

Facility Name: **EL CENTRO SERVICE PROCESSING CENTER, El Centro, California**

Date of Tour: **June 27, 2006**

Tour Participants: Latham & Watkins LLP attorneys and summer associates

(b)(6)

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

	ICE Standard*	Delegation Report	Source	ICE Response
1.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ I. To maintain detainee morale and family relationships, INS encourages visits from family and friends. ▪ III .G. The facility’s visiting area shall be appropriately furnished and arranged, and as comfortable and pleasant as practicable. The visiting room officer shall ensure that all visits are conducted in a quiet, orderly, and dignified manner. The OIC shall provide adequate supervision of the visiting rooms. 	<ul style="list-style-type: none"> ▪ The visitation area is cramped and dimly lit. This area is apparently also where multiple family members can visit one detainee, although this would be difficult because of the small size of the room. (p.7 ¶5) 	Delegation observations	
2.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ 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. ▪ III.I.9. Routine official counts shall not terminate attorney visits. 	<ul style="list-style-type: none"> ▪ A detainee reported that visits are allowed to continue through meals, but not head counts. (p.4 ¶2) ▪ Detainee B reported a situation in which a fellow detainee’s lawyer drove to the facility from Riverside, and visitation was denied because it was dinner time. (p.6 ¶3) 	Detainee C Detainee B	
3.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ III.I.3. Upon presentation of a letter of authorization from the legal representative under whose supervision he/she is working, an unaccompanied legal assistant may meet with a detainee during legal visitation hours. ▪ III.I.13. Upon the request of a legal service provider (or assistant), the OIC may permit a confidential meeting (with no officer present) involving the requester and two or more detainees. ▪ III.I.15. A separate log shall record all legal visitors, including those denied access to the detainee. The log shall include the reason(s) for denying access. 	<ul style="list-style-type: none"> ▪ Legal assistants, law students, and interpreters are not permitted to visit the detainees unaccompanied by their supervising attorney. (p.5 ¶3) However, OIC [REDACTED] seemed to be amenable to making exceptions to the rules in special circumstances. (p.5 ¶4) ▪ Attorneys are not allowed to meet with more than one detainee at a time. (p.5 ¶3) ▪ The delegation asked to see the log of legal visitors for El Centro SPC, but we were informed that no such log is maintained. (p.6 ¶2) 	[REDACTED] (b)(6) (b)(7)(c)	

4.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ III .I.10. The facility's written legal visitation procedures must provide for the exchange of documents between detainee and legal representative (or legal assistant) even when contact visitation rooms are unavailable. 	<ul style="list-style-type: none"> ▪ There is no written policy in place for the exchange of documents between the detainees and legal representatives at El Centro SPC. (p.6 ¶5) However, none of the detainees reported problems obtaining documents from their attorneys. (p.6 ¶5) 	<p>OIC [redacted] Detainee interviews</p>	
5.	<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"> ▪ Detainees are not allowed to make any free direct phone calls. The preprogrammed phone numbers listed on the bulletin boards in the barracks are for organizations that have agreed to accept collect calls from the detainees. (p.9 ¶4) ▪ Detainees are unable to make collect calls without charge. The three detainees interviewed reported that a calling card is needed for every phone call made from the facility. (p.10 ¶1) ▪ Delegation attempts to make collect calls from several facility telephones were unsuccessful. (p.10 fn.60) 	<p>Officer [redacted]</p> <p>Detainees A, B, and C</p> <p>Delegation observations</p>	
6.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> ▪ I. Facilities holding INS detainees shall permit them to have reasonable and equitable access to telephones. ▪ III.A. The facility shall provide detainees with reasonable access to telephones during established facility waking hours ... ▪ 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. ▪ 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, and the detainee shall be allowed to continue the call if desired, at the first available opportunity. 	<ul style="list-style-type: none"> ▪ The guidelines for telephone use are not posted anywhere in the housing units. (p.9 ¶1) ▪ Detainee A reported that the phones in his barrack had not worked for the previous couple of days and that the phones continuously disconnected detainees trying to call out. (p.9 ¶2) ▪ Detainee A reported that all phone calls are automatically shut off after around 15 to 20 minutes. Likewise, Detainee C reported that the calling cards automatically disconnect after 20 minutes. Although detainees can call right back, they are charged an additional connection fee for the second phone call. (p.10 ¶3) 	<p>Delegation observations</p> <p>Detainee A</p> <p>Detainees A and C</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. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order. 	<ul style="list-style-type: none"> The detainees are afforded almost no privacy when making phone calls. All phones are grouped close together in common areas and do not have any privacy panels. The phones are in a visible, open environment, surrounded by other detainees and/or guards. (p.10 ¶4) OIC [REDACTED] reported that no telephone calls are monitored by the facility because it does not have the technology to do so. (p.10 ¶4) One detainee reported that he was told that all phone calls are subject to monitoring and did not know of any way to request a phone call not be monitored. (p.10 ¶4) Detainee B, who communicates through his sister to his lawyer, commented that all phone calls to his sister are monitored by the facility. (p.10 ¶4) 	<p>Delegation observation</p> <p>OIC [REDACTED] (a) (6)</p> <p>Detainee A</p> <p>Detainee B</p>	
8.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> 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. ... In SPCs/CDFs, messages shall be delivered to detainees no less than three times a day. 	<ul style="list-style-type: none"> Officer [REDACTED] said messages are given to detainees at El Centro SPC once daily, unless there is an emergency. (p.11 ¶2) 	<p>Officer [REDACTED] (a) (6)</p>	
9.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.B. Equipment. The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper and office supplies to enable detainees to prepare documents for legal proceedings. 	<ul style="list-style-type: none"> Detainee C reported that the copier had been broken once for more than one week. (p.13 ¶2) 	<p>Detainee C</p>	

10.	<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. . . . The facility shall post a list of its holdings in the law library. 	<ul style="list-style-type: none"> The El Centro library does not contain the following texts: <i>Guide for Immigration Advocates</i>; <i>Lawyer’s Committee Handbook on Representing Asylum Applicants</i>; <i>Legal Research & Writing: Some Starting Points</i>; <i>Directory of Nonprofit Agencies that Assist Persons in Immigration Matters</i>. (p.11 ¶5) The library does not contain a copy of the Florence Project’s “Know Your Rights” packet. (p.12 ¶2) The following materials are in the library, but are out of date: <i>Code of Federal Regulations, Title 8, Aliens and Nationality</i>; <i>Country Reports on Human Rights Practices</i>; <i>Human Rights Watch – World Report</i>; <i>UNHCR Handbook on Procedures and Criteria for Determining Refugee Status</i>; <i>United States Code, Title 28, Rules, Appellate Procedure Pamphlets I+II</i>; <i>Federal Criminal Code and Rules</i>; <i>Criminal Procedure</i>; <i>Legal Research in a Nutshell</i>. (p.12 ¶2) The list of library holdings is not posted. (p.12 ¶4) 	<p>Delegation observations</p> <p>Delegation observations</p> <p>Delegation observations</p> <p>Delegation observations</p>	
11.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.C. The law library shall contain the materials listed in Attachment A. 	<ul style="list-style-type: none"> The library has procedures in place to prevent the loss or destruction of materials. (p.12 ¶5) However, detainees complained that legal materials are often damaged or missing. (p.12 ¶5) 	<p>Officer (b) (6); Detainees A and B</p>	
12.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.G. The facility shall . . . permit all detainees, regardless of housing or classification, to use the law library on a regular basis. Each detainee shall be permitted to use the law library for a minimum of five (5) hours per week. Detainees may not be forced to forgo their minimal recreation time, as provided in “Detainee Recreation,” standard to use the law library. Detainee requests for additional time in the law library shall be accommodated to the extent possible, consistent with the orderly and secure operation of the facility. 	<ul style="list-style-type: none"> Officer (b) (6) states that library time is provided in addition to, not instead of, recreation time. (p.15 ¶1) However, Detainee A stated that detainees sometimes have to choose between recreation and library time. (p.15 ¶1) Detainees may not request additional library time absent proof of an upcoming court date. (p.15 ¶2) 	<p>Officer (b) (6); Detainee</p> <p>Officer (b) (6)</p>	

13.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.K. The facility shall permit detainees to retain all personal legal material upon admittance to the general population or segregation, unless such material creates a safety, security, and-or sanitation hazard. The facility may require detainees with a large amount of personal legal material to place some of the material in a personal property storage area, with access permitted during designated hours. 	<ul style="list-style-type: none"> Detainee B stated that the facility had recently notified the detainees that officers would be destroying all of the stored legal material unless a detainee could prove that the materials were being used. (p.16 ¶1) 	Detainee B	
14.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> English speaking detainees who wish to pursue a legal claim related to their immigration proceedings or detention and indicate difficulty with the legal materials must be provided with more than access to a set of English-language law books. 	<ul style="list-style-type: none"> The facility's off-site telephone translation service is not available to assist non-English speakers in performing legal research and writing. (p.16 ¶3) 	OIC [REDACTED]	
15.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> I. All facilities will ensure that detainees send and receive correspondence in a timely manner. III.C. Incoming correspondence shall be distributed to detainees within 24 hours of receipt by the facility 	<ul style="list-style-type: none"> Detainees said that both incoming and outgoing mail are delayed 1 to 3 days. (p.18 ¶3) One detainee said that he never received mail that was sent to him by his parents. The mail was returned to his parents without notification to him. (p.18 ¶3) 	Detainees A, B, and C Detainee B	
16.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> III.F. Inspection of Outgoing Correspondence and Other Mail. Outgoing special correspondence will not be opened, inspected, or read. 	<ul style="list-style-type: none"> One detainee complained that his outgoing mail to a relative had been opened after he had given it to his deportation officer for mailing. (p.18 ¶2) 	Detainee C	
17.	<p>Standard 6, Detainee Handbook</p> <ul style="list-style-type: none"> 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. III. E. The handbook will be written in English and translated into Spanish and, if appropriate, into the next most-prevalent language(s) among the facility's detainees. The OIC will provide translation assistance to detainees 	<ul style="list-style-type: none"> OIC [REDACTED] reported that changes to the Handbook are posted in the barracks and a revised version of the Handbook is issued when enough notices have accumulated. Only one updated rule, dated 2004, was posted in the barracks. (p.19 ¶2) The Handbook is only available in English and Spanish, even though detainees with other native languages are housed at El Centro SPC. (p.19 ¶2) 	OIC [REDACTED]; Delegation observations Delegation observations	

