

Facility Name: York County Prison Facility (YCP); York, Pennsylvania

Date of Tour: July 21, 2004

Tour Participants: [REDACTED] and summer associates [REDACTED]

(Ballard Spahr)

ICE Standard	ICE Standard	Delegation Observation	Source	ICE Response
Visitation (Standard 17)	III.I, §14 – “INS shall provide the facility with the official list of pro bono legal organizations, which is updated quarterly by the EOIR. The facility shall promptly and prominently post the current list in detainee housing units and other appropriate areas.”	<ul style="list-style-type: none"> <li>▪ Although detainees reported receiving lists of pro bono attorneys, interviews indicated that these lists are often out of date, making it difficult to contact pro bono counsel. (p. 4, line 19)</li> </ul>	<ul style="list-style-type: none"> <li>▪ According to detainee interviews</li> </ul>	
Telephone Access (Standard 16)	III.G – “Detainees in the Behavioral Adjustment Unit should be allowed to make direct/free calls, except under compelling security conditions”	<ul style="list-style-type: none"> <li>▪ Detainees placed in the Behavioral Adjustment Unit are not allowed to place any calls. (p. 7, line 20)</li> </ul>		

	<p>III.E – “Detainees must be allowed to make certain direct calls, including calls placed to the local immigration court and the Board of Immigration Appeals, federal and state courts where the detainee is or may become involved in a legal proceeding, consular officials, legal service providers and government officials to obtain documents necessary for the detainee’s case, and in personal family emergencies if the detainee demonstrates a compelling need.”</p>	<ul style="list-style-type: none"> <li>▪ Detainees are permitted one free local or long distance domestic call when they enter YCP. Thereafter, detainees may only place collect calls. (p. 8, line 4)</li> <li>▪ Detainees may place an initial call to an attorney or consulate through their block counselor. All other calls must be placed collect. (p. 8, line 12)</li> <li>▪ The delegation learned that a gym is used for low security female detainees has PCS phones, however they are only accessible to the women housed in the gym (p8, line 20)</li> </ul>	<ul style="list-style-type: none"> <li>▪ According to detainee interviews</li> </ul>	
<p>Issuance of Clothing (Standard 10)</p>	<p>III.E - Detainees shall be provided with clean clothing, linen and towels on a regular basis to ensure proper hygiene. Socks and undergarments will be exchanged daily, outer garments at least twice weekly and sheets, towels, and pillowcases at least weekly.”</p>	<ul style="list-style-type: none"> <li>▪ YCP detainees are not provided any undergarments at all. Detainees are forced to either go without undergarments or buy undergarments from the commissary (p. 25, line 17)</li> </ul>		

## MEMORANDUM

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

From: American Bar Association Detention Standards Implementation Initiative Delegation to the York County Prison Facility in York, Pennsylvania<sup>1</sup>

Re: Report on Observations during a General Tour of the York County Prison facility in York, Pennsylvania

Cc: (b)(6) ABA Commission on Immigration

Date: August 18, 2004

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This memorandum summarizes and evaluates information gathered at the York County Prison ("YCP or "Prison") in York, Pennsylvania during the delegation's July 21, 2004 visit to the facility. The information was gathered via observation of the facility by the delegation and interviews with immigration detainees as well as YCP and Immigration and Customs Enforcement ("ICE") personnel.

### I. OVERVIEW OF ICE DETENTION STANDARDS

In November 2000, the Immigration and Naturalization Service (the "INS")<sup>2</sup> promulgated Standards (the "Standards") to insure the "safe, secure and humane treatment" of immigration detainees. The thirty-six standards contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies to grievance procedures and food service. These standards apply to ICE-operated detention centers and other facilities that house immigration detainees as part of a contract or intergovernmental service agreement ("IGSA").

The Standards went into effect at detention facilities on January 1, 2001. The INS intended to phase in the Standards in all of its contract and IGSA facilities by December 31, 2002. The Standards were intended to constitute a "floor," and not a "ceiling," for treatment of immigration detainees. In other words, they are meant to establish the minimal requirements that the INS (now ICE) must adhere to in its facilities. Each Field Officer or Officer in Charge ("OIC") may, in his or her discretion, promulgate policies and practices affording ICE detainees more enhanced rights and protections than those provided for by the Standards.

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<sup>1</sup> The delegation was comprised of Ballard Spahr Andrews & Ingersoll attorneys (b)(6) and (b)(6) and summer associates (b)(6) and (b)(6).

<sup>2</sup> Effective March 1, 2003, the INS ceased to exist as an agency of the Department of Justice. The INS's immigration enforcement functions were transferred to Immigration and Customs Enforcement ("ICE"), a division of the newly-created Department of Homeland Security ("DHS").

## II. INTRODUCTION

### A. The Delegation's July 21, 2004 Visit

On Wednesday, July 21, 2004, the members of our delegation met with several members of YCP's staff as well as ICE representatives employed at the facility. Our delegation first met ICE Officer-in-Charge (b)(6), (b)(7)c ICE Supervisory Detention and Deportation Officers (b)(6), (b)(7)c and York County Prison Warden (b)(6), (b)(7)c. During the course of this meeting, our tour of the facilities, and the post-tour follow-up discussion, we met with ICE Supervisory Detention and Deportation Office (b)(6), (b)(7)c York County Prison Captain (b)(6), (b)(7)c and York County Prison Deputy Warden of Treatment (b)(6), (b)(7)c. The delegation appreciates the cooperation of these individuals. They were direct and accommodating during our tour of the facility and in response to post-tour requests for additional information.

Our report is based on the discussions we had with these YCP and ICE employees, as well as observations of the facility and interviews with seven immigration detainees. In many instances, detainee reports were compatible with statements made by facility personnel and/or our observations. In such cases, the delegation was able to conclusively determine whether YCP policy and procedures met the Standards. However, in certain instances, detainee reports conflicted with statements made by facility personnel. Where we were unable to verify the conflicting reports, the delegation was unable to conclusively determine whether the Standards had been implemented.

### B. General Information About the York County Prison Facility

The YCP houses immigration detainees through an IGSA with ICE. According to YCP personnel, the Prison has the capacity to hold up to 1,200 individuals but currently houses only 596 detainees. YCP accommodates both male and female detainees. According to YCP personnel, the female portion of the immigrant detainee population at the Prison generally ranges from 4% to 10%.

YCP officials stated that the prison's detainee population consists primarily of individuals from the Dominican Republic, Mexico and Jamaica, although detainees from Haiti, Guatemala, Honduras, China and other nations are also present.

It appears that, although the large majority of immigration detainees housed at YCP have criminal records, some of the detainees have no criminal history of any kind. There was some confusion about this fact during our visit. At the preliminary meeting before the tour of the facility, YCP personnel informed delegation members that all but four of the 596 detainees held at YCP were classified as criminal detainees. During the interviews of the detainees, however, a number of the detainees asserted that many detainees, in fact, have not been convicted of any crimes. At the post-tour follow-up discussion with YCP personnel, delegation members brought up the inconsistency. YCP staff sought and analyzed their inmate records and confirmed that approximately sixty of the detainees currently housed at YCP had no criminal history.

YCP currently receives from the federal government \$47.41 per day per detainee, although under a recently finalized new contract that figure will rise to \$56.52 per day per detainee. Assuming an average daily total of 600 immigration detainees, YCP will receive approximately \$1,017,000 per month under the new contract.

