

MEMORANDUM

DATE April 10, 2006

TO John P. Torres, Acting Director, Office of Detention and Removal, Immigration and Customs Enforcement

CC [REDACTED] ABA Commission on Immigration

FROM American Bar Association Delegation to the San Diego Contract Detention Facility¹

RE Report on Observational Tour of the San Diego Contract Detention Facility

This memorandum summarizes and evaluates information gathered at the San Diego Correctional Facility (the "Facility"), which is a medium-maximum security facility that is operated by Corrections Corporation of America ("CCA") under contract for Immigration and Customs Enforcement ("ICE"), during the delegation's December 9, 2005 visit to the Facility. The information was gathered via the delegation's observation of the Facility, interviews with twelve detainees,² as well as discussions with Facility and ICE staff.

I. ICE DETENTION STANDARDS

In November 2000, the Immigration and Naturalization Service ("INS")³ promulgated the INS Detention Standards (the "Standards") to ensure the "safe, secure and humane treatment" of immigration detainees. The thirty-eight 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 pursuant to a contract or intergovernmental service agreement ("IGSA").

The Standards went into effect at ICE-operated detention facilities on January 1, 2001. ICE intended to phase in the Standards at all of its contract and IGSA facilities by December 31, 2002. The Standards constitute a "floor" rather than a "ceiling" for the treatment of immigration detainees. In other words, they are designed to establish the minimum requirements to which ICE must adhere in its facilities. Each Field Office or Officer-in-Charge ("OIC") has discretion to promulgate policies and practices affording ICE detainees more enhanced rights and protections, beyond those provided for by the Standards.

II. INTRODUCTION**A. The Delegation's Visit, December 9, 2005**

¹ The delegation was comprised of attorneys, law clerks and legal assistants from the Newport Beach office of Dechert LLP, including [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] and [REDACTED]

² Delegation members interviewed the following detainees: [REDACTED] [REDACTED] [REDACTED], [REDACTED] [REDACTED] [REDACTED], [REDACTED] [REDACTED] [REDACTED], [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED]

³ Effective March 1, 2003, the INS ceased to exist as an agency of the Department of Justice. The INS' immigration enforcement functions were previously transferred to ICE, a division of the newly-created Department of Homeland Security ("DHS").

On Friday, December 9, 2005, our delegation met with several members of the Facility's staff and ICE's assistant OIC, Officer [b6, b7C]. Prior to touring the Facility, Officer [b6, b7C] and Mr. [b6], the Technical Representative of CCA Contracting Officers, provided an overview of the Facility and answered general questions about the Facility. Assistant Warden [b6, b7C] and Officer [b6, b7C] led our delegation on a tour of the Facility. Officer [b6, b7C] participated in post-tour follow-up discussions. The delegation also met with other Facility staff along the tour, including Officer [b6, b7C] the chief officer at the Facility of the U.S. Public Health Service ("PHS"). The delegation appreciates the cooperation of these individuals. They were direct and accommodating during our tour of the Facility.

Our report is based on the discussions we had with the staff of the Facility and ICE, as well as observations of the Facility and interviews with twelve immigration detainees, including one detainee who stated he was voluntarily in the segregation unit due to his dissatisfaction with the manner in which the Facility's staff managed violence and gang activity among the detainee population.⁴ In some instances, the detainees' reports were compatible with statements made by Facility staff and/or our observations. In such cases, the delegation was able to more accurately determine whether the Facility successfully meets the Standards. In certain instances, however, the detainees' reports conflicted with statements made by Facility staff. Where we were unable to verify the conflicting reports, the delegation was unable to conclusively determine whether Standards are met.

B. General Information About the San Diego Contract Detention Facility

The Facility is a medium-maximum security facility that houses federal immigration detainees according to a contract with ICE. According to Officer [b6, b7C] the Facility has the capacity to hold 1,300 detainees, including 1,000 ICE detainees and 300 United States Marshal inmates. The United States Marshal inmates are housed at Pod B.⁵ On the day of the delegation's tour, the Facility had a population count of approximately 945 detainees.⁶

Per Diem paid to the Facility by ICE is approximately \$56 per detainee per day for up to 900 detainees and approximately \$92 per day for each subsequent detainee.⁷ The Facility houses mostly males – at the time of our visit, approximately 170 women were housed there.⁸

Individuals who do not contest their cases are detained for approximately five business days at the Facility.⁹ Contested cases take longer—anywhere from a few days for Mexican nationals to approximately two weeks for individuals of Central American nationalities to more than two weeks for detainees of other nationalities.¹⁰

III. LEGAL ACCESS STANDARDS

⁴ Notes of delegation member [b6] on conversation with detainee [b6, b7C]
⁵ Notes of delegation member [b6, b7C] on conversation with Officer [b6, b7C]
⁶ Notes of delegation member [b6] on conversation with Mr. [b6]
⁷ Notes of delegation member [b6] on conversation with Mr. [b6]
⁸ Notes of delegation member [b6] on conversations with Officer [b6, b7C] and Mr. [b6]
⁹ Notes of delegation member [b6] on conversation with Officer [b6, b7C]
¹⁰ Notes of delegation member [b6] on conversation with Officer [b6, b7C]

A. Legal Access/Visitation

1. Visitation by Attorneys

The Standards suggest that facilities permit legal visitation seven days per week.¹¹ Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend.¹² The visits must be private, and should not be interrupted for head counts.¹³ If legal visits proceed through a scheduled meal, the detainee shall receive a meal after the visit.¹⁴ Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.¹⁵ Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.¹⁶

The Facility has not fully met this section of the Standards; conversations in the contact visit rooms may be overheard, and non-segregated detainees who miss meals to meet with attorneys are not given food following the meeting as required by the Standards. Attorneys may visit the detainees between the hours of 8:00 a.m. and 9:45 p.m. daily and at other times by request, and they may conduct telephone conferences with their clients.¹⁷ Detainees indicated it is common for visitors (attorneys and personal) to wait long periods of time to see a detainee.¹⁸

Each pod has two attorney visitation booths.¹⁹ All attorney visits are contact visits, unless special circumstances warrant a non-contact visit.²⁰ During a contact visit, there is only a table between the detainee and the attorney.²¹ The contact interview rooms are approximately eight feet by fifteen feet, with glass observation windows approximately half-way down from the ceiling on one exterior wall.²² Each room has two separate entrances, one for each side of the interview table.²³ Conversations in the contact interview rooms are not necessarily private; both doors have approximately 1 – 1¾" clearances between the concrete floor and the bottom of the doors, allowing conversations in the interview rooms to

¹¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹² Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

¹⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

¹⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

¹⁷ Facility Inmate/Detainee Admission and Orientation Handbook (Rev. August 2005) (the "Handbook"), p. 9; observation of a lobby sign by delegation member Christine Wessel.

¹⁸ Notes of delegation members [redacted] b6 and [redacted] b6 on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C

¹⁹ Observation of delegation member [redacted] b6

²⁰ Notes of delegation member [redacted] b6 on conversation with Officer [redacted] b6, b7C. Non-contact visits may be conducted for medical reasons and with detainees who are housed in a segregation unit.

²¹ Observation of delegation member [redacted] b6

²² Observation of delegation member [redacted] b6

²³ Observation of delegation member [redacted] b6

be clearly overheard from the outside.²⁴ Frequent interruptions by Assistant Wardens may cause visits to be cut short.²⁵

According to Facility staff, attorney visits are permitted during mealtime and through head counts, and the kitchen will provide a regular meal to the detainee should the meeting continue through a meal.²⁶ With the exception of the detainee housed in the segregation unit, however, detainees reported that the kitchen will not provide a regular meal to a detainee whose meeting continues through a meal.²⁷ Specifically, if a detainee is visiting with an attorney and it is mealtime, recreation time or law library time, the detainee must choose between either the meal/recreation/law library time or the attorney visit.²⁸ If the detainee chooses the attorney visit, no makeup meal or recreation/law library time is provided; rather, such time is forfeited.²⁹ The detainee who was housed in the segregation unit stated that he has been provided meals he missed during meetings with an attorney upon return to his unit.³⁰

We received conflicting reports on whether detainees are subject to strip searches after attorney visits – information provided by Facility staff differs from the information the detainees provided during interviews. The Handbook states that a visual strip search will occur after any contact visit, including attorney visits.³¹ Facility staff stated that detainees are subject only to a pat down search after a legal contact visit.³² However, one detainee stated that he generally is subject to a strip search after a legal contact visit,³³ while another detainee stated that the searches that the guards perform following visits with attorneys are not strip searches.³⁴ During the searches, guards sometimes take detainees' legal

24 Observations of delegation member [REDACTED].

25 Notes of delegation members [REDACTED] and [REDACTED] on conversation with detainee [REDACTED].

26 Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

27 Notes of delegation members [REDACTED] and [REDACTED] on conversation with detainee [REDACTED].

28 Notes of delegation member [REDACTED] on conversation with detainees [REDACTED] and [REDACTED].

29 Notes of delegation member [REDACTED] on conversation with detainees [REDACTED] and [REDACTED].

30 Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

31 Handbook, p. 5.

32 Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

33 Notes of delegation member [REDACTED] on conversation with detainees [REDACTED]. Other detainees reported having heard of strip searches after attorney visits. Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]; notes of delegation member [REDACTED] on conversation with detainees [REDACTED] and [REDACTED].