18.	<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. <p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.G. Detainees may not be forced to forgo their minimal recreation time ... to use the law library. 	<ul style="list-style-type: none"> ▪ One detainee said he is required to choose between recreation time and library time. (p.26 ¶2) ▪ Another detainee claimed that there are 45 minutes allotted each day for recreation time, but his job cleaning out the barracks prevents him from being able to go outside during that time. (p.26 ¶2) 	<p>Detainee A</p> <p>Detainee C</p>	
19.	<p>Security and Control Standard 14, Special Management Unit (Disciplinary Segregation)</p> <ul style="list-style-type: none"> ▪ III.A. To provide detainees in the general population a safe and orderly living environment, facility authorities shall discipline anyone whose behavior does not comply with facility rules and regulations. This may involve temporary confinement apart from the general population, in the Special Management Unit (SMU). 	<ul style="list-style-type: none"> ▪ Detainee B reported that El Centro SPC routinely reintroduces violent or disruptive detainees into the general detention center population after holding them in the SMU for only 72 hours after fights or other incidents of violence. Detainee B thought this policy was responsible for what he estimates to be three violent incidents during the month of June, and 10 to 11 incidents since January 2006. (p.25 ¶3) 	<p>Detainee B</p>	

MEMORANDUM

To: John P. Torres, Acting Director, Office of Detention and Removal, Immigration and Customs Enforcement (“ICE”)

From: American Bar Association Delegation to El Centro, California, ICE Service Processing Center¹

Copy To: (b)(6) Associate Director, ABA Commission on Immigration

Re: Report on Observational Tour of the El Centro, California, ICE Service Processing Center

Date: July 21, 2006

I. Introduction

This memorandum evaluates and summarizes information gathered by the delegation through our on-site visit at the Immigration and Customs Enforcement (“ICE”) Service Processing Center in El Centro, California (the “El Centro SPC”), and interviews with both detainees² and facility staff, on June 27, 2006.

The Immigration and Naturalization Service promulgated the “*INS Detention Standards*” in November 2000 to insure the “safe, secure and humane treatment of individuals detained by the INS.” The 38 *Standards* contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies to grievance procedures to food service. These standards apply to ICE Service Processing Centers (“SPCs”), Contract Detention Facilities (“CDFs”), and state and local government facilities used by ICE through Intergovernmental Service Agreements (“IGSAs”). The *Standards* went into effect at ICE SPCs on January 1, 2001, and were to have been implemented at each facility by January 2003. The *Standards* constitute a “floor” not a “ceiling” for treatment of ICE detainees. In other words, they are meant to establish the minimal requirements that ICE must adhere to in the operation of its facilities. Each District Office or Officer-in-Charge (“OIC”) of a facility may, in his or her discretion, promulgate policies and practices affording ICE detainees greater rights and protections than those provided for by the *Standards*.

¹ The delegation was comprised of Latham & Watkins attorneys (b)(6)

(b)(6)

² The delegation interviewed three detainees currently being housed at the El Centro facility. The three detainees consented to being interviewed, but all three requested that their names be withheld in the report. As a result, the detainee-interviewees are referred to as Detainee A, Detainee B, and Detainee C.

Overall, the delegation believes that the staff at the El Centro SPC is attempting to meet the *Standards*. However, the following problems were noted by the delegates:

- Attorney visits with detainees are not permitted to continue through headcounts (routine counting of detainees).
- Detainee phone access is impaired by the inability to make collect or free phone calls and the lack of privacy in the areas where phones are located.
- Detainee outgoing mail is improperly opened, even when such mail includes correspondence relating to a detainee’s legal proceeding.
- It is unclear whether all detainees have been shown the “Know Your Rights” video.
- Detainees are not provided with full access to the legal materials specified in the *Standards* because of damaged, missing, and/or limited materials.

II. The El Centro Facility

El Centro SPC is located in El Centro, California--approximately 120 miles east of San Diego, and just north of the Mexican border. El Centro SPC is an ICE facility that houses only men. The detainees at El Centro SPC are classified as Level One through Level Three, with Level Three being the most dangerous felons. Officer-in-Charge (b)(6), (b)(7)c (“OIC (b)(6), (b)(7)c”) indicated that Level One detainees are status violators with no past disciplinary problems. Level Two detainees either have some criminal convictions or have had disciplinary infractions while being detained. Level Three detainees are kept segregated from the rest of the population at all times and have some type of violent conviction or infraction.³

Most of the detainees at El Centro SPC are classified as Level One or Level Two. OIC (b)(6), (b)(7)c reported that El Centro SPC does not generally house Level Three detainees and they are often sent to the Otay Mesa facility. However, Level Three detainees sometimes stay at El Centro SPC for a few days when they have a hearing in the area.⁴

El Centro SPC has a capacity of 500 detainees. On the day we visited, the population was about 400, with 12 men in the SMU.⁵ OIC (b)(6), (b)(7)c reported that the average length of stay is 17 days, with most detainees removed from the United States, and others released either to relatives or on their own recognizance. According to OIC (b)(6), (b)(7)c the longest-residing detainee at the facility is a Polish man who has been transferred back and forth between

³ Delegation interview with OIC (b)(6), (b)(7)c

⁴ Delegation interview with OIC (b)(6), (b)(7)c

⁵ According to Officer (b)(6), (b)(7)c at the time of our visit eleven of the men in the SMU were Level Three detainees and one was a transgendered individual who posed a security risk. Delegation interview with Officer (b)(6), (b)(7)c.

the El Centro and Otay Mesa facilities for the past five years while awaiting resolution of his immigration appeal.

Detainees arrive at the facility from a number of places, including state or federal correctional facilities in California and short-term detention facilities at the U.S.-Mexico border. According to facility staff, almost 90 percent of the population at the facility is Mexican, but detainees from at least 40 different countries have been housed at El Centro SPC.⁶ Most of the detainees speak Spanish. All officers are required to be bilingual in English and Spanish and printed materials are also given to the detainees in both languages.⁷ Additionally, the facility uses a telephone translation system in cases where a detainee cannot speak either English or Spanish.⁸

El Centro SPC is a secure facility, surrounded by fences with concertina wire. The detainees' schedules are highly regulated, and they may not move from one part of the facility to another without being escorted by a guard. Every building appears to be separated from the others by remote-operated locked double gates akin to a sally port. There is a processing facility, a law library, a dining facility, a recreation yard with a soccer field and basketball court, and an indoor recreation facility that includes the mail station and a barber shop. The front office houses the check-in point and the visitation facility. The entire facility is monitored by cameras.

III. Detention Standards

This memorandum focuses on select portions of the *Standards* where ICE compliance is of particular importance for the achievement of its stated goal: to insure the “safe, secure, and humane treatment” of ICE detainees. In particular, the memorandum focuses on the following *Standards*: (1) Visitation; (2) Telephone Access; (3) Legal Materials; (4) Group Rights Presentations; and, (5) Correspondence and Mail.

A. Visitation

The range of permissible visitors at El Centro SPC is quite broad, with the main limitation being that “[p]ersons shown by substantial evidence to be of harmful effect to the detainee or to constitute a threat to facility security shall be excluded.”⁹ There are no “contact” visits at El Centro SPC.

⁶ Delegation interview with Senior Field Officer [REDACTED] (b)(6), (b)(7)c

⁷ Notes of delegation member Allison Hart, on interview with ICE Agent [REDACTED] (“Agent [REDACTED] (b)(6), (b)(7)c”).

⁸ Delegation interview with OIC [REDACTED] (b)(6), (b)(7)c

⁹ Detainee Handbook at 15.

1. Visitation by Attorneys

a. Visitation Times

According to the *Standards*, legal visitation should be allowed seven (7) days a week for a minimum of eight (8) hours on weekdays, and four (4) hours on weekends.¹⁰ Legal visitations should not be terminated for meals or routine official counts.¹¹ Procedures should be in place to permit the detainee to receive a meal, or recreation, after the visit is completed.¹²

El Centro SPC substantially meets this section of the *Standards*, but attorney visits are not allowed to continue through headcounts. The Detainee Handbook provides that the visiting hours for attorneys are unrestricted as long as they do not interfere with the security or normal operations of the facility.¹³ However, according to OIC (b)(6), (b)(7)c as well as the legal visitation schedule posted outside the building, the visitation hours are Monday through Friday, 9:00 a.m. through 11:00 a.m., 1:00 p.m. through 3:30 p.m., and 7:00 p.m. through 9:30 p.m.¹⁴ According to OIC (b)(6), (b)(7)c the staff are flexible with respect to lengthy attorney visits during meals, and says that sack lunches will be provided.¹⁵ However, OIC (b)(6), (b)(7)c indicated that visits are never allowed to continue through head counts.¹⁶ OIC (b)(6), (b)(7)c also noted that the length of visits is not limited in any way, as long as the visit falls within the visiting hours.

