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**MEMORANDUM**

August 21, 2007

**To:** John P. Torres, Director, Office of Detention and Removal, Immigration and Customs Enforcement

**From:** American Bar Association Delegation to the Kenosha County Detention Center<sup>1</sup>

**Copies to:** [REDACTED] Associate Director, ABA Commission on Immigration

**Subject:** Report on Observational Tour of the Kenosha County Detention Center, Kenosha, Wisconsin

This memorandum summarizes and evaluates information gathered at Kenosha County Detention Center (“KCDC” or “the Facility”) in Kenosha, Wisconsin, during the delegation’s July 12, 2007 visit to the Facility. The information was gathered via observation of the Facility by the delegation, interviews with six detainees, and discussions with KCDC and Immigration and Customs Enforcement (“ICE”) personnel.

**I. ICE DETENTION STANDARDS**

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

The Standards went into effect at ICE-operated detention facilities on January 1, 2001. ICE intended to phase in the Standards at all of its contract and IGSA facilities by December 31, 2002. The Standards were designed to establish minimum requirements to which ICE must adhere in its facilities; and constitute a floor rather than a ceiling for the treatment of immigration detainees. Each Field Office or Officer-in-Charge has discretion to promulgate

<sup>1</sup> The delegation was comprised of attorneys and summer associates from the Chicago office of Latham & Watkins LLP, including [REDACTED] and [REDACTED]

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

polices and practices affording ICE detainees enhanced rights and protections, beyond those provided for by the *Standards*.

## II. INTRODUCTION

### A. The Delegation's Visit, July 12, 2007

On Thursday, July 12, 2007, the members of our delegation met with several members of KCDC's staff and a representative from ICE. Detention Officer Corporal [b6, b7c] and ICE Deportation Officer Agent [b6, b7c] led our delegation on a tour of the facilities.<sup>3</sup> The delegation also met with Hea [b6] and Pastor [b6], additional KCDC personnel. The delegation appreciates the co [b6] these individuals. They were direct and accommodating during our tour of the Facility.

This report is based on the discussions we had with KCDC and ICE employees, as well as observations of the Facility and interviews with six immigration detainees. In many instances, the detainees' reports were compatible with statements made by Facility personnel and/or our observations. In such cases, the delegation was able to more accurately determine whether KCDC policy and procedures successfully met the *Standards*. However, in certain instances, the detainees' reports conflicted with statements made by facility personnel. Where we were unable to reconcile the conflicting reports, the delegation was unable to determine conclusively whether the *Standards* are being met.

### B. General Information About the Kenosha County Detention Center

The Kenosha County Detention Center houses federal immigration detainees according to an IGSA with ICE. According to the KCDC personnel, the Facility has the capacity to hold 1200 individuals, with a current population of 728 inmates, of which 108 are immigration detainees.<sup>4</sup>

## III. LEGAL ACCESS STANDARDS

### A. Legal Access/Visitation

#### 1. Visitation by Attorneys

Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.<sup>5</sup> The *Standards* require that facilities permit legal visitation seven days per week.<sup>6</sup> Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend and on holidays.<sup>7</sup> The visits must be

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<sup>3</sup> Sergeant [b6, b7c] led our delegation on a tour of the Kenosha County Pre-Trial Facility. See Appendix A hereto.

<sup>4</sup> July 12, 2007 General Population Information Sheet, Ex. A hereto.

<sup>5</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

<sup>6</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

<sup>7</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

private, and should not be interrupted for head counts.<sup>8</sup> Legal visitations may proceed through scheduled meal periods.<sup>9</sup> Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.<sup>10</sup>

**KCDC has met some of this section of the *Standards*, but attorney-client meetings are recorded.**

Attorneys may visit the detainees seven days per week, and there is no limit on the number of visits allowed.<sup>11</sup> Legal visitation hours are from 8:00 a.m. to 8:00 p.m.<sup>12</sup> However, legal visits are interrupted for lunch from 11:00 a.m. to 1:00 p.m., and for dinner from 4:00 p.m. to 6:00 p.m.<sup>13</sup> Legal visits are “contact” and take place in individual attorney visiting rooms.<sup>14</sup> Legal visits on holidays must be set up in advance, and are non-contact visits.<sup>15</sup> Attorney visits are private, unless the attorney requests that an officer be present in the room during the visit.<sup>16</sup> All conversations in the attorney-client meeting rooms are recorded.<sup>17</sup> After the meeting the tapes are marked “privileged” and stored in a locked storage container.<sup>18</sup> After attorney meetings the detainees are given a pat-down search, but are not strip searched.<sup>19</sup> Most of the detainees interviewed by the delegation were aware of the visitation hours and rules for visits with attorneys.<sup>20</sup>

Attorneys may also have telephone conferences with their clients.<sup>21</sup> KCDC requests that attorneys arrange for conference calls at least twenty-four hours in advance, but exceptions can be made in emergencies.<sup>22</sup> These calls are not monitored or recorded.<sup>23</sup>

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<sup>8</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

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

<sup>10</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

<sup>11</sup> Notes of delegation member [redacted] on observation of legal visiting schedule and conversation with Corporal [redacted] b6, b7c

<sup>12</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>13</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted] b6, b7c

<sup>14</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>15</sup> Notes of delegation member [redacted] b6 on observation of legal visiting schedule.

<sup>16</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>17</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>18</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted] b6, b7c

<sup>19</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>20</sup> [redacted] b6, b7c elegation member [redacted] on interview with detainee [redacted] b6, b7c ; notes of delegation member [redacted] b6 on interview with detainee [redacted] b6, b7c notes of delegation member [redacted] b6 on interview with detainee [redacted] b6, b7c notes of delegation member [redacted] b6 on interview with detainee [redacted] b6, b7c

<sup>21</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>22</sup> Notes of delegation member [redacted] b6 on conversation with Corporal [redacted] b6, b7c

<sup>23</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

Attorneys visiting detainees are required to show a bar card to enter the facility.<sup>24</sup> Attorneys are not searched before or after legal visits, but must pass through a metal detector upon entering the facility.<sup>25</sup> None of the policies governing legal visits are contained in the inmate handbook,<sup>26</sup> however, the legal visiting hours are posted in KCDC's main lobby.<sup>27</sup>

## 2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the *Standards* encourage visits to detainees by family and friends.<sup>28</sup> The *Standards* require that facilities establish written visitation hours and procedures, post them where detainees can see them, and make them available to the public.<sup>29</sup> This includes creating procedures for the handling of money for detainees.<sup>30</sup> The visiting area is to be "appropriately furnished and arranged, and as comfortable and pleasant as practicable."<sup>31</sup> Visiting hours shall be set on Saturdays, Sundays, and holidays, and the *Standards* encourage facilities to accommodate visitors at other times when a detainee is facing a particular hardship.<sup>32</sup> Visits should be at least thirty minutes long, and longer when possible.<sup>33</sup> If a facility does not provide for visits from minors, ICE should arrange for visits with children or stepchildren within the detainee's first thirty days at the facility, with continuing monthly visits.<sup>34</sup>

**KCDC has met some of this section of the *Standards* related to visitation, but visitation hours remain limited in duration to 20-30 minutes and are not permitted on holidays.**

The visitation schedule and policies for detainees are posted in KCDC's main lobby.<sup>35</sup> A sign posted in the lobby states that there will be no visitation allowed by family or friends on holidays.<sup>36</sup> For detained men, visiting hours are from 6:00 p.m. to 8:00 p.m. Tuesday through Saturday, and from 8:00 a.m. to 11:00 a.m. on Sundays.<sup>37</sup> For detained women, the visiting hours are from 6:00 p.m. to 8:00 p.m. on Mondays and from 1:00 p.m. to 3:00 p.m. on

<sup>24</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>25</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>26</sup> Kenosha County Detention Center Inmate Handbook, Ex. B hereto.

<sup>27</sup> Notes of delegation member [REDACTED] on observation of KCDC entrance lobby.

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

<sup>29</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

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

<sup>31</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

<sup>32</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>33</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>34</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.

<sup>35</sup> Notes of delegation member [REDACTED], on observation of KCDC entrance lobby.

<sup>36</sup> Notes of delegation member [REDACTED], on observation of KCDC entrance lobby.

<sup>37</sup> Notes of delegation member [REDACTED], on observation of visiting schedule and conversation with Corporal [REDACTED]



possible,”<sup>51</sup> the facility does not have family visiting hours on holidays at all, limits the visits to twenty to thirty minutes, and limits the number of visits to one per week.<sup>52</sup>

## B. Telephone Access

### 1. General Requirements

All ICE detainees should have “reasonable and equitable access” to telephones.<sup>53</sup> The *Standards* suggest that detention facilities should have one working phone per twenty-five detainees.<sup>54</sup> In order to ensure access, the telephones should be kept in working order and inspected regularly by facility staff.<sup>55</sup> Each detainee should also be informed in writing of the telephone access rules upon admittance, and the rules should be posted in the dorms.<sup>56</sup>

#### **KCDC appears to have met this section of the *Standards*.**

There are six to eight telephones in each of the housing units, and each unit holds up to sixty-four detainees.<sup>57</sup> This exceeds the ratio recommended by the *Standards*. The phones are inspected once a week to make sure they are in working order.<sup>58</sup> The instructions for using the telephone are printed clearly on the phones and also were played through the telephone receiver upon lifting the phone.<sup>59</sup> Although both sets of instructions were accurate, they seemed to create potential confusion by providing two different ways of entering a detainee’s A number.<sup>60</sup> The phones are available to the detainees from the hours of 9:00 a.m. to 10:00 p.m. when the detainees are in the dorms, and the detainees do not need permission to use the phones.<sup>61</sup> The detainees appear to have access to the phones as recommended by the *Standards*. Detainee b6, b7c reported that many inmates use the phones, and during our tour of the facility we b6, b7c d the phones being used.<sup>62</sup>

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<sup>51</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>52</sup> Notes of delegation member b6 on observation of visiting schedule and conversation with Corporal b6, b7c

<sup>53</sup> Detention Operations Manual, Detainee Services, Standard 16, Section I.

<sup>54</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

<sup>55</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.D.

<sup>56</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

<sup>57</sup> Notes of delegation member b6, on observation and conversation with Corporal b6, b7c

<sup>58</sup> Notes of delegation member b6, on conversation with Corporal b6, b7c

<sup>59</sup> Notes of delegation member b6, on observation of telephone call.

<sup>60</sup> Notes of delegation member b6, on observation of telephone call.

<sup>61</sup> Notes of delegation member b6, on conversation with Corporal b6, b7c.

<sup>62</sup> Notes of delegation member b6 on observation and interview with detainee b6, b7c

## 2. Direct, Free, and Collect Calls

Although the *Standards* permit the Facility to generally limit detainees to making collect calls, in certain situations the detainees must have the opportunity to make direct calls.<sup>63</sup> Specifically, detainees should be able to make direct calls to the local immigration court, to Federal and state courts, to consular officials, legal service providers, and to government offices.<sup>64</sup> In addition, detainees must be allowed to make direct calls in case of a personal or family emergency.<sup>65</sup> The facility must enable the detainees to make calls to free legal service providers and consulates at no charge to either party.<sup>66</sup>

**KCDC appears to have met this section of the *Standards*.** Generally the detainees may only make collect calls from the phones in the dorms.<sup>67</sup> However, the phones do have pre-programmed numbers to the consulate and to local pro bono legal representatives which the detainees may use free of charge.<sup>68</sup> The list of these pre-programmed numbers was clearly posted in English and Spanish on the wall of the dormitory.<sup>69</sup> A brief test of the phone to call the immigration court revealed that the phones were in working condition and could connect to the selected numbers for no charge.<sup>70</sup> Detainee [REDACTED] stated that he calls his attorney for free.<sup>71</sup> [REDACTED] noted that a call to his family in [REDACTED] could cost as much as \$4 [REDACTED] making [REDACTED] calls prohibitively expensive for him.<sup>72</sup> Detainees [REDACTED] and [REDACTED] echoed [REDACTED] comments regarding the exorbitant expense of making calls.<sup>73</sup>

## 3. Privacy for Telephone Calls on Legal Matters

Detainees should have privacy to use the phone for legal matters,<sup>74</sup> and while most calls may be monitored, detainees should have the option to have legal phone calls which are not monitored.<sup>75</sup> Detainees should be informed that their calls are being monitored.<sup>76</sup>

**KCDC appears to have met this section of the *Standards*.** All phone calls made by detainees are monitored and the detainees are notified of this by a recording which

<sup>63</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>64</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.1-5.

