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Lw.MEMORANDUM
September 3, 2005

To: John P. Torres, Acting Director, Office of Detention and Removal, Immigration and Customs Enforcement
From: American Bar Association Delegation to the San Pedro Processing Center¹
Copies to: [REDACTED] b6, Associate Director, ABA Commission on Immigration
Subject: Report on Observational Tour of the San Pedro Processing Center, Los Angeles, California

This memorandum summarizes and evaluates information gathered at the San Pedro Service Processing Center (“Center”) in Los Angeles, California, during the delegation’s August 3, 2005 visit to the Facility. The information was gathered via observation of the Facility by the delegation, interviews with detainees, and discussions with Facility and Immigration and Customs Enforcement (“ICE”) personnel.

I. ICE DETENTION STANDARDS

In November 2000, the Immigration and Naturalization Service (INS),² promulgated the “*INS Detention 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 *Detention Standards* (“*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

¹ The delegation was comprised of attorneys and summer associates from the Los Angeles office of Latham & Watkins LLP, including [REDACTED] b6, [REDACTED] b6, [REDACTED] b6, [REDACTED] b6, [REDACTED] b6, Latham & Watkins employee [REDACTED] b6, assisted with translation with Spanish speaking detainees.

² Effective March 1, 2003, the INS ceased to exist as an agency of the Department of Justice. The INS’ immigration enforcement functions which previously were transferred to Immigration and Customs Enforcement (“ICE”), a division of the newly-created Department of Homeland Security (“DHS”).

establish the minimum requirements to which ICE must adhere in its facilities. Each Field Office or Officer-in-Charge 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 August 3rd Visit

On Wednesday, August 3, 2005, the members of our delegation met with several members of the Center's staff. Deputy Officer-in-Charge [REDACTED] b6, b7C led our delegation on a tour of the facilities. The delegation also met with other personnel, ICE employees and contractors throughout the course of the tour, including U.S. Public Health Service's Doctor [REDACTED] b6 and phone company PCS's facility liaison [REDACTED] b6.

Our report is based on the discussions we had with Center and ICE employees, as well as observations of the Center, and interviews with immigration detainees. In many instances, the detainees' reports were compatible with statements made by Center personnel and/or our observations. In such cases, the delegation was able to more accurately determine whether Center policy and procedures successfully implemented the *Standards*. However, in certain instances, the detainees' reports conflicted with statements made by Center personnel or other detainees. Where we were unable to verify the conflicting reports, the delegation was unable to conclusively determine *Standards* implementation.

B. General Information About the San Pedro Service Processing Center

The San Pedro Service Processing Center houses federal immigration detainees. According to the personnel, the Center has the capacity to hold over 400 individuals, with a current population of 430. Almost 95% of the Center's population is received from federal, state, and county prisons in Los Angeles County.³

The Center houses mostly males. At the time of our visit, the population at the Center was 80 to 90% male. Two of the seven housing "pods" (a pod houses approximately 50 detainees) are reserved for female detainees. While a wide variety of countries of origin are represented by detainees housed in the Center, Mexico, El Salvador, and Guatemala are the majority.⁴

The average stay for a detainee is 20 to 30 days. Mr. [REDACTED] b6, b7C noted, however, that the facility has a "quick deport" calendar which is frequently used for detainees from Mexico. The Center has two on-site courtrooms operated by the Department of Justice. The court has two full-time judges and four full-time attorneys.⁵

³ Notes of delegation member [REDACTED] b6, on conversation with [REDACTED] b6, b7C

⁴ *Id.*

⁵ *Id.*

III. IMPLEMENTATION OF LEGAL ACCESS STANDARDS

A. Legal Access/Visitation

1. Visitation by Attorneys

The *Standards* suggest that facilities permit legal visitation 7 days per week.⁶ Attorneys should have access to their clients a minimum of 8 hours per day during the week and four hours per day during the weekend and on holidays.⁷ The visits must be private and should not be interrupted for head counts.⁸ Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.⁹ Detention centers should permit visits from other legal representatives, legal assistants, and interpreters.¹⁰ The current ICE-provided list of pro bono legal organizations must be “promptly and prominently” posted in detainee housing units and other appropriate areas.¹¹

The Center has substantially implemented this section of the *Standards*.

The Center’s Detainee Handbook (“Handbook”) indicates that attorney visits are permitted at the facility 7 days a week, including holidays, for 9 hours a day.¹² Interviews with individual detainees and members of the ICE staff confirmed that legal visitation is allowed at the facility in accordance with the *Standards* and often in excess of the times provided in the Handbook.¹³ During evening visits, attorneys are treated like regular visitors and must call ahead so as not to disrupt regular visitation.¹⁴

There are three large visitation rooms and a few smaller ones that can be used for attorney visitation, and all rooms contain sufficient lighting, table space and chairs.¹⁵ Visitation is monitored via cameras in the rooms, but the cameras reportedly do not have audio capabilities.¹⁶ Detainees are not subject to strip searches after meeting with their attorneys, but

⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

⁷ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

¹⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

¹¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.4.

¹² SPSPC Detainee Handbook at 11.

¹³ Notes of delegation member [REDACTED] b6

¹⁴ Notes of delegation member [REDACTED] b6

¹⁵ Notes of delegation member [REDACTED] b6

¹⁶ Notes of delegation member [REDACTED] b6 on conversation with [REDACTED] b6, b7C

may be patted down.¹⁷ According to Mr. [REDACTED] attorneys can continue visits through meal times and sack meals are provided to the detainee when the visit has concluded.¹⁸

All legal visitors are required to present appropriate identification, and the facility requires advance notice from law students and interpreters who plan to visit.¹⁹ Legal representatives may call the Center's general contact phone number prior to visitation to ascertain whether a particular detainee is currently housed in the facility.²⁰ The *Standards* provide that attorneys with bar cards must be granted access to facilities if they show documentation demonstrating their bar membership.²¹ The *Standards* suggest that a business card should be sufficient to permit entry by an attorney.²² On our visit, [REDACTED] the supervising attorney, presented a business card and was told that once her state bar number was verified, the delegation would be permitted entry into the facility.²³ As bar card numbers are readily confirmed via the internet, this is unlikely to be a significant bar to attorneys gaining admittance.

