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MEMORANDUM

May 19, 2009

To: James T. Hayes, Jr., Director, Office of Detention and Removal, Immigration and Customs Enforcement
From: American Bar Association Delegation to Pamunkey Regional Jail¹
Copies to: [REDACTED] b6 ABA Commission on Immigration
Subject: Report on August 1, 2007 Observational Tour of Pamunkey Regional Jail, Ashland, Virginia

This memorandum summarizes and evaluates information gathered at Pamunkey Regional Jail (“PRJ” or “the facility”) in Ashland, Virginia, during the delegation’s August 1, 2007 visit to the facility. The information was gathered via observation of the facility by the delegation, interviews with seven detainees, and discussions with PRJ personnel.

I. ICE DETENTION STANDARDS

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

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

¹ The delegation was comprised of attorneys and summer associates from the Washington, DC office of Latham & Watkins: [REDACTED] b6, [REDACTED] b6, [REDACTED] b6, [REDACTED] b6, [REDACTED] b6, and [REDACTED] b6

² 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”).

promulgate policies and practices affording ICE detainees more enhanced rights and protections, beyond those provided for by the Standards.

II. INTRODUCTION

A. The Delegation's Visit, August 1, 2007

On Wednesday, August 1, 2007, the members of our delegation met with several members of PRJ's staff in Ashland, Virginia. Captain [REDACTED] b6, b7C led our delegation on a tour of the facilities and participated in post-tour follow-up discussions. The delegation also met with the following PRJ personnel along the tour: Officer [REDACTED] b6, b7C, Officer [REDACTED] b6, b7C, Lieutenant [REDACTED] b6, b7C, Officer [REDACTED] b6, b7C and [REDACTED] b6 (Director of Nursing). The delegation appreciates the cooperation of these individuals; they were direct and accommodating during our tour of the facility.

Our report is based on the discussions we had with these PRJ employees, as well as observations of the facility and interviews with seven immigration detainees.³ In some instances, the detainees' reports were compatible with statements made by facility personnel and our observations. In such cases, the delegation was able to more accurately determine whether PRJ policy and procedures successfully meet the Standards. In many instances, however, 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 PRJ Detention Facility

The PRJ Detention Facility houses federal immigration detainees according to an intergovernmental service agreement ("IGSA") with ICE.⁴ According to the PRJ personnel, the Facility generally houses seventy to eighty immigration detainees who remain at the facility anywhere from overnight to eight to ten months.⁵ Most inmates and detainees at PRJ are male, and the facility occasionally houses women.⁶ Currently, women are housed at the facility, although we did not ascertain the exact number.⁷ Based on the nationality of the detainees whom we interviewed, it appears that the facility houses immigration detainees from many different countries, including Iraq, Tanzania, Ethiopia, Haiti, Peru, the Dominican Republic, and El Salvador.

III. PREVIOUS ABA REPORT AND SUMMARY OF ISSUES THAT PERSIST

The ABA visited PRJ on July 18, 2005. **Several issues of concern during that visit persisted when the ABA visited again in August 2007. The ABA is particularly concerned because in June 2006 ICE reported to the ABA that the facility indicated that most of these issues had been corrected.**⁸ In 2005, the ABA learned that general visitation was not permitted on weekends, and ICE agreed to look into this issue. In 2005 the ABA reported that consulate lists were not posted by telephones and that calls were limited to fifteen minutes. Although ICE responded that the lists had been posted and call limits increased to twenty minutes, neither correction appears to be in place. In 2005 and

³ Several of the detainees asked to remain anonymous for this report, so the delegation has withheld identifying information for all of the detainees in order to protect the anonymity of those who requested it.

⁴ Notes of delegation member [REDACTED] b6

⁵ Notes of delegation member [REDACTED]

⁶ Notes of delegation member [REDACTED] b6, on conversation with Captain [REDACTED] b6, b7C

⁷ Notes of delegation member [REDACTED]

⁸ The ABA met with ICE on June 27, 2006 to discuss the 2005 PRJ report.

in 2007, the delegations reported that incoming messages from attorneys were not being taken. In response to the 2005 report, ICE stated that messages from attorneys were being taken, and that ICE would reiterate the policy regarding messages to the facility. In 2005 and in 2007, the delegation reported that detainees were unable to make private telephone calls, because there were no privacy safeguards on the telephones they use, and that telephone calls are monitored. ICE reported that it would look into whether detainees were aware of the facility's policy to permit them to make legal calls in the intake area. In 2005 and 2007, the ABA delegations reported that law library access was limited to one hour per week. ICE reported that detainees received five hours per week in the library.

IV. LEGAL ACCESS STANDARDS

A. Visitation

1. Visitation by Attorneys

The Standards require that facilities permit legal visitation seven days per week.⁹ Legal visits must be permitted for a minimum of eight hours per day during the week and four hours per day on weekends and holidays.¹⁰ The visits must be private, and should not be interrupted for head counts.¹¹ Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.¹² Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.¹³ The handbook must provide visitation rules and hours.¹⁴

Pamunkey Regional Jail substantially meets this section of the Standards; however, the Inmate Handbook should state that attorney visits may be scheduled upon request on weekends and holidays. Attorneys may visit the detainees in private rooms seven days per week.¹⁵ On weekdays, attorney visits generally last one hour,¹⁶ though one detainee indicated that he had a visit lasting up to four hours. Attorneys may visit on weekends and holidays as long as they call prior to arrival to set up an appointment.¹⁷ The visitation hours are posted in the lobby and explained in the Inmate Handbook; however, the Handbook does not explain that attorney visits may be scheduled by request on weekends and holidays, and there is some discrepancy between the Handbook and the lobby posting (explained below).¹⁸

Visitation is not interrupted for head counts or meals, and in the event a detainee misses a meal due to an attorney visit, he or she will be provided a bag lunch at a later time.¹⁹ Attorneys wishing to locate a particular detainee are directed to the Intake office for assistance.²⁰

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

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

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

¹² Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

¹³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

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

¹⁵ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED]; Inmate Handbook, p. 16.

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

¹⁷ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

¹⁸ Observations of delegation member [REDACTED] b6; Pamunkey Regional Jail ("PRJ") Inmate Handbook, p. 16.

¹⁹ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

²⁰ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.

The visiting hours information is posted in the lobby, provided in the “Pamunkey Regional Jail Inmate Handbook” (“Inmate Handbook” or the “Handbook”), and was provided by the facility staff provided during the tour, but all three sources differ in the information they provide.²¹ The staff stated that attorney visiting hours on weekdays are 8:00-11:00 a.m., 12:00-2:00 p.m., 2:30-3:30 p.m., and 7:30-9:30 p.m.; and on weekends, attorneys must call ahead for an appointment.²² However, the Handbook states “No visits are scheduled on Saturdays, Sundays or legal holidays”; no exception is specified for attorney visits.²³ According to the visitation hours posted in the lobby, attorney visits are not permitted during mealtime and lockdown.²⁴ However, the facility staff explained, and the Handbook confirms, that the Jail allows attorney-client visits during mealtime, and that the kitchen will provide a regular meal to the detainee should the meeting continue through a meal.²⁵ According to staff, attorney visitation is also permitted during lockdown periods.²⁶ Most of the interviewed detainees indicated that they knew the visitation schedule and procedures for signing up, although it was noted that the schedule and procedures are not posted in Spanish.²⁷

The facility has three private visitation rooms that are typically used for attorney visitation.²⁸ Attorney visits are generally private, contact visits.²⁹ Attorneys are searched with a metal detector before entry, and detainees are subject to strip searches after contact visits.³⁰ If an attorney requests a non-contact visit, where the attorney and detainee are separated by Plexiglass, the detainee will still be subject to a pat-down search upon leaving the visitation room.³¹ Captain [b6, b7C] explained that this was necessary to avoid contraband from being slipped into the detainee room through a door that connects to the public hallway.³²

2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the Standards encourage visits from family and friends.³³ 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.³⁴ This includes procedures for handling incoming money for detainees.³⁵ The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”³⁶ Visiting hours shall be set on Saturdays,

²¹The Handbook is not specific to immigration detainees and therefore does not reflect any policies or procedures that the facility may have implemented which are specific to detainees and different from those for the general inmate population. Based on all interviews with Jail staff, however, the Jail does not appear to treat immigration detainees any differently than criminal inmates with regard to visitation rules.

²² Notes of delegation.

²³ Inmate Handbook, pp. 15-16.

²⁴ Observations of delegation member [b6].

²⁵ Notes of delegation member [b6], on conversation with Officer [b6, b7C] Inmate Handbook, p. 16.

²⁶ Notes of delegation member [b6], on conversation with Officer [b6, b7C] Inmate Handbook, p. 16.

²⁷ Notes of delegation member [b6], [b6], and [b6], on conversations with anonymous detainees.

²⁸ Observations of delegation member [b6] notes of delegation member [b6] on conversation with Captain [b6, b7C]

²⁹ Notes of delegation member [b6], on conversation with Captain [b6, b7C]

³⁰ Notes of delegation member [b6], on conversation with Officer [b6, b7C]

³¹ Notes of delegation member [b6], on conversation with Captain [b6, b7C]

³² Notes of delegation member [b6], on conversation with Captain [b6, b7C]

³³ Detention Operations Manual, Detainee Services, Standard 17, Section I.

³⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

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

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

Sundays, and holidays, and the Standards encourage facilities to accommodate visitors at other times when they are facing a particular hardship.³⁷ Visits should be at least 30 minutes long, and longer when possible.³⁸ If a facility does not provide for visits from minors, ICE should arrange for visits with children or stepchildren within the detainee's first 30 days at the facility, with continuing monthly visits.³⁹ Visits should be granted to detainees in both disciplinary and administrative segregation unless a detainee violates the visitation rules or threatens the security of the visitation room.⁴⁰

Pamunkey Regional Jail does not meet these Standards; visitation from family and friends is not allowed on weekends and holidays; and detainees in disciplinary custody are not allowed visitation from family and friends. The visitation schedule is clearly posted at the entrance to the facility and on PRJ's website.⁴¹ Visiting hours are five days per week, from 9:00 a.m. until 11:00 a.m., from 2:00 p.m. until 3:30 p.m., and again from 7:30 p.m. until 9:30 p.m.⁴² Visitation is self-scheduled by inmates and immigration detainees on a first-come, first-served basis using a sign-up sheet.⁴³ Though the Standards require that visitation should be allowed on weekends and holidays "to maintain detainee morale," the facility's schedule does not allow for visitation by family and friends on weekends and holidays.⁴⁴ The Standards suggest the visits be allowed for "at least 30 minutes;" visitation at PRJ is limited to 30 minutes unless the visitor has been pre-approved for an "extended visit" by virtue of traveling greater than 75 miles to reach the facility.⁴⁵ All visits are non-contact.⁴⁶ Up to two minors (eighteen years old or younger) may visit a detainee at one time if accompanied by an adult.⁴⁷

Although the Standards do not cap the number of visits, PRJ provides for two visits each week, and only one on any given day.⁴⁸ Detainees in maximum security custody are allowed one visit each week.⁴⁹ Detainees in disciplinary custody do not have visitation privileges from family and friends, even though the Standards state that visitation should generally be allowed for detainees in disciplinary segregation, depending upon why the detainee is being disciplined.⁵⁰

³⁷ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.

⁴⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5; Security and Control, Standard 14, Section III.D.17.

⁴¹ Observations of delegation member [REDACTED] b6 .

⁴² Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C . The Handbook lists visitation hours as substantially similar, however the Handbook indicates that visitation would be permitted between 3:30 p.m. and 4:00 p.m. also. Inmate Handbook, p. 15.

⁴³ Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C . Inmate Handbook, p. 15.

⁴⁴ Detention Operations Manual, Detainee Services, Standard 17, Section I; notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C ; Inmate Handbook, p. 16.

⁴⁵ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] Inmate Handbook, p. 16.

⁴⁶ Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C . Inmate Handbook, p. 16.

⁴⁷ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] Inmate Handbook, p. 15.

⁴⁸ Inmate Handbook, p. 15.

⁴⁹ Inmate Handbook, p. 15.

⁵⁰ Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C and Captain [REDACTED] b6, b7C . Detention Operations Manual, Security and Control, Section III.D.17.

B. Telephone Access

1. General Requirements

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.⁵¹ In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees.⁵² The Standards also require that telephone access rules be provided in writing to each detainee upon admittance, and that the rules be posted where detainees may easily see them.⁵³

PRJ meets this section of the Standard. Each housing unit has its own set of phones, with the number of telephones varying based on the size of the unit.⁵⁴ In Housing Unit G, six telephones were available for a total of 96 inmates.⁵⁵ Detainees at PRJ are allowed access to telephones during the established facility waking hours, with the exception of lock down periods.⁵⁶ Telephone usage rules are not posted around the telephones, but they are posted near them.⁵⁷ The rules are posted in English, but the telephones themselves have an option to have instructions for use conveyed in Spanish.⁵⁸

2. Direct Calls and Free Calls

The Standards allow facilities to generally restrict calls to collect calls;⁵⁹ however, the facility must permit detainees to make direct calls to the local immigration court and the Board of Immigration Appeals, federal and local courts, consular officials, legal service providers, government offices, and to family members in case of emergency.⁶⁰ The facility shall not require indigent detainees to pay for these types of calls if local, nor for non-local calls if there is a compelling need.⁶¹ In addition, the facility “shall enable all detainees to make calls to the [ICE]-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.”⁶²

PRJ does not meet this section of the Standard: detainees are unable to make free calls to consulates, and telephone numbers for consulates are apparently unavailable. The delegation observed that names and telephone numbers of free legal service providers were posted near the bank of telephones in Housing Unit G.⁶³ However, a detailed list of consulate numbers was not posted; one detainee noted that the only reason he was able to reach his embassy was because he had memorized the number that was posted at another facility where he was previously held.⁶⁴ PRJ staff explained that a telephone calling card had been provided by ICE specifically for calls to consular and court offices, but

⁵¹ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

⁵² Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

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

⁵⁴ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

⁵⁵ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

⁵⁶ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

⁵⁷ Observations of delegation member [REDACTED]

⁵⁸ Observations of delegation member [REDACTED]

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

⁶⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

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

⁶³ Observations of delegation member [REDACTED]

⁶⁴ Observations of delegation team; notes of delegation member [REDACTED], on conversation with anonymous detainee.

that the card had never worked properly and had been returned to ICE.⁶⁵ According to the staff, no replacement calling card has been provided.⁶⁶ Detainees may place calls to the free legal service providers without cost from within the housing units.⁶⁷

3. Telephone Access to Legal Representatives

The Standards provide that the facility shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones.⁶⁸ If time limits are necessary, they shall be no shorter than twenty minutes.⁶⁹ The Standards require that the facility ensure privacy for detainees' telephone calls regarding legal matters, and that calls shall not be electronically monitored absent a court order.⁷⁰

PRJ does not meet this section of the Standards; calls are disconnected after fifteen minutes, private calls may only be made at the request of an outside party, all calls are monitored, and one detainee reported being disciplined when he requested to return a call to his attorney. All telephone calls are automatically disconnected after fifteen minutes.⁷¹ According to PRJ staff, the detainee is free to immediately re-dial the telephone call immediately after the disconnection,⁷² but at least one detainee said that this was not always possible, because there is often a line of inmates waiting to use the telephones.⁷³ Detainees are unable to make private telephone calls, because the phones where detainees make outgoing calls are all located in the public areas of the housing units with no privacy safeguards.⁷⁴ The telephones are out in the open, and there are no partitions.⁷⁵ The Inmate Handbook states that “[a]ll attorneys, parole officer or other legal calls will be made from the housing unit inmate phones.”⁷⁶ PRJ staff stated that all telephone calls are monitored, and that a confidential call may be arranged, but only at the request of an attorney or other outside party.⁷⁷ Finally, one detainee reported that he was prevented from returning a call from his attorney by the guard assigned to his housing unit.⁷⁸ The detainee also reported that when he asked to be allowed to return the call a second time, he was placed in disciplinary segregation.⁷⁹

4. Incoming Calls and Messages

The Standards require that facilities take and deliver messages from attorneys and emergency incoming telephone calls to detainees as promptly as possible.⁸⁰ If the facility receives an emergency

⁶⁵ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

⁶⁶ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

⁶⁷ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

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

⁶⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

⁷⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

⁷¹ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

⁷² Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

⁷³ Notes of delegation member [REDACTED], on conversation with anonymous detainee.

⁷⁴ Observations of delegation member [REDACTED].

⁷⁵ Observations of delegation member [REDACTED].

⁷⁶ PRJ Inmate Handbook, p. 14.

⁷⁷ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

⁷⁸ Notes of delegation member [REDACTED], on conversation with anonymous detainee.

⁷⁹ Notes of delegation member [REDACTED], on conversation with anonymous detainee.

⁸⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

telephone call for a detainee, the Standards suggest that the facility obtain the caller's name and number and permit the detainee to return the emergency call as soon as possible.⁸¹

PRJ apparently does not meet this Standard; a detainee and an attorney indicated that messages do not always reach detainees. Although no formal message delivery system exists at PRJ, the staff indicated that messages regarding emergencies or from attorneys are delivered to detainees as soon as practicable.⁸² When a message indicates an emergency, detainees are permitted to return the telephone call immediately, even during lockdown periods, at the officer's discretion.⁸³ Messages from attorneys typically provide the detainee with the telephone number and appropriate time to return the attorney's call.⁸⁴ Detainees in disciplinary segregation are also given messages relating to family emergencies.⁸⁵ However, one detainee indicated that he has never received messages left for him by his attorney.⁸⁶ Another detainee's attorney noted that she was not able to reach her client by phone, and her ability to communicate with her client led the detainee to miss court dates.⁸⁷

5. Telephone Privileges in Special Management Unit

The Standards provide that detainees in the Special Management Unit ("SMU") for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions.⁸⁸ Detainees in the SMU for other than disciplinary reasons must have telephone access similar to detainees in the general population.⁸⁹ The Standards limit telephone calls for detainees in disciplinary segregation to calls for legal matters, calls to consular and embassy officials, and calls for family emergencies.⁹⁰

PRJ substantially meets this Standard. However, detainees in administrative segregations are not afforded the same opportunities for making calls as detainees in the general population: they may only call their attorney during their one hour of free time per day. Detainees in disciplinary segregation are allowed to return telephone calls from their attorney and family emergency telephone calls.⁹¹ Detainees in disciplinary segregation are also permitted to place calls to consular/embassy officials, and PRJ has a list of such telephone numbers.⁹² However, detainees in administrative segregation or protective custody are not afforded the same opportunities to place telephone calls as detainees/inmates in the general population.⁹³ Instead, such detainees are permitted one hour of free time per day, during which they may access the telephones to contact their attorney only.⁹⁴

⁸¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁸² Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

⁸³ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

⁸⁴ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED]

⁸⁵ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED]

⁸⁶ Notes of delegation member [REDACTED], on conversation with anonymous detainee.