<sup>65</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.6.

<sup>66</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>67</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED].

<sup>68</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED].

<sup>69</sup> Notes of delegation member [REDACTED], on observation and conversation with ICE Officer [REDACTED].

<sup>70</sup> Notes of delegation member [REDACTED] on observation of phone call.

<sup>71</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

<sup>72</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

<sup>73</sup> Notes of delegation member [REDACTED] on conversation with [REDACTED] and [REDACTED].

<sup>74</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

<sup>75</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.K.

<sup>76</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.K.

plays at the beginning of each phone call.<sup>77</sup> This monitoring can be switched off, however, for legal phone calls.<sup>78</sup> Detainees and/or their counsel can request private phone calls.<sup>79</sup> To request a private phone call, the attorney must fax a request to the Facility twenty-four hours prior to the requested call, and the officers will then arrange the call in a private room.<sup>80</sup>

**C. Access to Legal Materials.**

All facilities with detainees “shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.”<sup>81</sup>

**KCDC does not fully meet the sections of the *Standards* that govern access to library and legal materials.**

**1. Access to the Library**

The *Standards* state that each facility “shall provide a law library in a designated room with sufficient space to facilitate detainees’ legal research and writing,” and that “the library shall be large enough to provide reasonable access to all detainees who request its use.”<sup>82</sup> The *Standards* further state that the library “shall contain a sufficient number of tables and chairs in a well-lit room.”<sup>83</sup>

The *Standards* state that each facility shall have a flexible schedule for law library use that permits all detainees, regardless of housing or classification, to use the law library on a regular basis.<sup>84</sup> Each detainee shall be permitted to use the law library for a minimum of five hours per week.<sup>85</sup>

**KCDC does not meet this section of the *Standards*: there is no law library; three detainees were unaware that immigration materials are available; and two detainees reported that their requests to use the computer were either denied or only granted after one week.**

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<sup>77</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]  
<sup>78</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]  
<sup>79</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]  
<sup>80</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]  
<sup>81</sup> Detention Operations Manual, Detainee Services, Standard 1, Section I.  
<sup>82</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.  
<sup>83</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.  
<sup>84</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.  
<sup>85</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

KCDC does not have a legal library.<sup>86</sup> Instead, computers with Lexis Nexis are accessible to detainees.<sup>87</sup> Detainees must request computer use a day prior to when they would like access.<sup>88</sup> The computer is on a cart and can be wheeled from room to room.<sup>89</sup> Although it can be moved to different locations,<sup>90</sup> there was no indication that it was usually used in a quiet or well-lit area. The computer is available any time the dayroom is open, and there is no time limit on how long a detainee may use the computer.<sup>91</sup> The Facility staff reported that there is rarely a wait to use the computer.<sup>92</sup>

Detainee [b6, b7c] stated that he has used the computer to view information about immigration law.<sup>93</sup> He said that his requests for computer use are usually granted about a week after he makes the request.<sup>94</sup> Detainee [b6] reported that on several occasions, his requests for computer use were denied.<sup>95</sup> Both detainee [b6, b7c] and detainee [b6, b7c] stated that they were unaware of any immigration materials that were available to them and do not know of anyone who has ever used such materials.<sup>96</sup> Neither of these two detainees had heard of Lexis Nexis.<sup>97</sup> Detainee [b6, b7c] was similarly not aware that immigration materials were available to him.<sup>98</sup>

## 2. Materials Identified in the Detention Standards

The *Standards* require that all facility law libraries contain the materials listed in Attachment A to the chapter on *Access to Legal Materials*.<sup>99</sup> These materials must be updated regularly, and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner.<sup>100</sup> Damaged or stolen materials must be promptly replaced.<sup>101</sup>

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<sup>86</sup> Notes of delegation member [b6] on conversation with Corporal [b6].

<sup>87</sup> Notes of delegation member [b6] on conversation with Corporal [b6].

<sup>88</sup> Notes of delegation member [b6] on conversation with Corporal [b6].

<sup>89</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c].

<sup>90</sup> Notes of delegation member [b6] on conversation with Corporal [b6].

<sup>91</sup> Notes of delegation member [b6] on conversation with Corporal [b6].

<sup>92</sup> Notes of delegation member [b6] on conversation with Corporal [b6].

<sup>93</sup> Notes of delegation members [b6] and [b6], on conversation with detainee [b6, b7c].

<sup>94</sup> Notes of delegation members [b6] and [b6], on conversation with detainee [b6, b7c].

<sup>95</sup> Notes of delegation members [b6] and [b6], on conversation with detainee [b6, b7c].

<sup>96</sup> Notes of delegation member [b6] on conversations with detainees [b6, b7c] and [b6, b7c].

<sup>97</sup> Notes of delegation member [b6] on conversations with detainees [b6, b7c] and [b6, b7c].

<sup>98</sup> Notes of delegation member [b6], on conversation with detainee [b6, b7c].

<sup>99</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

<sup>100</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

<sup>101</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

**KCDC does not fully meet this section of the *Standards*; no hard copies of materials are provided.** KCDC does not have hard copies of books and provides legal information only on a computer.<sup>102</sup> Officers will assist detainees in using the computer and in translating.<sup>103</sup> However, it is not clear how often this occurs and how many officers are willing to do this.

### 3. Computer Access, Equipment and Holdings

The *Standards* require that facility law libraries provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.<sup>104</sup> Staff should have weekly inspections to ensure that the equipment is in working order and that supplies are stocked.<sup>105</sup> Indigent detainees should be able to obtain free envelopes and stamps for legal mail.<sup>106</sup>

**It is unclear whether KCDC fully meets this section of the *Standards*; one detainee reported that indigent detainees do not receive free stamps.** Detainees do have access to pens, paper, and office supplies.<sup>107</sup> They can buy these items from the commissary and are able to purchase these items even if their commissary privileges are taken away.<sup>108</sup> According to Corporal [b6,b7c] if detainees are indigent, they receive, free of charge, supplies for two to three personal letters a week and unlimited supplies for legal use.<sup>109</sup>

Detainee [b6, b7c] stated that he has been given pens, paper, envelopes, and stamps when he has requested [b6, b7c].<sup>110</sup> He has also been able to print documents free of charge.<sup>111</sup> Detainee [b6, b7c] also has access to pens, papers, computers, and office supplies.<sup>112</sup> He knows of many people, however, who do not have the money to pay for stamps, and are not given free stamps.<sup>113</sup>

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<sup>102</sup> Notes of delegation member [b6], on conversation with Corporal [b6,b7c].

<sup>103</sup> Notes of delegation member [b6], on conversation with Corporal [b6,b7c].

<sup>104</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>105</sup> Detentions Operation Manual, Detainee Services, Standard 1, Section III.B.

<sup>106</sup> Detentions Operation Manual, Detainee Services, Standard 1, Section III.N.

<sup>107</sup> Notes of delegation member [b6], on conversation with Corporal [b6,b7c].

<sup>108</sup> Notes of delegation member [b6], on conversation with Corporal [b6,b7c].

<sup>109</sup> Notes of delegation member [b6], on conversation with Corporal [b6,b7c].

<sup>110</sup> Notes of delegation members [b6] and [b6] on conversation with detainee [b6,b7c].

<sup>111</sup> Notes of delegation members [b6] and [b6] on conversation with detainee [b6,b7c].

<sup>112</sup> Notes of delegation member [b6] on conversation with detainee [b6,b7c].

<sup>113</sup> Notes of delegation member [b6] on conversation with detainee [b6,b7c].

#### 4. Assistance from Other Detainees

The *Standards* require that each facility permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.<sup>114</sup>

**KCDC does not meet this section of the *Standards*; detainees are not allowed to assist others with computer research.** Only one detainee is allowed to use the computer at a time and detainees are not allowed to assist each with legal research while at the computer.<sup>115</sup> However, detainees are allowed to talk before or after about the information they found or questions they have.<sup>116</sup> As discussed above, the staff indicates that guards are available to translate and give computer assistance<sup>117</sup> but we were not able to ascertain if this actually occurs. The staff noted that translation of legal materials is not a problem when the detainee speaks Spanish, but that it becomes more difficult if the detainee speaks another language.<sup>118</sup>

#### 5. Photocopies

The *Standards* provide that each facility should ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.<sup>119</sup> Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.<sup>120</sup>

**KCDC meets this section of the *Standards*.** Detainees have access to a copier.<sup>121</sup> A fee is charged, unless a detainee is indigent.<sup>122</sup> Indigent detainees can make a limited amount of personal copies and unlimited copies for legal reasons.<sup>123</sup>

#### 6. Notice to Detainees

The detainee handbook must explain the rules and procedures governing access to legal materials.<sup>124</sup> The handbook should also include information regarding law library hours, when the library is available for detainee use, procedures for requesting use and for requesting

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<sup>114</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

<sup>115</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED].

<sup>116</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED] b6, b7c.

<sup>117</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED].

<sup>118</sup> Notes of delegation member [REDACTED] on conversation with ICE Officer [REDACTED] b6, b7c.

<sup>119</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>120</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>121</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED].

<sup>122</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED] b6, b7c.

<sup>123</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED].

<sup>124</sup> Detentions Operation Manual, Detainee Services, Standard 1, Section III.Q.

additional time, and procedures for notifying staff that additional material is needed or required materials are missing.<sup>125</sup>

**KCDC does not meet this section of the *Standards*.** The Inmate Handbook does not mention the law library or computer.<sup>126</sup>

**D. Group Rights Presentations**

The *Standards* provide that facilities holding ICE detainees “shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of each facility.”<sup>127</sup> Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.<sup>128</sup> While the presentations are open to all detainees, the facility “may limit the number of detainees at a single session.”<sup>129</sup> The facility must also “select and provide an environment conducive to the presentation, consistent with security.”<sup>130</sup> In addition, detainees shall have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”<sup>131</sup>

**KCDC has substantially met this section of the *Standards*; posters are not posted in advance of group presentations, but all detainees are required to attend.**

According to Facility personnel, there are no restrictions on the legal organizations that may give presentations to the detainees or on the timing of organizations’ notification to KCDC.<sup>132</sup> The National Immigrant Justice Center (“NIJC”) gives an oral presentation on immigration law and detainee rights approximately every three months.<sup>133</sup> The presentations are conducted in the indoor recreation space, which is a conducive environment for such presentations because it is well-lit and can accommodate large groups.<sup>134</sup> Although KCDC does not advertise the time of group presentations, KCDC requires all immigration detainees, both male and female, to attend.<sup>135</sup> Detainees with specific questions may speak with presenters individually at the end of each presentation.<sup>136</sup> The presentations are conducted in both English and Spanish.<sup>137</sup> Facility

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<sup>125</sup> Detentions Operation Manual, Detainee Services, Standard 1, Section III.Q.