**C. Executive Summary of Observations**

In general, YCP's implementation of the Standards is satisfactory, but there are some areas where improvement can be made:

- **Visitation by Attorneys:** YCP's performance generally meets the Standards but the attorney visitation policy should be included in either the Inmate Information Sheet or Inmate Handbook.
- **Visitation by Family and Friends:** YCP's policies are generally flexible and meet the Standards, but the visitor list should either be expanded or eliminated and YCP should put in writing its policy regarding hardship exceptions to the visitation rules.
- **Telephone Access:** YCP does not allow free, direct calls to legal representatives and does not provide for confidentiality or privacy of legal calls.
- **Legal Materials:** YCP generally meets the access to legal materials Standards, but the facility must ensure that detainees are permitted at least five hours of library time every week.
- **Group Legal Rights Presentations:** YCP meets the Standards for group legal rights presentations, but should make more of an effort to show the "Know Your Rights" video.
- **Access to Classes:** YCP provides GED and ESL classes and educational opportunities for high school age detainees to receive a high school diploma.
- **Access to Medical Care:** YCP provides twenty-four hour a day care and a fairly quick response to requests for medical attention. However, YCP policies regarding detainees suffering from alcohol and drug addiction may need improvement.
- **Detainee Classification:** YCP meets the Standards, but the facility's Inmate Handbook should include an explanation of the classification levels, with the conditions and restrictions applicable to each.
- **Access to Work Programs:** YCP meets the Standards regarding permitting detainees to work at the facility.
- **Grievance and Disciplinary Procedures:** YCP generally meets the Standards, but should ensure that detainees who file grievances are not retaliated against.

- **ICE Presence and Communication with Detainees:** YCP meets the Standards by maintaining mail boxes throughout the facility by which detainees can communicate with ICE.

### III. OBSERVATIONS OF IMPLEMENTATION OF LEGAL ACCESS STANDARDS

#### A. Legal Access/Visitation

##### i. Visitation by Attorneys

The 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.<sup>3</sup>

**YCP facilitates some parts of this section of the Standards, but not others.**

Attorney visitation rules are not provided in either the YCP Inmate Information Sheet or the YCP Inmate Handbook. In addition, although some detainees reported receiving lists of pro bono attorneys, interviews with detainees indicated that these lists are often out of date, making it difficult to contact pro bono counsel.<sup>4</sup> Furthermore, detainees do not have the ability to make direct telephone calls and reported that many agencies or attorneys on the list do not accept collect calls.<sup>5</sup> Attorneys are not restricted to the normal hours of visitation, but rather are allowed to visit YCP inmates at any time, seven days a week, except during count time or mealtime.<sup>6</sup> In order for an attorney to visit a detainee at YCP, the attorney must have and present a bar card (although this may not be necessary if the attorney's state does not issue a bar card if photo identification, such as a driver's license, is presented).<sup>7</sup> According to YCP personnel, the attorney visitation rules are flexible such that legal assistants and law students authorized by the attorney are allowed to visit and interpreters may accompany the legal representative during the visit.<sup>8</sup>

There are approximately ten attorney visitation rooms at the facility. These rooms provide enough space for ten attorney visits to occur simultaneously. All attorney visitation rooms allow for contact visits and provide secure, private communication. Unlike the areas used for family visits, the attorney rooms do not have Plexiglas dividers to separate the detainees from their attorneys. Detainees are not subject to strip searches after attorney visits, but they may be patted down.<sup>9</sup> Form G-28, Notice of Entry of Appearance as Attorney or Representative, which generally must be filled out by an attorney in order to undertake representation of a detainee, is

<sup>3</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.

<sup>4</sup> Notes of delegation member (b)(6)

<sup>5</sup> Notes of delegation member (b)(6)

<sup>6</sup> Notes of delegation member (b)(6) According to YCP personnel, even the count and mealtime restrictions are not rigidly enforced.

<sup>7</sup> Notes of delegation member (b)(6)

<sup>8</sup> Notes of delegation member (b)(6)

<sup>9</sup> Notes of delegation member (b)(6)

not available at the facility.<sup>10</sup> However, it is not clear whether the facility requires a Form G-28 to be delivered before attorneys meet with detainees.

**ii. Visitation by Family and Friends**

To maintain detainee morale and family relationships, the Standards encourage visitation with family and friends.<sup>11</sup> To that end, the Standards require that all detention facilities allow visitation and establish written visitation procedures.<sup>12</sup> The Standards require a minimum of 30 minutes per visit, under normal conditions, and encourage more generous limits when possible.<sup>13</sup> The facility must allow visitation by immediate family members,<sup>14</sup> and other relatives, friends and associates.<sup>15</sup> As to visits by minors, the Standards provide that:

At facilities where there is no provision for visits by minors, [ICE] will arrange for a visit by children and stepchildren, on request, within the first 30 days. After that time, on request, [ICE] will consider a transfer, when possible, to a facility that will allow such visitation. Monthly visits will be continued on request, if transfer is not, [sic] approved, available or until effected.<sup>16</sup>

Moreover, the ICE Model Detainee Handbook adds that visitors under 18 years of age “are expected to remain under the direct supervision of” adult visitors.<sup>17</sup>

**YCP facilitates some parts of this section of the Standards, but not others.** YCP provides for non-contact family and friend visitation hours every day of the week.<sup>18</sup> Written visitation procedures are provided to the detainees upon arrival through the YCP Inmate Information Sheet, which is available in several languages.<sup>19</sup> Detainees are given three half-hour visits per week.<sup>20</sup> According to the YCP Inmate Information Sheet, up to two visits may be taken in one day if friends or family are traveling great distances, but YCP personnel indicated that, in fact, all three visits may be used consecutively if practicable.<sup>21</sup> While YCP officials

<sup>10</sup> Notes of delegation member (b)(6)

<sup>11</sup> Detention Operations Manual, Detainee Services, Standard 17, Section I.

<sup>12</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.A.

<sup>13</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>14</sup> “Immediate family members” includes mothers, fathers, stepparents, foster parents, brothers, sisters, children and spouses, including common-law spouses. Detention Operations Manual, Visitation, Standard 17, Section III.H.2.a.

<sup>15</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.c.

<sup>16</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.d.

<sup>17</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.d.

<sup>18</sup> York County Prison Inmate Information Sheet, p. 2.

<sup>19</sup> York County Prison Inmate Information Sheet, p. 2.

<sup>20</sup> York County Prison Inmate Information Sheet, p. 2.

<sup>21</sup> Notes of delegation member (b)(6)

stated that alternative arrangements can be made if normal visiting hours and visitation restrictions pose an unusual hardship for family members,<sup>22</sup> it is unclear what such arrangements consist of and whether immigration detainees know of the possibility to make such arrangements, as they are not mentioned in the YCP Inmate Information Sheet. Children under the age of fourteen may visit on Thursdays and Fridays between 3:30 and 5:15 PM, but identification proving that the child is the son or daughter of the inmate is required.<sup>23</sup> Visitors are allowed to leave money and certain property for inmates and detainees.<sup>24</sup>

A policy that might discourage visitation is the requirement that detainees keep a visitor's list. Eight persons may be placed on a detainee's "Visitor List Form." Only persons on this list, with the exception of attorneys, clergy and children, may visit the detainee. Detainees may revise their visitor list to include other individuals, but they must first make space on their list by removing persons already listed. Thus, if a detainee has eight family members on her visitor list, she must remove one of their names in order to include a previously unlisted person. Despite the assurances of YCP personnel that changes can be made at any time, it seems inevitable that changes to the visitor list would take some time to go into effect.

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<sup>22</sup> Notes of delegation member [REDACTED] (b)(6)

<sup>23</sup> York County Prison Inmate Information Sheet, p. 2.

<sup>24</sup> Notes of delegation members [REDACTED] (b)(6)

## **B. Telephone Access**

As set forth below, YCP has implemented some sections of the Standards, but has failed to implement other sections.

