

Facility Name: Aurora Contract Detention Facility; Aurora, CO
 Date of Tour: September 2, 2004

Tour Participants: [REDACTED] b6 and [REDACTED] b6
 (Ballard Spahr Andrews & Ingersoll, LLP)

ICE Standard	Delegation Observation	Source	ICE Response	
<p>Detainee Services Standard 16 – Telephone Access</p>	<ul style="list-style-type: none"> ▪ III(E) – “The facility shall not require indigent detainees to pay for the types of calls listed above if they are local calls, nor for non-local calls if there is a compelling need. The facility shall enable all detainees to make calls to the ICE-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.” 	<ul style="list-style-type: none"> ▪ Indigent detainees may fill out a request form to make one call to their attorneys each day. However, indigent detainees stated that they are not allowed to use the white phones to make calls to find legal assistance 	<ul style="list-style-type: none"> ▪ Notes of delegation members [REDACTED] (b)(6) ▪ Interviews with unidentified (indigent) detainees 	



Ballard Spahr Andrews & Ingersoll, LLP

MEMORANDUM

To: Victor Cerda, Acting Director, Office of Detention and Removal,
Immigration Customs Enforcement

Copy to: (b)(6) ABA Commission on Immigration

From: September 2, 2004 American Bar Association Delegation to Aurora
Contract Detention Facility

Date: October 4, 2004

Re: Report on Observations During Visit to Aurora Contract Detention
Facility

This memorandum summarizes and evaluates information gathered at the contract detention facility in Aurora, Colorado (the "Facility") operated by The GEO Group, Inc. ("GEO"), through interviews of detainees, observations by delegation staff, and discussions with ICE and Facility personnel on our September 2, 2004 tour.

We previously visited the Facility April 2, 2002, and prepared a report to Mr. Anthony S. Tangerman, dated June 18, 2002. Because many of the items observed in 2002 were unchanged in 2004, the structure of this Report tracks our 2002 Report. The factual observations in this Report were all made in our 2004 visit.

I. Introduction

Our delegation visited the Facility on September 2, 2004. The delegation (b)(6) of Ballard Spahr Andrews & Ingersoll, LLP in Denver, Colorado.

During our visit to the Facility we met with the following individuals: (b)(6), (b)(7)c (b)(6), (b)(7)c Supervisory Deportation Officer; (b)(6), (b)(7)c deputy to (b)(6), (b)(7)c (b)(6), (b)(7)c, acting warden; Captain (b)(6), (b)(7)c GEO health services administrator; (b)(6) food service manager; Officer (b)(6), (b)(7)c librarian; and various other GEO employees.

Our visit began at 9:00 a.m. We met with (b)(6), (b)(7)c (b)(6), (b)(7)c for approximately 90 minutes. During that time, Mr.

(b)(6), (b)(7)c with assistance from the other representatives, provided us with background information and answered several of our questions about Facility procedures.

After our meeting, (b)(6), (b)(7)c led us on a tour of the Facility. (A map of the Facility is attached as Exhibit A to this Memo. The path of our tour can be followed on the map by starting at the Front Entrance at the south side of the Facility, and proceeding in a generally clock-wise path through the Facility.) We visited the following areas: the visiting area, where lawyers meet with clients and visitors meet with detainees; A Dorm, where the female detainees are housed; the West Core, which is a common area outside Dorms A-G; G Dorm, which is a small dorm that houses detainees with physical disabilities; the intake area; the area in which detainees' personal property and personal files are stored; the West outdoor recreation yard (we were only able to observe this area from outside because a detainee was being delivered through this area during that part of our tour); the medical area; the kitchen; the laundry facility; the two in-facility courtrooms; the attorney-client meeting rooms that are adjacent to the courtrooms; the library (which includes the law library); the East indoor and outdoor recreation areas; the segregation unit; the East Core; and Z Dorm, which was empty.

After the tour and a lunch break, we met with (b)(6) who described the health care facilities and procedures.

After meeting with (b)(6) we interviewed detainees in the library. We had identified 14 detainees whom we wanted to interview. Five of them were no longer at the facility as of the date of our visit. We were able to interview 7 detainees, 6 males and 1 female.¹

A. General Information about the Facility

The Facility is a Contract Detention Facility that was opened in May 1987 to serve a geographic area ranging from Chicago to Salt Lake City and Wyoming to Colorado.² The facility has the capacity to house 354 detainees, plus 24 beds in segregation and 3 medical beds.³ There were 277 detainees housed at the facility on the date of our visit, 264 males and 13 females. (b)(6), (b)(7)c explained that the number of detainees is below historic levels because approximately 50 detainees have been released from the Facility in the last two months with electronic monitoring devices.

¹ We advised the detainees whom we interviewed that we would prepare a report which would be shared with the ABA and ICE. We advised them that we could keep information identifying statements to particular detainees confidential, if they requested. The substantial majority of detainees interviewed requested that we do so. We determined that we could not identify any detainees in our Report without risking identifying other detainees by exclusion. Therefore, no information in this Report is attributed to any particular detainee. Citations to information from detainees are to our field notes, which we define to include our recollections shortly after the tour.