<sup>126</sup> Kenosha County Detention Center Inmate Handbook, Ex. B hereto, at 3.

<sup>127</sup> Detention Operations Manual, Detainee Services, Standard 9, Section 1.

<sup>128</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

<sup>129</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

<sup>130</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

<sup>131</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

<sup>132</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>133</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>134</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>135</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>136</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>137</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

b6

b6,b7c

personnel stated that an NIJC presentation occurred a week prior to our visit.<sup>138</sup> Detainee [REDACTED] b6, b7c who had been at KCDC for approximately one month, reported that he had never been to a group presentation on legal rights.<sup>139</sup>

In addition, the “Know Your Rights” video is played in every immigration dormitory once per week in both English and Spanish.<sup>140</sup> Detainee [REDACTED] b6, b7c had watched the “Know Your Rights” video in Spanish and confirmed that it is played once per week.<sup>141</sup>

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

##### A. Correspondence and Other Mail

The *Standards* require that all facilities “ensure that detainees send and receive correspondence in a timely manner.”<sup>142</sup> Detainees should be made aware of the policies concerning mail and other correspondence through the inmate handbook.<sup>143</sup> Facilities should not limit the amount of mail a detainee may send out at his own expense.<sup>144</sup> Indigent detainees should be allowed to mail, at government expense, five pieces of special correspondence and three pieces of personal correspondence each week.<sup>145</sup> In addition, the facility shall provide paper, writing implements and envelopes at no cost to detainees.<sup>146</sup>

**KCDC has met this section of the *Standards*.** The Inmate Handbook discusses the policy regarding the mail and clearly explains what detainees are and are not allowed to receive.<sup>147</sup> Supplies for mail must be purchased by detainees from the facility commissary.<sup>148</sup> Indigent detainees are provided with two to three envelopes per week for family/friends and unlimited supplies for legal correspondence.<sup>149</sup> Detainee [REDACTED] b6, b7c confirmed that indigent

<sup>138</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED] b6, b7c

<sup>139</sup> Notes of delegation member [REDACTED] b6 on interview with detainee [REDACTED] b6, b7c

<sup>140</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED] b6, b7c

<sup>141</sup> Notes of delegation member [REDACTED] on interview with detainee [REDACTED] b6, b7c

<sup>142</sup> Detention Operations Manual, Detainee Services, Standard 3, Section I.

<sup>143</sup> Detention Operations Manual, Detainee Services, Standard 3, Section I and III.B.

<sup>144</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.A.

<sup>145</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.I.

<sup>146</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.J.

<sup>147</sup> Kenosha County Detention Center Inmate Handbook, Ex. B hereto, at 1-2 (informing detainees that unauthorized content or contraband will not be accepted and clearly defining what is unauthorized content).

<sup>148</sup> Notes of delegation member [REDACTED] b6 on conversation with Corporal [REDACTED] b6, b7c

<sup>149</sup> Notes of delegation member [REDACTED] b6 on conversation with Corporal [REDACTED] b6, b7c

detainees receive three envelopes per week.<sup>150</sup> There is no restriction on the amount of mail which detainees may send out at their own expense.<sup>151</sup>

### 1. Inspection of mail

The *Standards* suggest that each facility develop its own policies regarding the inspection of incoming mail to search for contraband.<sup>152</sup> Incoming special correspondence mail may be physically inspected for contraband, but cannot be read by facility staff.<sup>153</sup> The *Standards* require that any such inspection of special correspondence be in the presence of the detainee.<sup>154</sup> Outgoing general correspondence may be inspected only if the addressee is another inmate or if there is reason to believe that such mail may present a threat to the facility.<sup>155</sup> Outgoing legal correspondence may not be opened or inspected.<sup>156</sup>

**It is unclear whether KCDC has fully met this section of the *Standards*; detainees indicated that all mail is opened and inspected, but it is unknown whether this takes place outside their presence.** The Inmate Handbook states that “KCDC officers will scan and inspect all non-privileged, incoming and outgoing correspondence.”<sup>157</sup> According to the handbook, all non-privileged incoming mail [redacted] ted,<sup>158</sup> but the handbook does not define privileged or non-privileged mail. Corporal [redacted] explained that insp [redacted] ncludes opening the mail and reading it, though privileged mail is not read.<sup>159</sup> Detainees [redacted] and [redacted] complained that all of their mail, privileged or otherwise, had been opened and insp [redacted] hough [redacted] indicate whether this took place outside their presence.<sup>160</sup> According to Corporal [redacted], the determination of what is privileged or not privileged, and thus what is inspected, [redacted] on whether there is a letterhead or seal affixed on the envelope.<sup>161</sup> Corporal [redacted] also explained that incoming special correspondence mail is scanned only for physical contraband, and that outgoing special correspondence is not inspected.<sup>162</sup>

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<sup>150</sup> Notes of delegation member [redacted], on conversation with detainee [redacted]

<sup>151</sup> Notes of delegation member [redacted], on conversation with Corporal [redacted]

<sup>152</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.E.1.

<sup>153</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.E.1.

<sup>154</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.E.2.

<sup>155</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.F.1.

<sup>156</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.F.2.

<sup>157</sup> Kenosha County Detention Center Inmate Handbook, Ex. B hereto at 1.

<sup>158</sup> Kenosha County Detention Center Inmate Handbook, Ex. B hereto, at 1.

<sup>159</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>160</sup> Notes of delegation member [redacted] on conversations with detainees [redacted] and [redacted]

<sup>161</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>162</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

## 2. Contraband

The *Standards* state that “incoming and outgoing general correspondence and other mail may be rejected...to protect the security, good order, or discipline of the institution; to protect the public; or to deter criminal activity.”<sup>163</sup> Policies should be put in place to inform the detainees of the policy regarding the rejection of incoming or outgoing mail.<sup>164</sup> Detainees should be informed when mail is rejected and contraband is withheld, and a log should be maintained reflecting the contraband received and what was done with it.<sup>165</sup>

**KCDC has met this section of the *Standards*.** The Inmate Handbook specifically lists several items which will not be accepted.<sup>166</sup> Facility staff reported that when contraband is received, it is usually withheld and notice is provided to the detainee.<sup>167</sup>

### B. Recreation

The *Standards* require that all detainees have access to recreation “under conditions of security and supervision that protect their safety and welfare.”<sup>168</sup> Detainees should be housed in facilities with outdoor recreation.<sup>169</sup> If a facility only provides indoor recreation, detainees must have access to recreation for at least one hour per day, including exposure to natural light.<sup>170</sup> In exceptional circumstances facilities lacking any recreation area may be used to provide short-term housing for detainees.<sup>171</sup> Detainees should have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise.<sup>172</sup> Dayrooms shall offer games, television, and other sedentary activities under supervision of detention personnel.<sup>173</sup> Detainees in the Special Management Unit are required to be offered at least one hour of recreation per day, five days per week, as long as the recreational activity would not unreasonably endanger safety or security.<sup>174</sup>

**KCDC has substantially met most of this section of the *Standards*; however, detained women do not have access to outdoor recreation, and detainees in segregation do not receive five hours of recreation per week.** KCDC has two types of indoor recreation

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<sup>163</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.G.

<sup>164</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.G.

<sup>165</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.G-H.

<sup>166</sup> Kenosha County Detention Center Inmate Handbook, Ex. B hereto at 1-2.

<sup>167</sup> Notes of delegation member [REDACTED] b6 on conversation with Corporal [REDACTED] b6, b7c

<sup>168</sup> Detention Operations Manual, Detainee Services, Standard 13, Section I.

<sup>169</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.A.

<sup>170</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

<sup>171</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.A.

<sup>172</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

<sup>173</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

<sup>174</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.H.

rooms: a gym and a dayroom.<sup>175</sup> Additionally, the Facility has two outdoor recreation areas with gated roofs; however, these areas are only available to male inmates and detainees.<sup>176</sup> The male inmates and detainees are allowed access to the outdoor facility on a rotating basis one hour at a time, weather permitting, which allows them to be outside for up to three or four hours a day.<sup>177</sup> The outdoor recreation areas are only open to male inmates and detainees because several of the male dormitories look out onto the two outdoor recreation areas and the KCDC has a no sight/no sound policy regarding male and female inmates.<sup>178</sup> Detainee [b6, b7c] stated that he received recreational time at 9:00 a.m. and after lunch about four times.<sup>179</sup>

During inclement weather, the inmates and detainees are given the option of using the indoor gym facility instead of the outdoor area.<sup>180</sup> There are basketball hoops in the gym facility but the detainees and inmates are not provided balls because there was a high rate of ankle injuries from playing basketball in their facility-issued sandals.<sup>181</sup> The detainees also have access to an exercise bike and treadmill in the multi-purpose rooms off of each dormitory which they can sign up to use one day in advance.<sup>182</sup> There is no additional exercise equipment available to the detainees or inmates.<sup>183</sup> We were able to observe the detainees and inmates using the outdoor recreation area during our visit.<sup>184</sup>

When the inmates and detainees are not in the outdoor or gym facilities, they are in the dayroom.<sup>185</sup> The dayrooms are common rooms, connected to the sleeping areas, where the detainees can watch television, play cards and board games on game top tables, and socialize with each other.<sup>186</sup> There are two televisions located on opposite ends of the dayroom and they are kept on during the day, from 9:00 a.m. until 10:00 p.m.<sup>187</sup> The detainees have access to sunlight in the dayrooms.<sup>188</sup>

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<sup>175</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>176</sup> Notes of delegation member [b6] on observation of KCDC and conversation with Corporal [b6, b7c]

<sup>177</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>178</sup> Notes of delegation member [b6] on observation of KCDC and conversation with Corporal [b6, b7c]

<sup>179</sup> Notes of delegation member [b6] on interview with detainee [b6, b7c]

<sup>180</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>181</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>182</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>183</sup> Notes of delegation member [b6, b7c] on observation of the KCDC and conversation with Corporal [b6, b7c]

<sup>184</sup> Notes of delegation member [b6] on observation of the KCDC outdoor recreation area.

<sup>185</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>186</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c] and observation of the KCDC.

<sup>187</sup> Notes of delegation member [b6] on observation of the KCDC and conversation with Corporal [b6, b7c]

<sup>188</sup> Notes of delegation member [b6] on observation of the KCDC day rooms.

Detainees in disciplinary segregation have one hour for recreation every other day.<sup>189</sup> During this time, they are allowed to shower and take a walk.<sup>190</sup> This does not meet the requirement for five hours of recreation per week, as it provides only 3-1/2 days per week, and showers are not recreation.

**C. Access to Medical Care**

The *Standards* require that all detainees have access to medical services that promote detainee health and general well-being.<sup>191</sup> Each facility is required to have regularly scheduled times, known as sick call, when medical personnel are available to see detainees who have requested medical services.<sup>192</sup> For a facility of over 200 detainees, a minimum of five days per week is required.<sup>193</sup> Facilities must also have procedures in place to provide emergency medical care for detainees who require it.<sup>194</sup> With respect to emergency care, the *Standards* state that in a situation in which a detention officer is uncertain whether a detainee requires emergency medical care, the officer should immediately contact a health care provider or an on-duty supervisor.<sup>195</sup> If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the Officer-in-Charge in writing.<sup>196</sup>

**KCDC appears to have met this section of the *Standards*.** Detainees wishing to see medical staff need to request and complete a medical treatment slip, available from the dormitory officer.<sup>197</sup> Detainee [b6, b7c] reported that responses to medical requests are slow,<sup>198</sup> whereas detainee [b6, b7c] reports responses to medical requests generally take twenty-four hours.<sup>199</sup>

KCDC has one certified nurse on site sixteen hours a day, seven days a week.<sup>200</sup> A physician is present at the Facility every Thursday.<sup>201</sup> A mental health professional is on site twenty hours per week.<sup>202</sup> Initial intake and screening is not done at KCDC, but is performed at

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<sup>189</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>190</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>191</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

<sup>192</sup> Detention Operations Manual, Health Services, Standard 2, Section III.F.