Several detainees were interviewed about their experiences with attorney visitation. One detainee revealed that he was only allowed to meet with his attorney for five minutes during a recent visit because the "guard shift was changing" and the attorney was forced to leave.²⁴ This, however, did not appear to be a shared experience among other detainees who were interviewed.

2. Visitation by Family and Friends

The *Standards* recommend that written procedures governing visitation should be given to each detainee upon admittance and should be available to the public in both written form and telephonically.²⁵ Facilities should allow visits from family and friends during set hours on Saturdays, Sundays, and holidays²⁶ to "maintain detainee morale and family relationships."²⁷ When the established visiting hours pose a hardship for particular visitors, the facility should accommodate visitors' scheduling needs when possible.²⁸ Additionally, evening visiting hours may be established to the extent permitted by staff resources.²⁹ The visitor area should be "as

¹⁷ Notes of delegation member [REDACTED] on conversation with [REDACTED]

¹⁸ Notes of delegation member [REDACTED] on conversation with [REDACTED]

¹⁹ *Id.*

²⁰ *Id.*

²¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.4.

²² Detention Operations Manual, Detainee Services, Standard 17, Section III.I.4.

²³ Notes of delegation member [REDACTED]

²⁴ Notes of delegation member [REDACTED] on conversation with [REDACTED]

²⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

²⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

²⁷ Detention Operations Manual, Detainee Services, Standard 17, Section I.

²⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

²⁹ *Id.*

comfortable and pleasant as practicable.”³⁰ The *Standards* recommend that visitation be allowed for those adult visitors providing adequate identification,³¹ and who are in compliance with the dress code.³²

Visits should be at least 30 minutes and longer when possible.³³ At facilities that allow visitation by minors, a supervisor may approve a minor’s admission upon verification of his/her identity by the accompanying adult visitor.³⁴ According to the facility’s written procedures, property or money should not be allowed to be given directly to the detainee, and any such items for detainees must be approved by the shift supervisor.³⁵

The Center has substantially implemented this section of the *Standards*.

The Handbook given to detainees upon admission to the facility contains a written copy of the visiting schedule. Non-contact visitation is allowed for 9 hours on Saturdays, Sundays, and holidays, as well as for three evening hours on Tuesdays and Thursdays.³⁶ While the Handbook does not indicate the length of each visit, detainees indicated that visits are generally permitted up to 30 minutes with extensions in some circumstances.³⁷ However, contrary to the *Standards*, a detainee interviewed revealed that occasionally visits from friends and family are limited to fifteen minutes.³⁸ The detainee also remarked that his wife waited four hours for that visit.³⁹ Additionally, several detainees indicated that their visitors endure long waits in uncomfortable conditions, typically outside the facility in the sun, before being allowed inside.⁴⁰ Another detainee indicated that his boyfriend was improperly refused visitation privileges after a guard alleged that the visitor did not present a valid green card, a contention that the detainee disputes.⁴¹ The detainee believed the guard’s actions to be retaliatory as the detainee had previously filed a complaint against the guard.⁴²

Minors may visit the facility if they remain under the direct supervision of the adult visitor.⁴³

³⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

³¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.3.

³² Detention Operations Manual, Detainee Services, Standard 17, Section III.F.

³³ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.d.

³⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

³⁶ SPSPC Detainee Handbook at 11.

³⁷ Notes of delegation member [REDACTED] b6

³⁸ Notes of delegation member [REDACTED] b6 on interview with [REDACTED] b6, b7C

³⁹ *Id.*

⁴⁰ Notes of delegation member [REDACTED] b6 and [REDACTED] b6

⁴¹ Notes of delegation member [REDACTED] b6 on interview with [REDACTED] b6, b7C

⁴² *Id.*

⁴³ *Id.*

B. Telephone Access

1. General Requirements

The *Standards* suggest that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.⁴⁴ In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees.⁴⁵ The duration and frequency of telephone calls may be restricted only for reasons of availability, orderly operation of the facility, and emergencies.⁴⁶

The Center has implemented this section of the *Standards*.

Each housing unit contains seven to eight telephones available for use whenever detainees are in the unit (except during meal times and head counts) and the recreational areas also contain telephones.⁴⁷

2. Direct vs. Collect Calls

The *Standards* allow facilities to generally restrict calls to collect numbers; 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.⁴⁸ The facility shall not require indigent detainees to pay for these types of calls if local, nor for non-local calls if there is a compelling need.⁴⁹ In addition, the facility should allow all detainees to make calls to the ICE-listed free legal service providers and consulates at no charge to the detainee or the receiving party.⁵⁰

The Center has not fully implemented this section of the *Standards*.

Under the current phone system at the Center, the detainee is prompted to choose to make either a paid call or a collect call. If the detainee chooses to make a paid call, he must type in a phone card number in order to complete the call. Detainees must purchase phone cards within the facility for a cost of \$5, \$10, or \$25. The calling rates are quite high, at 17¢ a minute for local calls and \$1 per minute for international calls. Detainees are not permitted to use outside phone cards purchased by family or friends.⁵¹

⁴⁴ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

⁴⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

⁴⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

⁴⁷ Notes of delegation member [REDACTED] b6

⁴⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ [REDACTED] delegation member [REDACTED] b6 on conversation with [REDACTED] b6, b7C and PCS employee [REDACTED] b6

Discussions with ICE staff indicated that if the detainee chooses to make a collect call to any of the pro bono legal service numbers or consulates on the lists posted above the phones, the call will be connected at no charge to the detainee or pro bono legal service. The phone lists above the phones also provide pre-programmed code numbers which should connect detainees directly to the pro bono legal services in the area at no cost. However, when delegation members and ICE staff attempted to use the phones to call various pro bono legal service providers and consulates, they by-and-large would not connect the caller to the dialed number.⁵²

In some cases when a delegation member attempted to make a free call, an automated message would indicate that the phone call was not accepted because collect calls were blocked by the number dialed. In other cases, the automated message prompted the caller to enter a pin number from a phone card.⁵³ Interviews with detainees indicated that difficulties with making phone calls is longstanding.⁵⁴