### **i. General Requirements and Use Restrictions**

The Standards require facilities to provide detainees with reasonable and equitable access to telephones during established waking hours.<sup>25</sup> This requires the facility to provide one working phone for every twenty-five detainees held.<sup>26</sup>

In addition, the Standards require that the facility not restrict the number of calls a detainee may place to his/her legal representatives. The calls should not be limited in duration unless necessary for security or to maintain order and fair access. If such a limit is required, it should not be shorter than twenty minutes.<sup>27</sup> In addition, detainees in the Behavioral Adjustment Unit should be allowed to make direct/free calls, except under compelling security conditions.<sup>28</sup>

**YCP has implemented some parts of this section of the Standards, but not all.** Telephones are located in all of the living quarters and detainees are allowed to make “a reasonable number of outgoing calls per day.”<sup>29</sup> The phones are available to detainees all day, however the Handbook notes that “phone calls are a privilege and can be taken away by the captain.”<sup>30</sup> YCP limits the length of calls a detainee may place to twenty minutes. If the detainee wishes to speak for additional time after twenty minutes has elapsed, the detainee may call again if no one else is waiting to use the phone.<sup>31</sup>

Detainees placed in the Behavioral Adjustment Unit are not allowed to place *any* calls, including those to an attorney. The detainee may write the attorney a letter and if the attorney calls, the detainee will be allowed to return the call.<sup>32</sup>

### **ii. Direct Calls and Free Calls**

The Standards require the facility to allow detainees to make certain direct calls, including calls placed to the local immigration court and the Board of Immigration Appeals, federal and state courts where the detainee is or may become involved in a legal proceeding, consular officials, legal service providers and government officials to obtain documents

<sup>25</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.A.

<sup>26</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.C. and D.

<sup>27</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

<sup>28</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

<sup>29</sup> Inmate Handbook for York County Prison, p. 5.

<sup>30</sup> Inmate Handbook for York County Prison, p. 5.

<sup>31</sup> Inmate Handbook for York County Prison, p. 5.

<sup>32</sup> Notes of delegation member (b)(6)

necessary for the detainee's case, and in personal family emergencies if the detainee demonstrates a compelling need.<sup>33</sup>

**YCP has failed to implement this section of the Standards.** Detainees are permitted one free local or long distance domestic call when they enter YCP. Thereafter, detainees may only place collect calls, including to the organizations referred to in the paragraph above.<sup>34</sup> Significantly, YCP strictly prohibits detainees from placing certain calls that the Standards advocate should be placed directly. YCP does not allow detainees to place any calls to a parole officer, a police agency, a magistrate or the county.<sup>35</sup> This could potentially prevent detainees from calling an official within the court system handling the detainee's case. Detainees placed in the Behavioral Adjustment Unit do not even have the option to place a collect call to the organizations referred to above.

Detainees may place an initial call to an attorney or consulate through their block counselor. The YCP Information Sheet for Immigration Detainees says that "Once you have obtained legal representation, . . . the prison provides telephones in order to make collect calls. . . . If an emergency situation develops . . . we will bring you to the INS office to make a call free of charge."<sup>36</sup> All other calls must be placed collect.<sup>37</sup> The detainees we interviewed confirmed their inability to place free calls. The female detainees told the delegation that their counselor was supposed to help them place direct calls to their attorneys, but such calls are not permitted freely and are often denied to certain groups of individuals, depending on the counselor's mood and personal opinion of the detainee requesting the call.<sup>38</sup> During the interviews, several detainees mentioned that the gym, a housing area for low-risk females, has a special phone for detainees. Through this phone, detainees may get updates on their cases and make various calls free of charge. This phone is only available to the female detainees living in the gym, excluding a majority of YCP's detainee population.

The cost of placing a collect call is very high and inhibits the ability of the detainees to place calls. The YCP officer stated that collect calls cost \$1.20 for the first minute and \$0.45 for each additional minute.<sup>39</sup> However, one detainee said the cost was \$5.00 for the first minute and \$1.00 for each additional minute.<sup>40</sup> Regardless of the actual cost, several of the detainees interviewed said that their attorneys would not accept collect calls, so their only means of initiating contact with their attorney was through writing a letter or waiting for the attorney to contact them.<sup>41</sup>

<sup>33</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

<sup>34</sup> York County Prison Inmate Information Sheet, p. 3.

<sup>35</sup> Inmate Handbook for York County Prison, p. 5.

<sup>36</sup> York County Prison Inmate Information Sheet, p. 8.

<sup>37</sup> York County Prison Inmate Information Sheet, p. 7.

<sup>38</sup> Notes of delegation member [REDACTED]

<sup>39</sup> Notes of delegation member [REDACTED]

<sup>40</sup> Notes of delegation member [REDACTED] (b)(6)

<sup>41</sup> Notes of delegation member [REDACTED]

In addition, some detainees mentioned that, because of the high cost of collect calls, their families' home phones have been disconnected or their families have blocked the YCP number so the detainees can no longer call them. Detainees may place calls to family members living outside of the United States by purchasing international calling calls, which cost \$10.00 and reportedly last for about five minutes.

### iii. Privacy for Legal and Other Telephone Calls

The Standards require facilities to ensure that detainees have privacy when placing confidential calls to legal representatives.<sup>42</sup> Such calls should not be monitored, absent a court order.<sup>43</sup> In addition, the facility should have a written policy on the monitoring of all other calls in the detainee handbook.<sup>44</sup> This policy should also explain the procedure for placing an unmonitored call to a court or to a legal representative.<sup>45</sup>

**YCP has failed to implement these sections of the Standards.** YCP does not have a private location for detainees to place confidential legal calls. According to YCP personnel, detainees may submit a request to a counselor to place a confidential call from the counselor's office.<sup>46</sup> Through speaking with the detainees however, the delegation learned that this procedure is not carried out. Several of the detainees we spoke to explained that their counselor often refused to let them make calls. The detainees felt that the counselors had "favorites" and that detainees who were not part of that group were not allowed to make free and confidential calls.<sup>47</sup>

According to YCP personnel, the facility does not frequently monitor calls. Calls are generally only monitored if the facility suspects inappropriate relationships between the detainees and guards.<sup>48</sup> The officer said that all detainees are warned of the possibility of monitoring when they enter the facility, but are not specifically told if they are in fact being monitored.<sup>49</sup> The delegation could not find this disclosure in the Inmate Handbook or the Inmate Information Sheet.

### iv. Incoming Calls and Messages

The Standards require that the facility take and deliver messages to detainees as promptly as possible, no less than three times a day.<sup>50</sup>

<sup>42</sup> Detention Operation Manual, Detainee Services, Standard 16, Section III.J.

<sup>43</sup> Detention Operation Manual, Detainee Services, Standard 16, Section III.J.

<sup>44</sup> Detention Operation Manual, Detainee Services, Standard 16, Section III.K.

<sup>45</sup> Detention Operation Manual, Detainee Services, Standard 16, Section III.K.

<sup>46</sup> Notes of delegation Member

<sup>47</sup> Notes of delegation member

<sup>48</sup> Notes of delegation member

<sup>49</sup> Notes of delegation member

<sup>50</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

**YCP has implemented this section of the Standards.** If a detainee receives a call from his/her attorney, the facility will deliver the message immediately, usually within five to ten minutes. The facility will only take and deliver personal messages if it is a verifiable family emergency.<sup>51</sup>

**C. Legal Materials**

The Standards provide that all facilities shall permit detainees access to a law library and provide legal materials, facilities, equipment and document copying privileges and the opportunity to prepare legal documents.<sup>52</sup>

**The YCP facility has implemented most sections of the Standards regarding access to legal materials.**

**i. Materials Identified in the Standards**

The Standards require all law libraries to contain the materials listed in Attachment A to the chapter on Access to Legal Material.<sup>53</sup> These materials must be updated regularly and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner.<sup>54</sup> Damaged or stolen materials must be promptly replaced.<sup>55</sup> In addition, the Standards require that the facility post a list of holdings in the law library and designate an employee with the responsibility for updating materials, inspecting them weekly and maintaining them in good working order.<sup>56</sup>

**The YCP law libraries appear to meet this section of the Standards, but some questions remain.** The YCP law libraries contain all of the required materials. Although the hard copies of these materials are not updated consistently, the libraries order Lexis-Nexis CD-ROMs, which contain all of the required materials and are updated on a consistent basis. Lexis-Nexis provides the detainees with access to the most up-to-date legal materials. Additional legal materials which are not on the list can be requested by contacting the publisher directly. YCP employs inmates, often detainees, to serve as law librarians.