⁸⁷ Notes of delegation member [REDACTED], on phone conversation with anonymous detainee's attorney.

⁸⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

⁸⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

⁹⁰ Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

⁹¹ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

⁹² Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

⁹³ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

⁹⁴ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

C. Access to Library and 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.”⁹⁵

1. Library Access

The Standards suggest that each facility shall have a flexible schedule for law library use that permits all detainees, regardless of housing or classification, to use the law library on a regular basis.⁹⁶ Each detainee shall be permitted to use the law library for a minimum of five hours per week.⁹⁷ Detainees in segregation shall have the same library access as the general population, absent compelling security concerns.⁹⁸

PRJ does not fully meet this standard: detainees reported that they only have access to the library one hour per week, and detainees in disciplinary segregation do not have access to the library. PRJ staff indicated that access to the law library rotates between the various housing units, allowing detainees to use the library on the days his/her housing unit is scheduled to do so.⁹⁹ The law library is open from approximately 7 a.m. throughout the day, including hours on weekends, and detainees need only request additional time with the programs staff if they would like to schedule time for additional law library research.¹⁰⁰ PRJ personnel stated that library time does not conflict with recreation time.¹⁰¹ However, one detainee stated that detainees are only allowed to access the law library for one hour per week, and that access is on a first-come, first-served basis.¹⁰² Another detainee noted that it is usually hard to get permission to go to the library, and once there it is difficult to get enough work done in the one-hour time limit.¹⁰³ Detainees in protective custody may request and have access to the law library, but detainees placed in disciplinary segregation may not do so.¹⁰⁴

Detainees are allowed to retain legal materials and documents with them, so long as the materials/documents fit within the three totes of personal belongings that inmates keep in their cells.¹⁰⁵ Detainees may keep personal property in their cells only up to the amount that fits in the three totes, and it is a detainee’s decision to make regarding what personal property – whether it be legal documents or other personal items – s/he will keep in the totes.¹⁰⁶ Items, including legal documents, which exceed the space of the three totes will be stored by the facility.¹⁰⁷ Detainees may gain access to these materials by filling out a request form, and jail staff will bring materials to detainees’ cells.¹⁰⁸

⁹⁵ Detention Operations Manual, Detainee Services, Standard 1, Section I.

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

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

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

⁹⁹ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

¹⁰⁰ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

¹⁰¹ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

¹⁰² Notes of delegation member [REDACTED], on conversation with anonymous detainee.

¹⁰³ Notes of delegation member [REDACTED], on conversation with anonymous detainee.

¹⁰⁴ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

¹⁰⁵ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

¹⁰⁶ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

¹⁰⁷ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

¹⁰⁸ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees' legal research and writing.¹⁰⁹ Furthermore, it must be large enough "to provide reasonable access to all detainees who request its use. It shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas."¹¹⁰

PRJ meets this Standard. The facility provides a small, well-lit room for the law library.¹¹¹ The space has three bookshelves of legal materials, two computers, and one medium-sized table for research.¹¹² One of the computers is marked for ICE detainee use only; neither computer has an attached printer.¹¹³ The library is located adjacent to a main corridor, but was very quiet during our visit.¹¹⁴ The room contained four to five chairs and appeared sufficiently large to accommodate that number of inmates at a given time.¹¹⁵ According to staff, all detainees are issued writing instruments and paper.¹¹⁶

3. 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*.¹¹⁷ 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.¹¹⁸ Damaged or stolen materials must be promptly replaced.¹¹⁹

PRJ substantially meets this section of the Standards; however, the library does not contain certain materials. Most of the secondary resources listed as required by Attachment A to the chapter on *Access to Legal Materials* are available at the PRJ law library.¹²⁰ However, the law library does not contain *Human Rights Watch – World Report*, *Considerations for Asylum Officers Adjudicating Asylum Claims from Women*, *Lawyer's Committee Handbook on Representing Asylum Applicants*, or *Legal Research & Writing: Some Starting Points*.¹²¹ The law library does contain *Amnesty International Refugee Program Binder*, a complete set of *American Jurisprudence* volumes and the Virginia Code.¹²² Finally, detainees have access to a version of LexisNexis which specifically contains immigration materials.¹²³ According to PRJ staff, the materials are updated by ICE personnel, who routinely sends CD-ROMs and other items to update the holdings.¹²⁴ Detainees may request materials not available in the

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

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

¹¹¹ Observations of delegation member [REDACTED]

¹¹² Observations of delegation member [REDACTED]

¹¹³ Observations of delegation members [REDACTED] and [REDACTED]

¹¹⁴ Observations of delegation member [REDACTED]

¹¹⁵ Observations of delegation member [REDACTED]

¹¹⁶ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

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

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

¹¹⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

¹²⁰ Observations of delegation members [REDACTED] and [REDACTED]

¹²¹ Observations of delegation members [REDACTED] [REDACTED] and [REDACTED]

¹²² Observations of delegation members [REDACTED] and [REDACTED]

¹²³ Observations of delegation member [REDACTED]

¹²⁴ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

library by submitting a request to the programs staff.¹²⁵ The programs staff will then contact ICE to have the materials sent to the facility.¹²⁶ All library materials were in English.¹²⁷

4. Library Equipment and Supplies

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.¹²⁸ Staff must inspect at least weekly to ensure equipment is in working order and to stock sufficient supplies.¹²⁹ In addition, indigent detainees must be provided free envelopes and stamps for legal mail.¹³⁰

PRJ does not fully meet this section of the Standards; sometimes detainees with no money are not classified as indigent, and therefore are ineligible for free envelopes and stamps. PRJ has two computers available in its law library, one of which is solely for use by immigration detainees.¹³¹ Officer [b6, b7C] stated that detainees may not save information on diskettes.¹³² The programs staff is in charge of checking/updating the materials in the law library, and Officer [b6, b7C] estimated that this review is conducted once each quarter to once every six months.¹³³

Writing instruments and paper are supplied by the facility to detainees,¹³⁴ but were not present in the library at the time of the delegation visit.¹³⁵ Detainees who are identified as indigent are provided with ten free envelopes with stamps every two weeks.¹³⁶ To be designated as indigent, a detainee must sign up every two weeks on the indigent list.¹³⁷ PRJ staff will then review a detainee's commissary account to determine whether s/he is, in fact, indigent.¹³⁸ Apparently detainees may have to wait before being declared indigent, and may not be declared indigent even if they have no money. A detainee must carry a zero balance on his/her commissary account for a certain period of time before s/he will be classified as indigent.¹³⁹ However, PRJ staff indicated that a detainee or inmate is not automatically classified as indigent when s/he has a zero balance, because detainees would then have the incentive to deplete their commissary accounts and rely on the facility for free stamped envelopes and other materials.¹⁴⁰

5. Photocopies

¹²⁵ Notes of delegation member [b6] on conversation with Officers [b6, b7C] and [b6, b7C]
¹²⁶ Notes of delegation member [b6] on conversation with Officers [b6, b7C] and [b6, b7C]
¹²⁷ Observations of delegation member [b6]
¹²⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.
¹²⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.
¹³⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.N.
¹³¹ Observations of delegation member [b6]
¹³² Notes of delegation member [b6] on conversation with Officer [b6, b7C]
¹³³ Notes of delegation member [b6] on conversation with Officers [b6, b7C] and [b6, b7C]
¹³⁴ Notes of delegation member [b6] on conversation with Officers [b6, b7C] and [b6, b7C]
¹³⁵ Observations of delegation member [b6]
¹³⁶ Notes of delegation member [b6] on conversation with Officers [b6, b7C] and [b6, b7C]
¹³⁷ Notes of delegation member [b6] on conversation with Officers [b6, b7C] and [b6, b7C]
¹³⁸ Notes of delegation member [b6] on conversation with Officers [b6, b7C] and [b6, b7C]
¹³⁹ Notes of delegation member [b6] on conversation with Officers [b6, b7C] and [b6, b7C]
¹⁴⁰ Notes of delegation member [b6] on conversation with Officers [b6, b7C] and [b6, b7C]

The Standards provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.¹⁴¹ Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.¹⁴² Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.¹⁴³

PRJ meets this section of the Standards. Detainees at PRJ may make copies, for twenty-five cents per copy, of any legal materials, provided that the request is “reasonable.”¹⁴⁴ Indigent detainees may, upon request, have copies made of documents at no charge.¹⁴⁵ As with other detainees, copy requests by indigent detainees are granted on a case-by-case basis, provided that the request is reasonable.¹⁴⁶

6. Notice to Detainees

The Standards require that the detainee handbook provide detainees with the rules and procedures governing access to legal materials.¹⁴⁷

PRJ meets this Standard. The PRJ Inmate Handbook provides detainees with the procedure for gaining access to the law library, as well as rules/restrictions governing law library usage.¹⁴⁸

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.”¹⁴⁹ Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.¹⁵⁰ While the presentations are open to all detainees, the facility “may limit the number of detainees at a single session.”¹⁵¹ “The facility shall select and provide an environment conducive to the presentation, consistent with security.”¹⁵² In addition, detainees shall have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”¹⁵³

The PRJ substantially meets this section of the Standards; however, posters are not posted in advance of presentations. According to PRJ personnel, there are no restrictions on group rights presentations.¹⁵⁴ PRJ officials informed us that the Capital Area Immigrant Rights (“CAIR”) Coalition

¹⁴¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹⁴² Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹⁴³ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹⁴⁴ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

¹⁴⁵ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

¹⁴⁶ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

¹⁴⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

¹⁴⁸ PRJ Inmate Handbook, p. 19.

¹⁴⁹ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹⁵⁰ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁵¹ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁵² Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹⁵³ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹⁵⁴ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

makes monthly presentations.¹⁵⁵ Prior to these presentation, representatives from the CAIR Coalition visit the individual housing units to explain their mission and what detainees can hope to learn at the presentations.¹⁵⁶ No informational posters are displayed in the housing units.¹⁵⁷ The presentations take place in a central room for the men and in a housing unit classroom for the women.¹⁵⁸ The presentations generally are open to all detainees except those in segregation, although PRJ personnel noted that in actuality no one is ever excluded.¹⁵⁹ While the number of detainees at a single session may be limited, enough sessions are held such that all detainees interested in attending the presentation are able to attend.¹⁶⁰ According to PRJ personnel, the CAIR Coalition frequently meets with small groups and individuals after the presentations.¹⁶¹ There is no official policy on group legal rights presentations; groups can simply contact the Facility for permission to give presentations.¹⁶² Finally, the “Know Your Rights” video is aired at the Facility daily at 11 a.m. and several detainees reported having seen the video.¹⁶³

V. OTHER PROVISIONS OF THE ICE DETENTION STANDARDS

A. Correspondence and Other Mail

The Standards require that detainees be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility.¹⁶⁴ General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and even read outside the presence of the detainee if security reasons exist for doing so.¹⁶⁵ Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.¹⁶⁶ Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹⁶⁷ Outgoing special correspondence may not be opened, inspected, or read.¹⁶⁸

The detainee handbook must specify how to address correspondence, the definition of special correspondence and how it should be labeled, and the procedure for purchasing postage and rules for providing indigent detainees free postage.¹⁶⁹ The Standards also require that facilities provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a

¹⁵⁵ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].
¹⁵⁶ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].
¹⁵⁷ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].
¹⁵⁸ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].
¹⁵⁹ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].
¹⁶⁰ Notes of delegation member [REDACTED] and Scott Binnings, on conversations with Officer Tyler and anonymous detainee.
¹⁶¹ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].
¹⁶² Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].
¹⁶³ Notes of delegation member [REDACTED] and [REDACTED], on conversations with Officer [REDACTED] and anonymous detainees.
¹⁶⁴ Detention Operations Manual, Detainee Services, Standard 3, Section I.
¹⁶⁵ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.
¹⁶⁶ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.
¹⁶⁷ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.
¹⁶⁸ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.
¹⁶⁹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B.

legal representative, potential representative, or any court.¹⁷⁰ Finally, the Standards require that facilities notify detainees of specific information regarding correspondence policies.¹⁷¹

PRJ does not fully meet this section of the Standards: the Handbook lacks information, indigent detainees may not always receive free envelopes and stamps, and one detainee said legal mail was opened outside his presence. PRJ personnel stated that all incoming mail is opened in the presence of the detainee, and that no outgoing mail is opened or read.¹⁷² However, one detainee stated that he has received mail from his attorney that was opened outside his presence before it was delivered to him.¹⁷³ In addition, he noted that he has had trouble sending outgoing mail to his attorney: a package he sent to his attorney was never received.¹⁷⁴ The Handbook includes detailed information about sending and receiving mail, when and how mail is processed, and the amount of postage allotted to indigent detainees.¹⁷⁵ However, the Handbook does not include a definition of special correspondence, nor information about how to label outgoing legal mail.¹⁷⁶ As indicated in Section II.C.4 above, detainees with no money are not always classified as indigent and therefore do not always have access to free envelopes and stamps.

B. Detainee Handbook

The Standards require that every Officer in Charge develop a site-specific detainee handbook to serve as an overview of detention policies, rules, and procedures.¹⁷⁷ Every detainee should receive a copy of the handbook upon admission to the facility.¹⁷⁸ The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.¹⁷⁹ The handbook must include visitation hours and rules.¹⁸⁰ The handbook must notify detainees of the facility correspondence policy.¹⁸¹ The grievance section of the handbook must provide notice of the opportunity to file both formal and informal grievances and the procedures for filing grievances and appeals.¹⁸² The handbook must provide notice of the facility's rules of conduct and the sanctions imposed.¹⁸³ It must advise detainees of rights including the right to protection from abuse, right to freedom from discrimination, and right to pursue a grievance.¹⁸⁴ 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.¹⁸⁵ The Officer in Charge will provide a copy of the handbook to every staff member who has contact with detainees.¹⁸⁶

PRJ substantially meets this section of the Standards, although a few important sections are missing from the Handbook, and the Handbook is currently unavailable in Spanish. The Handbook

¹⁷⁰ Detention Operations Manual, Detainee Services, Standard 3, Section III.I, and Standard 1, Section III.N.

¹⁷¹ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁷² Notes of delegation member [REDACTED], on conversation with Captain [REDACTED].

¹⁷³ Notes of delegation member [REDACTED] on conversation with anonymous detainee.

¹⁷⁴ Notes of delegation member [REDACTED] on conversation with anonymous detainee.

¹⁷⁵ PRJ Inmate Handbook, pp. 14-15.

¹⁷⁶ PRJ Inmate Handbook, pp. 14-15.

¹⁷⁷ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹⁷⁸ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹⁷⁹ Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

¹⁸⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

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

¹⁸² Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

¹⁸³ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

¹⁸⁴ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

¹⁸⁵ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

¹⁸⁶ Detention Operations Manual, Detainee Services, Standard 6, Section III.H.

does not include sections on detainees' rights, such as the rights to protection from abuse and freedom from discrimination, nor does it include information on a detainee's right to submit written questions or concerns to ICE staff.¹⁸⁷ While the Handbook is currently only available in English, PRJ staff indicated that a Spanish-language version has been drafted and should be available to detainees within a few months.¹⁸⁸ Additional areas where the Handbook does not meet the Standards are addressed in the following sections of this report: Section III.A.1, Visitation by Attorneys; Section IV.A, Correspondence and Other Mail; and Section IV.F, Detainee Classification System.

C. Recreation

The Standards require that all detainees have access to recreational programs and activities, under conditions of security and safety.¹⁸⁹ Detainees should be housed in facilities with outdoor recreation.¹⁹⁰ If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.¹⁹¹ Detainees should have access to "fixed and movable equipment," including opportunities for cardiovascular exercise, and games and television in dayrooms.¹⁹² Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.¹⁹³

PRJ meets this Standard. PRJ has an open-air courtyard that is enclosed but exposed to natural light above.¹⁹⁴ Detainees are provided access to the outdoor courtyard everyday for approximately one hour, unless the weather does not permit access, such as in extreme heat.¹⁹⁵ There is a basketball court available to detainees in the courtyard as well as soccer balls.¹⁹⁶ According to staff, there is no conflict between outdoor recreation access and library access.¹⁹⁷

D. Access to Medical Care

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.¹⁹⁸ 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.¹⁹⁹ For a facility of over 200 detainees, there must be sick call five days per week.²⁰⁰ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.²⁰¹ 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

¹⁸⁷ PRJ Inmate Handbook.

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

¹⁸⁹ Detention Operations Manual, Detainee Services, Standard 13, Section I.

¹⁹⁰ Detention Operations Manual, Detainee Services, Standard 13, Section III.A, which also provides that "all new or renegotiated contracts and IGSA's will stipulate that INS detainees have access to an outdoor recreation area."

¹⁹¹ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

¹⁹² Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

¹⁹³ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

¹⁹⁴ Observations of delegation members.

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

¹⁹⁶ Observations of delegation members.

¹⁹⁷ Notes of delegation member [REDACTED] b6 on conversation with Captain [REDACTED] b6, b7C

¹⁹⁸ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁹⁹ Detention Operations Manual, Health Services, Standard 2, Section III.F.

²⁰⁰ Detention Operations Manual, Health Services, Standard 2, Section I.

²⁰¹ Detention Operations Manual, Health Services, Standard 2, Section III.A, D, and G.

or an on-duty supervisor.²⁰² 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.²⁰³

PRJ appears substantially to meet this section of the Standards, although several detainees indicated that they did not receive access to medical care upon request, and in some cases, received the incorrect medication. PRJ employs a Director of Nursing with a staff that includes a licensed nurse practitioner.²⁰⁴ In addition, an outside agency provides on-site medical care, which consists of one medical doctor and two physician assistants.²⁰⁵ This medical staff is on site twice per week, and is accessible by pager.²⁰⁶ A psychiatrist provides services every other Friday, and a counselor is available twice per week.²⁰⁷ All detainees at PRJ are screened for medical issues upon their initial processing, which takes place on the day they arrive at the facility.²⁰⁸ Each detainee is questioned regarding prior health history, current health, medical history, suicide risk, mental health, drug and/or alcohol dependence, TB, dental health, and STD/communicable diseases.²⁰⁹ If flags are raised the individual is referred to medical for attention.²¹⁰

Every unit at the facility contains a box and request forms for medical services.²¹¹ The Director of Nursing indicated that a detainee may request medical services by completing the form, and the medical staff aims to meet those requests within twenty-four to forty-eight hours (and seventy-two hours at the latest).²¹² However, two detainees indicated that they had requested to see a doctor, and their requests were denied without justification or further inquiry.²¹³ In addition, two other detainees indicated that they received incorrect medications, or were denied medication.²¹⁴

E. 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 the facility to provide emergency dental treatment and repair of prosthetic appliances.²¹⁵ 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.²¹⁶

²⁰² Detention Operations Manual, Health Services, Standard 2, Section III.H.

