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MEMORANDUM

September 4, 2007

To: Gary E. Mead, Director, Office of Detention and Removal, Immigration and Customs Enforcement
From: American Bar Association Delegation to Piedmont Detainee Center, Piedmont Regional Jail¹
Copies to: [REDACTED] ABA Commission on Immigration
Subject: Report on Observational Tour of Piedmont Regional Jail

I. INTRODUCTION

This memorandum summarizes and evaluates information gathered at the Piedmont Detainee Center (“Piedmont”) at Piedmont Regional Jail in Farmville, Virginia. The information was gathered via observation of the facility by the delegation and interviews with detainees and facility staff on August 1, 2007.

A. The Delegation’s Visit

On Wednesday, August 1, 2007, the delegation arrived at Piedmont and met with the facility’s staff. We met with Superintendent [REDACTED], Major [REDACTED], Major [REDACTED], and Sergeant [REDACTED]. We were then taken on a tour of the premises by Major [REDACTED] rgeant [REDACTED]. The delegation asked questions during the tour and we had a closing session with Sergeant [REDACTED]. The delegation also met with five detainees: [REDACTED], [REDACTED], [REDACTED], [REDACTED], and two detainees who chose not to be identified.

The delegation appreciates the cooperation of the Piedmont staff. They were helpful and accommodating throughout our visit.

B. General Information About Piedmont Detainee Center

¹ The delegation was comprised of attorneys and summer associates from the Washington, D.C. office of Latham & Watkins LLP, including [REDACTED] and [REDACTED]

² The de [REDACTED] se not to be identified are referenced herein as detainee #1 and detainee #3.

Piedmont is located in Farmville, Virginia, about 170 miles south of Washington, D.C. Piedmont houses inmates of both genders, and male immigration detainees, but they no longer house detained women because they do not have the space or resources to commit a full housing pod for detained women.³ A majority of its detainees come from El Salvador and other Spanish-speaking countries.⁴

Male detainees are housed in three “pods,” or 90-person wards.⁵ One section of the jail is used exclusively for detainees and holds two pods.⁶ The remaining detainee pod is in the same section as (although physically separated from) an inmate pod.⁷ The total inmate/detainee population at Piedmont was 729, of which 280 were detainees on the day of our visit.⁸

II. ICE DETENTION STANDARDS

In November 2000, the Immigration and Naturalization Service (“INS”),⁹ disseminated the *INS Detention Standards* (the “Standards”) to ensure the “safe, secure and humane treatment” of immigration detainees. The *Standards* are memorialized in the Detention Operations Manual, which includes thirty nine standards covering a broad range of issues ranging from visitation policies to grievance procedures and food service. The *Standards* apply to all ICE-operated detention centers and other facilities that house immigration detainees pursuant to contracts or intergovernmental service agreements (“IGSA”).

The *Standards* became effective at ICE-operated detention facilities on January 1, 2001. ICE intended to implement the *Standards* at all of its contract and IGSA facilities by December 31, 2002. The *Standards* are considered a “floor” rather than a “ceiling” for the treatment of immigration detainees; they are meant to set forth the minimum requirements to which ICE must adhere in its facilities. Each ICE Field Office or Officer-in-Charge has the discretion to promulgate policies and practices affording ICE detainees rights and protections beyond those outlined in the *Standards*.

III. LEGAL ACCESS STANDARDS

A. Visitation

1. Visitation By Attorneys

³ Notes of delegation member [REDACTED] on conversation with Superintendent [REDACTED].

⁴ Notes of delegation member [REDACTED] on conversation with Superintendent [REDACTED].

⁵ Notes of delegation member [REDACTED] on conversation with Superintendent [REDACTED].

⁶ Notes of delegation member [REDACTED] on conversation with Superintendent [REDACTED].

⁷ The terms “pod” and “ward” were used interchangeably by Piedmont staff to refer to the wings in which detainees were housed. Piedmont staff led the delegation on a tour of the jail where inmates were housed, as well as the wings in which detainees were housed.

⁸ Notes of delegation member [REDACTED] on conversation with Superintendent [REDACTED].

⁹ 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 ICE, a division of the newly-created Department of Homeland Security (“DHS”).