One detainee did not know the visiting hours off-hand, but knew that they were included in the Detainee Handbook.¹⁷ The three detainees interviewed had primarily contacted their attorneys by phone, and noted that when their attorneys did come to the facility, the visits were private.¹⁸ One detainee reported that visits are allowed to go through meals, but not head counts.¹⁹

¹⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2 & 9.

¹² Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2 & 9.

¹³ Detainee Handbook at 16.

¹⁴ According to the Detainee Handbook, visits by attorneys during the weekend may be restricted due to quantity of regular visitation requirements. *See* Detainee Handbook at 16.

¹⁵ Delegation interview with OIC (b)(6), (b)(7)c

¹⁶ Delegation interview with OIC (b)(6), (b)(7)c

¹⁷ Notes of delegation members (b)(6) on interview with Detainee B.

¹⁸ Delegation interviews with Detainee A, Detainee B, and Detainee C.

¹⁹ Notes of delegation members (b)(6) on interview with Detainee C.

b. Attorney Access

The *Standards* provide that attorneys without State Bar cards must be granted access if they show other available documentation to demonstrate Bar membership.²⁰ An attorney or an accredited representative should not have to submit a G-28 for a pre-representation interview.²¹ In addition, upon presentation of a letter of authorization from a supervising attorney, interpreters, legal assistants, law students, or law graduates, as well as non-attorneys with appropriate identification, should be allowed entry.²² Group meetings with legal service providers should be granted “to the greatest extent practicable.”²³ The *Standards* also require that a separate log of legal visitors be maintained, including all those denied access to the detainee.²⁴

El Centro SPC substantially meets this section of the *Standards*, although non-attorney access appears to be limited. At El Centro SPC, OIC (b)(6), (b)(7)c confirmed that an attorney can call 24 hours ahead to determine if a detainee is currently at that facility. Upon calling, the attorney is referred to a “deportation officer,” who is generally assigned to oversee the legal process of about 80 detainees at any given time.²⁵ OIC (b)(6), (b)(7)c also stated that no G-28 is necessary for a pre-representation visit, as long as appropriate identification is given.

Contrary to the parameters set forth in the *Standards*, legal assistants, law students, and interpreters are not permitted to visit the detainees unaccompanied by their supervising attorney.²⁶ Moreover, attorneys are not allowed to meet with more than one detainee at a time. Additionally, independent medical service providers and experts are also not allowed to visit the facility.²⁷ OIC (b)(6), (b)(7)c said that if such a meeting was necessary, arrangements must be made to have the detainee brought to the independent medical service provider or expert.

Despite these restrictions on visitation, OIC (b)(6), (b)(7)c seemed to be amenable to making exceptions to the rules in special circumstances. For example, he stated that if a legal assistant or law student wished to do *pro bono* work for a detainee, he or she would most likely be allowed to enter the facility during legal visitation hours without a supervising attorney.²⁸ OIC (b)(6), (b)(7)c reported that there is not much community interest in doing *pro bono* work for the

²⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.4.

²¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.7.

²² Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

²³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.13.

²⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.15.

²⁵ Delegation interview with OIC

²⁶ Delegation interviews with OIC

²⁷ Delegation interviews with OIC

²⁸ Delegation interview with OIC

(b)(6), (b)(7)c

detainees housed in the facility and that only about 10-20 percent of the detainees are represented by counsel.

The delegation asked to see the log of legal visitors for El Centro SPC, but we were informed that no such log is maintained.²⁹

Although the three detainees interviewed primarily used the telephone for contact with their attorneys, none reported any personal problems with attorney access. However, Detainee B reported a situation in which a fellow detainee's lawyer drove to the facility from Riverside, and visitation was denied because it was dinner time.³⁰

c. Security Concerns

The *Standards* provide that, in SPC facilities owned and operated by ICE, detainees should not be strip searched after legal visitation unless there is reasonable suspicion that a detainee is concealing contraband.³¹ Each facility is required to have a written legal visitation procedure to provide for the exchange of documents between detainee and legal representative, even when contact visitation rooms are not available. Materials exchanged shall be inspected, but not read.³²

El Centro SPC substantially meets this section of the *Standards*, but there is no written policy for the exchange of documents between detainees and legal representatives. At El Centro SPC, according to OIC (b)(6), (b)(7)c detainees are not strip-searched after a legal visitation because all visits are non-contact. Instead, detainees are subject only to a pat-down search after visits. All three detainees confirmed that post-visit procedures do not include strip searches.³³ However, contrary to the allowances set forth in the *Standards*, there is no written policy in place for the exchange of documents between the detainees and legal representatives at El Centro SPC.³⁴ However, none of the detainees reported problems obtaining documents from their attorneys.

²⁹ Delegation interview with OIC (b)(6), (b)(7)c

³⁰ Notes of delegation members (b)(6) on interview with Detainee B.

³¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.11.

³² Detention Operations Manual, Detainee Services, Standard 17, Section III.I.10.

³³ Delegation interviews with Detainees A, B, and C.

³⁴ Delegation interview with OIC (b)(6), (b)(7)c

d. Access to Contact Information for Legal Services

The *Standards* provide that information lists with *pro bono* and non-governmental agency information should be provided, and that the list should be updated quarterly.³⁵ This information should be posted clearly.³⁶

El Centro SPC meets this section of the *Standard*. The Detainee Handbook states that a list of free legal organizations will be posted in all detainee housing areas and other appropriate areas, and that this list shall be updated quarterly.³⁷

The delegation was provided a “Legal Aid List” in English that had been updated as of April 3, 2006. The list is posted in each of the detainee barracks.

e. Visitation Conditions

The *Standards* provide that the facility’s visiting area shall be appropriately furnished and arranged so as to ensure quiet, orderly and private visits with attorneys.³⁸

El Centro SPC substantially meets this section of the *Standards*. At El Centro SPC, attorneys meet with detainees in the same areas as do family members: in one of the four (4) small booths provided in the visitation area. The visitation area is cramped and dimly lit. The booths have a speaking grill with a thick pane of Plexiglas between the visitors and the detainees. This area is apparently also where multiple family members can visit one detainee, although this would be difficult because of the small size of the room. All meeting rooms are observable by the El Centro facility staff, but nevertheless offer auditory privacy.

2. Visitation by Family, Friends, and the Media

a. Visitation Times and Duration

The *Standards* provide that facilities should permit authorized persons to visit detainees within secure and operational constraints.³⁹ To maintain detainee morale and family relationships, ICE encourages visits from family and friends.⁴⁰ Additionally, facilities should permit members of the media and non-governmental organizations to have access to non-classified and non-confidential information about the facility’s operation.⁴¹ The *Standards* provide that visiting hours should be clearly posted and permitted during set hours on weekends

³⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.14.

³⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.14.

³⁷ See Detainee Handbook at 16.

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

³⁹ Detention Operations Manual, Detainee Services, Standard 17, Section I.

⁴⁰ Detention Operations Manual, Detainee Services, Standard 17, Section I.

⁴¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.L-N.

and holidays.⁴² Special arrangements should be available for family members who are unable to visit during regular visiting hours.⁴³

El Centro SPC meets this section of the *Standards*. The visitation schedule was posted at the front door and is listed in the Detainee Handbook. According to the Handbook, visiting hours for general visitation are 7:00 p.m. through 9:30 p.m. Monday through Friday. On weekends and holidays the hours are 9:00 a.m. through 11:30 a.m., 1:00 p.m. through 3:00 p.m., and 7:00 p.m. through 9:30 p.m.⁴⁴ Special visits during other days and hours may be scheduled by appointment.

The *Standards* require that visits should be for at least 30 minutes under normal conditions.⁴⁵ The Detainee Handbook provides that, if there is a significant quantity of visitors, the time limits may be reduced to allow all concerned an opportunity to visit.⁴⁶ It also provides that the number of visitors who may visit a detainee may be limited to prevent overcrowding in the visiting areas.⁴⁷

B. Telephone Access

1. General Requirements

The *Standards* provide that facilities shall permit detainees to have reasonable and equitable access to telephones.⁴⁸ The facility should provide telephone access rules to detainees upon admittance and should post those rules where detainees may easily see them.⁴⁹ To guarantee proper access, the *Standards* require at least one telephone for every 25 detainees held.⁵⁰ Further, the phones should be inspected daily to ensure they are in proper working order.⁵¹

El Centro SPC substantially meets this section of the *Standards*, although one detainee reported that phones were broken for a couple of days and disconnected detainees. The guidelines for telephone access at El Centro SPC are included in the Detainee Handbook.⁵²

⁴² Detention Operations Manual, Detainee Services, Standard 17, Section III.I.H.1.

⁴³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.H.1.

⁴⁴ See Detainee Handbook at 16.

⁴⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.H.7.

⁴⁶ Detainee Handbook at 15.

⁴⁷ Detainee Handbook at 15.

⁴⁸ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

⁴⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

⁵⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

⁵¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.D.

⁵² Detainee Handbook at 10-12.

