it appeared that an attorney was meeting with a detainee in this area during our interviews of the detainees.

Staff did not report any time limit on attorney interviews, and noted that visits may continue through meal times and detainee counts. During extended visits, detainees are provided with sack lunches, and visual counts are performed. Attorney visits are non-contact, but there is no actual barrier between attorneys and detainees in the attorney visitation room. Due to past problems with attorneys attempting to solicit additional clients by having their existing clients distribute business cards, attorneys may now provide detainees with only one business card. After visits, all detainees are subjected to pat-down searches. Strip searches occur in less than one percent of cases, and only with good reason.

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at III.I.10.

<sup>23</sup> *Id.* at III.I.12.

<sup>24</sup> *Id.* at III.I.13.

Messrs. [b6, b7C] and [b6, b7C] reported that attorney visits are easy to accommodate because such visits are relatively few in number, due largely to difficulty in attracting *pro bono* legal services. Stated reasons for this difficulty include: (1) the remoteness of the facility; (2) the lack of funding for some *pro bono* organizations; and (3) the unwillingness of other *pro bono* organizations to represent criminal aliens. Tara Naselow, an INS staff attorney with whom we spoke during our tour, emphasized her concern about the absence of *pro bono* representation. Without representation, she said her job is more difficult. Without counsel, detainees are unfamiliar with INS procedures and INS attorneys are essentially forced to present both sides during immigration proceedings. If more detainees had counsel, Mira Loma might need additional space for attorney meetings.

Some detainees said they had lawyers, but had never met their counsel in person, apparently because of Mira Loma's remote location.<sup>25</sup> Counsel presumably deal with other family members. Detainees who had met their attorneys in person reported no problems with attorney visits. Detainees reported that visits are uninterrupted, without time limits and that no privacy issues arose.<sup>26</sup> Detainees also reported that attorneys are allowed to visit at any time, and that they had no logistical problems contacting their attorneys.<sup>27</sup> One detainee reported, however, that his attorney met with three detainees at a time, which impeded open discussion of his case.<sup>28</sup>

Detainees reported having more problems with finding attorneys and with the quality of their attorneys, rather than with attorney visits. Two detainees reported having difficulty getting advice or representation from *pro bono* organizations they contacted.<sup>29</sup> Detainees also stated that their attorneys had not visited them in some time, if ever, or that their attorneys were not responsive to their telephone calls or letters.<sup>30</sup> One detainee reported that his attorney even failed on one occasion to appear at the facility for INS proceedings.<sup>31</sup> Yet another detainee reported that his money was taken by a person who falsely held himself out as an attorney.<sup>32</sup>

<sup>25</sup> Interview Memoranda by [b6] (July 5, 2002), p. 9 and [b6] (July 3, 2002), p. 1.

<sup>26</sup> Interview Memorandum by [b6] (June 26, 2002), p. 21.

<sup>27</sup> Interview Memoranda by [b6] (July 2, 2002), p. 10 and [b6] (June 26, 2002), p. 21.

<sup>28</sup> Interview Memorandum by [b6] (June 26, 2002), p. 16.

<sup>29</sup> Interview Memorandum by [b6] (June 26, 2002), pp. 2 and 16.

<sup>30</sup> Interview Memoranda by [b6] (July 5, 2002), p. 9 and [b6] (June 26, 2002), pp. 10-11 and 15-16.

<sup>31</sup> Interview Memorandum by [b6] (July 5, 2002), p. 2.

<sup>32</sup> Interview Memoranda by [b6] (June 18, 2002), p. 5 and [b6] (July 2, 2002), p. 10.

## 2.2. *Families and Friends*

In order to maintain detainee morale and family relationships, the INS encourages visits from families and friends.<sup>33</sup> Detention facilities should permit authorized persons to visit detainees within security and operational constraints.<sup>34</sup> Visiting areas should be “appropriately furnished and arranged and as comfortable and pleasant as practicable.”<sup>35</sup> In addition, “[t]he facility’s written rules shall specify time limits for visits: 30 minutes minimum, under normal conditions.”<sup>36</sup> The INS encourages longer visits, especially for family members traveling significant distances to visit.

Families and friends may visit detainees at Mira Loma from 8:00 a.m. until 4:00 p.m. on weekends and holidays. Messrs. [b6, b7C] and [b6, b7C] reported that visitor traffic is fairly light because of the remoteness of the location and because many detainees apparently do not have family in the area. If visitors are unable to visit during these hours due to hardship, they may call the facility, which arranges for special visits on a case-by-case basis. Minors are allowed to visit if accompanied by an adult.<sup>37</sup> During visits, family and friends may leave money for detainees, although detainees may not carry more than \$70.00 on their persons. Visits officially last one hour, but can be extended if there is no backlog of visitors. Detainees generally reported that visits are often permitted to exceed the one-hour time limit. Moreover, working detainees may visit with family and friends for two hours.<sup>38</sup> Detainees are subject to pat-down searches, after visits.<sup>39</sup>

Visits take place in the main visitation room, which is adjacent to the facility control area. The general visiting area is quite large, and has sufficient space for approximately 70 detainees at one time to visit family and friends. The visitation room consists of a series of long tables, with a low partition between detainees and visitors. Although there is no physical barrier between detainees and visitors, visits are non-contact. Detainees and visitors alike sit on metal stools secured to the floor. Detainees are led from a central aisle to the table where their visitors await them. A small guard booth at one end of the central aisle overlooks the whole room. Visiting stations are sufficiently spaced to limit the ability to listen in on other visits, and to reduce background noise (although

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<sup>33</sup> *Id.* at I.

<sup>34</sup> *Id.* at I.

<sup>35</sup> *Id.* at III.G.

<sup>36</sup> *Id.* at III.H.

<sup>37</sup> Interview Memorandum by [b6] (June 26, 2002), pp. 11 and 16.

<sup>38</sup> Interview Memoranda by [b6] (July 2, 2002), p. 10, [b6] (July 3, 2002), p. 2, [b6] (July 5, 2002), p. 6 and [b6] (June 26, 2002), pp. 11 and 16.

<sup>39</sup> Interview Memoranda by [b6] (July 5, 2002), p. 2 and [b6] (July 3, 2002), p. 2.

background noise could be a problem when the room is full). Visiting hours and rules are posted prominently at one end of the room.

Detainees reported few problems with visitation. Most detainees were generally aware of the visitation policy; even if they did not know the exact visitation hours, they knew that visitation hours and policies were posted.<sup>40</sup> Detainees confirmed that minors may visit them,<sup>41</sup> and that family members may leave money with them.<sup>42</sup> They also reported that any money in excess of \$70.00 must be kept with a cashier in the booking area, but that they have access to their funds once the amount of money on their person is less than \$70.00.<sup>43</sup>

The principal complaints we heard related to Mira Loma's remote location. One detainee reported that remoteness, limited visiting hours and his work in the facility's kitchen limited his wife's ability to visit him for the entire two hours to which he would normally be entitled as a working detainee.<sup>44</sup> Other detainees reported that Mira Loma's location precluded frequent family visits, even though their families lived in metropolitan Los Angeles.<sup>45</sup> Another detainee reported that on one occasion, he was not informed that he had a visitor, who was therefore kept waiting for a long time.<sup>46</sup>

Nonetheless, the facility is in compliance with the Standards for general visitation, and the visitation program seems to be administered effectively.

Some members of our team, however, expressed the concern that first-time visitors might have trouble finding the facility. Our team mistakenly drove to the adjacent state prison; and once we team found the correct driveway, we had trouble finding the parking area and visitors entrance. Better, more prominent signs on the road to the facility and in the parking area would be helpful.