The *Standards* require that facilities permit legal visitation seven days per week.¹⁰ Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend.¹¹ The visits must be private, and should not be interrupted for head counts.¹² Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.¹³ Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.¹⁴

Piedmont generally meets this section of the *Standards*; however, the information provided in the detainee handbook does not include information regarding legal visits provided by the detainees interviewed as well as Officers [REDACTED], [REDACTED], and [REDACTED]. The Inmate Handbook describes visits generally as being allowed [REDACTED] er day (between the hours of 9:00 a.m. until 11:00 a.m. and 1:00 p.m. until 3:00 p.m.), and being limited to twenty minutes.¹⁵ However, Officers [REDACTED], [REDACTED], and [REDACTED] indicated that attorneys were generally not limited in the amount of time spent with their clients.¹⁶ In addition, certain detainees who were interviewed stated that they were easily able to meet with their attorneys, and indicated that visits were not constrained by time.¹⁷ One detainee did indicate that his permitted visiting hours only during two days per week.¹⁸ Officers [REDACTED], [REDACTED] and [REDACTED] indicated that law students and interpreters may meet with detainees as long as a [REDACTED] dmon [REDACTED] dvance knowledge of their visit.¹⁹

Visitation booths are available in some pods.²⁰ Attorney visits can be contact or non-contact,²¹ and detainees said that they were not strip-searched after a visit.²² Attorneys are not searched; detainees are subject to a pat down search after a legal visit.²³

Attorneys may call Piedmont to determine whether their client is being housed at the facility.²⁴ If an attorney calls, Piedmont's staff will either find the detainee to connect him or the staff will take a message and promptly deliver it to the detainee.²⁵

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

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

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

¹³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

¹⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

¹⁵ Inmate Handbook, p. 6.

¹⁶ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED].

¹⁷ Notes of delegation member [REDACTED] on interviews with detainees S [REDACTED] and Al [REDACTED] ed Farag.

¹⁸ Notes of delegation member [REDACTED] on interview with detainee #3.

¹⁹ Notes of delegation member [REDACTED] conversation with Officers [REDACTED] and [REDACTED].

²⁰ Observations of delegation member [REDACTED].

²¹ Notes of delegation member [REDACTED] conversation with Officers [REDACTED] and [REDACTED].

²² Notes of delegation member [REDACTED] on conversation with Detainee [REDACTED] and [REDACTED].

[REDACTED] notes of delegation member [REDACTED], on interview with [REDACTED] and detainee [REDACTED].

²³ Notes of delegation member [REDACTED] on conversation with Detainees [REDACTED] and [REDACTED].

[REDACTED] notes of delegation member [REDACTED] on interview [REDACTED] ee

²⁴ Notes of delegation member [REDACTED] on conversation with Detainees [REDACTED] and [REDACTED].

[REDACTED] notes of delegation member [REDACTED] on conversation with Officers [REDACTED] d

[REDACTED]

2. Visitation By Family And Friends

To maintain detainee morale and family relationships, the *Standards* encourage visits from family and friends.²⁶ 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.²⁷ Visiting hours shall be set on Saturdays, Sundays, and holidays, and the *Standards* encourage facilities to accommodate visitors at other times when they are facing a particular hardship.²⁸ Visits should be at least thirty minutes long, and longer when possible.²⁹

Piedmont substantially meets this section of the *Standards*; however, the Handbook states that visits are limited to twenty minutes, though apparently requests for longer visits are accommodated. The visitation schedule is clearly posted in the pods at the facility as well as published in the Inmate Handbook.³⁰ According to the Handbook, visiting hours are seven days per week, from 9:00 a.m. until 11:00 a.m. and 1:00 p.m. until 3:00 p.m., and visits are limited to twenty minutes.³¹ However, one detainee indicated that his pod only is allowed visitation days two times per week.³² Piedmont generally confines visits to these hours, but supervisors may adjust the schedule if a detainee’s visitors face a particular hardship.³³ Certain detainees indicated that these types of informal requests were usually accommodated, such that visitors could sometimes spend up to an hour with a detainee.³⁴

B. Telephone Access

1. General Requirements

The *Standards* suggest that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.³⁵ In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees.³⁶ The *Standards* also suggest 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.³⁷

²⁵ Notes of delegation member [redacted] b6 on conversation with Detainees [redacted] b6, b7c and [redacted] b6, b7c [redacted] b6, b7c Notes of delegation member [redacted] b6 on conversation w [redacted] b6, b7c d [redacted] b6, b7c

²⁶ Detention Operations Manual, Detainee Services, Standard 17, Section I.