²⁰³ Detention Operations Manual, Health Services, Standard 2, Section III.J.

²⁰⁴ Notes of delegation member [REDACTED] on conversation with Director of Nursing [REDACTED] b6

²⁰⁵ Notes of delegation member [REDACTED] on conversation with Director of Nursing [REDACTED] b6

²⁰⁶ Notes of delegation member [REDACTED] on conversation with Director of Nursing [REDACTED] b6

²⁰⁷ Notes of delegation member [REDACTED] on conversation with Director of Nursing [REDACTED] b6

²⁰⁸ Notes of delegation member [REDACTED] on conversation with Director of Nursing [REDACTED] b6

²⁰⁹ Notes of delegation member [REDACTED] on conversation with Director of Nursing [REDACTED] b6

²¹⁰ Notes of delegation member [REDACTED] on conversation with Director of Nursing [REDACTED] b6

²¹¹ Notes of delegation member [REDACTED] on conversation with Director of Nursing [REDACTED] b6

²¹² Notes of delegation member [REDACTED] on conversation with Director of Nursing [REDACTED] b6

²¹³ Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversations with anonymous detainees.

²¹⁴ Notes of delegation member [REDACTED] b6, on conversation with anonymous detainees.

²¹⁵ Detention Operations Manual, Health Services, Standard 2, Section III.E.

²¹⁶ Detention Operations Manual, Health Services, Standard 2, Section III.E.

PRJ meets this section of the Standards. The detainees receive the initial dental screening by PRJ staff as suggested under the Standards.²¹⁷ In addition, a dentist is on site once per week to provide dental care.²¹⁸

F. Detainee Classification System

The Standards require that detention facilities use a classification system and physically separate detainees into different categories.²¹⁹ Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.²²⁰ A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.²²¹ Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.²²² Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.²²³ Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees.²²⁴

All facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.²²⁵ Finally, the detainee handbook's section on classification must include (1) an explanation of the classification levels, with the conditions and restrictions applicable to each, and (2) the procedures by which a detainee may appeal his classification.²²⁶

PRJ does not fully meet this section of the Standards; the Handbook does not explain the classification levels or the procedure for appealing a classification. In addition, some detainees stated that nonviolent detainees are housed with violent criminals. All detainees and inmates are classified when they first arrive at the facility.²²⁷ The Handbook notes that the Classification Officer will go over with a new detainee the classification levels and the "policies, procedures, programs, services and custody status" associated with each, but there is no explanation in the Handbook itself of what each classification level means.²²⁸ Further, the Handbook does not explain the procedure for appealing a classification, although it notes that detainees can submit a request for information to the Classification Section for answers to questions about classification.²²⁹

PRJ classifies all inmates as minimum, medium, or maximum security.²³⁰ Immigration detainees are classified based on security risk; most detainees are minimum security.²³¹ According to PRJ personnel,

²¹⁷ Notes of delegation member [REDACTED] on conversation with Director of Nursing [REDACTED].

²¹⁸ Notes of delegation member [REDACTED] on conversation with Director of Nursing [REDACTED].

²¹⁹ Detention Operations Manual, Detainee Services, Standard 4, Section I.

²²⁰ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

²²¹ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

²²² Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

²²³ Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & III.E.

²²⁴ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

²²⁵ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

²²⁶ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

²²⁷ PRJ Inmate Handbook, p. 10; notes of delegation member [REDACTED] on conversation with Captain [REDACTED].

²²⁸ PRJ Inmate Handbook, p. 10

²²⁹ PRJ Inmate Handbook, p. 10.

²³⁰ Notes of delegation member [REDACTED] on conversation with Captain [REDACTED].

²³¹ Notes of delegation member [REDACTED] on conversation with Captain [REDACTED].

PRJ does not house immigration detainees with U.S. citizen criminal inmates when possible.²³² Maximum security inmates are never mixed with minimum or medium security inmates.²³³ While this was confirmed by some detainees, others stated that inmates are not segregated by level of offense and nonviolent detainees are forced to live with “convicted, violent offenders.”²³⁴

G. Detainee Grievance Procedures

The Standards require that every facility develop and implement standard procedures for handling detainee grievances and encourage that the facility initially seek to resolve grievances informally before having to engage in a more formalized procedure.²³⁵ Translating assistance for both formal and informal grievances must be provided upon request.²³⁶ 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.”²³⁷ All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.²³⁸

PRJ does not appear to meet this Standard in practice, even though the formal procedures for processing grievances conform with this Standard. According to staff and detainees, detainees do not always receive a grievance form upon request, which means it is impossible for ICE or PRJ to track grievances accurately. The Handbook spells out the grievance process and indicates that even informal grievances are written: inmates first must “attempt to solve the problem informally, by submitting a written Inmate Request Form to the Housing Officer.”²³⁹ The Housing Officer must then either address the problem or forward it to a supervisor.²⁴⁰ The Handbook provides that the form should be returned within “a reasonable amount of time” with a written response, which the detainee should keep to prove that s/he attempted to solve the problem informally.²⁴¹ If a detainee still wishes to pursue the grievance, s/he then must request a grievance form from the Housing Officer.²⁴² The Handbook does not provide notice of the availability of assistance in preparing a grievance.²⁴³ The Handbook explains the procedures for resolving a grievance and the levels of appeal.²⁴⁴

According to PRJ personnel, if a detainee has a grievance, s/he must fill out a “grievance request form,” explaining how s/he tried to work out the problem informally.²⁴⁵ According to PRJ personnel, detainees who request grievance forms *almost* always receive them.²⁴⁶ If the request for a form is granted, the detainee will receive a grievance form which s/he must fill out in three days.²⁴⁷ Detainees

²³² Notes of delegation member [REDACTED] b6, on conversation with Captain [REDACTED] b6, b7C.

²³³ Notes of delegation member [REDACTED] b6 on conversation with Captain [REDACTED] b6, b7C.

²³⁴ Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversations with anonymous detainees.

²³⁵ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

²³⁶ Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1 & 2.

²³⁷ Detention Operations Manual, Detainee Services, Standard 5, Section I.

²³⁸ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

²³⁹ PRJ Inmate Handbook, p. 46.

²⁴⁰ PRJ Inmate Handbook, p. 46.

²⁴¹ PRJ Inmate Handbook, p. 46.

²⁴² PRJ Inmate Handbook, p. 46.

²⁴³ PRJ Inmate Handbook, pp. 45-46.

²⁴⁴ PRJ Inmate Handbook, p. 46.

²⁴⁵ Notes of delegation member [REDACTED] b6 on conversation with Captain [REDACTED] b6, b7C.

²⁴⁶ Notes of delegation member [REDACTED] b6 on conversation with Captain [REDACTED] b6, b7C.

²⁴⁷ Notes of delegation member [REDACTED] b6 on conversation with Captain [REDACTED] b6, b7C.

may appeal unfavorable outcomes to the deputy superintendent.²⁴⁸ However, several detainees complained about the grievance procedure, noting that requests for grievance forms are not always granted.²⁴⁹ One detainee had documentation that indicated that his requests had been forwarded to “S/C,” but he said that he has never actually received a grievance form and has not been given a formal opportunity to complain.²⁵⁰

VI. CONCLUSION

Pamunkey Regional Jail fails to meet a number of Standards related to legal access and other issues. Three reports are of particular concern: that a detainee was disciplined for requesting to return a call to his attorney; that detainees do not always receive permission to file a grievance (confirmed by both detainees and staff; and that detainees may not be declared indigent, even when they do not have any money, because staff wants to discourage them from getting free mailing supplies. The additional concerns that require attention are as follows.

To facilitate legal visitation, PRJ should clarify in the Handbook that attorneys may schedule visits on weekends and holidays. PRJ should also adopt better procedures to ensure that phone messages from attorneys reach detainees in a timely manner.

To facilitate visitation from family and friends, PRJ should allow friends and family to visit on weekends and holidays. Visits longer than thirty minutes should be allowed, and the number of visits per week should not be capped. Finally, detainees in disciplinary custody should be allowed visitors unless they violate the visitation rules or threaten the security of the visitation room.

To provide adequate telephone access to detainees, PRJ should ensure that telephone rules and operating instructions are clearly posted at all telephones in multiple languages, including English and Spanish. PRJ should not cut off phone calls before twenty minutes have expired. PRJ should take steps to ensure that there is a way for detainees to make private calls for legal matters, and these calls should not be recorded or monitored by the facility in any matter whatsoever absent a court order. PRJ should permit free calls to consulates. Finally, a posting near detainee telephones should provide a list of all consulates, as well as relevant courts, immigration offices, and all free legal service providers.

To facilitate detainee correspondence, PRJ should ensure that legal mail is not opened outside the presence of the detainee. PRJ should also facilitate the sending of legal correspondence by detainees.

To allow detainees to be fully informed of all procedures, the Handbook should include information on detainees’ rights and the procedures for submitting questions and concerns to ICE. The Handbook should also include explanation of the classification process and the meaning of each level of classification. An explanation of how to label out-going legal correspondence should be added to the Handbook. The Spanish version of the Handbook should be made available as soon as possible.

To facilitate adequate medical care for detainees, PRJ should ensure that detainees are able to see a medical provider upon request, and that all denials are fully explained to the detainee. Further, PRJ should take steps to prevent giving the incorrect medication to detainees.

²⁴⁸ Notes of delegation member [REDACTED], on conversation with Captain [REDACTED].

²⁴⁹ Notes of delegation member [REDACTED], on conversation with anonymous detainees.

²⁵⁰ Notes of delegation member [REDACTED], on conversation with anonymous detainee.

LATHAM & WATKINS^{LLP}

To support detainees' ability to file grievances, PRJ should take steps to ensure that the actual procedures follow the procedures outlined in the Handbook. While informal resolution of problems can be encouraged, all detainees who request a formal grievance form should receive one.

DC\1020234.4

Facility Name: PAMUNKEY REGIONAL JAIL, Ashland, VA

Date of Tour: August 1, 2007

Tour Participants: Latham & Watkins attorneys and summer associates [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]

*Standards are Detainee Services Standards unless otherwise indicated. Standards excerpts are typed verbatim. Issues are generally listed in their order from the Report.

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

Pamunkey Regional Jail has a number of problems with Standards related to legal access and other issues.

	ICE Standard*	Delegation Report	Source	ICE Response
1.	Standard 17, Visitation <ul style="list-style-type: none">▪ I. To maintain detainee morale and family relationships, [ICE] encourages visits from family and friends.▪ III.H.1. 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.▪ III.H.5. A detainee shall ordinarily retain visiting privileges while in administrative or disciplinary segregation status.... The facility may restrict or disallow general visits for a detainee in segregation status who violates the visiting guidelines or whose behavior indicates that he/she threatens the order or security of the visiting room.	<ul style="list-style-type: none">▪ The facility's schedule does not allow for visitation by family and friends on weekends and holidays. (p.5 ¶1)▪ Detainees in disciplinary custody do not have visitation privileges from family and friends. (p.5 ¶2)	Officer [REDACTED] and Captain [REDACTED]	

2.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ 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. ▪ III.I.2. Hours. The facility shall permit legal visitation seven days a week, including holidays. 	<ul style="list-style-type: none"> ▪ The Handbook states “No visits are scheduled on Saturdays, Sundays or legal holidays”; no exception is specified for attorney visits. (p.3 ¶5) 	<p>Inmate Handbook.</p>	
3.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> ▪ I. Facilities holding [ICE] detainees shall permit them to have reasonable and equitable access to telephones. ▪ III.A. The facility shall provide detainees with reasonable access to telephones during established facility waking hours ▪ III.B. [T]he facility shall provide telephone access rules in writing to each detainee upon admittance, and also shall post these rules where detainees may easily see them. ▪ III.F. The facility shall not restrict the number of calls a detainee places to his/her legal representative, nor limit the duration of such calls by rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones. If time limits are necessary for such calls, they shall be no shorter than 20 minutes, and the detainee shall be allowed to continue the call if desired, at the first available opportunity. The facility may place reasonable restrictions on the hours, frequency and duration of the other direct and/or free calls listed above [i.e., “other” than calls to detainee’s legal representatives]. 	<ul style="list-style-type: none"> ▪ All telephone calls are automatically disconnected after fifteen minutes. (p.7 ¶1) ▪ One detainee reported that he was prevented from returning a call from his attorney by the guard assigned to his housing unit. The detainee also reported that when he asked to be allowed to return the call a second time, he was placed in disciplinary segregation. (p.7 ¶1) 	<p>Officers and [REDACTED]</p> <p>Anonymous detainee.¹</p>	

¹ Several of the detainees asked to remain anonymous for this report, so the delegation has withheld identifying information for all of the detainees in order to protect the anonymity of those who requested it.

4.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> III.E. [T]he facility shall permit the detainee to make direct calls: ... 3. to consular officials The facility shall not require indigent detainees to pay for [legal, court-related, consular, emergency calls] if they are local calls, nor for non-local calls if there is a compelling need. The facility shall enable all detainees to make calls to the [ICE]-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party. 	<ul style="list-style-type: none"> A detailed list of consulate numbers was not posted; and one detainee noted that the only reason he was able to reach his embassy was because he had memorized the number that was posted at another facility where he was previously held. (p.6 ¶3) Detainees are unable to call their consulates or courts free of charge. PRJ staff explained that a telephone calling card had been provided by ICE specifically for calls to consular and court offices, but that the card had never worked properly and had been returned to ICE. (p.6 ¶3) 	<p>Delegation observations; anonymous detainee.</p> <p>Officers [REDACTED] and [REDACTED]</p>	
5.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible. When facility staff receives an emergency telephone call for a detainee, the caller's name and telephone number will be obtained and given to the detainee as soon as possible. 	<ul style="list-style-type: none"> One detainee indicated that he has never received messages left for him by his attorney. Another detainee's attorney noted that she was not able to reach her client by phone, and her ability to communicate with her client led the detainee to miss court dates. (p.8 ¶1) 	<p>Anonymous detainee; attorney of another anonymous detainee.</p>	
6.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> III.J. The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order. 	<ul style="list-style-type: none"> Detainees are unable to make private telephone calls, because the phones where detainees make outgoing calls are all located in the public areas of the housing units with no privacy safeguards. (p.7 ¶1) PRJ staff stated that all telephone calls are monitored, and that a confidential call may be arranged, but only at the request of an attorney or other outside party. (p.7 ¶1) 	<p>Delegation observations.</p> <p>Officers [REDACTED] and [REDACTED].</p>	
7.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> III.G. Staff shall permit detainees in Special Management Unit for other than disciplinary reasons...to have telephone access similar to detainees in the general population 	<ul style="list-style-type: none"> Detainees in administrative segregation or protective custody are not afforded the same opportunities to place telephone calls as detainees/inmates in the general population. Instead, they are permitted one hour of free time per day, during which they may access the telephones to contact their attorney only. (p.8 ¶3) 	<p>Officers [REDACTED] and [REDACTED].</p>	

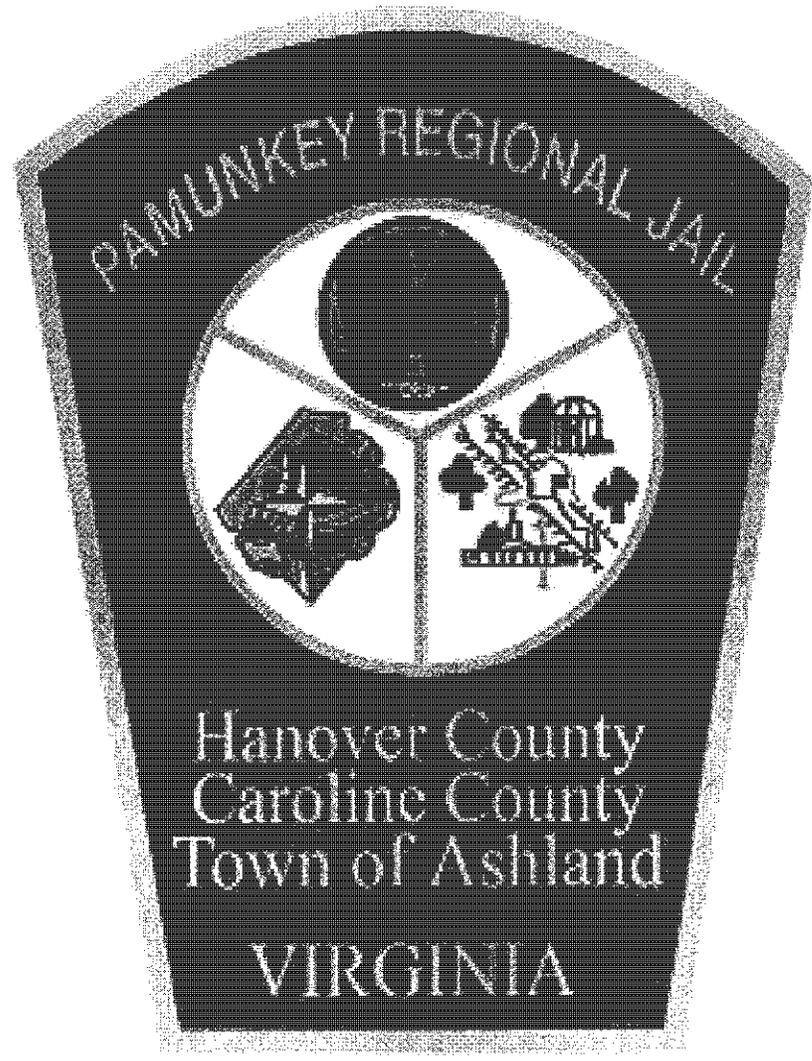
8.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.C. The law library shall contain the materials listed in Attachment A. ... The facility shall post a list of its holdings in the law library. 	<ul style="list-style-type: none"> The law library does not contain several materials from Attachment A: Human Rights Watch – World Report, Considerations for Asylum Officers Adjudicating Asylum Claims from Women, Lawyer’s Committee Handbook on Representing Asylum Applicants, or Legal Research & Writing: Some Starting Points. (p.10 ¶3) 	<p>Delegation observations.</p>	
9.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.G. The facility shall...permit all detainees, regardless of housing or classification, to use the law library on a regular basis. Each detainee shall be permitted to use the law library for a minimum of five (5) hours per week. Detainees may not be forced to forgo their minimal recreation time, as provided in “Detainee Recreation,” standard to use the law library. III.M. Detainees housed in ... Segregation units shall have the same law library access as the general population, unless compelling security concerns require limitations. 	<ul style="list-style-type: none"> One detainee stated that detainees are only allowed to access the law library for one hour per week, and that access is on a first-come, first-served basis. Another detainee noted that it is usually hard to get permission to go to the library, and once there it is difficult to get enough work done in the one-hour time limit. (p.9 ¶1) Detainees in protective custody may request and have access to the law library, but detainees placed in disciplinary segregation may not do so. (p.9 ¶1) 	<p>Anonymous detainee; anonymous detainee.</p> <p>Officers [REDACTED] and [REDACTED]</p>	
10.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.J. The facility shall ensure that detainees can obtain copies of legal material III.N. The facility will provide indigent detainees with free envelopes and stamps for mail related to a legal matter 	<ul style="list-style-type: none"> Apparently detainees may have to wait before being declared indigent, and may not be declared indigent even if they have no money. A detainee must carry a zero balance on his/her commissary account for a certain period of time before being classified as indigent. However, PRJ staff indicated that a detainee or inmate is not automatically classified as indigent when s/he has a zero balance, because detainees would then have the incentive to deplete their commissary accounts and rely on the facility for free stamped envelopes and other materials. (p.11 ¶2) 	<p>Officers [REDACTED] and [REDACTED]</p>	

