

# NEW YORK COUNTY LAWYERS' ASSOCIATION

Dated: July 1, 2004

## Report by an ABA Delegation to the Elizabeth CCA facility

### Introduction

On October 21, 2003 a delegation of the New York County Lawyers Association<sup>1</sup> (hereinafter referred to as "the delegation") visited USICE's Elizabeth detention facility for the purpose of ascertaining compliance to date with the "INS Detention Standards"<sup>2</sup> promulgated in 2000 (hereinafter referred to as "the *Standards*").

The facility's senior staff made themselves available for our questions during the site visit.<sup>3</sup> In addition to the titles of each member of the facility staff, we made further inquiry as to the background of certain staff. In response to our inquiries, Captain [b6] (b)(6) representing the U.S. Public Health Service, informed us that he is a trained pharmacist. Agent [b6, b7C] USICE Acting Supervisory Immigration Enforcement Agent, informed us that 11 Immigration Enforcement Agents were located on-site, four of whom handle casework. During our observation of the health services portion of the facility, we met with a Dr. [b6] who informed us that he was a Board-Certified physician who, prior to his employment in the facility, spent 19 years in private practice in Seattle, Washington.

Immediately following the tour, two members of the delegation met individually with one detainee each, in the attorney conference rooms located within the facility. Each detainee was asked a series of questions listed in the Questionnaire provided by the ABA to the delegation. The results of those interviews are attached as Exhibits "G" and "H" to this Report.

### General

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<sup>1</sup> The delegation, formed in response to the invitation of the American Bar Association's INS Detention Standards Implementation Initiative, comprised members of the New York County Lawyers' Association who were attorneys practicing in various fields, including immigration law and criminal law. These attorneys, who also jointly authored this Report, were [b6], [b6], [b6], [b6], [b6], and delegation leader [b6]. The delegation's visit was initiated by a written request made to the Officer-in-Charge of the facility and followed by a thank-you letter to same (see Exhibits "A" and "I" attached hereto).

<sup>2</sup> As INS is since defunct, references are now made to USICE in this Report.

<sup>3</sup> The following representatives from USICE and CCA were present and available for us during our visit: [b6, b7C] Officer-in-Charge; [b6, b7C] Assistant Officer-in-Charge; [b6, b7C] Warden; Captain [b6] U.S. Public Health Service; [b6, b7C], ICE; [b6, b7C] Acting Supervisory Immigration Enforcement Agent (f/k/a Detention Officer).

The facility is a 300-bed co-ed secure immigration detention facility located in Elizabeth, New Jersey and operated by Correction Corporation of America (CCA). At the time of our visit, the population count was 275. Of the current population, 252 detainees were men and 48 were women. There were no children reported to reside at the facility, and none were observed by the delegation. The staff advised us that the facility is “adult-only,” and that children are not housed there: rather, they are taken to a family shelter in Berks County, New Jersey.

According to the facility staff, the population consists primarily of asylum-seekers who were taken to the facility upon entry to the United States. Occasionally the make-up of the detainees changes. By way of example, the facility staff indicated that, a couple of months earlier, several members of the detainee population were made up of persons who were apprehended by the USICE after entry. The staff informed us that criminal aliens are not detained at this facility. With respect to the country most represented in the facility, the staff did not indicate a country. The delegation observed a large number of Asian detainees, particularly amongst the male population, in proportion to any other apparent representation.

Detainees are reported to be given a copy of a “Detainee Handbook” upon arrival. The facility staff provided the delegation with a sample copy of this handbook, in English. See Exhibit “B” attached hereto. Copies of the handbook are available in French and Chinese, in addition to English, and samples of these translations were also provided to the delegation. See Exhibits “C” and “D” attached hereto.

## **I. Observation of the Implementation of Legal Access Standards**

### **A. Visitation**

Visitors to the Elizabeth Detention facility can include attorneys, legal representatives, family and friends. The facility does not maintain a list of who qualifies as a visitor. It is up to the detainee to determine with whom he or she wishes to meet.