²⁷ Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

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

²⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³⁰ Observations of delegation member [redacted] b6 Inmate Handbook, p. 6.

³¹ Piedmont Regional Jail Inmate Handbook (hereinafter “Inmate Handbook”), p. 6.

³² Notes of delegation member [redacted] b6 on interview with detainee #3.

³³ Notes of delegation member [redacted] b6 on conversation with Detainees [redacted] b6, b7c and [redacted] b6, b7c [redacted] b6, b7c notes of delegation member [redacted] b6 on conversation w [redacted] b6, b7c [redacted] b6, b7c

³⁴ Notes of delegation member [redacted] b6 on conversation with Detainees [redacted] b6, b7c and [redacted] b6, b7c [redacted] b6, b7c

³⁵ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

³⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

³⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

Piedmont has met this Standard. Each pod contains its own set of phones, which consist of two “blue phones” used to make free calls, and three pay phones that can be used to make collect and toll calls with a pre-purchased calling card.³⁸ The telephones are accessible during all waking hours.³⁹ Phone access is determined by a sign-up list kept near the phones and calls are limited to twenty minutes if there are other detainees waiting on the list.⁴⁰ Calls to and from attorneys take precedence, and detainees may be pushed down on the list if such calls are pending.⁴¹ The pay phones were all in operational order.⁴² At the time of our visit, all but one of the pay phones were being used by detainees. A spot check in each pod indicated that the blue phones were also in operational order but they did not have the same volume of use at the time of the delegation’s visit as the pay phones.⁴³

2. Direct Calls and Free Calls

The *Standards* allow facilities to generally restrict calls to collect calls.⁴⁴ The facility should, however, 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.⁴⁵ 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.⁴⁶ 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.”⁴⁷

Piedmont has met this section of the Standards. Each pod contained the appropriate list of contact information to make free and collect calls to the courts, consulates, and legal service providers in the area.⁴⁸ The blue phones were in operational order, and the delegation was able to successfully make a free test call on one of the blue phones in each pod.⁴⁹ Detainees indicated that they could ask either the Piedmont staff or other detainees for assistance if they weren’t sure how to use the phone.⁵⁰

3. Telephone Access To Legal Representatives

The *Standards* provide that facilities shall not restrict the number of calls a detainee places to his legal representatives, nor limit the duration of such calls by automatic cutoff, unless

³⁸ Notes of delegation member [redacted], on conversation with Sergeant [redacted] and detainee [redacted] b6, b7c

³⁹ Notes of delegation member [redacted] b6, b7c, on conversation with Sergeant [redacted] b6, b7c

⁴⁰ Notes of delegation member [redacted], on conversation with Sergeant [redacted]

⁴¹ Notes of delegation member [redacted], on conversation with Sergeant [redacted] and detainee [redacted] b6, b7c

⁴² Observation of delegation member [redacted] b6, b7c

⁴³ Observation of delegation member [redacted] b6

⁴⁴ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

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

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

⁴⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁴⁸ Observation of delegation member [redacted] b6

⁴⁹ Observation of delegation member [redacted] b6

⁵⁰ Notes of delegation member [redacted] b6, on conversation with detainee [redacted] b6, b7c

necessary for security purposes or to maintain orderly and fair access to telephones.⁵¹ If time limits are necessary, they shall be no shorter than twenty minutes.⁵² The *Standards* require that facilities ensure privacy for a detainee’s telephone calls regarding legal matters by providing a reasonable number of telephones for detainees to make calls without being overheard by facility staff or detainees, and that calls shall not be monitored absent a court order.⁵³

Piedmont has partially met this section of the *Standards*; however, detainees are unable to make outgoing private calls to their attorneys. Calls to and from attorneys take precedence in the phone call hierarchy and the detainees confirmed these calls are given top priority.⁵⁴ Since the phones are in the open area of the pod, there is no means to provide privacy for these outgoing calls.⁵⁵ Piedmont does provide provisions for private telephone conversation between detainees and their attorneys if requested by the attorney and the Piedmont staff has ample time to set it up in advance.⁵⁶ No phone conversations of any sort are monitored by the Piedmont staff.⁵⁷

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.⁵⁸ If the facility receives an emergency 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 call as soon as possible.⁵⁹

Piedmont has fully met this section of the *Standards*. Detainees are immediately notified if their attorney is calling them.⁶⁰ If the detainees cannot be reached, the Piedmont staff will relay the message to the detainee.⁶¹

C. Access to Legal Materials

All facilities with detainees “shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.”⁶²

1. Law Library Conditions

⁵¹ Detention Operations Manual, Detainee Services, Standard 16, Section F.