² Conversation with

³ Conversation with (b)(6), (b)(7)c

The average length of stay is approximately 12-15 days.⁴ The detainee population is comprised of approximately 65% criminal aliens and 35% non-criminal aliens. There are no non-immigration detainees at the Facility. The countries of origin most represented at the facility are Mexico and Central America (particularly Guatemala, El Salvador and Honduras).⁵

The Facility has 13 dormitory areas. One of the smaller dormitory areas, A Dorm, is used to house female detainees. They are kept separated from male detainees at all times. Male detainees are separated by security classification. Level 1 detainees (blue uniforms) are non-criminal aliens, Level 2 detainees (orange uniforms) have been convicted of non-violent crimes, and Level 3 detainees (red uniforms) have been convicted of violent felonies or have otherwise demonstrated a risk of violence. The facility does not detain minors (under 18 years of age).⁶

The Facility employs up to 60 detainees at a time. Most employment opportunities are in food service, laundry, the medical area, the library, recreation areas, the barber shop, and as dormitory trustees. Jobs are highly popular because they provide detainees with something to do other than sit in their dorms. Detainees also indicated that the payment of \$1 per day is another reason that they seek jobs.

GEO receives \$86.56 per day for each detainee. In addition, GEO receives \$1 per day per detainee worker, a flat “housing” fee, and reimbursement for “special meals.”

The Facility is ACA certified.⁷ In a recent inspection by ACA, the Facility received a 98.6% grade.⁸ The staff at the Facility is composed of approximately 110 people, plus approximately 10 administrative personnel.⁹

B. ICE Detention Standards

The thirty-six “Detention Standards” promulgated by the Immigration & Naturalization Service in November 2000 cover a broad spectrum of issues ranging from visitation and grievance policies to food service (the “ICE Detention Standards”). These standards apply to Contract Detention Facilities like the Facility, and also to ICE Service

⁴ Conversation with (b)(6), (b)(7)c did not know the median length of stay. It appears that the median is below the mean because a substantial minority of detainees are at the facility for approximately a week. Most of these are Mexican detainees who do not contest deportation. They can get a deportation order quickly from the in-facility court, and then will be deported shortly after that. There is a substantial minority for whom the length-of-stay is measured in months, rather than days or weeks. This group consists primarily of three sub-groups: (1) detainees who seek asylum and are pursuing asylum appeals; (2) detainees who oppose deportation and are pursuing appeals of deportation orders; and (3) detainees with a deportation order, but for whom their country-of-origin has not or will not issue travel documents. The detainee with longest length-of-stay is a Russian. He has been at the facility since January 29, 2001. A deportation order was entered for him years ago, but he refuses to sign papers that Russia requires before it will issue the necessary documents to permit him to be deported.

⁵ Conversation with (b)(6), (b)(7)c

⁶ Conversation with (b)(6), (b)(7)c

⁷ Conversation with (b)(6), (b)(7)c

⁸ Conversation with (b)(6), (b)(7)c

⁹ Conversation with (b)(6), (b)(7)c

Processing Centers, and state and local government facilities used by the ICE through Intergovernmental Service Agreements. This memorandum focuses on ICE implementation at the Facility of the ICE Detention Standards with a particular interest in the following: (1) Legal Access; (2) Telephone Access; (3) Legal Materials; and (4) Group Rights Presentations.

II. Observations of Implementation of Legal Access Standards

A. Visitation

1. Legal Visitation

The ICE Detention Standards provide that facilities should allow detainees to meet privately with their current or prospective legal representatives and legal assistants and to meet with their consular officials.¹⁰ The policy of the Facility regarding legal service visitation is outlined in the Detainee Handbook.¹¹

Attorneys representing a detainee may visit at any time, day or night, during the week or weekends. Attorneys may call the Facility to determine if a particular detainee is at the Facility; that call will be transferred to the ICE office at the Facility. Anyone authorized in writing by the detainee's attorney to act in a representative capacity is allowed to visit under the attorney visitation rules; the Facility may require that person to have an authorization letter for each visit, but people who visit routinely generally do not have to bring a letter for each visit. Attorneys are not required to present their bar identification cards. Interpreters are allowed to visit and interpret for attorneys. However, interpreters must undergo a security clearance involving a back-ground check and this procedure must be performed before the interpreter will be allowed to visit with the attorney and the detainee in the Facility.¹² A copy of the Official Visit Request that must be filled out before entrance to the Facility is attached as Exhibit C to this memo.

Attorney visits generally take place in the visitation room south of the control room and between the lobby and the West Core area. The visitation room has a plexiglass divider down the middle for non-contact visits. Attorney-client visits, however, are "contact" visits with both attorney and detainee on one side of the divider. There is a plexiglass wall through which staff in the control area are able to view, but not hear, the attorney-client visits. We observed an attorney-client visit through this glass.

Attorney-client visits associated with hearings in the in-Facility courtrooms are conducted in two rooms adjacent to the courtrooms. These rooms provide for contact visits. These rooms are used on occasion when the primary visitation area is not available, or is being used for another attorney-client meeting. The law library is also available as an overflow room for attorney-client meetings.¹³

¹⁰ ICE Detention Standard: Visitation § I.

