

**Response to ABA Delegation Findings**  
**Facility: Broward Transitional Center, Pompano Beach Florida**  
**Date of Tour: July 11, 2006**

	<b>DELEGATION FINDINGS</b>	<b>ICE RESPONSE</b>
<b>1.</b>	According to Unit Manager (b)(6), attorneys are typically only allowed to visit their clients on weekdays from 9 to 5, but visits could be accommodated during weekends and after hours. However, the written policy states that all weekend visits are permitted, without qualification.	The Contractor is in the process of setting a set schedule for weekend attorney visits. Hours will be posted in an area visible to attorneys who visit the facility.
	Attorneys are not permitted to visit detainees after one initial consultation without signing a Form G-28, which indicates that the attorney represents the detainee.	Based on ICE guidelines, the Contractor requires attorneys to submit a G-28 after the completion of the first visit (pre-representation meeting).
<b>2.</b>	BTC does not provide an adequate number of telephones.	The Contractor is in the process of increasing the number of telephones in order to meet the detainee/telephone ratio as required in the Standards.
	Telephone instructions are apparently not available in Mandarin or Haitian Creole, even though the population at BTC fluctuates between being predominantly Chinese and predominantly Haitian.	The Contractor is in the process of translating and posting telephone instructions into the Mandarin and Creole language.
<b>3.</b>	The delegation attempted to use the phones to call the Haitian Consulate and a legal services provider without charge, but the telephones would not permit a free call.	ICE is working with the Contractor to correct this deficiency through PCS.
<b>4.</b>	The telephones are not private, but are located in open areas.	The Contractor is presently placing privacy partitions between telephones.
	BTC electronically monitors and records all calls.	The Contractor will monitor or record only those calls as needed based on valid security concerns and/or issued court orders. Signs will be posted notifying detainees that the phones are subject to monitoring.

	<b>DELEGATION FINDINGS</b>	<b>ICE RESPONSE</b>
5.	BTC does not have a procedure for taking non-emergency phone messages.	The Contactor will implement a process to accept and deliver phone messages to the detainees.
6.	The library was missing a number of required materials, including texts on immigration law and defense, guides for immigration advocates, country reports on human rights for asylum seekers, and the BTC detainee handbook.	ICE is working with the Contractor to ensure that all required legal materials are available in the library.
	There are no legal research materials in any language other than English.	The Contractor is in the process of obtaining legal research materials in languages other than English.
7.	The library does not contain any writing implements, paper, or office supplies. Facility staff indicated that this is for the detainee's safety; but the detainees are non-criminal and non-violent, according to OIC (b)(6), (b)(7)	The Contractor has placed the supplies in the library.
8.	BTC does not show the Florence Project's Know Your Rights video.	The Contractor is in the process of scheduling groups to present the Florence Project's Know Your Rights video.
	Female detainees were not aware of group rights presentations.	Females are made aware of group legal rights presentations via postings throughout the female living areas.
9.	The delegation requested a detainee handbook, but facility staff did not provide one, so the delegation was unable to review or evaluate the handbook.	The Contractor has and always provided detainees with a handbook during the intake process.
10.	Detainees indicated that they have to wait days before receiving medical care and are often only given pain pills for this conditions even though they feel that they may have some serious medical conditions that are not being diagnosed by the on-site physicians.	Medical Care is provided to detainees within 24 hours of them submitting a sick call. The level of medical care meets and in some cases exceeds the level of medical care required by the Standards.

	<b>DELEGATION FINDINGS</b>	<b>ICE RESPONSE</b>
	There are no live interpreters available; telephonic translation complicates the diagnostic process.	When needed, the Contractor uses telephonic translation to aid in the medical diagnostic process. Translations are clear and precise and do not, in any way, hamper the efficiency of the medical process. The use of telephonic translation services is within approved Department of Immigration Health Services (DIHS) guidelines.
<b>11.</b>	According to OIC (b)(6), (b)(7) there is no classification system at BTC because all of the detainees are non-criminal and non-violent.	Due to their non-criminal/non-violent status, all detainees are automatically classified as Level 1 (lowest level) based on the ICE Detention Standards (Detainee Classification).
<b>12.</b>	The delegation was not provided a copy of the detainee handbook, and was therefore unable to determine what grievance procedures are in place or whether detainees are informed of grievance procedures.	The Contractor has established grievance procedures in place and detainees are informed via written communication that is issued during the intake process.

Facility Name: **BROWARD TRANSITIONAL CENTER, POMPANO BEACH, FLORIDA**

Date of Tour: **July 11, 2006**

Tour Participants: Holland & Knight attorney [REDACTED]

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

**Report comments in bold are priority issues for ICE-ABA discussion; others are issues of concern to discuss if time permits.**

	ICE Standard*	Delegation Report	Source	ICE Response
1.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> <li>▪ III.I. [E]ach detainee may meet privately with current or prospective legal representatives and their legal assistants.</li> <li>▪ III.I.2. 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. ... On regular business days, legal visitations may proceed through a scheduled meal period.</li> <li>▪ III.I.14. Pro Bono List. INS shall provide the facility with the official list of pro bono legal organizations, which is updated quarterly by the [EOIR]. The facility shall promptly and prominently post the current list in detainee housing units and other appropriate areas.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>According to Unit Manager [REDACTED] attorneys are typically only allowed to visit their clients on weekdays from 9 to 5, but visits could be accommodated during weekends and after hours. However, the written visitor policy states that all weekend visits are permitted, without qualification. (p.3 ¶3)</b></li> <li>▪ <b>Attorneys are not permitted to visit detainees after one initial consultation without signing a Form G-28, which indicates that the attorney represents the detainee. (p.3 ¶4)</b></li> </ul>	<p>Unit Manager [REDACTED] BTC visitor policy.</p> <p>OIC [REDACTED]</p>	
2.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>▪ I. Facilities holding INS detainees shall permit them to have reasonable and equitable access to telephones.</li> <li>▪ III.A. The facility shall provide detainees with reasonable access to telephones during established facility waking hours ....</li> <li>▪ 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.</li> <li>▪ III.C. [T]he facility shall provide at least one telephone for detainee use for every 25 detainees held.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>BTC does not provide an adequate number of telephones. (p.5 ¶2)</b></li> <li>▪ <b>Telephone instructions are apparently not available in Mandarin or Haitian Creole, even though the population at BTC fluctuates between being predominantly Chinese and predominantly Haitian. (p.5 ¶3; p.2 ¶5)</b></li> </ul>	<p>Delegation observations.</p> <p>Delegation observations; OIC [REDACTED]</p>	
3.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>▪ 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.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The delegation attempted to use the phones to call the Haitian Consulate and a legal services provider without charge, but the telephones would not permit a free call. (p.6 ¶1)</b></li> </ul>	<p>Delegation observations, confirmed by OIC [REDACTED]</p>	