⁵² Detention Operations Manual, Detainee Services, Standard 16, Section F.

⁵³ Detention Operations Manual, Detainee Services, Standard 16, Section F.

⁵⁴ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED] and detainee [REDACTED].

⁵⁵ Observation of delegation member [REDACTED]

⁵⁶ Notes of delegation member [REDACTED] nversation with Superintendent [REDACTED]

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

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

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

⁶⁰ Notes of delegation member [REDACTED] on conversation with Major [REDACTED] and detainees [REDACTED] and [REDACTED].

⁶¹ Notes of delegation member [REDACTED] on conversation with Major [REDACTED] and detainees [REDACTED] and [REDACTED].

⁶² Detention Operations Manual, Detainee Services, Standard 1, Section I.

The *Standards* require that a facility provide a law library with sufficient space to facilitate detainees’ legal research and writing.⁶³ 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.”⁶⁴

Piedmont has substantially met this section of the *Standards*; however, the libraries are noisy. Piedmont Regional Jail provides three law libraries.⁶⁵ Each library is moderately lit and small.⁶⁶ The libraries are isolated from foot traffic, but do not provide detainees wishing to conduct legal research with a low-noise environment.⁶⁷ Each library provides access to two computers, and contains two chairs and two small desks, including those that house the computer stations.⁶⁸ The libraries are located in rooms directly off of the detainee residence “pods”; the rooms are not fully partitioned, allowing noise to carry from the residence area into the libraries, so they are noisy.⁶⁹

2. Equipment

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.⁷⁰ Staff must inspect at least weekly to ensure equipment is in working order and to stock sufficient supplies.⁷¹ In addition, indigent detainees must be provided free envelopes and stamps for legal mail.⁷²

Piedmont has met this section of the *Standards*: supplies are provided. Piedmont Regional Jail has two computers, a printer, writing utensils and paper available in each of its law libraries.⁷³ Piedmont provides postage for domestic mail.⁷⁴

3. Library Holdings

The *Standards* require that all facility law libraries contain the materials listed in Attachment A to the chapter on *Access to Legal Materials*.⁷⁵ These materials must be updated regularly, and information must be added on significant regulatory and statutory changes

⁶³ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

⁶⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

⁶⁵ Observation of delegation member [REDACTED]

⁶⁶ Observation of delegation member [REDACTED]

⁶⁷ Observation of delegation member [REDACTED]

⁶⁸ Observation of delegation member [REDACTED]

⁶⁹ Observation of delegation member [REDACTED]

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

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

⁷² Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

⁷³ Observations of delegation member [REDACTED]

⁷⁴ Notes of delegation member [REDACTED], on interview with detainee #3.

⁷⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

regarding detention and deportation of aliens in a timely manner.⁷⁶ Damaged or stolen materials must be promptly replaced.⁷⁷

Piedmont has not fully met this section of the *Standards*; some of the required materials are unavailable. Piedmont provides its immigration detainees with access to legal materials on computer, but some of the required legal materials are unavailable.⁷⁸ While the LexisNexis CD, updated quarterly,⁷⁹ provides access to numerous legal materials, many of the secondary resources listed in Attachment A to the chapter on *Access to Legal Materials* are not available on LexisNexis.⁸⁰ While the libraries did contain several hard copies of the publications listed in Attachment A, there were additionally many materials that consisted of unbound stacks of paper, making it difficult to fully ascertain the extent of Piedmont's legal research collection.⁸¹

4. Hours of Access

The *Standards* state that each facility shall have a flexible schedule for law library use that permits all detainees, regardless of housing or classification, to use the law library on a regular basis.⁸² Each detainee shall be permitted to use the law library for a minimum of five hours per week.⁸³

Piedmont has met this section of the *Standards*. PRJ permits all detainees to use the law library, and there's no set time limit for access.⁸⁴ The law library is open to detainees throughout the day, and may be used outside of normal operation hours for case-related work.⁸⁵

5. Notice to Detainees

The *Standards* require that the detainee handbook provide detainees with the rules and procedures governing access to legal materials.⁸⁶