<sup>193</sup> Detention Operations Manual, Health Services, Standard 2, Section III. F.

<sup>194</sup> Detention Operations Manual, Health Services, Standard 2, Sections III. D, G, & H.

<sup>195</sup> Detention Operations Manual, Health Services, Standard 2, Section III.H.

<sup>196</sup> Detention Operations Manual, Health Services, Standard 2, Section III.J.

<sup>197</sup> KCDC Inmate Handbook, Ex. B hereto at 3.

<sup>198</sup> Notes of delegation member [b6] on interview with detainee [b6, b7c]

<sup>199</sup> Notes of delegation member [b6] on interview with detainee [b6, b7c]

<sup>200</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>201</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>202</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

the Kenosha County Pretrial Facility.<sup>203</sup> The nurse at KCDC, does however, do an initial interview with the detainees, and will utilize the AT&T language line if necessary.<sup>204</sup>

Information about health services relating to both an individual's physical and emotional well-being, is posted within the Facility.<sup>205</sup> A first-aid kit is stationed in every dorm and a crash cart is also accessible.<sup>206</sup> Moreover, every inmate carries an identification card with them, and on the back of that card is a listing of any medical conditions the inmate may have.<sup>207</sup> Medical records, however, are kept confidentially in a segregated area by the nurse's station, and are locked up at night.<sup>208</sup>

If an inmate is determined to be suicidal, he/she will be placed on a thirty-minute watch and will be placed in segregation until a doctor arrives.<sup>209</sup> If an inmate needs emergency medical treatment in the middle of the night (when a nurse is absent), the dormitory officer will escort the inmate to the emergency room of a local hospital or a local rescue squad will be notified.<sup>210</sup>

A detainee's inmate account will be charged for medical treatment, dental treatment, and medicine.<sup>211</sup> However, if a detainee has no funds, he/she may still receive necessary medical treatment.<sup>212</sup>

#### D. Access to Dental Care

The *Standards* state that detainees should have an initial dental screening exam within fourteen days of the detainee's arrival and require the Facility to provide a number of services, including emergency dental treatment and repair of prosthetic appliances.<sup>213</sup> For detainees who are held in detention for over six months, routine dental treatment may be provided, including amalgam and composite restorations, prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee's health.<sup>214</sup>

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<sup>203</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED] b6,b7c  
<sup>204</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED] b6,b7c  
<sup>205</sup> Notes of delegation member [REDACTED] based on her observations.  
<sup>206</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED] b6  
<sup>207</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED] b6,b7c  
<sup>208</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED] b6,b7c  
<sup>209</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED] b6,b7c  
<sup>210</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED] b6,b7c

<sup>211</sup> KCDC Inmate Handbook, Ex. B hereto at 3.

<sup>212</sup> KCDC Inmate Handbook, Ex. B hereto, at 3.

<sup>213</sup> Detention Operations Manual, Health Services, Standard 2, Section III.E.

<sup>214</sup> Detention Operations Manual, Health Services, Standard 2, Section III.E.

**The KCDC has not fully met this section of the *Standards*: detainees do not receive a dental screening.** There is no dentist on-site at KCDC; however, extractions can be scheduled.<sup>215</sup> Initial intake and screening is not done at KCDC, but is performed at the Kenosha County Pretrial Facility (KCPF),<sup>216</sup> where all detainees are initially processed before being transferred to KCDC.<sup>217</sup> However, dental screenings do not take place at KCPF<sup>218</sup> or KCDC.<sup>219</sup>

**E. Hunger Strike**

The *Standards* require that all facilities follow accepted standards of care in the medical and administrative management of hunger-striking detainees.<sup>220</sup> Facilities must do everything within their means to monitor and protect the health and welfare of the hunger-striking detainee and must make every effort to obtain the hunger striker’s informed consent for treatment.<sup>221</sup> In IGSA facilities, the “OIC of the facility shall notify [ICE] that a detainee is refusing treatment. Under no circumstances are IGSA facilities to administer forced medical treatment unless granted permission from [ICE].”<sup>222</sup>

**KCDC appears to have met this section of the *Standards*.** If a detainee declares a hunger strike the medical staff assesses the mental state of the detainee, and regularly monitors the detainee, including his or her food intake, liquid intake, weight, vital signs, etc.<sup>223</sup> A log of the detainee’s food and water intake is kept, and ICE is notified of the hunger strike.<sup>224</sup> The detainee continues to be offered three meals a day, throughout his/her strike.<sup>225</sup> However, if necessary the detainee will be segregated from the general population during the strike.<sup>226</sup>

**F. Detainee Classification System**

The *Standards* require that detention facilities use a classification system and physically separate detainees into different categories.<sup>227</sup> Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.<sup>228</sup> A detainee’s classification is to be determined on “objective” criteria, including criminal offenses, escape attempts,

<sup>215</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>216</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>217</sup> See Appendix A.

<sup>218</sup> Notes of delegation member [redacted] on conversation with Sergeant [redacted]

<sup>219</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>220</sup> Detention Operations Manual, Health Services, Standard 1, Section I.

<sup>221</sup> Detention Operations Manual, Health Services, Standard 1, Section I.

<sup>222</sup> Detention Operations Manual, Health Services, Standard 1, Section III.D.

<sup>223</sup> Notes of delegation member [redacted] on conversation with ICE Officer [redacted]

<sup>224</sup> Notes of delegation member [redacted] on conversation with ICE Officer [redacted]

<sup>225</sup> Notes of delegation member [redacted] on conversation with Head Chef [redacted]

<sup>226</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted]

<sup>227</sup> Detention Operations Manual, Detainee Services, Standard 4, Section I.

<sup>228</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

institutional disciplinary history, violent incidents, etc.<sup>229</sup> Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.<sup>230</sup> Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees.<sup>231</sup> All facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.<sup>232</sup> Finally, the Inmate Handbook's section on classification must include: (1) an explanation of the classification levels, with the conditions and restrictions applicable to each, and (2) the procedures by which a detainee may appeal his classification.<sup>233</sup>

**KCDC has met some of this section of the *Standards*, but the Inmate Handbook does not include any information about the classification system.**

Detainees are classified by ICE as either A, B, or C, with A being the "best" and C being the "worst."<sup>234</sup> Detainees classified as A and inmates classified as 3 will not be housed in the same dorm.<sup>235</sup> Regular inmates are initially classified on a scale of 1-8, with 1 being the most dangerous and 8 the least; KCDC only houses those inmates classified from 3-8.<sup>236</sup> KCDC then classifies inmates on a scale of 1-3, with 1 being the least violent and usually having no prior criminal history, 2 being those with some prior criminal history, and 3 being the most violent and with the most extensive criminal background.<sup>237</sup> Similarly, detainees classified as C and inmates classified as 1 will not be housed in the same dorm.<sup>238</sup> Inmates classified as 2 and detainees classified as B can be housed in either dorms.<sup>239</sup> The two dorms do not mix for recreation, lunch, or at any other time.<sup>240</sup>

Detainees are classified by ICE agents at the Broadview Detention Center, and KCDC does not alter these classifications.<sup>241</sup> Detainees cannot appeal their classification to those who work at KCDC.<sup>242</sup> However, detainees can inform Corporal [b6,b7c] of their requests and Corporal [b6,b7c] will fax the requests to the Broadview Detention Center, which determines

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<sup>229</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

<sup>230</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & III.E.

<sup>231</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

<sup>232</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

<sup>233</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

<sup>234</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted].

<sup>235</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted].

<sup>236</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted].

<sup>237</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted].

<sup>238</sup> Notes of delegation member [redacted] b6 on conversation with Corporal [redacted] b6,b7c.

<sup>239</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted].

<sup>240</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted].

<sup>241</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted].

<sup>242</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted].

the detainees' classification.<sup>243</sup> Corporal [b6,b7c] will send this fax any weekday, and when a response is received, it is filed in a log.<sup>244</sup> Responses generally take three to four days.<sup>245</sup>

Several of the detainees interviewed by the delegation were unaware of the classification system at KCDC and the appeals process.<sup>246</sup> In fact, the Inmate Handbook does not explain, or even mention, the classification levels, the conditions and restrictions associated with each classification level, or the process by which a detainee can appeal his or her classification level.<sup>247</sup>

### G. Voluntary Work Program

The *Standards* suggest that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”<sup>248</sup> Participation must be voluntary.<sup>249</sup>

**KCDC meets this section of the *Standards*.** KCDC does have a voluntary work program and has recently allowed detainees to participate.<sup>250</sup> When a non-detainee inmate works, he/she does not receive monetary compensation, but instead has an hour deducted from his/her sentence for every hour worked.<sup>251</sup> Given that this process would not work for immigration detainees, the facility has recently started paying detainees one dollar per hour for their service.<sup>252</sup> The program is voluntary and detainees can hold in-house jobs in the laundry room or kitchen.<sup>253</sup> Female detainees can do janitorial work.<sup>254</sup> Inmates are allowed to work as much as they want, and the staff reported that some inmates work up to sixteen hours a day.<sup>255</sup> It

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<sup>243</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>244</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>245</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>246</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]; note [b6] member [b6] on interview with detainee [b6, b7c] notes of [b6] member [b6] on interview with detainee [b6, b7c] notes of delegation member [b6] on interview with detainee [b6, b7c]

<sup>247</sup> KCDC Inmate Handbook, Ex. B hereto.

<sup>248</sup> Detention Operations Manual, Detainee Services, Standard 18, Sections I & III.A.

<sup>249</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.A.

<sup>250</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>251</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>252</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>253</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c] There were previously more detainees participating in the voluntary work program but a rumor circulated among the detainees that those who were in the work program would have to stay longer at the Facility, as it would not want to lose their services. The Facility staff reported that there was no truth to this rumor, but noted that it likely deterred many detainees from working. Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>254</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>255</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

was not clear, however, that the inmates referred to as working those hours were immigration detainees.<sup>256</sup> Currently, there are a few detainees working in the laundry room.<sup>257</sup>

## H. Detainee Grievance Procedures

The *Standards* require that that every facility develop and meet standard procedures for handling detainee grievances, and encourages the facilities to resolve grievances informally before engaging in a more formalized procedure.<sup>258</sup> The *Standards* also require that each facility establish a reasonable time limit for: (1) “processing, investigating, and responding to grievances;” (2) “convening a grievance committee to review formal complaints;” and (3) “providing written responses to detainees who filed formal grievances, including the basis for the decision.”<sup>259</sup> All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.<sup>260</sup>

**KCDC appears to meet this section of the *Standards*.** The KCDC Inmate Handbook provides that “[i]nmates at the Kenosha County House of Corrections may use the established grievance process to secure [redacted] able and timely responses and/or solutions to legitimate grievances.”<sup>261</sup> Corporal [redacted] b6,b7c stated that there is no recrimination of detainees who utilize the grievance procedure [redacted] b6,b7c. Although he stated that the grievances of those who abuse the system by making constant frivolous complaints are not treated as seriously.<sup>262</sup>

To file a grievance, the detainee must first speak with his or her dormitory officer or activity supervisor, at which time the officer will correct any misconceptions about the grievance procedure.<sup>263</sup> If the officer cannot resolve the grievance informally, the detainee may obtain a grievance form from his or her dormitory officer and place it inside a designated locked box at the entrance of the detainee cafeteria within seven days of the incident upon which the grievance is based.<sup>264</sup> The box is emptied once during each of the first two shifts by a Shift Supervisor and grievance forms are given to the Assistant Superintendent.<sup>265</sup> The Assistant Superintendent will assign a supervisor to review and respond to each grievance within seven days by (a) returning an incomplete form to the detainee with an explanation of the return, (b) resolving the issue, or (c) gathering more information if necessary.<sup>266</sup>

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<sup>256</sup> Notes of delegation member [redacted] b6 on conversation with Corporal [redacted] b6,b7c

<sup>257</sup> Notes of delegation member [redacted] b6 on conversation with Corporal [redacted] b6,b7c

<sup>258</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

<sup>259</sup> Detention Operations Manual, Detainee Services, Standard 5, Section I.