4.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li><b>The telephones are not private, but are located in open areas. (p.6 ¶4)</b></li> <li><b>BTC electronically monitors and records all calls. (p.7 ¶1)</b></li> </ul>	<p>Delegation observations.</p> <p>Delegation observations.</p>	
5.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible. When facility staff receives an emergency telephone call for a detainee, the caller's name and telephone number will be obtained and given to the detainee as soon as possible. The detainee shall be permitted to return the emergency call as soon as reasonably possible within the constraints of security and safety.</li> </ul>	<ul style="list-style-type: none"> <li><b>BTC does not have a procedure for taking non-emergency phone messages. (p.7 ¶3)</b></li> </ul>	<p>Unit Manager (b)(6)</p>	
6.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>III.C. The law library shall contain the materials listed in Attachment A.</li> <li>III.L. Unrepresented illiterate or non-English speaking detainees who wish to pursue a legal claim ... must be provided with more than access to a set of English-language law books.</li> </ul>	<ul style="list-style-type: none"> <li><b>The library was missing a number of required materials, including texts on immigration law and defense, guides for immigration advocates, country reports on human rights for asylum seekers, and the BTC detainee handbook (p.8 ¶5)</b></li> <li>There are no legal research materials in any language other than English. (p.9 ¶3)</li> </ul>	<p>Delegation observations.</p> <p>Delegation observations.</p>	
7.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li><b>The library does not contain any writing implements, paper, or office supplies. Facility staff indicated that this is for the detainees' safety (p.9 ¶2); but the detainees are non-criminal and non-violent, according to OIC (b)(6), (p.12 ¶4)</b></li> </ul>	<p>Delegation observations;</p> <p>(b)(6)</p>	
8.	<p>Standard 9, Group Presentations on Legal Rights</p> <ul style="list-style-type: none"> <li>III.I. Videotaped presentations. The facility shall play INS-approved videotaped presentations on legal rights, at the request of outside organizations. ... The facility shall provide regular opportunities for detainees in the general population to view the videotape.</li> </ul>	<ul style="list-style-type: none"> <li><b>BTC does not show the Florence Project's Know Your Rights video. (p.10 ¶4)</b></li> <li><b>Female detainees were not aware of group rights presentations. (p.10 ¶4)</b></li> </ul>	<p>OIC (b)(6)</p> <p>(b)(6)</p>	

9.	<p>Standard 6, Detainee Handbook</p> <ul style="list-style-type: none"> <li>I. Every OIC will develop a site-specific detainee handbook to serve as an overview of ... the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available .... Every detainee will receive a copy of this handbook upon admission to the facility.</li> </ul>	<ul style="list-style-type: none"> <li>The delegation requested a detainee handbook, but facility staff did not provide one, so the delegation was unable to review or evaluate the handbook. (p.2 ¶1)</li> </ul>	Delegation notes.	
10.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> <li>I. All detainees shall have access to medical services that promote detainee health and general well-being.</li> </ul>	<ul style="list-style-type: none"> <li>Detainees indicated that they have to wait days before receiving medical care and are often only given pain pills for their conditions even though they feel that they may have some serious medical conditions that are not being diagnosed by the on-site physicians. (p.12 ¶1)</li> <li>There are no live interpreters available; telephonic translation complicates the diagnostic process. (p.12 ¶1)</li> </ul>	<p>(b)(6), (b)(7)(C)</p> <p>(b)(6), (b)(7)(C)</p>	
11.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> <li>III.F. The classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security.</li> </ul>	<ul style="list-style-type: none"> <li>According to OIC (b)(6), there is no classification system at BTC because all of the detainees are non-criminal and non-violent. (p.12 ¶4)</li> </ul>	OIC (b)(6)	
12.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> <li>III.A.2. Formal/Written Grievance. The OIC must allow the detainee to submit a formal, written grievance to the facility's grievance committee.</li> <li>III.G. Detainee Handbook. ... The grievance section of the detainee handbook will provide notice of the following: <ul style="list-style-type: none"> <li>1. The opportunity to file a grievance, both informal and formal.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>The delegation was not provided a copy of the detainee handbook, and was therefore unable to determine what grievance procedures are in place or whether detainees are informed of grievance procedures. (p.13 ¶4)</li> </ul>	Delegation notes.	

## MEMORANDUM

To: John P. Torres, Acting Director, Office of Detention and Removal, Immigration and Customs Enforcement.  
From: American Bar Association Delegation to the Broward Transitional Center<sup>1</sup>  
Date: August 3, 2006  
Cc: (b)(6), ABA Commission on Immigration  
Re: Report on Observational Tour of the Broward Transitional Center, Pompano Beach, Florida

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This memorandum summarizes and evaluates information gathered at the Broward Transitional Center (“BTC” or “Jail”) in Pompano Beach, Florida during the delegation’s July 11, 2006 visit to the facility. The information was gathered via observation of the facility by the delegation and interviews with immigration detainees and BTC and Immigration and Customs Enforcement (“ICE”) personnel.