34 Notes of delegation members [REDACTED] and [REDACTED] on conversations with detainee [REDACTED].

papers.³⁵ The Handbook states that attorneys may bring legal materials to a detainee during a visit, which an officer may search for contraband, in the presence of the detainee, but will not read.³⁶

2. Visitation by Family and Friends

The Standards suggest that facilities establish written visitation hours and procedures, and make them available to the public.³⁷ The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”³⁸ Visiting hours shall be set on Saturdays, Sundays, and holidays, and the Standards encourage facilities to accommodate visitors at other times when they are facing a particular hardship.³⁹ Visits should be at least thirty minutes long, and longer when possible.⁴⁰

The Facility has not fully met this section of the Standards; visitors wait for extended periods and have been mistreated while waiting. Family and friends are allowed to visit detainees; the visits are generally limited to sixty minutes.⁴¹ Contact visits are not allowed for non-attorney visitors.⁴² Detainees complained that it “takes too long to get people in,”⁴³ and that visitors must often wait hours to do so.⁴⁴ The waiting room becomes crowded and some visitors must wait in an outdoor courtyard without shade (except for one table umbrella).⁴⁵ Visitors who do not remain in the visiting room or courtyard lose their place in line.⁴⁶ One detainee said that visitors are denied free ingress and egress from the courtyard that abuts the waiting room during their wait.⁴⁷ Another detainee indicated visitors are currently being denied access to the restrooms and drinking fountain.⁴⁸

One detainee reported that due to terrible waiting conditions for visitors, including the preceding comments as well as lack of seating, and their mistreatment by guards, he has requested his family to no

35 Notes of delegation members [redacted] and [redacted] on conversations with detainee [redacted]
[redacted] b6, b7C

36 Handbook, p. 9.

37 Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

38 Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

39 Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

40 Detention Operations Manual, Detainee Services, Standard 17, Section III.H.

41 Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C

42 Notes of delegation member [redacted] on conversations with detainees [redacted] and [redacted] b6, b7C

43 Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C
notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C

44 Notes of delegation members [redacted] and [redacted] on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C

45 Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C

46 Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C

47 Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C

48 Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C

longer visit him at the Facility.⁴⁹ Another detainee similarly reported that his visitors (his wife and a female relative) were at times mistreated and insulted while waiting to see him; for example, guards made comments about the physical appearance of this wife.⁵⁰

Non-contact visits take place using a telephone system, and are often cut short because phone lines in the visiting rooms malfunction during visits.⁵¹

B. Telephone Access

1. General Requirements

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.⁵² In order to meet this requirement, facilities must provide at least one telephone for every twenty-five detainees.⁵³ The Standards also require that telephone access rules be provided in writing to each detainee upon admittance, and that the rules be posted where detainees may easily see them.⁵⁴

The Facility appears substantially to meet this portion of the Standard, although telephone access is impaired by telephone malfunctions. Delegation members toured Unit J, a unit of the Facility for female detainees.⁵⁵ Each housing unit has its own set of phones.⁵⁶ Specifically, there are two banks of phones per pod, and each bank houses four phones.⁵⁷ In Unit J, the number was approximately one phone per eleven detainees.⁵⁸ Phone service is provided by Pacific Bell and Navigant.⁵⁹ The telephones are accessible during open dayroom periods.⁶⁰

Generally, a few phones at a time do not work or malfunction, and the phones that work often have poor connections, making it difficult for detainees to hear or be heard.⁶¹ As a result, one detainee reported that

49 Notes of delegation members [redacted] and [redacted] on conversation with detainee [redacted]

50 Notes of delegation member [redacted] on conversation with detainee [redacted]

51 Notes of delegation member [redacted] on conversations with detainees [redacted]
[redacted] and [redacted]

52 Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

53 Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

54 Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

55 Observation of delegation member [redacted]

56 Observation of delegation member [redacted]

57 Notes of delegation member [redacted] on conversations with Mr. [redacted] and detainee [redacted]
[redacted]

58 Observation of delegation member [redacted]

59 Notes of delegation member [redacted] on conversation with Mr. [redacted]

60 Observation of delegation member [redacted]

61 Notes of delegation members [redacted] and [redacted] on conversations with detainees
[redacted] and [redacted]

there is often a line to use the phones.⁶² Typically, detainees have to wait a few minutes to use the phones, although the wait at times may be up to two hours.⁶³

Telephone access in segregation units is more restricted.⁶⁴ In such units, portable telephones are brought on wheeled platforms for sharing by Tier 1 and Tier 2 detainees on alternate days.⁶⁵ The telephones are frequently out of order, effectively denying telephone access to detainees in segregation (*see below*, Special Management Unit).⁶⁶

The detainees are able to use the phones at the Facility to make free pre-programmed calls.⁶⁷ However, since pre-programmed calls often do not go through, it is often easier for detainees to make phone calls using calling cards than it is for them to make free pre-programmed calls.⁶⁸ Detainees may purchase and use prepaid calling cards at the Facility to make long distance telephone calls;⁶⁹ however, they lose calling card credits as a result of calls frequently being disconnected.⁷⁰

Instructions regarding usage of the phones are posted near the phones.⁷¹ In Unit J, phone numbers of local consulates are posted on a large bulletin board, along with information on phone rates, instructions on how to call the Immigration Court Information Center, a list of pro bono legal service providers and a phone number to call in case of mistreatment or to lodge a complaint.⁷²

2. Direct Calls and Free Calls

The Standards allow facilities to generally restrict calls to collect calls;⁷³ however, the facility must permit detainees to make direct calls to the local immigration court and the Board of Immigration Appeals, federal and local courts, consular officials, legal service providers, government offices, and to family members in case of emergency.⁷⁴ The facility shall not require indigent detainees to pay for these types of calls if they are local, or for non-local calls if there is a compelling need.⁷⁵ In addition, the facility

62 Notes of delegation member [redacted] on conversation with detainee [redacted]

63 Notes of delegation members [redacted] and [redacted] on conversation with detainee [redacted]

64 Notes of delegation member [redacted] on conversation with detainee [redacted]

65 Notes of delegation member [redacted] on conversation with detainee [redacted]

66 Notes of delegation member [redacted] on conversation with detainee [redacted]

67 Notes of delegation member [redacted] on conversations with detainees [redacted] and [redacted]

68 Notes of delegation member [redacted] on conversations with detainees [redacted] and [redacted]

69 Notes of delegation member [redacted] on conversation with detainee [redacted]

70 Notes of delegation member [redacted] on conversation with detainee [redacted]

71 Observation of delegation member [redacted]

72 Observation of delegation member [redacted]

73 Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

74 Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

75 Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

“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.”⁷⁶

It is unclear whether the Facility meets this section of the Standards. The information provided by Facility staff and in the Handbook regarding phone conversations with attorneys differs from the information that some of the detainees provided during the interviews.⁷⁷ According to the Handbook, an inmate must request an unmonitored phone call with his or her attorney from a Counselor in advance.⁷⁸ For detainees in the regular units, telephone calls with attorneys must be made from the telephone in the Counselor’s office.⁷⁹ Detainees reported that requests to have private phone conversations in the Counselor’s office are often approved or denied arbitrarily by the unit manager in charge, particularly Unit Manager [b6, b7C].⁸⁰ On average, detainees wait five hours to call their attorneys after submitting requests to do so to the Facility.⁸¹

The Standards suggest that the facility ensure privacy for detainees’ telephone calls regarding legal matters.⁸² The Handbook and Facility staff state that staff do not monitor detainees’ calls with their attorneys if such calls are not made through the regular inmate phones.⁸³ Detainees reported that phone conversations with attorneys were monitored and/or recorded by Facility staff, whether they take place on regular inmate phones or in the Counselor’s office.⁸⁴

One detainee stated that he generally does not encounter problems when trying to contact his attorney by phone.⁸⁵ Others reported that phone connections at the Facility are inconsistent,⁸⁶ and that telephone calls are frequently dropped or disconnected.⁸⁷ When detainees attempt to call out, they frequently receive recorded messages that all circuits are busy.⁸⁸ These problems make it difficult for detainees to contact

⁷⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁷⁷ Notes of delegation member [b6].

⁷⁸ Handbook, p. 9.

⁷⁹ Notes of delegation member [b6] on conversations with detainee [b6, b7C].

⁸⁰ Notes of delegation member [b6] on conversations with detainees [b6, b7C] and [b6, b7C].

⁸¹ Notes of delegation member [b6] on conversation with detainee [b6, b7C].

⁸² Detention Operations Manual, Detainee Services, Standard 16, Section J.

⁸³ Handbook, p. 9; notes of delegation member [b6].

⁸⁴ Notes of delegation member [b6] and [b6] on conversations with detainees [b6, b7C], [b6, b7C], [b6, b7C], [b6, b7C]; notes of delegation member [b6] on conversations with detainees [b6, b7C], [b6, b7C] and [b6, b7C]; notes of delegation member [b6] on conversations with detainees [b6, b7C], [b6, b7C] and [b6, b7C].

⁸⁵ Notes of delegation member [b6] on conversation with detainee [b6, b7C].

⁸⁶ Notes of delegation member [b6] on conversations with detainees [b6, b7C], [b6, b7C] and [b6, b7C].

⁸⁷ Notes of delegation member [b6] on conversations with detainees [b6, b7C], [b6, b7C] and [b6, b7C].

⁸⁸ Notes of delegation member [b6] on conversations with detainees [b6, b7C], [b6, b7C] and [b6, b7C].

their attorneys.⁸⁹ Some detainees reported having been disconnected during telephone conversations with their attorneys.⁹⁰ A detainee in the segregation unit reported that the telephone in his unit rarely works, and that the Facility has not been prompt in getting repairs done when necessary.⁹¹

If the minutes on a detainee's phone card are depleted while the detainee is having a telephone conversation with his or her attorney, the detainee may have to wait up to one week to call again, since detainees are permitted to purchase phone cards on one designated day per week.⁹²

3. Incoming Calls and Messages

The Standards suggest that facilities take and deliver messages from attorneys and emergency incoming telephone calls to detainees as promptly as possible.⁹³ If the Facility receives an emergency telephone call for a detainee, the Standards suggest that the Facility obtain the caller's name and number and permit the detainee to return the emergency call as soon as possible.⁹⁴

The facility meets this Standard. Facility staff informed us that they will take and deliver to the detainees messages from attorneys and messages regarding emergency phone calls as the calls are received⁹⁵ and that detainees who request to return emergency phone calls are permitted to do so at no charge.⁹⁶

4. Telephone Privileges in Special Management Unit

The Standards provide that detainees in the Special Management Unit ("SMU") for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions.⁹⁷ Detainees in the SMU for other than disciplinary reasons shall have telephone access similar to that of detainees in the general population, but consistent with safety and security concerns in these units.⁹⁸

The facility does not appear to meet this Standard. The detainee in the segregation unit reported that the only telephone in the segregation unit rarely works and that repairs have not been made promptly.⁹⁹

C. Access to Library and Legal Material

⁸⁹ Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C

⁹⁰ Notes of delegation member [redacted] on conversations with detainees [redacted] b6, b7C
[redacted] b6, b7C and [redacted] b6, b7C

⁹¹ Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C

⁹² Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C

⁹³ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁹⁴ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁹⁵ Notes of delegation member [redacted] on conversation with Officer [redacted] b6, b7C

⁹⁶ Notes of delegation member [redacted] on conversation with Officer [redacted] b6, b7C

⁹⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

⁹⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

⁹⁹ Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C

All facilities with detainees “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.”¹⁰⁰

1. Library Access

The Standards suggest that each facility shall have a flexible schedule for law library use that permits all detainees, regardless of housing or classification, to use the law library on a regular basis.¹⁰¹ Additionally, each detainee shall be permitted to use the law library for a minimum of five hours per week.¹⁰²

The Facility does not fully meet this section of the Standards; access for general population detainees as well as those in segregation is unduly limited. Access time to the law library is inadequate.¹⁰³ Detainees reported that they had to choose between recreation time and library time,¹⁰⁴ although one detainee reported that he was able to participate in both.¹⁰⁵ At one time, the library was closed to immigration detainees for over a month so that it could be used exclusively by U.S. Marshal inmates.¹⁰⁶

Facility staff stated that detainees in segregation units are permitted to visit the law library.¹⁰⁷ According to the Handbook, detainees in segregation units may request legal materials from the library.¹⁰⁸ However, the detainee who currently resides in the segregation unit reported that he does not have access to the law library, although he was told in August 2005 by an ICE official named [b6, b7C] that the policy would be changed to grant segregated detainees access to the law library.¹⁰⁹ As of the date of our visit in December 2005, this detainee had not been permitted to visit the law library, in spite of multiple requests to do so.¹¹⁰ The detainee reported that he is permitted to request specific volumes from the library, but that delays in receiving the requested volumes impair his ability to adequately defend himself.¹¹¹ Another detainee who had previously been placed in the segregation unit reported that while he was in the segregation unit the Facility did not permit him to use the law library.¹¹²

¹⁰⁰ Detention Operations Manual, Detainee Services, Standard 1, Section I.