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<sup>40</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 2, 11, 16 and 22.

<sup>41</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 11 and 16.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> Interview Memorandum by [REDACTED] (July 5, 2002), p. 2.

<sup>45</sup> Interview Memoranda by [REDACTED] (June 18, 2002), pp. 4-5, [REDACTED] (July 2, 2002), p. 9 and [REDACTED] (July 3, 2002), p. 2.

<sup>46</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 22.

### 3. TELEPHONE ACCESS

According to the Standards, INS facilities should permit detainees to have “reasonable and equitable access to telephones.”<sup>47</sup> In particular, detention centers should allow pre-programmed calls to many public facilities including courts, consular offices and non-profit organizations.<sup>48</sup> Detainees should have access to telephones during waking hours, and there should be at least one working telephone per twenty-five detainees.<sup>49</sup> The Standards also require that detainees have privacy while making calls related to their case.<sup>50</sup> At least 20 minutes should be allowed for legal calls.<sup>51</sup> The facility should not electronically monitor legal calls.<sup>52</sup> A list of *pro bono* agencies should also be posted by each phone, with multilingual calling instructions.<sup>53</sup> Prompt delivery of telephone messages to detainees is also required.<sup>54</sup>

Each barracks houses 60 detainees and has four indoor phones, which are configured for coins, phone cards and collect calls. These phones are accessible 24 hours a day. In addition, four phones set up for collect calls only are located within the perimeter of each of the fences that enclose the barracks in pairs or threes. The phones that we saw and tested appeared to be in good working order. These phones are accessible from daybreak until 10:00 p.m.

However, phone lists of *pro bono* services were either missing<sup>55</sup> or out of date.<sup>56</sup> Instructions were posted next to indoor phones in the barracks, but there were no *pro bono* phone lists. Neither instructions nor *pro bono* phone listings were posted near the outdoor phones. This problem may be related to the difficulties that Officer Uribe reported in finding *pro bono* services for Mira Loma. Under the Standards, primary

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<sup>47</sup> Standards, Ch. 2: Telephone Access, Sec. I.

<sup>48</sup> *Id.* at III.E.

<sup>49</sup> *Id.* at III.C.

<sup>50</sup> *Id.* at III.J.

<sup>51</sup> *Id.* at III.F.

<sup>52</sup> *Id.* at III.J.

<sup>53</sup> *Id.* at III.E.

<sup>54</sup> *Id.* at III.I.

<sup>55</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 6.

<sup>56</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 2-3.

responsibility for locating *pro bono* services falls upon the INS, not the individual facility.<sup>57</sup>

The facility's staff explained that phone cards cost \$32.00 each, or approximately \$2.00 per minute, which is reasonable for China, but very expensive for domestic calls. Staff reported that few phone cards had been sold. They are reportedly investigating other services. Deputy [REDACTED] b6, b7C reported that the phones are programmed to call the INS at no cost. Verizon is the local service provider, and AT&T provides long-distance service. Staff reported that there is a fifteen-minute limit for calls, after which time the phone automatically cuts off.

Staff reported that messages can be left for detainees and that such messages are left in the main control area. There is no set policy for emergency calls, but such calls may be accommodated on a case-by-case basis. Finally, staff reported that calls are not electronically monitored. Detainees commonly reported, however, that the facility does not deliver phone messages to them.<sup>58</sup> Other detainees were unaware whether the facility delivered messages or not.<sup>59</sup>

We heard conflicting statements about the 15 minute time limit for telephone calls. The detainees agreed that the time limit is a rule of the facility, but no detainee reported that calls automatically cut off after 15 minutes. Detainees disagreed regarding the actual enforcement of the 15-minute time limit. Some reported that the time limit is respected and enforced,<sup>60</sup> while others reported that the time limit is not enforced and is violated routinely, sometimes leading to fights.<sup>61</sup> Since the Standards set forth a 20-minute minimum time for legal calls, the facility's 15-minute time limit technically violates the Standards, even if the rule is not always enforced in practice. The time limit may be a feature of the telephone system, which is one intended for jails, rather than the standard system used at INS facilities.

Detainee opinions varied concerning the phone system. Some detainees reported technical problems, such as bad connections and inoperable phones,<sup>62</sup> while others

<sup>57</sup> Standards, Ch. 1, Visitation, at III.I.14 ("INS shall provide the facility with the official list of *pro bono* legal organizations, which is updated quarterly. . . .").

<sup>58</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 7, 11 and 16.

<sup>59</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 22.

<sup>60</sup> Interview Memorandum by [REDACTED] b6 (June 26, 2002), pp. 3 and 11.

<sup>61</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 7 and 16.

<sup>62</sup> *Id.*

reported no such problems,<sup>63</sup> or that broken phones were repaired quickly.<sup>64</sup> Similarly, some detainees reported that there are not enough phones<sup>65</sup> (although the ratio of four phones per 60 detainees is sufficient under the Standards), while another detainee reported having no problems with phone access.<sup>66</sup> Regardless, some detainees say they have to wait to use a phone.<sup>67</sup> Most detainees reported that they had no privacy concerns while using the phones,<sup>68</sup> but one detainee believed that his calls were monitored.<sup>69</sup> Several detainees believed that calls, both collect and by calling card, were too expensive,<sup>70</sup> but not all users of phone cards agreed.<sup>71</sup> Compared with commercial rates, the \$2.00 per minute charge seems high, especially for detainees with little money, and cheaper service would be a distinct improvement.

In general, the Mira Loma facility appears to provide reasonable access to telephones, but it should take additional steps to better comply with the Standards. Our team was unable to determine whether all calls automatically cut off after fifteen minutes, but, whether or not it actually happens, this is the facility's stated policy. This policy should be revised (and the cutoff feature on the telephones should be adjusted, if necessary) to permit 20 minute calls, in order to comply with Standards regarding legal calls. The facility's message-taking policy should be made known to detainees. The facility should also continue with its efforts to find *pro bono* services willing to represent detainees, and should consider pressing the INS to do the same.

#### 4. ACCESS TO LEGAL MATERIALS

The Standards call for a library with current copies of a variety of immigration-related legal materials.<sup>72</sup> The library must be large enough for detainee research and writing,

<sup>63</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 3.

<sup>64</sup> Interview Memorandum by [REDACTED] (July 3, 2002), p. 3.

<sup>65</sup> Interview Memoranda by [REDACTED] (June 18, 2002), p. 5, [REDACTED] (July 2, 2002), pp. 9-10, [REDACTED] (July 3, 2002), p. 5 and [REDACTED] (June 26, 2002), p. 16.

<sup>66</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 22.

<sup>67</sup> Interview Memorandum by [REDACTED] (July 5, 2002), pp. 2, 6 and 10.

<sup>68</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 3, 11 and 22.

<sup>69</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 16.

<sup>70</sup> Interview Memoranda by [REDACTED] (June 18, 2002), p. 6, [REDACTED] (July 2, 2002), pp. 8 and 10, [REDACTED] (July 3, 2002), p. 5 and [REDACTED] (June 26, 2002), p. 16.

<sup>71</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 6-7, 11 and 22.