### I. ICE DETENTION STANDARDS

In November 2000, the former Immigration and Naturalization Service (INS),<sup>2</sup> promulgated the “*INS Detention Standards*” to insure 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* went into effect at ICE-operated detention facilities on January 1, 2001. ICE intended to phase in the standards in all of its contract and IGSA facilities by December 31, 2002. The *Detention Standards* constitute a “floor” and not a “ceiling” for treatment of immigration detainees. In other words, they are meant to establish the minimal requirements that ICE must adhere to in its facilities. Each Field Office or Officer in Charge (“OIC”) may, in his or her discretion, promulgate policies and practices affording ICE detainees more enhanced rights and protections than those provided for by the *Standards*.

### II. INTRODUCTION

#### A. The Delegation’s July 11<sup>th</sup> Visit

On Tuesday, July 11, 2006, the members of our delegation met with several members of BTC’s staff and a representative from the ICE office at BTC. Our delegation met with BTC Unit

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<sup>1</sup> The delegation was comprised of Holland & Knight attorney (b)(6) and the following Holland &

(b)(6)

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

Manager (b)(6), (b)(7)c and Administrative Captain (b)(6), (b)(7)c. During the course of this meeting, our tour of the facilities, and the post-tour follow-up discussion, we also met with ICE Officer-in-Charge (OIC) (b)(6), (b)(7)c. The delegation appreciates the cooperation of Captain (b)(6), (b)(7)c and Unit Manager (b)(6). They were direct and accommodating during our tour of the facility. OIC (b)(6), (b)(7) accompanied us during our entire tour and answered all our questions. Nevertheless, our visit was consistently rushed along and ultimately terminated after two and one-half hours in the middle of our individual questioning of detainees regarding the conditions at the facility, because OIC (b)(6), (b)(7) stated that our delegation was “interfering with the schedule of the facility.”<sup>3</sup> OIC (b)(6), (b)(7) told us several times to speed up the tour, to stop asking so many questions, and to estimate when the tour would be over.<sup>4</sup> Moreover, no-one at BTC has returned our phone calls seeking a copy of the BTC detainee handbook. Therefore, the handbook was never made available to this delegation.

Our report is based on the discussions we had with these employees, as well as observations of the facility and our partial interviews with eleven immigration detainees. In many instances, detainee reports were compatible with statements made by facility personnel and/or our observations. In such cases, the delegation was able to definitively report on BTC’s operations with regard to the *Detention Standards*. However, in certain instances, detainee reports conflicted with statements made by facility personnel. Where we were unable to reconcile the conflicting reports, the delegation was unable to conclusively determine whose account best reflected the conditions at BTC with regard to specific items addressed by the *Detention Standards*.

## B. General Information About the Broward Transitional Center

The Broward Transitional Center houses immigration detainees through an intergovernmental service agreement with ICE. According to BTC personnel, the jail has the capacity to hold 450 inmates. We were informed that at the time of our visit, the jail had a total population count of 417 inmates, all of whom were immigration detainees.<sup>5</sup>

BTC’s prison population breaks down into a ratio of about 65% male to 35% female. Our delegation interviewed both male and female detainees.<sup>6</sup>

According to OIC (b)(6), (b)(7), the nationality of the detainee population of the jail fluctuates from being predominately Chinese to being predominately Haitian. At the time of our visit, the facility was comprised mainly of Haitian detainees with a small number of Chinese detainees and detainees from all of the countries in Latin America.<sup>7</sup>

BTC is a unique facility in that almost none of the detainees has any criminal record. The only possible criminal conviction that a detainee at BTC could have is that of entering the United States with false documents.<sup>8</sup> Therefore, BTC resembles a dormitory in its structure rather than

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<sup>3</sup> Notes of delegation member (b)(6), (b)(7)c on conversation with OIC (b)(6), (b)(7)c  
<sup>4</sup> Notes of delegation member (b)(6), (b)(7)c on conversation with OIC (b)(6), (b)(7)c  
<sup>5</sup> Notes of delegation member (b)(6), (b)(7)c on conversation with OIC (b)(6), (b)(7)c  
<sup>6</sup> Notes of delegation member (b)(6), (b)(7)c on conversation with OIC (b)(6), (b)(7)c  
<sup>7</sup> Notes of delegation member (b)(6), (b)(7)c on conversation with OIC (b)(6), (b)(7)c  
<sup>8</sup> Notes of delegation member (b)(6), (b)(7)c on conversation with OIC (b)(6), (b)(7)c

a typical county jail. The detainees live inside of rooms rather than in cells and have liberal access to the recreational facilities and law library.

### III. IMPLEMENTATION OF LEGAL ACCESS STANDARDS

#### A. Legal Access/Visitation

##### 1. Visitation by Attorneys

The *Detention Standards* require that facilities permit legal visitation seven days per week.<sup>9</sup> The *Detention Standards* provide that facilities should allow detainees to meet privately with their current or prospective legal representatives and legal assistants and to meet with their consular officials.<sup>10</sup>

**The BTC facility substantially meets this section of the Standards, but staff should be aware that BTC’s written legal visitation policy permits legal visits on weekends, and BTC should not require Forms G-28 from attorneys who meet with detainees.** According to Unit Manager (b)(6), attorneys are typically only allowed to visit their clients during weekdays between 9:00 A.M. and 5:00 P.M.<sup>11</sup> This conflicts with BTC’s written visitor policy, which states that “Legal visitation is authorized seven days a week, including holidays during the hours of 8:00 a.m. until 4:00 p.m. Any other legal visits will be permitted with the approval of the shift supervisor.”<sup>12</sup> The BTC visitor policy was not posted anywhere within the facility, but was requested by delegation member (b)(6). According to (b)(6) attorneys with urgent matters could be accommodated during the weekends and off hours.