¹⁰¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

¹⁰² Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

¹⁰³ Notes of delegation member [b6] on conversation with detainee [b6, b7C]

¹⁰⁴ Notes of delegation member [b6] on conversation with detainee [b6, b7C] notes of delegation member [b6] on conversation with detainee [b6, b7C]

¹⁰⁵ Notes of delegation member [b6] on conversations with detainee [b6, b7C]
[b6, b7C]

¹⁰⁶ Notes of delegation member [b6] on conversation with detainee [b6, b7C]

¹⁰⁷ Notes of delegation member [b6] on conversation with Officer [b6]

¹⁰⁸ Handbook, p. 7.

¹⁰⁹ Notes of delegation member [b6] on conversation with detainee [b6, b7C]

¹¹⁰ Notes of delegation member [b6] on conversation with detainee [b6, b7C]

¹¹¹ Notes of delegation member [b6] on conversation with detainee [b6, b7C]

¹¹² Notes of delegation member [b6] on conversation with detainee [b6, b7C]

According to the Handbook, detainees in the general population units are permitted to use the law library for five hours per week and can request additional time, which is granted on a case-by-case basis with priority given to detainees who have impending court dates.¹¹³ The detainees whom we interviewed were aware that they are entitled to five hours in the library per week, but they stated that they are usually able to spend only three to three-and-one-half hours in the library per week—the time is cut short by the fifteen to twenty minutes it takes to get to the library and back to the units, and the time it takes to check disks in and out.¹¹⁴ One detainee said that the fifteen to twenty minutes “is like gold to us.”¹¹⁵

One detainee who had gone on several hunger strikes reported that the Facility prevents detainees from accessing legal materials if they participate in hunger strikes.¹¹⁶

2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees’ legal research and writing.¹¹⁷ Furthermore, it must be large enough “to provide reasonable access to all detainees who request its use. It shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.”¹¹⁸

The Facility meets this section of the Standards. The Facility provides a law library that is sufficiently lit and well-isolated from noise and foot traffic.¹¹⁹ The law library contains fourteen chairs and several desks in addition to those for computer use.¹²⁰

3. Materials Identified in the Detention Standards

The Standards state that all facility law libraries should contain the materials listed in an attachment to the chapter on Access to Legal Materials, entitled “List of Legal Reference Materials for Detention Facilities.” These materials must be updated regularly, and information on significant regulatory and statutory changes regarding detention and deportation of aliens must be added in a timely manner.¹²¹ Damaged or stolen materials must be promptly replaced.¹²²

The Facility has not fully met this section of the Standards; materials are missing or outdated. Reference materials at the law library are outdated and incomplete, and legal materials and dictionaries

¹¹³ Handbook, p. 7.

¹¹⁴ Notes of delegation members [REDACTED] and [REDACTED] on conversations with detainees [REDACTED] and [REDACTED].

¹¹⁵ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

¹¹⁶ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

¹¹⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

¹¹⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

¹¹⁹ Observations of delegation member [REDACTED].

¹²⁰ Observation of delegation member [REDACTED].

¹²¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

¹²² Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

are frequently checked out by ICE staff.¹²³ The following items from the List of Legal Reference Materials for Detention Facilities could not be found or were outdated at the time of our tour of the Facility's library:¹²⁴

- *Constitution of the United States of America: Analysis and Interpretation* – The volume contained in the library is from 1992, and at least one updated version exists
- *Considerations for Asylum Officers Adjudicating Asylum Claims From Women* – Not available
- *Immigration and Naturalization Service Basic Law Manual* – Not available

The detainees whom we interviewed were aware of the immigration law materials in the law library.¹²⁵ At least two detainees reported that the immigration materials in the law library were out of date.¹²⁶ When one detainee filed a grievance regarding the currency of the materials in the library, the Facility denied that the materials were out of date.¹²⁷ Most library materials are not provided in a Spanish translation,¹²⁸ although an English-to-Spanish dictionary is available in the library.¹²⁹

The Handbook and facility staff state that detainees can obtain materials that are not available in the law library by submitting a written request to the law librarian, who in turn submits the request to Officer b6, b7C³⁰ This includes legal materials that are not on the Detention Standards list.¹³¹ Lexis CDs are available at the library, which are updated once every three months.¹³² It may take up to five months to update Lexis CDs, however.¹³³ It is not uncommon for the Lexis CDs to be missing for weeks at a time.¹³⁴ Detainees are not able to Shepardize cases with the available CDs.¹³⁵ Research related to criminal convictions is not permitted,¹³⁶ even in connection with issues related to immigration.¹³⁷ Several

123 Notes of delegation member b6 on conversation with detainee b6, b7C

124 Observation of delegation member b6

125 Notes of delegation member b6 on conversations with detainees b6, b7C
b6, b7C b6, b7C and b6, b7C

126 Notes of delegation member b6 on conversation with detainees b6, b7C and
b6, b7C

127 Notes of delegation member b6 on conversation with detainee b6, b7C

128 Notes of delegation member b6 on conversation with detainee b6, b7C

129 Observation of delegation member b6

130 Handbook, p. 7; notes of delegation member b6 on conversation with Facility staff,
and of b6 on conversation with Officer b6, b7C

131 Notes of delegation member b6 on conversation with Officer b6, b7C

132 Notes of delegation member b6 on conversation with law librarian b6

133 Notes of delegation member b6 on conversation with detainee b6, b7C

134 Notes of delegation member b6 on conversation with detainee b6, b7C

135 Notes of delegation member b6 on conversation with detainee b6, b7C

136 Notes of delegation member b6 on conversation with detainee b6, b7C

137 Notes of delegation member b6 on conversation with detainee b6, b7C

detainees reported that the Lexis CDs do not contain many of the cases that are cited against them during their proceedings.¹³⁸

4. Computer Access, Equipment and Holdings

The Standards require that facility law libraries provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.¹³⁹

The Facility does not fully meet this section of the Standards. The library provides access to five computers, three typewriters, a laser printer and a copier.¹⁴⁰ The computers in the library are old and have viruses that corrupt the detainees' disks,¹⁴¹ three of the computers are inoperable,¹⁴² and only one typewriter functions properly.¹⁴³ Detainees reported that there are not enough computers and typewriters to accommodate the detainees.¹⁴⁴ With regard to the computers, however, facility staff noted that they had purchased and were getting ready to install two new computers.¹⁴⁵

The Facility does not provide replacement disks to detainees whose computer disks have deteriorated over time, and detainees are not permitted to purchase new disks.¹⁴⁶ The Facility stores the detainees' disks in a property room that detainees cannot access.¹⁴⁷ Files stored on the detainees' disks are unprotected and not private.¹⁴⁸ Files on detainees' disks often become corrupted and unrecoverable.¹⁴⁹ It is not

138 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C

139 Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

140 Observations of delegation member [redacted] b6

141 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C

142 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

143 Notes of delegation member [redacted] b6 on conversation with detainees [redacted] b6, b7C and [redacted] b6, b7C

144 Notes of delegation members [redacted] b6 on conversation with detainee [redacted] b6, b7C notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C

145 Notes of delegation members [redacted] b6 and [redacted] b6 on conversation with Officer [redacted] b6, b7C

146 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C

147 Notes of delegation member [redacted] b6 on conversation with Officer [redacted] b6, b7C notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

148 Notes of delegation member [redacted] b6 on conversation with law librarian [redacted] b6

149 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

uncommon for files to be missing from detainees' disks after being stored by the Facility for long periods of time.¹⁵⁰

Detainees are permitted to print an unlimited number of pages.¹⁵¹ However, detainees may not directly print or copy documents; rather, they must ask the law librarian to do so.¹⁵² Since such requests are often made at the end of a detainee's library session, it is common for the law librarian to not have enough time to print or copy all requested documents, and these materials are not set aside or delivered subsequently.¹⁵³

One detainee in segregation reported that because he no longer has access to computers, typewriters or word processing equipment, he must hand write all pleadings.¹⁵⁴

The law librarian has discretion whether to provide writing implements, paper and office supplies.¹⁵⁵ Detainees must be indigent for thirty days before the Facility provides writing paper, writing implements, or envelopes to them free of charge.¹⁵⁶ This is the case even if the detainee arrives at the Facility without any money, so the detainees must wait 30 days before they are able to obtain writing supplies.¹⁵⁷

5. Assistance From Other Detainees

The Standards suggest that facilities shall permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.¹⁵⁸ Detainees are not permitted to charge a fee for assistance.¹⁵⁹

The Facility meets this section of the Standards. Detainees may assist other detainees in researching and preparing legal documents.¹⁶⁰ Some detainees, however, seek compensation for doing so.¹⁶¹

6. Photocopies

- 150 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C see, e.g., "Loss of Personal Property Claimant's Rights" detainee Victor Martinez at Attachment A.
- 151 Notes of delegation member [redacted] b6 on conversation with law librarian [redacted] b6
- 152 Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C
- 153 Notes of delegation member [redacted] on conversation with detainee [redacted] b6
- 154 Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C
- 155 Notes of delegation member [redacted] on conversation with detainee [redacted] b6, b7C
- 156 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C Handbook, p. 12
- 157 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C
- 158 Detention Operations Manual, Detainee Services, Standard 1, Section III.K.
- 159 Detention Operations Manual, Detainee Services, Standard 1, Section III.K.
- 160 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C
- 161 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

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.¹⁶² Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.¹⁶³ Facility staff may not read a document that on its face is clearly related to a legal proceeding involving the detainee.¹⁶⁴

The Facility does not fully meet this Standard. There is no limit on the number of photocopies that a detainee can request,¹⁶⁵ and detainees may keep copies of legal documents with them.¹⁶⁶ Detainees are unable to make photocopies themselves; they must ask the librarian to copy documents for them.¹⁶⁷ Since such requests are often made at the end of a detainee’s library session, it is common for the law librarian to not have enough time to copy all requested documents.¹⁶⁸ The copy machine is often broken.¹⁶⁹ This frequent malfunctioning and the inability of detainees to copy materials themselves create unnecessary delays for detainees who wish to conduct legal research and writing.¹⁷⁰