<sup>72</sup> Standards, Ch. 4: Access to Legal Material, Sec. I.

well-lit, reasonably quiet and have sufficient tables and chairs to accommodate all detainees requesting library use.<sup>73</sup> The facility is required to provide legal materials, equipment and office supplies sufficient for detainees to prepare legal documents.<sup>74</sup> A “flexible” schedule should permit detainees to use the library at least five hours per week.<sup>75</sup> The Standards require that segregated detainees have the same access to the library as other detainees, unless compelling security concerns dictate otherwise.<sup>76</sup>

#### **4.1. Library**

La Puente Unified School District operates the library and provides a professional librarian, although the librarian has no legal education or training and provides no legal advice. Detainees have access to the library during their yard time, which means that they may go to the library for one hour per day, five days per week. Messrs. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) reported that detainees may request additional library time on a case-by-case basis, particularly if it is for the purpose of conducting legal research, and that the facility has a policy of granting detainees as much legal research time as they need. One detainee confirmed that additional library time is available, if necessary.<sup>77</sup> Messrs. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) also reported that there is no restriction of access to the library for detainees who are held in segregation.

The library consists of one room with seating for approximately 25 people. The general collection appeared to be substantial and well-organized. Books are covered, cataloged and organized, as they might be in a school library. The non-legal collection includes a variety of fiction and non-fiction titles, some of them recent, hardcover publications. The vast majority of the non-legal materials are in English, but there are also a fair number of materials in Japanese and Korean, with a much smaller number of materials in Chinese. Chinese detainees reported complaining to the librarian one week prior to our visit about the lack of Chinese materials available in the library, but their concerns had not been addressed as of the time of our visit.<sup>78</sup> Non-legal materials may be checked out by detainees and brought back to the barracks.

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<sup>73</sup> *Id.* at III.A.

<sup>74</sup> *Id.* at III.B.

<sup>75</sup> *Id.* at III.G.

<sup>76</sup> *Id.* at III.N.

<sup>77</sup> Interview Memorandum by (b) (6) (June 26, 2002), p. 3.

<sup>78</sup> Interview Memorandum by (b) (6) (July 5, 2002), p. 9.

## 4.2. *Legal Materials*

The Standards require facility libraries to maintain legal materials listed in Attachment A-2 to the Standards.<sup>79</sup> Materials should be updated regularly.<sup>80</sup> The Standards require each facility to designate an employee to update the materials, inspect them weekly and maintain them in good order.<sup>81</sup>

All of the library's legal materials are kept on a set of shelves behind the librarian's desk and are not directly accessible by the detainees. All legal materials appear to be in English. Indeed, two Chinese detainees expressed that they wish some of the immigration materials were available in Chinese,<sup>82</sup> and at least one detainee has apparently asked that some of the materials be translated into French.<sup>83</sup> Detainees must specifically request a law book from the librarian.

The library appears to hold a relatively small collection of legal materials. Although we did not have adequate time to perform a thorough comparison of the materials in the Mira Loma library with those that are listed in the Standards, several of the books identified in the Standards are not present. The materials we saw included: United States Code Title VII; Codes of Federal Regulations relevant to immigration; some basic California Codes; the Matthew Bender immigration treatise, *Immigration Law and Procedure*; the Federal Rules of Civil Procedure; treatises relating to federal habeas corpus law; a series of "Nutshell" treatises relating to immigration law; BIA decisions; *Interpreter Releases*; and law dictionaries. The library appears to lack some of the more specialized legal materials identified in the Standards. We did not have sufficient time to determine whether each publication was up to date, but the librarian said that legal materials are updated regularly.

Overall, our team believes that Mira Loma's library deserves high marks for its organization, size and breadth of non-legal holdings, but that it needs to increase its legal holdings in order to comply fully with the Standards. We believe that a qualified librarian (such as the one employed at Mira Loma) contributes significantly to the quality of the library. In addition to increasing the library's legal holdings, we recommend that the librarian consider moving the legal materials to shelves that are more accessible to the detainees, making it easier for them to peruse the materials.

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<sup>79</sup> *Id.* at III.C.

<sup>80</sup> *Id.* at III.E.

<sup>81</sup> *Id.* at III.E.

<sup>82</sup> Interview Memorandum by [REDACTED] (July 5, 2002), p. 9.

<sup>83</sup> Interview Memorandum by [REDACTED] (June 18, 2002), p. 7.

### **4.3. Photocopies and Mail**

#### **4.3.1. Photocopies**

The Standards require the facility to provide “reasonable and necessary” photocopies of legal materials.<sup>84</sup> The Standards list four permissible bases for denying a request to photocopy legal materials including: security concerns, copying in violation of law and “clearly abusive or excessive” requests.<sup>85</sup>

The Mira Loma facility appears to comply with Standards for photocopies. The facility’s library contains one photocopier. According to the librarian, the photocopier may be used only to copy legal materials, and she handles photocopying requests. Copies are free, and there is no limit to the number of copies that a detainee may request. Photocopies of legal materials may be taken back to the barracks by detainees. One detainee reported that under a new rule implemented about two months before our visit, detainees who have attorneys may not make copies of legal materials.<sup>86</sup> However, no one corroborated this purported change in policy.

#### **4.3.2. Mail**

The Standards require that indigent detainees receive free envelopes and stamps for legal-related materials.<sup>87</sup> If the facility does not have a process for purchasing stamps, it should allow detainees to mail all “special correspondence”<sup>88</sup> and a “reasonable amount of general correspondence (at least five items per week).”<sup>89</sup> The Standards also require the facility to provide envelopes, paper and writing instruments to all detainees.<sup>90</sup>

Both staff and detainees reported that paper and pencils are provided free of charge to all detainees but that stamps generally must be purchased.<sup>91</sup> Detainees who cannot afford to

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<sup>84</sup> *Id.* at III.J.

<sup>85</sup> *Id.*

<sup>86</sup> Interview Memorandum by [REDACTED] (July 3, 2002), p. 3.

<sup>87</sup> *Id.* at III.O.

<sup>88</sup> “Special Correspondence” is defined in Ch. 10 of the *Standards*, the definition section. In sum, the definition includes all legal-related correspondence, correspondence to political representatives or government agencies, and correspondence to the media. All other correspondence is defined as “General Correspondence.”

<sup>89</sup> Standards, Ch. 9: Correspondence and Other Mail, Sec. III.I.

<sup>90</sup> *Id.* at III.J.

<sup>91</sup> Interview Memorandum by [REDACTED] (July 3, 2002), pp. 3 and 6.

pay for stamps are provided two per week.<sup>92</sup> Although one detainee reported that envelopes are provided free of charge,<sup>93</sup> other detainees reported that envelopes must be purchased.<sup>94</sup>

Detainees did not report concerns regarding sending or receiving mail, but the facility may not be in technical compliance with the Standards with respect to stamps and envelopes.

#### **4.4. Computer Access, Equipment and Holdings**

The Standards require an adequate number of typewriters and/or computers, carbon paper, writing instruments, paper and non-toxic liquid paper to be available for use by detainees.<sup>95</sup> Mira Loma's library contains four stand-alone computers, which can be used free of charge, upon request. There are no typewriters for detainee use. Subject to availability, detainees have unlimited access to use of the computers. The librarian is in charge of scheduling computer use if the demand for use exceeds the number of computers available. One detainee reported difficulty in being able to use the computers because they apparently are always in use.<sup>96</sup> No one is formally charged with providing computer or typewriter instructions, but the librarian can try to help if she is available. The computers use Windows 3.1 (an obsolete operating system) and are programmed with the software program Folio Bound Views, which contains pre-formatted INS forms. The legal materials available via computer (such as INS regulations, decisions and publications) were not as extensive as some members of our team had seen during their visit to the INS Processing Center in San Pedro, California.

There is one computer printer for the detainees' use. Printer use is unlimited, so long as it is for the purposes of printing legal materials. Computer printouts of legal materials can be taken back to the detainee barracks.