¹¹ GEO Detainee Handbook § II.L at 14.

¹² Conversation with

¹³ Conversation with (b)(6), (b)(7)c

Attorney visits are not restricted as to time. Attorney visits are not interrupted for head counts; detainees are included in head counts while visiting with their attorneys. Attorneys and their clients may visit through meals according to their preference. If the detainee does not break for a meal and therefore misses a scheduled meal, a meal will be wrapped and given to the detainee after the meeting.¹⁴

After an attorney-client contact visit, detainees are pat-searched. They are not searched further unless the guards believe that a further search is necessary.¹⁵ (The fact that guards are able to visually monitor attorney-client visits may contribute to this policy.)

Detainees in administrative or disciplinary segregation may visit with their attorneys under the same procedures as other detainees.¹⁶

A few detainees indicated that information regarding *pro bono* representation was not available. However, several other detainees indicated that such information was available.¹⁷

Detainees sought *pro bono* counsel in three main ways. First, some attended group rights presentations offered by the Rocky Mountain Immigration Advocacy Network and Metro Volunteer lawyers, and asked the lawyers at those presentations to take their cases. (Some detainees indicated that they were not aware of this option.) Second, some detainees telephoned lawyers on lists of lawyers provided by the Facility or from the yellow pages.¹⁸ Third, some wrote letters to the lawyers on these lists or from the phone book.¹⁹

The fact that indigent detainees are not permitted free telephone access for the purpose of seeking to obtain legal representation makes it difficult for them to secure *pro bono* counsel. (See Section III, below.)

2. Visitation by Family and Friends

Visits by family and friends take place in the same visitation room as the primary attorney-client room, except that detainees and visitors are separated on opposite sides of the plexiglass divider so the visits are non-contact.²⁰ (b)(6), (b)(7)c reported that family and friends were allowed contact visits until an incident in which a visitor smuggled a chisel to a detainee and three detainees used the chisel to escape from the Facility.

The visiting schedule for family and friends is posted on bulletin boards at the entrance to the Facility and in the detainee dorms and is also set forth in the Detainee

14 Conversation with (b)(6), (b)(7)c

15 Conversation with (b)(6), (b)(7)c

16 Conversation with (b)(6), (b)(7)c

17 (b)(6)

18 Attached as Exhibit E to this memo, are lists that we received from two of the detainees whom we interviewed.

19 (b)(6)

20 Conversation with (b)(6), (b)(7)c

Handbook. Family and friends may visit 3 days per week depending on the last name of the detainee. Detainees with last names beginning with A-L may have family and friends visit Tuesdays, Thursdays and Saturdays. Detainees with last names beginning with M-Z may have family and friends visit on Wednesdays, Fridays and Sundays. Monday is a non-visitation day. The visitation hours are 3:30-5:30 p.m., and 7:00-10:00 p.m. Each visit may last up to 30 minutes and only 2 visitors are allowed at one time. This limit appears to be enforced only when necessary to accommodate all visitors; when capacity is available, the visits extend beyond 30 minutes. Occasionally arrangements may be made for special visits determined on a case by case basis when normal visiting hours are a hardship for family members. Interviewed detainees indicated that the facility had extended the visitation period for visitors that had traveled from out of town.²¹

Visits are not limited to immediate family or other relatives. Just about anyone can visit a detainee during normal visiting hours. Minors are allowed to visit detainees.²²

Visitors may not leave money with a Facility staff member for deposit into a detainee's account, except during the hours of 2:00-3:00 p.m., Monday through Friday (not during visiting hours). In addition, family and friends can mail money to the Facility for deposit in detainee accounts.²³

B. Telephone Access

The ICE Detention Standards provide that facilities shall permit detainees to have reasonable and equitable access to telephones during established waking hours.²⁴

The Detainee Handbook provides that "Blue Charge-A-Call Phones" are available in all living areas and intake for personal calls, including local, long-distance and international. Once per week, pre-paid phone cards may be purchased for use with the blue phones, the purchase price of which will be deducted from the detainee's personal account. Detainees who do not have the funds to purchase a phone card will be permitted to make one local legal phone call per day on a facility phone (a white phone); detainees must make a "Kite" request to obtain this call.²⁵ Detainee access to the telephones is suspended at count times, in the event of an emergency, and when it is determined by staff to be necessary to protect the good running order and security of the facility.²⁶

The following telephone-related postings were observed on the bulletin board in the women's dorm, near the blue telephones: a copy of a memorandum entitled "detainee phones"; a list of consulates with contact information; a list of local *pro bono* providers (in English only), underneath a posting with immigration bond information; and a notice

²¹ (b)(6) Notes.

²² Conversation with

²³ Conversation with (b)(6), (b)(7)c

²⁴ ICE Detention Standard: Telephone Access §§ I and III.A.

²⁵ All detainee requests for services at the Facility must be made via a request form called a "Kite." The Facility uses a general Kite for most types of requests, and a special medical Kite for requests for medical services.