<sup>260</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

<sup>261</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Grievance Procedure.

<sup>262</sup> Notes of delegation member [redacted] b6 on conversation with Corporal [redacted] b6,b7c

<sup>263</sup> KCDC Inmate Handbook, Ex. B hereto at Appendix: Grievance Procedure.

<sup>264</sup> Notes of delegation member [redacted] b6 on conversation with Corporal [redacted] b6,b7c

<sup>265</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Grievance Procedure.

<sup>266</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Grievance Procedure.

If a detainee is unsatisfied with the resolution of his or her grievance, he or she may file an appeal within 72 hours of the receipt of the unsatisfactory resolution.<sup>267</sup> Appeals are forwarded to the Assistant Superintendent, who will provide a written response within fourteen days.<sup>268</sup> The Assistant Superintendent’s resolution of the grievance is final.<sup>269</sup>

Detainee [REDACTED] b6, b7c stated that he did not know how to file a grievance, but other detainees interviewed expressed an understanding of the grievance procedure and even presented delegation members with completed grievance forms.<sup>270</sup>

## I. Disciplinary Policy

The *Standards* state that facility authorities “will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures” in order “to provide a safe and orderly living environment.”<sup>271</sup> Each facility holding ICE detainees must have a detainee disciplinary system which has “progressive levels of reviews, appeals, procedures, and documentation procedures.”<sup>272</sup> The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.<sup>273</sup>

The following sanctions may not be imposed: “corporal punishment; deviations from normal food services; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; or deprivation of physical exercise unless such activity creates an unsafe condition.”<sup>274</sup> In addition, the *Standards* provide that all incident reports filed by officers must be investigated within twenty-four hours of the incident.<sup>275</sup> An intermediate level of investigation or adjudication must be established to adjudicate low or moderate infractions.<sup>276</sup>

**KCDC has substantially met this section of the *Standards*; however, detainees on disciplinary status lose regular correspondence privileges.** Although the Inmate Handbook, which outlines disciplinary policy, is not given to detainees, every detainee views an orientation video in either English or Spanish during the intake process that explains the rules of

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<sup>267</sup> Notes of delegation member [REDACTED] b6 on conversation with Corporal [REDACTED] b6, b7c

<sup>268</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Grievance Procedure.

<sup>269</sup> Notes of delegation member [REDACTED] b6, on conversation with Corporal [REDACTED] b6, b7c

<sup>270</sup> Notes of delegation member [REDACTED] b6, on interview with [REDACTED] b6, b7c notes of delegation member [REDACTED] b6 on interview [REDACTED] b6, b7c

<sup>271</sup> Detention Operations Manual, Security and Control, Standard 5, Section I.

<sup>272</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

<sup>273</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.1 & 2.

<sup>274</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

<sup>275</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.B. & C.

<sup>276</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.C.

KCDC and the penalties imposed for violations.<sup>277</sup> Additionally, the Inmate Handbook is posted in each immigration dormitory on a bulletin board.<sup>278</sup>

Rule violations are divided into four categories.<sup>279</sup> Category 1 violations are considered minor violations and include such offenses as affixing unauthorized items to walls or hoarding allowable items such as soap and toilet paper.<sup>280</sup> Punishments for Category 1 violations include disciplinary segregation of less than twenty-four hours, restriction of personal phone calls (as opposed to phone calls for legal matters), or restriction of commissary privileges.<sup>281</sup> Category 2 violations include disobeying verbal or written orders, possession of contraband, gambling, or threatening another inmate.<sup>282</sup> Disciplinary segregation for a Category 2 violation typically lasts two to four days.<sup>283</sup> Category 3 violations include fighting, possession of stolen property, or threatening staff,<sup>284</sup> and resulting disciplinary segregation may last up to ten or eleven days.<sup>285</sup> Category 4 violations involve unauthorized absences of Huber inmates<sup>286</sup> on work release, treatment, school, childcare, or any other work release program.<sup>287</sup> Punishments range from loss of commissary privileges to revocation of Huber privileges.<sup>288</sup>

According to Facility personnel, detainees are never disciplined via corporal punishment or deprivation of bedding, other personal items, or money for use at the commissary.<sup>289</sup> The use of dogs and Tasers to subdue immigration detainees is also prohibited.<sup>290</sup> However, inmates on disciplinary status “will not be allowed to receive or send mail with the exception of legal correspondence.”<sup>291</sup>

The KCDC Inmate Handbook states that verbal reprimands are to be documented on “Rotor Cards” that provide the date and type of violation for which the detainee was reprimanded.<sup>292</sup> Corporal [b6,b7c] explained that if a detainee responds negatively to a verbal reprimand or has been reprimanded for the same conduct in the past, an officer will create a

<sup>277</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>278</sup> Observations of delegation member [b6] and notes on conversation with Corporal [b6,b7c]

<sup>279</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>280</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>281</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>282</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>283</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>284</sup> KCDC Inmate Handbook, Ex. B hereto, Appendix: Inmate Rules/Discipline.

<sup>285</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>286</sup> Huber inmates are those who are involved in a work release program.

<sup>287</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>288</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>289</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>290</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]

<sup>291</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Mail.

<sup>292</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

written conduct report so that a Shift Supervisor may determine whether the detainee's behavior is a minor rules violation.<sup>293</sup> If the Shift Supervisor determines it to be minor, the conduct report is submitted to the detainee's file and he or she is provided with a copy.<sup>294</sup> If the Shift Supervisor determines that the rules violation is a major violation, "additional documentation and a hearing process must be initiated," but the detainee is not provided with a copy of the conduct report.<sup>295</sup>

A major violation is one that may be punished with a loss of privileges or segregation lasting more than twenty-four hours.<sup>296</sup> An officer who observes a major violation is instructed to "take immediate action to correct the situation."<sup>297</sup> After addressing the situation, the officer must complete a detailed conduct report before the end of the officer's shift, although the Shift Supervisor may allow additional time to complete and document any additional investigative information.<sup>298</sup> The conduct report is submitted to a supervisor who determines "when, or if, a Disciplinary Hearing will be conducted."<sup>299</sup> Adherence to this procedure was confirmed by Corporal [REDACTED] b6,b7c <sup>300</sup> The Shift Supervisor determines "whether the [detainee] should remain in the ho [REDACTED] it pending completion of the investigation or hearing."<sup>301</sup>

Detainees charged with a major violation are entitled to receive a hearing before the imposition of disciplinary measures, although they may waive their rights to the hearing.<sup>302</sup> The purpose of a hearing "is to guarantee procedural due process to the alleged offender."<sup>303</sup> If a hearing is required, the Shift Supervisor will complete a Notice of Disciplinary Hearing form and will forward the Conduct Report, Notice of Disciplinary Hearing, and any other pertinent documents to the Assistant Superintendent or designee for assignment of a Hearing Officer.<sup>304</sup> The assigned Hearing Officer must be of supervisory rank and may not have personally observed, been part of, or investigated the incident in any way to ensure impartiality and fairness.<sup>305</sup>

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<sup>293</sup> Notes of delegation member [REDACTED] b6, on conversation with Corporal [REDACTED] b6,b7c

<sup>294</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>295</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>296</sup> Notes of delegation member [REDACTED] b6, on conversation with Corporal [REDACTED] b6,b7c

<sup>297</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>298</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>299</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>300</sup> Notes of delegation member [REDACTED] b6 on conversation with Corporal [REDACTED] b6,b7c

<sup>301</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>302</sup> Notes of delegation member [REDACTED] b6 on conversation with Corporal [REDACTED] b6,b7c

<sup>303</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>304</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>305</sup> Notes of delegation member [REDACTED] b6 on conversation with Corporal [REDACTED] b6,b7c

The Hearing Officer schedules the hearing and the detainee must be notified at least twenty-four hours in advance.<sup>306</sup> The detainee has the right to be present at the hearing, to speak, and to present witnesses unless there are safety concerns.<sup>307</sup> A staff advocate will be provided if the detainee has difficulty understanding the issues or preparing a defense.<sup>308</sup> After hearing the evidence in the case, the Hearing Officer makes a determination about the appropriate remedy.<sup>309</sup> The Hearing Officer will record the disposition on the Disciplinary Hearing Report, which the detainee will receive and which will include information about the appeal procedure.<sup>310</sup>

Detainees may appeal the decision to the Assistant Superintendent of the House of Corrections by completing an Inmate Request Form.<sup>311</sup> The appeal must be received within ten days of the Hearing Officer's decision.<sup>312</sup> The Assistant Superintendent has the authority to approve, modify, or dismiss the sanctions against the detainee.<sup>313</sup> The Assistant Superintendent's decision must be submitted to the detainee within ten days of receiving the appeal request.<sup>314</sup>

Detainee [b6, b7c] stated that he was placed in disciplinary segregation for three days because he allegedly used a razor to shave his head, which is not permitted.<sup>315</sup> He was not subjected to corporal punishment or deprived of personal items or food.<sup>316</sup>

## J. Religious Practices

The *Standards* require that detainees of different religious beliefs be "provided with reasonable and equitable opportunities to participate in the practices of their respective faiths."<sup>317</sup> According to the *Standards*, these opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is "mainstream," whether the religion is "Western" or "Eastern," or other such factors.<sup>318</sup> "Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice."<sup>319</sup> Moreover, a facility's staff shall make "all

<sup>306</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>307</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>308</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>309</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>310</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>311</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>312</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>313</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>314</sup> KCDC Inmate Handbook, Ex. B hereto, at Appendix: Inmate Rules/Discipline.

<sup>315</sup> Notes of delegation member [b6] on interview with detainee [b6, b7c]

<sup>316</sup> Notes of delegation member [b6] on interview with detainee [b6, b7c]

<sup>317</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>318</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>319</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

reasonable efforts to accommodate” special food services required by a detainee’s particular religion.<sup>320</sup> Detainees should have reasonable access to religious property, consistent with facility security, and religious headwear is permitted in all areas of the facility.<sup>321</sup>

**KCDC appears to substantially meet this section of the *Standards*; however, religious headwear is not permitted.** The facility employs Sister [b6] and Pastor [b6].<sup>22</sup> Sister [b6] is a Catholic nun, and Pastor [b6] is non-denominational and says that [b6] messages to the [b6] and their religion.”<sup>323</sup> Pastor [b6] is at the facility twenty to twenty-four hours per week.<sup>324</sup> Other types of clergy or religious leaders may come to the facility, but if they want contact visits with the detainees they must first be approved by Pastor [b6] and Sister [b6] who will run a background check on the clergy.<sup>325</sup> Certain clergy who have visited in the past are pre-approved for contact visits.<sup>326</sup> Visits by religious leaders do not count against a detainee’s allowed number of “family and friend” visits and religious leaders may come as often as they like (within normal visiting hours).<sup>327</sup> Pastor [b6] indicated that very few religious leaders come to the Facility, but this is because they choose not to do so.<sup>328</sup>

KCDC has a non-denominational service on Saturday mornings and allows other services.<sup>329</sup> Women detainees have their own services and there are bible studies for both genders during the week.<sup>330</sup> Detainees may participate in these services and studies without having to give up all of their recreational time to do so.<sup>331</sup>

When a detainee has a religious request, the requests are reviewed by Pastor [b6] and Sister [b6].<sup>332</sup> For example, very little outside religious items are allowed in the Facility.