The delegation discussed the problem with PCS employee [REDACTED], a representative for the facility's telephone service provider who happened to be on-site that day. Ms. [REDACTED] indicated that PCS would immediately initiate a comprehensive test of each posted number to ensure that all were functional.⁵⁵

Interviews with various Spanish-speaking detainees revealed that many non-English speaking detainees are unaware of how to use the pre-programmed technology. The postings in the housing facilities are only available in English.⁵⁶

The delegation is concerned that the price of calls and the difficulties encountered when trying to reach legal assistance deters detainees from using the telephones. Several detainees noted that when telephones were more affordable they were used constantly.⁵⁷

3. Telephone Usage Restrictions

The *Standards* provide that the facility shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones.⁵⁸ If time limits are necessary, they shall be no shorter than 20 minutes.⁵⁹

The Center has not fully implemented this section of this *Standards*.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Notes of delegation member [REDACTED] and [REDACTED]

⁵⁵ Notes of delegation member [REDACTED] on conversation with PCS employee [REDACTED]

⁵⁶ Notes of delegation member [REDACTED]

⁵⁷ Notes of delegation member [REDACTED] on conversation with [REDACTED]

⁵⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

⁵⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

Telephones in the housing units are turned off during meal times and head counts. This practice sometimes creates a race to the phones when they are switched back on.⁶⁰ Contrary to the *Standards*, the Handbook imposes a 10-minute limit on phone calls when telephone demand is high.⁶¹

4. Privacy for Telephone Calls on Legal Matters

The *Standards* provide that a facility should provide a reasonable number of phones that afford detainees privacy in which to discuss legal matters without being overheard by officers, facility staff, or fellow detainees.⁶²

The Center has not fully implemented this provision of the *Standards*.

Telephones at the Center are located in public dayrooms with no privacy safeguards.⁶³ Several detainees voiced privacy concerns relating to legal calls, with one detainee noting that he was especially concerned about saying something that “might be misinterpreted or seen as antagonizing” when on the phone with his lawyer.⁶⁴

5. 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.⁶⁵ At Service Processing Centers, this is to occur no less than three times per day.⁶⁶ Moreover, detainees are to be allowed to return emergency telephone messages, which are to include the caller’s name and telephone number, “as soon as reasonably possible within the constraints of security and safety.”⁶⁷

The Center has implemented this section of the *Standards*.

Phone messages appear to be delivered in a relatively timely manner, with one detainee noting that the facility was “quick and efficient” in relaying messages.⁶⁸

C. Access to Legal Materials.

⁶⁰ Notes of delegation member [REDACTED] b6 .

⁶¹ SPSPC Detainee Handbook at 8.

⁶² Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

⁶³ Notes of delegation member [REDACTED] b6 .

⁶⁴ Notes of delegation member [REDACTED] b6 , on interview with [REDACTED] b6, b7C

⁶⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁶⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁶⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁶⁸ Notes of delegation member [REDACTED] b6 on interview with [REDACTED] b6, b7C

The *Standards* state that facilities holding ICE 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.”⁶⁹

1. Access to the Library

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.⁷⁰ Additionally, each detainee shall be permitted to use the law library for a minimum of five hours per week.⁷¹

The Center has not fully implemented this section of the *Standards*.

Each detainee is permitted an hour of library access per day.⁷² Twice a week, each detainee is given an extra hour of library time.⁷³ However, detainees regularly have to forego recreation time in order to visit the library.⁷⁴ Additionally, because only ten detainees from each housing unit are allowed to visit the library each day, in practice, some detainees may be unable to take advantage of the library on a given day.⁷⁵ This ten detainee limit goes against the Handbook which provides that all detainees “will have the opportunity to visit the library/reading room for at least one-hour per day.”⁷⁶

2. Library Conditions

The *Standards* recommend that a facility’s library occupy a space sufficient to allow “reasonable access” to those detainees wishing to perform legal research and writing. The room should be well-lit, reasonably isolated from noisy areas of the facility, and shall contain ample chairs and tables.⁷⁷

The Center has implemented this section of the *Standards*.

The library is a large, quiet room with plenty of chairs and tables. It appears that the library could comfortably accommodate about ten people at a time.⁷⁸

⁶⁹ Detention Operations Manual, Detainee Services, Standard 1, Section I.

⁷⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁷¹ *Id.*

⁷² Notes of delegation member [REDACTED] b6 on conversation with [REDACTED] b6, b7C

⁷³ *Id.*

⁷⁴ Notes of delegation member [REDACTED] b6 on interview with [REDACTED] b6, b7C

⁷⁵ *Id.*

⁷⁶ SPSPC Detainee Handbook at 10.

⁷⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

⁷⁸ Notes of delegation member [REDACTED] b6

3. Library Supplies and Materials Identified in the Standards

The *Standards* suggest that each facility's 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."⁷⁹ The law library should also offer the materials listed in Attachment A to the chapter on Access to Legal Materials.⁸⁰ The facility should post a list of its holdings.⁸¹

The Center has substantially implemented this section of the *Standards*.

The Center maintains a list of available legal materials in the library which are updated regularly. At the time of our visit, the "Daily Law Material Inventory Sheet" indicated that the list had been updated on June 17, 2005, and ICE staff confirmed that the materials are updated weekly.⁸² Delegation members confirmed that materials available in the library were current.⁸³ There are 46 sources listed in the Center's list of legal materials; however, not all the materials cited in the *Standards* are available. Examples of those not available are:

- *Code of Federal Regulations, Title 8, Aliens and Nationality*
- *Administrative Decisions Under Immigration and National Laws*
- *Immigration Law and Defense*, by the National Lawyers Guild
- *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status*
- *Considerations for Asylum Officers Adjudicating Asylum Cases for Women*
- *Immigration and Naturalization Service Basic Law Manual*
- *Lawyer's Committee Handbook on Representing Asylum Applicants*.