However, these guidelines are not posted anywhere in the housing units. The delegation observed phones in some of the recreation areas, with nearby bulletin boards listing various telephone numbers, including consular telephone numbers.⁵³ There are 2-4 indoor phones in each unit, which house between 60 and 80 detainees.⁵⁴ There are an additional 2-4 phones in each of the barrack's outdoor recreation areas.

SFO (b)(6), (b)(7)c reported that the phones are inspected daily to ensure they are in proper working order. However, Detainee A reported that the phones in his barrack had not worked for the last couple of days and that they continuously disconnected detainees trying to call out.⁵⁶

2. Direct Calls and Free Calls

The *Standards* require that detainees be permitted to make direct phone calls to the following organizations, even if telephone service is generally limited to collect calls: (1) local immigration court and Board of Immigration Appeals; (2) Federal & State courts where the detainee is or may become involved in a legal proceeding; (3) consular officials; (4) legal service providers, in pursuit of legal representation or to engage in consultation concerning his/her expedited removal case; (5) a government office, to obtain documents relevant to his/her immigration case; and (6) in a personal or family emergency, or when the detainee can otherwise demonstrate a compelling need.⁵⁷ The facility may not require indigent detainees to pay for the types of calls listed above if they are local, nor for non-local calls if there is a compelling need, nor may it make the receiving party accept charges.⁵⁸

It is unclear whether El Centro SPC meets this section of the *Standards*; according to facility staff, detainees may be unable to make calls without charge. OIC (b)(6), (b)(7)c reported that detainees can make free calls to the required numbers using the pre-programmed phone numbers listed in each barrack. However, it appears that detainees are not allowed to make any free direct phone calls. According to Officer (b)(6), (b)(7)c, the preprogrammed phone numbers listed on the bulletin boards in the barracks are for organizations that have agreed to accept collect calls from the detainees.⁵⁹ Further, it appears as though

⁵³ Observations of delegation member (b)(6)

⁵⁴ Observations of delegation member (b)(6).

⁵⁵ Delegation interview with SFO (b)(6), (b)(7)c

⁵⁶ Notes of delegation members (b)(6) on interview with Detainee A.

⁵⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

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

⁵⁹ Notes of delegation member (b)(6) on interview with Officer (b)(6), (b)(7)c

detainees are unable to make collect calls at no charge.⁶⁰ The three detainees interviewed reported that a calling card is needed for every phone call made from the facility. The telephones are equipped with debit card systems, with instructions in English and Spanish.⁶¹ Detainees are able to purchase debit cards in \$5.00, \$10.00 or \$25.00 increments. The cards enable detainees to make a local call up to 30 minutes long for \$0.85.⁶² Long distance calls are charged at \$0.18 per minute in addition to the \$0.85 connection fee. Calls to foreign countries vary from \$0.75-\$1.00 per minute.⁶³

3. Telephone Calls to Legal Representatives

The *Standards* state that a facility may not limit the number of calls placed to a legal representative, nor limit the duration of calls by rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones.⁶⁴ If it is absolutely necessary to place limits, the duration of calls may not be less than 20 minutes. Privacy should be ensured for all telephone calls regarding legal matters and legal calls may not be monitored, absent a court order. The *Standards* suggest the following mechanisms to ensure privacy: (1) privacy panels; (2) placing telephones in a location where conversations may not be readily overheard by other detainees or facility staff; or (3) allowing detainees to use an office telephone to make confidential calls regarding their legal proceedings.⁶⁵

It is unclear whether El Centro SPC meets this section of the *Standards*; detainees reported that phone calls are cut off after 15 or 20 minutes, and that they are monitored. In addition, telephones do not afford privacy. According to OIC (b)(6), (b)(7)c and SFO (b)(6), (b)(7)c calls to attorneys are not limited in number or duration. However, Detainee A reported that all phone calls are automatically shut off after around 15 to 20 minutes. Likewise, Detainee C reported that the calling cards automatically disconnect after 20 minutes. Although detainees can call right back, they are charged an additional connection fee for the second phone call.

OIC (b)(6), (b)(7)c reported that no telephone calls are monitored by the facility because it does not have the technology to do so. However, Detainee A reports that he was told that all phone calls are subject to monitoring and did not know of any way to request a phone call not be monitored. Detainee B, who communicates through his sister to his lawyer, commented that all phone calls to his sister are monitored by the facility. In addition to monitoring concerns, the detainees are afforded almost no privacy when making phone calls. All phones are grouped

⁶⁰ Delegation member Allison Hart attempted to make a collect call to her home phone number on several of the phones in the detention center. A recorded message reported “that number is restricted.”

⁶¹ Observations of delegation member (b)(6)

⁶² Notes of delegation member (b)(6), on interview with Officer (b)(6), (b)(7)c

⁶³ Notes of delegation member (b)(6), on interview with Officer (b)(6), (b)(7)c

⁶⁴ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

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

close together in common areas and do not have any privacy panels.⁶⁶ The phones are in a visible, open environment, surrounded by other detainees and/or guards. The detainees interviewed confirmed that they have no privacy when making calls, saying that “all phones are out in the open” and that the phones are “always in the breezeway.”⁶⁷

The *Standards* require SPCs to deliver messages to detainees no fewer than three times a day.⁶⁸ However, Officer (b)(6), (b)(7)c reported that messages are given to detainees at El Centro SPC once daily, unless there is an emergency.

C. Legal Materials

The *Standards* require El Centro SPC to maintain a law library (and related services, such as photocopying and mail service) so that detainees may participate in legal proceedings concerning their detention and immigration status.⁶⁹ **The El Centro SPC library does not conform to the *Standards* in all respects.**

1. Materials Identified in Attachment A of the *Standards*

The *Standards* require the El Centro SPC Library to maintain the legal materials listed in Attachment A of the Access to Legal Material chapter of the INS Detention Standards, and to post a list of its holdings in the law library.⁷⁰ These materials must be updated regularly and supplemented with timely information regarding significant regulatory and statutory changes affecting the detention and deportation of aliens. To ensure that these requirements are met, the facility must designate an employee with responsibility for updating legal materials, inspecting them weekly, maintaining them in good condition, and replacing them promptly as needed.⁷¹

El Centro SPC does not meet this *Standard*; legal materials are missing, damaged, or out of date. The El Centro library does not contain the following texts listed on Attachment A of the *Access to Legal Material* section of the *Detention Operations Manual*:

1. *Guide for Immigration Advocates*;
2. *Lawyer’s Committee Handbook on Representing Asylum Applicants*
3. *Legal Research & Writing: Some Starting Points*⁷²

⁶⁶ Observations of delegation member (b)(6)

⁶⁷ Interviews with Detainees A and B.

⁶⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

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

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

⁷¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

⁷² The library does contain *Gilbert Law Summaries: Legal Research, Writing & Analysis* as a substitute. Observations of delegation members (b)(6)

4. *Directory of Nonprofit Agencies that Assist Persons in Immigration Matters.*

The library also does not contain a copy of the Florence Project's "Know Your Rights" packet. The following materials are in the library, but are out of date. Instead, they are current only to the year listed in parentheses:

1. *Code of Federal Regulations, Title 8, Aliens and Nationality (1997)*
2. *Country Reports on Human Rights Practices (2002)*
3. *Human Rights Watch – World Report (2005)*
4. *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status (1992)*
5. *United States Code, Title 28, Rules, Appellate Procedure Pamphlets I+II (2004)*
6. *Federal Criminal Code and Rules (2002)*
7. *Criminal Procedure (Hornbook) (2001)*
8. *Legal Research in a Nutshell (2000).*

The library maintains a list of holdings that is available to detainees upon request. However, the list is not posted in clear view as required by the *Standards*,⁷³ and one detainee was unaware that it was available.⁷⁴

Recreation Officer (b)(6), (b)(7) is in charge of the library and states that he inspects library materials regularly. In addition, Agent (b)(6), (b)(7) reported that Judge (b)(6) a local immigration judge, "inspects the library [to make sure it is up to date] and considers it his pet project."⁷⁵ The library also has the following procedures in place to prevent the loss or destruction of materials: (1) books are checked out to detainees and inspected when returned; (2) detainees are patted down when they leave the library, and, (3) two officers supervise library time.⁷⁶ Nevertheless, Detainees A and Detainee B stated that legal materials are often damaged or missing.⁷⁷

2. Library Conditions

The *Standards* require El Centro SPC to house its law library in a designated well-lit room which is reasonably isolated from noisy areas and has sufficient space to facilitate

⁷³ Notes of delegation member (b)(6), on interview with Officer (b)(6), (b)(7). See Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

⁷⁴ Notes of delegation members (b)(6) on interview with Detainee B.

⁷⁵ Notes of delegation member (b)(6), on interview with Agent (b)(6), (b)(7).

⁷⁶ Notes of delegation member (b)(6), on interview with Officer (b)(6), (b)(7).