<sup>320</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

<sup>321</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.K. The Detention Operations Manual language pertaining to religious headwear appears in italics, which are normally reserved for paragraphs regarding SPCs and CDFs. However, there is no reference to SPCs and CDFs in the subsection, and the italicization appears to be in error.

<sup>322</sup> Notes of delegation member [b6], on conversation with Corporal [b6,b7c]

<sup>323</sup> Notes of delegation member [b6], on conversation with Pastor [b6]

<sup>324</sup> Notes of delegation member [b6], on conversation with Pastor [b6]

<sup>325</sup> Notes of delegation member [b6], on conversation with Corporal [b6]

<sup>326</sup> Notes of delegation member [b6], on conversation with Corporal [b6,b7c]

<sup>327</sup> Notes of delegation member [b6], on conversation with Corporal [b6]

<sup>328</sup> Notes of delegation member [b6], on conversation with Pastor [b6]

<sup>329</sup> Notes of delegation member [b6], on conversation with Corporal [b6]

<sup>330</sup> Notes of delegation member [b6], on conversation with Corporal [b6,b7c]

<sup>331</sup> Notes of delegation member [b6], on conversation with Corporal [b6,b7c]

<sup>332</sup> Notes of delegation member [b6], on conversation with Corporal [b6,b7c]

but Pastor [b6] and Sister [b6] can provide prison-issued items.<sup>333</sup> Religious headgear may not be worn while inside.<sup>334</sup>

If a detainee has a restriction regarding food or meal times, Pastor [b6] and Sister [b6] will approve these as well.<sup>335</sup> Even if a detainee has a food or timing restriction, they are provided with three meals a day, though the meals may not be hot if they are served outside normal meal times.<sup>336</sup>

The facility recently had an issue with a detainee who refused to stand for standing counts that occur while he is praying.<sup>337</sup> The detainee prays five times a day, at specific times that change based on sunrise.<sup>338</sup> The Facility staff reported that they have tried to be as accommodating as possible.<sup>339</sup> When the detainee still refused to stand for standing counts, they transferred him to the Kenosha County Jail, which does not conduct standing counts.<sup>340</sup> The detainee has filed a grievance about the KCDC's failure to allow him to pray in accordance with his religion.<sup>341</sup>

### K. Special Management Unit

The *Standards* require that each facility establish a Special Management Unit ("SMU") that will isolate certain detainees from the general population.<sup>342</sup> Facility authorities have the power to discipline any detainee whose behavior does not comply with facility rules and regulations.<sup>343</sup> A detainee may be placed in disciplinary segregation only by order of the Institutional Disciplinary Committee, after a hearing in which the detainee has been found to have committed a prohibited act.<sup>344</sup> The disciplinary committee may order placement in disciplinary segregation only when alternative dispositions would inadequately regulate the detainee's behavior.<sup>345</sup>

The quarters used for segregation must be well ventilated, adequately lit, appropriately heated and maintained in a sanitary condition at all times.<sup>346</sup> All cells in the SMU

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<sup>333</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]  
<sup>334</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]  
<sup>335</sup> Notes of delegation member [b6] on conversation with Head Chef Dave [b6]  
<sup>336</sup> Notes of delegation member [b6] on conversation with Head Chef Dave [b6]  
<sup>337</sup> Notes of delegation member [b6] on conversation with Corporal [b6,b7c]  
<sup>338</sup> Notes of delegation members [b6] and [b6] on conversation with detainee [b6,b7c]  
<sup>339</sup> Notes of delegation member [b6], on conversations with Corporal [b6,b7c] and ICE Officer [b6,b7c]  
<sup>340</sup> Notes of delegation member [b6], on conversation with ICE Officer [b6,b7c]  
<sup>341</sup> Notes of delegation members [b6] and [b6] on conversation with detainee [b6,b7c]

<sup>342</sup> Detention Operations Manual, Security and Control, Standards 13 & 14, Section I.

<sup>343</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

<sup>344</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

<sup>345</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

<sup>346</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.6.

must be equipped with beds that are securely fastened to the cell floor or wall.<sup>347</sup> Segregated detainees shall have the opportunity to maintain a normal level of personal hygiene and shall have the opportunity to shower at least three times a week.<sup>348</sup> Recreation shall be provided to detainees in disciplinary segregation in accordance with the “Recreation” standard, absent compelling security or safety reasons;<sup>349</sup> the Recreation standard requires five to seven hours of recreation per week.<sup>350</sup> Access to legal materials shall remain open and requests for access shall be accommodated no more than twenty-four hours after receipt of the initial detainee request.<sup>351</sup> Similarly, access to the law library shall be granted to detainees in segregation, and access by request only is acceptable.<sup>352</sup> “As a rule, a detainee retains visiting privileges while in disciplinary segregation” and the facility shall follow the “Visitation” standard in setting visitation rules for detainees in disciplinary segregation.<sup>353</sup> A detainee in disciplinary segregation shall not be denied legal visitation.<sup>354</sup> Segregated detainees shall also be allowed clergy/religious visits upon request.<sup>355</sup>

**KCDC has not fully met this section of the *Standards*; access to legal materials is limited and may be denied, and recreation is insufficient.** The delegation was informed that it would not be able to view the Special Management Unit area. However, we were informed that the disciplinary segregation area has the capacity to hold twenty-two inmates or detainees.<sup>356</sup> While in disciplinary segregation, detainees are not allowed family visits but can have legal visits.<sup>357</sup> A detainee’s access to the legal research computer is limited while in segregation.<sup>358</sup> A detainee must request use of the computer and each request will be considered on a case-by-case basis, and the detainee will be allowed access only if his need is justified.<sup>359</sup> If a detainee’s request is granted, the research computer cart is placed in an empty segregation cell for the detainee’s use.<sup>360</sup>

As mentioned above, detainees in disciplinary segregation have one hour for recreation every other day, despite the *Standards* requiring access to recreation every day (or five

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<sup>347</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.6.

<sup>348</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.11.

<sup>349</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.13.

<sup>350</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.B.1 & 2.

<sup>351</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.

<sup>352</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.

<sup>353</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.17.

<sup>354</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.17.

<sup>355</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.20.

<sup>356</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>357</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>358</sup> Notes of delegation member [REDACTED] b6 on conversation with Corporal [REDACTED] b6,b7c

<sup>359</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>360</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

days per week if outdoor recreation is available), absent compelling security or safety reasons.<sup>361</sup> During this time, they are allowed to shower and take a walk.<sup>362</sup> While in disciplinary segregation, detainees have access to the group rights presentations with an escort and can also visit with clergy.<sup>363</sup>

Detainee [b6, b7c] reported that while he was in disciplinary segregation all of his personal belongings were [b6, b7c] posed of.<sup>364</sup>

#### L. Staff-Detainee Communication/ICE Presence at the Facility

The *Standards* suggest that detainees should have regular access to ICE staff.<sup>365</sup> ICE staff should explain the general procedures for immigration removal without offering legal advice to the detainees regarding their specific cases.<sup>366</sup> The *Standards* suggest that ICE staff conduct both unannounced and scheduled visits to the detention centers, including visiting the housing units, the food service areas, and the recreation areas.<sup>367</sup> The *Standards* also require that detainees “have the opportunity to submit written questions, requests or concerns to ICE staff.”<sup>368</sup> In addition, the officers should promptly deliver the messages to ICE without reading or altering the messages, and a log should be kept of the messages sent and the responses received.<sup>369</sup> Detainees should be informed that they may make requests to ICE in the inmate handbook.<sup>370</sup>

**KCDC has met some or all of this section of the *Standards*.** ICE staff visit the Facility every Friday.<sup>371</sup> The day we visited the Facility, the ICE agent participating on the visit with us spent some time talking to the detainees and answering their questions.<sup>372</sup> The detainees are informed about the weekly visits by staff members.<sup>373</sup> ICE Agent [b6, b7c] did not indicate whether unannounced visits occur frequently or at all. Detainees can send messages or requests to ICE staff, and those requests are faxed by Facility staff to the ICE office prior to the weekly

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<sup>361</sup> Notes of delegation member [b6, b7c] on conversation with Corporal [b6, b7c]

<sup>362</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>363</sup> Notes of delegation member [b6, b7c] on conversation with Corporal [b6, b7c]

<sup>364</sup> Notes of delegation member [b6] on interview with detainee [b6, b7c]

<sup>365</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

<sup>366</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A

<sup>367</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.1-2.

<sup>368</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

<sup>369</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

<sup>370</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

<sup>371</sup> Notes of delegation member [b6, b7c] on conversation with ICE officer [b6, b7c]

<sup>372</sup> Notes of delegation member [b6] on conversation with ICE officer [b6, b7c]

<sup>373</sup> Notes of delegation member [b6, b7c] on conversation with ICE officer [b6, b7c]

visit.<sup>374</sup> Agent [b6, b7c] reported that most of the questions he receives are regarding specific cases rather than com s.<sup>375</sup>

**M. Detainee Handbook**

The *Standards* require that the facility must provide each detainee, upon admittance, a copy of the detainee handbook or equivalent.<sup>376</sup> The handbook also must state “that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so, including the availability of assistance in preparing the request.”<sup>377</sup> The handbook must include visitation hours and rules.<sup>378</sup> The handbook must provide detainees with the rules and procedures governing access to legal materials.<sup>379</sup> The handbook must notify detainees of the facility correspondence policy.<sup>380</sup> The handbook must also state that detainees have the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so.<sup>381</sup> The Officer in Charge will provide a copy of the handbook to every staff member who has contact with detainees.<sup>382</sup>

**KCDC has not fully met this section of the *Standards*. Detainees are not given a copy of the handbook; the Inmate Handbook does not provide information regarding detainee access to legal materials, legal visitation, or ICE-detainee communication.** KCDC does not have a separate Detainee Handbook. Rather, the Facility has an Inmate Handbook, in both English and Spanish, which applies to the inmates generally and is not specific to immigration detainees.<sup>383</sup> Detainees are not given a copy of the Inmate Handbook, but the contents of the Handbook are posted in the dorms.<sup>384</sup> In addition, upon admission to KCDC every detainee is required to watch a thirty-orientation video that lays out the rules of the Facility.<sup>385</sup> This was confirmed by detainee [b6, b7c] who stated that he watched the orientation video upon his arrival to KCDC.<sup>386</sup>

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<sup>374</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c] and ICE Officer [b6, b7c]

<sup>375</sup> Notes of delegation member [b6] on conversation with ICE officer [b6, b7c]

<sup>376</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

<sup>377</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

<sup>378</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

<sup>379</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.Q.

<sup>380</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

<sup>381</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

<sup>382</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.G.