Piedmont has met this section of the *Standards*: the Inmate Handbook adequately provides detainees with notice of policies and proceeds regarding access to legal materials.⁸⁷ The Inmate Handbook specifies that "[l]egal reference materials are available in the

⁷⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

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

⁷⁸ Observation of delegation member [REDACTED] b6

⁷⁹ Notes of delegation member [REDACTED] b6, on conversation with Major [REDACTED] b6, b7c

⁸⁰ Observation of delegation member [REDACTED] b6

⁸¹ Observation of delegation member [REDACTED] b6

⁸² Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁸³ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁸⁴ Notes of delegation member [REDACTED] b6, on conversation with Superintendent [REDACTED] b6

⁸⁵ Notes of delegation member [REDACTED] b6, on conversation with Superintendent [REDACTED] b6

⁸⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

⁸⁷ Inmate Handbook, p. 4.

library.”⁸⁸ The Handbook also specifies the procedures for requesting additional time in the library.⁸⁹

6. Photocopies

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.⁹⁰ Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.⁹¹

Piedmont has met this section of the *Standards*. Detainees at Piedmont Regional Jail may request legal material copies from Jail staff free of charge; the photocopying is promptly completed and delivered to detainees.⁹²

7. Assistance from Other Detainees

The *Standards* require that each facility permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.⁹³

Piedmont has met this section of the *Standards*. According to the Inmate Handbook, detainees “may receive assistance from other inmates who agree to assist, at no charge.”⁹⁴

8. Personal Legal Materials

The *Standards* require that the facility permit detainees to retain all personal legal material upon admittance to the general population or in segregation, unless such material creates a safety, security or sanitation hazard.⁹⁵

Piedmont has met this section of the *Standards*. The Inmate Handbook provides that an inmate “may retain a reasonable amount of legal materials in their cell.”⁹⁶

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

⁸⁸ Inmate Handbook, p. 4.

⁸⁹ Inmate Handbook, p. 4.

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

⁹¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

⁹² Notes of delegation member [REDACTED] b6, on interview with detainee #3.

⁹³ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

⁹⁴ Inmate Handbook, p. 4.

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

⁹⁶ Inmate Handbook, p. 4.

facility.”⁹⁷ While the presentations are open to all detainees, the facility “may limit the number of detainees at a single session.”⁹⁸ “The facility shall select and provide an environment conducive to the presentation, consistent with security.”⁹⁹ In addition, detainees shall have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”¹⁰⁰

Piedmont has met this section of the Standards. According to Piedmont personnel, group rights presentations are allowed at Piedmont and the Capital Area Immigrants’ Rights (CAIR) Coalition visits the facility once a month to conduct such presentations.¹⁰¹ Piedmont staff report that the presentations are held in the detainee housing unit; sign-up sheets are not utilized because any detainee may participate in the presentation.¹⁰² If a large number of detainees wish to participate, they may be divided up for separate presentations.¹⁰³ The detainees confirmed the CAIR Coalition visits and their ability to participate, and noted that the CAIR Coalition has representatives who speak English, French, and Spanish.¹⁰⁴

The Piedmont staff reported that the “Know Your Rights” video created by the Florence Project is shown to detainees once per week.¹⁰⁵ The video is shown in the housing units and any detainee may watch it.¹⁰⁶ Detainees interviewed confirmed that the video is shown once per week.¹⁰⁷

IV. 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.¹⁰⁸ 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.¹⁰⁹ Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials,

⁹⁷ Detention Operations Manual, Detainee Services, Standard 9, Section I.

⁹⁸ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

⁹⁹ Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹⁰⁰ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹⁰¹ Notes of delegation member [redacted] on conversation with Superintendent [redacted] Major [redacted]

¹⁰² Notes of delegation member [redacted] on conversation with Superintendent [redacted] Major [redacted]

¹⁰³ Notes of delegation member [redacted] on conversation with Superintendent [redacted] Major [redacted]

¹⁰⁴ Notes of delegation member [redacted] on interview with detainee #1.

¹⁰⁵ Notes of delegation member [redacted] on conversation with Superintendent [redacted] Major [redacted]

¹⁰⁶ Notes of delegation member [redacted] on conversation with Superintendent [redacted] Major [redacted]

¹⁰⁷ Notes of delegation member [redacted] on interview with detainee [redacted] and detainee #3.

¹⁰⁸ Detention Operations Manual, Standard 3, Section I.