²⁶ GEO Detainee Handbook §§ III.E.

from the Rocky Mountain Immigrant Advocacy Network, in English and Spanish, with contact information.

Blue Phones

The blue phones can be used only for collect and debit card calls. There are two blue phones in the larger dormitories (housing 20 to 40 detainees), and one blue phone for smaller dormitories. There is also a blue phone in the intake area, one for the segregation units, and one for the medical units. There was general agreement among the detainees interviewed that the number of blue phones was sufficient and that rarely was there a wait to use the telephones.²⁷ One detainee stated that two blue phones would not be enough in the larger dorms if the dorms were full.²⁸

There is no privacy afforded when using the blue phones. Some detainees reported that this was an issue, particularly when speaking with their attorneys or attempting to obtain legal counsel; others reported that they had learned to ignore the presence of others while using the phones. Some detainees complained that it is difficult to hear the speaker on the other end of the telephone because of the noise from two televisions which are on most of the time in most of the dorms.²⁹

Detainees can purchase telephone debit cards at intake and at the commissary one day per week. Telephone cards are available in varying amounts - \$5, \$10, and \$20. For local calls, the charge is \$.80 per call. For long distance calls in the continental 48 states, the charge is \$.18 per minute. Detainees interviewed indicated the rates were very expensive.³⁰ One detainee stated that rates for international calls are also quite high, approximately \$2 for a 3-minute call.³¹

The phones are freely available for use by the detainees except during the hours of 1:00-6:00 a.m., and during counts and releases. There is a 15 minute limit per call, which is enforced only when others want to use the phones.³² There are no restrictions on the number of calls detainees can make.

For detainees in segregation, a single blue phone, mounted on a rolling cart, can be brought to the door of individual segregation units, and a detainee may operate that telephone through the access port in the door. A similar arrangement is used for detainees housed in the three medical treatment cells.

White Phones

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One white telephone is located in each of the West and East Core areas – outside the dormitories. The white phones are to allow detainees to receive calls from their lawyers, or for indigent detainees to call their lawyers. Generally, calls from lawyers are routed directly to the detainees. If an attorney calls during a shift change or a count, the Facility asks the attorney to call back. No privacy is afforded when using the white phones. Several detainees complained that the guards are able to overhear their conversations on these phones.³³

White phones can be used only for local calls, toll-free calls, and incoming calls. There appear to be different understandings regarding use of the white phones to make calls. Some detainees interviewed indicated that they are not allowed to make calls from the white phones, even if indigent.³⁴ If a detainee is unable to make a call from the blue phones (i.e., is not able to purchase a phone card because there is no money in his or her account; or the card has run out; or the calling party does not take collect calls) the detainee must fill out a Kite request to use the white phone.³⁵

Indigent detainees may fill out a Kite request to make one call to their attorneys each day.³⁶ However, indigent detainees stated that they are not allowed to use the white phones to make calls to find legal assistance.³⁷ Based on our interviews with detainees, it appears that this is a significant barrier for indigent detainees attempting to find a *pro bono* lawyer.

The white phones can also be used to receive incoming international calls. Although calls are not always patched through, it appears that detainees are able to receive up to one international call per day on these phones.³⁸ One detainee complained about sporadic difficulty receiving international calls from family members.³⁹

³³ (b)(6). We observed how the guards' behavior affected detainees' sense of privacy in their conversations. We interviewed detainees in the library. One guard remained in the library during our interviews. The guard in the library during the first set of interviews made a point of not listening to the interviews, and instead put on headphones attached to a radio or CD player. The guard in the library during the second set of interviews was obviously listening to the interviews. One detainee later sent us a letter with additional information that the detainee had not been comfortable discussing with us while the guard was listening.

³⁴ (b)(6) Notes; (b)(6) Notes.

³⁵ Conversation with (b)(6).

³⁶ Conversation with (b)(6), (b)(7)c. is classified as indigent if the detainee has less than \$1 in his or her account. (Conversation with (b)(6), (b)(7)c.) The smallest available phone card costs \$5. If a detainee has more than \$1 and less than \$5 then the detainee cannot place calls on either the white phones or the blue phones. (Conversation with (b)(6), (b)(7)c.) ed that detainees could make collect calls or use mail instead. (Conversation with (b)(6), (b)(7)c.) Several local attorneys complained about this policy, which in effect deprives some detainees of the ability to make telephone calls to their attorneys at least some of the time. (Statements at RMIAN 7/1/04 Board Meeting attended (b)(6).

³⁷ (b)(6) Notes; (b)(6) Notes.

³⁸ (b)(6) Notes.

³⁹ (b)(6) Notes.

Detainees also can receive telephone messages. The main Facility number is posted on each blue phone. If an outside party calls this number, a message may be left for the detainee. This system appears to work. We received telephone messages from detainees leaving this number as a call-back number.