<sup>383</sup> Notes of delegation member [b6] on conversation with Corporal [b6]

<sup>384</sup> Notes of delegation member [b6] on conversation with Corporal [b6, b7c]

<sup>385</sup> Notes of delegation member [b6] on conversation with Corporal [b6]

<sup>386</sup> Notes of delegation member [b6] on interview with detainee [b6, b7c]

The Inmate Handbook overall does not contain much information pertaining to the detainee’s everyday needs while in the Facility.<sup>387</sup> The Inmate Handbook contains very general information on visiting, medical care, mail, and general behavior.<sup>388</sup> The Inmate Handbook does provide information regarding inmate violations, and details the grievance procedure.<sup>389</sup> There is nothing, however, in the Inmate Handbook regarding access to legal materials or legal visitation.<sup>390</sup> Similarly, the Inmate Handbook does not contain anything detailing the procedures for a detainee to contact or communicate with ICE staff.<sup>391</sup>

**N. Personal Property**

The *Standards* indicate that upon admission all items discovered during the strip search of the detainee shall be identified as funds, valuable, or other personal property.<sup>392</sup> Detainees should be permitted to retain a reasonable amount of personal property in their possession so long as the property poses no threat to facility security.<sup>393</sup> Additionally, detainees should be permitted to retain all personal legal materials unless it creates a safety, security, or sanitation hazard.<sup>394</sup>

**KCDC appears to have fully met this section of the *Standards*.** The majority of detainees at KCDC are processed in a different facility, the Kenosha County Pre-Trial Facility, and their personal property is kept there.<sup>395</sup> Upon booking, an officer at the Pre-Trial Facility will inventory the detainee’s personal property and it is then put in a bag with its own number and kept at the Pre-Trial Facility.<sup>396</sup> The same is done for valuable property.<sup>397</sup> However, the delegation was told that, if possible, ICE will inventory and retain the valuable property of detainees when they are initially processed in ICE’s Broadview Detention Center.<sup>398</sup> If a detainee acquires personal property while in the KCDC, it is inventoried and kept in a small storage area.<sup>399</sup> Each detainee has a storage locker at the foot of his bed in the dormitories that has a lock.<sup>400</sup> They are allowed to keep photos, mail, legal materials and other allowed personal

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<sup>387</sup> KCDC Inmate Handbook, Ex. B hereto.

<sup>388</sup> KCDC Inmate Handbook, Ex. B hereto.

<sup>389</sup> KCDC Inmate Handbook, Ex. B hereto.

<sup>390</sup> KCDC Inmate Handbook, Ex. B hereto.

<sup>391</sup> KCDC Inmate Handbook, Ex. B hereto.

<sup>392</sup> Detention Operations Manual, Detainee Services, Standard 2, Section III.C.

<sup>393</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.B.

<sup>394</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>395</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted] b6,b7c

<sup>396</sup> Notes of delegation member [redacted] on conversation with Sergeant [redacted] b6,b7c

<sup>397</sup> Notes of delegation member [redacted] on conversation with Sergeant [redacted]

<sup>398</sup> Notes of delegation member [redacted] on conversation with ICE Officer [redacted] b6,b7c

<sup>399</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted] b6,b7c

<sup>400</sup> Notes of delegation member [redacted] on conversation with Corporal [redacted] and observation of the KCDC.

property in their storage lockers.<sup>401</sup> Each detainee is allowed to keep all personal legal materials so long as they fit in the storage bin.<sup>402</sup> Detainee [REDACTED] confirmed that he was able to keep all of his legal documents in his storage locker in the dormitory.<sup>403</sup> However, detainee [REDACTED] stated that while he was in disciplinary segregation all of his personal belongings were dis [REDACTED] of.<sup>404</sup>

## V. CONCLUSION

The Kenosha County Detention Center has substantially met many of the ICE Detention *Standards* but has also failed to fully meet a number of sections. Our delegation suggests the following recommendations:

The KCDC Inmate Handbook should be revised to include detainee specific information such as how to request a visit and communicate with ICE officers. It should also be revised to include sections on legal visits and access to legal materials. In addition, every detainee should be given a copy of the Inmate Handbook, rather than relying on it being posted in the dormitories.

To provide proper access to legal materials, KCDC should ensure that detainees have access to all legal materials required by the *Standards*, ensure that computer training is provided because legal materials are only accessible via computer, ensure that sufficient computers and writing materials are provided without cost to detainees, and ensure that detainees may assist each other with research. This means that the Facility should increase the number of legal access computers that are available to the detainees, and they should be informed upon arrival of the computers.

Due to the location of the Facility, and the fact that many of the detainees are from areas that require travel to visit, KCDC should be willing to extend visiting hours or allow for visiting outside the normal schedule to accommodate visitors traveling from great distances.

In order to allow female detainees access to outdoor recreation KCDC should consider alternatives that would allow female detainees outdoor recreation yet still maintain the no sight/no sound policy between male and female inmates. One possibility would be to schedule female detainee outdoor recreation time during the male inmates' meal times, when the males would not be in their dorms.

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<sup>401</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>402</sup> Notes of delegation member [REDACTED] on conversation with Corporal [REDACTED]

<sup>403</sup> Notes of delegation member [REDACTED] on interview with detainee [REDACTED]

<sup>404</sup> Notes of delegation member [REDACTED] on interview with detainee [REDACTED]

**APPENDIX A**

The delegation also visited the Kenosha County Pretrial Facility (“KCPF”) on July 12, 2007. The KCPF serves as the primary intake point for all arrested persons in Kenosha and as a holding facility for Wisconsin probation and parole detainees.<sup>405</sup> In addition, all ICE detainees are initially processed at the KCPF before being transferred to the KCDC.<sup>406</sup> The KCPF has a staff of approximately eighty individuals.<sup>407</sup> The delegation toured the medical and intake facilities at KCPF with Sergeant [REDACTED] b6, b7c<sup>408</sup>. The medical facilities at KCPF temporarily house those detainees at K [REDACTED] b6, b7c and-the-clock nursing care as well as sick or injured inmates of KCPF.<sup>409</sup> The medical facility at KCPF consists of a series of dormitory-style rooms where detainees may be housed in addition to examination rooms.<sup>410</sup>

**A. Access to Medical Care**

The *Standards* require that all detainees have access to medical services that promote detainee health and general well-being.<sup>411</sup> Each facility is required to have regularly scheduled times, known as sick call, when medical personnel are available to examine detainees who have requested medical services.<sup>412</sup> For a facility of over two hundred detainees, there must be sick call five days per week.<sup>413</sup> Facilities must also have procedures in place to provide emergency medical care for detainees who require it.<sup>414</sup> With respect to emergency care, the *Standards* state that in a situation in which a detention officer is uncertain whether a detainee requires emergency medical care, the officer should immediately contact a health care provider or an on-duty supervisor.<sup>415</sup> If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the Officer-in-Charge in writing.<sup>416</sup>

**KCPF appears to have met this section of the *Standards*.** Before a detainee is admitted to KCPF, the transporting officer must complete an observation summary that includes

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<sup>405</sup> Kenosha County Sheriff’s Department: Detention Division (available at <http://www.co.kenosha.wi.us/sheriff/ksdjail.html>).

<sup>406</sup> Notes of delegation member [REDACTED] b6 on conversation with Corporal [REDACTED] b6, b7c. Currently there is one detainee housed at KCPF, as stated above. See *infra*, Section I.

<sup>407</sup> Kenosha County Sheriff’s Department: Detention Division (available at <http://www.co.kenosha.wi.us/sheriff/ksdjail.html>).

<sup>408</sup> Notes of delegation member [REDACTED] b6 on conversation with Sergeant [REDACTED] b6, b7c.

<sup>409</sup> Notes of delegation member [REDACTED] b6 on conversation with Sergeant [REDACTED] b6, b7c.

<sup>410</sup> Observations of delegation member [REDACTED] b6.

<sup>411</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

<sup>412</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

<sup>413</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

<sup>414</sup> Detention Operations Manual, Health Services, Standard 2, Section III.A, D, & G.

<sup>415</sup> Detention Operations Manual, Health Services, Standard 2, Section III.H.

<sup>416</sup> Detention Operations Manual, Health Services, Standard 2, Section III.J.

questions regarding infectious disease, harmful behavior, depression, and intoxication.<sup>417</sup> If any of these conditions are observed or otherwise indicated, the transporting officer must immediately notify a Detention Division Supervisor.<sup>418</sup> Once the detainee is admitted, the intake officer must complete a visual observation summary about the detainee's appearance and behavior, a medical questionnaire, and a mental health risk assessment form.<sup>419</sup> The officer may decide to notify crisis intervention or medical staff, place the detainee on special watch status, or segregate the detainee from the regular population on the basis of these forms.<sup>420</sup> These forms are confidential, but detainees' health information is provided to staff on a need-to-know basis for the protection of both the staff and the detainee.<sup>421</sup>

KCPF employs LPNs to provide twenty-four hour nursing care for any detainee from KCPF or from KCDC who is contagious or requires constant care, including those undergoing withdrawal from alcohol or drugs.<sup>422</sup> These detainees are housed in a separate medical wing that utilizes negative pressure to minimize the risk of contagion spreading.<sup>423</sup> Detainees who use medical appliances such as wheelchairs, walkers, or prosthetics are also housed in the medical wing.<sup>424</sup> In addition to the LPNs, a doctor is available to see detainees in need of medical treatment once per week, and a psychologist provides counseling services a total of forty hours per week between KCPF and KCDC.<sup>425</sup>

Detainees may request medical care by filling out a form which is available in English and Spanish and may be retrieved from the dormitory officer.<sup>426</sup> An informational video about the medical request forms is played in English and in Spanish each day.<sup>427</sup> The form outlines that detainees from KCDC will be charged \$5.00 for on-site medical services, \$10.00 for off-site medical services, \$5.00 for lab work, and \$3.00 for prescriptions.<sup>428</sup> Detainees are also charged \$3.00 for each non-prescription drug such as Pepto-Bismol, decongestant, and Tylenol.<sup>429</sup> If a detainee has insufficient funds in his or her commissary account, the account will show a negative balance.<sup>430</sup> A negative balance will be paid from money deposited into the

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<sup>417</sup> Kenosha County Sheriff's Department: Transporting Officer Observation Summary, Ex. C hereto.

<sup>418</sup> Kenosha County Sheriff's Department: Transporting Officer Observation Summary, Ex. C hereto.

<sup>419</sup> Kenosha County Sheriff's Department Pretrial Facility: Medical/Mental Screening, Ex. D hereto.

<sup>420</sup> Kenosha County Sheriff's Department Pretrial Facility: Medical/Mental Screening, Ex. D hereto.

<sup>421</sup> Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

<sup>422</sup> Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

<sup>423</sup> Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

<sup>424</sup> Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

<sup>425</sup> Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

<sup>426</sup> Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

<sup>427</sup> Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

<sup>428</sup> Kenosha County Correctional Health Services: Inmate Medical Request Form, Ex. E hereto.

<sup>429</sup> Kenosha County Correctional Health Services: Inmate Medical Request Form, Ex. E hereto.