The library does not contain the Florence Project's "Know Your Rights" packets. However, according to (b)(6), (b)(7)(c) Deputy Warden in charge of treatment, YCP has "Know Your Rights" videos, which are shown twice a week, once in English and once in Spanish, as well as "Know Your Rights" CDs.<sup>57</sup> When asked, however, only one of the detainees

<sup>51</sup> Notes of delegation member (b)(6)

<sup>52</sup> Detention Operations Manual, Detainee Services, Standard 1, Section I.

<sup>53</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

<sup>54</sup> Detention Operations Manual, Detainee Services, Standard 1, Sections III.D.-F.

<sup>55</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

<sup>56</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

<sup>57</sup> Notes of delegation members (b)(6)

interviewed had any familiarity with the material.<sup>58</sup> Two other detainees interviewed reported that they were not familiar with “Know Your Rights” and had never seen the videos.<sup>59</sup> Furthermore, ICE Supervisory Detention and Deportation Officer [REDACTED] (b)(6), (b)(7)(c) indicated that the “Know Your Rights” video was available for viewing, but he did not believe it was regularly screened by detainees.<sup>60</sup>

## ii. Library Conditions

The Standards provide that each facility shall provide a law library in a designated room with sufficient space to facilitate detainees’ legal research and writing. The library shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.<sup>61</sup>

**The YCP facility has implemented this section of the Standards.** The YCP libraries are well-lit and reasonably isolated from high-traffic or noisy areas that might interfere with research and writing. The main law library, which is the largest of the four, is large enough to accommodate three large tables and has enough chairs to seat approximately 20 inmates.

## iii. Photocopies and Mail

The Standards provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.<sup>62</sup> Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.<sup>63</sup> Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.<sup>64</sup>

**It is unclear whether the YCP facility fulfills this section of the Standards.** In order to obtain copies of their legal materials, detainees must fill out a copy request form. According to YCP personnel, detainees receive free copies of legal materials.<sup>65</sup> Two of the detainees interviewed however, reported that detainees are charged \$0.25 per page for copies.<sup>66</sup> One detainee reported problems with requesting and obtaining photocopies of legal materials. According to this detainee, when detainees request copies of a specific legal document, they only receive the portion of the document deemed suitable by their captain.<sup>67</sup>

<sup>58</sup> Notes of delegation members [REDACTED]

<sup>59</sup> Notes of delegation members [REDACTED] (b)(6)

<sup>60</sup> Notes of delegation member [REDACTED] (b)(6)

<sup>61</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

<sup>62</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>63</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>64</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>65</sup> Notes of delegation members [REDACTED]

<sup>66</sup> Notes of delegation members [REDACTED] (b)(6)

<sup>67</sup> Notes of delegation members [REDACTED]

The Standards require that detainees be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility.<sup>68</sup> General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and even read outside the presence of the detainee if security reasons exist for doing so.<sup>69</sup> Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials and the news media—is treated differently.<sup>70</sup> Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.<sup>71</sup> Outgoing special correspondence cannot be opened, inspected or read.<sup>72</sup>

**The YCP facility appears to meet this section of the Standards, but some concerns remain.** Detainees are able to send and receive correspondence.

The Standards also require that facilities provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential representative or any court.<sup>73</sup> According to YCP personnel, detainees are given free stamps for legal mail. However, the detainees interviewed reported that detainees receive only one free stamp per week and are charged for additional stamps.<sup>74</sup>

#### iv. Computer Access, Equipment and Holdings

The Standards require that the law library provide an adequate number of typewriters and/or computers, writing implements, paper and office supplies to enable detainees to prepare documents for legal proceedings.<sup>75</sup>

**For the most part, the YCP facility meets this section of the Standards.** The delegation toured three of YCP's four law libraries. Each library was equipped with two computers for the detainees and one computer for the law librarian. Only one of the three libraries that the delegation toured was equipped with typewriters. Although the libraries are equipped with printers, the printers are not always operational. According to one detainee interviewed by the delegation, detainees sometimes have to wait two to three days for printer cartridges to be replaced.<sup>76</sup>

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<sup>68</sup> Detention Operations Manual, Detainee Services, Standard 3, Section I.

<sup>69</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B. and E.

<sup>70</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B., E. and F.

<sup>71</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B. and E.

<sup>72</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B. and F.

<sup>73</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

<sup>74</sup> Notes of delegation members [REDACTED] (b)(6)

<sup>75</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>76</sup> Notes of delegation members [REDACTED] (b)(6)

The Standards also require the law library to provide writing implements, paper and office supplies.<sup>77</sup> However, two of the detainees interviewed reported that detainees usually have to purchase these items for themselves.<sup>78</sup>

#### V. Access to the Library

The Standards require that a facility devise a flexible schedule to permit all detainees, regardless of housing or classification, to use the law library on a regular basis for a minimum of five hours per week.<sup>79</sup> These five hours should not cause a detainee to miss a meal, recreation time or any other planned activity.<sup>80</sup>

**The YCP facility appears to have implemented this section of the Standards, but some discrepancies remain.** The YCP facility has four law libraries. The libraries are open every day between 9:00 and 11:20 a.m., 1:00 and 4:30 p.m. and 7:00 and 10:50 p.m.<sup>81</sup> The facility's Inmate Information Sheet provides that detainees are permitted to use the law library for ten hours per week unless there are more than twenty-two detainees who want to attend the library at one time, in which case each detainee is permitted to use the library for half of the prescribed time.<sup>82</sup> There is some question as to the exact number of hours per week detainees are permitted to use the law library. Despite the ten hour per week policy listed in the Inmate Information Sheet, YCP personnel indicated that detainees are permitted seven hours per week but can request more time.<sup>83</sup> One of the detainees interviewed by the delegation reported that detainees are permitted to use the library for six hours per week.<sup>84</sup> Two detainees interviewed indicated that the permitted use of the law library is less than five hours per week, which is in direct conflict with the Standards.<sup>85</sup> Further, although YCP personnel indicated that detainees do not have to choose between library and recreation time, two of the detainees interviewed indicated that sometimes the times conflict.<sup>86</sup>

Detainees housed in segregated units are not permitted to use library facilities, however they can request and receive legal materials.<sup>87</sup>

<sup>77</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>78</sup> Notes of delegation members (b)(6)

<sup>79</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>80</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>81</sup> The delegation was not told that hours vary between libraries.

<sup>82</sup> York County Prison Inmate Information Sheet, p. 6.

<sup>83</sup> Notes of delegation members (b)(6)

<sup>84</sup> Notes of delegation members (b)(6)

<sup>85</sup> Notes of delegation members (b)(6) the delegation did not ask whether detainees miss meals or other planned activities if they go to the law library.

<sup>86</sup> Notes of delegation members (b)(6)

<sup>87</sup> Notes of delegation members (b)(6)

vi. **Notaries, Certified Mail and Miscellaneous Needs Associated with Legal Materials**

The Standards require that the facility provide assistance to any unrepresented detainee who requests a notary public, certified mail or other such services to pursue a legal matter if the detainee is unable to meet the need through family members or community organizations.<sup>88</sup>

The delegation did not inquire whether the facility had implemented this section of the Standards.