C. Legal Materials

The ICE Detention Standards mandate the designation of a law library in each facility. Each library must be large enough to facilitate detainee research and writing in a well-lit and reasonably quiet area. In addition to size, each library facility must have an adequate number of tables and chairs, in order to provide access to all detainees who request to use the library. It must also provide materials, equipment and library holdings sufficient to enable detainees to research and prepare legal documents.⁴⁰

The Detainee Handbook provides that general library reading materials will be made available Monday through Friday, 7:30 a.m. to 3:00 p.m. Each detainee may use the library up to one hour per day five days per week. If a detainee has an upcoming court deadline, the detainee may request additional library time.⁴¹

The library facility seems sufficiently quiet to allow detainees to research and prepare legal documents. It is equipped with the majority of the ICE Detention Standard's prescribed materials.⁴²

The Detainee Handbook states that the library should contain standard library materials found in a school or community library.⁴³ The library contains few nonfiction books, other than religious materials. The majority of books in the library are fiction novels in English. There are some books in German, Japanese, and Spanish. There are multiple copies of the Christian Bible, the Koran, and religious songbooks. Interlibrary loans are available if a detainee is able to identify the exact title of a book that the detainee would like to borrow.⁴⁴

The legal materials are divided into two categories. There are loose-leaf notebooks with basic information and some forms on common immigration procedures and issues. These notebooks are available in English and Spanish. The English titles are: (1) Applying to the INS for Release from Custody; (2) Voluntary Departure; (3) All About Bonds; (4) Asylum and Withholding from Removal; (5) 3 or 10 Year Cancellation of Removal; (6) Expedited Removal or Reinstatement of Removal; (7) Legal Status Through a Family Member; (8) Are You A United States Citizen?; and (9) Cancellation of Removal of Certain Permanent Residents.⁴⁵ In addition, there are two computers with

⁴⁰ ICE Detention Standard: Access to Legal Material §§ I, III.A and III.B.

⁴¹ GEO Detainee Handbook § II.A-E & IV.K

⁴² Observations of (b)(6)

⁴³ GEO Detainee Handbook § IV.

⁴⁴ Conversation with (b)(6), (b)(7)c

⁴⁵ Observations of (b)(6)

CD-ROMs that contain reference materials on immigration law and some case-law. We were told that the CD-ROMs were supplied by ICE and were updated periodically.⁴⁶

Some detainees were not aware of the computers and the CD-ROM materials. Those who were aware of these materials were unanimous that they are difficult to use.⁴⁷

Officer (b)(6), (b)(7)c is in charge of the library. Detainees stated that he tries to be helpful, but that his help is limited by the limitations of the CD-ROM materials.⁴⁸ Officer (b)(6), (b)(7)c has had some training in conducting computerized searches of the available legal materials.⁴⁹ (b)(6), (b)(7)c reported that there have been no grievances regarding the library since Officer (b)(6), (b)(7)c was put in charge.

Library Conditions

The library is generally quiet and well-lit. The space devoted to legal materials is in one corner of the library.

There were three work tables with ten chairs. The tables could comfortably accommodate twelve people if sufficient chairs were provided.

The library houses 2 typewriters and 2 computers. We did not observe any instructional materials for use of the computers, and several detainees that we interviewed indicated that they did not know how to use the computers or access the legal materials on CD-ROM.

Photocopies

The library has a new photocopy machine. (b)(6), (b)(7)c stated that detainees may make as many photocopies as they wish. Detainees whom we interviewed did not have complaints about the copy machine or access to it.⁵⁰

Correspondence

(b)(6), (b)(7)c stated that indigent detainees would be supplied as many postage stamps and envelopes, and as much paper as they requested for legal correspondence. He qualified this by stating that detainees who abused this privilege would be restricted in the amount that they received. One of the detainees we interviewed stated that he did not receive stamps and stationery to send a letter to the judge in his criminal case.⁵¹ Another detainee stated that he did not receive stamps and stationery to send letters to lawyers whom she was asking to represent her or to church and other organizations from which

46 Conversations with (b)(6), (b)(7)c
47 (b)(6) Notes.
48 (b)(6) Notes.
49 Conversation with (b)(6), (b)(7)c
50 (b)(6) t Notes; (b)(6) Notes.
51 (b)(6) t Notes.

she sought assistance. She stated that another detainee who had funds mailed 20 letters per week for her.⁵²

Access to the Library

The ICE Detention Standards mandate that each facility devise a flexible schedule in order to permit all detainees' use of the law library.⁵³ Detainees are required to submit a Kite to gain access to the library. They are limited to one hour per day, five days per week. Detainees who had substantial legal issues were unanimous that this is insufficient.⁵⁴

Detainees stated that they are not required to forego recreation time to use the library.⁵⁵

D. Group Rights Presentations

The ICE Detention Standards provide that facilities shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of the facility. The facility must cooperate fully with authorized persons seeking to make such presentations.⁵⁶

The Rocky Mountain Immigration Advocacy Network makes group rights presentations frequently. Most detainees that were interviewed were aware of these presentations, and many of them had attended at least one of them.⁵⁷

In addition, one detainee reported having attended a presentation by Metro Volunteer Lawyers.⁵⁸

The facility has copies of the "Know Your Rights" video created by the Florence Project, in both English and Spanish. (b)(6), (b)(7)c stated that currently every new detainee is given the opportunity to watch the video as part of the detainee intake process. (b)(6), (b)(7)c said that any detainee who did not see the video at intake could request to see it at another time by filling out a Kite, and would be permitted to do so. He was not aware of anyone having made such a request. Two detainees whom we interviewed had not seen the videotape. One of these detainees reported that he had been told that the same information was in the Detainee Handbook.⁵⁹

52 (b)(6) Notes.