D. Group Rights Presentations

The Standards provide that facilities holding ICE detainees “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 IGSA facility.”¹⁷¹ Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.¹⁷² While the presentations are open to all detainees, the facility “may limit the number of detainees at a single session.”¹⁷³ “The facility shall select and provide an environment

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- 162 Detention Operations Manual, Detainee Services, Standard 1, Section III.J.
- 163 Detention Operations Manual, Detainee Services, Standard 1, Section III.J.
- 164 Detention Operations Manual, Detainee Services, Standard 1, Section III.J.
- 165 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C
[redacted] b6, b7C and [redacted] b6, b7C.
- 166 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C
[redacted] b6, b7C and [redacted] b6, b7C.
- 167 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C
[redacted] b6, b7C [redacted] b6, b7C and [redacted] b6, b7C.
- 168 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C.
- 169 Notes of delegation members [redacted] b6 and [redacted] b6 on conversations with detainees
[redacted] b6, b7C and [redacted] b6, b7C; notes of delegation member [redacted] b6 on
conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C.
- 170 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C
[redacted] b6, b7C [redacted] b6, b7C and [redacted] b6, b7C.
- 171 Detention Operations Manual, Detainee Services, Standard 9, Section I.
- 172 Detention Operations Manual, Detainee Services, Standard 9, Section III.C.
- 173 Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

conducive to the presentation, consistent with security.”¹⁷⁴ In addition, detainees shall have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”¹⁷⁵

It is unclear whether the Facility meets this section of the Standards. The Handbook states that “[e]ach weekday, ‘Refugee Rights: Know Your Rights’ is shown in all housing units in both English and Spanish.”¹⁷⁶ Facility staff stated that upon intake, the “Know Your Rights” video created by the Florence Project is shown to each detainee and each detainee is given a copy of the Handbook.¹⁷⁷ According to Facility staff, no detainee has requested to see the “Know Your Rights” video at a time other than upon intake.¹⁷⁸ The detainees whom we interviewed had not heard of, nor seen, the “Know Your Rights” video.¹⁷⁹

IV. OTHER PROVISIONS OF THE ICE DETENTION STANDARDS

A. Correspondence and Other Mail

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.¹⁸⁰ 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.¹⁸¹ Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.¹⁸² Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹⁸³ Outgoing special correspondence cannot be opened, inspected, or read.¹⁸⁴ The Standards require that writing paper, writing implements, and envelopes be provided at no cost to detainees.¹⁸⁵ 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

¹⁷⁴ Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹⁷⁵ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹⁷⁶ Handbook, p. 9.

¹⁷⁷ Notes of delegation member [REDACTED] b6 and [REDACTED] b6 on conversations with Officer [REDACTED] b6, b7C

¹⁷⁸ Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

¹⁷⁹ Notes of delegation members [REDACTED] b6 and [REDACTED] b6 on conversations with detainees [REDACTED] b6, b7C [REDACTED] b6, b7C [REDACTED] b6, b7C and [REDACTED] b6, b7C notes of delegation member [REDACTED] b6 on conversations with detainees [REDACTED] b6, b7C [REDACTED] b6, b7C [REDACTED] b6, b7C and [REDACTED] b6, b7C notes of delegation member [REDACTED] b6 conversations with detainees [REDACTED] b6, b7C [REDACTED] b6, b7C, [REDACTED] b6, b7C and [REDACTED] b6, b7C

¹⁸⁰ Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹⁸¹ Detention Operations Manual, Detainee Services, Standard 3, Section III.I.

¹⁸² Detention Operations Manual, Detainee Services, Standard 3, Section III.B., E. & F.

¹⁸³ Detention Operations Manual, Detainee Services, Standard 3, Section III.I.

¹⁸⁴ Detention Operations Manual, Detainee Services, Standard 3, Section III.B. & F.

¹⁸⁵ Detention Operations Manual, Detainee Services, Standard 3, Section III.J.

representative, potential representative, or any court.¹⁸⁶ Finally, the Standards state that facilities shall notify detainees of specific information regarding correspondence policies.¹⁸⁷

The Facility does not fully meet this section of the Standards; the Handbook does not include necessary information and writing materials and envelopes are not provided except to indigent detainees. The Facility provides all detainees with the Handbook.¹⁸⁸ Handbooks are available in English and Spanish, but not in other languages.¹⁸⁹ The Handbook includes information regarding:

- 1) the definition of “special correspondence,” including instructions on the proper labeling for special correspondence;
- 2) a statement that it is the detainee’s responsibility to inform senders of special mail of the labeling requirement;
- 3) instructions on sending mail and packages;
- 4) instructions on receiving mail and packages; and
- 5) instructions concerning the manner in which indigent detainees may obtain writing implements, paper, envelopes, and postage.¹⁹⁰

The Handbook does not provide the following information:

- 1) a description of mail that may be rejected by the facility, including identity documents such as passports and birth certificates;
- 2) instructions about how non-indigent detainees may obtain writing implements, paper, and envelopes; and
- 3) the procedure for purchasing postage (if any).¹⁹¹

By failing to provide information regarding the foregoing matters, the Facility does not meet the notification requirements of this section of the Standards.

Detainees must be indigent in order for the Facility to supply writing paper, writing implements, or envelopes at no cost to the detainees.¹⁹² Detainees often must barter with each other to get such supplies

¹⁸⁶ Detention Operations Manual, Detainee Services, Standard 3, Section III.B. & E.

¹⁸⁷ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁸⁸ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] b6, b7C

¹⁸⁹ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED] b6, b7C

¹⁹⁰ Handbook, p. 11-13.

¹⁹¹ Notes of delegation member [REDACTED] b6 see Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁹² Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C

as envelopes and stamps.¹⁹³ One detainee reported that he has been limited to five envelopes per week and that only \$0.37 stamps are available.¹⁹⁴ Detainees who are declared indigent are not always given free envelopes and stamps.¹⁹⁵

B. Recreation

The Standards suggest that all detainees have access to recreation “under conditions of security and safety.”¹⁹⁶ Detainees should be housed in facilities with outdoor recreation.¹⁹⁷ If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.¹⁹⁸ Detainees should have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise, and games and television in dayrooms.¹⁹⁹ Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.²⁰⁰

It is unclear whether the Facility meets this section of the Standards; detainees reported having to forego recreation in order to use the law library. The Handbook provides that detainees are permitted recreation time indoors and outdoors, including one hour of recreation per day in an outside recreation yard.²⁰¹ However, information on recreation found in the Handbook and provided by Facility staff differs from the information that some of the detainees shared with members of our delegation during the interviews. For instance, Facility staff indicated that detainees are not required to relinquish their outdoor recreation time in order to visit the law library.²⁰² Detainees reported that the library visit is scheduled simultaneously with scheduled outdoor recreation time; as a result, they must relinquish their outdoor recreation if they choose to visit the law library.²⁰³

There are sixty-eight people per enclosure at any given outdoor recreation session.²⁰⁴ Detainees may choose either a morning recreation session or an afternoon recreation session, although the afternoon recreation sessions last only up to twenty minutes.²⁰⁵

193 Notes of delegation member [redacted] b6 and [redacted] b6 on conversation with detainee [redacted] b6, b7C

194 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

195 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C

196 Detention Operations Manual, Detainee Services, Standard 13, Section I.

197 Detention Operations Manual, Detainee Services, Standard 13, Section III.A.

198 Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

199 Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

200 Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

201 Handbook, p. 6.

202 Notes of delegation member [redacted] b6 on conversation with Officer [redacted] b6, b7C

203 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C [redacted] b6, b7C and [redacted] b6, b7C

204 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

205 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

Each of the housing units also has a dayroom.²⁰⁶ Dayrooms are common rooms for the detainees where they are able to socialize, watch television, and play table games.²⁰⁷ The Handbook states that movies are shown on weekends.²⁰⁸ Delegation members observed that in the unit that the delegation visited, each detainee had access to natural sunlight in the dayroom.²⁰⁹ The delegation observed that the outdoor yards and dayroom provide very limited equipment for muscular or cardiovascular exercise: just basketball hoops.²¹⁰ Outside recreation is limited to playing basketball, doing chin-ups or pull-ups or walking.²¹¹

C. Access to Medical Care²¹²

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.²¹³ Each facility is required to have regularly scheduled times, known as “sick call,” when medical staff are available to see detainees who have requested medical services.²¹⁴ For a facility of over 200 detainees, a minimum of five days per week is suggested.²¹⁵ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.²¹⁶ 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 supervisor.²¹⁷ If a detainee is diagnosed as having a medical condition, including a psychiatric condition, requiring special attention (e.g., special diet), the medical care provider is required to notify the OIC in writing.²¹⁸

It is unclear whether the Facility fully meets this Standard; although resources are available, detainees reported problems with medical care. The U.S. Public Health Service (PHS) has forty-two staff members consisting of doctors, nurse practitioners, physician’s assistants, a dentist, an endocrinologist, a psychiatrist, a psychologist and one psychiatric technician.²¹⁹ PHS provides staffing

²⁰⁶ Handbook, p. 6.

²⁰⁷ Observation of delegation member [REDACTED] b6

²⁰⁸ Handbook, p. 6.

²⁰⁹ Observation of delegation member [REDACTED]

²¹⁰ Observation of delegation member [REDACTED] b6

²¹¹ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C

²¹² ICE staff and Officer [REDACTED] b6, b7C conducted the tour of the medical, dental and psychiatric clinic areas of the Facility.

²¹³ Detention Operations Manual, Health Services, Standard 2, Section I.

²¹⁴ Detention Operations Manual, Health Services, Standard 2, Section III.F.; Handbook, p. 5.

²¹⁵ Detention Operations Manual, Health Services, Standard 2, Section I.

²¹⁶ Detention Operations Manual, Health Services, Standard 2, Section III.A, D. & G.

²¹⁷ Detention Operations Manual, Health Services, Standard 2, Section III.H.

²¹⁸ Detention Operations Manual, Health Services, Standard 2, Section III.J.