⁷⁷ Interviews with Detainees A and B.

detainees' legal research and writing.⁷⁸ It must contain a sufficient number of tables, chairs, typewriters or computers, and office supplies.⁷⁹ The facility should designate an employee with responsibility to inspect the equipment at least weekly and ensure that it is in good working order, and to stock sufficient supplies.⁸⁰

El Centro SPC substantially meets this section of the *Standards*, although the photocopier was in need of repair. El Centro SPC houses its law library in a clean, well-lit place removed from foot traffic and other noise.⁸¹ The library has a maximum capacity of twenty and contains five computers, several typewriters, one printer and one copier (both used exclusively for printing legal documents).⁸² Each barrack and each detainee housed in the SMU may access the library for one hour per day, and apparently only a fraction of detainees use the library on any given day.⁸³ The printer and the copier, along with all legal materials, are housed in a separate room adjoining the main library room.⁸⁴ Officer (b)(6), (b)(7) reported that he personally inspects equipment and restocks supplies on a daily basis.⁸⁵ Nevertheless, Detainee C reported that the copier had been broken for more than one week.⁸⁶ On the other hand, Detainee A reported that writing supplies are always provided and that they are generally adequate.⁸⁷

The *Standards* require the facility, with the assistance of ICE District Counsel, to respond to written requests for additional legal material not available in the library in a timely manner.⁸⁸ Officer (b)(6), (b)(7) stated that requests for library materials not contained in the facility are forwarded to District Counsel.⁸⁹ The *Standards* also require the facility to accept submissions of published legal materials from outside persons or organizations, or to provide written explanation if the facility rejects such material. With respect to submission of unpublished legal materials, the *Standards* require the facility immediately to forward such material to ICE for

⁷⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.A-B.

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

⁸⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.A-B.

⁸¹ Delegation observations.

⁸² Delegation observations.

⁸³ Notes of delegation members (b)(6) on interview with Detainee B.

⁸⁴ Observations of delegation member (b)(6).

⁸⁵ Notes of delegation member (b)(6) on interview with Officer (b)(6), (b)(7)c

⁸⁶ Notes of delegation members (b)(6), on interview with Detainee C.

⁸⁷ Notes of delegation members (b)(6) on interview with Detainee A.

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

⁸⁹ Notes of delegation member (b)(6) on interview with Officer (b)(6), (b)(7)c

review and approval.⁹⁰ Officer (b)(6), (b)(7) stated that the library willingly accepts donations of materials but does not follow different procedures for published and unpublished materials. He does not remember ever refusing to accept materials, but stated that the donor would be notified in writing were the donation to be rejected.⁹¹

3. Photocopies and Mailing Materials

The *Standards* require the facility to ensure that detainees can obtain photocopies of legal material, when such copies are reasonable and necessary for a legal proceeding involving the detainee.⁹²

El Centro SPC meets this section of the *Standards*. Officer Ayon stated that the library will photocopy any reasonable quantity of legal materials, and no detainee interviewed said that library staff had ever refused legal photocopy requests.⁹³ As noted above, Detainee C indicated that the copier was not always in working order.

4. Access to the Library, Equipment and Holdings

The *Standards* require the facility to permit all detainees, regardless of housing or classification, to use the law library on a regular basis, but at least for five hours (5) per week.⁹⁴ Detainees may not be forced to forgo their minimum required recreation time to use the law library.⁹⁵ Additionally, the *Standards* require the facility in scheduling library access to take into consideration rules or regulations that prohibit or regulate the intermingling of differently classed detainees.⁹⁶ The *Standards* require the facility to: (1) accommodate detainee requests for additional time in the law library “to the extent possible, consistent with the orderly and secure operation of the facility”; and (2) give special priority to requests for additional library time from detainees facing court deadlines.⁹⁷ The *Standards* also require that the facility grant requests for access to stored legal material “as soon as possible, but no later than 24 hours after receipt of the detainee request, unless documented security concerns preclude action within this time frame.”⁹⁸

⁹⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.D.

⁹¹ Notes of delegation member (b)(6), on interview with Officer (b)(6), (b)(7)c

⁹² Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

⁹³ Notes of delegation member (b)(6) on interview with Officer (b)(6), (b)(7)c delegation interviews with Detainees A, B, and C.

⁹⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁹⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁹⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁹⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁹⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

It is unclear to what extent El Centro SPC meets this section of the *Standards*; one detainee reported that sometimes detainees must choose between recreation and library time. In addition, additional time in the law library is not permitted absent proof of an upcoming court date. Finally, there is no posted list of the library's holdings, and one detainee was not aware that a list was available. Detainees at El Centro SPC may access the library seven (7) hours per week, two (2) more hours than the *Standards*' minimum requirement. Each barrack receives access to the library separately, so differently-classified detainees are never together in the library. Officer (b)(6), (b)(7) states that library time is in addition to, not instead of, recreation time. Detainee A disagreed, however, stating that detainees sometimes had to choose between recreation and library time.⁹⁹

Detainees at El Centro SPC may not request additional library time absent proof of an upcoming court date.¹⁰⁰ Library staff maintains a manila folder labeled "Denied Requests," which contains requests for additional time unaccompanied by such documentation.¹⁰¹ While according to the *Standards*, special priority is to be given to those requests from detainees facing court deadlines, requests for additional time from others also should be accommodated "consistent with the orderly and secure operation of the facility." The facility's policy on additional library time seems overly restrictive, since there is no indication that providing additional time to all requestors would compromise facility security or limit the access of those facing court deadlines.

Detainee B reported that he often is unable to access LEXIS immigration law software because only one computer has the software installed.¹⁰² Detainee B also reported that detainees are unable to access the adjoining room containing legal materials but instead must request materials using a card catalog system.¹⁰³ Detainee B said that this policy makes it difficult to know what materials the library contains; he was not aware that a list of materials was available upon request.¹⁰⁴ The detainees' lack of knowledge is exacerbated by the fact that the law library does not post a list of available materials.¹⁰⁵

⁹⁹ Notes of delegation members (b)(6) on interview with Detainee A.

¹⁰⁰ Notes of delegation member (b)(6) on interview with Officer (b)(6), (b)(7)c

¹⁰¹ Observations of delegation member (b)(6)

¹⁰² Notes of delegation members (b)(6) (b)(6), on interview with Detainee B.

¹⁰³ Notes of delegation members A (b)(6) (b)(6) on interview with Detainee B.

¹⁰⁴ Notes of delegation members (b)(6) on interview with Detainee B.

¹⁰⁵ Observations of delegation member (b)(6)

Detainee B also reported concerns with being able to access his legal materials that the facility holds for him in on-site storage.¹⁰⁶ Detainee B stated that the facility had recently warned the detainees that officers would be destroying all of the stored legal material unless a detainee could prove that the materials were being used.¹⁰⁷

5. Assistance for Illiterate and Non-English Speakers

The *Standards* require the facility to permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.¹⁰⁸ The *Standards* also require the facility to establish procedures to assist illiterate and non-English speaking detainees who wish to pursue legal claims related to their immigration proceedings or detention.¹⁰⁹ These procedures may include: (1) helping the detainee obtain assistance in using the law library and drafting legal documents from detainees with appropriate language, reading, and writing abilities; and (2) assistance in contacting *pro-bono* legal-assistance organizations.¹¹⁰

El Centro SPC substantially meets this section of the *Standards*, but the facility does not assist non-English speaking detainees. The facility's off-site telephone translation service is not available to assist non-English speakers in performing legal research and writing.¹¹¹ Officer (b)(6), (b)(7) stated, however, that the library encourages detainees to provide assistance to other detainees, and that many do.¹¹² This observation was confirmed by Detainee B, who said that detainees often assist each other with their immigration applications.¹¹³

¹⁰⁶ Notes of delegation members (b)(6) on interview with Detainee B.

¹⁰⁷ Notes of delegation members (b)(6) on interview with Detainee B.

¹⁰⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

¹⁰⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.L.

¹¹⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.L.

¹¹¹ Delegation interview with OIC (b)(6), (b)(7)c

¹¹² Notes of delegation members (b)(6), (b)(7)c (b)(6) on interview with Officer (b)(6), (b)(7)c

¹¹³ Notes of delegation members (b)(6) on interview with Detainee B.

D. Group Rights Presentations

The *Standards* require the facility to permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of the facility.¹¹⁴

It is unclear whether detainees at El Centro SPC see the Florence Project’s Know Your Rights video. OIC (b)(6), (b)(7)c stated that no groups had requested to make presentations within the last two years, and that he could not remember the last group that had made a presentation. OIC (b)(6), (b)(7)c also said that all detainees are shown the Florence Project’s “Know Your Rights” video on intake, but only one of the three detainees interviewed recalled seeing the video.¹¹⁵ The intake center had television monitors and appeared to be showing an informational video, but time constraints prevented the delegation from verifying what video was being shown. Officer (b)(6), (b)(7)c stated that the video was the “Know Your Rights” video.¹¹⁶

E. Correspondence and Mail

Under the *Standards*, all facilities should ensure that detainees can send and receive correspondence in a timely manner, subject to limitations required for the safety, security, and orderly operation of the facility.¹¹⁷ The *Standards* also mandate that incoming mail should be delivered to the detainee within 24 hours of receipt by the facility, and outgoing mail should be delivered to the postal service within the same time frame.¹¹⁸ If incoming mail is confiscated or withheld, the detainee shall receive a receipt for the withheld item.¹¹⁹ The *Standards* also require each individual facility to widely distribute its guidelines concerning correspondence and other mail.¹²⁰

El Centro SPC apparently does not meet this Standard; according to detainees, outgoing mail is opened, and incoming mail is withheld without notice to detainees. At El Centro SPC, there is a mail room that is located inside the indoor recreation room so that all detainees may easily access the facility. All detainees interviewed were aware of the location of and general procedures of the mail facility. El Centro SPC distributes guidelines concerning correspondence and other mail through the Detainee Handbook. Specifically, the Handbook states there is no limit on the volume of letters that a detainee may send or receive, nor any limit on the length, language, content or source of mail or

¹¹⁴ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹¹⁵ Interview with OIC (b)(6), (b)(7)c and notes of delegation member Allison Hart.