The library provides computers, writing tools, paper, and other supplies necessary for conducting legal research. The computers operate on a stand-alone system, without internet access. Detainees are given free access to LexisNexis to perform legal research, in addition to the written materials in the library, but only one is attached to a printer. Detainees are permitted to retain their legal research materials.⁸⁴ There are also two typewriters available for use by detainees.⁸⁵ A couple of detainees cited problems with the computers being broken for a period of time.⁸⁶

⁷⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

⁸⁰ Detention Operations Manual, Detainee Services, Standard 1, Attachment A.

⁸¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

⁸² SPSPC Daily Law Material Inventory Sheet.

⁸³ Notes of delegation member [REDACTED] b6

⁸⁴ Notes of delegation member [REDACTED] b6

⁸⁵ Notes of delegation member [REDACTED] b6

⁸⁶ Notes of delegation member [REDACTED] on interviews with [REDACTED] b6, b7C and [REDACTED] b6, b7C

4. Photocopies & Mail

The *Standards* suggest that detainees should be able to obtain photocopies of legal materials when “reasonable and necessary for a legal proceeding involving the detainee.”⁸⁷ The detainee must be permitted to make enough copies to file with the court and retain a personal copy, and requests can be denied only for security reasons, violations of law, or if the request is excessive or abusive.⁸⁸

The *Standards* also recommend that the facility provide free stamps and envelopes for indigent detainees wishing to engage in legal correspondence, including correspondence with a current or potential legal representative or with any court.⁸⁹

The *Standards* suggest 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.⁹⁰ 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.⁹¹ Special correspondence – which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media – is treated differently.⁹² Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.⁹³ Outgoing special correspondence cannot be opened, inspected, or read.⁹⁴

The Center has not fully implemented these sections of the *Standards*.

Conversations with facility employees indicated that the Center provides legal document photocopies as long as the detainee requests a reasonable amount.⁹⁵ All detainees are also provided with an unlimited number of free envelopes and stamps for mail related to legal matters upon submitting their request to a guard.⁹⁶ The facility does not monitor outgoing mail.⁹⁷

⁸⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

⁸⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

⁸⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

⁹⁰ Detention Operations Manual, Detainee Services, Standard 3, Section III.A.

⁹¹ Detention Operations Manual, Detainee Services, Standard 3, Section III.B & E.

⁹² Detention Operations Manual, Detainee Services, Standard 3, Section III.B., E., & F.

⁹³ Detention Operations Manual, Detainee Services, Standard 3, Section III.B. & E.

⁹⁴ Detention Operations Manual, Detainee Services, Standard 3, Section III.B. & F.

⁹⁵ Notes of delegation member [REDACTED] on conversation with Facility library staff.

⁹⁶ Notes of delegation member [REDACTED] on conversation with [REDACTED].

⁹⁷ *Id.*

However, not all of the Center's correspondence policies and procedures, as detailed in the Handbook, are in keeping with the *Standards*. The following recommended information is not included⁹⁸:

- Special correspondence may only be opened in the detainee's presence, and may be inspected for contraband but not read.
- It is the detainee's responsibility to inform senders of special mail of the labeling requirement.
- Details on how to obtain approval from the Officer-in-Charge to send or receive packages.
- The fact that certain identity documents (i.e. passports, birth certificates) may be rejected by the facility as contraband.
- Instructions on how to obtain writing implements, paper, and envelopes.
- The rules for providing indigent and certain other detainees free postage.

We do not have sufficient information available as to whether incoming special mail is reviewed in the presence of detainees.

5. Personal Legal Materials

The *Standards* indicate that detainees should be permitted to retain all personal legal material unless it creates a safety, security, or sanitation hazard.⁹⁹

The Center has implemented this section of the *Standards*.

Detainees are allowed to keep an unlimited amount of legal material in their cells.¹⁰⁰

D. Group Rights Presentations

The *Standards* provide that facilities holding ICE detainees, through Intergovernmental Service Agreements, "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 each facility."¹⁰¹ Attorneys and legal representatives (including paralegals and legal assistants, with the proper supervision or written notice thereof) must submit written requests to ICE to conduct such presentations.¹⁰² Presentations should be scheduled during normal legal visiting hours, excluding weekends and

⁹⁸ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

⁹⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

¹⁰⁰ Notes of delegation member [REDACTED] on interview with [REDACTED]

¹⁰¹ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹⁰² Detention Operations Manual, Detainee Services, Standard 9, Section III.A.

holidays.¹⁰³ At least forty-eight hours before a scheduled presentation, informational posters are to be prominently displayed in the housing units.¹⁰⁴ Presentations are open to all detainees, and alternative arrangements should be made if a detainee cannot attend for security or segregation reasons.¹⁰⁵ Additionally, the facility “may limit the number of detainees at a single session.”¹⁰⁶ The facility should select and provide an environment conducive to the presentation and allow at least one hour for a presentation and question and answer session.¹⁰⁷ Presenters may distribute ICE-approved materials.¹⁰⁸ Individual counseling should be permitted following a group presentation.¹⁰⁹ Finally, the facility should provide regular opportunities for detainees to view ICE-approved videotaped presentations on legal rights.¹¹⁰

The Center has implemented this section of the *Standards*.

According to Officer [b6, b7C] and the Detainee Handbook, there are no restrictions on group rights presentations, but there hasn’t been anyone who has provided a presentation within the past two years.¹¹¹ All the detainees interviewed stated that the ICE-distributed “Know Your Rights video is shown daily in each housing unit.”¹¹² One detainee noted that the video is presented in Spanish, English, and Chinese.¹¹³

IV. OTHER PROVISIONS OF THE *ICE DETENTION STANDARDS*

A. Recreation

The *Standards* suggest that all detainees should have access to recreation “under conditions of security and supervision that protect their safety and welfare.”¹¹⁴ Detainees should be housed in facilities with outdoor recreation.¹¹⁵ If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.¹¹⁶

¹⁰³ Detention Operations Manual, Detainee Services, Standard 9, Section III.B.

¹⁰⁴ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁰⁵ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁰⁶ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁰⁷ Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹⁰⁸ Detention Operations Manual, Detainee Services, Standard 9, Section III.F.

¹⁰⁹ Detention Operations Manual, Detainee Services, Standard 9, Section III.G.