**D. Group Rights Presentations**

The 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 ICE facility.<sup>89</sup>

**The YCP facility has generally implemented this section of the Standards.**

According to YCP personnel there are generally no restrictions on group presentations, but there did not appear to be a formal policy.<sup>90</sup> Decisions on such presentations are made by the warden, but no presentation has ever been denied.<sup>91</sup> In general, notices of such presentations are placed in living areas more than forty-eight hours in advance of the presentations.<sup>92</sup> However, YCP officials informed the delegation that, aside from sporadic presentations by the Pennsylvania Immigrant Resource Center, no other groups had sought to provide group presentations to the detainees.<sup>93</sup> The delegation also inquired whether the facility had aired the "Know Your Rights" video created by the Florence Project and distributed by ICE. YCP officials stated that the video was available for viewing in the law library, but was not aired in a group presentation format.<sup>94</sup> Segregated inmates and detainees, aside from those in protective custody, do not receive separate presentations as a matter of course, but YCP officials indicated that such presentations might be provided if the security risk was not too great.<sup>95</sup> It did not appear that this issue was a common one, indicating either that segregated inmates or detainees are not notified of upcoming presentations or tend not to request to observe them.

<sup>88</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.P.

<sup>89</sup> Detention Operations Manual, Detainee Services, Standard 9, Section I.

<sup>90</sup> Notes of delegation member [REDACTED]

<sup>91</sup> Notes of delegation member [REDACTED]

<sup>92</sup> Notes of delegation member [REDACTED]

<sup>93</sup> Notes of delegation member [REDACTED]

<sup>94</sup> Notes of delegation member [REDACTED] recording comment by ICE Supervisory Detention and Deportation Officer [REDACTED] (b)(6), (b)(7)(C) However, [REDACTED] (b)(6), (b)(7)(C) Deputy Warden in charge of treatment, stated that the "Know Your Rights" videos were shown twice a week, once in English and once in Spanish. Notes of delegation member [REDACTED] (b)(6)

<sup>95</sup> Notes of delegation member [REDACTED] (b)(6)

#### **IV. OTHER GENERAL OBSERVATIONS UNRELATED TO THE LEGAL ACCESS STANDARDS**

##### **A. The York County Jail Facility's Detainee Handbook**

The Standards require that all detention facilities have a site-specific handbook for its immigration detainees. The purpose of the handbook is to provide an overview of, and guide to, “the detention policies, rules, and procedures in effect at the facility,” as well as “the services, programs, and opportunities available through various sources, including the facility, [ICE], private organizations, etc.”<sup>96</sup> The handbook must be translated into Spanish and, if appropriate, into the next most-prevalent language(s) among the facility's detainees.<sup>97</sup> All detainees are to receive a copy of the handbook upon admission to the facility.<sup>98</sup>

**YCP has not fully implemented this section of the Standards.** At intake, immigration detainees are given copies of the YCP Inmate Handbook and the YCP Inmate Information Sheet.<sup>99</sup> These materials are available in several languages. The handbook meets the definition of a “site-specific handbook” and provides an adequate overview of the policies, rules and procedures generally in effect at YCP.

**Although the handbook and information sheet correctly describe many of the rules and procedures generally in effect at YCP, in many instances, these materials either mislead immigration detainees as to their rights or directly contradict the Standards:**

- Although detainees should be permitted to use the law library for a minimum of five hours per week under the Standards, the inmate information sheet states that use of the library is a privilege that can be taken away. (Page 6)
- Although the Standards provide that facilities should relay non-emergency telephone messages, the handbook states that “[w]e can not pass messages to you unless it is a true emergency.” (Page 3)
- Although the recording and monitoring of legal phone calls absent a court order is prohibited and the Standards require that facilities should have a written policy on the monitoring of all other calls in the detainee handbook,<sup>100</sup> YCP monitors some phone calls without disclosing the policy in its handbook.

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<sup>96</sup> Detention Operations Manual. Detainee Services, Standard 6, Section I.

<sup>97</sup> Detention Operations Manual. Detainee Services, Standard 6, Section III.E.

<sup>98</sup> Detention Operations Manual. Detainee Services, Standard 6, Section I.

<sup>99</sup> One detainee indicated that the Inmate Handbook for York County Prison was not provided upon arrival.

<sup>100</sup> Detention Operation Manual, Detainee Services, Standard 16, Section III.J-K

**B. Recreation**

The Standards require that all facilities provide detainees with access to recreational activities and programs.<sup>101</sup> Every effort should be made to place a detainee in a facility that provides outdoor recreation. If a facility cannot provide for an outdoor area, the facility should have a large room with access to natural sunlight.<sup>102</sup> Each detainee should have access to recreation at least one hour daily, at a reasonable time of day, five days a week, weather permitting.<sup>103</sup> The exercise area should have "a variety of fixed and movable equipment."<sup>104</sup> The facility should provide cardiovascular equipment to those detainees who cannot exercise outdoors. The indoor recreation area should include stationary bikes, stair climbers, treadmills, and/or other cardiovascular machines.<sup>105</sup> Recreational activities may include limited contact sports, such as soccer, basketball, volleyball and table games, and may extend to competitions between units.<sup>106</sup>

**YCP meets most of the requirements set forth by the Standards regarding recreational programs and activities.** The amount of recreation a detainee receives depends greatly on where the detainee is housed. In the newer part of the facility, detainees may enjoy recreation during all waking hours, from 9:00 a.m. to 10:30 p.m. This is a self-contained, secure area.<sup>107</sup> While not actually outside, huge garage doors open to provide fresh air and natural sunlight to detainees.<sup>108</sup> During inclement weather, the doors remain shut so detainees may continue to use the area for recreation. In the older part of the facility, detainees are allowed recreation at least once a day for about two hours at a time in an outdoor facility which provides a great deal of space for detainees to run and play certain sports, including volleyball and basketball.<sup>109</sup> There is a separate indoor recreation area for inclement weather. The female detainees have separate indoor and outdoor recreation facilities.<sup>110</sup> For detainees in segregation or the Behavior Adjustment Unit, YCP provides a secure outdoor area, consisting of large cages.<sup>111</sup> These detainees may use this area year round.<sup>112</sup>

Detainees may play basketball or volleyball during their outdoor recreation. During an interview however, one detainee mentioned that the balls are not very firm, making it

<sup>101</sup> Detention Operations Manual, Detainee Services, Standard 13, Section I.

<sup>102</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.A.

<sup>103</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

<sup>104</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

<sup>105</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

<sup>106</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

<sup>107</sup> Notes of delegation member

<sup>108</sup> Notes of delegation member

<sup>109</sup> Notes of delegation member

<sup>110</sup> Notes of delegation member

<sup>111</sup> Notes of delegation member

<sup>112</sup> Notes of delegation member

(b)(6)

somewhat difficult to play a real game.<sup>113</sup> YCP does not provide any cardiovascular equipment, even when detainees limited to indoor recreation. In addition, a few areas have one weight lifting machine, while others have nothing.<sup>114</sup>

Each housing area has televisions for the detainees to use throughout the day. The television must be turned off during meals and counts and at 11:00 at night.<sup>115</sup> According to the handbook, the majority vote determines the channel unless the captain states otherwise and the captain can and will take a unit's TV if the unit becomes disruptive.<sup>116</sup>

The detainees the delegation met with said that they enjoyed their recreation time—many simply laid in the sunlight, while others chatted with friends in other pods.<sup>117</sup>

### **C. Access to Classes**

The Standards do not include any requirements regarding educational opportunities for detainees. However, YCP employs one full-time teacher and two part time teachers. The facility provides ESL and GED classes.<sup>118</sup> According to a YCP teacher, the GED class is highly successful, with a 70-75% pass rate. In addition, high school age detainees may follow the academic curriculum of Jefferson County to earn a high school degree. Classes are offered twice a day. Classes are held in a small classroom, accommodating eight to fourteen students at a time. According to a YCP teacher, detainees do participate in the classes.<sup>119</sup>

### **D. Access to Medical Care**

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.<sup>120</sup> Each facility is required to have regularly scheduled times, known as sick call, when medical personnel are available to see detainees who have requested medical services.<sup>121</sup> For a facility of over 200 detainees, a minimum of five days per week is required.<sup>122</sup> Facilities must also have procedures in place to provide emergency medical care for detainees who require it.<sup>123</sup> With respect to emergency care, the Standards state that in a situation in which a detention officer is uncertain whether a detainee requires emergency medical care, the officer should immediately contact a health care provider or an on-duty

<sup>113</sup> Notes of delegation member [REDACTED]

<sup>114</sup> Notes of delegation member [REDACTED] (b)(6)

<sup>115</sup> Inmate Handbook for York County Prison, p. 5.