#### **1. Visitation by Attorneys**

##### **a. Visitation Times**

The *Standards* stipulate that visitation with legal representatives should be allowed seven (7) days a week, for a minimum of eight (8) hours on weekdays, and four (4) hours on weekends. The Elizabeth center complies by permitting legal visitation seven (7) days a week from 6:00 a.m. until 10:00 p.m. There is a sign posted in the lobby that states that attorney visitation must end no later than 8:30 a.m. for morning sessions and 12:30 p.m. for afternoon sessions. However, the purpose of this requirement is to ensure that detainees are on time for court

hearings. This restriction applies only to detainees who have court appointments. The court, which is onsite, convenes at 9 a.m. and 1 p.m.

In cases where attorney visitation coincides with the detainee's mealtime, the visit can continue uninterrupted and the facility will allow the detainee to have their meal after the visit ends.

b. Attorney Access

To gain admission to the facility, attorneys must present a bar I.D. card or other documentation that verifies bar membership. This complies with the *Standards*. In addition to attorneys, other legal representatives, such as law students, law graduates, paralegals, and interpreters, may visit unaccompanied by a supervising attorney once they request and receive approval from the Officer-in-Charge (OIC).

The *Standards* state that only legal representatives can contact the facility to determine if center is holding the detainee. At the Elizabeth facility, the attorney must submit a Form G-28, Notice of Appearance, prior to obtaining the information.

c. Security Concerns

The *Standards* dictate that at INS owned and operated SPC and CDC facilities, detainees should not be strip-searched after legal visitation, absent a reasonable suspicion that the detainee is concealing contraband. At the Elizabeth facility, detainees are not strip-searched, pursuant to the *Standards*, and this was confirmed during an individual interview with one detainee. This detainee said he was never strip-searched after visits with his attorney; moreover, after the interview with this detainee, the delegation member who conducted the interview did not witness him being searched.

d. Access to Contact Information for Legal Services

Legal services from the metropolitan area surrounding the Elizabeth facility are available for detainees. Contact information for pro bono legal service providers are included in a list which should be posted near public telephones available for use by the detainees. At the time of our visit, the delegation did not observe the list posted; however, one detainee who was interviewed individually by a member of the delegation indicated that he was provided with a list of legal service providers upon his arrival in the facility.

e. Visitation Conditions

The facility contains three (3) adjacent rooms for attorneys to meet with detainees. Each room contains a table and chairs and allow for full contact

between the detainee and the attorney. Officers are not present in the room during the attorney-detainee meeting, but can look into the room. The interview rooms are Plexiglas-enclosed. The interview rooms are located within the area used for visitation with family and friends. The area is well illuminated.

In contrast to the open contact of the visitation rooms, there is no contact between the detainee and his or her friends and family during visits. Plexiglas separates contact between the parties in each open booth. The detainee and family and friends communicate via telephones located on each side of the Plexiglas partition.

## 2. Visitation by Family, Friends, and the Media

### a. Visitation Times and Duration

The *Standards* require that visitation hours should be clearly posted and visitation should be permitted during set hours on weekends and holidays. Further, special arrangements should be allowed for family members who cannot visit during the regular hours. Finally, visits should be for at least 30 minutes.

Visitation hours at the Elizabeth facility for family and friends are 5 p.m. until 10 p.m., seven days per week. Previously, weekend and holiday visitation times were 9 a.m. to 5 p.m.. A change to these hours was recently put in place to allow easier access and visitation for family and friends. The facility will also allow exceptions for family visits outside the 5 p.m. to 10 p.m. window. The maximum time allowed for visitation is one (1) hour.

The *Standards* state that immediate family, relatives, friends and associates may visit. However, the Elizabeth facility does not place restrictions on who can visit. The facility allows children to visit as well. It appears to be, essentially, up to the detainee to determine who can visit.