¹¹⁰ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹¹¹ Notes of delegation members [b6] and [b6]

¹¹² Notes of delegation members [b6] and [b6]

¹¹³ Notes of delegation member [b6], on conversation with [b6, b7C]

¹¹⁴ Detention Operations Manual, Detainee Services, Standard 13, Section I.

¹¹⁵ Detention Operations Manual, Detainee Services, Standard 13, Section III.A.

¹¹⁶ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

Detainees should have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise, and games and television in dayrooms.¹¹⁷

The Center has substantially implemented this section of the *Standards*.

The Center has a large outdoor recreation area with a basketball court, ping pong tables, and equipment for strength training. Each housing unit also has a dayroom. Dayrooms are common rooms where detainees are able to socialize, watch television and movies, and play board games. Detainees have access to natural sunlight in the housing units and dayrooms.¹¹⁸ One detainee, however, expressed that recreation time was often only 30-45 minutes per day, which is less than the hour provided for in the *Standards*.¹¹⁹

B. Access to Medical Care

The *Standards* suggest that all detainees have access to medical services that promote detainee health and general well-being.¹²⁰ Each facility is suggested to have regularly scheduled times, known as sick call, when medical personnel are available to see detainees who have requested medical services.¹²¹ For a facility of over 200 detainees, a minimum of five days per week is suggested.¹²² Facilities must also have procedures in place to provide emergency medical care for detainees who require it.¹²³ 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.¹²⁴ If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the Officer-in-Charge in writing.¹²⁵

The *Standards* recommend that Service Processing Centers possess adequate space and equipment such that detainees may obtain basic health examinations and treatment in private, within an area restricted from general detainee access.¹²⁶

The Center has fully implemented this section of the *Standards*.

The facility has an ambulatory clinic staffed by the U.S. Public Health Service that is open around-the-clock, 7 days a week. The clinic has medical staff of 20 individuals, as

¹¹⁷ Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

¹¹⁸ Notes of delegation member [REDACTED].

¹¹⁹ *Id.*, on conversation with [REDACTED].

¹²⁰ Detention Operations Manual, Health Services, Standard 2, Section I.

¹²¹ Detention Operations Manual, Health Services, Standard 2, Section I.

¹²² Detention Operations Manual, Health Services, Standard 2, Section I.

¹²³ Detention Operations Manual, Health Services, Standard 2, Section III.A, D. and G.

¹²⁴ Detention Operations Manual, Health Services, Standard 2, Section III.H.

¹²⁵ Detention Operations Manual, Health Services, Standard 2, Section III.J.

¹²⁶ Detention Operations Manual, Health Services, Standard 2, Section III.B.

well as additional private contract staff who range in levels of professional training (but include one doctor, one pharmacist, and multiple nurses). In addition, one psychiatrist works 16 hours per week in the clinic, and the Center is expecting a full-time psychologist to join the staff shortly.¹²⁷

Detainees may obtain medical attention by submitting a request into a locked box, the contents of which is delivered to medical personnel daily.¹²⁸ However, one detainee noted that he occasionally waits three to four days after submitting his request to receive medical treatment.¹²⁹ The impression is that non-emergency medical requests are seen as time permits.¹³⁰ Another detainee stated he had to submit a request 5 to 10 times before receiving medical attention, though he also acknowledged that the general wait time between a complaint and being seen by medical personnel is 24 hours.¹³¹

The Center provides suppressive medication to individuals diagnosed with HIV.¹³²

C. Access to Dental Care

The *Standards* suggest that detainees have an initial dental screening exam within 14 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.¹³³ 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.¹³⁴

The Center has implemented this section of the *Standards*.

Although the Center does not have a dentist employed at the facility, medical personnel informed the delegation that outside dentists are utilized to provide the necessary treatment to detainees.¹³⁵ While some detainees confirmed that dental treatment was

¹²⁷ Notes of delegation member [REDACTED] on conversation with Dr. [REDACTED] b6

¹²⁸ Notes of delegation member [REDACTED] b6 on conversation with [REDACTED] b6, b7C

¹²⁹ Notes of delegation member [REDACTED] on conversation with [REDACTED] b6, b7C

¹³⁰ Notes of delegation member [REDACTED] b6.

¹³¹ Notes of delegation member [REDACTED] b6 on interview with [REDACTED] b6, b7C

¹³² Notes of delegation member [REDACTED] b6

¹³³ Detention Operations Manual, Health Services, Standard 2, Section III.E.

¹³⁴ Detention Operations Manual, Health Services, Standard 2, Section III.E.

¹³⁵ Notes of delegation member [REDACTED] b6

adequate,¹³⁶ another detainee stated that he experienced a severe toothache that prevented him from sleeping, yet was only given a Tylenol instead of being provided with dental treatment.¹³⁷

D. Detainee Classification

The *Standards* suggest that detention facilities use a classification system and physically separate detainees in different categories.¹³⁸ A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.¹³⁹ Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.¹⁴⁰ Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.¹⁴¹

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.¹⁴² 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."¹⁴³

The Center has implemented this section of the *Standards*.

The facility classifies detainees according to security risk.¹⁴⁴ Upon arrival at the facility, detainees are classified as Level 1, 2, or 3.¹⁴⁵ Level 1 detainees are individuals who either have no criminal record and are there for immigration violations only, or have been convicted of non-violent offenses.¹⁴⁶ Level 1 detainees are never mixed with level 2 and 3 detainees,¹⁴⁷ as level 2 and 3 are comprised of individuals with serious criminal convictions (including drug offenses, rape, murder, etc.).¹⁴⁸ Mr. [b6, b7C] explained that the facility's classification process is one of "constant evaluation and re-evaluation."¹⁴⁹

¹³⁶ *Id.*

¹³⁷ Notes of delegation member [b6], on interview with [b6, b7C]

¹³⁸ Detention Operations Manual, Detainee Services, Standard 4, Section I.

¹³⁹ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

¹⁴⁰ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

¹⁴¹ Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & III.E.

¹⁴² Detention Operations Manual, Detainee Services, Standard 4, Sections III.G. & H.