<sup>116</sup> Inmate Handbook for York County Prison, p. 5.

<sup>117</sup> Notes of delegation member [REDACTED]

<sup>118</sup> Notes of delegation member [REDACTED] (b)(6)

<sup>119</sup> Notes of delegation member [REDACTED]

<sup>120</sup> Detention Operation Manual, Health Services, Standard 2, Section I.

<sup>121</sup> Detention Operation Manual, Health Services, Standard 2, Section III.F.

<sup>122</sup> Detention Operation Manual, Health Services, Standard 2, Section III.F.

<sup>123</sup> Detention Operation Manual, Health Services, Standard 2, Sections III.A., D., and G.

supervisor.<sup>124</sup> If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the OIC in writing.<sup>125</sup>

**YCP meets the requirements set forth in the Standards regarding medical treatment.** YCP has contracted with Prison Health Services, Inc. to provide full time medical treatment.<sup>126</sup> The facility provides medical care twenty four hours a day and has a doctor on site Monday through Friday.<sup>127</sup> The medical facility is comprised of a staff of over fifty people, including RNs, LPNs, Physicians Assistants and EMTs.<sup>128</sup> All medical records are stored separately from the detainee's general file.<sup>129</sup> Medical information will not be released unless the detainee signs a waiver.<sup>130</sup> When a detainee is deported, YCP provides a five-to-ten day supply of any medications the detainee is currently taking.<sup>131</sup>

Upon arrival, all detainees are examined by a doctor and administered a TB test. A complete evaluation is conducted within fourteen days of the detainee's arrival.<sup>132</sup> The facility requires co-payments for medical treatment: \$3.00 for the nurse and \$5.00 for the doctor or dentist.<sup>133</sup> However, according to the handbook, immigration detainees are not required to pay these fees.<sup>134</sup> Regardless, no one will be denied treatment if they do not have funds.<sup>135</sup>

Each day, the nurse takes all medical request slips to the medical care area. Officers can also request medical care for detainees if they deem it necessary. According to YCP personnel, the detainees generally receive medical care within one day of submitting their slip.<sup>136</sup> Some of the detainees we spoke to confirmed a quick turnaround time, but one mentioned a wait of about three days before receiving treatment.<sup>137</sup>

YCP also provides an array of mental health services, such as Alcoholics Anonymous, Parenting without Partners and parenting skills. **The delegation has concerns regarding the treatment of detainees suffering from a drug or alcohol addiction.** If a

<sup>124</sup> Detention Operation Manual, Health Services, Standard 2, Section III.H.

<sup>125</sup> Detention Operation Manual, Health Services, Standard 2, Section III.J.

<sup>126</sup> Notes of delegation member

<sup>127</sup> Notes of delegation member

<sup>128</sup> Notes of delegation member

<sup>129</sup> Notes of delegation member

<sup>130</sup> Notes of delegation member

<sup>131</sup> Notes of delegation member

<sup>132</sup> Notes of delegation member

<sup>133</sup> Notes of delegation member

<sup>134</sup> Inmate Handbook for York County Prison, p. 4.

<sup>135</sup> Notes of delegation member

<sup>136</sup> Notes of delegation member

<sup>137</sup> Notes of delegation member

detainee enters the facility with a drug or alcohol addiction, the detainee does not receive any treatment for his or her withdrawal.<sup>138</sup> According to YCP personnel, addicted detainees are placed in a segregated unit until they are stable. However, one detainee described a woman who was housed in the gym while she was going through withdrawal. This individual vomited and defecated all over herself and the smell caused a great deal of disruption and discomfort for the other inmates in the gym. Complaints to the counselor were not addressed.<sup>139</sup>

YCP provides meals to meet various dietary restrictions, including low sodium, diabetic and high blood pressure diets.<sup>140</sup> YCP also provides the option for a common fare meal, a vegetarian diet designed to meet most religious restrictions. All meals are approved by a dietician.<sup>141</sup>

#### **E. Detainee Classification**

The Standards require that detention facilities use a classification system and physically separate detainees in different categories.<sup>142</sup> IGSA facilities, such as YCP, “may continue using the systems established locally, if the classification criteria are objective and all procedures meet [ICE] requirements.”<sup>143</sup> A detainee’s classification is to be made on the basis of “objective” information, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.<sup>144</sup> Opinions, unconfirmed and unverified information and physical characteristics and appearance are not to be taken into account.<sup>145</sup> Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.<sup>146</sup> According to the Standards:

By grouping detainees with comparable records together, and isolating those at one classification level from all others, the system reduces noncriminal and nonviolent detainees’ exposure to physical and psychological danger.<sup>147</sup>

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When it becomes necessary to house detainees of different classification levels the following guidelines shall be followed:

<sup>138</sup> Notes of delegation member [REDACTED]

<sup>139</sup> Notes of delegation member [REDACTED]

<sup>140</sup> Inmate Handbook for York County Prison, p. 5.

<sup>141</sup> Inmate Handbook for York County Prison, p. 5.

<sup>142</sup> Detention Operations Manual, Detainee Services, Standard 4, Section I.

<sup>143</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections I and III.A.

<sup>144</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

<sup>145</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

<sup>146</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.A and III.E.

<sup>147</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.F.

1. Level three detainees will not be housed with level one detainees.
2. Levels one and two may be mixed, and high level twos and level threes may be mixed, when a facility is at or above full capacity.
3. Under no circumstance will a level two detainee with a history of assaultive or combative behavior be placed in a level one housing unit.<sup>148</sup>

Additionally, all facility classification systems shall allow classification levels to be redetermined and include procedures by which new arrivals can appeal their classification levels.<sup>149</sup> Finally, the detainee handbook's section on classification must include (1) an explanation of the classification levels, with the conditions and restrictions applicable to each, and (2) the procedures by which a detainee may appeal his classification.<sup>150</sup>

**The YCP facility appears to meet this section of the Standards.** YCP classifies detainees according to their criminal status and level of risk. Criminal detainees are co-mingled with the general prison population, but it is unclear whether non-criminal detainees are segregated from the general prison population. Criminal detainees are those individuals who have a criminal record, have served time and have come to YCP while in administrative proceedings or while awaiting deportation. Criminal detainees are classified along with all other criminal inmates according to their level of risk. Security classifications are not co-mingled. Thus, minimum security risk inmates are not placed with maximum security risk inmates and vice versa. However, pre-trial inmates are not segregated from the convicted population, but rather are classified based on the crime for which they were arrested. Some of the detainees interviewed denied having criminal backgrounds, but told us they were housed with criminal inmates and that non-criminal detainees had contact with criminal detainees.

Detainees with psychiatric medical conditions are segregated from the general population. Homosexual detainees and those detainees infected with HIV are not segregated. If a detainee requests to be segregated, the request is investigated and segregation is allowed if warranted.<sup>151</sup>

The Inmate Handbook explains that detainees will be classified but does not fully explain the classification scheme.<sup>152</sup> Nonetheless the handbook explains that prisoners unhappy with their classification may request a Classification Appeal Form from their counselor.<sup>153</sup>

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<sup>148</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.E.

<sup>149</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.G. and H.

<sup>150</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

<sup>151</sup> Notes of delegation member (b)(6)

<sup>152</sup> Inmate Handbook for York County Prison, p. 1.

<sup>153</sup> Inmate Handbook for York County Prison, p. 1.