11.	<p>Standard 9, Group Presentations on Legal Rights</p> <ul style="list-style-type: none"> ▪ III.C. At least 48 hours before a scheduled presentation, informational posters ... shall be prominently displayed in housing units, and each housing unit control officer will hold a sign-up sheet. ... Presentations are open to all detainees ... except when a particular detainee's attendance would pose a security risk. ... The OIC may limit the number of detainees at a single session. ▪ III.I. Videotaped presentations. The facility shall play [ICE]-approved videotaped presentations on legal rights, at the request of outside organizations. ... The facility shall provide regular opportunities for detainees in the general population to view the videotape. 	<ul style="list-style-type: none"> ▪ No informational posters are displayed in the housing units in advance of legal rights presentations. (p.12 ¶5) 	Officer [REDACTED]	
12.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> ▪ III.B. The facility shall notify detainees of its policy in correspondence and other mail through the detainee handbook or equivalent ... [and] shall specify: 1. That a detainee may receive mail, ... and instructions on how envelopes should be addressed; ... 5. The definition of special correspondence, including instructions on the proper labeling for special correspondence, without which it will not be treated as special mail... 	<ul style="list-style-type: none"> ▪ The Handbook does not include a definition of special correspondence, nor information about how to label outgoing legal mail. (p.14 ¶1) 	Inmate Handbook.	
13.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ One detainee stated that he has received mail from his attorney that was opened outside his presence before it was delivered to him. However, PRJ personnel stated that all incoming mail is opened in the presence of the detainee, and that no outgoing mail is opened or read. (p.13 ¶4) 	Anonymous detainee; Captain [REDACTED]	
14.	<p>Standard 6, Detainee Handbook</p> <ul style="list-style-type: none"> ▪ I. Every OIC will develop a site-specific detainee handbook to serve as an overview of ... the detention policies, rules, and procedures in effect at the facility. ▪ III.E. The handbook will be written in English and translated into Spanish and, if appropriate, into the next most-prevalent language(s) among the facility's detainees. 	<ul style="list-style-type: none"> ▪ The Handbook is currently only available in English, although PRJ staff indicated that a Spanish-language version has been drafted and should be available to detainees within a few months. (p.14 ¶3) 	Inmate Handbook; Captain [REDACTED]	

15.	<p>[Detainee Handbook, continued] Standard 6, Detainee Handbook</p> <ul style="list-style-type: none"> ▪ III.D. The handbook will list detainee rights and responsibilities. <p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> ▪ III.A.5. Among other things, the handbook shall advise detainees of the following: a. the right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment; b. the right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs; c. the right to pursue a grievance in accordance with written procedures; ... e. The right to due process 	<ul style="list-style-type: none"> ▪ The Handbook does not include sections on detainees' rights, such as the rights to protection from abuse and freedom from discrimination, nor does it include information on a detainee's right to submit written questions or concerns to ICE staff. (p.14 ¶3) Additional areas where the Handbook does not meet the Standards are addressed elsewhere in this chart. 	Inmate Handbook.	
16.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> ▪ I. All detainees shall have access to medical services that promote detainee health and general well-being. ▪ III.A. Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care. ▪ III.F. Each facility will have a mechanism that allows detainees the opportunity to request health care services provided by a physician or other qualified medical officers in a clinical setting. All facilities must have a procedure in place to ensure that all request slips are received by the medical facility in a timely manner.... 	<ul style="list-style-type: none"> ▪ Two detainees indicated that they had requested to see a doctor, and their requests were denied without justification or further inquiry. In addition, two other detainees indicated that they received incorrect medications, or were denied medication. (p.16 ¶2) 	Anonymous detainees.	
17.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> ▪ III.E.1. Level 1 Classification. May not be housed with Level 3 Detainees. ▪ III.E.2. Level 2 Classification. May not include any detainee with a pattern or history of violent assaults, whether convicted or not. ▪ III.F. The classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security. ... 2. Levels one and two may be mixed, and high level twos and level threes may be mixed, when a facility is at or above full capacity. 3. Under no circumstances will a level two detainee with a history of assaultive or combative behavior be placed in a level one housing unit. 	<ul style="list-style-type: none"> ▪ Some detainees stated that inmates are not segregated by level of offense and nonviolent detainees are forced to live with "convicted, violent offenders." However, other detainees said maximum security inmates are not mixed with lower classifications. (p.17 ¶4) 	Anonymous detainees.	

18.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> ▪ III.I. The detainee handbook’s section on classification will include the following: 1. An explanation of the classification levels with the conditions and restrictions applicable to each. 2. The procedures by which a detainee may appeal his/her classification. 	<ul style="list-style-type: none"> ▪ There is no explanation in the Handbook of what each classification level means. Further, the Handbook does not explain the procedure for appealing a classification. (p.17 ¶3) 	Inmate Handbook.	
19.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> ▪ III.A.2. Formal/Written Grievance. The OIC must allow the detainee to submit a formal, written grievance to the facility’s grievance committee. 	<ul style="list-style-type: none"> ▪ According to PRJ personnel, detainees who request grievance forms <u>almost</u> always receive them. Several detainees stated that requests for grievance forms are not always granted. One detainee had documentation that indicated that his requests has been forwarded to “S/C,” but he said that he has never actually received a grievance form and has not been given a formal opportunity to complain. (p.18 ¶3) 	Captain ██████████ anonymous detainees.	
20.	<p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> ▪ III.A.2. Disciplinary action may not be capricious or retaliatory. ▪ 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. 	<ul style="list-style-type: none"> ▪ One detainee reported that he was prevented from returning a call from his attorney by the guard assigned to his housing unit. The detainee also reported that when he asked to be allowed to return the call a second time, he was placed in disciplinary segregation. (p.7 ¶1) 	Anonymous detainee.	

PAMUNKEY REGIONAL JAIL



INMATE HANDBOOK

March 1, 2007

*Spanish version
forthcoming*

PAMUNKEY REGIONAL JAIL

INMATE HANDBOOK

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PAMUNKEY REGIONAL JAIL

INTRODUCTION

TO: INMATES OF THE PAMUNKEY REGIONAL JAIL

This handbook outlines the policies, procedures, rules and regulations that guide your behavior while incarcerated at the Pamunkey Regional Jail. We realize that being incarcerated can be a stressful and unnerving situation. This handbook is designed to provide persons housed at this facility with information that will assist them in adjusting during their stay.

Like any other community, there are rules and regulations that must be followed to ensure the safety of the inmates that reside at the facility and the staff that supervise them. It is important that you have knowledge of the material in this handbook, as you will be held accountable for conducting yourself within the policies, procedures, rules and regulations of the Pamunkey Regional Jail.

The inmate, who studies this handbook, cooperates in the established programs and complies with the regulations, will assure their release in the shortest time possible.

The material contained in this handbook is by no means all conclusive; the fact that a rule or regulation is not included herein does not mean it may not exist in another publication within the jail. If you have any questions in regard to the material in this handbook, feel free to ask the staff members for clarification and/or counsel.

Sincerely,

[Redacted signature block]

Colonel [Redacted] CJM
Superintendent

DIRECTORY

CAROLINE:

Clerk of Court
15th Judicial District
Caroline Juvenile & Domestic Relations Court
P.O. Box 462, Bowling Green, VA 22427

Clerk of Court
15th Judicial District
Caroline General District Court
P.O. Box 511, Bowling Green, VA 22427

Clerk of Court
15th Judicial District
Caroline Circuit Court
P.O. Box 309, Bowling Green, VA 22427

Caroline Commonwealth's Attorney
P.O. Box 432, Bowling Green, VA 22427

HANOVER:

Clerk of Court
15th Judicial District
Hanover Juvenile & Domestic Relations Court
P.O. Box 86, Hanover, VA 23069

Clerk of Court
15th Judicial District
Hanover General District Court
P.O. Box 176, Hanover, VA 23069

Clerk of Court
15th Judicial District
Hanover Circuit Court
P.O. Box 39, Hanover, VA 23069

Hanover Commonwealth's Attorney
P.O. Box 470, Hanover, VA 23069

MISCELLANEOUS

Commonwealth of Virginia
Board of Corrections
P.O. Box 26963
Richmond, VA 23261

Commonwealth of Virginia
Department of Corrections
Parole Release Unit
P.O. Box 26963
Richmond, VA 23261

Commonwealth of Virginia
Board of Corrections
Court & Legal Unit
P.O. Box 26963
Richmond, VA 23261

Bureau of Immigration and Customs Enforcement
4420 N. Fairfax Drive
Arlington, Virginia 22203

United States Marshal's Office
1000 E. Main Street
Richmond, Virginia 23219

SECTION – 01 PROPERTY & FUNDS

1. INMATE PROPERTY

- A. Within the first twenty-four (24) hours, all property will be taken and stored under the inmate's name and booking number. Inmates will only be allowed to retain the following items in their possession:
- 1) Legal papers/phone numbers
 - 2) Soft cover religious books
 - 3) Acceptable footwear
 - 4) Underwear, white socks, bras without wires and plain white tee shirts.
- B. Acceptance of inmate property will be limited to: **One** set of clothing for inmates scheduled for circuit court, if the court requests it. This clothing will be accepted 24 hours prior to the scheduled court date. Items will only be accepted on a one for one exchange (one new pair of pants in, existing pair out, etc.) Monday – Friday, 8:00 a.m. – 4:00 p.m. No other items will be accepted into the PRJ facility. Inmates may purchase necessary items on the PRJ commissary.
1. During the intake process, the Booking Officer will have all newly committed inmates read, sign and date a "Notification of Disposal of Property/Commissary Form".
 2. The Booking Officer will provide a copy of this notification to the inmate, the commissary officer and a copy will be filed in the inmates' classification file.
 3. U.S. Marshal and BICE inmates will follow the same procedure. No bulk property will be accepted at the time of arrival. Any property accumulated, other than legal material, while at the facility, will be destroyed upon his/her release.

Procedure

A. Bulk Property

- Inmates will be notified, at the time of intake, if they are in possession of bulk property
- Any inmate received at the Pamunkey Regional Jail, who has an excessive amount of property will be given 20 days from the date of his/her initial classification to have all excessive property returned to an outside individual.
- Upon expiration of the twenty (20) day period, all bulk property will be destroyed.
- The inmate will be provided the opportunity to send his property/commissary to an outside party at the inmate's expense. It will be the responsibility of the inmate to provide the Booking Officer with the name and address of the individual that is to receive his/her property. The Booking Officer will forward this information to the

appropriate personnel. (i.e. Commissary, Property etc.) **Pamunkey Regional Jail will not be held responsible for any property lost or damaged in the mail. Pamunkey Regional Jail will not be responsible for bulk property held after the twenty (20) day time period.**

- B. Any inmate wishing to release their personal property to someone outside the jail must complete and sign a Property Release Form (this includes court clothing exchanges). These forms are available from your Housing Unit Officer and must be turned in at least twenty-four (24) hours in advance. Under no circumstances will property be released or transferred to another inmate within the facility. Items will only be released Monday – Friday, 8:00 a.m. – 4:00 p.m. **Property will only be released upon presentation of a photo identification by the person accepting the property.**
- C. **Inmate property in the cell or dorm is limited to that which will fit in the issued storage boxes.** If an inmate has too much property to fit in the storage box, it is the **inmate's responsibility** to have it destroyed or mailed out at the inmate's expense. Excess property found during a search will be **confiscated and destroyed**. (Footwear can be stored in the cell under the writing station when not being worn). Absolutely no property can be transferred between inmates, including commissary items, and to do so may result in disciplinary action.

2. INMATE FUNDS

- A. At the time of dress in, all cash, coins, money orders and institutional checks will be placed into an account under the inmate's name for purchase of commissary items or paying debts. Personal checks and paychecks will be placed in the inmate's property. Inmates will be given a receipt for all money that is placed into their account.
- B. Inmates may receive money orders (no cash or checks) through the mail. PRJ will not be held responsible for cash sent through the mail. Money orders may also be placed in a drop box located in the lobby prior to a visit. The money order must have the inmate's name, date of birth and social security number on it. A receipt will be issued once it is processed.
- C. Inmates wanting to release funds to an outside source must complete a Release of Funds Form, indicating the amount and to whom the check is payable. The request, along with a stamped, addressed envelope must be forwarded through your Housing Officer. The Commissary Officer will forward the inmate a copy of the transaction once it is completed. **Inmates cannot transfer or release funds to other inmates.**
- D. Upon an inmate's release, their account will be reviewed. **Any debts owed to PRJ will be subtracted** and an institutional check will be made for the balance.
- E. If any inmate has an issue with account balances concerning commissary or medical, a request for an account balance must be submitted to commissary. A fee of \$3.00 will be deducted from the requestors account.

3. JAIL ISSUE

- A. All intakes that have not been released within twenty-four (24) hours will be showered and given a jail issued clothing and linen set prior to moving to a housing unit for classification. Jail issue consists of 2 shirts, 2 pants, 1 pair sandals, 2 sheets, 1 blanket, 1 towel, 1 washcloth, 1 laundry bag, 3 storage boxes and 1 hygiene pack. **Note: Inmate workers will receive additional uniform items specific to their job function.** An ID wristband will be issued during classification orientation, which is to be worn at all times.
- B. Inmates will sign for and be held accountable for all jail issue items. The cost of any missing or damaged items will be deducted from the inmate's account. Inmates who are released with a negative balance may be subject to a collection agency, or if incarcerated again, the Pamunkey Regional Jail will deduct the money then. The following is a list of prices for PRJ issued items. These prices are not absolute and are subject to change:

Shirt	\$5.20-\$15.44*	Sheets	\$ 4.30 ea.
Pants	\$7.44-\$17.42	Blanket	\$11.75
Jumpsuit-Solid	\$14.46-\$25.53*	Jumpsuit-Striped	\$16.38-\$19.50*
Sandals	\$ 2.85	Towel	\$ 1.60
Laundry bag	\$ 3.20	Washcloth	\$ 0.35
Tote Box	\$19.12	Mesh Storage Bag	\$13.10
Tote Lid	\$ 8.05	Work Jacket	\$24.75
Mattress	\$75.00	Work Boots	\$19.95
Medical Mattress	\$215.50		

****All clothing items are priced according to size.***

- C. Inmate ID wristband if destroyed will cost \$10.00 to replace, and all privileges will be suspended until replaced.
- D. Inmate Handbooks will be issued to each individual at the time of classification. Handbooks are to be returned upon release from the facility. If a handbook is lost, destroyed, altered or otherwise vandalized, a fee of \$8.00 will be charged prior to your release.
- E. Inmates are responsible for their personal and jail issued property.

SECTION – 02 CLASSIFICATION

1. CLASSIFICATION

- A. All inmates who will be housed in the jail will be interviewed and classified to determine the type of management and housing that will best protect the individual and preserve the security of the facility. An inmate may be **reclassified** at any time during their incarceration.
- B. During the interview process, the Classification Officer will go over the Inmate Handbook and inform inmates of policies, procedures, programs, services and custody status (Minimum, Medium, Maximum, Inmate Worker, Work-release, etc.). If, while incarcerated, you have questions about alternative programs or your custody status, submit a request for information to the Classification Section.
- C. Classification and Records will compile and maintain all records concerning your sentencing status and institutional adjustment (behavior while incarcerated). These records are available to the courts, parole boards, Department of Corrections, INS and U.S. Marshals. The information from these records **may have bearing** on the length of sentence imposed by the court, the DOC custody level assigned or future parole board decisions.

2. SENTENCE COMPUTATION

- A. The Records Section is responsible for determining the release dates for inmates serving **twelve (12) months or less**. Your time computation may be influenced by inmate worker status, disciplinary actions and other reports.
- B. The **Department of Corrections** is responsible for calculating release dates and/or parole eligibility dates for inmates serving sentences greater than twelve (12) months. If you require information on your status under this sentencing, **you must contact the Department of Corrections** (see directory for address). Classification and Records in the jail **does not** provide this information.
- C. Classification and Records is responsible for sending any **jail time credit**, along with other court papers to the Department of Corrections when an inmate is considered to be state eligible or when the inmate is transferred to a state institution.

SECTION – 03 MEDICAL

The Pamunkey Regional Jail shall provide all of its inmates with equal access to health care services. Health care services will be provided by qualified health care professionals and directed by the facility health authority, in compliance with informed consent standards. **If you are injured or become ill, notify a staff member immediately.**

1. SICK CALL

- A. Sick call slips (Medical Appointment Forms) are located in front of the medical sick call box in each housing unit. It is important that you take the pink copy before placing the form in the box. This is your receipt of your request. If you don't take the pink copy, there will be no

proof that you filled one out. A medical department staff member will pick up the slips once a day. It may take up to 72 hours for you to receive a response if your request is not sick call related.