²¹⁹ Notes of delegation members [REDACTED] b6 and [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

and general medical care five days a week, and emergency and critical care seven days a week.²²⁰ The Facility can provide outpatient psychological services and inpatient psychiatric services.²²¹

All detainees at the Facility are screened for medical and dental issues upon their initial processing, which includes a chest x-ray and a physical exam.²²² At that time, each detainee is questioned/screened regarding prior health history, current health, medical history, suicide risk, mental health, drug and/or alcohol dependence, tuberculosis, dental health, and STD/communicable diseases.²²³ An unhealthy individual is referred to a doctor or nurse practitioner for a physical examination within twenty-four hours of intake, while healthy individuals are given a physical examination within thirty days of intake.²²⁴ The Facility has negative pressure rooms to house and provide treatment to detainees who are tested positive for tuberculosis.²²⁵ According to one detainee, it is common for detainees who have been diagnosed with active tuberculosis to be mixed in with the general population.²²⁶

The Facility does not have regular “sick calls,” as suggested in the Standards.²²⁷ In order to see a nurse or doctor for non-emergency care, a detainee must submit a “Sick Call Request Form,” which is a one-page form that is available in each unit.²²⁸ Officer [REDACTED] b6, b7C stated that emergency medical care is provided within four minutes of the Facility staff reporting the emergency to medical staff,²²⁹ and that detainees are informed of these procedures during intake.²³⁰ Facility staff also stated that the Facility has a policy that detainees must be seen within three days of submitting a Sick Call Request Form.²³¹ Nearly all detainees reported that their medical needs had not been attended to in such a time frame, stating that at times it takes as long as three weeks to receive health care after submitting a Sick Call Request Form.²³²

220 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

221 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

222 [REDACTED] b6, b7C elegation members [REDACTED] b6 and [REDACTED] b6 on conversations with Officer [REDACTED] b6, b7C

223 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

224 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

225 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

226 Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C

227 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

228 Handbook, p. 6; notes of delegation member [REDACTED] b6 on conversations with detainees [REDACTED] b6, b7C [REDACTED] b6, b7C [REDACTED] b6, b7C and [REDACTED] b6, b7C. See Attachment B for the form of a sick call slip.

229 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

230 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

231 Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C

232 Notes of delegation members [REDACTED] b6 and [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C notes of delegation member [REDACTED] b6 on conversations with detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C; notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C; notes of delegation member [REDACTED] b6 on conversations with detainees [REDACTED] b6, b7C, [REDACTED] b6, b7C and [REDACTED] b6, b7C

One detainee reported that it may take up to three days to get emergency medical care.²³³ This detainee also reported that non-English speaking detainees are not given translations of medication instructions.²³⁴

Another detainee reported that when he requested medical attention for a rash, he was given only a document that listed helpful hints to relieve the rash, which included directions to use specific soaps and lotions; however, when he requested to receive such soaps and lotions, his request was denied.²³⁵

Another detainee reported that he did not get proper medical care after he had a heart attack and underwent surgery and that he was not given enough time to fully recuperate and allow his incisions to heal before being sent back to his unit.²³⁶ The same detainee reported that following his heart attack, the Facility did not provide the special diet that was prescribed by his doctor. He also reported that he had tuberculosis for months before the medical staff at the Facility properly diagnosed it.²³⁷ This detainee was visibly very sick, his skin tone was very wan, he was shaky, and he appeared to be exhausted.²³⁸ The detainee believes that the Facility is just waiting for him to die, and that the Facility is withholding proper medical attention at his peril.²³⁹

Another detainee stated that he had submitted a request for medical care on a Monday morning for flu and bronchitis symptoms and was not seen until the following Friday afternoon.²⁴⁰ The same detainee reported that he once requested some aspirin and was placed in a holding cell in the medical unit from 5:00 a.m. until 1:00 p.m. before he received the requested aspirin.²⁴¹

D. Access to Dental Care

The Standards suggest that detainees have an initial dental screening exam within fourteen days of the detainee's arrival, and require the facility to provide a number of services, including emergency dental treatment and repair of prosthetic appliances.²⁴² For detainees who are held in detention for over six months, routine dental treatment may be provided, including amalgam and composite restorations, prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee's health.²⁴³

²³³ Notes of delegation members [redacted] and [redacted] on conversation with detainee [redacted].

²³⁴ Notes of delegation members [redacted] and [redacted] on conversation with detainee [redacted].

²³⁵ Notes of delegation members [redacted] and [redacted] on conversation with detainee [redacted].

²³⁶ Notes of delegation members [redacted] and [redacted] on conversation with detainee [redacted].

²³⁷ Notes of delegation member [redacted] on conversation with detainee [redacted].

²³⁸ Observations of delegation members [redacted] and [redacted].

²³⁹ Notes of delegation member [redacted] on conversation with detainee [redacted].

²⁴⁰ Notes of delegation member [redacted] on conversation with detainee [redacted].

²⁴¹ Notes of delegation member [redacted] on conversation with detainee [redacted].

²⁴² Detention Operations Manual, Health Services, Standard 2, Section III.E.

²⁴³ Detention Operations Manual, Health Services, Standard 2, Section III.E.

The Facility does not appear fully to meet this section of the Standards; detainees reported problems with the prescribed dental care. There is an on-site dentist at the Facility, and detainees receive an initial dental screening.²⁴⁴ If dental care is needed, the on-site dentist provides dental care in the Facility.²⁴⁵

One detainee who is missing teeth said the Facility does not provide partial dentures, and said that he has filed grievances indicating he is unable to chew his food.²⁴⁶ Another detainee whom we interviewed stated that when he once requested dental care for a filling, the dentist removed his tooth, and the dentist explained that he wanted to remove the detainee's remaining teeth as a preventive measure.²⁴⁷ Another detainee reported that the dentist at the Facility consistently recommends that his teeth be pulled instead of repairing decay through fillings, caps, bridges or crowns.²⁴⁸

E. Detainee Classification

The Standards require that detention facilities use a classification system and physically separate detainees in different categories.²⁴⁹ A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.²⁵⁰ Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.²⁵¹ Classification is required in order to separate detainees without criminal records or with minimal criminal records from inmates with serious criminal records.²⁵²

Additionally, all facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.²⁵³ 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.²⁵⁴

The Facility does not fully meet this section of the Standards; classifications are not explained in the Handbook, and detainees report improper commingling of violent detainees. The Handbook identifies the classification levels,²⁵⁵ but does not include an explanation of conditions or restrictions applicable to the three classification levels. Further, it is unclear how detainees are classified. According

²⁴⁴ Notes of delegation member [REDACTED]

²⁴⁵ Notes of delegation member [REDACTED]

²⁴⁶ Notes of delegation member [REDACTED]

²⁴⁷ Notes of delegation member [REDACTED]

²⁴⁸ Notes of delegation member [REDACTED]

²⁴⁹ Detention Operations Manual, Detainee Services, Standard 4, Section I.

²⁵⁰ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

²⁵¹ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

²⁵² Detention Operations Manual, Detainee Services, Standard 4, Sections III.A. & III.E.

²⁵³ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & III.H.

²⁵⁴ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

²⁵⁵ Handbook, p. 14.

to the detainees interviewed, non-criminal detainees are commingled with criminal inmates,²⁵⁶ violent with nonviolent, and mentally ill with the general population.²⁵⁷ One detainee stated that detainees who had committed violent crimes had been classified as “Level 1,” which is the “Lowest Threat” classification, while he was classified as “Level 3,” or “Highest Threat,” even though he had not committed a violent offense and had not engaged in violent or aggressive activity while in detention that might warrant such a classification.²⁵⁸ This detainee believed that he was being punished for having filed so many grievances.²⁵⁹

F. Detainee Grievance 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.²⁶⁰ Translating assistance for both formal and informal grievances must be provided upon request.²⁶¹ 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.”²⁶² All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.²⁶³

The Facility does not meet this section of the Standards. According to detainees interviewed, there are several problems with the process, including: filing grievances is discouraged and is met with retaliation; detainees must sign off on the grievance resolution in advance; responses to grievances may take months and are sometimes delivered to the wrong detainee. Most of the detainees whom we interviewed had filed many grievances.²⁶⁴ The detainees who filed grievances reported that their grievances had not been addressed in a timely manner, with wait times of usually three weeks to receive a response from the Facility.²⁶⁵ One detainee who has filed numerous grievances with the Facility reported that it now takes on average five to six months before the Facility provides a response to his grievances.²⁶⁶

256 Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C [redacted] b6, b7C, [redacted] b6 and [redacted] b6, b7C; notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

257 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

258 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

259 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

260 Detention Operations Manual, Detainee Services, Standard 5, Sections I. & III.A.

261 Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1. & III.A.2.

262 Detention Operations Manual, Detainee Services, Standard 5, Section I.

263 Detention Operations Manual, Detainee Services, Standard 5, Sections I. & III.C.

264 Notes of delegation member [redacted] b6 notes of delegation members [redacted] b6 and [redacted] b6 on conversation with detainee [redacted] b6, b7C notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

265 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

266 Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

The detainees also reported that they were required to sign grievance forms indicating that the issues had been resolved prior to there being a satisfactory resolution.²⁶⁷ Specifically, a detainee who wishes to file a grievance must sign the CCA Inmate/Resident Grievance Form (the “Grievance Form”)²⁶⁸ before the detainee places it in the grievance box.²⁶⁹ Since resolutions to grievances are detailed on these same Grievance Forms, this creates the appearance that the subsequent resolutions on the Grievance Forms are acceptable to the detainees, whether or not this is the case.²⁷⁰ Accordingly, the detainees expressed great dissatisfaction and mistrust regarding the grievance resolution process.²⁷¹ Also, it is not uncommon for detainees to receive responses from the Facility to grievances filed by other detainees.²⁷²

There are no postings regarding the right to file a grievance in housing units A-A or A-D.²⁷³ One detainee reported that filing a grievance is discouraged.²⁷⁴ Another detainee said detainees have observed that Facility staff look unfavorably on those who file grievances.²⁷⁵ Two detainees reported that Facility staff have retaliated against them for submitting grievance forms, sometimes by sending them to segregation units for periods of up to 48 hours.²⁷⁶ Two other detainees indicated that other detainees who had filed numerous grievances have been retaliated against by, among other means, being put in the “hole,” strip searched, denied meals, criticized, and degraded.²⁷⁷

G. Religious Practices

The Detention Standards require that detainees of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths.²⁷⁸ According to the

²⁶⁷ Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C
notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

²⁶⁸ See form of CCA Inmate/Resident Grievance Form (i.e., Form 14-5A) at Attachment C. The form includes two places for a detainee’s signature: once under “Requested Action,” and again under “Grievance Officer’s Decision.”

²⁶⁹ Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C
[redacted] b6, b7C and [redacted] b6, b7C; notes of delegation member [redacted] b6
on conversation with detainee [redacted] b6, b7C

²⁷⁰ Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

²⁷¹ Notes of delegation members [redacted] b6 and [redacted] b6 on conversation with detainees
[redacted] b6, b7C and [redacted] b6, b7C

²⁷² Notes of delegation members [redacted] b6 and [redacted] b6 on conversation with detainee
[redacted] b6, b7C

²⁷³ Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

²⁷⁴ Notes of delegation members [redacted] b6 and [redacted] b6 on conversation with detainee
[redacted] b6, b7C

²⁷⁵ Notes of delegation members [redacted] b6 and [redacted] b6 on conversation with detainee
[redacted] b6, b7C

²⁷⁶ Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C
and [redacted] b6, b7C

²⁷⁷ Notes of delegation members [redacted] b6 and [redacted] b6 on conversation with detainees
[redacted] b6, b7C and [redacted] b6, b7C

²⁷⁸ Detention Operations Manual, Detainee Services, Standard 14, Section I.