**F. Access to Work Program**

The Standards require all facilities with work programs to “provide detainees the opportunity to work and earn money.”<sup>154</sup> Detainees who are physically and mentally able to work must be provided the opportunity to participate in any voluntary work program.<sup>155</sup> As for those detainees who are physically or mentally challenged, the Standards require facilities to allow those with less severe disabilities to have the opportunity to undertake “appropriate work projects.”<sup>156</sup> Facilities cannot deny “work opportunities based on non-merit factors, such as social group, race, religion, sex, physical or mental handicaps, or national origin.”<sup>157</sup> The Standards also state that detainees must receive monetary compensation for work completed in accordance with the facility’s standard policy.<sup>158</sup>

**The YCP facility has implemented this section of the Standards.** Although detainees cannot participate in the prison’s work release program, they are allowed to work at the YCP facility. Detainees work in the kitchen, the library, the commissary and in other areas of the prison. Detainee workers are compensated anywhere from \$5 to \$15 per week. Many of the library “trustees” (or librarians) are detainees.<sup>159</sup>

**G. Detainee Grievance and Disciplinary Procedures**

The Standards require that every facility develop and implement standard procedures for handling detainee grievances and encourage that the facility initially seek to resolve grievances informally before having to engage in a more formalized procedure.<sup>160</sup> Translating assistance for both formal and informal grievances must be provided upon request.<sup>161</sup> The Standards also require that each facility establish a reasonable time limit for: (1) “processing, investigating, and responding to grievances;” (2) “convening a grievance committee to review formal complaints;” and (3) “providing written responses to detainees who filed formal grievances, including the basis for the decision.”<sup>162</sup> All grievances must receive supervisory review, include guarantees against reprisal and allow for appeals.<sup>163</sup> Further, the Standards require detainee handbooks to provide an explanation of the grievance procedures, including (1) the procedures for appealing decisions to ICE, and (2) the opportunity to file a complaint about

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<sup>154</sup> Detention Operations Manual, Detainee Services, Standard 18, Section I.

<sup>155</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.A.

<sup>156</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.G.

<sup>157</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.F.

<sup>158</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.K.

<sup>159</sup> Notes of delegation member

(b)(6)

<sup>160</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I. and III.A.

<sup>161</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1. and 2.

<sup>162</sup> Detention Operations Manual, Detainee Services, Standard 5, Section I.

<sup>163</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I. and III.C.

officer misconduct directly with the Justice Department (including the phone number and address).<sup>164</sup>

**The YCP facility appears to have implemented this section of the Standards, but some concerns remain based on detainee interviews.** The YCP Inmate Handbook provides for an inmate grievance procedure.<sup>165</sup> The primary method of handling grievances at YCP is the Complaint Review System. Detainees are encouraged to take every possible action to resolve problems first. As such, detainees should first bring problems to the attention of their block officer. If the block officer cannot solve the problem, detainees should talk to a shift supervisor. The 801 form, the form used to express grievances, is a last resort.<sup>166</sup> According to YCP policy, detainees will normally receive a response within ten working days of filing a formal complaint unless the 801 requires investigation, in which case it may take longer. Importantly, the YCP Grievance Procedure makes it very clear that detainees will not be disciplined for filing a complaint.<sup>167</sup>

According to the YCP Warden [REDACTED] (b)(6), (b)(7)c YCP has an excellent grievance procedure that was drafted with the assistance of a Federal District Court Judge.<sup>168</sup> **However, the allegations of one detainee may be a cause of concern.** A detainee interviewed by the delegation reported that complaining does not bring relief because complaints do not go anywhere, and filing a grievance can result in retaliation. YCP personnel allegedly threatened this detainee for filing complaints about a counselor.<sup>169</sup> Another detainee confirmed that detainees who file complaints face consequences, referring to the strained relations that ensue as a result.<sup>170</sup>

#### **H. ICE Presence**

The Standards require procedures to be in place “to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.”<sup>171</sup> The Standards require that both weekly visits be conducted by ICE personnel and that “regular unannounced (not scheduled) visits” be conducted by the ICE Officer-in-Charge, the Assistant Officer-in-Charge, and designated department heads.<sup>172</sup> The purpose of such visits is to monitor housing conditions, interview detainees, review records and answer questions for detainees who do not comprehend the immigration removal process.<sup>173</sup> The Standards also require that

<sup>164</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

<sup>165</sup> Inmate Handbook for York County Prison, p. 2.

<sup>166</sup> YCP Grievance Procedure.

<sup>167</sup> YCP Grievance Procedure, p. 129.

<sup>168</sup> Notes of delegation members [REDACTED]

<sup>169</sup> Notes of delegation members [REDACTED] (b)(6)

<sup>170</sup> Notes of delegation members [REDACTED]

<sup>171</sup> Detention Operations Manual, Standard 15, Section I.

<sup>172</sup> Detention Operations Manual, Standard 15, Section III.A.

<sup>173</sup> Detention Operations Manual, Standard 15, Section III.A.

detainees “have the opportunity to submit written questions, requests, or concerns to ICE staff.”<sup>174</sup> All facilities that house ICE detainees must have “written procedures to route detainee requests to the appropriate ICE official” and must assist detainees “who are disabled, illiterate, or know little or no English.”<sup>175</sup> Moreover, the Standards require that detainee requests be forwarded to the appropriate ICE office within 72 hours and “answered as soon as possible or practicable, but not later than 72 hours from receiving the request.”<sup>176</sup>

**For the most part, ICE has implemented this section of the Standards at YCP.** Although there are no pre-arranged ICE visits, there is an ICE on-site presence. YCP has black boxes around the facility in which detainees can deposit their written questions or requests to speak to an ICE counselor. These black boxes are only allowed to be opened by ICE personnel. The questions are distributed to the appropriate counselor. ICE strives to return answers within twenty-four hours. Detainees whose cases are coming up for review usually meet with an ICE counselor. Additionally, an asylum officer comes to the facility once a month.

#### **I. Religious Services**

The Standards require that detainees of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths.<sup>177</sup> According to the Standards, these “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. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”<sup>178</sup> Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food requirements of a detainee’s particular religion.<sup>179</sup> Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security and orderly operation of the facility.<sup>180</sup>

**YCP meets some of the requirements set forth by the Standards, but the delegation has a few concerns.** At admission, detainees may register their belief in a specific religion if they choose to do so.<sup>181</sup> YCP employs two full-time chaplains, one for the male detainees and one for the female. The chaplains provide Christian services for the detainees. Clergy from the neighboring communities come to YCP for Jewish and Buddhist services.<sup>182</sup> Most of the detainees the delegation interviewed were Christian and did participate in the

<sup>174</sup> Detention Operations Manual, Standard 15, Section III.B.

<sup>175</sup> Detention Operations Manual, Standard 15, Section III.B.

<sup>176</sup> Detention Operations Manual, Standard 15, Section III.B.1.

<sup>177</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>178</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>179</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

<sup>180</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

<sup>181</sup> Inmate Handbook for York County Prison, p. 3.

<sup>182</sup> Notes of delegation member (b)(6)

religious services. One female stated that the Muslim detainees often prayed by themselves and did not have the opportunity to speak with clergy.<sup>183</sup> A male detainee, however, stated that Muslims had a service once a week.<sup>184</sup> Another male detainee, who was Muslim, said that someone came in to lead services once a month but that he had not been permitted to attend.<sup>185</sup> The delegation is not clear on whether this discrepancy is related to the gender of the detainees.