## B. Telephone Access

The *Standards* provide that detention facilities shall permit detainees to have reasonable and equitable access to telephones. The delegation observed that public telephones were present in most detainee holding areas and also near the visitors' area, with bulletin boards at different places in the facility listing a variety of telephone numbers (including consular telephone numbers), instructions to use the telephones, and telephone rates. Overall, the Elizabeth Facility appears to have an adequate number of telephones which are well-distributed throughout the facility.

Privacy of use of the telephones appears to be an issue, as most of the telephones are in a visible and open environment. In addition, the facility staff is able to monitor detainees' telephone calls, which creates concern for the ability of a detainee to

participate in a private telephone conversation with his or her legal representative. Notwithstanding, there exists a private area off to the side of the visitors' center where detainees can confer in person with their attorneys. This private area consists of several enclosed glass conference rooms that are out of the hearing of guards and other detainees.<sup>4</sup> In addition, the Officer-in-Charge of the facility advised us that, in practice, monitoring of telephone conversations is not performed by the staff.

In addition to the delegation's observations during the tour regarding the number of telephones, their distribution throughout the facility, and privacy issues surrounding telephone use, the delegation inquired as to detainees' ability to make telephone calls.<sup>5</sup> Chris Shanahan, Officer in Charge of the Elizabeth Facility, indicated that detainees had regular access to the phones in the Elizabeth Facility. Detainees can call consulates and pro bono groups for free using the telephones; other outgoing calls, including to private counsel, require the use of calling cards.<sup>6</sup>

While touring the facility the delegation was able to move freely among the detainees and speak with them.<sup>7</sup> Guards did not monitor conversations between the members of the delegation and the detainees.<sup>8</sup> None of the detainees that the delegation spoke with complained about phone access at the Elizabeth Facility.

### C. Legal Materials

The *Standards* provide that detainees should have access to the library on a daily basis for at least one hour, and that the library should be open for at least eight hours per day. The *Standards* further provide for detainees to have access to computers, typewriters and space for legal research and writing, as well as ability to have legal materials photocopied. In addition, the *Standards* list legal materials necessary to be provided to detainees in up-to-date and undamaged form, and call for procedures to be put in place for the periodic review and replacement of legal material. The delegation made the following observations respecting compliance with access to legal materials:

#### 1. Materials Identified in Attachment A-2 of the Standards

Due to the limited time spent at the library during our visit, it was not possible to review the entire list of materials recommended to be maintained at the library.

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<sup>4</sup> For security purposes, guards are posted near these glass rooms to watch the meetings and ensure the safety of the attorneys and other visitors who are speaking with the detainees.

<sup>5</sup> Detainees are not permitted to receive calls on these public telephones; however, attorney messages for them can be left with their respective Detention Officers.

<sup>6</sup> Calling cards can be requested in increments of \$5, \$10 or \$20 and paid for through a detainee "account" held for them at the facility. Requests to purchase calling cards require a detainee to sign a form used for this purpose, which is written in English. See Exhibit "E" attached hereto.

<sup>7</sup> During the tour, the delegation had access to, and was permitted to speak with, a large number of the detainees. The tour included not only the visitors' area and common areas of the Elizabeth Facility, but also the living areas where the detainees spent most of their time.

<sup>8</sup> For security purposes, at least two guards accompanied the delegation during its tour of the facility.

Still, a cursory review indicated that the library included several of the more significant titles and that they appeared somewhat up to date.

The most noticeable omission in the library's materials was regarding subject titles related to asylum law and procedure. It was observed by one member of the delegation that there was a complete absence of materials which would be of invaluable assistance to the population overwhelmingly represented in the Elizabeth facility, i.e., asylum-seekers. The delegation suggested to the Officer-in-Charge that these materials be immediately added to the library collection. The Officer-in-Charge agreed to look into this suggestion and the delegation recommends that the ABA follow-up on the progress of inclusion of such materials into the facility's library.