¹⁴³ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

¹⁴⁴ Notes of delegation member [b6], on conversation with [b6, b7C]

¹⁴⁵ Notes of delegation member [b6] on conversation with [b6, b7C]

¹⁴⁶ *Id.*

¹⁴⁷ Notes of delegation member [b6] on conversation with [b6, b7C]

¹⁴⁸ Notes of delegation members [b6] and [b6] on conversation with [b6, b7C]

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

Although in the past the facility segregated transgender individuals, it no longer does so unless the individual requests protective custody.¹⁵⁰ A transgender detainee confirmed this, noting that although he was separated from the general population in 2003, he was reintegrated after voicing complaints to facility personnel.¹⁵¹

E. Voluntary Work Program

1. Standards and Procedures

The *Standards* suggest that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”¹⁵² Participation must be voluntary, and detainees are required to work according to a fixed schedule.¹⁵³ Detainees shall “receive monetary compensation for work completed in accordance with the facility’s standard policy.”¹⁵⁴

The Center has implemented this section of the *Standards*

There is a voluntary work program for detainees. Male detainees are permitted to work in the kitchen, while female detainees are permitted to work in the laundry.¹⁵⁵ The per hour wage is \$1.¹⁵⁶ Detainees are not permitted to work more than 8 hours per day or 40 hours per week.¹⁵⁷

F. Detainee Grievance Procedures

The *Standards* suggest that every facility “develop and implement standard operating procedures (SOP) that address detainee grievances” and make every effort to resolve a detainee’s complaint or grievance informally before following more formalized procedures.¹⁵⁸ If a more formal procedure is necessary, the officer in charge must allow detainees to submit formal, written grievances to the facility’s grievance committee.¹⁵⁹ Each SOP should, among other things, “establish a reasonable time limit for: (i) processing, investigating, and responding to grievances; (ii) convening a grievance committee to review formal complaints; and (iii) providing written responses to detainees who filed formal grievances, including the basis for the decision.”¹⁶⁰ ICE recommends that detainees be given up to five days within which to make

¹⁵⁰ Notes of delegation member [redacted] on conversation with [redacted] b6, b7C

¹⁵¹ Notes of delegation member [redacted] b6 on conversation with [redacted] b6, b7C

¹⁵² Detention Operations Manual, Detainee Services, Standard 18, Sections I & III.A.

¹⁵³ Detention Operations Manual, Detainee Services, Standard 18, Sections III.A.& H.

¹⁵⁴ Detention Operations Manual, Detainee Services, Standard 18, Sections III.K.

¹⁵⁵ Notes of delegation member [redacted] b6

¹⁵⁶ Notes of delegation member [redacted] b6

¹⁵⁷ Notes of delegation member [redacted] b6

¹⁵⁸ Detention Operations Manual, Detainee Services, Standard 5, Sections I and III.A.1.

¹⁵⁹ Detention Operations Manual, Detainee Services, Standard 5, Section III.A.2.

¹⁶⁰ Detention Operations Manual, Detainee Services, Standard 5, Section I.

their concern known to a member of the staff.¹⁶¹ For both informal and formal grievance procedures, translation services or language assistance must be provided upon request.¹⁶² An appeals process should be in place if a detainee does not accept the grievance committee's decision.¹⁶³ The facility should devise a method for documenting detainee grievances, at minimum in a Detainee Grievance Log.¹⁶⁴ The facility should also provide each detainee, upon admittance, a copy of the detainee handbook or equivalent, detailing the procedures for filing and resolving a grievance and appeal.¹⁶⁵ The detainee handbook should also notify detainees of procedures for contacting ICE to appeal the decision of the OIC of the facility, and of the opportunity to file a complaint about officer misconduct directly with the Department of Justice.¹⁶⁶ The *Standards* also stress that facility staff must not "harass, discipline, punish, or otherwise retaliate against a detainee lodging a complaint," but if an individual establishes a pattern of filing nuisance complaints or otherwise abusing the grievance system, facility staff may refuse to process subsequent complaints.¹⁶⁷ Allegations of officer misconduct should be forwarded to a higher-level official in the chain of command and to ICE.¹⁶⁸

The Center has substantially implemented this section of the *Standards*, but the delegation has some serious concerns.

The Handbook contains all of the elements suggested in the *Standards*, although the address provided for the Department of Justice is different from that listed in the recommendations. Detainees were all generally aware of the grievance and disciplinary procedures.¹⁶⁹

The Handbook states that informal or oral grievances will be resolved by staff informally.¹⁷⁰ If it is beyond the scope of the staff's authority, detainees can fill out a formal grievance form.¹⁷¹ The forms are logged and someone will meet with the detainee and interview him regarding the grievance.¹⁷² One detainee stated, however, that the guards in his housing facility generally ignore his informal complaints.¹⁷³ Several detainees expressed apprehension

¹⁶¹ Detention Operations Manual, Detainee Services, Standard 5, Appendix.

¹⁶² Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1. and III.A.2.

¹⁶³ Detention Operations Manual, Detainee Services, Standard 5, Section III.C.

¹⁶⁴ Detention Operations Manual, Detainee Services, Standard 5, Section III.E.

¹⁶⁵ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

¹⁶⁶ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.6.

¹⁶⁷ Detention Operations Manual, Detainee Services, Standard 5, Section III.D.

¹⁶⁸ Detention Operations Manual, Detainee Services, Standard 5, Section III.F.

¹⁶⁹ Notes of delegation members [REDACTED] and [REDACTED]

¹⁷⁰ SPSPC Inmate Handbook at 20.

¹⁷¹ *Id.*

¹⁷² Notes of delegation member [REDACTED]

¹⁷³ Notes of delegation member [REDACTED] on interview with [REDACTED]

about filing a grievance for fear of reprisal through transfer to another facility.¹⁷⁴ Another detainee commented that he had not filed a grievance because he “fears being transferred to San Francisco or Santa Ana where things will be worse.”¹⁷⁵

G. Religious Practices

The *Standards* provide that detainees “will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths.”¹⁷⁶ Practices will be constrained only by “concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”¹⁷⁷ A detainee should be allowed to wear or use personal religious items during religious services and to wear religious headwear around the facility, consistent with considerations of security, safety, or good order.¹⁷⁸ The facility should also, within reason, accommodate detainee’s religious dietary requirements.¹⁷⁹

The Center has substantially implemented this section of the *Standards*.