- B. The Housing Officer will notify inmates when they are authorized to leave the unit and report for sick call. All disciplinary custody inmates and female inmates require a staff escort upon leaving the unit. Inmates must report immediately to medical or face disciplinary action. **Upon entering the Medical Department have a seat in the waiting room. All conversations must be kept quiet or you may be asked to leave the medical department.**
- C. Inmates are required to make a co-payment for some medical services. Other services are provided free of charge. The cost of medical services will be deducted from your account.
- D. Medical services that require a co-payment and the amount of the payments are as follows: Sick Call - \$10.00, Doctor's Visit - \$10.00, Dentist's Visit - \$10.00, Prescription Handling Fee - \$5.00 and Hospital Visit - \$13.50. The nurse conducting sick call can only refer an inmate to a doctor or dentist. Prices are subject to change. Notification of any price changes will be provided to you.
- E. In the event the Dentist cannot provide a service, he may recommend treatment from an outside source. There is a \$40.00 co-pay before the appointment can be made.
- F. If eye glasses are needed, there is a charge of \$150.00 before your appointment can be made.
- G. The medical staff determines non-emergency treatment. The cost of the services and medications will be deducted from your account. Pre-Existing conditions are not covered by the jail. Inmates are required to pay for all services concerning pre-existing conditions.
- H. Medical services that are provided free include: admitting physical screening, admitting dental screening, mental health screening and medical emergencies as determined by the medical staff.
- I. The medical staff determines non-emergency treatment. Over the counter medications are priced at the commissary price. The cost of the services and medications will be deducted from your account.
- J. **Medical care will not be withheld from inmates who do not have enough money in their account.** However, their account will go to a **negative balance**, and if money is later received in to the account, the payments owed will be deducted automatically.
- K. Any inmate found responsible for injury to himself or herself or another inmate will be held responsible for the cost of the medical care involved in accordance with Code of Virginia 53.1-133.01:1.
- L. Sleeping difficulty is common in the jail. It is rarely caused by medical, dental, or mental health problems. It is usually resolved by moderate exercise and not sleeping during the day. If you have a more serious problem, we will address it.

2. PILL CALL

Pill call will be conducted by medical staff or a trained staff member as necessary. Inmates scheduled to receive medications must be wearing their assigned wristband for identification purposes to receive medications.

3. HEALTH EXAMINATION

- A. Within fourteen (14) days of incarceration, each inmate will be given a complete health examination including but not limited to: a medical history, substance abuse history, dental exam, mental health exam, T.B. test and other lab work. This is performed free of charge to the inmate and is for the benefit of the inmate and jail population. **Inmates should inform medical of any past or present medical/mental health problems or concerns at this time.**
- B. Any inmate placed in disciplinary custody will be examined by a medical professional every fifteen (15) days.
- C. In accordance with section 19.2 – 270.5 and 19.2 – 310.2 of the Code of Virginia, inmates convicted of a felony, and misdemeanors (if ordered by the court), must submit to DNA analysis prior to their release. Anyone violating this law or court order by refusing to give a blood sample can be **criminally charged**. Refusing to submit to DNA analysis can also result in loss of any accumulated good time. If you have any questions regarding the legality of the procedures, it is **your responsibility** to contact your attorney prior to the blood test.

4. SELF -ADMINISTERED MEDICATION PROGRAM (KOP)

- 1. The Medical staff will supply inmates with self-administered medications after being seen by the facility Physician.
- 2. Approved inmates will be given medication with a permission slip indicating the inmate's name, prescribed medication, start date and end date for the medication and the time medication should be taken. When the medication has expired or the end date on the permission slip has expired, **it is the inmate's responsibility to return any unused portion of medication to medical for disposal. Failure to do so could result in disciplinary action under 1-10 of the Disciplinary System.**
- 3. Indigent inmates will be given a supply of medications by medical staff according to protocol. Indigent inmates will only be given enough medicine for the course of the illness (ex. 3-5 days).
- 4. After seeing the physician or medical staff, non-indigent inmates will be given permission to purchase medicines from commissary, at their own expense
- 5. Medical personnel will authorize permission to carry/possess medicines only.

6. **Narcotics, psychotropic and/or mind altering medication will not be included in the Self-Administered Medication Program. Prescriptions for psychotropic medications shall be coordinated between the physician and the appropriate mental health personnel.**
7. Medical Personnel shall maintain a listing of all inmates in possession of medications. The list shall include the inmate's name, prescription, start and end date and dosage amount and time.
 - A. Medicines along with permission slips will be confiscated if it is determined the inmate is not following the directions for administering the medication as prescribed by the physician or medical staff.
 - B. Officers shall conduct searches when an inmate is believed to be in violation of this program, or when these items are reported lost or stolen. Inmates may be charged with a disciplinary rule violation for misuse of medication (disobeying a direct order).
 - C. Inmates found to be in possession of another inmate's medicines will also be charged with the appropriate rule infraction.
 - D. The inmate is responsible for requesting renewal of medication. The existing pill card needs to be brought to the sick call for review and possible re-order by the medical staff.
8. **Inmates in disciplinary status who abuse self-medication guidelines shall be restricted from future participation in the Self-Administered Medication Program.**

SECTION – 04 COMMUNICATIONS

1. TELEPHONES

- A. There are telephones located in all housing areas for inmate use. **All calls are collect and subject to being monitored and/or recorded.** Calls are limited to fifteen (15) minutes in order to allow all inmates the opportunity to use the phone. Respect those inmates using the phone and stay at least one (1) arm length away. **Any abuse or misuse of the phone system may result in disciplinary action and restriction of use.**
- B. Inmates will not receive calls, incoming messages, or transfers on this system. Only those messages **verified** as an emergency will be delivered to inmates. If an inmate determines they need to make an emergency phone call, they will verbally inform the Housing Officer. The Shift Supervisor will have the information verified and a Supervisor will approve or disapprove the request for an emergency call.

- C. All attorneys, parole officer or other legal calls will be made from the housing unit inmate phones. **If someone you wish to call does not accept collect calls or has a block on the line, then you will have to correspond through the mail.**
- D. Inmate phones will generally be on from 9:00 a.m. until 30 minutes before evening lockdown. The inmate phones will be off during meal times, headcounts, lockdowns, lockbacks, emergencies and any time deemed necessary by the Superintendent or designee.
- E. Inmates who are admitted to the hospital will not be permitted to receive phone calls unless permission to do so has been granted by the Captain of Security.

2. MAIL

- A. Inmates are encouraged to maintain contact with their friends and family, which will aid in their reintegration into society. There is no limit on outgoing mail; however, outgoing mail will be marked with "Pamunkey Regional Jail Inmate". Mail will be gathered by the Housing Officer who will forward it to the shift briefing room where it will be picked up by the mail officer to be processed and mailed at the post office. Inmates who are indigent (do not have money) will receive postage and stationary sufficient to send five (5) letters per week if approved to receive an indigent pack. When sending a letter, ensure you include the following return information: **Inmate's name, Pamunkey Regional Jail, P.O. Box 485, Hanover, VA 23069. The inmate housing assignment should be included, if known.**
- B. Mail is processed into and out of the jail Monday – Friday, provided that the U.S. Mail is operating, excluding Holidays. The mail officer will open and search incoming inmate mail for contraband and all outgoing mail will be screened for contraband. All outgoing mail must include the inmate's name and return address. Failure to provide this information may result in the outgoing mail not being processed. Legal mail will be logged in and delivered by the mail officer. The mail officer will open and search legal mail in the inmate's presence. The inmate will then sign the legal mail logbook. Inmates will be notified when unauthorized items are seized from their mail. Inmates will be responsible for notifying the mail officer within 48 hours of receipt of the confiscation notification what he/she intends to do with the confiscated material. Failure to notify the mail officer will result in destruction of the item(s) confiscated.
- C. Inmates are **authorized to receive** letters, money orders, cards or pictures not to exceed 5x7 inches (**no polaroid's**). Outside subscriptions to newspapers, magazines or soft back books that come directly from a publisher are allowed; but must be pre-approved by the mail officer prior to ordering. Only one (1) magazine or newspaper subscription is allowed at a time. Inmates are allowed to possess three (3) personal pictures, one (1) magazine and one (1) book from the publisher or the library. **Items found during a search that exceed the above limit will be confiscated and destroyed.**
- D. Inmates are **not authorized to receive** cash or personal checks, packages, magazines or publications that contain nude or partially nude photos, publications that are considered a breach/threat to the safety or security of the jail (books which advocate violence, rebellion or the overthrow of the government or authority, how to/instructional books on fighting, weapons, vengeance, lock picking, etc.), letters from inmates within this or another institution (unless specifically approved), postage, stamps, stationary, compact discs or computer media, pages downloaded or printed from the internet, laminated pictures or cards, hardback

books and any other items not specifically authorized by the Pamunkey Regional Jail. **All outside subscriptions must be pre-approved prior to ordering by the mail officer.**

- E. Inmates will be given receipts for money orders sent to them. Cash and personal checks will be returned to sender **at the inmate's expense**. Items seized that can be legally possessed on the outside will be returned at the inmate's expense or destroyed, according to the inmate's choice. Items, which are illegal, will be handed over to the proper authority for investigation and both the sender and receiver will be notified.
- F. Mail addressed to inmates that have been released or discharged will be returned to the sender, and if there is no return address it will be marked "unable to deliver" and returned to the post office. There is no limit on the amount of mail an inmate can receive or send, however, inmates are limited to an **accumulation of no more than twenty (20) cards or letters in their possession**. It is the **inmate's responsibility** to destroy excess mail or have it returned at their expense. Excess items found during a search will be confiscated and destroyed.
- G. Inmates wishing to correspond with immediate family members incarcerated in other facilities **MUST** obtain written permission from the Captain of Support Services. Inmates are not allowed to correspond with previous inmates of the Pamunkey Regional Jail for a period of 90 days. Jail inmates are not allowed to correspond with other inmates in the facility. Inmates violating this will be subject to a disciplinary charge.

3. VISITATION

- A. The Pamunkey Regional Jail encourages inmates to maintain contact with their friends and family through regular visits. **Visitation hours are from 9:00 a.m. until 9:30 p.m. Monday through Friday, by appointment only except legal holidays observed by the jail.** No visits are scheduled between the hours of 11:00 a.m.-2:00 p.m. and 4:00 p.m.-7:30 p.m. **The following persons will not be authorized to visit inmates:** persons who are improperly dressed, under the influence of drugs or alcohol, awaiting trial, on furlough, on probation/parole, inmates released from PRJ within the past ninety (90) days, minors (under eighteen (18) years of age) that are not accompanied by an adult (twenty-one (21) years of age). Only 2 adults or 1 adult and 2 children will be allowed to visit at one time. No child can be left unattended in the lobby while the adult goes to the unit for a visit. Current or former employees of the Pamunkey Regional Jail are not allowed to visit an inmate. **Visitors attempting to smuggle contraband will be criminally prosecuted and visitation privileges will be terminated indefinitely.**
- B. Inmates are responsible for scheduling their own visits one week in advance. The inmate must list the complete first and last name of their visitor(s). A visitation-scheduling book is made available in the housing units for inmates to schedule their visits. The visitation-scheduling forms are collected from the housing units every Friday morning and replaced with new forms for the next week. **Minors (persons under the age of 18 years old) are not to be listed on the visitation roster.** No visits are scheduled on Saturdays, Sundays or legal holidays observed by the Pamunkey Regional Jail.
- C. Inmates are allowed **two (2) visits per week but only one (1) per day**. Each visit will be for **thirty (30) minutes**. Inmates in maximum custody are allowed one visit per week.

- D. Visits are a **privilege, not a right and can be suspended for disciplinary reasons.** Anytime an inmate or visitor does not conduct himself or herself in a respectful manner, the visit can be terminated. Visits will be monitored by the Visitation Officer and/or close circuit television.
- E. All visitors and inmates are responsible for keeping track of their visit time. If a visitor uses more than his/her allotted time, the first occurrence will be documented and the visitor will receive a verbal warning. If the visitor uses more than their allotted time on any visit following a verbal warning, the visitor's privileges will be suspended. Visitors who arrive late will not be allowed to visit and must reschedule the visit.
- F. Professional visits from any attorney of record or members of the clergy shall be authorized **Monday – Friday from 8:00 a.m. until 9:30 p.m.** by appointment only and are subject to the same restrictions as regular visitation. **Clergy visits must be pre-approved by the facility chaplain and are non-contact visits.**
- G. Special/extended visits must be pre-approved by the Visitation Officer. The visitor must live a minimum of 75 miles away from the Pamunkey Regional Jail. The inmate must sign up his/her visitor in the visitation book placed in the unit during the hours of 2:30 p.m. to 3:30 p.m., or 7:30 p.m. to 8:30 p.m. The inmate must submit a request form with the first and last name of the visitor, and a complete address with zip code. Visitors must bring in identification with the address given on the inmate request.
- H. No show visits will count toward the inmate's weekly visitation limit.
- I. Inmates in Disciplinary Detention will not receive visits.
- J. If facility visitation is cancelled due to inclement weather, the scheduled visit is not counted toward the weekly visitation limit. If the visitor does not show due to inclement weather and facility visitation is not cancelled, the no-show will count toward the limit.

4. STAFF/INMATE COMMUNICATIONS

- A. Inmates and line staff must maintain communications with each other for everyone's benefit. If you have a problem, ask your Housing Officer to assist you. Always remember to treat others as you would like to be treated.
- B. Inmates desiring information from different sections of the jail must submit a **written inmate request form with their legal name**. These Request Forms are available in each housing unit. Ensure requests are filled out correctly and completely or they may not be processed. If you cannot read or write, your Housing Officer may assist you or assign another inmate to assist you with your request. Request slips will only be accepted from 8:00 p.m. to 10:00 p.m. Inmates submitting requests should ensure the housing unit officer signs and dates the request form and returns the pink copy back to the inmate. If a response is not received within five (5) days of the initial request, the inmate should notify the Shift Supervisor/Lieutenant for follow-up action.

SECTION – 05 PROGRAMS & SERVICES

1. FOOD SERVICE

- A. All meals served by PRJ will meet or exceed DOC and nutritional standards. They are prepared and served under sanitary conditions. Inmates must eat all meals at the tables provided in their housing units; **No trays, food, or condiments/utensils will be allowed into the cells** (with the exception of inmates on lockdown status who must eat in their cell). Pamunkey Regional Jail does not serve pork or pork bi-products as part of any meal.

When the meal cart arrives at the housing unit, all inmates who desire a meal tray are required to be seated at a table. Cell doors will be closed. The Housing Officer will then call special diet inmates from their table to receive their meals first. The Officer will then call the remaining inmates one table at a time to receive their meals. Inmates who choose not to eat a meal must notify the Housing Unit Officer.

All inmates must remain seated during the meal. This is not a social event or recreation period. You will have approximately twenty (20) minutes to finish your meal.

- B. At the conclusion of mealtime, the Housing Officer will call one table at a time to return their tray and cup to the cart. Each inmate is individually responsible for returning his or her own tray and cup to the serving cart. No food, drink or condiments/utensils may be kept after the conclusion of the meal.
- C. Inmates housed in the jail will receive **three (3)** meals per day, **two (2)** of which will be hot. There will be no more than **fourteen (14) hours** between any meals. **Inmates will receive one meal at serving time.** Inmates are not allowed to swap or give away food. Any inmate attempting to take extra trays, swap food or take food off another tray will be disciplined in accordance with PRJ policy.
- D. Special diet meals will conform to DOC and nutritional standards and should be comparable to the regular meals. The Medical Unit will complete the necessary documentation to ensure inmates with certain medical conditions receive the proper special diet. Inmates who need a special diet for other purposes must submit a Request Form to the Captain of Support Services. All requests for special diets will be reviewed, verified, approved or disapproved on a case-by-case basis. Once approved for a special diet, you must remain on it until you leave the jail (with the exception of medical diets).
- E. Housing Units that are equipped with microwave ovens will adhere to the following guidelines:
- The microwave operates on a “first come, first serve” basis.
 - No loitering around the microwave.
 - No single inmate may monopolize microwave usage.
 - During period of lockdown/lockback/feeding meals, microwave usage is **not permitted.**
 - No unapproved containers or utensils are allowed in the microwave.
 - Abuse of the microwave, to include slamming the door, will not be tolerated.

Non-compliance with any of the above guidelines may cause the Unit's microwave privileges to be revoked.

2. LAUNDRY SERVICE

- A. A laundry schedule will be posted in all housing areas that will inform inmates of the days their housing unit will turn in specified laundry to be cleaned. **Do not put items in the laundry cart that are not scheduled to be cleaned that day**; those items will not be cleaned, and you may face disciplinary action.
- B. Clothing will be washed twice per week, linens and bedding once per week, and blankets will be washed once per month. A schedule is located in each housing unit. (Inmates must always maintain one uniform in their possession while the others are in the laundry.) Inmates housed in units F & G will be responsible for washing their own laundry with the exception of blankets. Blankets will be main laundry for cleaning.
- C. **Inmates are not permitted to have personal clothing items with color or designs in them (socks, t-shirts).** Items found in the laundry that are not permitted will be **confiscated and destroyed**. This includes items that have been drawn on with pens or markers. These items are not permitted because they have a tendency to discolor other inmates' clothing.

3. HAIR CARE SERVICES

- A. Hair cut services will only be performed by a licensed barber/beautician approved by PRJ. All inmates will have access to hair cutting services unless they pose a security or safety risk. A sign-up log will be posted in the housing units and collected on scheduled days.
- B. Inmates that sign up for hair cuts or beard trims **will have a fee deducted from their account**. If an inmate signs up for hair care services and fails to show up at the scheduled time, the cost of the service will be deducted from his/her account. The fees for each service will be posted on the sign up log. Inmates with insufficient funds will not receive this service. Indigent inmates (inmates who have not had money on their account for thirty (30) days or more) will be authorized to receive one hair cut every thirty (30) days. A negative deduction will be posted to their account for the price of the service. When the inmate receives money, **all debts will be paid first**.
- C. Hair clippers are available to certain units by request. All haircuts performed on the unit are at the inmates' own risk. Pamunkey Regional Jail is not responsible for any unsatisfactory haircut performed by another inmate. All clippers will be cleaned daily or as necessary.

4. LIBRARY

- A. A general library will be maintained in the facility, and will be available to all inmates on a scheduled basis. Library services will be made available once a week in all-housing units. Inmates are allowed to receive **two (2)** library books at that time. Inmates must return old library books before receiving new ones. Any inmate in possession of more than two (2) PRJ library book in their cell will be subject to disciplinary action. The responsible inmate will pay for any books that are damaged or destroyed.

- B. The Pamunkey Regional Jail will maintain a law library that will contain legal books. All inmates will have access to the law library by signing the sign up sheet distributed on Wednesday. The Programs Officer will provide a schedule of dates and times of Law Library use. **Inmates attending will only be allowed to bring legal documents, paper and a pen with them.** No foods, candy, note passing or talking will be permitted in the library. Any inmate removed from the law library for rule violations will be disciplined in accordance with PRJ policy.
- C. Notary and clerical services are available for a fee. Notary services will be a charge of \$2.00 per document and copy services are available for \$.25 per copy. These services will be provided by submitting a request form to the Programs Officer.