¹¹⁶ Notes of delegation member (b)(6) on interview with Officer (b)(6), (b)(7)c

¹¹⁷ Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹¹⁸ Detainee Operations Manual, Detainee Services, Standard 3, Section III.C.

¹¹⁹ Detainee Operations Manual, Detainee Services, Standard 3, Section III.G.

¹²⁰ Detention Operations Manual, Detainee Services, Standard 3, Section I.

publications.¹²¹ The only exception would be if there was a reasonable belief that limitation was necessary to protect the public safety or facility order and security.¹²² None of the detainees interviewed had encountered any problems with limits on incoming or outgoing mail.

The Handbook also provides that all incoming mail received by a detainee is subject to search for contraband.¹²³ This search is to be performed in the presence of the detainee, although the OIC may authorize inspection without the detainee's presence for security reasons.¹²⁴ One detainee expressed a problem with the mail searches – he stated that his outgoing mail to a relative had been opened after he had given it to his deportation officer for mailing.¹²⁵ This suggests a serious violation of the *Standards*, since outgoing mail searches are not permitted under any circumstances.

The detainees said that both incoming and outgoing mail are delayed one to three days.¹²⁶ In addition, one detainee reported that he never received some mail that was sent to him by his parents. Instead, the mail was returned unopened to his parents without notification to him.¹²⁷ Similarly to the *Standard*, the Detainee Handbook states that if any incoming or outgoing mail is rejected by the OIC for security reasons, the detainee is to be notified and given a receipt of what was rejected.¹²⁸ Neither of these procedures were followed in this detainee's case.

The *Standards* provide that the OIC shall establish procedures to provide indigent detainees with postage at government expense.¹²⁹ Alternatively, the facility is to provide a system for non-indigent detainees to purchase stamps.¹³⁰ According to the detainees interviewed, El Centro SPC provides free stamps, envelopes and writing instruments for all detainees regardless of their financial status.¹³¹

¹²¹ See Detainee Handbook at 17.

¹²² See Detainee Handbook at 17.

¹²³ Detainee Handbook at 18.

¹²⁴ Detainee Handbook at 18.

¹²⁵ Notes of delegation member [REDACTED] (b)(6) on interview with Detainee C.

¹²⁶ Interviews with Detainees A, C, and B.

¹²⁷ Notes of delegation members [REDACTED] (b)(6) on interview with Detainee B.

¹²⁸ See Detainee Handbook at 18.

¹²⁹ Detainee Operations Manual, Detainee Services, Standard 3, Section III.I.; Standard 1, Section III.N.

¹³⁰ Detainee Operations Manual, Detainee Services, Standard 3, Section III.B.

¹³¹ Interview with Detainees A, B, and C.

F. Other

1. Detainee Handbook

According to the *Standards*, every OIC is required to develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules and procedures at the facility.¹³² The handbook should also describe the services, programs, and opportunities available through various sources, including the facility, ICE, private organizations, etc.¹³³ The *Standards* also require that every detainee receive a copy of this handbook upon admission to the facility.¹³⁴ The *Standards* state that the OIC will provide translation assistance to those detainees with literacy or language issues, though only if the detainee requests it.¹³⁵

El Centro SPC substantially meets this *Standard*, although it is unclear whether new rules are posted, and the Handbook could be made available in other languages spoken by detainees. According to the Detention Handbook, El Centro SPC staff give each detainee a handbook upon arrival.¹³⁶ OIC (b)(6), (b)(7)(c) reported that changes to the Handbook are posted in the barracks and a revised version of the Handbook is issued when enough notices have accumulated.¹³⁷ Only one updated rule was posted in the barracks; it was dated 2004.¹³⁸ In addition, the Handbook is only available in English and Spanish, even though detainees with other native languages are housed at El Centro SPC.

All detainees interviewed at El Centro SPC were familiar with and had received a copy of the Detainee Handbook. The El Centro Handbook was translated into both English and Spanish.

The content of the Handbook appears to comply with all of the requirements set out by the *Standards*.

2. Grievances

The *Standards* provide that each facility must develop standard operating procedures that address grievances and must guarantee against any reprisals.¹³⁹ The procedures must establish a reasonable time limit for providing written responses to detainees who file

¹³² Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹³³ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹³⁴ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹³⁵ Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

¹³⁶ See El Centro SPC Detainee Handbook (“Detainee Handbook”).

¹³⁷ Notes of delegation member (b)(6) on interview with OIC (b)(6), (b)(7)(c)

¹³⁸ Observation of delegation member (b)(6)

¹³⁹ Detainee Operations Manual, Detainee Services, Standard 5, Section I.

grievances.¹⁴⁰ The OIC must allow detainees to submit formal, written grievances.¹⁴¹ An informal procedure must also be in place for a detainee to present his or her concern to any staff member at any time.¹⁴² The Detainee Handbook must provide notice of the procedures for filing a grievance and appeal, including the availability of assistance in preparing a grievance.¹⁴³

It is unclear whether El Centro SPC fully meets this *Standard* The Detainee Handbook recommends informal resolution of grievances, which the Handbook describes as an interaction between the detainee and the on-duty Supervisory Immigration Enforcement Agent.¹⁴⁴ According to the Detainee Handbook, grievances are handled initially from the lowest level. The detainee must first contact the shift supervisor and state the grievance.¹⁴⁵ If the supervisor is not able to resolve the complaint, the detainee may submit a written grievance form within five (5) days of the day of the event, or the conclusion of an informal grievance.¹⁴⁶ The formal grievance form goes from the shift supervisor to the on-duty Supervisory Immigration Enforcement Agent (for processing by the appropriate department head) and from there to a Detainee Grievance Committee.¹⁴⁷ The committee will purportedly convene to study the grievance within five (5) working days of the “appeal.”¹⁴⁸ If the detainee still unsatisfied, he may appeal the decision to the OIC for a final decision.¹⁴⁹

One detainee filed two grievances, but only one grievance received a response.¹⁵⁰ None of the detainees interviewed had utilized the appeal process.

According to the Detainee Handbook, if the detainee claims that the issue is sensitive, he may send a sealed envelope directly to the OIC marked “Sensitive,” which must include an explanation for circumventing the chain of command.¹⁵¹ The detainees also have the

¹⁴⁰ Detainee Operations Manual, Detainee Services, Standard 5, Section I.

¹⁴¹ Detainee Operations Manual, Detainee Services, Standard 5, Section III.A.2.

¹⁴² Detainee Operations Manual, Detainee Services, Standard 5, Section I.

¹⁴³ Detainee Operations Manual, Detainee Services, Standard 5, Section III.G.

¹⁴⁴ See Detainee Handbook at 29.

¹⁴⁵ See Detainee Handbook at 29.

¹⁴⁶ See Detainee Handbook at 29.

¹⁴⁷ See Detainee Handbook at 30.

¹⁴⁸ See Detainee Handbook at 30.

¹⁴⁹ See Detainee Handbook at 30.

¹⁵⁰ Notes of delegation members [REDACTED] (b)(6), on interview with Detainee A. On one occasion, Detainee A informed Lieutenant [REDACTED] (b)(6), (b)(7)(c) that his phone card was not working properly and he received a reimbursement of \$10.00 three weeks later. More recently, Detainee A notified Lieutenant [REDACTED] (b)(6), (b)(7)(c) that the vending machines were malfunctioning but has yet to hear a response.

¹⁵¹ See Detainee Handbook at 30.

option to file a grievance directly through the mail with the Assistant Field Operation Director of Detention and Removal whose address is provided in the Detainee Handbook.¹⁵² In such cases, the detainee must explain the reason for not filing the complaint in the institution.¹⁵³ If the detainee has a complaint of officer misconduct, he may also complain directly to the Department of Justice, whose phone number is provided in the Handbook.¹⁵⁴

According to the Handbook, in preparing a grievance, a detainee may obtain assistance from another detainee, housing officer or facility staff, or outside legal counsel.¹⁵⁵ However, no detainee may submit a grievance on another detainee's behalf.¹⁵⁶ Copies of any grievances are maintained in the detainee's detention file for three (3) years.¹⁵⁷ According to the Handbook, El Centro SPC staff will not accept the detainee's need to obtain assistance as justification for exceeding the time limit on submissions, unless staff caused the delay.¹⁵⁸

The Handbook states that no harassment, punishment or disciplinary action will result for a detainee who seeks resolution of legitimate complaints in good faith.¹⁵⁹ However, it states that it will return, unprocessed, those grievances that demonstrate a pattern of abuse of the grievance system resulting in unnecessary burdens at the expense of legitimate complaints, and continued abuse may result in an adverse action initiated against the detainee.¹⁶⁰ One detainee described the officers as helpful and open to complaints.¹⁶¹

3. Religious Issues

The Standards provide that “[d]etainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths. These opportunities will exist for all equally, regardless of the number of practitioners of a given religion [or] whether the religion is ‘mainstream.’”¹⁶²

¹⁵² See Detainee Handbook at 30.

¹⁵³ See Detainee Handbook at 30.

¹⁵⁴ See Detainee Handbook at 31.

¹⁵⁵ Detainee Handbook at 30.

¹⁵⁶ See Detainee Handbook at 30.

¹⁵⁷ Detainee Handbook at 29.

¹⁵⁸ Detainee Handbook at 30.