Also, it was observed that most of the materials in the library, apart from dictionaries, were available only in English. This would clearly present an obstacle for the majority of the population in the facility. The facility staff appeared to be amenable to suggestions from the delegation as to additional language materials to be included in its collection, and the Officer-in-Charge indicated that he would accept donations of foreign-language materials to the library. Shortly after the tour, one member of the delegation who met individually with a Tamil-speaking detainee donated two copies of a Tamil-language religious text to the facility (see copy of the letter accompanying the donation attached hereto as Exhibit "J").

As it appeared that no routine procedures were in place for a periodic review and update of library materials, the delegation also suggested that such a review and update be regularly performed. In response, the delegation was advised that the facility was about to implement a procedure to review the materials more systematically and to start a process for insuring that the materials were properly updated and maintained by a particular officer. The delegation further recommends, therefore, that the ABA follow-up on the implementation of any procedures relating to the maintenance of materials identified in the *Standards*.

## 2. Library conditions, photocopies, and computer access

The library consists of a room approximately 15' by 10', with several bookshelves of materials, a table capable of seating a few people comfortably, one desk with a computer and another desk with a typewriter. The library is adequately lit and readily accessible, as it is situated across the hall from a room used for recreation.

The facility staff advised us that up to seven detainees are permitted to use the library at once; the delegation observed that the library appeared to be too small to accommodate that many persons simultaneously. While small, the library may nevertheless be large enough to satisfy the needs of the detainees. According to the officer in charge of the library, there is rarely more than one detainee who wants to use the library at any particular time. For the same reason, it seems likely that the presence of one computer and one typewriter suffices. We were unable to examine

the computer at length, however, so cannot report about its working condition. In addition to the computer and typewriter, the library included a copier, which apparently was freely available to detainees.

From all appearances, the detainees have the necessary access to the library. The library's daily hours are 8a.m.–4p.m..<sup>9</sup> Detainees may use it for one hour a day without expending their allotted time for recreation or conflicting with other scheduled activities, and reportedly can stay longer if necessary (provided that the library is not already full). Detainees also are permitted to retain personal legal papers in the dorms, thereby reducing the amount of time needed in the library.

#### D. Group Rights Presentations

Group rights presentations are performed regularly at the Elizabeth facility. Specifically, every Friday, a nonprofit organization is permitted access to detainees, to perform “Know your Rights” presentations to them as a group.

In addition, we were informed that every new detainee is able to watch the videotape produced by The Florence Project on the subject of detainees' legal rights.

#### E. Other Standards

##### 1. Recreation

The *Standards* call for detention facilities to provide at least one hour per day, five days per week, of outdoor recreation. Both indoor and outdoor recreation is provided for in the Elizabeth facility. One hour each of indoor and outdoor recreation is permitted daily for a detainee.<sup>10</sup> In addition, the delegation was advised that ESL classes are arranged for the benefit of detainees.

The outdoor recreation area was observed by the delegation during the tour. It consisted of a reasonably large semi-outdoor area located in what appeared to be the physical center of the facility. This area was surrounded by four concrete walls, approximately twenty feet high, and it was further enclosed by some sort of fencing encasing the top of the area and forming the area's “roof.”<sup>11</sup>

The indoor recreation room was also observed and consisted of a large room, approximately 3000 square feet, with various recreation equipment along the walls (such as video games, ping pong tables, etc.) and a large, well lighted open space in

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<sup>9</sup> Although one detainee interviewed individually by a member of the delegation indicated his belief that the library hours were restricted to Monday through Friday.

<sup>10</sup> However, one detainee who was individually interviewed by a member of the delegation indicated that he sometimes had to choose between exercising his daily allotted recreation hour and library access.

<sup>11</sup> One creative detainee had artfully decorated the walls of the outdoor recreation area.

the middle of the room. When religious services are occurring, the entire recreation room is dedicated to the religious service; during this time, detainees cannot use the equipment for indoor recreation. One delegation member also noted the presence of a set of weights in the male dorms for detainee use.