### **5. GROUP RIGHTS PRESENTATIONS**

The Standards require detention facilities to permit authorized persons to make presentations to groups of detainees for the purposes of informing them of immigration

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<sup>92</sup> *Id.*

<sup>93</sup> Interview Memorandum by [REDACTED] (July 2, 2002), p. 9.

<sup>94</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 7, 12 and 22.

<sup>95</sup> *Id.* at III.B.

<sup>96</sup> Interview Memoranda by [REDACTED] (July 2, 2002), p. 11 and [REDACTED] (June 18, 2002), p. 6.

law and procedure, consistent with the orderly and secure operation of the facility.<sup>97</sup> The Standards further require that facilities “cooperate fully” with persons making such presentations.<sup>98</sup>

As of the time of our visit, the Mira Loma Detention Center had not had any group presentations for several months, and none was scheduled. INS and Sheriff’s Department officials informed us that the Catholic Legal Immigrant Network (commonly known as “CLINIC”) used to make presentations every Tuesday. Any detainee who wanted to attend was so permitted, and approximately ten detainees would attend each such presentation. These visits ended about a year ago, for lack of money. Messrs. [b6, b7C] and [b6, b7C] said that groups are often unable or unwilling to come to this remote desert facility and that many groups are reluctant to provide *pro bono* services to criminal detainees.

Messrs. [b6, b7C] and [b6, b7C] said that the Florence Project’s “Know Your Rights” video is shown daily in the barracks. At least some detainees agreed that the video is shown daily.<sup>99</sup> However, other detainees reported that the video is not, in fact, shown every day.<sup>100</sup> Some detainees complained that they had watched the video but could not understand it because it is offered only in English and Spanish.<sup>101</sup> Still other detainees complained that the video is not helpful or seems outdated.<sup>102</sup>

The Mira Loma facility appears to be in compliance with the Standards with respect to group rights presentations. Nonetheless, the lack of actual presentations at the facility concerned our team. Since CLINIC discontinued presentation, there appear to be no groups that make presentations at Mira Loma with any regularity. Perhaps the INS or the Mira Loma staff could take steps to encourage more group rights presentations, as by notifying various public interest organizations of the current absence of such programs. It would also be helpful to find out if the “Know Your Rights” video were available in Chinese and possibly other languages.

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<sup>97</sup> Standards, Ch. 3: Group Presentation on Legal Rights, Sec. I.

<sup>98</sup> *Id.*

<sup>99</sup> Interview Memorandum by [b6] (June 26, 2002), pp. 3, 7 and 12.

<sup>100</sup> Interview Memoranda by [b6] (July 3, 2002), pp. 1 and 4 and [b6] (June 26, 2002), p. 17.

<sup>101</sup> Interview Memoranda by [b6] (July 5, 2002), p. 14 and [b6] (June 26, 2002), p. 7.

<sup>102</sup> Interview Memoranda by [b6] (July 2, 2002), p. 9, [b6] (July 5, 2002), pp. 4-5, [b6] (June 18, 2002), p. 5 and [b6] (June 26, 2002), p. 2.

## 6. RECREATION AND CLASSES

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>103</sup> Every effort is to be made to provide outdoor recreation facilities, with access to sunlight.<sup>104</sup>

### 6.1. Recreation

Mira Loma staff informed our team that detainees are permitted one hour of “yard time” each day, but many detainees reported that actual yard time is only about forty-five minutes.<sup>105</sup> Two detainees also reported that they were not permitted yard time every day, purportedly due to occasional understaffing by the Sheriff’s Department.<sup>106</sup> Others expressed no such concern.

The yard is a large, fenced area consisting of both paved surfaces and lawns. Exercise facilities include a track, two (under-sized) soccer fields, basketball courts, volleyball courts and horizontal and parallel bars. We observed a number of detainees who were playing basketball and soccer. Detainees in segregation also have one hour of exercise time daily, but remain isolated.

In addition to these outdoor facilities, the yard includes an indoor recreation area that is sufficiently large for movies or other group gatherings. Table games, puzzles, ping pong and the like are all available in this indoor area. There is also a reasonable variety of vending machines (75¢ per item). Vending machines are grouped in an area of the building enclosed by a chain-link fence. One detainee stands in the enclosed area and makes requested purchases for the other detainees.

In the barracks, detainees may watch television, play games or read newspapers and books. Detainees are free to move around the barracks in which they live, as well as within the outdoor area surrounding the groups of barracks. The compound we visited included two barracks, a small grassy area and a paved area. Detainees are permitted to exercise outdoors within these areas.

<sup>103</sup> Standards, Ch. 27: Recreation, Sec. I.

<sup>104</sup> *Id.* at III.A.

<sup>105</sup> Interview Memoranda by [REDACTED] (July 2, 2002), p. 9, [REDACTED] (July 3, 2002), p. 3 and [REDACTED] (June 26, 2002), pp. 3, 7 and 12.

<sup>106</sup> Interview Memorandum by [REDACTED] (July 5, 2002), pp. 10-11.

## 6.2. Classes

The facility provides art classes taught by an instructor through the La Puente Unified School District, a drug and alcohol abuse class taught by the physical education instructor and classes in basic English. During our tour, we observed an English language class which seemed quite well attended. We also were able to see artwork produced from one of the classes, much of which was quite impressive. Several detainees with whom we spoke had taken advantage of the classes, especially the drug and alcohol abuse classes.<sup>107</sup>

Our primary suggestion is that perhaps more classes could be offered and some classes might be offered in more languages. One detainee stated, for example, that he had asked to take an English class but was told that there was no room in the class for him.<sup>108</sup> Another detainee mentioned that he took the art class, even though his English was limited, but said that the language barrier was not an obstacle because art transcended it.<sup>109</sup>

## 7. MEDICAL ISSUES

The Standards require that all detainees have access to medical services and that the facility provide all its detainees with an initial medical screening, effective primary medical care and emergency care.<sup>110</sup> The facility must also maintain current accreditation by the National Commission on Correctional Health Care.<sup>111</sup> In addition, each facility must have regularly scheduled times (such as “sick call”) when medical personnel are available to examine detainees.<sup>112</sup> If the facility’s population exceeds 200, the facility must have sick call at least five times a week.<sup>113</sup> Finally, the Standards mandate that if a detainee requires emergency medical care, an officer must immediately take the appropriate steps to promptly contact a health care provider.<sup>114</sup>

<sup>107</sup> Interview Memoranda by [REDACTED] (June 18, 2002), p. 5, [REDACTED] (July 2, 2002), pp. 9 and 11, [REDACTED] (July 3, 2002), pp. 3 and 6 and [REDACTED] (June 26, 2002), pp. 4, 12 and 23.

<sup>108</sup> Interview Memorandum by [REDACTED] (July 5, 2002), p. 12.

<sup>109</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 12.

<sup>110</sup> Standards, Ch. 24: Medical Care, Secs. I & III.A.

<sup>111</sup> *Id.* at I.

<sup>112</sup> *Id.* at III.F.

<sup>113</sup> *Id.*

<sup>114</sup> *Id.* at III.G. & III.H.

### **7.1. General Access to Health Care**

All detainees have chest X-rays for tuberculosis when they are first admitted to the INS system in Los Angeles. In addition, they receive an exam within 72 hours after arrival at the Mira Loma facility, and a full physical if they remain more than 14 days. There is a medical doctor on site every weekday, and a nurse is on site 24 hours a day, 7 days a week. These services are provided through a contract with the Los Angeles County Department of Health Services. A public health coordinator in San Diego handles all referrals for non-emergency care outside the facility. The AT&T interpreter line or another detainee provide language translation for medical problems.