YCP allows detainees to observe religious holidays and follow a religious diet if the detainee has registered a belief upon admission.<sup>186</sup> Jewish detainees will receive Kosher meals and will be allowed to observe Passover. Islamic detainees may observe Ramadan, but if they break the fast, they will be dropped from the list.<sup>187</sup> All detainees may opt for a “common fare” diet, which covers almost all religious restrictions.<sup>188</sup> However, once the detainee takes a meal from the regular menu, he is dropped from the common fare list.<sup>189</sup>

**The delegation has some concerns over detainees’ ability to wear religious headwear.** Consistent with the Standards, detainees may wear Kuffies, Yarmulkas, Turbans, and Prayer Shawls.<sup>190</sup> YCP imposes some restrictions on headwear—they may be made of leather, cloth or beads and shall fit flush to the head and must be no more than two-ply thick.<sup>191</sup> The delegation has some questions regarding the detainees’ ability to wear the headwear outside of their cell. According to the handbook, “The policy which permits religious headwear, including turbans, will be permitted in the housing areas, activity areas and visiting room, subject to the normal considerations of security.”<sup>192</sup> During an interview however, a detainee said that they are only permitted to wear the headwear while they are in the cells and nowhere else in the facility.<sup>193</sup> If true, this statement contradicts both YCP policy and the Standards. During our visit, the delegation did not notice any detainees or inmates wearing religious headwear.

#### **J. Clothing and Personal Hygiene Products**

The Standards require facilities to have a policy and procedure for the regular issuance and exchange of clothing, bedding, linens and towels.<sup>194</sup> According to the Standards, “[a]ll new detainees shall be issued clean, temperature-appropriate, presentable clothing during

<sup>183</sup> Notes of delegation member [REDACTED]

<sup>184</sup> Notes of delegation member [REDACTED]

<sup>185</sup> Notes of delegation member [REDACTED]

<sup>186</sup> Notes of delegation member [REDACTED]

<sup>187</sup> Inmate Handbook for York County Prison, p. 3.

<sup>188</sup> Inmate Handbook for York County Prison, p. 5.

<sup>189</sup> Inmate Handbook for York County Prison, p. 5.

<sup>190</sup> Inmate Handbook for York County Prison, p. 3.

<sup>191</sup> Inmate Handbook for York County Prison, p. 3.

<sup>192</sup> Inmate Handbook for York County Prison, p. 3.

<sup>193</sup> Notes of delegation member [REDACTED]

<sup>194</sup> Detention Operations Manual, Detainee Services, Standard 10, Section III.A.

in-processing.”<sup>195</sup> New detainees shall also be issued “clean bedding, linens and towel.”<sup>196</sup> As for “exchange requirements,” the Standards state:

Detainees shall be provided with clean clothing, linen and towels on a regular basis to ensure proper hygiene. Socks and undergarments will be exchanged daily, outer garments at least twice weekly and sheets, towels, and pillowcases at least weekly.<sup>197</sup>

The Standards further add that “[i]ndividual facilities may institute their own clothing, linen, and towel exchange policy and procedures, provided the standards in this policy are met.”<sup>198</sup>

**YCP has implemented some parts of this section of the Standards, but not others.** All new detainees are issued two jumpsuits, two towels, two sheets, one wash cloth and a laundry bag. Clothing and bed linens are laundered twice weekly and returned the same day. However, one detainee complained that her blanket has not been washed since it was issued. Additionally, this detainee complained that she and other female detainees have developed rashes and sores from their laundered uniforms and linens.<sup>199</sup>

Moreover, although facilities are required to exchange undergarments daily, YCP detainees are not provided any undergarments at all. Detainees are forced to either go without undergarments or buy undergarments from the commissary. One detainee complained that a YCP employee has refused to provide certain female detainees with t-shirts and undergarments.<sup>200</sup>

#### **K. Legal Material Retention**

The Standards require that facilities permit detainees to retain all personal legal material upon admittance to the general population or segregation, unless such material creates a safety, security and/or sanitation hazard. A facility may require detainees with a large amount of personal legal material to place some of the material in a personal property storage area, with access permitted during designated hours. Facilities must grant requests for access to such stored legal material as soon as possible, but no later than 24 hours after receipt of the detainee request, unless documented security concerns preclude action within this time frame.<sup>201</sup>

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<sup>195</sup> Detention Operations Manual, Detainee Services, Standard 10, Section III.B.

<sup>196</sup> Detention Operations Manual, Detainee Services, Standard 10, Section III.C.

<sup>197</sup> Detention Operations Manual, Detainee Services, Standard 10, Section III.E.

<sup>198</sup> Detention Operations Manual, Detainee Services, Standard 10, Section III.E.

<sup>199</sup> Notes of delegation members

(b)(6)

<sup>200</sup> Notes of delegation members

<sup>201</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.K

**The YCP facility meets this section of the Standards.** Detainees are permitted to retain a reasonable amount of their personal legal materials in their cells. Excess documents are kept in a storage room. According to YCP personnel, one detainee who has eight boxes of legal materials is not allowed to keep them in his cell. Instead, the boxes are kept in a storage room, and the detainee is permitted to access the boxes and take things from them when he needs to do so.<sup>202</sup>

**L. Immigration Court**<sup>203</sup>

There are two immigration courtrooms at YCP. There is a holding area between the courtrooms. Detainees are not handcuffed or shackled while being transported to and from the courtrooms. There are five trial attorneys on location that handle the immigration court procedures and five deportation officers on staff. Detainees are given a pamphlet that lists free legal service providers in the York area. The Executive Office of Immigration Review schedules detainees' court appearances. Any detainee within the Philadelphia area can have his proceeding scheduled at the YCP immigration court.<sup>204</sup>

**V. CONCLUSION**

While the YCP has implemented numerous sections of the Standards, it has failed to implement a number of sections of the Standards. The delegation recommends the following proposals so that the facility may fulfill its obligations under the Standards:

**Visitation**

- YCP should publish the attorney visitation rules either in the Inmate Handbook or in the Inmate Information Sheet;
- YCP should officially make it a policy that attorney visitation will not be interrupted by routine counts;
- YCP should inform detainees of the ability to make special arrangements when YCP's visitation rules pose a hardship for family members, preferably via the Inmate Information Sheet;
- The facility should make G-28 forms available in the waiting room; and

**Telephone Access**

- YCP should not limit the length of legal phone calls unless necessary;
- YCP should install privacy panels or relocate telephones so that detainees may make confidential calls without being overheard;

<sup>202</sup> Notes of delegation member [REDACTED]

(b)(6)

<sup>203</sup> There are no specific Standards applicable to the immigration court.

<sup>204</sup> Notes of delegation member [REDACTED]

(b)(6)

- YCP should clarify its policy of monitoring phone calls in the Inmate Handbook;
- Detainees should be permitted to make free direct calls to their attorneys, consulate offices and other legal providers. These calls should be available to all detainees, regardless of whether there is an emergency;
- Detainees in the Behavioral Adjustment Unit should not be denied the right to call an attorney;
- Additional ICE-only phones, currently located in the gym, should be installed throughout all areas housing detainees; and

#### **Access to Legal Materials**

- YCP should ensure that detainees have access to the library for at least five hours every week;
- YCP should provide detainees with sufficient paper, envelopes and stamps to meet their legal needs;
- YCP should provide detainees with access to notary public services, certified mail and other such services needed to pursue legal matters; and
- YCP should show detainees the “Know Your Rights” video created by the Florence Project and distributed by ICE.

#### **Group Rights Presentations**

- A formal policy on group rights presentations should be available for review upon request.

#### **Medical Treatment**

- YCP should clarify the policy stating that detainees do not have to pay co-payments when they seek medical services; and
- YCP should ensure that detainees suffering from drug or alcohol addiction receive appropriate treatment.

#### **Religious Services**

- Both male and female detainees should be able to observe their religion and meet with clergy of their particular faith; and
- Detainees should be allowed to wear religious headwear throughout the facility, provided it meets the conditions of safety and security.

**Site-Specific Detainee Handbook**

- YCP's handbook should be consistent with the Standards and provide clear guidance for detainees as to their rights.

**Detainee Classification**

- YCP's Inmate Handbook should include an explanation of the classification levels, with the conditions and restrictions applicable to each.

**Clothing and Personal Hygiene Products**

- YCP should provide undergarments to detainees and it should exchange these garments daily.