In order for an attorney to visit a detainee at BTC, the attorney must have and present a bar card.<sup>14</sup> The attorney may visit a client without prior notice to the facility.<sup>15</sup> According to Captain (b)(6), (b)(7)c legal assistants, interpreters, and law students are also allowed to visit detainees, but they must call ahead and get pre-approval from the facility, or they must present a letter from an attorney stating that they are authorized by the attorney to visit the client.<sup>16</sup> **One unique procedure that BTC has for attorney visitation which greatly concerned the delegation is that attorneys have to sign Forms G-28 in order to visit any detainee after one initial consultation.**<sup>17</sup> This requirement is not consistent with the *Standards*. This is significant because attorneys are being forced to immediately commit to representing a client even if they still have questions about a client’s case after their first visit and need to clarify these issues with the client during a second visit prior to accepting representation. OIC (b)(6), (b)(7)c stated that his rationale for this policy was that he did not want attorneys trolling the jail for clients.<sup>18</sup> Nevertheless, this policy does not make sense given that attorneys cannot visit the entire prison

<sup>9</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

<sup>10</sup> Detention Operations Manual, Detainee Services, Standard 17, Section I.

<sup>11</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6)

<sup>12</sup> BTC visitor policy at 4 (a copy of this page was provided to the delegation).

<sup>13</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6)

<sup>14</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6)

<sup>15</sup> Notes of delegation member (b)(6) on conversation with Capt (b)(6), (b)(7)c

<sup>16</sup> Notes of delegation member (b)(6) on conversation with OIC (b)(6)

<sup>17</sup> Notes of delegation member (b)(6) on conversation with OIC (b)(6), (b)(7)c

<sup>18</sup> Notes of delegation member (b)(6) on conversation with OIC (b)(6)

population and are only allowed to visit a particular detainee whom they must already know is in the jail. **Accordingly, the delegation highly recommends that the jail repeal its policy of requiring attorneys to execute Forms G-28 prior to granting attorneys access to visit a particular detainee at the facility.**

There appear to be six attorney visitation booths at the facility.<sup>19</sup> These booths provide enough space for six attorney visits to occur simultaneously. However, BTC officials informed delegation members that if the six attorney booths are occupied, additional attorneys can meet with their clients in the jail's larger meeting room.<sup>20</sup> This room would provide enough space for two, and perhaps three, additional attorney-client visits. Multiple visits in this room, however, would be lacking in privacy and confidentiality.

All attorney visitation areas allow for contact visits.<sup>21</sup> Detainees are not typically subject to strip searches after attorney visits.<sup>22</sup> However, Unit Manager (b)(6) reported that if the facility has probable cause to strip search a detainee after a contact visit, it will do so (though she only recalls that this has happened one time in the history of the jail).<sup>23</sup> Independent medical providers are only allowed to visit the facility if their visit has been certified by the public health service.<sup>24</sup> OIC (b)(6), (b)(7) indicated that he did not believe such a visit has ever occurred in the facility.<sup>25</sup> Detainees have the option of obtaining a meal if a legal visit continues during mealtime.<sup>26</sup>

## 2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the *Detention Standards* encourage visitation with family and friends.<sup>27</sup> To that end, the *Standards* require that all detention facilities allow visitation and establish written visitation procedures.<sup>28</sup> The *Standards* require a minimum of 30 minutes per visitation, under normal conditions, and encourage more generous limits when possible.<sup>29</sup> The facility must allow visitation by immediate family members and other relatives, friends, and associates.<sup>30</sup>

**BTC meets this section of the *Standards*.** BTC allows visitation by family members during the weekends.<sup>31</sup>

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<sup>19</sup> Observations of delegation member (b)(6)

<sup>20</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6)

<sup>21</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6)  
observations of delegation member (b)(6)

<sup>22</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6)

<sup>23</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6)

<sup>24</sup> Notes of delegation member (b)(6) conversation with OIC (b)(6), (b)(7)

<sup>25</sup> Notes of delegation member (b)(6) on conversation with OIC (b)(6), (b)(7)

<sup>26</sup> Notes of delegation member (b)(6) on conversation with OIC (b)(6), (b)(7)

<sup>27</sup> Detention Operations Manual, Detainee Services, Standard 17, Section I.

<sup>28</sup> Detention Operations Manual, Detainee Services, Standard 17, Section II.A.

<sup>29</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.H.1.

<sup>30</sup> Detention Operations Manual, Detainee Services, Standard 17.

<sup>31</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6)

## B. Telephone Access

### 1. General Requirements

The *Detention Standards* require that facilities provide detainees with reasonable and equitable access to telephones.<sup>32</sup> In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees and written telephone access rules to each detainee.<sup>33</sup>

**BTC does not meet this section of the *Standards*: there are not enough telephones, and telephone instructions should be provided in Mandarin and Haitian Creole.** Each section of BTC, the men's section and the women's section, has its own set of telephones, providing approximately four to six phones per section (depending on whether the phones work).<sup>34</sup> Even if all telephones are functioning, this does not provide enough telephones for the men's section, though it would provide enough for the women.<sup>35</sup> OIC (b)(6), (b)(7) estimated that 65% of the jail's population, approximately 417 people, are men,<sup>36</sup> which means there is only one telephone for every 45 men, even if all six telephones are functioning.

Detainees may access the telephones at any time.<sup>37</sup> Instructions regarding usage of the phone system are posted next to the telephones.<sup>38</sup> However, the delegation did not find phone instructions in either Mandarin or Haitian Creole.<sup>39</sup> This prevents many of BTC's detainees from using the phone.