There is a sick call every weekday morning. The sick call nurse speaks Spanish, which eliminates language barriers with a good number of Mira Loma's detainees.<sup>115</sup> Detainees are seen in a large infirmary, which includes exam rooms (busy during our visit) and a dispensing pharmacy. With medical exams in progress, and curtains drawn, we could see little (other than detainees waiting in the corridor), but the infirmary seemed clean and orderly.

Nonetheless, some detainees complained that medical attention is often slow for significant conditions that are not life-threatening.<sup>116</sup> For example, one detainee complained about waiting an entire weekend before being seen for a lung infection.<sup>117</sup> Two Chinese detainees jointly reported that another Chinese detainee complained every day for a month about stomach problems before he was finally sent to a hospital, purportedly with a bleeding ulcer.<sup>118</sup> Another detainee complained that his eyes had been bothering him but that he was given only eye drops, which had not helped.<sup>119</sup>

Another source of complaints was dental care, which is apparently limited to emergencies. One detainee complained about toothaches and a failing bridge. He says he was told to wait three months, then another three months, until finally he submitted to an extraction.<sup>120</sup> Another detainee complained that he lost a tooth when nothing was done about an abscess. He had not been at Mira Loma long enough (apparently, six months) to be eligible for dental care.<sup>121</sup>

<sup>115</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 13.

<sup>116</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 12-13.

<sup>117</sup> Interview Memorandum by [REDACTED] (June 18, 2002), p. 4.

<sup>118</sup> Interview Memorandum by [REDACTED] (July 5, 2002), p. 13.

<sup>119</sup> Interview Memorandum by [REDACTED] (July 3, 2002), p. 7.

<sup>120</sup> Interview Memoranda by [REDACTED] (June 18, 2002), p. 5 and [REDACTED] (July 2, 2002), p. 10.

<sup>121</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 17-18.

Detainees who take approved prescription medication on a regular basis (such as pills for high blood pressure) reported being able to keep the medication with them in the barracks to take as necessary.<sup>122</sup>

## **7.2. Mental Health Services**

The Mira Loma facility does not admit detainees with mental illnesses. Mental patients are referred elsewhere. If mental health problems develop at Mira Loma, detainees are likewise sent elsewhere. For minor mental health concerns, the Mira Loma facility provides no counseling or other support.

## **7.3. Emergencies**

Generally, the Mira Loma facility does not accept anyone with a serious or chronic medical condition. Detainees who develop serious medical conditions may be sent next door to the County's High Desert Hospital, a local community hospital.<sup>123</sup> Because that hospital has no emergency room, emergency cases are generally sent to the Antelope Valley Hospital.

## **7.4. HIV**

Messrs. [b6, b7C] and [b6, b7C] described Mira Loma as a "wellness facility" and explained that HIV-positive detainees are not sent to the facility.

## **8. RELIGIOUS ISSUES**

The Standards require that detainees of different religious beliefs be provided reasonable and equitable opportunities to participate in the practices of their respective faiths.<sup>124</sup> "Those opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is 'mainstream,' whether the religion is 'Western' or 'Eastern,' or other such factors."<sup>125</sup>

INS officials told us that Roman Catholic, Protestant and Buddhist chaplains visit at least twice a week and conduct regular services. However, several Buddhist detainees said

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<sup>122</sup> Interview Memorandum by [b6] (July 5, 2002), p. 4.

<sup>123</sup> According to press reports, impending Los Angeles County budget cuts may soon close this community hospital.

<sup>124</sup> Standards, Ch. 28: Religious Practices, Sec. I.

<sup>125</sup> *Id.*

that there were no Buddhist services.<sup>126</sup> INS officials also informed us that religious counseling is encouraged, and none of the detainees we interviewed stated that there was a problem acquiring religious counseling if they sought it.

During our visit, we toured the “chapel,” a large room equipped with a podium and seating for a few dozen detainees. All religious groups may congregate and worship in the chapel, and detainees may go to the chapel during their recreation time. The larger indoor recreation room described above is used for Catholic Sunday Mass.

Detainees may keep religious items with them in the barracks. The only exceptions of which we were made aware are that Sikhs may not keep their “kirpan” (ceremonial daggers) or wear their “kara” (traditional steel bracelets). However, Sikhs may wear turbans.<sup>127</sup> Detainees are allowed to keep religious books and literature with them. Muslims may keep a copy of the Koran, even though it is hard-bound.<sup>128</sup>

An effort is made to accommodate different religious diets. During Ramadan, for example, Muslims who observe Ramadan are allowed to eat at different hours.<sup>129</sup> Vegetarian meals are also provided. The one complaint we heard is that the vegetarian meal is not very filling.<sup>130</sup>

As far as we could tell, religious tensions among the detainees appeared to be minimal. One detainee mentioned, however, that Sikhs who wear turbans are taunted.<sup>131</sup> However, he did not know if such incidents are reported to officials or if the perpetrators have been disciplined.<sup>132</sup>

## 9. OTHER ISSUES

### 9.1. *Detainee Classification*

The Standards call for detainees to be classified upon arrival before admission into the main population.<sup>133</sup> Classification is to be performed by trained officers, and detainees

<sup>126</sup> Interview Memoranda by [REDACTED] (June 18, 2002), p. 7, [REDACTED] (July 2, 2002), p. 11 and [REDACTED] (July 5, 2002), p. 12.

<sup>127</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 8.

<sup>128</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 23.

<sup>129</sup> *Id.*

<sup>130</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 9.

<sup>131</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 8.

<sup>132</sup> *Id.*

<sup>133</sup> Standards, Ch. 6: Detainee Classification System, Sec. III.

are to be kept in detention until all information necessary for the classification process is received.<sup>134</sup> The classification is based upon security risk, and detainees' security classification must be easily identifiable by color-coded uniforms or wristbands.<sup>135</sup> The Standards also bar "Level 1 detainees" (non-criminal detainees or non-violent detainees guilty of petty offenses) from interacting with "Level 3 detainees" (those convicted of aggravated felonies).<sup>136</sup> The Standards call for reclassification after 45 to 60 days and every 60 to 90 days thereafter.<sup>137</sup> Detainees should have the right to appeal their classification.<sup>138</sup>

These Standards are inapplicable to the Mira Loma Detention Center. There is only one classification at the facility: general population. Most of the detainees are convicted criminals. The remainder are applicants for asylum, detained pending "credible fear" determinations. However, Messrs. [b6, b7C] and [b6, b7C] explained to us that detainees are separated by race to the degree possible in order to minimize ethnic friction. They specifically mentioned that Latino and Chinese detainees are separated and that some Sri Lankans are also kept away from other ethnic groups. Since detainees with serious or chronic medical or psychiatric problems are not permitted to stay at Mira Loma, there are no medical classifications.

## **9.2. Accommodations**

The Standards require that a facility have an excess clothing inventory of at least 200% of the detainee population.<sup>139</sup> The standard issue for each detainee is one uniform shirt, one pair of pants or jumpsuit, one pair of socks, one pair of underwear and one set of footwear.<sup>140</sup> A standard bedding set includes one mattress, one blanket, one pillow, two sheets and one pillowcase.<sup>141</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>142</sup> Food service workers are to exchange their outer garments daily.<sup>143</sup> Bed linens are to be exchanged weekly.

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<sup>134</sup> *Id.*

<sup>135</sup> *Id.* at III.B.

<sup>136</sup> *Id.* at III.E.

<sup>137</sup> *Id.* at III.G.

<sup>138</sup> *Id.* at III.H.