5. RELIGIOUS SERVICES

- A. PRJ allows all inmates the opportunity to practice their religious beliefs limited only by legitimate security and operational considerations. The jail Chaplain will assist all inmates with problems or matters of a religious nature. The jail Chaplain will be available to see inmates for one on one counseling by written request. Religious services will be conducted for housing units on a scheduled basis. Inmates wishing to attend must place their name on the sign-up roster the day their housing unit is scheduled. All religious materials (hymnbooks, study guides, etc.) must be approved by the Chaplain pending review of the Division Commander or designee.
- B. All religious services are strictly voluntary. Inmates who present a security risk or danger to others may not participate in-group activities, but are free to exercise their religious beliefs in their cells (limited by security and operational considerations), and can request individual sessions with the Chaplain. **All inmate services and activities are subject to being canceled due to security or operational needs.**
- C. All religious services are conducted by volunteers. Pamunkey Regional Jail does not control the days or times of these services unless there are security concerns/needs.

6. COMMISSARY

- A. The commissary is operated for the benefit of the inmate population. It offers inmates a variety of food, medication, hygiene, writing and clothing products. **Commissary is a privilege, not a right, and can be restricted for disciplinary reasons.**
- B. Commissary services will be offered to all housing units once a week. Items available on commissary and instructions for ordering commissary are posted in each housing unit. Commissary orders are delivered one time per week.
- C. There is a \$65.00 order limit for each inmate's order in general population and a \$40.00 limit for inmates in maximum custody. There are stated limits on over the counter medications and certain other products. Inmates are reminded that all personal clothing, commissary, etc. must fit into the storage boxes issued upon arrival into the jail with the lids shut.

- D. Inmates under disciplinary restrictions will not be allowed to order commissary items but will be issued a disciplinary unit pack. The disciplinary unit pack will contain hygiene and writing materials comparable to the indigent pack. Inmates under disciplinary restrictions will be issued a pack every fifteen (15) days upon written request by the inmate. A charge of \$8.30 will be deducted from the inmate's account for each pack received.
- E. Inmates who are indigent (had no money transactions for at least 15 days will only receive hygiene and writing materials. These inmates can request the following items at the end of 15 days, provided no funds have been deposited:
- 1 Shampoo
 - 1 Toothbrush
 - 1 Roll-on Deodorant
 - 10 Stamped Envelopes
 - 1 Toothpaste
 - 1 5x8 Writing Pad
 - 1 Blue Ink Pen
 - 1 Bar Soap

A negative charge of \$8.30 will be posted to the inmate's account. Should the inmate receive money, **all debts will be deducted first**. Inmates will not be allowed to receive more than the above listed items once every 15 days.

- F. All containers received from commissary orders are to be disposed of after use. Any container used for any other purpose than its original use will be considered contraband. Any inmate in possession of contraband is subject to disciplinary charges.
- G. Sanitary Pads are the responsibility of the individual female. They may be ordered through regular commissary or as part of the indigent pack. Inmates requiring these items should plan in advance and order accordingly.

7. RECREATION

- A. All inmate-housing units have assigned indoor or outdoor recreation areas. Recreational activities are a good way to manage stress and relieve tension. Housing units will have opportunities, within limits, to utilize the outdoor (weather permitting) or indoor recreation yard. **Housing units that do not meet the standards for the inspections will not be afforded the opportunity to participate in recreation activities for that day.** Commissary items are not permitted in the indoor/outdoor recreation yards; these items will be confiscated and destroyed. Inmates may remove their jail issued shirts while participating in outdoor activities, provided they are wearing a t-shirt. Females must wear a t-shirt and bra if they remove their jail issued shirt during outdoor activities. **Recreation is a privilege and not a right**, these activities may be restricted or denied due to medical, disciplinary, security or operational needs. All outdoor recreational activities take place during daylight hours only.

- B. Recreational activities include but are not limited to: basketball, table games and televisions. **Inmates will be held responsible for the condition of the jail's recreation equipment.** If it is abused or destroyed, the individual responsible will pay for replacement. If the responsible person is unknown, the housing unit may be without that activity for an unspecified period of time. **This equipment is for your benefit, so take care of it.**

8. PROGRAMS

PRJ offers various programs to inmates on an equal basis. Inmate participation in the programs is voluntary. These services are provided through contracted professionals, community-based volunteers and interested individuals. A complete list of scheduled programs available will be posted in each housing unit. Inmates may access programs by filling out a written request form to the Programs Officer and turning it in to the Housing Officer. Program activities may be restricted or denied due to medical, disciplinary, security or operational reasons.

9. TAXI SERVICE

The Pamunkey Regional Jail will provide taxi service to a pre-determined destination to those inmates who are released and need transportation. This service will include the local bus or train station but will not exceed a 25 mile radius.

Any inmate who is in need of this service at the time of his/her release will inform the booking officer to contact the taxi service. Any inmate utilizing this service will not be released until the taxi arrives on the premises.

All inmates released from the Pamunkey Regional Jail must have family or friends pick them up or utilize the taxi service. No inmate will be released unless they have transportation away from the facility.

10. WORK FORCE/WORK RELEASE PROGRAM

The Pamunkey Regional Jail offers an opportunity for inmates to become productive in the community through the work release/work force program. These programs are designed to allow inmates who meet certain criteria to either maintain their current employment or work outside the facility performing various tasks for the facility or an outside agency.

Inmates desiring to participate in the work force program should submit an inmate request form to the Work Release/Work Force coordinator for processing.

Work Release is mandated through the court system. Any inmate who has been recommended for work release by the courts will be screened to determine if he/she meets the criteria.

Inmates participating in either program must meet the criteria, follow the rules and regulations of the facility and the program and pass random drug screenings to maintain their eligibility. Inmates who violate the rules and regulations or fail to participate/pass the drug screening will be removed from the program pending the outcome of a disciplinary hearing.

SECTION – 06 SECURITY & SAFETY

1. LOCKDOWN/LOCKBACK/HEADCOUNTS

- A. Lockdown will be conducted according to a posted schedule or whenever deemed necessary. When **lockdown** is called, all inmates will immediately report to their assigned cell or bunk (if in a dorm). During times of lockdown, inmates will enter their cells, and shut and lock their doors. Inmates in dormitories will sit/lay on their bunks during lockdown.
- B. Lock back will be announced during various activities. When inmates are instructed to **lock back**, they will **immediately stand by their cell door or dorm bunk and remain silent**. Any inmate failing to comply will face disciplinary action.
- C. Headcounts will be conducted at various times throughout the day; **inmates who attempt to hide from, talk to, distract or otherwise disrupt the Officers during the headcount will face immediate disciplinary action.**

2. SEARCHES

- A. Frequent, unannounced searches of inmates, housing units, cells and other areas within the facility are conducted as often as necessary to ensure the safety and security of the facility. Searches shall be conducted in a manner, which will avoid unnecessary force, embarrassment or indignity to the inmate. Inmates are responsible for keeping their cells neat and clean, even after searches. **Inmates do not have a right to be present when their cells are searched.** During searches, all contraband found will be removed, and if applicable, charges will be filed. Contraband is considered to be any item or material that is prohibited by law or institutional regulations. This includes items that are authorized but have been **altered, exceed the limit, or are not permitted in certain areas** (items hung on walls, commissary items in a program or recreation area, etc.). All contraband confiscated during a search will be destroyed or held for evidence.
- B. All inmates entering or leaving their housing unit will be subject to a **pat down search**. Any inmate in the facility or while on transport is subject to being searched by any staff member. Resistance or failure to submit to a personal search will cause you to be placed in restraints for the search and institutionally charged.
- C. Inmates who leave the confines of the facility (work-release, road crew, outside workers, transports, etc.) or who have a contact visit with their attorney will submit to an observational search before they will be allowed to return to their housing unit. This search will be conducted by an Officer of the same sex and requires an inmate to remove all clothing items to **visually** inspect every area of the body. Inmates must cooperate with the Officer's verbal instructions during the search; this search does not require the Officer to be in physical contact with the inmate at any time during the search. These searches are necessary to prevent the introduction of contraband into the facility. Observational searches may be performed on inmates at any time.

3. INMATE MOVEMENTS

- A. Inmate movement throughout the facility will be controlled and supervised by staff and closed circuit television. Inmates authorized for unescorted movement will be notified by the Housing Officer and logged out. While moving through the halls, inmates will walk to the right of the corridor. Inmates are not permitted to **loiter or talk** with other inmates during movements. Inmates will be logged in when they arrive at their destination. Any inmate failing to comply with procedures will face disciplinary action in accordance with PRJ policy.
- B. Inmates requiring an escort during movements will be notified of the movement by the Housing Officer and logged out of the housing unit. The Escort Officer will search the inmates and escort them to their destination. While escorting an inmate in restraints, the Officer will passively hold the inmate's elbow to prevent injury to the inmate (falling, slipping, etc.). Any inmate failing to follow instructions will face disciplinary action.
- C. **Maximum Custody** inmates will be escorted for all movements whenever moving outside the segregated area. **Disciplinary** inmates will be placed in handcuffs and leg restraints, and escorted anytime moving outside of the unit. **Administrative Segregation and Protective Custody** inmates will be escorted whenever moving outside of the unit.
- D. **Transports-** Inmates who are transported outside of the facility are not allowed to ~~bring~~ possess food items or reading materials. Inmates are not allowed to return to the facility with any items other than legal materials.
- E. **Restricted Areas:** Inmates can meet and commune in common areas when instructed by the Housing Unit Officer. Inmates are not allowed in other inmates' cells or bunk areas. Inmates found in restricted areas will be subject to disciplinary charges.

4. EMERGENCY PROCEDURES

- A. If an emergency situation should occur (fire, riot, disturbance or injury), remain as calm as possible, notify a staff member, **listen for a staff member's instructions and follow them exactly.**
- B. Fire evacuation plans are **posted** in each housing unit, it would be in **your best interest** to familiarize yourself with them. In the event of limited evacuation, inmates will be instructed to grab their blankets, close their cell door and line up at their housing unit exit door or outside recreation door. Inmates will then be escorted in an **orderly manner** into their respective outdoor recreation yard. In the event a complete evacuation is necessary, inmates will follow the above procedure and be escorted in an **orderly manner** to the designated fire evacuation doors for their block. Headcounts will be taken at all evacuation areas. If you are in a smoke-filled area, the best breathing space is located **close to the floor**. If you are near flames, wet your blanket and cover yourself. All Officers are trained in the use of, and have access to, emergency equipment. **Listen for a staff member's instruction and follow them exactly.**

- C. In the event of a riot or disturbance, **return to your cell or bunk and remain there**. If you cannot return to your cell or bunk, **sit or lay down with your hands on your head**. Follow the instructions of the Officer or any staff member present. Failure to comply with the above may be interpreted as your involvement in the riot/disturbance and you may face criminal and/or institutional charges as a result.

SECTION – 07 SANITATION

1. PERSONAL HYGIENE

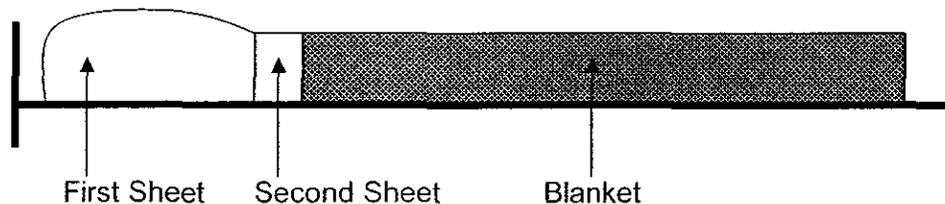
- A. Inmates are required to keep themselves neat and clean at all times. Showers are provided in all housing units and inmates are encouraged to **shower daily**. Inmates must shower at least twice a week and anytime when instructed to do so by an Officer. Fingernails may not extend more than ¼ inch beyond the end of the finger. **Failure to maintain personal hygiene may result in reclassification or institutional charges.** Hair cutting service, laundry service and hygiene products will be available to all inmates. Each housing unit will have a supply of toilet paper within limits.
- B. Inmates must be **fully dressed** in PRJ issued uniforms anytime they are outside of their cells. The only exception is during recreation; inmates may remove their jail shirts while participating in either indoor or outdoor recreation, provided they have a t-shirt on (and a bra for females). Inmates in dormitories will be fully dressed unless they are in their bunks or the bathroom area. Uniforms will be kept neat, clean and **worn properly**. **Inmates are not permitted to roll up pant legs or shirt sleeves, wear pants below the waist line, have hands held in the pants or wear altered items.** Any uniforms that are damaged will be charged to the inmate's account. Altered or ripped personal clothing items (underwear, socks, t-shirts, etc.) will be confiscated and destroyed. Any inmate who is not in compliance with the uniform policy will be subject to disciplinary action.

2. RAZOR EXCHANGE

- A. Razors will be issued on a scheduled basis for each housing unit.
- B. Inmates wishing to receive a razor must *physically* sign the razor exchange sheet that will be provided by the housing unit officer.
- C. If an inmate turns in an altered razor or is found to be in possession of more than one razor, the incident will be fully investigated and the inmate will be charged with an institutional violation. Inmates who are assigned a razor must personally return the razor or may be subject to disciplinary charges.
- D. After collecting and inspecting the razors, the Officer will dispose of the razors.

3. CELLS & LIVING AREAS

- A. The jail is a living and working environment for a large group of people. It is important that the jail remains clean and sanitary at all times to protect the health of both inmates and staff. All inmates must be considerate and clean up after themselves when in common areas such as the day room, recreation yard, etc. Housing unit workers will be assigned on a rotating basis to clean empty cells, showers and common areas. There will be a formal inspection of the housing area no later than 8:00 a.m. every morning and an informal inspection at every shift change. All inmates must lockback during formal inspection. **Any housing unit failing an inspection will not participate in recreational or non-essential activities until the housing unit meets the standards.** Cleaning materials are provided for each housing unit.
- B. Each inmate will be held responsible for the condition of his or her individual cell. Cell walls, floors, windows, toilets, sinks, bunks and doors will be inspected for cleanliness. All inmate beds are to be neatly made, and all property is to be stored in the provided totes and/or *in* the storage area under the beds whenever you leave your bunk or cell. Shoes will be kept under the writing station in the cell when not being worn. **Sheets will not be tied in knots and nothing is to be placed under the mattress. Nothing can be hung, drawn or pasted anywhere in the cell** (clothing, pictures, calendars, etc.). **Inmates that fail cell inspection will not be allowed to leave their cell until it meets the standards.** Any inmate refusing to clean their cell or aid in cleaning the housing unit will face disciplinary action. All property must be stored in the bins provided. If the property will not fit in the storage box, it will be confiscated as contraband and destroyed. It is the inmate's **responsibility** to have excessive items released before they are confiscated.
- C. Regulations for Inmate Bunks: Effective January 8, 2007 all inmates will adhere to the following procedures for inmate bunks



Regulations:

2. Bottom sheet will be tightly tucked under mattress.
 3. Top sheet will be tightly tucked under mattress. At the head, the top sheet will be folded back with the blanket to the width of the pillow. The fold is to be the width of four fingers or about four inches.
 4. The blanket will be tightly tucked under the mattress.
 5. The head of the bunk is determined in the following manner:
 - In units with cells, the head is located closest to the back wall of the cell.
 - In dormitory units, the head is located closest to the wall.
 6. Whenever an inmate leaves his/her cell, their bunk will be made to the above specifications. In dormitory units, whenever an inmate leaves the general area of his bunk, it must be made to the above specifications.
- D. All bunks will be made between the hours of 0800 – 1700 hours.

SECTION – 08 INMATE RULES & CONDUCT

1. INTRODUCTION

Policy

In order to regulate behavior and provide adequate protection to staff, public and inmate population, formal disciplinary procedures will be implemented in a manner consistent with applicable legal requirements and facility rules and regulations. All rules and regulations will be reviewed annually and updated as needed. Staff members will report all violations of facility rules by completing a Rule Violation Report before the end of their shift. These rules and regulations apply to all inmates regardless of his/her classification.

Disciplinary actions will be taken at such times and in such a degree as necessary to regulate an inmate's behavior to acceptable limits. The purpose of disciplinary action is to achieve one or more of the following goals:

- A. Make certain all facility rules and regulations are followed.
- B. Maintain order in the facility.
- C. Make inmates accountable for their behavior.

2. DEFINITIONS

- A. **Minor Violations** a violation that interferes with the operation, cleanliness, and duties of jail staff or the facility.
- B. **Major Violations** are those violations that the safety and security of an inmate, staff or the facility or that hinders or interferes with the operation of the facility and its' staff.
- C. **Administrative Segregation** - special purpose bed assignment separating the inmate from the general population when the continued presence of the inmate in the general population would pose a serious threat to life, staff, property, self, other inmates, or the security of the facility. Inmates assigned to this status will be locked down and allowed out-of-cell recreation for one hour, five (5) times a week.
- D. **Protective Custody** – special purpose bed assignments separating the inmate from the general population for his/her own protection. Inmates assigned to this area will be afforded the same privileges as inmates housed in general population. Inmates assigned to this area will be locked down for twenty- three (23) hours a day.
- E. **Disciplinary Segregation**- special purpose bed assignment separating the inmate from the general population when the inmate is a threat to the safety and security of the facility, staff or other inmates or has been found guilty of a rule violation. Inmates assigned to this housing unit will be locked down twenty-three (23) hours a day and all out-of-cell recreational activities will take place on the unit.

- F. **High Risk Status**- special purpose bed assignment for inmates who pose an extreme or high level threat to the safety or security of the staff or facility. Inmates assigned to this status will be locked down twenty-three (23) hours a day and all out-of-cell recreational activities will take place on the unit.
- G. **Pre-hearing Detention** – special purpose bed assignment used for the immediate confinement of inmates who are 1) charged with a violation of inmate rules and regulations, 2) awaiting a Disciplinary Hearing, and 3) considered to be a threat to staff, inmates, or property.
- H. **Disciplinary Hearing** – a non-judicial administrative procedure to determine if substantial evidence exists to find an inmate guilty of an institutional rule violation.
- I. **Reporting Officer** – any staff member or contractual employee who observes, or who receives, reliable information indicating a violation of inmate rules and regulations, subsequently files a written report, and testifies at a Disciplinary Hearing.
- J. **Hearing Officer** – the staff member who is granted the authority, by the Superintendent, to conduct hearings for violations of inmate rules and regulations. The Hearing Officer is the sole fact finder in the hearing and decides the guilt or innocence of the accused inmate.
- K. **Fundamental Rights** – rights that may not be suspended for disciplinary or classification reasons and which are to be guaranteed to all inmates except in times of emergencies such as riot, fire, severe weather or other such conditions beyond the control of the Superintendent.
- L. **Qualified Rights** – rights, which are enjoyed by inmates in the general population, but may be suspended for disciplinary or classification reasons as well as in times of emergencies.
- M. **Privilege** – a conditional benefit given to inmates, which may be suspended or eliminated at the discretion of the facility administration.
- N. **Institutional Classification Committee (ICC)** – committee of at least two members who hears and reviews the reclassification of inmates to administrative segregation status.