¹⁵⁹ See Detainee Handbook at 30.

¹⁶⁰ See Detainee Handbook at 30.

¹⁶¹ Notes of delegation members [REDACTED] (b)(6) on interview with Detainee A.

¹⁶² Detention Operations Manual, Detainee Services, Standard 14, Section I.

El Centro SPC meets this Standard. The Detainee Handbook for the facility reiterates a policy of extending detainees the freedom and opportunity to pursue any legitimate religious belief or practice within the constraints of security and safety considerations.¹⁶³

At El Centro SPC, detainees have access to at least some religious services. The Detainee Handbook for the facility states that “[a]ll detainees shall have access to religious resources, services, instruction, and counseling on a voluntary basis.” It goes on to state that the “primary religious faith at the facility, as represented by a majority of detained aliens, is Catholic.”¹⁶⁴ Therefore, “Mass is conducted on Sunday evening,” and an “auxiliary unit of the Catholic support program enters the facility at various times throughout the week...[to provide] inspirational music....and [hold] ... seminars or discussion groups.”¹⁶⁵ Detainee C confirmed that Catholic Mass Services are regularly held at the facility.

For “minority religions,” the Detainee Handbook states that detainees may request access to representative religious leaders. However, the detainee must place his request with a “primary religious provider for the facility,” and the “[r]eligious providers attempt to ensure that representatives from minority religions are available upon substantial requests.”¹⁶⁶

Detainees are allowed to retain such articles as crosses, bibles, and other religious items, as required under the *Standards*.¹⁶⁷ No detainees reported any problems retaining such items.

4. Medical Care

The *Standards* set forth a broad policy that “detainees ... have access to medical services that promote detainee health and general well-being.”¹⁶⁸ The *Standards* require that detainees be provided with an initial medical screening and have access to primary care, and emergency care.¹⁶⁹ Although emergency dental care is required, “[r]outine dental treatment may be provided to detainees from whom dental treatment is inaccessible for prolonged periods because of detention for over six months.”¹⁷⁰ The facilities are also required to employ a medical staff large enough to perform basic exams and treatments for all detainees.¹⁷¹

¹⁶³ Detainee Handbook at 12.

¹⁶⁴ Detainee Handbook at 12.

¹⁶⁵ Detainee Handbook at 12.

¹⁶⁶ Detainee Handbook at 12.

¹⁶⁷ Detention Operations Manual, Detainee Services, Standard 14, Section III.K.

¹⁶⁸ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁶⁹ Detention Operations Manual, Health Services, Standard 2, Section III.A.

¹⁷⁰ Detention Operations Manual, Health Services, Standard 2, Section III.E.2.

¹⁷¹ Detention Operations Manual, Health Services, Standard 2, Section III.A.

The facilities in El Centro are operated by U.S. Public Health Services personnel, and generally appear to meet ICE standards. The El Centro medical facility includes a nurses' screening room, an x-ray room, an infirmary with about four patient rooms (including two rooms specially equipped for patients with airborne communicable diseases), a records room, a dental office, a pharmacy, and a social worker's office.¹⁷² The facility has a daily staff of one doctor, two mid-level physicians' assistants and two nurses.¹⁷³ It also keeps a small nighttime staff of two nurses to ensure 24-hour care.¹⁷⁴ In addition, the facility has arrangements with a number of local health care providers to provide specialty services.¹⁷⁵ For example, a psychiatrist comes every two weeks to prescribe medicine to the detainees, and mental health counselors are on-call for the facility.

An initial medical screening is conducted upon arrival for new detainees at El Centro SPC.¹⁷⁶ This includes, in accordance with ICE standards, an x-ray test to examine for tuberculosis.¹⁷⁷ Results of the tuberculosis exam are available within four hours, and, if tuberculosis is found, the detainee is isolated from other detainees for the remainder of his treatment.¹⁷⁸

For non-emergency health care, detainees are required to request a Sick Call. To request a Sick Call, detainees must ask for a Sick Call slip from a housing officer, fill it out, and place it in one of the designated boxes, which are mounted on the wall of the dining hall and in the barracks.¹⁷⁹ The procedure for making Sick Calls is outlined in the Detainee Handbook, but the types of medical care available are not described in detail.¹⁸⁰ Detainee A reported that it takes about two days to obtain medical care after submitting a Sick Call.¹⁸¹ If a detainee is ill after Sick Call hours, he must notify the Housing Unit Officer who will contact the on-duty medical staff member.¹⁸²

¹⁷² Observations of delegation member [redacted] (b)(6)

¹⁷³ Notes of delegation member [redacted] on interview with Captain [redacted]

¹⁷⁴ Notes of delegation member [redacted] (b)(6) on interview with Captain [redacted] (b)(6), (b)(7)c

¹⁷⁵ Notes of delegation member [redacted] on interview with Captain [redacted]

¹⁷⁶ Notes of delegation member [redacted] on interview with Captain [redacted]

¹⁷⁷ Detention Operations Manual, Health Services, Standard 2, Section III.D.

¹⁷⁸ Notes of delegation member [redacted] (b)(6) on interview with Captain [redacted] (6), (b)(7)

¹⁷⁹ See Detainee Handbook at 31; notes of delegation member [redacted] (b)(6)

¹⁸⁰ Detainee Handbook at 31.

¹⁸¹ Notes of delegation members [redacted] (b)(6) on interview with Detainee A.

¹⁸² Detainee Handbook at 8.

Detainees are not screened for HIV or AIDS as a general policy. According to Captain (b)(6), (b)(7)c, detainees who have AIDS, or are HIV positive, are sometimes transferred to other ICE facilities for specialty care.¹⁸³

5. Accommodations

a. General Population

Except for those housed in the SMU, the detainees are housed in one of eight barracks, all of which are “open,” with approximately 65-80 detainees sleeping in bunk beds that are bolted to the floor.¹⁸⁴ When the delegation walked through, detainees were sitting on bunks in groups, talking. The barracks have bathrooms, phones, and sitting areas. There are small lockers for detainees to keep personal belongings, such as photos, books, addresses, paper and pencil, legal materials and religious articles.¹⁸⁵ The barracks also have fenced-in outdoor areas where detainees appear free to go at their leisure.¹⁸⁶

b. Special Management Unit

The *Standards* require that each detention facility establish a Special Management Unit (SMU) to isolate certain detainees from the general population.¹⁸⁷ The SMU must have two sections: one for Administrative Segregation, and one for Disciplinary Segregation.¹⁸⁸ Detainees in segregation are entitled to telephone access similar to that provided to detainees in the general population, but in a manner consistent with security and safety requirements.¹⁸⁹

El Centro SPC does not fully meet these sections of the *Standards*; there is no telephone privacy. In addition, one detainee reported that violent or disruptive detainees are segregated for only a short time, and then re-released into the general population, leading to further violent incidents. The El Centro facility’s SMU has a capacity of 18 men, each kept in a separate, small cell behind a solid metal door.¹⁹⁰ Twelve men were in the SMU

¹⁸³ Notes of delegation member (b)(6) on interview with Captain (b)(6), (b)(7)c

¹⁸⁴ Delegation interview with Officer (b)(6), (b)(7)c

¹⁸⁵ Observations of delegation member (b)(6)

¹⁸⁶ Observations of (b)(6)

¹⁸⁷ Detention Operations Manual, Detainee Services, Standard 14, Section I.

¹⁸⁸ Detention Operations Manual, Security and Control, Standard 13, Section I, and Standard 14, Section I.

¹⁸⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.G; and Security and Control, Standard 13, Section III.D.16.

¹⁹⁰ Delegation interview with Officer (b)(6), (b)(7)c

when we visited.¹⁹¹ Eleven of the detainees in the SMU were Level Three detainees.¹⁹² The other man was a transgendered individual who was in the SMU for protective custody purposes.¹⁹³

SMU detainees in segregation have their meals brought to them from the dining hall.¹⁹⁴ Food is passed to SMU detainees through a slot in the door. SMU detainees recreate on the same terms as (although separately from) the general population.¹⁹⁵ When SMU detainees wish to use the phone, they must do so in a small room located at the end of the unit.¹⁹⁶ Two guards are stationed in that room at all times when the detainee is on the phone, preventing any privacy.¹⁹⁷

Despite OIC (b)(6), (b)(7)c assertion that violent detainees are kept away from the general population,¹⁹⁸ Detainee B reported that El Centro SPC routinely reintroduces violent or disruptive detainees into the general detention center population after holding them in the SMU for only 72 hours after fights or other incidents of violence.¹⁹⁹ Detainee B thought this policy was responsible for what he estimates to be three violent incidents during the month of June, and 10 to 11 incidents since January 2006.²⁰⁰

6. Recreation

The *Standards* require that “all facilities shall provide ICE detainees with access to recreational programs and activities, under conditions of security and supervision that protect their safety and welfare.”²⁰¹ In addition, the *Standards* provide that “[e]very effort shall be made to place a detainee in a facility that provides outdoor recreation. If a facility does not have an outdoor area, a large recreation room with exercise equipment and access to sunlight will be

¹⁹¹ Notes of delegation member (b)(6), (b)(7)c on interview with Officer (b)(6), (b)(7)c

¹⁹² Notes of delegation member (b)(6), (b)(7)c on interview with Officer (b)(6), (b)(7)c

¹⁹³ Notes of delegation member (b)(6) on interview with Officer (b)(6), (b)(7)c

¹⁹⁴ Notes of delegation member (b)(6), (b)(7)c on interview with Officer (b)(6), (b)(7)c

¹⁹⁵ Notes of delegation member (b)(6), (b)(7)c on interview with Officer (b)(6), (b)(7)c

¹⁹⁶ Delegation observations, and interview with Officer (b)(6), (b)(7)c

¹⁹⁷ Notes of delegation member (b)(6) on interview with Officer (b)(6), (b)(7)c

¹⁹⁸ Delegation interview with OIC (b)(6), (b)(7)c

¹⁹⁹ Notes of delegation member (b)(6) on interview with Detainee B.