<sup>139</sup> Standards, Ch. 7: Issuance and Exchange of Clothing, Bedding and Towels, Sec. III.A.

<sup>140</sup> *Id.* at III.B.

<sup>141</sup> *Id.* at III.C.

<sup>142</sup> *Id.* at III.E.

During our tour, we visited the facility's intake area – a large room adjacent to the infirmary with lengthy tables and bins full of clean clothing. Although we were unable to verify inventories, the facility appears to have ample spare clothing.

All detainees at Mira Loma wear orange jumpsuits. According to the INS and Sheriff's Department staff, detainees are provided two sets of outer clothing and six sets of undergarments for each six-day period, at the end of which time garments are collected and laundered and detainees are given a fresh set. During the winter, detainees are receive hats, gloves and long underwear. Two detainees complained that they did not believe they were given enough warm clothing and bedding during the winter.<sup>144</sup> Bed linens can be changed weekly and blankets, monthly.<sup>145</sup> Pillows are not provided.<sup>146</sup> Basic hygiene articles are provided to the detainees at their request free of charge, but they can purchase these and other materials at the facility's supply store as well.<sup>147</sup> Detainees voiced complaints, however, that it is sometimes difficult, to purchase items at the store during yard time, because lines are long.<sup>148</sup>

The Mira Loma facility appears to be in compliance with the Standards relating to clothing and accommodations. Nonetheless, our team recommends that the facility consider adding staff for the store, so detainees will be better able to make purchases during their yard time.

### **9.3. Personal Items**

The Standards state that detainees may keep up to \$40.00 in their personal possession.<sup>149</sup> However, the officer-in-charge may determine how much cash, if any, detainees may retain.<sup>150</sup> The Standards allow detainees to also keep the following items: small religious items; softcover reading materials and correspondence; legal documents; up to ten 5-by-7 pictures; glasses; dentures; an address book; a wedding ring; and other approved items.<sup>151</sup> Detainees are not allowed to keep cash over the facility limit,

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<sup>143</sup> *Id.*

<sup>144</sup> Interview Memorandum by [REDACTED] (July 5, 2002), p. 11.

<sup>145</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 4, 8, 13, 18 and 23-24.

<sup>146</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 8 and 18.

<sup>147</sup> Interview Memorandum by [REDACTED] (June 26, 2002), pp. 4, 8, 13, 18 and 23-24.

<sup>148</sup> Interview Memoranda by [REDACTED] (July 3, 2002), p. 7 and [REDACTED] (July 5, 2002), pp. 3-4 and 12.

<sup>149</sup> Standards, Ch. 17: Funds and Personal Property, Sec. III.B.4.

<sup>150</sup> *Id.* at III.B.1.

<sup>151</sup> *Id.* at III.B.4.

negotiable instruments, jewelry, clothing not provided by the facility, prohibited publications or unauthorized medication.<sup>152</sup> The Standards require each facility to have an inventory and auditing system for property that may not be held on a detainee's person such as cash over the prescribed limit.<sup>153</sup> Facilities must have a written policy for return of items to a detainee upon their departure from the facility.<sup>154</sup>

The Mira Loma facility is in compliance with the Standards governing personal items. Detainees are permitted to keep up to \$70.00 on their persons. Any additional money may be deposited with a cashier on the premises, and detainees may withdraw funds during their yard time, so long as they remain within the \$70.00 limit. A couple of detainees complained that the cashier is not always open during their yard time and that the line for the cashier is sometimes too long to permit all of the detainees who wish to do so to conduct their transactions.<sup>155</sup> However, similar complaints were not expressed by other detainees. One detainee reported being sent to segregation for carrying too much money.<sup>156</sup>

Mira Loma staff, and the detainees themselves, also reported that detainees may keep religious books and materials, reading materials, correspondence, legal documents, toiletries, approved medication, snacks and the like in the lockers located within the barracks.<sup>157</sup> One detainee reported that detainees are allowed to keep only photographs of females, as male photographs may be used to create false identification cards.<sup>158</sup> Only one of the detainees we interviewed reported any instances of theft among the detainees.<sup>159</sup>

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<sup>152</sup> *Id.*

<sup>153</sup> *Id.* at III.F.

<sup>154</sup> *Id.* at III.G.

<sup>155</sup> Interview Memorandum by [REDACTED] (July 5, 2002), p. 10.

<sup>156</sup> Interview Memorandum by [REDACTED] (July 3, 2002), p. 5.

<sup>157</sup> Interview Memoranda by [REDACTED] (July 3, 2002), pp. 2 and 5, [REDACTED] (July 5, 2002), p. 4 and [REDACTED] (June 26, 2002), pp. 4-5, 14 and 24.

<sup>158</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 9. Although this policy was not reported to our team by anyone else during our visit, it would not be surprising in light of recent events in Los Angeles. Not long before our visit to Mira Loma, an inmate escaped from a prison in downtown Los Angeles that is operated by the Sheriff's Department. The inmate effected his escape by using false identification, featuring a picture of Eddie Murphy.

<sup>159</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 19.

#### 9.4. *Dietary Requirements*

The Standards are vague on nutritional requirements, but dictate the organization of food services. Food service is to be run by a professional Food Service Administrator,<sup>160</sup> assisted by a Cook Supervisor.<sup>161</sup> The Standards also note that custody and supervision of the kitchen is the responsibility of food service.<sup>162</sup> The Standards require that knives be kept locked and under the control of the cook foreman.<sup>163</sup> The Food Service Administrator is responsible for providing “nutritionally adequate menus” for the detainees.<sup>164</sup>

The mess hall consists of a large cafeteria-style dining room for detainees, a kitchen, a separate dining room for deputies and a large food storage room. The kitchen is staffed by employees and volunteer detainees, who help prepare and serve the meals to both deputies and detainees. The kitchen appeared clean and orderly. The menu is prepared and sent to the facility by a nutritionist from the Sheriff’s Department in downtown Los Angeles. According to the facility’s chief cook, the menu is designed to provide 3000 calories daily. We were permitted to inspect the menu that had been prepared for the month of our visit, and it appeared to offer a decent variety of food, including various ethnic dishes that corresponded loosely to Mira Loma’s detainee population. On the day of our visit, for example, the meal served to detainees consisted of tamales and rice. The facility accommodates religious and vegetarian meals.<sup>165</sup> The kitchen staff reported no health problems with the detainees after eating the food and no problems or violations after their regular health inspections by the Los Angeles County Health Department. Because of Mira Loma’s remote location, a two-week supply of non-perishable food is kept in storage at all times. In the event of a major earthquake or other disaster, the facility should still be able to operate and feed the detainees and staff.

Detainees enter the cafeteria area in shifts. Two or three barracks are fed at a time. Meals are handed to detainees through small doors in a stainless steel curtain, which prevents detainees from having direct physical or visual contact with the food servers (who are themselves detainees). With the exception of those detainees requiring special meals for religious or dietary reasons, detainees appear to have no choices regarding the

<sup>160</sup> Standards, Ch. 16: Food Service, Sec. III.A.1.

<sup>161</sup> *Id.* at III.A.2.

<sup>162</sup> *Id.* at III.B.1.

<sup>163</sup> *Id.* at III.B.2.

<sup>164</sup> *Id.* at III.A.1.