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.”²⁷⁹ Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.²⁸⁰ Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.²⁸¹

The Facility does not fully meet this section of the Standards. There are no organized religious services at the Facility, and no groups visit the Facility to provide spiritual counseling or services.²⁸² One Jewish detainee reported that there is no rabbi available for Jewish detainees, and that although he has requested and been promised kosher meals, he has never received a kosher meal, including on Jewish holidays.²⁸³

H. Voluntary Work Program

The Standards suggest that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”²⁸⁴ Participation must be voluntary, and detainees may not work more than eight hours per day, and forty hours per week.²⁸⁵

It is unclear whether the Standards have been met at the Facility. The Handbook states that detainees may volunteer to be part of the work program, to work up to “seven (8) hours per day, or thirty-five (40) hours weekly.”²⁸⁶ One detainee who is a welder by trade reported that he has repeatedly requested to be assigned to meaningful work (such as running electrical lines, general maintenance and repair, etc.) in order to at least “feel useful.”²⁸⁷ Although the Facility once assigned this detainee to the kitchen, the Facility no longer provides work opportunities to him.²⁸⁸

I. Special Management Unit

²⁷⁹ Detention Operations Manual, Detainee Services, Standard 14, Section I.

²⁸⁰ Detention Operations Manual, Detainee Services, Standard 14, Section III.M; Handbook, p. 2.

²⁸¹ Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

²⁸² Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C, [redacted] b6, b7C and [redacted] b6, b7C

²⁸³ Notes of delegation members [redacted] b6 and [redacted] b6 on conversation with detainee [redacted] b6, b7C

²⁸⁴ Detention Operations Manual, Detainee Services, Standard 37, Sections I & III.A.

²⁸⁵ Detention Operations Manual, Detainee Services, Standard 37, Sections III.A. and III.H.; the Handbook states that detainees will not be permitted to work in excess of “thirty-five (40) [sic] hours,” p. 4.

²⁸⁶ Handbook, p. 4.

²⁸⁷ Notes of delegation member [redacted] b6 on conversation with detainee [redacted]

²⁸⁸ Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

The Standards suggest that each facility establish a Special Management Unit (“SMU”) that will isolate certain detainees from the general population.²⁸⁹ A detainee may be placed in disciplinary segregation only by order of the Institutional Disciplinary Committee, after a hearing in which the detainee has been found to have committed a prohibited act.²⁹⁰ The disciplinary committee may order placement in disciplinary segregation only when alternative dispositions would inadequately regulate the detainee’s behavior.²⁹¹

All cells in the SMU must be equipped with beds which are securely fastened to the cell floor or wall.²⁹² Segregated detainees shall have the opportunity to maintain a normal level of personal hygiene.²⁹³ Recreation shall be provided to detainees in disciplinary segregation in accordance with the “Recreation” standard.²⁹⁴ Access to legal material shall remain open and requests for access shall be accommodated no more than twenty-four hours after receipt of the initial detainee request.²⁹⁵ Similarly, access to the law library shall be granted to detainees in segregation, and access by request only is an option.²⁹⁶ “As a rule, a detainee retains visiting privileges while in disciplinary segregation.”²⁹⁷ Also, a detainee in disciplinary segregation shall not be denied legal visitation.²⁹⁸

In accordance with the “Telephone Access” standard, detainees in disciplinary segregation shall be restricted to telephone calls for calls relating to the detainee’s immigration case or other matters, calls to consular/embassy officials, and family emergencies.²⁹⁹ Also, detainees in segregation shall have the same correspondence privileges as detainees in the general population.³⁰⁰

The Facility does not fully meet this section of the Standards. Detainees in segregation are allowed reading materials and may request materials from the law library, but are not given access to the law library.³⁰¹ Although Facility staff stated that detainees in segregation have access to telephones,³⁰² because the telephones used are frequently out of order, detainees in segregation are effectively denied telephone privileges.³⁰³

²⁸⁹ Detention Operations Manual, Security and Control, Standard 14, Section I.

²⁹⁰ Detention Operations Manual, Security and Control, Standard 14, Section III.A.

²⁹¹ Detention Operations Manual, Security and Control, Standard 14, Section III.A.

²⁹² Detention Operations Manual, Security and Control, Standard 14, Section III.D.6.

²⁹³ Detention Operations Manual, Security and Control, Standard 14, Section III.D.11.

²⁹⁴ Detention Operations Manual, Security and Control, Standard 14, Section III.D.13.

²⁹⁵ Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.

²⁹⁶ Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.e.

²⁹⁷ Detention Operations Manual, Security and Control, Standard 14, Section III.D.17.

²⁹⁸ Detention Operations Manual, Security and Control, Standard 14, Section III.D.17.

²⁹⁹ Detention Operations Manual, Security and Control, Standard 14, Section III.D.18.

³⁰⁰ Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

³⁰¹ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED] b6, b7C

³⁰² Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] b6, b7C

³⁰³ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED] b6, b7C

The Facility has partially implemented these Standards. Detainees in segregation are allowed to receive and send mail.³⁰⁴ They are also allowed to visit with clergy, counselors, and attorneys.³⁰⁵

J. Detainee Transfers and Transportation

When transferring a detainee, the Standards require ICE to take into consideration whether a detainee is represented before the immigration court, as well as the location of the attorney and the court.³⁰⁶ The Standards require ICE to notify a detainee's legal representative of record that the detainee is being transferred.³⁰⁷ Indigent detainees will be permitted to make a single domestic telephone call at government expense upon arrival at their final destination; non-indigent detainees will be permitted to make telephone calls at their own expense.³⁰⁸ Records including the detainee's Alien File ("A-file") and health records (or transfer summary for IGSAAs) must accompany the detainee.³⁰⁹ Prior to transfer, medical staff must provide the transporting officers with instructions and any applicable medications for the detainee's care; medications must be turned over to an officer at the receiving field office.³¹⁰ A detainee's legal materials, cash, and small valuables shall always accompany the detainee to the receiving facility; larger items may be shipped.³¹¹ Detainees are to be provided meals during any transfer that exceeds six hours.³¹²

The Facility does not fully meet this section of the Standards. Facility staff stated that detainees are not transferred out of the Facility; rather, all ICE detainees in the Western part of the U.S. are transferred to the Facility when contesting their immigration cases.³¹³ We were informed, however, that on December 21, 2005, a detainee whom we interviewed was transferred back to the El Centro SPC.³¹⁴ When this detainee was originally transferred to the Facility in June 2005, he was prevented from bringing with him six of seven boxes that contained his legal documents.³¹⁵

304 Notes of delegation member [redacted] on conversation with detainee [redacted]
305 Notes of delegation member [redacted] on conversation with detainee [redacted]
306 Detention Operations Manual, Security and Control, Standard 4, Section I.
307 Detention Operations Manual, Security and Control, Standard 4, Section III.A.
308 Detention Operations Manual, Security and Control, Standard 4, Section III.G.
309 Detention Operations Manual, Security and Control, Standard 4, Sections III.D.1. and III.D.6.
310 Detention Operations Manual, Security and Control, Standard 4, Section III.D.D. [sic.]
311 Detention Operations Manual, Security and Control, Standard 4, Section III.E.
312 Detention Operations Manual, Security and Control, Standard 4, Section III.H.2 and Standard 16, Section III.P.
313 Notes of delegation member [redacted] on conversation with Officer [redacted]
314 Notes of delegation member [redacted] who received unsolicited correspondence from detainee [redacted]
315 Notes of delegation member [redacted] who received unsolicited correspondence from detainee [redacted]

With respect to transferring detainees to and from courthouses, the Facility wakens detainees between 1:00 a.m. and 3:00 a.m.³¹⁶ and puts them into holding cells.³¹⁷ The detainees are then driven to the courthouse at 5:30 a.m. and put into holding cells at the courthouse.³¹⁸ Although some cases are heard at 8:00 a.m., others are not heard until 4:00 p.m.³¹⁹ Food is not provided to the detainees while they are in the holding cells.³²⁰ The lack of sleep and food causes the detainees to be exhausted during their hearings.³²¹

V. CONCLUSION

The San Diego Detention Facility meets many provisions of the Standards, but also fails to meet a number of them.

To facilitate legal visitation, the Facility should take steps to ensure that visits between attorneys and their detainee-clients are private and not interrupted. Further, the Facility should allow, rather than discourage, legal visits to proceed through meal times and should provide detainees with missed meals afterwards.

To provide adequate telephone access to detainees, the Facility should not record or monitor, in any matter whatsoever, legal phone calls (absent a court order). Any telephones that are not working should be repaired, including those in the segregation unit. In addition, it should be clarified to Facility staff and detainees that the Standards do not allow restrictions on the number of calls a detainee places to his or her legal representative.

To support the detainees' access to legal materials and legal representation, the Facility should continue to provide detainees with sufficient paper, envelopes, and stamps to meet their legal needs and allow detainees to type and print submissions to the court using a computer and/or typewriter. The Facility should also provide access to the law library for detainees in segregation units. The Facility should provide access to all of the legal materials listed in the Detention Standards in their law library. Equipment in the library, including computers and typewriters, should be checked regularly and repaired to ensure that all equipment is functioning properly. In order to fully provide legal access for all detainees, detainees in segregation should be given access to the law library and to a working telephone for legal calls. Lastly, a system should be implemented such that photocopies and printing requested by detainees are delivered to them in the event that the law librarian does not have time to meet the request during a detainee's library session.

³¹⁶ Notes of delegation member [REDACTED] b6 on conversations with detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C

³¹⁷ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C notes of delegation member [REDACTED] b6 n conversation with detainee [REDACTED] b6, b7C

³¹⁸ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C

³¹⁹ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C

³²⁰ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C [REDACTED] b6, b7C

³²¹ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C

Regarding Group Rights Presentations, one way to address concerns that detainees are not familiar with the “Know Your Rights” video is to ensure that “Know Your Rights” or another INS-approved videotaped presentation is shown at regular intervals with detainees having the choice to view the presentation, rather than just showing such a presentation at intake.

Regarding correspondence and other mail, the Handbook should be updated to include the information currently not provided, including the Facility policy on identity documents, instructions for non-indigent access to office supplies, and an explanation of any procedure for purchasing postage.

In order to meet Recreation Standards, library visits must not be scheduled simultaneously with scheduled outdoor recreation time. In addition, fixed and movable equipment should be added to allow opportunities for cardiovascular exercise.