53 standard: Access to Legal Material § III.G.

54 (b)(6) Notes; (b)(6) Notes.

55 (b)(6) Notes; (b)(6) Notes.

56 d: Group Presentation on Legal Rights § I.

57 (b)(6) Notes; b6 Schaller Notes.

58 (b)(6) N

59 (b)(6) Notes; (b)(6) Notes.

III. Other General Observations Unrelated to the Legal Access Standards

A. Detainee Handbook

The ICE Detention Standards require that each facility “develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available through various sources, including the facility....”⁶⁰

Upon arrival at the Facility detainees are given a “Detainee Handbook.” These handbooks are available in English or Spanish only.⁶¹ (A copy of the current English version of the handbook is attached as Exhibit B to this memo.) One detainee who reads Spanish, but not English, reported that he did not know that the handbook was available in Spanish.⁶²

B. Recreation

The Detention Standards require that “all facilities shall provide ICE detainees with access to recreational programs and activities, under conditions of security and supervision that protect their safety and welfare.”⁶³ Every effort is to be made to provide outdoor recreation facilities, but if only indoor facilities are provided, they should be large, contain exercise equipment, and have access to sunlight.⁶⁴

The Detainee Handbook provides that each detainee will be afforded 1 hour of exercise and recreation away from his dormitory living area 7 times per week. A schedule of recreation activities shall be arranged to coincide with normal facility operations.⁶⁵ (b)(6), (b)(7)c stated that if the detainee population is low, detainees could get more than 1 hour of recreation in a day.

The Detainee Handbook also provides that television viewing hours will begin after morning cleanup, if cleanup is satisfactory based on the dormitory officer’s sanitation inspection. Sunday through Thursday nights the television will be turned off at 1:00 a.m. and Friday, Saturday and holiday nights the television viewing may be permitted up to 2:00 a.m. at the discretion of the on-duty Watch Commander.⁶⁶

The Facility has three main recreation areas: an outdoor facility open to the sky with chain-link fencing, an outdoor facility with 20-foot high cinderblock walls and a screen ceiling, and an indoor facility. The outdoor recreation is provided in a rectangular caged-in area with a volleyball net, basketball hoops and a pull-up bar. Access to the outdoor recreation area is weather-dependent. The indoor recreation area with an open

⁶⁰ ICE Detention Standard: Detainee Handbook § I.

⁶¹ Conversation with (b)(6), (b)(7)c

⁶² (b)(6) Notes.

⁶³ ICE Detention Standard: Recreation § I.

⁶⁴ ICE Detention Standard: Recreation § III.A.1.

⁶⁵ GEO Detainee Handbook § IV.A.

⁶⁶ GEO Detainee Handbook § IV.B.

roof was a smallish concrete room with a mesh-wire ceiling. It contained weight equipment and a treadmill. The closed-roof indoor recreation area was larger and contained weight equipment, a ping pong table, stationary bikes, treadmills, a foosball table and stair-master equipment. This equipment was somewhat worn down.

There is one additional small recreation area for detainees in segregation. This is the only recreation area available to detainees in segregation. It is enclosed on four sides, and is open to the sky on one-half and covered on the other half. It contains one exercise machine. When asked whether detainees in segregation may use indoor recreation facilities, (b)(6), (b)(7)c responded that, because of the segregation recreation area is covered, it is considered “indoor.” (b)(6), (b)(7)c stated that the Facility provides detainees with hats, gloves, and coats during cold weather. Only one detainee may use the segregation recreation area at a time. During our visit, one segregated detainee was using the segregation recreation area.

The detainees whom we interviewed confirmed that they receive one hour of recreation per day, seven days per week. Several of the detainees complained that the equipment was too worn out and in some cases broken, and thus dangerous and difficult to use.⁶⁷

C. Classes

The Detainee Handbook states:

If you are interested in educational programs while you are here, contact the Program Coordinator to discuss your interest. You may apply for correspondence courses through the Program Coordinator. You or your community contacts must pay for any and all costs associated with these courses. To receive the courses, you must have the prior approval of the Program Coordinator to have the course(s) mailed to the facility. If you have an interest in a particular educational program, contact the Program Coordinator with your interest to determine if the program may be provided at the facility in the limited period of time that you may be at the institution.⁶⁸

(b)(6), (b)(7)c stated that classes are offered to train detainees to perform jobs at the facility, including food service training, hygiene training, barber training, substance abuse counseling, and anger management. No other classes are available.

D. Access to Medical and Dental Care

The ICE Detention Standards provide that all detainees shall have access to medical services that promote detainee health and general well-being.⁶⁹ Each facility is also to have regularly scheduled times, known as sick call, when medical personnel will

⁶⁷ (b)(6) Notes; (b)(6) Notes.