<sup>165</sup> Interview Memoranda by [REDACTED] (July 2, 2002), p. 10 and [REDACTED] (June 26, 2002), pp. 5, 8 and 23.

selection of entrees or side dishes, or the size of the portions. Indeed, a few detainees complained about not having enough to eat and about having to go without food if they were unable or unwilling to eat the food prepared for a particular meal.<sup>166</sup> After receiving their meals, detainees eat on steel stools, which are attached to steel tables that are cemented in place. Each meal shift lasts approximately fifteen minutes. Some detainees complained that, depending on where they were in line as they entered the cafeteria, they might have as little as 5 minutes to eat.<sup>167</sup> However, our team heard no serious complaints about the quality of the food.

Mira Loma appears to be in compliance with the Standards regarding food preparation and service. Nonetheless, our team recommends that the facility consider lengthening each meal shift by a few minutes. Doing so would permit detainees at the end of the food service line to have a little more time to eat.

### **9.5. Work Program**

The Standards require that every physically and mentally able detainee have an opportunity to work.<sup>168</sup> Work assignments are to be made based on a detainee's security classification.<sup>169</sup> All detainees are responsible for their own personal housekeeping.<sup>170</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>171</sup> Supervisory officials must consider the precise limitations of disabled individuals before rejecting them for particular work assignments.<sup>172</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>173</sup>

The Mira Loma Detention Center has an extensive work program that allows detainees to volunteer to help maintain the facility. Detainees work in the laundry, the kitchen, and the supply store. They clean the barracks, assist the physical education instructor and care for the grounds. Contrary to the Standards, workers at Mira Loma are not paid, but

<sup>166</sup> Interview Memoranda by [REDACTED] (July 3, 2002), p. 6, [REDACTED] (July 5, 2002), p. 13 and [REDACTED] (June 26, 2002), p. 14.

<sup>167</sup> Interview Memorandum by [REDACTED] (July 5, 2002), p. 7.

<sup>168</sup> Standards, Ch. 37: Voluntary Work Program, Sec. III.A.

<sup>169</sup> *Id.*

<sup>170</sup> *Id.* at III.C.

<sup>171</sup> *Id.* at III.F.

<sup>172</sup> *Id.* at III.G.

<sup>173</sup> *Id.* at III.K.

they do receive other benefits for their work.<sup>174</sup> Working detainees are housed in two barracks, which are separate from the others. These barracks are furnished with big-screen televisions (although detainees reported that both such televisions are currently broken). Working detainees also enjoy privileges such as extended visiting hours with friends and family, longer recreational time and special (reportedly, better) meals twice a week.<sup>175</sup> Detainees who wish to do so generally work three to four times a week for four to five hours a day, although some detainees with whom we spoke with had assignments every day of the week.

Detainees generally seemed to regard working at the facility as desirable, and they described it as a good way to pass the time and make the days go faster at the facility. Nonetheless, in order to comply with the Standards, the Mira Loma facility should pay the working detainees. Also, at least two Chinese detainees reported that they were denied the ability to work in the kitchen because they are unable to speak English.<sup>176</sup> (The detainee who translated the interview of the two Chinese detainees suggested that this denial of jobs to non-English-speaking Chinese detainees extended beyond the kitchen.) To the extent that this is so, it may or may not represent a violation of the Standard precluding the facility from using race or national origin as a basis for denying work to a willing detainee.

## **9.6. Grievance Procedures**

The Standards aim for an informal resolution of most detainee grievances.<sup>177</sup> However, each facility is required to have a formal written grievance process.<sup>178</sup> The facility is to provide assistance for illiterate, disabled, and non-English speaking detainees,<sup>179</sup> and detainees may obtain assistance in preparing grievances from other detainees, facility staff and outside sources.<sup>180</sup> Detainees are to be provided with written grievance forms on request,<sup>181</sup> and forms may be submitted up to five days after an objectionable event.<sup>182</sup>

<sup>174</sup> Interview Memorandum by [REDACTED] (July 3, 2002), p. 2.

<sup>175</sup> Interview Memoranda by [REDACTED] (July 3, 2002), pp. 2 and 6 and [REDACTED] (June 26, 2002), pp. 9, 14 and 18-19.

<sup>176</sup> Interview Memorandum by [REDACTED] (July 5, 2002), pp. 8-9.

<sup>177</sup> Standards, Ch. 18: Detainee Grievance Procedures, Sec. III.A.1.

<sup>178</sup> *Id.* at III.A.2.

<sup>179</sup> *Id.* at III.A.2.6.

<sup>180</sup> *Id.* at III.A.2.4.

<sup>181</sup> *Id.* at III.A.2.1.

<sup>182</sup> *Id.* at III.A.2.

The completed form is to be delivered without delay to the on-duty supervisor,<sup>183</sup> who is to meet with the detainee.<sup>184</sup> If the supervisor is unable to resolve the problem, a notation is made on the grievance form, which is forwarded to the department head.<sup>185</sup> If the detainee does not accept the department head's proposed solution, the grievance is forwarded to the Detainee Grievance Committee, which must make a ruling within five days of convening, stating the reasons for its ruling.<sup>186</sup> The detainee can appeal the committee's ruling to the officer-in-charge, who must respond within five days and may uphold, modify or reverse the committee ruling.<sup>187</sup> The Standards prohibit retaliation against detainees for filing a grievance,<sup>188</sup> and facilities are required to keep a record of grievances.<sup>189</sup> Allegations of officer misconduct must be forwarded to supervisors or higher-level officials, and the INS is to investigate all such allegations.<sup>190</sup>

Mira Loma detainees who have complaints can either fill out complaint forms that are available throughout the facility, including in detainee barracks, or report a complaint to any deputy or officer at the facility. A committee then reviews the complaint and decides what action, if any, to take.

We saw stacks of complaint forms in various locations, but were unable to determine the extent to which the complaint procedures are actually used or effective. One detainee said that detainees may fill out compliant forms and that, afterwards, someone will come and speak with them about the relevant issues.<sup>191</sup> However, another detainee said complaint forms are useless and rarely used.<sup>192</sup> A pair of Chinese detainees who were interviewed jointly said they had complained about insufficient warm clothing for winter and Chinese materials in the library.<sup>193</sup> These and other statements suggest that there are no impediments to making complaints to the Mira Loma staff.<sup>194</sup> Whether valid complaints

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<sup>183</sup> *Id.* at III.A.2.3.

<sup>184</sup> *Id.* at III.A.2.

<sup>185</sup> *Id.*

<sup>186</sup> *Id.*

<sup>187</sup> *Id.* at III.C.

<sup>188</sup> *Id.* at III.D.

<sup>189</sup> *Id.* at III.E.

<sup>190</sup> *Id.* at III.F.

<sup>191</sup> Interview Memorandum by [REDACTED] (June 26, 2002), p. 24.

<sup>192</sup> Interview Memorandum by [REDACTED] (July 2, 2002), p. 8.

<sup>193</sup> Interview Memorandum by [REDACTED] (July 5, 2002), pp. 9 and 11.

<sup>194</sup> Interview Memoranda by [REDACTED] (July 3, 2002), p. 7 and [REDACTED] (July 5, 2002), pp. 9 and 11.

lead to corrective action is less clear. Some detainees remarked that they did not bother to complain because they doubted that the complaints would result in any action.<sup>195</sup> Others expressed little faith in the grievance process.<sup>196</sup>

### **9.7. Disciplinary and 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>197</sup> Administrative segregation may also be used for protective custody, for those awaiting disciplinary hearings and for those in medical isolation.<sup>198</sup> This form of segregation is non-punitive.<sup>199</sup> Time served in administrative segregation awaiting a disciplinary hearing may be deducted from time spent in disciplinary segregation.<sup>200</sup> Cases are reviewed by the officer-in-charge and by the Supervisory Detention Enforcement Officer to determine if they are appropriate for segregation.<sup>201</sup> A segregation order, stating the reasons for segregation, must be delivered promptly to the detainee.<sup>202</sup> A status review is to take place within 72 hours of placement, then once a week for the first month of segregation, and monthly thereafter.<sup>203</sup> A detainee has seven days to appeal a review decision.<sup>204</sup>

Detainees in administrative segregation are entitled to the usual three meals a day and to recreation.<sup>205</sup> They are also entitled to keep a reasonable amount of nonlegal reading material and personal legal material.<sup>206</sup> Furthermore, segregated detainees are entitled to the same correspondence and library privileges as those in the general population, and are entitled to comparable visitation privileges.<sup>207</sup>

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<sup>195</sup> Interview Memorandum by [REDACTED] (July 5, 2002), p. 4.