### 2. Direct vs. Collect Calls

According to the *Standards*, a facility may generally restrict telephone service to collect calls, but it must permit detainees to make direct calls to a number of organizations, including the local immigration court, the Board of Immigration Appeals, Federal and State courts, consular officials, legal service providers, and relevant government offices.<sup>40</sup> Detainees must also be able to make direct calls to family members when a "compelling need" arises.<sup>41</sup> The facility shall not require indigent detainees to pay for the types of calls listed above if they are local calls, nor for non-local calls if there is a compelling need.<sup>42</sup> Moreover, regardless of whether the detainee is indigent, the facility must provide a detainee with the ability to make calls to the ICE-approved list of legal service providers and consulates at no charge to the detainee or the receiving party.<sup>43</sup>

**BTC does not meet this section of the *Standards*: the telephone system for dialing consulates and legal services providers free of charge does not work at all.** The delegation is

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<sup>32</sup> Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

<sup>33</sup> Detention Operations Manual, Detainee Services, Standard 16, Sections III.B. & C.

<sup>34</sup> Observations of delegation member (b)(6)

<sup>35</sup> Observations of delegation member (b)(6)

<sup>36</sup> Notes of delegation member (b)(6) on conversation with OIC (b)(6), (b)(7)

<sup>37</sup> Notes of delegation member (b)(6) on conversation with OIC (b)(6), (b)(7)

<sup>38</sup> Observations of delegation member (b)(6)

<sup>39</sup> Observations of delegation member (b)(6)

<sup>40</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>41</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>42</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>43</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.E.

extremely concerned about the facility’s phone operations. During the tour, delegation member Leon Fresco attempted to use the telephones to call both the Haitian Consulate and a legal services provider, the Florida Immigration Advocacy Center, using the access code that is apparently supposed to permit access to this type of number free of charge.<sup>44</sup> Dialing the access code did not prevent the telephones from requiring calling card information to charge for the call; thus it is impossible for detainees to access *pro bono* legal counsel or their consulates free of charge to aid in their deportation or to seek legal representation.<sup>45</sup> Delegation member Leon Fresco reported this fact to OIC (b)(6), (b)(7) who then attempted to use the phones and confirmed that they were not operational.<sup>46</sup> **Officials at BTC should take all necessary steps to immediately repair the phone system in the jail to allow for free calls to consulates and to pro bono legal services providers.**

### 3. Privacy and Telephone Usage Restrictions for Legal Phone Calls

The *Standards* provide two sets of rules regarding telephone usage restrictions.<sup>47</sup> One set of rules governs calls regarding legal matters, while the other set governs calls unrelated to legal matters. With respect to legal phone calls, the *Standards* provide: “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 rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones.”<sup>48</sup>

The facility must ensure privacy for all detainee phone calls regarding legal matters.<sup>49</sup> The facility must provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff, or other detainees.<sup>50</sup> The Standards also explicitly prohibit the facility and its personnel from monitoring or recording telephone calls on legal matters, absent a court order.<sup>51</sup>

**BTC does not meet this section of the *Standards*: all phone calls are electronically monitored, and privacy is not available.** BTC’s phone system prevents detainees from making legal phone calls without being overheard by BTC personnel and other detainees.<sup>52</sup> The telephones in each dorm are not private, but are located in open areas.<sup>53</sup> No privacy panels are installed, nor are areas designated for telephone calls to ensure privacy.<sup>54</sup> At the very least, detainee phone conversations can be heard by other detainees in the telephone room where the phones are located.<sup>55</sup>

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<sup>44</sup> Observations of delegation member (b)(6)

<sup>45</sup> Observations of delegation member (b)(6)

<sup>46</sup> Notes of delegation member (b)(6) on conversation with OIC (b)(6), (b)(7)

<sup>47</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.F.

<sup>48</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.F.

<sup>49</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.J.

<sup>50</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.J.

<sup>51</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.J.

<sup>52</sup> Observations of delegation member (b)(6)

<sup>53</sup> Observations of delegation member (b)(6)

<sup>54</sup> Observations of delegation member (b)(6)

<sup>55</sup> Observations of delegation member (b)(6)

Moreover, BTC also electronically monitors and records all calls; the policy of recording all telephone calls is posted next to the telephones in the telephone room.<sup>56</sup> This practice was particularly troubling to the delegation, as it would necessarily interfere with attorney-client relationships and confidentiality.

#### 4. Incoming Calls and Messages

The *Detention Standards* require facilities to take and deliver messages from emergency and non-emergency incoming telephone calls to detainees as promptly as possible.<sup>57</sup> If the facility receives an emergency telephone call for a detainee, the facility is required to obtain the caller's name and telephone number and permit the detainee to "return the emergency call as soon as reasonably possible."<sup>58</sup> Moreover, the facility must enable indigent detainees to make free return emergency calls.<sup>59</sup>

**BTC does not meet this section of the *Standards*: BTC does not have a procedure in place for taking and delivering non-emergency phone messages to the detainees.**<sup>60</sup> BTC officials stated that they would accept and deliver *bona fide* emergency phone messages to the detainees.<sup>61</sup> The delegation does not know whether the facility allows indigent detainees to return these calls free of charge.

#### C. Access to Legal Materials

The *Detention Standards* provide that all facilities shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.<sup>62</sup>

##### 1. Access to the Library

The *Detention Standards* require that a facility devise a flexible schedule to permit all detainees, regardless of housing or classification, to use the law library on a regular basis for a minimum of five hours per week.<sup>63</sup> These five hours should not cause a detainee to miss a meal, recreation time, or any other planned activity.<sup>64</sup>

**BTC meets this section of the *Standards*.** BTC allows all male detainees to use the law library from 7:30 a.m. to 10:30 a.m. and allows female detainees to use the law library from 1:00 p.m. to 4:00 p.m. Males can use the law library at any time that they need to during the evening, and females can request to use the library in the evening as well (the library simply needs to then be cleared of any male detainees before a female detainee can enter the library, given that the

<sup>56</sup> Observations of delegation member (b)(6)

<sup>57</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.I.

<sup>58</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.I.

<sup>59</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.I.