## 2. Medical/Mental Health issues

A medical facility is located in the Elizabeth facility and is staffed by a Board-Certified physician. In addition, a trained pharmacist from the U.S. Public Health Service is on-site.

The facility staff assured the delegation that mental health issues are taken very seriously. Staff is particularly concerned about the possibility of detainees attempting suicide. A psychiatrist, the delegation was told, visits the facility every week. Further, detainees who wish an appointment to see the psychiatrist are able to do so. However, mostly due to time constraints, additional details of how staff handles mental health issues were not discussed with the delegation.

## 3. Religious Accommodation

The *Standards* provide that detainees of different religious beliefs must be provided reasonable and equitable opportunities to participate in their respective faiths. The Elizabeth Facility has designated the recreation room to serve as a meeting place where various religious services for detainees can and do occur.<sup>12</sup> Various religious services take place at regularly planned dates and times and each religion has a separate time set aside for its particular service.

The Elizabeth Facility provides several large plastic bins where religious items and materials used in religious services can be stored. The plastic bins are kept locked so that the religious material is kept secure. The plastic bins are located immediately outside of the recreation room alongside the wall and are readily accessible to the recreation room. The Warden of the Elizabeth facility informed the group that the plastic bin for the particular religious service is unlocked prior to the start of that service, so that the detainees of that religion can have access to the items. Once the services are over, religious items are placed back in the plastic bin, which is then locked. Each of the primary religions represented at the Elizabeth Facility (several Christian denominations as well as Islam) has been designated its own plastic bin for the storage of religious items.<sup>13</sup> The Warden at the Elizabeth Facility stated that religions other than the eight primary religions are also accommodated and allowed to hold religious services in the recreation room.

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<sup>12</sup> The recreation room is located in a fairly quiet part of the Elizabeth Facility and it does not appear that noise would interfere with the religious services.

<sup>13</sup> There were approximately eight plastic bins observed outside the facility's indoor recreation area.

As indicated previously in this Report, the Elizabeth Facility accommodates reasonable requests from detainees to keep, on their person, small religious items and books.

#### 4. Sleeping Accommodations

Detainees in both men's and women's dormitories slept in group environments without much privacy. The facility staff advised us that up to twenty beds were present in each male dormitory (female dormitories were noticeably smaller and might have less beds per dormitory). In both dormitories, single 2x6 cot-style beds were surrounded by short (approximately four feet high) concrete walls separating individual sleeping quarters.

The delegation observed that all beds appeared to be made up with sheets, pillows and blankets; we were further advised by facility staff that bedding is changed two times per week.

#### 5. Funds and Personal Property

Detainees are not permitted to personally receive money or to have money in their possession. Family and friends may send money to detainees but the funds are placed into an account created for the detainee. Detainees can use these funds to purchase telephone cards and items from the commissary.<sup>14</sup> Detainees access the funds by filling out a form request for the item. Detainees who work are paid through having salary placed in their individual account.

Detainees are not permitted to keep most personal possessions with them. They may receive packages from family and friends but the packages are held in storage for the detainees until they leave the facility. Any personal property that the detainee has when he or she enters the facility is sealed and placed in storage.<sup>15</sup> The delegation was advised that such restrictions on funds and property are in place to minimize the likelihood of fighting among detainees over money and personal possessions.

The *Standards* provide that detainees must be allowed to keep, as personal property, small religious items, soft cover reading materials, legal documents, ten 5x7 pictures, prescription glasses, dentures, address books, and a wedding ring as personal property. In the Elizabeth facility, additional exceptions to the general rule against retention of personal property include radios, cassette players, CD players, etc., which may be used with headphones for entertainment. In addition, detainees are permitted

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<sup>14</sup> Items may be purchased from the commissary by filling out a form available in English. See Exhibit "E" attached hereto. See also fn. 6 for an explanation of telephone card purchases.

<sup>15</sup> The detainee is always present whenever the property bag is opened.

to retain legal documents pertaining to their case. The Warden further indicated to the delegation that reasonable requests from detainees to keep photos, small religious books and other religious items are accommodated. Finally, detainees are also permitted to keep items purchased at the facility's canteen.