²⁰⁰ Notes of delegation member (b)(6) on interview with Detainee B.

²⁰¹ Detention Operations Manual, Detainee Services, Standard 13, Section I.

provided.”²⁰² Where outdoor recreation is available, each detainee must have access to at least one hour per day of recreation, five (5) days a week, weather permitting.²⁰³

El Centro SPC substantially meets this *Standard*, although one detainee reported that he must choose between recreation and library time, and another that they are only allotted 45 minutes per day. The El Centro recreation facility consists of a large outdoor field as well as a sizeable indoor facility. Detainees are generally allowed access to the facility one (1) hour per day, at least five (5) days per week.²⁰⁴ Recreation is available to detainees held in segregation on the same terms, although such detainees may not recreate with the general population, nor, in certain instances, with other detainees held in segregation.²⁰⁵ Detainee A said that he is required to choose between library and recreation time, and is not allowed to do both in one day.²⁰⁶ Detainee C also stated that there are only 45 minutes allotted each day for recreation.

a. Outdoor Recreation

The outdoor recreation area consists of a large, open, dirt-covered field, suitable for playing soccer or football, along with a basketball court.²⁰⁷ Footballs, soccer balls, and other types of sports equipment are available for check-out.²⁰⁸

b. Indoor Recreation

The indoor recreation provided appears to meet the *Standards*’ basic requirement that “[d]ayrooms in general-population housing units ... offer board games, television, and other sedentary activities.”²⁰⁹ The indoor recreation facility is adjacent to the outdoor recreation area. The area is the size of a small gymnasium, with concrete floors, a large, open floor space, two ping pong tables, and two foosball tables.²¹⁰ Basketballs, ping pong balls and rackets, acoustic guitars, and other items are available for check-out.²¹¹ In addition, in the barracks there are tables with fixed board game surfaces and sunny, fenced-in outdoor smoking

²⁰² Detention Operations Manual, Detainee Services, Standard 13, Section III.A.1.

²⁰³ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.1.

²⁰⁴ Notes of delegation member (b)(6) .

²⁰⁵ Notes of delegation member (b)(6)

²⁰⁶ Notes of delegation member (b)(6) on interview with Detainee A.

²⁰⁷ Observations of delegation member (b)(6)

²⁰⁸ Observations of delegation member (b)(6)

²⁰⁹ Detention Operations Manual, Detainee Services, Standard 13, Section III.G.3.

²¹⁰ Observations of delegation member (b)(6)

²¹¹ Observations of delegation member (b)(6)

areas.²¹² The Detainee Handbook for the facility states that available indoor leisure activities include writing, card games, board games, puzzles, and art.²¹³

IV. Conclusion

El Centro SPC meets many sections of the *Standards*. However, there is room for improvement.

To meet the legal visitation standards, El Centro SPC should institute policies to allow legal visitation to run through head counts, and start a separate visitation log for legal visitors. The facility should also formalize the procedures for allowing legal assistants, law students, and experts to visit detainees.

To facilitate access to *pro bono* assistance, the facility should ensure that detainees are able call the appropriate free phone numbers without a calling card, and that the phones allow detainees to make collect calls. Further, privacy panels or some other mechanism should be installed to ensure detainees are afforded private phone calls to their legal counsel.

The facility should take additional steps to ensure privacy with respect to mail and other correspondence. Outgoing mail should not be opened by ICE guards.

Finally, to support the detainees' access to legal materials, El Centro SPC should provide access to all of the materials listed in the *Standards* and ensure that those materials are not damaged or missing. The facility should also consistently show the "Know Your Rights" video to all detainees upon arrival at El Centro SPC and maintain a copy of the "Know Your Rights" packet in the library.

²¹² Observations of delegation member

(b)(6)

²¹³ See Detainee Handbook at 31.



U.S. Immigration
and Customs
Enforcement

MEMORANDUM FOR: (b)(6), (b)(7)c
Officer-in-Charge

FROM: (b)(6), (b)(7)c
Supervisory Immigration Enforcement Agent

SUBJECT: ABA Delegation Report
Re: Response to noted discrepancies

The following is in response to ABA Commission On Immigration Tour conducted on June 27, 2006.

1. The visitation area is cramped and dimly lit. *The non-contact visitation booths are small but provide adequate space for verbal visitation. There are no plans to expand the area or to construct new visitation facilities. The lighting is within established standards.*
2. A detainee reported that visits were allowed to continue through meals, but not head counts. Another detainee reported his attorney traveled some distance but was denied visitation because it was mealtime. *If the count was an official face to card count, the visitation will be terminated or refused until to count is concluded. If a meal has started, all excess traffic is shutdown as manpower is limited and escorts may not be available.*
3. Legal assistants, law students and interpreters are not permitted to visit detainees. Attorneys are not permitted to visit with more than one detainee at a time. The logbook for legal visitors does not exist. *This facility has allowed students, assistants and others to visit detainees in an official capacity; the highest-ranking official on duty may grant permission on a case-by-case basis. Due to the limited space in the visitation booths, visitation by more than two detainees at a time is generally not permitted; however, visitation with two detainees at one time has occurred in the past. The logbook recording visitation by legal representatives was incorporated in 1993 and is still utilized. It may have been overlooked during the tour.*
4. No written policy for the exchange of documents between detainees and legal representatives. *The appropriate amendments to the positions Post Orders and the Standard Operating Procedures (SOP) are being drafted for review, comment and approval.*
- 5 – 7. The facility is in the process of working with the current provider to correct the noted discrepancies, including installation of privacy panels. It should be noted that no detainee phone call has been monitored at this facility and staff would be most interested in any factual

evidence in support of such claims. Hearsay and casual statements are not valid causes for procedural or regulation modifications.

8. Messages are given to detainees once a day unless it is an emergency. *Shift supervisors have been advised to provide messages to detainees at least once per shift.*

9. The copier in the library had been broken in the past for more than a week. *When the copier is inoperative, the staff in charge of the library will access copiers in other areas of the facility to ensure detainee documents are copied when required.*

10-11. Lack of mandatory law library materials. *Staff assigned to the law library conducts inventory audits of the required material on a monthly basis. As material becomes missing or damaged, requisitions are completed and submitted for purchase of needed material. Law library holdings are now posted.*

12. Detainees have had to forfeit recreation time for library use. *This has not been brought to management's attention through the detainee grievance procedure or through informal contacts with the detainees. There is a recreation and library use schedule separate of each other's time. If necessary, a detainee may voluntarily use his recreation period for additional law library use to complete case preparation, etc.*

13. A detainee claims the facility will destroy all stored legal materials unless it was being used. *This is an absolute falsehood. Detainees are permitted a stack of legal material, not to exceed 4" in height and may maintain the rest with his other personal effects in Processing. Access is allowed as requested and circumstances permit.*

14. Off-site telephone translation service not available for non-English speaking detainees. *The materials in the law library are provided in English and Spanish. When material in an unrepresented language is requested, the law library staff provide assistance in researching access to needed materials; either through local providers or consulates.*

15. Detainees claim incoming and outgoing mail are delayed 1 – 3 days; and one detainee claimed he did not receive his mail because it was returned. *Policy requires delivery of mail within 24-hours except for exigent circumstances. Mail is not delivered or collected on Sundays*

16. A detainee complained his outgoing mail had been opened after it was given to facility staff for mailing. *This is an assumption that the staff opened the mail, outgoing mail is only opened on authorization of the OIC; plus, outgoing mail procedures do not reflect the requirement for anyone other than the correspondence officer/agent to handle mail.*

17. Only one revised version of an amendment to the detainee handbook was posted in the barracks and handbooks are only available in English and Spanish. *There are actually six amendments to the detainee handbook and they are all posted in each barracks bulletin board. The two predominate languages encountered at this facility is English and Spanish. Assistance*

is provided to those who speak neither of these languages. Assistance may be in the form of contracted translators or commercial professional aides.

18. One detainee alleges he is required to choose between recreation time and library time. Another claims he is not afforded his recreation time because he cleans the barracks. *Detainees are not required to sacrifice recreation time in order to use the library. There have not been any complaints addressing this matter. Detainees who participate in the volunteer work program and are assigned janitorial duties within their own barracks are afforded an hour or recreation time before or after their work assignment has been completed.*

19. One detainee asserts that after serving a period of disciplinary segregation in the SMU, violent or disruptive detainees are returned to the general detainee population; causing several violent incidents after their return. *Yes, detainees who have completed a period of disciplinary segregation, as ordered by the Institutional Disciplinary Committee, are returned to the general population. However, in extreme cases or for repeat offenders, Administrative Segregation may be ordered and the detainee remains in the SMU. There have been few documented incidents where an individual released from segregation has resumed a violent course when returned to the general population.*

The American Correctional Association accredited this facility and most recently headquarters personnel audited it for compliance with national standards. All of the issues mentioned in the “tour” group’s document were audited and found in total compliance by both entities.