<sup>60</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6)

<sup>61</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6)

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

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

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

library is located in the male section of the jail).<sup>65</sup> Moreover, detainees are not required to choose between library time and recreation time.<sup>66</sup>

## 2. Library Conditions

The *Detention Standards* provide that each facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing. The library shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.<sup>67</sup>

**BTC meets this section of the *Standards*.** The BTC library is well-lit and reasonably isolated from high-traffic or noisy areas that might interfere with research and writing.<sup>68</sup> The computers in the library are functional and the printers work as well.<sup>69</sup> The library is very small; it can only accommodate a handful of any detainees at any given time.<sup>70</sup>

## 3. Materials Identified in the *Detention Standards*

The *Detention Standards* require all law libraries to contain the materials listed in Attachment A to the chapter on *Access to Legal Material*.<sup>71</sup> These materials must be updated regularly and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner.<sup>72</sup> Damaged or stolen materials must be promptly replaced.<sup>73</sup> In addition, the *Standards* require that the facility post a list of holdings in the law library and designate an employee with responsibility for updating materials, inspecting them weekly, and maintaining them in good working order.<sup>74</sup>

**BTC does not meet this section of the *Standards*: a review of the law library revealed that many required materials were outdated or entirely missing from the library.**<sup>75</sup> The library was missing a number of required materials, including texts on immigration law and defense, guides for immigration advocates, country reports on human rights practices for asylum seekers, other asylum and refugee materials, and even the BTC detainee handbook.<sup>76</sup> With so many missing materials, the delegation believes that an immigration detainee with a valid defense to removal such as an asylum claim would find it extremely difficult, if not impossible, to prepare his/her case without the aid of an attorney.

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<sup>65</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6).

<sup>66</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6).

<sup>67</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

<sup>68</sup> Observations of delegation member (b)(6).

<sup>69</sup> Observations of delegation member (b)(6).

<sup>70</sup> Observations of delegation member (b)(6).

<sup>71</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

<sup>72</sup> Detention Operations Manual, Detainee Services, Standard 1, Sections III.D-F.

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

<sup>74</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

<sup>75</sup> Observations of delegation members (b)(6).

<sup>76</sup> Observations of delegation members (b)(6).

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

The *Detention Standards* require that the law library provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.<sup>77</sup> The *Standards* require that non-English speaking detainees be provided with more than a set of English-language law books.<sup>78</sup>

**BTC does not fully meet this section of the *Standards*: it does not provide writing supplies or legal materials in languages other than English.** There are two fully functional computers at BTC.<sup>79</sup> However, the library does not contain any writing implements, paper, or office supplies.<sup>80</sup> When asked about this, BTC employee Captain (b)(6), (b)(7)c stated that they were concerned about the safety of the detainees and that is why they were not given pens or pencils.<sup>81</sup> The delegation highly recommends that BTC provide either pens or pencils to the detainees that need to use the library.

The English language research materials are reasonably good.<sup>82</sup> However, there are absolutely no legal research materials of any kind in any other language.<sup>83</sup> The delegation believes that at least a bare minimum of documents should be available in Spanish, Creole, and Mandarin so that detainees have at least some knowledge of their legal rights in the United States.

#### 5. Photocopies

The *Detention Standards* provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.<sup>84</sup> Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.<sup>85</sup> Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.<sup>86</sup>

**BTC meets this section of the *Standards*.** BTC official Unit Manager (b)(6) stated that detainees may make copies by providing their documents to the detainee's case specialist, who will make the copies and return the documents.<sup>87</sup> This information was corroborated by the detainees.<sup>88</sup>

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

<sup>78</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.L.

<sup>79</sup> Observations of delegation members (b)(6).

<sup>80</sup> Observations of delegation members (b)(6).

<sup>81</sup> Notes of delegation members (b)(6) on conversation with Captain (b)(6), (b)(7)c.

<sup>82</sup> Observations of delegation member (b)(6).

<sup>83</sup> Observations of delegation member (b)(6).

<sup>84</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>85</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>86</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>87</sup> Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6).

<sup>88</sup> Notes of delegation member (b)(6) conversation with detainee (b)(6), (b)(7)c; and notes of delegation member (b)(6) conversation with detainee (b)(6), (b)(7)c.

## 6. Correspondence and Other Mail

The *Detention Standards* require that detainees be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility.<sup>89</sup> General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and even read outside the presence of the detainee if security reasons exist for doing so.<sup>90</sup> Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.<sup>91</sup> Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.<sup>92</sup> Outgoing special correspondence cannot be opened, inspected, or read.<sup>93</sup> The *Standards* also require that facilities provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential representative, or any court.<sup>94</sup>

**BTC meets this Standard.** According to BTC personnel, detainees are given two stamped envelopes every week.<sup>95</sup> Moreover, detainees may request further stamps and envelopes from their case specialist if they need additional envelopes.<sup>96</sup>

### D. Group Rights Presentations

The *Detention Standards* provide that facilities shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures consistent with the security and orderly operation of the ICE facility.<sup>97</sup>

**It is unclear whether BTC meets this Standard; female detainees were not aware of presentations, and the facility does not show the Florence Project’s Know Your Rights video.** According to BTC personnel, there are no restrictions on group presentations.<sup>98</sup> The delegation inquired whether the facility has aired the “Know Your Rights” video created by the Florence Project and distributed by ICE. BTC officials stated that the video had not been aired.<sup>99</sup> Indeed, none of the BTC officials interviewed seemed to be aware of the existence of the video.<sup>100</sup> Finally, many of the female detainees complained that they were unaware that presentations were being given by the Florida Immigrant Advocacy Center.<sup>101</sup>

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<sup>89</sup> Detention Operations Manual, Detainee Services, Standard 4, Section I.

<sup>90</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.B & E.

<sup>91</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.B, E & F.

<sup>92</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.B & E.

<sup>93</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.B & F.