<sup>430</sup> Kenosha County Correctional Health Services: Inmate Medical Request Form, Ex. E hereto.

account at a later date.<sup>431</sup> Medical debts are not eliminated upon release from KCPF.<sup>432</sup> However, medical care will not be refused to any inmate based on his or her ability to pay.<sup>433</sup> There are no fees for a physical screening, follow-up visits ordered by in-house medical staff, emergency care, crisis intervention counseling, or visits to medical professionals while the detainee is being housed out of the county.<sup>434</sup>

If the dormitory officer determines that there is no medical emergency, the detainee will be seen by medical personnel within the next twenty-four hours.<sup>435</sup> In an emergency, a nurse will assess the detainee and then recommend either treatment at KCPF or transportation to a hospital emergency room.<sup>436</sup>

Prescription medications are generally distributed three times per day, although detainees receiving treatment for HIV/AIDS receive medications more frequently.<sup>437</sup> Methadone is not prescribed to any detainee because the provider used by KCPF is not licensed to prescribe it.<sup>438</sup>

## B. Access to Dental Care

The *Standards* require that detainees have an initial dental screening exam within fourteen days of the detainee's arrival, and require KCPF to provide emergency dental treatment and repair of prosthetic appliances.<sup>439</sup> For detainees who are held in detention for over six months, routine dental treatment may be provided, including amalgam and composite restorations, prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee's health.<sup>440</sup>

**KCPF has not fully met this section of the *Standards*; detainees do not receive a dental screening.** Although a dentist is available at KCPF once per week for approximately three hours, detainees do not receive the initial dental screening exam required by the *Standards*.<sup>441</sup>

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<sup>431</sup> Kenosha County Correctional Health Services: Inmate Medical Request Form, Ex. E hereto.

<sup>432</sup> Kenosha County Correctional Health Services: Inmate Medical Request Form, Ex. E hereto.

<sup>433</sup> Kenosha County Correctional Health Services: Inmate Medical Request Form, Ex. E hereto.

<sup>434</sup> Kenosha County Correctional Health Services: Inmate Medical Request Form, Ex. E hereto.

<sup>435</sup> Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED]

<sup>436</sup> Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED]

<sup>437</sup> Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED]

<sup>438</sup> Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED]

<sup>439</sup> Detention Operations Manual, Health Services, Standard 2, Section III.E.

<sup>440</sup> Detention Operations Manual, Health Services, Standard 2, Section III.E.

<sup>441</sup> Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

Facility Name: **KENOSHA COUNTY DETENTION CENTER, Kenosha, WI**

Date of Tour: **July 12, 2007**

Tour Participants: Latham & Watkins LLP attorneys and summer associates

[Redacted] b6 and [Redacted] b6

*\*Standards are Detainee Services Standards unless otherwise indicated. Sta*

*er fr*

**Report comments in bold are priority issues for ICE-ABA discussion.**

	ICE Standard*	Delegation Report	Source	ICE Response
1.	Standard 17, Visitation <ul style="list-style-type: none"> <li>▪ I. To maintain detainee morale and family relationships, [ICE] encourages visits from family and friends.</li> <li>▪ III.B. Notification. The facility shall provide written notification of visitation rules and hours in the detainee handbook .... The facility shall also post these rules and hours where detainees can easily see them.</li> <li>▪ III.H. Visits shall be permitted during set hours on Saturdays, Sundays, and holidays. ... The facility’s written rules shall specify time limits for visits: 30 minutes minimum, under normal conditions.</li> </ul>	<ul style="list-style-type: none"> <li>▪ A sign posted in the lobby states that no family or friend visitation is allowed on holidays. (p.4 ¶4)</li> <li>▪ Detainees are permitted one family visit per week, which is limited to twenty to thirty minutes. (p.5 ¶3)</li> </ul>	Delegation observations.  Corporal [Redacted] b6/b7	
2.	Standard 17, Visitation <ul style="list-style-type: none"> <li>▪ III.I. [E]ach detainee may meet privately with current or prospective legal representatives and their legal assistants.</li> <li>▪ III.I.9. Visits between legal service providers ... and an individual detainee are confidential and shall not be subject to auditory supervision. ... [O]fficers may observe such meetings visually through a window or camera to the extent necessary to maintain security, as long as the officer cannot overhear the conversation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>All conversations in the attorney-client meeting rooms are recorded. The tapes are marked “privileged” and stored in a locked storage container. (p.3 ¶3)</b></li> </ul>	Corporal [Redacted] b6/b7	
3.	Standard 1, Access to Legal Material <ul style="list-style-type: none"> <li>▪ III.A. The facility shall provide a law library in a designated room with sufficient space to facilitate detainees’ legal research and writing.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>KCDC does not have a legal library. Instead, computers with Lexis Nexis are accessible to detainees. (p.9 ¶1)</b></li> <li>▪ <b>Three detainees were unaware that any immigration-related legal materials are available to them. (p.9 ¶2)</b></li> </ul>	Corporal [Redacted] b6/b7  es [Redacted] b6/b7 an [Redacted] b6/b7	

4.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>III.C. The law library shall contain the materials listed in Attachment A. ... The facility shall post a list of its holdings in the law library.</li> </ul> <p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>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.</li> <li>III.K. The facility shall permit detainees to assist other detainees in researching and preparing legal documents upon request ....</li> <li>III.L. Unrepresented ... non-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. Facilities shall establish procedures to meet this obligation, such as: 1. helping the detainee obtain assistance in using the law library and drafting legal documents ...</li> </ul>	<ul style="list-style-type: none"> <li><b>No hard copies of materials are provided; legal information is only available on computer.</b> (p.10 ¶1)</li> <li><b>Detainees reported that requests for the legal computer use are granted about a week after the request, or are denied altogether.</b> (p.9 ¶2)</li> <li><b>Detainees are not allowed to assist other detainees with legal research on computer.</b> (p.11 ¶2) However, Corporal ██████████ stated that officers will assist detainees in ██████████ e computer and in translating. (p.10 ¶1)</li> </ul>	<p>Corporal ██████████</p> <p>Detainees ██████████ and ██████████</p> <p>Corporal ██████████</p>	
5.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>III.Q. The detainee handbook ... shall provide detainees with the rules and procedures governing access to legal materials, including ... 1. that a law library is available for detainee use; 2. the scheduled hours of access to the law library; 3. the procedure for requesting access to the law library; ....</li> </ul>	<ul style="list-style-type: none"> <li><b>The Inmate Handbook does not mention the law library or computer.</b> (p.12 ¶2)</li> </ul>	<p>Inmate Handbook.</p>	
6.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>III.N. The facility will provide indigent detainees with free envelopes and stamps for mail related to a legal matter....</li> </ul> <p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> <li>III.E. Inspection of Incoming Correspondence and Other Mail. Any such inspection [of incoming special mail] shall be in the presence of the detainee. Staff shall neither read nor copy special correspondence.</li> <li>III.F. Inspection of Outgoing Correspondence and Other Mail. Outgoing special correspondence will not be opened, inspected, or read.</li> </ul>	<ul style="list-style-type: none"> <li><b>Indigent detainees do not receive free stamps.</b> (p.10 ¶4)</li> <li>Detainees indicated that all mail is opened and read, but it is unclear whether the mail is read in the presence of the detainees. (p.14 ¶3)</li> </ul>	<p>Detainee ██████████</p> <p>Corporal ██████████ detainee ██████████ and ██████████</p>	

7.	<p>Standard 13, Recreation</p> <ul style="list-style-type: none"> <li>▪ III.A.3. All new or renegotiated contracts and IGSA's will stipulate that [ICE] detainees have access to an outdoor recreation area.</li> <li>▪ 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.</li> <li>▪ III.H. Detainees in the SMU shall be offered at least one hour of recreation per day, scheduled at a reasonable time, at least five days per week. This privilege shall be waived only if the detainee's recreational activity would unreasonably endanger safety or security ....</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detained women do not have access to outdoor recreation; the outdoor recreation areas are only open to male detainees. (p.16 ¶1)</li> <li>▪ Detainees in disciplinary segregation have one hour for recreation every other day, rather than five hours per week, and this hour must also be used for showering. (p.17 ¶1)</li> </ul>	<p>Corporal [redacted] delegatio observations.</p> <p>Corporal [redacted]</p>	
8.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> <li>▪ III.E. Dental Treatment. An initial dental screening exam should be performed within 14 days of the detainee's arrival.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detainees do not receive a dental screening at KCDC or at Kenosha County PreTrial Facility. (p.19 ¶1)</li> </ul>	<p>Corporal Sergeant [redacted]</p>	
9.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> <li>▪ III.I. The detainee handbook's section on classification will include the following: 1. An explanation of the classification levels with the conditions and restrictions applicable to each. 2. The procedures by which a detainee may appeal his/her classification.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Inmate Handbook does not include information about the classification levels, the conditions and restrictions associated with each level, or the appeals process. Several detainees were unaware of the classification system and appeals process. (p.21 ¶2)</li> </ul>	<p>Inmate Handbook; detainees [redacted]</p> <p>[redacted]</p> <p>[redacted]</p>	

10.	<p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> <li>III.A.3. Staff may not impose or allow imposition of the following sanctions: corporal punishment; deviations from normal food services; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; or deprivation of physical exercise unless such activity creates an unsafe condition.</li> </ul>	<ul style="list-style-type: none"> <li>According to the Inmate Handbook, inmates on disciplinary status “will not be allowed to receive or send mail with the exception of legal correspondence.” (p.24 ¶3)</li> </ul>	Inmate Handbook.	
11.	<p>Standard 14, Religious Practices</p> <ul style="list-style-type: none"> <li>I. Detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths.</li> <li>III.K. Detainees shall have access to personal religious property, consistent with facility security.</li> <li>Religious headwear ... is permitted in all areas of the facility, subject to the normal considerations of security and good order ....<sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>Religious headgear may not be worn while inside. (p.28 ¶1)</li> </ul>	Corporal [REDACTED]	
12.	<p>Security and Control Standard 14, Special Management Unit (Disciplinary Segregation)</p> <ul style="list-style-type: none"> <li>III.D.15. When developing the schedule for law library-access, the OIC will set aside blocks of time for the detainees in disciplinary segregation. ... The facility may choose to provide segregated detainees upon-request access only. Violent and/or uncooperative detainees may be temporarily denied access to the law library ....</li> </ul>	<ul style="list-style-type: none"> <li><b>A detainee’s access to the legal research computer is limited wh [REDACTED] segregation. According to Corporal [REDACTED] a detainee will be allowed access to the [REDACTED] er only if his need is justified. (p.29 ¶2)</b></li> </ul>	Corporal [REDACTED]	
13.	<p>Standard 6, Detainee Handbook</p> <ul style="list-style-type: none"> <li>I. Every OIC will develop a site-specific detainee handbook to serve as an overview of ... the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available .... Every detainee will receive a copy of this handbook upon admission to the facility.</li> <li>III.D. The handbook will list detainee rights and responsibilities.</li> </ul>	<ul style="list-style-type: none"> <li><b>The Inmate Handbook is not given to detainees, but the contents of the Inmate Handbook are posted in the dorms.</b> In addition, upon admission to KCDC every detainee views an orientation video in either English or Spanish that explains the rules of KCDC and the penalties imposed for violations. (p.31 ¶3; p.23 ¶5)</li> </ul>	Corporal [REDACTED] delegatio observations.	

<sup>1</sup> This section of the DOM is italicized; however, the italicized formatting appears to be in error, as there is no indication in the text that the italicized paragraphs of III.K apply only at SPCs and CDFs.

14.	<p>[Detainee Handbook, continued]</p> <p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>▪ III.Q. Notice to Detainees. The detainee handbook or equivalent, shall provide detainees with the rules and procedures governing access to legal materials....</li> </ul> <p>Standard 17, Visitation</p> <ul style="list-style-type: none"> <li>▪ III.B. Notification. The facility shall provide written notification of visitation rules and hours in the detainee handbook or equivalent, given each detainee upon admittance. The facility shall also post these rules and hours where detainees can easily see them.</li> </ul> <p>Standard 15, Staff-Detainee Communication</p> <ul style="list-style-type: none"> <li>▪ III.B.3. Detainee Handbook. ... The handbook shall state that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so ....</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>There is nothing in the Inmate Handbook regarding access to legal materials, legal visitation, or procedures for contacting or communicating with ICE staff. (p.32 ¶1)</b></li> </ul>	Inmate Handbook.	
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