3. RULE VIOLATIONS AND SANCTIONS

A. **MAJOR VIOLATIONS (Category 1)**

- (1-1) **Assault on Any Person** – physical attacks, unwanted touching, or putting an object or substance in motion toward any person (to include spitting, urinating, or otherwise projecting bodily fluids or substances toward any person). In Accordance with Virginia Code Section 53.1-133.01-1, after due process has been afforded, inmates charged may be liable to pay for medical bills incurred by the assault. Inmate accounts will be placed on hold until the disciplinary hearing is complete, including appeals.

- (1-2) **Sexual Assault** – forcing or coercing any person to perform sexual acts by threats or violence. Assaults of a sexual nature with sexual implications. Making forcible sexual advances toward another person. In Accordance with Virginia Code Section 53.1-133.01-1, after due process has been afforded, inmates charged may be liable to pay for medical bills incurred by the assault. Inmate accounts will be placed on hold until the disciplinary hearing is complete, including appeals.
- (1-3) **Rioting** – inciting to riot, rioting, or otherwise participating in a mutinous disturbance. Willful defiance of lawful orders by two or more inmates (e.g. refusing to lockdown by two or more inmates). Conveying any inflammatory or mutinous communication by voice, writing, sign, symbol, or gesture. Participation in a work stoppage. Inmates charged with any PRJ offense code that relates to damaging or vandalizing jail property or issued property, will be held accountable under Virginia Code Section 53.1-228.1, for all bills incurred for the replacement or repair of facility owned property. Inmate accounts will be placed on hold until the disciplinary hearing is complete, including appeals.
- (1-4) **Abduction** – seizing or holding hostages or in any manner unlawfully detaining any person against their will.
- (1-5) **Escape** – the unauthorized departure of an inmate from custody. Any act or plan that might allow an escape or the opportunity to escape. Escape also includes absconding from Work Release, an outside work program, or the Home Incarceration Program.
- (1-6) **Possession of Escape Tools** – possession of any tool or instrument, which could be used to facilitate an escape.
- (1-7) **Arson** – setting a fire whether intentional or accidental.
- (1-8) **Possession of a Weapon** – Possession or control of any article that could be considered a weapon or perceived as a weapon. Possession of a sharpened instrument, explosive, or a facsimile of a weapon.
- (1-9) **Possession of Staff Uniform or Equipment** – possessing or reproducing a staff or other official uniform or any part thereof. Possessing or reproducing articles of staff identification or other official documents.
- (1-10) **Manufacture/Possession of Intoxicants/Medications/KOP Medications** – drug trafficking; manufacture, possession, or being under the influence of drugs/other intoxicants. Includes unauthorized prescription drugs, excess amounts of authorized prescription drugs, illegal substances, and alcohol. Any inmates who test positive for drugs or alcohol will be charged under this provision.
- (1-11) **Fighting** – engaging in a physical altercation with another inmate beyond what is reasonable for self-defense. In Accordance with Virginia Code Section 53.1-133.01-1, after due process has been afforded, inmates charged may be liable to pay for medical bills incurred by the assault. Inmate accounts will be placed on hold until the disciplinary hearing is complete, including appeals. Inmates charged with any PRJ offense code that relates to damaging or vandalizing jail property or issued property, will be held accountable under Virginia Code Section 53.1-228.1, for all bills incurred for the

replacement or repair of facility owned property. Inmate accounts will be placed on hold until the disciplinary hearing is complete, including appeals.

- (1-12) **Threatening Bodily Harm to Any Person** – threats conveyed by voice, writing, sign, symbol, or gesture which would lead a person to reasonably believe he/she was in danger of bodily harm.
- (1-13) **Curse and Abuse** – insolence, vulgarity, insults, or other abusive comments/behavior directed toward any staff member. Willful disrespect toward any staff member.
- (1-14) **Sexual Misconduct** – consensual sexual relations with another, making sexual offers, soliciting sexual favors, or sexual advances toward another person not involving force.
- (1-15) **Disobeying a Direct Order** – willfully and knowingly refusing to follow the orders, instructions, or directives of staff members to include posted orders and written rules and regulations. Challenging a lawful order given by a staff member or failing to carry out an order when issued.
- (1-16) **Interfering with Security Operations** – delaying, hindering or interfering with a staff member in the performance of his/her duties. Interfering with security procedures (e.g. security checks, headcounts, searches, emergency procedures, emergency drills).
- (1-17) **Hiding** – eluding detection, being concealed in an area, or deceiving as to actual presence.
- (1-18) **Extortion** – demanding or receiving anything of value through coercion or threats (direct or implied).
- (1-19) **Bribery of a Staff Member** – offering or giving a gratuity to a staff member in exchange for material gain, privileges, or favors.
- (1-20) **Violation of Telephone Regulations** – prank or harassing phone calls. Using the phone to commit fraudulent and/or criminal acts. Otherwise tampering *with* or misusing telephones. Use of another inmate's personal code to place telephone calls. Use of the telephone in an unauthorized manner.
- (1-21) **Vandalism** – the destruction, damaging, alteration, or defacement of County property or the property of others. Inmates charged with any PRJ offense code that relates to damaging or vandalizing jail property or issued property, will be held accountable under Virginia Code Section 53.1-228.1, for all bills incurred for the replacement or repair of facility owned property. Inmate accounts will be placed on hold until the disciplinary hearing is complete, including appeals.
- (1-22) **Tampering with Security or Safety Equipment** – destroying, disabling, tampering, or blocking locking devices, cameras, control panels, intercoms, Self-Contained Breathing Apparatuses (SCBA's), fire extinguishers, sprinklers, and other security/safety equipment. Inmates charged with any PRJ offense code that relates to damaging or vandalizing jail property or issued property, will be held accountable under Virginia Code Section 53.1-228.1, for all bills incurred for the replacement or repair of facility owned

property. Inmate accounts will be placed on hold until the disciplinary hearing is complete, including appeals.

- (1-23) **Possession of Contraband** – any item that is not approved by the jail administration, approved items in quantities in excess of what is approved, or any approved item that has been altered, defaced, or is being used for anything other than its intended purpose.
- (1-24) **Smoking or Possession of Smoking Materials** – smoking or possession of a cigarette, cigar, pipe, tobacco products, rolling papers, incense, or other smoking materials.
- (1-25) **Possession of an Incendiary Item or Device** – possession of a lighting device (e.g. cigarette lighter, match), or other implement used to start a fire.
- (1-26) **Smuggling Contraband** – giving or receiving any unauthorized item to another.
- (1-27) **Violation of Mail Regulations** – opening, claiming, or possession of another person's mail. Sending or ordering contraband through the mail.
- (1-28) **Theft** – stealing or obtaining anything of value through false pretense. Possession of stolen property.
- (1-29) **Tattooing** – applying or receiving tattoos, brands, or other permanent markings on one's body. Possession of tattooing instruments.
- (1-30) **Violation of Alternate Sentencing Program** – violation of the conditions of the Work Release Program, the Home Incarceration Program, *Work Force agreement* or other alternative sentencing program. This charge will be used in conjunction with the actual charged violation.
- (1-31) **Refusal** – refusal to provide blood, DNA, urine, or breath samples. Inmates must provide these samples upon lawful order as prescribed by Pamunkey Regional Jail policy and procedures.
- (1-32) **Resisting Restraint** – any form of resisting a staff member who is attempting to restrain or apply restraint devices to an inmate.
- (1-33) **Destruction of Inmate ID Wristband** – any form of tampering or destroying the ID wristband (does not include normal wear and tear). Inmates charged with any PRJ offense code that relates to damaging or vandalizing jail property or issued property, will be held accountable under Virginia Code Section 53.1-228.1, for all bills incurred for the replacement or repair of facility owned property. Inmate accounts will be placed on hold until the disciplinary hearing is complete, including appeals.
- (1-34) **Intentional Clogging of Toilets/Drains** – clogging toilets or drains with any item(s); this includes: trash, clothing, linens, food, excess paper, etc. A maintenance fee of \$18.00 will be assessed to any inmate found guilty of this violation.

- (1-35) **False Accusation** – falsely accusing any staff member of conduct, which is in violation of PRJ policies.
- (1-36) **Fraud** – Circumventing rules and regulations and/or procedures for personal gain, including but not limited to: indigent inmates who place money on another inmates' account and draw from that account for commissary or other reasons.
- (1-97) **Habitual Violation of Major Rules** – inmates who have been found guilty of three or more Class 2 (Major) rule infractions either separately or in a single incident, or who commit the same major violation within 90 days.
- (1-98) **Attempting to commit, aiding and/or abetting; encouraging another, conspiring with another to commit a severe violation.** The Reporting Officer will specify the nature of the severe violation when writing the charge.
- (1-99) **Violation of conditional suspension of a Disciplinary Hearing** penalty as suspended for any severe violation.

B. MINOR VIOLATIONS (Category 2)

- (2-1) **Disruptive Behavior** – an act that interferes with routine facility operation, or causes excessive distraction or noise.
- (2-2) **Indecent Exposure** – exposure of sexual organs to another person in a location or manner where such exposure serves no legitimate purpose.
- (2-3) **Use of Obscene Language** – offensive or vulgar communication (sign, symbol, gesture, or language) by an inmate.
- (2-4) **Misuse of Jail Property/Razor Alteration** – use of jail property for any purpose other than that for which it was intended.
- (2-5) **Being in an Unauthorized Area** – being in an unauthorized or restricted area, unauthorized absence from place of assignment (e.g. work area, school, program), lingering, or failing to move when ordered. Entering another inmate's cell or occupying another inmate's bed without permission of the Housing Officer.
- (2-6) **Unauthorized Communication** – passing of a note or contact with another person without authorization. Inmates are not permitted to communicate with other inmates either verbally or in writing without staff permission.
- (2-7) **Blocking View** – blocking or obstructing the view through any window or area otherwise open to view. Using one's body with the effect or intent to disguise or conceal an activity from a staff member.
- (2-8) **Malingering** – feigning illness or injury.

- (2-9) **Refusal to Work** – refusing to work, or failing to perform assigned work as instructed.
- (2-10) **Lying** – deceiving, lying or giving false statements to any staff member (e.g. inmates who falsely identify themselves, purposely hiding facts, providing false testimony or accusations).
- (2-11) **Unsanitary Conditions** – failure to maintain personal hygiene or sanitary housing conditions including failure to making the bunk.
- (2-12) **Violation of Dress Code** – failure to comply with posted rules regarding the wear of jail issued clothing and head coverings. Alteration of jail issued clothing.
- (2-13) **Possession of Money** – possession of currency or negotiables such as credit cards or checks.
- (2-14) **Hoarding** – possession of excess property (either jail issue, canteen purchase, or personal). Also, any food items kept from meals and stored anywhere in cell or bunk areas.
- (2-15) **Gambling** – possession of gambling equipment or paraphernalia, or operating a gambling pool. Gambling equipment includes any item altered for use as “Poker Chips” (such as playing cards cut in half).
- (2-16) **Usury** – charging or accepting any compensation for loans or legal assistance (to include “finder’s fees”).
- (2-17) **Violation of Visiting Regulations** – failing to adhere to any visiting regulations.
- (2-18) **Manufacture or Use of Clothes Lines or Other Hanging Structures**
- (2-19) **Monopolizing General Use and Recreation Equipment** – placing any furniture or equipment intended for the use of the housing unit population in an individual cell. Using intimidation or other tactics to keep other inmates from using authorized equipment (i.e. telephone, television, recreation equipment, etc.).
- (2-20) **Improper Use of Intercoms, Call Boxes, Emergency Buttons or Request Forms** – use of these items without a legitimate need or using them in an excessive or abusive manner.
- (2-21) **Clogging Vents**-intentional blocking of any vent in a cell or dayroom as to prevent the natural flow of air.
- (2-98) **Attempting to commit, aiding and/or abetting, encouraging another, or conspiring with another to commit any of the above acts.** The Reporting Officer will specify the nature of the minor violation when writing this charge.
- (2-99) **Violation of conditional suspension of a Disciplinary Hearing** penalty as suspended for any minor violation.

C. SANCTIONS FOR MAJOR VIOLATIONS

- 1) A major violation may carry no more than the following sanctions arising out of one incident if found guilty:
 - a) Up to 60 days cell restriction or disciplinary segregation. Any sanction in excess of 30 days must be reviewed and approved by the Superintendent.
 - b) Loss of good time
 - c) Any combination of the two up to their maximum

- 2) The following are disciplinary actions which may be imposed for major violations:
 - a) Loss of any or all of the following privileges for a maximum of 60 days per offense:
 - 1) Commissary
 - (a) Inmates will only be allowed to purchase hygiene items and writing materials.
 - (b) Commissary restriction will be automatic upon any active punitive isolation sentence.
 - 2) Telephone
 - 3) Recreation and/or extracurricular activities
 - 4) Television
 - 5) Regular Visitation
 - (a) The regular visitation privilege will be automatically revoked upon any active isolation sentence.
 - (b) Visiting privileges will resume upon the inmate's release from punitive isolation unless an additional suspension of visiting privileges was imposed as a penalty.
 - (c) Any visiting days lost during service of an isolation sentence will be applied to any ordered suspension of visitation.
 - b) Restitution ordered
 - c) Removal from Inmate Worker status
 - d) Program suspension for a maximum of 30 days or removal from a program:
 - 1) Program participation will be suspended on all inmates serving disciplinary segregation sentences.

- 2) Programming will resume upon the inmate's release from disciplinary segregation unless an additional suspension of programming was imposed as a penalty or the ICC determines the inmate is ineligible for program participation.
- 3) Any program days lost during service of a disciplinary sentence will be applied to any ordered suspension of programming.
- e) Loss of Good Time – any amount up to all accumulated good conduct days earned at the time of the hearing.
- f) Removal from the Work Release Program or the Home Incarceration Program.
- g) Any combination of the above sanctions

D. SANCTIONS FOR MINOR VIOLATIONS

1. A minor violation may carry no more than the following sanctions arising out of one incident, if found guilty:
 - a) Up to 30 days cell restriction or disciplinary segregation. Not to exceed 60 days arising out of one incident. Any sanction in excess of 30 days requires the review and approval of the Superintendent.
 - b) Written reprimand, entered in the inmate's permanent institutional record.
 - c) Loss of any or all of the following privileges for a maximum of 30 days per offense:
 - d) Commissary
 - 1) Inmates will only be allowed to purchase hygiene items and writing materials.
 - 2) Commissary restriction will be automatic upon any active disciplinary segregation sentence.
 - e) Telephone
 - f) Recreation and/or extracurricular activities
 - g) Television
 - h) Regular Visitation
 - i) Restitution ordered
 - j) Removal from Inmate Worker status
 - k) Program suspension for a maximum of 30 days or removal from a program.
 - l) Removal from the Work Release Program or the Home Incarceration Program.

m) Placement on razor restriction

2) Any combination of the above sanctions

The charging Officer may recommend sanctions before the hearing is conducted. The inmate may accept the sanctions and waive their right to a hearing, or may refuse the sanctions and request a hearing.

SECTION – 09 DISCIPLINARY PROCEDURES

1. GENERAL PROCEDURES

- A. Jail rules will be issued to all inmates.
- B. The rules and inmate disciplinary procedures will be explained to all inmates during orientation.
- C. Inmate rules and regulations and the disciplinary procedures will be reviewed annually by the Superintendent or designee and updated if necessary.
- D. Inmates charged with Assault on staff, Assault on any person, fighting, or any other PRJ charge that relates to causing bodily harm, will be held accountable under Virginia Code section 53.1-133.01:1, for all medical bills incurred as a result of his/her actions. The charged inmates account will be placed on a **HOLD** status until the outcome of the disciplinary hearing and appeal process. Inmates will be given written notification that their account will be on a hold status until the conclusion of the disciplinary hearing and the appeal process.
- E. Inmates charged with any PRJ offense code relating to damaging or vandalizing jail owned or issued property, will be held accountable under Virginia Code section 53.1-228.1, for all bills incurred as a result of his/her actions. The charged inmates account will be placed on a **HOLD** status until the outcome of the disciplinary hearing and appeal process. Inmates will be given written notification that their account will be on a hold status until the conclusion of the disciplinary hearing and the appeal process.
- F. Inmates found guilty of a rule violation and who are given a period of confinement in disciplinary detention will submit to an unclothed search. All property will be searched and inventoried. A copy of the inventory sheet will remain with the property and a copy will be given to the inmate. The original inventory sheet will be forwarded to the Captain of Security. The property will be sealed and stored in the intake property room until the inmate has satisfied his or her sanctions. Perishable items (food, commissary) will be mailed out of the facility at the inmate's expense within twenty-four (24) hours. If the inmate does not want the items mailed out, they will be destroyed. Inmates will sign a document agreeing to mail out all perishable items or have them destroyed.
- G. Inmates on disciplinary custody status will be afforded a disciplinary pack, which contains the necessary hygiene and correspondence material. Inmates will be responsible for requesting another disciplinary pack at the end of each 15 day period. This request will be handled through the inmate request process. Inmates requesting a disciplinary pack will have a total

of \$8.30 deducted from their commissary account. If the inmate is indigent, the cost of the disciplinary pack will be shown as a negative balance.

- H. Inmates on disciplinary custody will be locked down twenty-three (23) hours and will be afforded one (1) hour of recreation a day five (5) times a week, provided the inmates cell passes inspection. If the inmate refuses recreation, meals, medication, phone calls, etc., this will be annotated on the check sheet.
- I. Inmates will not be allowed to have tennis shoes, commissary items/perishable items, excessive magazines/excessive mail, pictures or excessive hygiene items while in disciplinary custody.

2. RULE VIOLATION REPORTING PROCEDURES

- A. Whenever a staff member observes an inmate who is committing, or has committed an offense specified in the inmate rules and regulations or there is reasonable belief that an inmate has committed an offense, the staff member will initiate procedures to charge the inmate with that offense.
- B. Violations will be reported by completing an Offence Incident Report and turned in to the Division Commander. The Offence Incident Report will include at a minimum:
 - 1) Inmate involved
 - 2) Date and time of report
 - 3) Degree of violation
 - 4) Rule violations
 - 5) Witnesses (staff or inmates)
 - 6) Date and time of violation
 - 7) Where violation occurred
 - 8) Statement of charges
 - 9) Any unusual inmate behavior
 - 10) Degree of personal injury, if applicable
 - 11) Degree of property damage, if applicable
 - 12) Immediate action taken
 - 13) Disposition of any physical evidence
 - 14) Charging staff member's signature
 - 15) Specific rule(s) violated (to include time, date, place, the facts on which the charge is based and the accuser).
- C. The staff member filing the report will submit the report to the immediate supervisor and will have no further involvement/discussion concerning the charge with the accused inmate or witnesses.
- D. **DIVISION COMMANDER'S RESPONSIBILITIES**
 - 1) The Division Commander will review the written report to ensure its completeness.
 - 2) If necessary, the Division Commander will conduct a brief investigation of the matter to gain additional information prior to signing the report.