<sup>94</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

<sup>95</sup> Notes of delegation members (b)(6) and (b)(6) on conversation with Captain (b)(6), (b)(7)c

<sup>96</sup> Notes of delegation members (b)(6) and (b)(6) on conversation with Captain (b)(6), (b)(7)c

<sup>97</sup> Detention Operations Manual, Detainee Services, Standard 9, Section I.

<sup>98</sup> Notes of delegation member (b)(6), (b)(7)c on conversation with OIC (b)(6), (b)(7)c

<sup>99</sup> Notes of delegation member (b)(6), (b)(7)c on conversation with OIC (b)(6), (b)(7)c

<sup>100</sup> Notes of delegation member (b)(6), (b)(7)c on conversation with OIC (b)(6), (b)(7)c

<sup>101</sup> Notes of delegation interviews with detainees (b)(6), (b)(7)c

#### IV. OTHER PROVISIONS OF THE *DETENTION STANDARDS*

##### A. Recreation

The *Detention Standards* require that all facilities provide immigration detainees with access to recreational programs and activities, under conditions of security and supervision that protect their safety and welfare.<sup>102</sup> Every effort is to be made to provide outdoor recreation facilities, but lacking such, the recreation room must be large, with exercise equipment and having “access to sunlight.”<sup>103</sup> According to the *Standards*, “[e]xercise areas will offer a variety of fixed and movable equipment;” cardiovascular exercise “shall be available to detainees for whom recreation is unavailable” and “recreational activities may include limited-contact sports;” and dayrooms in general-population housing units “will offer board games, television, and other sedentary activities.”<sup>104</sup>

**BTC meets this Standard.** BTC has excellent recreation facilities including recreation areas where sports can be played and exercise machines.<sup>105</sup>

##### B. Medical Treatment

The *Detention Standards* require that all detainees have access to medical services that promote detainee health and general well-being.<sup>106</sup> Each facility is required to have regularly scheduled times, known as sick call, when medical personnel are available to see detainees who have requested medical services.<sup>107</sup> For a facility of over 200 detainees, a minimum of five days per week is required.<sup>108</sup> Facilities must also have procedures in place to provide emergency medical care for detainees who require it.<sup>109</sup> With respect to emergency care, the *Standards* state that in a situation in which a detention officer is uncertain whether a detainee requires emergency medical care, the officer should immediately contact a health care provider or an on-duty supervisor.<sup>110</sup> If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the OIC in writing.<sup>111</sup>

**The delegation is concerned about access to medical care for immigration detainees at BTC: there are delays in receiving medical care; detainees complain of insufficient treatment; and there are no live interpreters available.** In order to be seen by the medical staff, detainees must fill out a request form to the Medical Services Station, briefly describing

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

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

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

<sup>105</sup> Observations of delegation member (b)(6)

<sup>106</sup> Detention Operation Manual, Health Services, Standard 2, Section I.

<sup>107</sup> Detention Operation Manual, Health Services, Standard 2, Section III.F.

<sup>108</sup> Detention Operation Manual, Health Services, Standard 2, Section III.F.

<sup>109</sup> Detention Operation Manual, Health Services, Standard 2, Sections III.A., D., & G.

<sup>110</sup> Detention Operation Manual, Health Services, Standard 2, Section III.H.

<sup>111</sup> Detention Operation Manual, Health Services, Standard 2, Section III.J.

their medical problems.<sup>112</sup> There is only one physician on staff and five registered nurses.<sup>113</sup> Detainees have complained that they have to wait days before receiving any medical care and are often only given pain pills for their conditions even though they feel that they may have some serious medical conditions that are not being diagnosed by the physicians on-site.<sup>114</sup> Moreover, there are no live interpreters available at BTC and, thus, telephonic translation is often necessary which severely complicates the diagnostic process.<sup>115</sup>

### C. Detainee Classification

The *Detention Standards* require that detention facilities use a classification system and physically separate detainees in different categories.<sup>116</sup> A detainee's classification is to be made on "objective" information, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.<sup>117</sup> Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.<sup>118</sup> Classification is required in order to separate detainees with no or small criminal records from detainees with serious criminal records.<sup>119</sup>

Additionally, all facility classification systems shall allow classification levels to be redetermined and include procedures by which new arrivals can appeal their classification levels.<sup>120</sup> Finally, the detainee handbook's section on classification must include (1) an explanation of the classification levels, with the conditions and restrictions applicable to each, and (2) the procedures by which a detainee may appeal his classification.<sup>121</sup>

**According to Officer (b)(6), (b)(7)c there is no classification system used at BTC because all of the detainees are non-criminal and non-violent.**<sup>122</sup> There is, however, one type of classification that occurs at BTC: the telephones, laundry, microwaves, and televisions are segregated by country of origin. There are three categories: 1) Haitian/Caribbean Islands; 2) Central American and Hispanic; and 3) European/Chinese/Other.<sup>123</sup>

<sup>112</sup> s of delegation member (b)(6) on conversation with Unit Manager (b)(6)

Notes of delegation member (b)(6) on conversation with Unit Manager (b)(6)

<sup>114</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6) and notes of delegation member (b)(6) on conversation with detainee (b)(6)

<sup>115</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6) and notes of delegation member (b)(6) on conversation with detainee (b)(6)

<sup>116</sup> Detention Operations Manual, Detainee Services, Standard 3, Section I.

<sup>117</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.D.

<sup>118</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.D.

<sup>119</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.A & III.E.

<sup>120</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.G & H.

<sup>121</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.I.