The facility provides a room for a variety of religious practices.¹⁸⁰ The religious services personnel are accommodating to the current religious needs, which currently includes Christians, Jews, and Muslims. Prayer mats are provided to Muslims to keep within their pods.¹⁸¹ The facility also has performed several baptisms.¹⁸² If an immediate family member dies, a detainee may be permitted to attend the funeral service.¹⁸³

The Center claimed to make accommodations for religious dietary needs,¹⁸⁴ however, a kosher detainee complained that his kosher meals had ceased a month prior to our visit and despite his requests, had not resumed.¹⁸⁵

H. Marriage Requests

¹⁷⁴ Notes of delegation members [REDACTED] b6 and [REDACTED] b6 on conversations with [REDACTED] b6, b7C and [REDACTED] b6, b7C

¹⁷⁵ Notes of delegation member [REDACTED] b6 on conversation with [REDACTED] b6, b7C

¹⁷⁶ Detention Operations Manual, Detainee Services, Standard 14, Section I.

¹⁷⁷ Detention Operations Manual, Detainee Services, Standard 14, Section I.

¹⁷⁸ Detention Operations Manual, Detainee Services, Standard 14, Section III.K.

¹⁷⁹ Detention Operations Manual, Detainee Services, Standard 14, Section I.M.

¹⁸⁰ Notes of delegation member [REDACTED] b6

¹⁸¹ Notes of delegation member [REDACTED] b6 on conversation with Center’s chaplain.

¹⁸² Notes of delegation member [REDACTED] on conversation with Center’s chaplain.

¹⁸³ Notes of delegation member [REDACTED] b6 on conversation with [REDACTED] b6, b7C

¹⁸⁴ Notes of delegation member [REDACTED] on conversation with [REDACTED] b6, b7C

¹⁸⁵ Notes of delegation member [REDACTED] b6 on interview with anonymous detainee.

The *Standards* require facilities to institute a policy to enable eligible ICE detainees to marry.¹⁸⁶

The Center has fully implemented this section.

According to ICE officials and staff members from the Center's religious services department, detainees routinely request and are granted permission to marry at the facility. ICE officials estimate that approximately 12 to 20 marriages are performed at the Center annually.¹⁸⁷

I. Staff-Detainee Communication

1. Scheduled Contact with Detainees

The *Detention Standards* suggest procedures be in place "to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame."¹⁸⁸ The *Standards* suggest that both weekly visits be conducted by ICE personnel and that "regular unannounced (not scheduled) visits" be conducted by the ICE Officer in Charge (OIC), the Assistant OIC, and designated department heads.¹⁸⁹ The purpose of such visits is to monitor housing conditions, interview detainees, review records, and answer questions for detainees who do not comprehend the immigration removal process.¹⁹⁰

The *Standards* suggest that detainees "have the opportunity to submit written questions, requests, or concerns to ICE staff."¹⁹¹ All facilities that house ICE detainees must have "written procedures to route detainee requests to the appropriate ICE official" and must assist detainees "who are disabled, illiterate, or know little or no English."¹⁹² Moreover, the *Standards* suggest that detainee requests be forwarded to the appropriate ICE office within 72 hours and "answered as soon as possible or practicable, but not later than 72 hours from receiving the request."¹⁹³

The Center has implemented this portion of the *Standards*.

The Center has between 55 and 77 ICE officials onsite. Detainees can contact ICE staff using request forms. These forms can be sealed and addressed to the deportation

¹⁸⁶ Detention Operations Manual, Security and Control, Standards 11, Section III.A.

¹⁸⁷ Notes of delegation member [REDACTED], on conversation with [REDACTED]

¹⁸⁸ Detention Operations Manual, Detainee Services, Standard 15, Section I.

¹⁸⁹ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

¹⁹⁰ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

¹⁹¹ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

¹⁹² Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

¹⁹³ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.1.

officer or other officers in charge.¹⁹⁴ Written requests to ICE officials are delivered to ICE staff without being read, altered, or delayed by facility staff.¹⁹⁵

2. Record Keeping and File Maintenance

The *Standards* suggest that facilities record all requests in a logbook specifically designed for that purpose and that log should contain: “date the detainee request was received, detainee’s name, A-number, nationality, officer logging the request, the date that the request, with staff response and action, is returned to the detainee, and any other pertinent site-specific information.”¹⁹⁶ The *Standards* also suggest that the date the request was forwarded to ICE as well as the date it was returned need to be recorded and the requests must remain in the detainee’s detention file for at least three years.¹⁹⁷

The Center has implemented this section of the *Standards*.

A log of detainee requests is kept.¹⁹⁸

3. Detainee Handbook

The *Standards* suggest that the facility must provide each detainee, upon admittance, a copy of the detainee handbook or equivalent.¹⁹⁹ The handbook also must state “that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so, including the availability of assistance in preparing the request.”²⁰⁰

The Center has fully implemented this section of the *Standards*.

Mr. [b6, b7C] provided a copy of the Center’s Detainee Handbook, revised in May 2005. The detainees are given the Handbook upon arrival and it is available in English and Spanish.²⁰¹ The handbook addresses most of the areas specified in the *Standards*, including the detainee’s basic responsibilities, meals, count procedures, and visiting hours. It also describes clothing policies, mail procedures, telephone access, and medical care.²⁰²

IV. CONCLUSION

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

¹⁹⁵ Notes of delegation member [b6] on conversation with [b6, b7C]

¹⁹⁶ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.2.

¹⁹⁷ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.2.

¹⁹⁸ Notes of delegation member [b6], on conversation with [b6, b7C]

¹⁹⁹ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

²⁰⁰ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

²⁰¹ Notes of delegation member [b6]

²⁰² SPSPC Detainee Handbook.

The San Pedro Service Processing Center has implemented most of the ICE *Detention Standards*. However, there are serious shortcomings in terms of telephone privacy and access. The Center should ensure that the telephone lists and dialing instructions are available in English and Spanish, and should periodically confirm that all the numbers listed are in fact accessible when dialed. Additionally, privacy measures should be implemented so that detainees are able to contact an attorney without fear of being overheard. It also seems that the cost of phone calls is prohibitively high, and if that cost remains unchanged, visitors should at least be able to provide detainees with phone cards.