The facility provides all toiletries to the detainees and replaces them when they are consumed. In addition to toiletries, the facility provides overalls and t-shirts to the detainees. The detainees' bedding and clothing are changed 2 times per week.

## 6. Dietary issues

With respect to dietary issues, the *Standards* require facilities to implement procedures for accommodating, within reason, a detainee's dietary requirements. The delegation toured the kitchen at the Elizabeth Facility, which is a large area, approximately 2500 square feet, that contains commercial size kitchen equipment.

Approximately ten detainees were working in the kitchen when the group came in for the tour. The group was allowed to freely walk around the kitchen and speak to the detainees that worked there. We were informed by several detainees and an employee at the facility that the Elizabeth Facility makes reasonable efforts to accommodate detainees' dietary requirements, both for religious and medical reasons.<sup>16</sup>

The kitchen area was clean and well organized and the detainees that the group spoke with did not bring up any complaints about their work or the food at the Elizabeth Facility.<sup>17</sup> Detainees working in the kitchen were able to freely move around the entire kitchen area and appeared to be performing work associated with cooking and meal preparation; however, the delegation was told that detainees do not help prepare food but perform activities associated with food service and cleaning. Detainees who worked in the kitchen were given appropriate work uniforms that were clean.

Towards the back of the kitchen, the delegation observed an office that was occupied by the staff person who oversees meal preparation at the Elizabeth facility. That individual confirmed that substantial efforts are made at the facility to provide the detainees with a variety of different types of meals, both for nutritional reasons and for religious reasons. The delegation was also advised that a dietician is consulted by the facility in order to prepare meals which contain the appropriate caloric content (averaging 2300 calories per day).

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<sup>16</sup> For example, no pork is served at the facility, in order to accommodate common religious dietary issues.

<sup>17</sup> However, one member of the delegation noted that the meals did not generally appear well-balanced, as a dearth of vegetables existed in the regular menu shown to us by kitchen staff. In addition, one long-term Elizabeth facility detainee who was interviewed individually by a delegation member complained that his request to be provided sugar-free food (he claimed to have a diabetic condition) was ignored by facility staff.

## 7. Work Programs

The facility's staff advised us that detainees are paid one dollar per four-to-six hours of work in the facility. Detainees can volunteer to work in certain areas in the facility, such as in the commissary and kitchen.

## 8. Grievance and Disciplinary Procedures

The *Standards* provide that detainees must be given the opportunity to have grievances addressed, within five days of the event. At Elizabeth, facility staff indicated that the grievance procedure involves a system whereby detainees can place a written complaint in a lockbox located in dormitories. These complaints, according to facility staff, are reviewed regularly and, where deemed to be serious, are sent up the "chain of command" for action to be taken. The staff indicated that action is necessary to be taken on a complaint no more than a couple of times per year. A detainee who was individually interviewed by a member of the delegation stated that his written complaints regarding food and foreign-language reading material have been ignored by the facility staff.

With respect to disciplinary procedures, facility staff informed the delegation that a taped disciplinary hearing is conducted prior to discipline being meted out. Punishment consists of confinement, that is, of being segregated, in individual cells, from other detainees. No television is provided in the segregation cells, and visitation privileges are curtailed. No information was provided to the delegation on the length of segregated confinement for detainees who are subjected to this punishment.

The delegation requested access to the solitary confinement cells; however, its request was refused by the Officer-in-Charge of the facility.

## 9. Immigration Court

An immigration court, similar in setup to courts found in non-detention settings, is located in the Elizabeth facility. The court is located in a separate room which can be accessed through an interior hallway. Locked steel doors are located on each end of the hallway.

Facility staff advised the delegation that detainees are not transported from their dorms to the court in shackles, unless officers believe that the detainee could be violent.

Several pro bono legal organizations are located in the area of the Elizabeth facility, and they do service detainees located in this facility. The facility staff informed us that they provide a list of legal service providers to a new detainee upon arrival at the facility.