<sup>122</sup> Notes of delegation member (b)(6) on conversation with OIC (b)(6), (b)(7)c

<sup>123</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c and notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

#### D. Voluntary Work Programs

The *Detention Standards* require all facilities with work programs to “provide detainees the opportunity to work and earn money.”<sup>124</sup> Detainees who are physically and mentally able to work must be provided the opportunity to participate in any voluntary work program.<sup>125</sup>

**BTC meets this Standard.** The detainees reported that they can work in the food preparation area for \$1 per day.<sup>126</sup> However, none of the detainees the delegation spoke to chose to work at the jail.<sup>127</sup>

#### E. 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.<sup>128</sup> Translating assistance for both formal and informal grievances must be provided upon request.<sup>129</sup> The *Standards* also require that each facility establish a reasonable time limit for: (1) “processing, investigating, and responding to grievances;” (2) “convening a grievance committee to review formal complaints;” and (3) “providing written responses to detainees who filed formal grievances, including the basis for the decision.”<sup>130</sup> All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.<sup>131</sup> Further, the *Standards* require detainee handbooks to provide an explanation of the grievance procedures, including (1) the procedures for appealing decisions to ICE, and (2) the opportunity to file a complaint about officer misconduct directly with the Justice Department (including the phone number and address).<sup>132</sup>

**It is unclear whether BTC provides detainees with an adequate complaint procedure.** The delegation was not permitted to see the BTC detainee handbook, and was therefore unable to determine what grievance procedures are in place, or whether grievance procedures are properly explained to detainees.<sup>133</sup> None of the detainees we interviewed had ever filed a formal grievance.<sup>134</sup>

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<sup>124</sup> Detention Operations Manual, Detainee Services, Standard 17, Section I.

<sup>125</sup> Detention Operations Manual, Detainee Services, Standard 17, Section I.

<sup>126</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c and notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>127</sup> Notes of delegation members (b)(6)

<sup>128</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

<sup>129</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1 & 2.

<sup>130</sup> Detention Operations Manual, Detainee Services, Standard 5, Section I.

<sup>131</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C.

<sup>132</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

<sup>133</sup> See *supra*, Section II.A.

<sup>134</sup> Notes of delegation members (b)(6)

(b)(6)

## F. Staff-Detainee Communication (ICE Presence at the Facility)

The *Detention Standards* require procedures to be in place “to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.”<sup>135</sup> The *Standards* require that both weekly visits be conducted by ICE personnel and that “regular unannounced (not scheduled) visits” be conducted by the ICE OIC, the Assistant OIC, and designated department heads.<sup>136</sup> The purpose of such visits is to monitor housing conditions, interview detainees, review records, and answer questions for detainees who do not comprehend the immigration removal process.<sup>137</sup> The *Standards* also require that detainees “have the opportunity to submit written questions, requests, or concerns to ICE staff.”<sup>138</sup> All facilities that house ICE detainees must have “written procedures to route detainee requests to the appropriate ICE official” and must assist detainees “who are disabled, illiterate, or know little or no English.”<sup>139</sup>

**BTC meets this Standard.** OIC (b)(6), (b)(7) is at BTC every day.<sup>140</sup>

## V. RECOMMENDATIONS

The Broward Transitional Center generally appears to be mindful of the *Detention Standards* and to provide its detainees with reasonable conditions of detention. However, the delegation’s review of detention conditions is incomplete, because interviews with detainees were cut short, and because BTC did not provide the delegation with a copy of the detainee handbook. The delegation recommends the following proposals so that BTC may more fully abide by its obligations under the *Standards*:

### Visitation

- BTC should post its attorney visitation hours and its general public visitation hours in its lobby to ensure visibility by any person entering the facility.
- BTC should immediately eliminate its practice of requiring attorneys to file Forms G-28 prior to visiting potential clients.

### Telephone Access

- BTC should install additional telephones in order to have one for every 25 detainees.
- BTC should install privacy panels or otherwise place telephones so that detainees can make legal phone calls without being overheard by others.
- BTC should not record or monitor legal phone calls in any matter whatsoever, absent a court order. If regular phone calls are monitored, BTC should provide detainees with the procedure for obtaining an unmonitored call for legal purposes.

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<sup>135</sup> Detention Operations Manual, Staff-Detainee Communication, Section I.

<sup>136</sup> Detention Operations Manual, Staff-Detainee Communication, Section III.A.

<sup>137</sup> Detention Operations Manual, Staff-Detainee Communication, Section III.A.

<sup>138</sup> Detention Operations Manual, Staff-Detainee Communication, Section III.B.

<sup>139</sup> Detention Operations Manual, Staff-Detainee Communication, Section III.B.

<sup>140</sup> Notes of delegation member (b)(6), on conversation with OIC (b)(6), (b)(7)

- Any all technical difficulties in reaching consulates and pro bono legal providers must be immediately resolved.
- Instructions regarding usage of the phone system need to be in Creole, Mandarin, and Spanish, reflecting the needs of the multinational immigrant jail population.

### **Access to Legal Materials**

- BTC's law library should provide access to all of the legal materials listed in the *Detention Standards*.
- BTC should assign an employee to organize, update, and request legal materials.
- BTC should provide detainees sufficient access to writing implements and paper in the law library.
- BTC should show detainees the "Know Your Rights" video created by the Florence Project and distributed by ICE.
- BTC should provide at least some essential legal materials in Spanish, Creole, and Mandarin -- reflecting almost the entirety of the detainee population -- in order to provide at least some rudimentary resources to the detainees about their rights to seek asylum and/or other relief from removal.

### **Medical Treatment**

- BTC should review requests for doctor visits and medicine in a timely manner.
- Medicine and/or treatment should not be delayed or denied to detainees with temporary, emergency, or non-chronic medical conditions.
- Given the large Haitian and Chinese population at the facility, BTC should arrange for an on-site Creole and Mandarin translator to be present to facilitate medical visits and to deal with any detainee complaints.

### **Detainee Classification**

- BTC should end its policy of segregating detainees based upon their country of origin for the use of the telephones, laundry, and microwaves.

### **Detainee Grievance Procedures**

- BTC should provide translation assistance for both formal and informal grievances.

### **Educational Opportunities**

- BTC should offer classes to detainees in other languages beside English.