<sup>196</sup> Interview Memoranda by [REDACTED] (July 2, 2002), p. 8 and [REDACTED] (June 26, 2002), p. 19.

<sup>197</sup> Standards, Ch. 30: Special Management Unit (Administrative Segregation), Sec. III.A.

<sup>198</sup> *Id.*

<sup>199</sup> *Id.*

<sup>200</sup> *Id.* at III.A.3.a.

<sup>201</sup> *Id.* at III.A.1.

<sup>202</sup> *Id.* at III.B.1. & 3.

<sup>203</sup> *Id.* at III.C.

<sup>204</sup> *Id.*

<sup>205</sup> *Id.* at III.D.5 & 8.

<sup>206</sup> *Id.* at III.D. 10 & 11.

<sup>207</sup> *Id.* at III.D. 13, 14, & 17.

Disciplinary segregation is allowed only where alternative disciplinary methods are inadequate.<sup>208</sup> Detainees may not spend more than 60 days in disciplinary segregation for a single incident; terms over 30 days require the officer-in-charge to send written justification to the Assistant District Director for Detention and Deportation.<sup>209</sup> Detainees may be sent to disciplinary segregation only on order of the Institutional Disciplinary Panel. The order must be sent to the detainee within 24 hours of being entered.<sup>210</sup> Detainee status must be reviewed every seven days.<sup>211</sup> Early releases require approval from the officer-in-charge, and a detainee's sanction cannot be extended as a result of a review.<sup>212</sup> Detainees in disciplinary segregation may not be deprived of clothing or bedding, except for medical or psychiatric reasons.<sup>213</sup> They are to be fed according to the facility's normal meal schedule, but may only use disposable utensils.<sup>214</sup> They must be allowed to shave and shower at least three times a week and are entitled to recreation time.<sup>215</sup> They are entitled to legal documents, unless there are security hazards, and are entitled to comparable (but not identical) library access.<sup>216</sup> Staff reported that detainees sent to disciplinary segregation are held for fixed periods (not to exceed 30 days) unless they receive the approval of the Assistant Director in the Los Angeles office.

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 promptly; and (3) detainees with communicable diseases should be isolated according to local medical procedures.<sup>217</sup>

During our visit to the Mira Loma, our team visited the facility's segregation area. All segregated detainees are held in a separate building within the facility. Administrative segregation at Mira Loma resembles protective custody. Accused "snitches," for example, may be placed in administrative segregation. Administrative segregation may

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<sup>208</sup> Standards, Ch. 31: Special Management Unit (Disciplinary Segregation), Sec. III.A.

<sup>209</sup> *Id.*

<sup>210</sup> *Id.* at III.B.

<sup>211</sup> *Id.* at III.C.

<sup>212</sup> *Id.*

<sup>213</sup> *Id.* at III.D.9.

<sup>214</sup> *Id.* at III.D.10.

<sup>215</sup> *Id.* at III.D. 11 & 13.

<sup>216</sup> *Id.* at III.D.15.

<sup>217</sup> Standards, Ch. 24: Medical Care, Sec. III.D.

also be imposed for medical reasons. Disciplinary segregation is imposed for infractions of the facility's policies and for other punitive reasons. Detainees held in either administrative or disciplinary segregation are allowed an hour's daily exercise.

A guard assigned to the segregation unit reportedly checks all cells approximately every half hour. Detainees in administrative segregation have use of a small day room with a television, newspapers, magazines and the like. Those held in disciplinary segregation are confined to small cells, each with two steel bunks and a toilet. While grim, these disciplinary segregation cells appeared adequate, and the specific cells available for inspection were quite clean because they had just been painted. Doors to the cells have small windows for the guards, as well as smaller doors through which food may be passed or hands may be handcuffed. Meals are delivered to those in segregation.

In general, detainees reported few problems regarding segregation. Several of the detainees with whom we spoke had been placed in disciplinary segregation. Some of them expressed that they felt they had been treated fairly under the circumstances.<sup>218</sup> Indeed, one of the detainees reported that, when someone is sent to disciplinary segregation, he may explain what happened to the Sergeant, who will release him if convinced that the detainee did nothing wrong.<sup>219</sup> A couple of detainees, however, reported that one of the detainees being held in disciplinary segregation during our visit had been held there for 15 days simply because he had been unable to walk quickly after twisting his ankle playing basketball.<sup>220</sup>

The Mira Loma facility appears generally to be in compliance with Standards relating to administrative and disciplinary segregation. Our discussions with a few of the detainees, however, raised the issue of whether there may be circumstances under which detainees are sent to disciplinary segregation for relatively minor infractions, or simply because they have been misunderstood due to language barriers. As discussed below, given the apparently large percentage of non-English-speaking individuals detained at Mira Loma, our team has a general concern regarding both the potential for miscommunication and the lack of resources available to non-English speakers.

### **9.8. Immigration Court**

We observed one of the immigration courtrooms during our tour of the Mira Loma facility. It was furnished like any courtroom, with a bench, witness stand, counsel table and seats for approximately twenty spectators. Detainees' reports varied greatly as to the

<sup>218</sup> Interview Memorandum by [REDACTED] (July 5, 2002), p. 5.

<sup>219</sup> Interview Memorandum by [REDACTED] (July 3, 2002), p.4.

<sup>220</sup> Interview Memorandum by [REDACTED] (July 5, 2002), p. 13.

amount of time they had to wait for hearings. A number of detainees also appeared to be unaware of immigration procedures, the status of their cases, hearing dates and whether or when they might be deported.<sup>221</sup>

### **9.9. Illiterate/Non-English Speaking Detainees**

There do not appear to be many formal mechanisms in place at the Mira Loma Detention Center to deal with illiterate and non-English speaking detainees. It does not appear that there are any restrictions upon the ability of detainees to request assistance from other detainees or from *pro bono* organizations. In fact, two members of our team interviewed two non-English speaking, Chinese detainees by having a third Chinese detainee act as interpreter. Nonetheless, our team believes that, given the large number of Latino and Chinese men detained at the facility, it would be helpful if additional materials could be prepared in these languages and/or if the Sheriff's Department could make an effort to assign personnel who are bilingual in these languages.

## **10. CONCLUSION**

We observed some deviations from the Standards (often, it appeared, when the Standards differ in minor ways from the Los Angeles County Sheriff's standard procedures), and identified some areas for attention and improvement; but overall, Mira Loma appears well run. We commend INS and the Los Angeles County Sheriff's Department for their generally professional operations and humane conditions.

No one can alter the geography, but all concerned should review procedures to encourage visits (despite the distance from metropolitan Los Angeles), *pro bono* or other effective legal representation, and other community support (such as group rights presentations).

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<sup>221</sup> Interview Memoranda by [REDACTED] (July 3, 2002), p. 7, [REDACTED] (July 5, 2002), pp. 1-2 and 8 and [REDACTED] (June 1.