⁶⁸ GEO Detainee Handbook § IV.D.

⁶⁹ ICE Detention Standard: Medical Care § I.

be available to see detainees who have requested medical services. For a facility of over 200 detainees, a minimum of five days per week is required.⁷⁰ With respect to emergency care, each facility must have a written plan for the delivery of 24-hour emergency health care when no medical personnel are on duty at the facility, or when immediate outside medical attention is required.⁷¹

The ICE Detention Standards state that detainees shall be afforded only authorized emergency and routine dental treatment. Authorized emergency dental treatment includes those procedures directed toward the immediate relief of pain, trauma and acute oral infection that endangers the health of the detainee. It also includes the repair of prosthetic appliances to prevent detainee suffering. Routine dental treatment may be provided to detainees for whom dental treatment is inaccessible for prolonged periods because of detention for over 6 months.⁷²

The Detainee Handbook provides that each detainee will be screened for tuberculosis upon arrival at the Facility and will be scheduled for a physical exam within the first 14 days of detention. A dental screening is routinely conducted on all detainees within 14 days after admission. All requests for routine medical or dental attention must be submitted in writing to the medical department.⁷³

Requests for medical attention are made via a medical Kite form. The form is available in English and Spanish. A copy is attached as Exhibit D to this memo.

According to (b)(6) only detainees who have tuberculosis or another contagious disease are placed into medical segregation. Detainees are screened for tuberculosis. They are not screened for HIV/AIDS. (b)(6) stated that detainees with HIV/AIDS are not placed into medical segregation.

The medical staff consists of eight nurses (full and part-time), one dentist, one psychiatrist, and one physician. (b)(6) the head nurse, is generally at the facility Monday through Friday from 7:30 a.m. to 4 p.m. (b)(6) is a registered nurse. There are two nurses present at the facility during the day and evening and one nurse at night. They are available 24 hours per day, 7 days per week for medical emergencies. Prescriptions are filled by a contract pharmacy. Physician services are provided by a part-time contract physician and dental care is outsourced to a local dentist. A local psychiatrist provides approximately 3 hours per week of services and a psychologist provides 12 hours per week.

Nurses generally see detainees the day after the detainee submits a medical Kite form, although emergency requests are treated sooner. Medications are dispensed 3 times per day by the nurses. Detainees are permitted to have up to 5 doses of Tylenol and an inhaler in their possession.

⁷⁰ ICE Detention Standard: Medical Care § III.F.

⁷¹ ICE Detention Standard: Medical Care § III.G.

⁷² ICE Detention Standard: Medical Care § III.E.

⁷³ GEO Detainee Handbook § IV.F.

The medical facilities consist of a waiting room, staff offices, 3 infirmary rooms, and one medical/dental examination/x-ray/treatment room. According to (b)(6) minor surgery can be performed at the facility, including tooth extraction.

Regarding outside doctors and prescriptions, (b)(6), (b)(7)c stated that an outside physician would not need a court order to perform a medical or psychiatric evaluation on a consenting detainee. He also stated that there is a medical examination room that the facility would make available for such an exam, upon request by the outside doctor. Mr. (b)(6), (b)(7) stated that requests for outside examinations by outside physicians are extremely rare. He reported that the Facility does receive requests for outside psychological examinations in connection with detainees' cases, and that these examinations are permitted routinely.

(b)(6), (b)(7)c stated that, before the Facility will provide non-emergency surgery, it will seek clearance and funding approval from US Public Health Service Division of Immigration Health Services. He stated that an important consideration in determining whether to provide such care is whether the detainee is expected to be in the custody of ICE for very long; if the detainee is expected to be discharged or deported shortly, then non-urgent medical care is less likely to be provided.

In response to our inquiry whether there had been any hunger strikes at the facility, (b)(6), (b)(7)c stated that they occur from time to time. (b)(6), (b)(7) said that they had one detainee for whom they obtained a court-order to force feed. The local hospitals refused to force feed him because of liability concerns so they flew the detainee to an ICE facility in El Centro to force feed him. One detainee was engaged in a hunger strike during our visit. He had been moved to one of the medical units for observation.

According to interviews with detainees, it generally takes approximately 24 to 48 hours after the submission of a Kite request to receive any medical attention from a nurse. It may be several days (up to a week) before a detainee sees a doctor. It may be weeks before a detainee receives the physical required to participate in the voluntary work programs offered at the Facility. Several detainees complained about the lack of dental services and the quality thereof; these complaints were non-specific. Some detainees reported that detainees may miss doses of prescription medication if they are not in their dorms when the medicine cart makes its rounds (i.e., if the detainee is at recreation or in the library).⁷⁴

One detainee reported that he has suffered from chronic rectal bleeding since he came to the Facility; he reported that he received medication for this condition, but that the treatment has not been modified even though it is not effective, and even though he has repeatedly sought additional care.⁷⁵

⁷⁴ (b)(6) Notes; (b)(6) Notes.
⁷⁵ (b)(6) Notes.