To support Standards-required access to medical care, the Facility should implement regular sick calls to replace the Sick Call Request Form system currently in place so that detainees’ medical needs can be attended to in a timely manner. Non-English speaking detainees should be given translation of medication instructions.

The facility should address problems with detainee classification procedures.

Grievance procedures should also be addressed, to resolve the issue of having detainees sign off on resolutions to grievances in advance. Moreover, Facility staff practices should be further assessed to determine the extent of any retaliatory measures taken against detainees submitting Grievance Forms. Detainees must not be subject to retaliation for submitting Grievance Forms.

Measures should be taken to ensure that the Facility provides detainees with reasonable and equitable opportunities to participate in religious practices. The Facility should also meet detainee requests to work and earn money.

12318511.5.LITIGATION

Facility Name: **SAN DIEGO CCA, SAN DIEGO, CALIFORNIA**

Date of Tour: **DECEMBER 9, 2005**

Tour Participants: Attorneys, law clerks and legal assistants from Dechert LLP, including [redacted] and [redacted]

**Standards are Detainee Services Standards unless otherwise indicated. Issues are listed in the order in which they appear in the Report.*

	ICE Standard*	Delegation Observation	Source	ICE Response
1.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ I. To maintain detainee morale and family relationships, INS encourages visits from family and friends. ▪ III.G The facility’s visiting area shall be appropriately furnished and arranged, and as comfortable and pleasant as practicable. 	<ul style="list-style-type: none"> ▪ Detainee reported that due to terrible waiting conditions for visitors, including lack of access to restrooms, lack of seating, and mistreatment by guards, he has requested his family to no longer visit. (p.5 ¶4 – p.6 ¶1) ▪ Detainees complained that it “takes too long to get people in,” and that visitors often wait hours to do so. The waiting room becomes crowded and some visitors must wait in an outdoor courtyard without shade. (p.5 ¶3) ▪ Detainee reported that his visitors (his wife and a female relative) were at times mistreated and insulted while waiting to see him. Guards made comments about the physical appearance of his wife. (p.6 ¶1) ▪ Non-contact visits take place using a telephone system, and are often cut short because phone lines in the visiting rooms malfunction during visits. (p.6 ¶2) 	<p>Detainee [redacted]</p> <p>Detainees [redacted]</p> <p>Detainee [redacted]</p> <p>Detainees [redacted]</p>	
2.	<p>Standard 17, Visitation [Legal]</p> <ul style="list-style-type: none"> ▪ III.I. [E]ach detainee may meet privately with current or prospective legal representatives and their legal assistants. ▪ III.I.2. ... On regular business days, legal visitations may proceed through a scheduled meal period. In such cases, the detainee shall receive a tray or sack meal after the visit. ▪ III.I.10. Documents or other written material may be provided to a detainee during a visit with a legal representative shall be inspected, but not read. Detainees are entitled to retain legal material received for their personal use. 	<ul style="list-style-type: none"> ▪ Conversations that take place in the interview rooms may be overheard from outside because doors have approximately 1 – 1¾" clearances between the door and the floor. (p.3 ¶3) ▪ Frequent interruptions by Assistant Wardens may cause visits to be cut short. (p.4 ¶1) ▪ Detainees reported that the kitchen will not provide a regular meal to a detainee whose meeting continues through a meal; however, Facility staff reported that meals are provided. (p.4 ¶2) ▪ If a detainee is visiting with an attorney during mealtime, recreation time, or law library time, the detainee must choose between either the meal/recreation/law library time or the attorney visit. If the detainee chooses the attorney visit, no makeup meal or recreation or law library time is provided. (p.4 ¶2) ▪ During post-visit searches, guards sometimes take detainees’ legal papers. (p.4 ¶3) 	<p>Delegation observations.</p> <p>Detainee [redacted]</p> <p>Detainee Officer [redacted]</p> <p>Detainees and [redacted]</p> <p>Detainee [redacted]</p>	

<p>3.</p>	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> ▪ I. Facilities holding INS detainees shall permit them to have reasonable and equitable access to telephones. ▪ III.A. The facility shall provide detainees with reasonable access to telephones during established facility waking hours. <p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> ▪ III.G Staff shall permit detainees in the Special Management Unit for disciplinary reasons to make direct and/or free calls.... Staff shall permit detainees in Special Management Unit for other than disciplinary reasons...to have telephone access similar to detainees in the general population 	<ul style="list-style-type: none"> ▪ Phones malfunction, telephone calls are frequently disconnected, and phones often have poor connections, making it difficult for detainees to hear or be heard. When detainees attempt to call out, they frequently receive recorded messages that all circuits are busy. These problems make it difficult for detainees to contact their attorneys. (pp.6 ¶5, 8 ¶4) ▪ If the minutes on a detainee’s phone card are depleted while the detainee is having a telephone conversation with his or her attorney, the detainee may have to wait up to one week to call again, since detainees are permitted to purchase phone cards on one designated day per week. (p.9 ¶2) ▪ Telephone access in segregation units is restricted. Portable telephones brought in are frequently out of order, and repairs are not made promptly, effectively denying telephone access. (pp.7 ¶2, 9 ¶¶1, 6) ▪ Detainees are able to use the phones at the Facility to make free pre-programmed calls, but the calls often do not go through, so detainees must make the calls using calling cards. Detainees lose calling card credits as a result of calls frequently being disconnected. (p.7 ¶3) 	<p>§, b7, b6, b7 §, b6, b7 b6, b7 and Detainee Detainee Detainees §, b7, b6, b7 §, b6, b7 §, b7</p>	
<p>4.</p>	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> ▪ III.J. The facility shall ensure privacy for detainees’ telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order. 	<ul style="list-style-type: none"> ▪ For detainees in the regular units, telephone calls with attorneys must be made from the telephone in the Counselor’s office. Detainees reported that requests to have private phone conversation in the Counselor’s office are often denied arbitrarily by the unit manager in charge, particularly Unit Manager §, b7 (p.8 ¶2) ▪ Detainees reported that phone conversations with attorneys were monitored and/or recorded by Facility staff, whether they take place on regular inmate phones or in the Counselor’s office. (p.8 ¶3) 	<p>Detainees and Detainees §, b7, b6, b7 §, b6, b7 and</p>	

<p>5.</p>	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.B. Equipment. The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper and office supplies to enable detainees to prepare documents for legal proceedings. 	<ul style="list-style-type: none"> ▪ The library provides access to five computers, three typewriters, a laser printer and a copier. The computers in the library are old and have viruses that corrupt the detainees' disks. Detainees reported that there are not enough computers and typewriters to accommodate the detainees. However, the Facility has purchased two new computers. (p.13 ¶¶3, 4) ▪ The Facility does not provide replacement disks to detainees whose computer disks have deteriorated over time, and detainees are not permitted to purchase new disks. The Facility stores the detainees' disks in a property room that detainees cannot access. Files stored on the detainees' disks are unprotected and not private, and often become corrupted and unrecoverable. It is not uncommon for files to be missing from detainees' disks after being stored by the Facility for long periods of time. (p.13 ¶4) ▪ A detainee in segregation reported that because he no longer has access to computers, typewriters or word processing equipment, he must hand write all pleadings. (p.14 ¶3) ▪ The law librarian has discretion whether to provide writing implements, paper and office supplies. Detainees must be indigent for 30 days before the Facility provides writing paper, writing implements, or envelopes to them free of charge. Those who arrive at the Facility without any money must wait 30 days before they are able to obtain writing supplies. (p.14 ¶4) 	<p>Delegation observations; detainees [redacted] [redacted] and [redacted] Officer [redacted]</p> <p>Detainees [redacted] [redacted] and [redacted] Officer [redacted]; Law Librarian [redacted]</p> <p>Detainee [redacted]</p> <p>Detainees [redacted] [redacted] Detainee Handbook.</p>	
<p>6.</p>	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.C. The law library shall contain the materials listed in Attachment A. 	<ul style="list-style-type: none"> ▪ The following items could not be found or were outdated: <i>Constitution of the United States of America: Analysis and Interpretation</i>-- outdated; <i>Considerations for Asylum Officers Adjudicating Asylum Claims From Women</i> – Not available; <i>Immigration and Naturalization Service Basic Law Manual</i> – Not available. (p.12 ¶1) ▪ Detainees reported that the immigration materials in the law library were out of date. When one detainee filed a grievance regarding the currency of the materials in the library, the Facility denied that the materials were out of date. (p.12 ¶2) ▪ Lexis CDs are available at the library, which are updated once every three to five months. It is not uncommon for Lexis CDs to be missing for weeks at a time. Detainees are not able to Shepardize cases with the available CDs. Research related to criminal convictions is not permitted, even in connection with issues related to immigration. Several detainees reported that the Lexis CDs do not contain many of the cases cited against them during their proceedings. (p.12 ¶3) 	<p>Delegation observations.</p> <p>Detainees [redacted] [redacted]</p> <p>Law librarian [redacted] Detainees [redacted] and [redacted]</p>	

<p>7. Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.G. The facility shall...permit all detainees, regardless of housing or classification, to use the law library on a regular basis. Each detainee shall be permitted to use the law library for a minimum of five (5) hours per week. Detainees may not be forced to forgo their minimal recreation time, as provided in “Detainee Recreation,” standard to use the law library. ▪ III.M. Detainees housed in ... Segregation units shall have the same law library access as the general population, unless compelling security concerns require limitations. 	<ul style="list-style-type: none"> ▪ Detainees reported that they had to choose between recreation time and library time. (p.10 ¶3) ▪ Previously the library had been closed to immigration detainees for over a month so that it could be used exclusively by U.S. Marshal inmates. (p.10 ¶3) ▪ A detainee in the segregation unit reported that he does not have access to the law library, despite multiple requests. This detainee reported that he is permitted to request specific volumes from the library, but that delays in receiving them impair his ability to adequately defend himself. Another detainee who had previously been placed in the segregation unit reported that while he was in the segregation unit the Facility did not permit him to use the law library (pp.10 ¶4, 26 ¶4) ▪ The detainees were aware that they are entitled to five hours in the library per week, but they stated that they are usually able to spend only three to three-and-one-half hours in the library per week—the time is cut short by the fifteen to twenty minutes it takes to get to the library and back to the units, and the time it takes to check disks in and out. (p.11 ¶1) ▪ A detainee who had gone on several hunger strikes reported that the Facility prevents detainees from accessing legal materials if they participate in hunger strikes. (p.11 ¶2) 	<p>Detainees [redacted] [redacted]</p> <p>Detainee [redacted]</p> <p>Detainees [redacted] and [redacted]</p> <p>Detainees [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]</p> <p>Detainee [redacted]</p>
<p>8. Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.J. The facility shall ensure that detainees can obtain copies of legal material 	<ul style="list-style-type: none"> ▪ Detainees are unable to print documents or make photocopies themselves; they must ask the librarian to copy documents for them. Since such requests are often made at the end of a detainee’s library session, it is common for the law librarian to not have enough time to copy all requested documents. (pp.14 ¶2, 15 ¶2) ▪ The copy machine is often broken. This combined with the inability of detainees to copy materials themselves create unnecessary delays for detainees in their legal research and writing. (p.15 ¶2) 	<p>Law librarian [redacted]</p> <p>Detainees [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted] [redacted]</p> <p>Detainee [redacted] [redacted]</p>
<p>9. Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.K. The facility shall permit detainees to assist other detainees in researching and preparing legal documents upon request Such assistance is voluntary; no detainee shall be allowed to charge a fee or accept anything of value for assistance. 	<ul style="list-style-type: none"> ▪ Detainees may assist other detainees in researching and preparing legal documents. Some detainees, however, seek compensation for doing so. (p.14 ¶6) 	<p>Detainees [redacted] [redacted] [redacted] [redacted]</p> <p>[redacted] an [redacted]</p>