- 3) A copy of the report and the charge will be given to the Division Commander. The Division Commander will investigate the charges and determine if there is sufficient evidence to proceed, the Division Commander will have the charge(s) served on the inmate by an Officer other than the Reporting Officer. The date, time, and by whom the report was served will be noted on the report and the inmate will receive a copy of the charge sheet.
 - 4) The served report will be forwarded to the Hearings Officer.
- E. All inmates charged with a rule violation will automatically be given a due process hearing unless it is waived in writing on the waiver form. A waiver is a guilty plea to the violation(s) charged.

3. INMATE HANDBOOK

During the Classification process, each inmate will receive a copy of this Inmate Handbook stating the rules and regulations of this facility. During the classification interview, the Classification Officer will discuss the Inmate Handbook with each inmate, go over the rules and regulations and have the inmate sign a statement that he/she understands the rules and regulations and has received a copy of the handbook. When a literacy or language problem prevents an inmate from understanding the handbook, a staff member or translator will assist the inmate in understanding the rules. In addition, a copy of the rules will be available in each housing unit for inmate and Officer use. The Inmate Handbook is reviewed annually and revised when necessary.

4. RESOLUTION OF RULE INFRACTIONS

1. Reporting Violations
 - a. The officer discovering the alleged offense will investigate violations. The investigation information will be documented on an Incident Report.
 - b. The Shift Supervisor will review the Incident Report and make the final decision if charges are warranted.
 - c. If charges are written an impartial officer will serve them as promptly as possible. The supervisor conducting the hearing will, as part of the hearing, ensure the inmate understands his or her rights by reading their rights outlined on the Inmate Notification of Disciplinary Charges Form.
 - d. The inmate may admit to committing the minor violation, waive the right to a hearing and appeal, and accept the sanctions recommended by the charging officer by signing in the designated space on the Inmate Notification of Disciplinary Charges Form. The following will then take place:
 - 1) The recommended sanction(s) will be immediately imposed.

- 2) The inmate will be given a copy of the completed charge sheet after he/she signs it.
- 3) The completed original copy will be forwarded to the Division Commander then to the Hearing Officer for review and then to Classification for filing in the inmate's file.
- 4) The inmate may request a hearing by signing in the appropriate spaces on the Inmate Notification of Disciplinary Charges Form. At the request of the inmate, staff assistance will be made available when completing this form and assist with the hearing.

5. CRIMINAL VIOLATIONS

- A. An inmate charged with an institutional offense may also be subject to criminal prosecution.
- B. When an inmate is alleged to have committed a criminal offense, the Hearing Officer will inform the inmate that anything they say in a Disciplinary Hearing may be used against them in a court of law. The case will be referred to the appropriate law enforcement officials for further investigation and possible prosecution.

6. PRE-HEARING ACTION/INVESTIGATIONS

The Shift Supervisor, unless he/she is the Charging Officer, will make a complete investigation of an accusation against an inmate to determine if sufficient evidence exists to support the charge.

7. PRE-HEARING DETENTION AND DUE PROCESS REQUIREMENTS

Pre-hearing Detention

Until the hearing, inmates charged with a rule violation are entitled to remain in their existing status unless there is a threat to other inmates, staff members, him/herself or the security of the facility. Pre-hearing Detention may be ordered only by a Shift Supervisor and must be documented in writing. The Superintendent or his designee must review the Detention Order by the next business day. Any time spent in Pre-hearing Detention will be credited against any subsequent penalty imposed.

Due Process Requirements

Prior to the Disciplinary Hearing, the inmate will be advised of the following rights by the Officer serving the inmate offense report.

- A. The right to have the services of an inmate or staff advisor to assist in the preparation and presentation of the defense. The institution appoints inmate advisors while staff advisors are voluntary.

- B. The right to call witnesses and present documentary evidence except when doing so would be unduly hazardous to institutional safety. Witnesses for the inmate will be present voluntarily and will not be forced to testify. The Hearing Officer may limit witnesses.
- C. Inmates will have the opportunity to waive, in writing on the due process form, their right to a Disciplinary Hearing. A written waiver is considered a guilty plea.
- D. The Hearings Officer will appoint advisors only when the inmate is unable to provide an adequate defense.

8. PRE-HEARING ACTION

A charged inmate will be informed in writing of the following:

- A. The specific rule(s) broken.
- B. The accuser, unless deemed inadvisable by the investigation.
- C. The time the violation occurred.
- D. The date and place of the violation and the facts on which the charge is based.

The inmate will have a minimum period of 24 hours between the time he/she receives the written information to be provided him/her under this rule and the time he/she must appear before the Hearing Officer.

The inmate may waive the 24 hour period, but such waiver will be in writing and signed by the inmate.

A written summary of the rights of inmates at the Disciplinary Hearing will be provided to the inmate.

9. PRE-HEARING ACTION/RIGHT TO BE PRESENT AT THE HEARING

An inmate charged with a rule violation has the right to be present at the Disciplinary Hearing unless that right is waived in writing or the inmate's behavior is deemed to be a risk to the safety of the staff and/or other inmates, or is considered a risk to the security of the facility. A charged inmate may be excluded from testimony being given by an inmate who is giving testimony in confidence.

Justification for the hearing being conducted without the inmate being present will be thoroughly documented by the Hearing Officer.

10. DISCIPLINARY HEARING PROCEDURES

The inmate is notified of the hearing at least 24 hours in advance of the hearing. The inmate must be given a hearing within seven working days from the date the violation occurred.

The Hearing Officer can order a continuation of a hearing. All continuations will be justified for good reason. In every case in which a hearing is continued, the reason must be reduced to writing and served on the accused inmate with a copy attached to the original inmate disciplinary report.

A. Hearings may be postponed under the following circumstances. This list is not all inclusive and other continuations may be justified, in writing, for good reason.

- 1) Due to the hospitalization of the accused inmate.
- 2) Pending completion of an investigation, related reports, and relevant laboratory tests.
- 3) Unavailability of staff due to escape, disturbance, or acts of nature.
- 4) In the case of the inmate's escape.
- 5) Due to temporary transfer of the accused inmate for a court hearing.
- 6) In the case where the Reporting Officer is ill or on temporary leave of absence.

B. The hearing will be held within a reasonable amount of time following the date of termination of the above circumstances.

Disciplinary Hearings will be conducted with consideration for the inmate's rights. The Hearings Officer may consider information from a source whose identity is not disclosed to the inmate. This will occur when disclosure of the informant's identity would create a risk to the safety of the informant. When the Hearings Officer considers information from an informant the name of the source of such information will not be given to the accused inmate.

The substance of the information may be shared with the accused as long as it may be done without creating a risk to the safety of the informant. The Hearings Officer will, when deemed necessary, question witnesses out of the presence of the inmate charged with the alleged violation. The information will be summarized on the Disciplinary Findings Sheet and presented to the inmate, unless the Hearing Officer Supervisor deems otherwise. The Hearings Officer may classify the testimony as "Confidential" in which case it will be treated as such as stated in section b above.

The Hearings Officer may seek additional information from inmates and /or staff to verify information received from witnesses or the charged inmate during the hearing. Such questioning may take place out of the presence of the charged inmate.

The Hearings Officer will consider all testimony presented at the hearing and will reach a decision and sanctions, if applicable, for each charge. All sanctions must fall within the guidelines as set forth under Policy and Procedure Section 3c. A written account of the disciplinary findings will be documented on the Disciplinary Findings sheet. Disciplinary Hearings will be conducted by an impartial Hearing Officer and are subject to be recorded.

The inmate has the right to be heard and present evidence subject to limitations imposed by the Hearing Officer. If an inmate requests witnesses be present at his/her hearing, the inmate will list the witnesses on the inmate offense report which will be forwarded to the Hearing Officer.

The inmate may ask witnesses questions. However, such examination is subject to limitations imposed by the Hearing Officer.

The Reporting Officer may be present during the Disciplinary Hearing. However, the Hearing Officer, due to justifiable circumstances, may exclude the Reporting Officer from the Disciplinary Hearing. The accused inmate does not have a fundamental right to cross-examine the Reporting Officer.

A Disciplinary Hearing may be held without the accused being present if the inmate is a threat to the safety and security of the staff or facility or if the inmate refuses to appear before the hearings officer.

The inmate may receive assistance in preparing and presenting a case from a staff or inmate advisor as determined by the Hearing Officer. An advisor may be appointed by the Hearing Officer to assist an inmate, if it is apparent the inmate is not capable of preparing the case.

The Hearing Officer will make two decisions:

- a) Whether the accused inmate is guilty.
- b) If the inmate is found guilty, what penalty will be imposed.

In addition to these two decisions, the Hearing Officer may:

- a) Refer a particular inmate to an ICC for review to decide whether the inmate merits closer or higher security or other appropriate classification action.
- b) Reduce the original charge to a lesser charge if the evidence does not support the more serious charge, but does support a lesser charge. At no time may the Hearing Officer increase the original charge.

The Hearing Officer may only use the evidence and testimony presented in the Disciplinary Hearing in determining guilt or innocence. The accused inmate's institutional record may only be taken into consideration during the sanctioning phase of the hearing.

The Hearing Officer will document in writing the facts relied upon and reasons for the disposition with a copy provided to the inmate.

A. Conditions and limits of punishment:

- 1) The Hearing Officer has the discretion to cause punishments for separate violations to be served concurrently or consecutively. This discretion does not apply in cases where punitive isolation sentences are mandatory.

- 2) The Hearing Officer may, after deciding guilt, consider the inmate's institutional record in fixing punishment. An inmate's record will not be considered in deciding guilt.
- 3) Denial of correspondence privileges may never be used as punishment.
- 4) Dietary restrictions (such as bread and water) may not be imposed as punishment.
- 5) Physical restraints (chains, tape, handcuffs, etc.) may not be used as punishment.
- 6) Corporal punishment is forbidden.
- 7) Inmates may not be denied bedding, clothing or toilet articles as punishment.
- 8) Cutting of hair, beard or mustache may not be used or ordered as punishment.
- 9) Each punishment must have a definite limit (i.e. no indefinite sentences).
- 10) Inmates will not be punished for their religious and political beliefs, the books they read or organizations to which they belong.
- 11) An inmate may not be held in Disciplinary Segregation for more than 60 days for violations arising from one incident. An inmate serving consecutive sentences for multiple violations which total more than 60 days will be examined by the medical department, after serving 15 days and each 15 day period thereafter until the inmate is released from Disciplinary Segregation. The medical assessment will include a personal interview and a medical evaluation by a medical staff member.
- 11a) In addition to all other rules and regulations published in this handbook, inmates serving sanctions in the disciplinary unit are required to follow the unit rules listed below. Any violation of these rules or regulations will result in disciplinary action.

Inmates will receive one-hour out-of-cell recreation five (5) times per week. The time is at the Housing Officer's discretion. Prior to receiving his/her recreation, the inmates' cell must pass an inspection by the Housing Officer. It is the responsibility of the inmate to ensure that his/her living area is maintained in a neat and orderly manner according to the rules and regulations. In order to pass an inspection, the inmate must clean their assigned cell by mopping the floor, cleaning and shining the stainless steel, wiping the walls and windowsill and making their bed according to the standards. Any property must be neatly stored under the bed. If an inmate fails to comply with these orders, the inmate will not receive recreation until the cell passes inspection and will face disciplinary action. Talking from cell to cell will not be permitted. Any violation of these rules and regulations will result in disciplinary action.

- 12) An inmate who is being held in Disciplinary Detention will receive no good time for the period spent in Disciplinary Detention

- 13) Fundamental Rights which cannot be suspended:
 - a) Visits by attorneys
 - b) Access to attorney
 - c) Adequate food (nutritional diet)
 - d) Adequate light, ventilation, temperature control and sanitation
 - e) Medical care

- 14) Qualified rights which may be suspended:
 - a) Minimum of one visit per week by family
 - b) Two hours of exercise per week
 - c) Clothing, bedding, unlimited access to lavatory and shower
 - d) Access to personal property

- 15) Qualified rights above may only be suspended:
 - a) When the practice in a particular case poses a serious threat to security.
 - b) When the jail property issued is seriously abused.
 - c) Suspension of these rights will be reviewed daily for reinstatement and will be documented in writing as to the decision and justification for the decision.
 - d) Failure to comply with the facilities health and safety regulations.

At the conclusion of the hearing, the Hearing Officer will document the following:

- 1) Inmate name and hearing date
- 2) Charges, plea and findings
- 3) Statement of evidence relied upon
- 4) Sanctions imposed

A copy of this decision will be given to the inmate following the hearing. The hearing record and supporting documents will be maintained in the inmate's classification file.

If the Hearing Officer finds the accused inmate did not commit the violation, the facility will maintain a record of the incident, however, it will not be used against the inmate in any further Disciplinary Hearings and it will not be maintained in the inmate file.

The original decision together with the original rule violation form will be forwarded to the Classification Officer for review to assure conformity with policy and regulations. After review, the rule violation and decision will be placed in the inmate's classification file.

The facility will keep a record of misconduct of the inmates while incarcerated and report the same to any requesting judge.

11. APPEALS PROCEDURE

Appeals for Minor Hearings

- a. Minor violation appeals must be made to the Division Commander. The decision of the Division Commander is the final appeal for minor violations.

In the Absence of the Division Commander the Captain of Security or Administration and Support will hear the appeal.

1. The appeal must be made within 24 hours of the inmate's receipt of the disposition.
 2. The specific reason for appeal must be written on an Inmate Request Form.
 3. At the request of an inmate, staff assistance will be made available when completing this request form.
- b. If an appeal is received, it will be attached to the original Disciplinary Findings sheet and Incident Reports/Supplements. The packet will be forwarded to the Security Division Commander for review.
- c. The Division Commander will review the appeal based on the inmate's reason as stated on the request form. The Division Commander has 24 hours to answer the appeal, unless an investigation must be conducted. If so, the inmate will receive in writing notification that they will not receive an answer to their appeal within the time allotted due to an investigation
- d. The Division Commander will write his/her decision on the request form. A copy of the request form will be delivered to the inmate for receipt. The original will be attached to the Disciplinary Findings Sheet and then forwarded to Internal Affairs for review.
1. If the decision is overturned during the appeal process the Disciplinary Findings Sheet will be modified as noted for not guilty findings.
 2. If the sanctions are modified the Division Commander will note the modifications on the Disciplinary Findings Sheet and forward a copy of the changes to the inmate.
 3. Imposition of sanctions will begin if the inmate does not appeal, refuses to appeal by the deadline or the appeal is denied to the extent that sanctions are to be served. No sanctions will be imposed until after the appeal process is completed.

Appeal of Major Findings

- a. Inmates have the right to appeal the findings of the Hearings Officer to the Captain of Security or designee.
1. The appeal must be made within 24 hours of the inmate's receipt of the disposition.

2. The specific reason for appeal must be written on an Inmate Request Form.
 3. At the request of the inmate an officer will be made available to help with completing this form.
- b. The Hearings Officer will maintain the file until an appeal is received from the inmate or the appeal deadline has expired.
 - c. Major Violations Appeals have two levels:
 1. The first level of Appeal is to the Captain of Security or Designee.
 - a. In the event the Captain of Security or designee receives an appeal, he/she will review the contents of the file and make a decision on the appeal. The Captain of Security or designee will review the appeal based on the inmate's reason as stated on the request form. The Captain of Security or designee has 2 business days to answer the appeal, unless an investigation must be conducted. If so, the inmate will receive in writing notification that they will not receive an answer to their appeal within the time allotted due to an investigation.
 - b. A copy of the Appeal answer will be forwarded to the inmate and the original attached to the file.
 2. The second level of appeal is to the Deputy Superintendent. The decision of the Deputy Superintendent is the final appeal process for Major rule violations and the Deputy Superintendents decision is Final.

A copy of this final appeal will be sent to the inmate and the original will be attached and filed in the inmate's Classification folder.

SECTION – 10 INMATE GRIEVANCE PROCEDURE

1. PURPOSE

- A. A grievance is a formal complaint concerning an incident, policy or conditions within the jail. The grievance procedure has two main objectives:
 - 1) To give inmates a regularly available channel for the expression of their grievances.
 - 2) To foster prompt solutions to institutional problems in a regulated and orderly fashion.
- B. An impartial Officer will handle grievances and under no circumstances will any reprisals, corrective actions or sanctions be brought against an inmate who has followed the proper

procedures, and filed a grievance. However, the following **abuses** of the grievance procedure will be cause for disciplinary actions:

- 1) Failure to use informal channels before filing a grievance.
- 2) Deliberately lying or giving false information.
- 3) Using the grievance process to harass jail staff or other inmates.
- 4) Filing frivolous complaints.
- 5) Filing multiple grievances for the same complaint while an investigation is ongoing.
- 6) The Superintendent or designee has answered continual submission of the same complaint after an appeal.

2. PROCEDURE

- A. The first step in the grievance procedure is to **attempt to solve the problem informally**, by submitting a written Inmate Request Form to the Housing Officer. The Housing Officer will either address the problem or forward it to his/her supervisor to address. The form will be returned in a reasonable amount of time with a response. This response should be kept by the inmate to show that he/she tried to solve the problem informally. If the inmate feels that the problem has not been resolved through the informal process, he/she may request a grievance form from the Grievance Officer. A grievance form will be issued only after attempts have been made to resolve the complaint informally. The grievance form must be returned to the Grievance Officer within 5 days of receipt, or the issue will be moot.
- B. The inmate shall fill out the grievance report and submit it to the Housing Officer, who will forward it to the Grievance Officer. The Grievance Officer will investigate the grievance and return a copy of it to the inmate, with a response, within five working days. The original form will be placed in the grievance file. If the grievance officer cannot answer the grievance, it will be forwarded to the appropriate personnel to address the grievance.

3. APPEALS PROCESS

- A. If an inmate is not satisfied with the response to his/her grievance they may file an appeal. The inmate will fill out the appeal section on the back of the grievance form and return it to the grievance officer within 3 working days. The grievance will be forwarded through the chain of command and the original will be attached to it. The Deputy Superintendent will review and respond to the grievance. The decision of the Deputy Superintendent is final.

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