While the facility provides time for visitors, it does not provide a comfortable waiting environment. Shade and adequate seating would be an appropriate measure to remedy this.

Finally, while detainees seemed generally approving of the facility's staff, the fear of retaliation for grievances is still prevalent. The fear of being transferred to the "Santa Ana" facility should not be used to prohibit detainees from presenting their grievances to the facility's staff.

Facility Name: **SAN PEDRO SERVICE PROCESSING CENTER, LOS ANGELES, CALIFORNIA**

Date of Tour: **August 3, 2005**

Tour Participants: Latham & Watkins LLP attorneys and summer associates

[Redacted] b6 [Redacted] b6 [Redacted] b6 [Redacted] b6 [Redacted] b6

**Standards are Detainee Services Standards unless otherwise indicated. Issues are listed in the order*

	ICE Standard*	Delegation Observation	Source	ICE Response
1.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ III.H.1. The facility’s written rules shall specify time limits for visits: 30 minutes minimum, under normal conditions. ▪ III.H.3. Staff shall verify each visitor’s identity before admitting him/her to the facility. 	<ul style="list-style-type: none"> ▪ The Handbook does not indicate the length of each visit (p.5 ¶3). ▪ Detainee stated some visits from family and friends are limited to 15 minutes, and that his wife waited four hours for a 15-minute visit (p.5 ¶3). 	<p>Detainee Handbook. Detainee [Redacted] b6, b7</p>	
2.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ III.H.3. Staff shall verify each visitor’s identity before admitting him/her to the facility. 	<ul style="list-style-type: none"> ▪ Detainee indicated a guard refused his boyfriend entry, alleging that he did not present valid green card, though detainee believes that it is valid. Detainee believes the guard’s actions were retaliatory because detainee had previously filed a complaint against the guard (p.5 ¶3). 	<p>Detainee [Redacted] b6, b7 [Redacted] b6, b7</p>	
3.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ III.I. Hours. The facility shall permit legal visitation seven days a week, including holidays. It shall permit legal visits for a minimum of eight hours per day on regular business days, and a minimum of four hours per day on weekends and holidays. 	<ul style="list-style-type: none"> ▪ Detainee was only allowed to meet with attorney for five minutes during recent visit, and then attorney was forced to leave, because “guard shift was changing” (p.4 ¶3). 	<p>Detainee [Redacted] b6, b7c</p>	
4.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> ▪ III.E. The facility shall enable all detainees to make calls to the INS-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party. 	<ul style="list-style-type: none"> ▪ Delegation members and ICE staff attempted to call using pre-programmed numbers, but phones generally would not connect to the dialed number (p.7 ¶1). In some attempts to make a free call, an automated message would indicate that collect calls were not accepted; in others the caller was prompted to enter a phone card PIN number (p.7 ¶2). Detainees indicated these problems are longstanding (p.7 ¶2). 	<p>Delegation and ICE officer observations.</p>	

5.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> I. Facilities holding [ICE] detainees shall permit them to have reasonable and equitable access to telephones. III.B. [T]he facility shall provide telephone access rules in writing to each detainee upon admittance, and also shall post these rules where detainees may easily see them. 	<ul style="list-style-type: none"> Interviews with Spanish-speaking detainees revealed that many non-English-speaking detainees are unaware of how to use the pre-programmed technology (p.7 ¶4). 	<p>Detainee interviews.</p>	
6.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> III.F. The facility shall not restrict the number of calls a detainee places to his/her legal representative, nor limit the duration of such calls by rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones. If time limits are necessary for such calls, they shall be no shorter than 20 minutes 	<ul style="list-style-type: none"> The Handbook imposes a 10-minute limit on calls when telephone demand is high (p.8 ¶1). 	<p>Detainee handbook.</p>	
7.	<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. 	<ul style="list-style-type: none"> Telephones are in public dayrooms with no privacy safeguards (p.8 ¶3). Detainee was concerned about speaking freely in the presence of officials (p.8 ¶3). 	<p>Delegation observations. Detainee [REDACTED]</p>	
8.	<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, ... to enable detainees to prepare documents for legal proceedings. 	<ul style="list-style-type: none"> Two detainees cited problem of computers being broken for a period of time (p.10 ¶3). 	<p>Detainees [REDACTED] and [REDACTED]</p>	
9.	<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"> Not all the materials listed in the Standards are available, including: Code of Federal Regulations, Title 8; Administrative Decisions Under Immigration Laws; etc. (listed in full p.10 ¶2). 	<p>Delegation observations.</p>	
10.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.G. 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. 	<ul style="list-style-type: none"> Detainees regularly have to forego recreation time in order to use the library (p.9 ¶3). 	<p>Detainee [REDACTED]</p>	

11.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> III.B. The facility shall notify detainees of its policy in correspondence and other mail through the detainee handbook or equivalent ... [and] shall specify: ... 4. That special correspondence may only be opened in the detainee's presence, and may be inspected for contraband, but not read; ... 9. The procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage 	<ul style="list-style-type: none"> Information not included in the Handbook includes: that special correspondence may only be opened in the detainee's presence, and may be inspected for contraband but not read; rules for providing indigent detainees free postage; etc. (listed in full p.12 ¶1). 	Delegation observations.	
12.	<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"> Detainee stated that recreation time was often only 30-45 minutes per day (p.14 ¶2). 	Detainee [REDACTED] 6, b7C	
13.	<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 expressed apprehension of filing a grievance for fear of reprisal through transfer to another facility (p.19 ¶1). 	Detainees [REDACTED] 6, b7C and [REDACTED] 3, b7C, b6, b7C	
14.	<p>Standard 14, Religious Practices</p> <ul style="list-style-type: none"> III.M. The food service will implement procedures for accommodating, within reason, detainees' religious dietary requirements. 	<ul style="list-style-type: none"> Detainee complained that kosher meals ceased a month prior to delegation's visit and, despite requests, had not resumed (p.19 ¶4). 	Detainee interview.	