13.	<p>Standard 13, Recreation</p> <ul style="list-style-type: none"> ▪ III.B.1. If outdoor recreation is available at the facility, each detainee shall have access for at least one hour daily, at a reasonable time of day, five days a week, weather permitting. ▪ III.B.2. If only indoor recreation is available, detainees shall have access for at least one hour each day and shall have access to natural light. 	<ul style="list-style-type: none"> ▪ Facility staff indicated that detainees are not required to relinquish their outdoor recreation time in order to visit the law library. However, detainees reported that the library visit is scheduled simultaneously with scheduled outdoor recreation time. (p.18 ¶3) ▪ Detainees may choose either a morning recreation session or an afternoon recreation session, although the afternoon recreation sessions last only up to twenty minutes. (p.18 ¶4) 	<p>Officer [redacted] detainees [redacted] [redacted] and [redacted] Detainee [redacted]</p>	
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<p>14. Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> ▪ I. All detainees shall have access to medical services that promote detainee health and general well-being. ▪ III.A. Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care. ▪ III.F. Each facility will have regularly scheduled times, known as sick call, when medical personnel will be available to see detainees who have requested medical services. 	<ul style="list-style-type: none"> ▪ A detainee stated that it is common for detainees who have been diagnosed with active tuberculosis to be mixed in with the general population. (p.20 ¶2) ▪ The Facility does not have regular “sick calls,” as suggested in the Standards. In order to see a nurse or doctor for non-emergency care, a detainee must submit a “Sick Call Request Form.” (p.20 ¶3) ▪ Detainees reported that at times it takes as long as three weeks to receive health care after submitting a Sick Call Request Form (p.20 ¶3) ▪ Officer Gonsalves stated that emergency medical care is provided within four minutes of the Facility staff reporting the emergency to medical staff, and that detainees are informed of these procedures on intake. (p.20 ¶3) However, a detainee reported that it may take up to three days to get emergency medical care and that non-English speaking detainees are not given translations of medication instructions. (p.21 ¶1) ▪ A detainee reported that when he requested medical attention for a rash, he was given only a document that listed helpful hints to relieve the rash, which included directions to use specific soaps and lotions; however, when he requested to receive such soaps and lotions, his request was denied. (p.21 ¶2) ▪ A detainee reported that he did not get proper medical care after surgery. He was not given enough time to fully recuperate and allow his incisions to heal before being sent back to his unit. He also reported that following his heart attack, the Facility did not provide the special diet that was prescribed by his doctor. Additionally, he stated that he had tuberculosis for months before the medical staff at the Facility properly diagnosed it. He stated that the Facility is withholding proper medical attention at his peril. (p.21 ¶3) ▪ A detainee stated that a request for medical care for flu and bronchitis symptoms and was not fulfilled until five days later. He also reported that he once requested aspirin and was placed in a holding cell in the medical unit for 8 hours before he received the aspirin. (p.21 ¶4) 	<p>Detainee [REDACTED] b3, b7</p> <p>Officer [REDACTED] b6, b7</p> <p>Detainee [REDACTED] b3, b7</p> <p>Detainees [REDACTED] b3, b7, b6, b7</p> <p>and [REDACTED] b6, b7</p> <p>Detainees [REDACTED] b3, b7, b6, b7</p> <p>[REDACTED] b6, b7</p> <p>[REDACTED] b6, b7</p> <p>and [REDACTED] b6, b7</p> <p>Officer [REDACTED] b3, b7</p> <p>Detainee [REDACTED] b6, b7</p> <p>Detainee [REDACTED] b3, b7</p> <p>Detainee [REDACTED] b6, b7</p> <p>Detainee [REDACTED] b6, b7</p> <p>Detainee [REDACTED] b6, b7</p>
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15.	<p>Health Services Standard 1, Hunger Strikes</p> <ul style="list-style-type: none"> III.E. Dental Treatment. An initial dental screening exam should be performed within 14 days of the detainee’s arrival. 	<ul style="list-style-type: none"> A detainee who is missing teeth said the Facility does not provide partial dentures, and said that he has filed grievances indicating he is unable to chew his food. (p.22 ¶2) A detainee stated that when he requested dental care for a filling, the dentist removed his tooth, and the dentist said he wanted to remove the detainee’s remaining teeth as a preventive measure. (p.22 ¶2) Another detainee reported that the dentist at the Facility consistently recommends that his teeth be pulled instead of repairing decay through fillings, caps, bridges or crowns. (p.22 ¶2) 	<p>Detainee [redacted]</p> <p>Detainees [redacted] and [redacted]</p> <p>Detainees [redacted], [redacted], and [redacted]</p> <p>Detainee [redacted]</p>
16.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> III.E.2. Level 2 Classification. ... May not include any detainee with a pattern or history of violent assaults, whether convicted or not. III.F. The classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security. ... 3. Under no circumstances will a level two detainee with a history of assaultive or combative behavior be placed in a level one housing unit. 	<ul style="list-style-type: none"> According to the detainees interviewed, non-criminal detainees are commingled with criminal inmates, violent with nonviolent, and mentally ill with the general population. (p.23 ¶1) A detainee stated that detainees who had committed violent crimes had been classified as “Level 1,” which is the “Lowest Threat” classification, while he was classified as “Level 3,” or “Highest Threat,” even though he had not committed a violent offense and had not engaged in violent or aggressive activity while in detention that might warrant such a classification. He stated that he was being punished for having filed many grievances. (p.23 ¶1) 	<p>Detainees [redacted], [redacted], and [redacted]</p> <p>Detainee [redacted]</p>
17.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> III.I. The detainee handbook’s section on classification will include the following: 1. An explanation of the classification levels with the conditions and restrictions applicable to each. 	<ul style="list-style-type: none"> The Handbook identifies the classification levels, but does not include an explanation of conditions or restrictions applicable to the three classification levels (p.22 ¶5) 	<p>Detainee Handbook</p>
18.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> I. [S]tandard operating procedures (SOP) must establish a reasonable time limit for: ... (iii) providing written responses to detainees who filed formal grievances, including the basis for the decision. III.A.2. Formal/Written Grievance. The OIC must allow the detainee to submit a formal, written grievance to the facility’s grievance committee. ... Illiterate, disabled, or non-English speaking detainees shall be given the opportunity to receive additional assistance upon request. 	<ul style="list-style-type: none"> Detainees who filed grievances reported that their grievances had not been addressed in a timely manner, with wait times of usually three weeks to receive a response from the Facility. (p.23 ¶3) One detainee who has filed numerous grievances with the Facility reported that it now takes on average five to six months before the Facility provides a response to his grievances. (p.23 ¶3) Detainees reported that they were required to sign grievance forms indicating the issues had been resolved prior to there being a resolution, which gives the appearance that the resolutions on the Grievance Forms are acceptable to the detainees whether or not this is the case. (p.24 ¶1) Detainees have received responses from the Facility to grievances filed by other detainees (p.24 ¶1) A detainee reported that filing a grievance is discouraged. (p.24 ¶2) 	<p>Detainees [redacted] and [redacted]</p> <p>Detainees [redacted] and [redacted] and [redacted]</p> <p>Detainee [redacted]</p> <p>Detainee [redacted]</p>

19.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> III.D. Retaliation. Staff will not harass, discipline, punish, or otherwise retaliate against a detainee lodging a complaint. 	<ul style="list-style-type: none"> Detainees reported that Facility staff have retaliated against them for submitting grievance forms, sometimes by sending them to segregation units for periods of up to 48 hours. (p.24 ¶2) Another detainee said that Facility staff look unfavorably on those who file grievances. (p.24 ¶2) Detainees indicated that other detainees who had filed numerous grievances have been retaliated against by being put in the “hole,” strip searched, denied meals, criticized, and degraded. (p.24 ¶2) 	<p>Detainees [redacted] and [redacted] detainee [redacted]</p>
20.	<p>Standard 14, Religious Practices</p> <ul style="list-style-type: none"> I. Detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths. III.M. The food service will implement procedures for accommodating, within reason, detainees’ religious dietary requirements. 	<ul style="list-style-type: none"> There are no organized religious services at the Facility, and no groups visit the Facility to provide spiritual counseling or services. (p. 25 ¶2) A Jewish detainee reported that there is no rabbi available for Jewish detainees, and that although he has requested and been promised kosher meals, he has never received a kosher meal, including on Jewish holidays. (p.25 ¶2) 	<p>Detainees Maimdoo and Kantarevic</p> <p>Detainees [redacted]</p> <p>Detainee [redacted]</p>
21.	<p>Standard 18, Voluntary Work Program</p> <ul style="list-style-type: none"> I. Every facility with a work program will provide detainees the opportunity to work and earn money. 	<ul style="list-style-type: none"> The Handbook states that detainees may volunteer to be part of the work program. (p.25 ¶4) A detainee reported that he was once assigned to work in the kitchen, but is no longer provided work opportunities. (p.25 ¶4) 	<p>Detainee Handbook</p> <p>Detainee [redacted]</p>
22.	<p>Security and Control Standard 16, Transportation (Land Transportation)</p> <ul style="list-style-type: none"> The vehicle crew will provide meals and snacks during any long-distance transfer that exceeds six hours. 	<ul style="list-style-type: none"> When detainees are transferred to and from courthouses, the Facility wakens detainees between 1:00 a.m. and 3:00 a.m. and puts them into holding cells. The detainees are then driven to the courthouse at 5:30 a.m. and put into holding cells at the courthouse. Although some cases are heard at 8:00 a.m., others are not heard until 4:00 p.m. Food is not provided to the detainees while they are in the holding cells. (p.28 ¶1) 	<p>Detainees [redacted]</p>