## 10. ICE Presence

The delegation was informed that this facility has a daily on-site ICE presence of twenty-five (25) employees. Of those employees, seven (7) comprised of clerical staff and one (1) held a Program Analyst title. The delegation did not ascertain what, if any, procedure was available to detainees in order to contact INS staff, other than in the case of grievance procedures (which are discussed elsewhere in this report).

## 11. Facility Management

In general, the delegation found that the attitude of the facility staff tended towards empathy for the incarcerated detainees. Staff consciously attempted, to the extent possible, to “de-institutionalize” the conditions of their stay, which sometimes could be of very long duration. The delegation observed artwork created by detainees being displayed throughout the facility, as well as silk plants placed in hallways where detainees could view them.

The facility appears to be well-managed and maintained.<sup>18</sup> Other than an unidentifiable odor noticed throughout much of the facility which was somewhat unpleasant, the facility appeared to be clean. While there did not appear to be much available to relieve boredom outside of designated daily recreation periods, a wall-mounted television was available in every dormitory. The Officer-in-Charge of the facility informed us that Satellite television was ordered and could be watched in Chinese, Spanish, and French in addition to English, and that TV headphones were also available to detainees.

The delegation applauds these efforts on the part of the staff to improve conditions for facility detainees. Nonetheless, the delegation recommends that the staff review its policies regarding treatment of the facility’s male population, with an eye towards easing restrictions on males’ movement and association. During the tour, it was observed that the staff exhibited an attitude favoring significant restrictions upon the male population within the facility. The Officer-in-Charge of the facility acknowledged that rigid procedures were in place for the male population. He explained to the delegation that, by its nature and greater number, males were “more difficult to control” than females, especially if males were to be permitted to roam hallways and make associations with detainees of their own choosing. Unlike the reasonable privileges accorded female detainees, male detainees were unable to roam hallways, or to use the recreation room and library at times other than during a detainee’s assigned hour. Nor were male detainees permitted to freely associate with male detainees quartered in other dorms. While it is difficult for the delegation to posit the degree to which the male population must be managed and controlled in a

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<sup>18</sup> The delegation acknowledges the possibility that, given the advance notice provided of the delegation’s visit, the facility staff may have made extra efforts to improve its appearance.

detention environment, the delegation observed procedures in place which seemed, given the non-criminal nature of the population of the Elizabeth facility, to result unnecessarily in the confinement of a male detainee to his particular dorm for nearly the entirety of each day.

## **II. Conditions of detainees Post- 9/11**

According to [REDACTED] b6, b7C Officer-in-Charge of the facility, no changes in policy or practice relating to conditions for detainees were necessary as a result of the terrorist attacks of September 11, 2001. Detainees individually interviewed by members of the delegation regarding post-September 11 changes in the facility also did not indicate noticeable changes in facility procedure or population.

### **Conclusion**

The staff of the Elizabeth facility is familiar with the *Standards* and is taking steps to implement them, where they are not already part of the facility's regular operating procedures. Of the four main standards, Visitation, Telephone Access, Group Presentations on Legal Rights, and Access to Legal Materials, improvements need to be made primarily with respect to telephone access and access to legal materials.

Respecting telephone access, privacy concerns, the apparent absence of posted numbers of free legal service providers, and the need for calling cards to call family members all need to be addressed by the facility in order to comply with the *Standards*. Regarding access to legal materials, while the library may be smaller than optimal and may not be open on a daily basis, it appears that the facility is making a good faith effort to meet detainees' basic needs regarding access. However, the library is missing many necessary legal materials and those which are present may be outdated (due to the lack of a coordinated procedure for reviewing and updating them). Finally, regarding management of the facility and staff attitudes, the delegation applauds some efforts being made by staff to "de-institutionalize" the conditions of confinement; and it recommends that staff review its policies regarding treatment of the facility's male population, with an eye towards easing restrictions on males' movement and association.