One detainee reported that he had suffered a torn ACL and other injuries to his knee approximately 2 months before our visit. Surgery was recommended by medical staff, but has not been performed.⁷⁶

One detainee reported dealing with several medical issues, including psychological and physical issues. The detainee reported no problems receiving prescription medication for these issues. The detainee had not been able to receive copies of blood tests that had been performed regarding these conditions. The detainee had submitted a Kite request for the results of the blood tests, but had not received a response.⁷⁷

Two detainees indicated that there can be delays in responding to urgent medical emergencies such as heart attacks or seizures in the dorm areas. They indicated that it can be difficult to get the attention of staff members to enter the dorms in these circumstances. One detainee suggested that it would be a good idea to install panic buttons or alarms in the dorms so that the detainees could quickly and clearly signal to the staff the existence of a medical emergency.⁷⁸

E. Religious Issues

The ICE Detention Standards provide that detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths. These opportunities must exist regardless of the number of practitioners of the religion or whether the religion is mainstream.⁷⁹ The ICE Detention Standards further provide that detainees who belong to a religious faith different from the facility's chaplain will, if they prefer, have access to pastoral care from external clergy and religious service providers.⁸⁰ If requested by a detainee, the chaplain shall facilitate arrangements for pastoral visits by a clergyperson or representative of the detainee's faith.⁸¹

Pursuant to the ICE Detention Standards, detainees shall have access to personal religious property (such as rosaries and prayer beads, oils, prayer rugs, phylacteries, medicine pouches and religious medallions), consistent with facility security. However, a detainee who wishes to have religious books must comply with the facility's general rules for ordering, purchasing, retaining and accumulating personal property. Religious literature is permitted in accordance with the procedures governing incoming publications.⁸²

⁷⁶ (b)(6) Notes.

⁷⁷ (b)(6) Notes.

⁷⁸ (b)(6) Notes. This observation was based on the detainee's own experiences in attracting the attention of staff during one or more medical emergencies. We observed that staff are always able to visually monitor the dorm areas, but may not always be watching a particular dorm area. Thus, if a medical emergency occurs, staff may not be immediately aware of it unless detainees attract staff's attention.

⁷⁹ ICE Detention Standard: Religious Practices § I.

⁸⁰ ICE Detention Standard: Religious Practices § III.D.

⁸¹ ICE Detention Standard: Religious Practices § III.J.

⁸² ICE Detention Standard: Religious Practices § III.K.

Under the ICE Detention Standards, the food service department must implement procedures for accommodating, within reason, detainees' religious dietary requirements. When a detainee's religion requires special food services, either daily or during certain holy days or periods that involve fasting, restricted diets, etc., the facility staff must make all reasonable efforts to accommodate them. This will require, among other things, modifying menus to exclude certain foods or food combinations, providing meals at unusual hours, etc.⁸³

The Detainee Handbook provides that each detainee has the right to religious affiliation and will have the opportunity to practice his religious faith that is deemed essential by the faith's judicatory, consistent with the safety, security, and orderly operation of the facility. Catholic and Muslim services are offered on a weekly basis. Services may be provided to detainees who are in the Segregation Unit on an individual basis. Bibles, religious items and literature are available from the facility library upon request. Detainees may wear or use personal religious items during religious services, ceremonies, or meetings, unless the Facility Administrator, through the Program Coordinator, determines that the wearing of such items would threaten facility security, safety or good order.⁸⁴

Religious services are conducted weekly for Muslims on Friday afternoon and for Christians on Sunday. The services are conducted in the library. These services are provided for men only. Services for women appear to be somewhat less regular.⁸⁵ The library has some religious books that the detainees may borrow. The only special diets offered at the Facility are medical-dictated diets and vegetarian diets. Detainees can request no meat on Fridays. According to (b)(6) the food service officer, Kosher diets for observant Jews and Halal diets for observant Muslims are available. We interviewed one Muslim detainee, who indicated that Halal food requests are generally accommodated by giving Muslims the same food as other detainees with any inappropriate items removed. The practical effect of this practice is that Halal meals are vegetarian. He reported that the break-the-fast meals provided in the evenings during Ramadan are insufficient, and do not take into account that people were fasting all day.⁸⁶

F. Grievance Procedures

The ICE Detention Standards provide that a facility shall make every effort to resolve detainee grievances in an orderly and timely manner.⁸⁷ Many detainees, however, expressed concern and frustration with the grievance procedures. Specifically, many of the detainees whom we interviewed reported that they initially received reasonably prompt responses to grievances, but that the Facility stopped responding at all if they made additional requests.⁸⁸

⁸³ ICE Detention Standard: Religious Practices § III.M.

⁸⁴ Handbook § IV.I.

⁸⁵ (b)(6) Notes.

⁸⁶ (b)(6) Notes.

⁸⁷ d: Detainee Grievance Procedures § III.A.1.

⁸⁸ (b)(6) Notes (b)(6) Notes.

IV. Conclusion

The Facility appears to generally be have implemented the ICE Detention Standards which we observed. The issue where there appears to be a lack of meaningful access is in the law library. Detainees find that the CD-ROM legal materials are difficult to use and would benefit from assistance in using them. Not all detainees are aware of the availability of such materials, and no training is available to detainees.