¹⁰⁹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

and the news media—is treated differently.¹¹⁰ Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹¹¹ Outgoing special correspondence may not be opened, inspected, or read.¹¹²

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.¹¹³ The *Standards* also require that facilities provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential representative, or any court.¹¹⁴ Finally, the *Standards* require that facilities notify detainees of specific information regarding correspondence policies.¹¹⁵

Piedmont has not fully met this section of the *Standards*; the Inmate Handbook does not include the required information. Piedmont Regional Jail provides all detainees with the Inmate Handbook. However, these notifications do not provide the following information as required: 1) “the definition of special correspondence, including instructions on the proper labeling for special correspondence [and a] statement that it is the detainee’s responsibility to inform senders of special mail of the labeling requirement.”; 2) the fact that detainees may not send or receive packages without advance approved arrangements; and 3) the fact that identity documents, such as passports and birth certificates, are contraband and may be rejected by the facility.¹¹⁶ Piedmont Regional Jail provides domestic postage free of charge for outgoing mail, but detainees must purchase postage for international mail.¹¹⁷ Detainee interviewees indicated that Piedmont Regional Jail staff adheres to the *Standards* regarding opening and screening of correspondence.¹¹⁸

B. Detainee Handbook

The *Standards* suggest that facilities “develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility.”¹¹⁹ Facilities should give each detainee a copy of this handbook upon admission.¹²⁰

Piedmont has substantially met this section of the *Standards*. However, as indicated above, the Inmate Handbook does not provide required information on correspondence; and as indicated below, it lacks required information regarding classification and

¹¹⁰ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.

¹¹¹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹¹² Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

¹¹³ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B.

¹¹⁴ Detention Operations Manual, Detainee Services, Standard 3, Section III.I, and Standard 1, Section III.N.

¹¹⁵ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹¹⁶ Inmate Handbook, pp. 3-4.

¹¹⁷ Notes of delegation member [REDACTED] on interview with detainee #3.

¹¹⁸ Notes of delegation member [REDACTED] on interview with detainee #1.

¹¹⁹ Detention Operations Manual, Standard 6, Section I.

¹²⁰ Detention Operations Manual, Detainee Services, Standard 6, Section I.

disciplinary policy. Conversations with Piedmont staff and detainees confirm that all detainees are given a copy of the Inmate Handbook upon arrival to Piedmont.¹²¹

C. Recreation

The *Standards* suggest that all detainees have access to recreational programs and activities under safe and secure conditions.¹²² Detainees should be housed in facilities with outdoor recreation and be permitted such outdoor recreation for one hour per day, five days per week.¹²³ If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.¹²⁴ Detainees should have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise, and games and television in dayrooms.¹²⁵

Piedmont has not fully met this section of the *Standards*; one pod only has access to outdoor recreation once or twice per week, and no access to indoor recreation. Piedmont allows outdoor recreation for all detainees.¹²⁶ Each section has an outdoor recreation area that has a basketball net, basketballs, and soccer balls.¹²⁷ In the section housing two detainee pods, those detainees are given forty-five minutes to one hour of outdoor activity every day.¹²⁸ However, in the section of Piedmont that contains a detainee pod and an inmate pod, the detainees are only given one hour of outdoor recreation one or two times per week, and no indoor recreation.¹²⁹ There is no access to an exercise room with any cardio-training or weight resistance training equipment.¹³⁰ Piedmont allows entertainment in the dayroom via a cable television located in each pod.¹³¹ The program schedule is determined by the “Trusty” detainees in each pod, and the Piedmont staff works with them to ensure that different ethnic groups get access to desired programming.¹³²

D. Access to Medical Care

The *Standards* state that “[a]ll detainees shall have access to medical services that promote detainee health and general well-being.”¹³³ Every detention facility must provide

¹²¹ Notes of delegation on conversations with detainee #1 and Major [REDACTED] b6, b7c

¹²² Detention Operations Manual, Detainee Services, Standard 13, Section I.

¹²³ Detention Operations Manual, Detainee Services, Standard 6, 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.”

¹²⁴ Detention Operations Manual, Detainee Services, Standard 6, Section III.B.

¹²⁵ Detention Operations Manual, Detainee Services, Standard 6, Section III.G.

¹²⁶ Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7c.

¹²⁷ Observation of delegation member [REDACTED] b6.

¹²⁸ Notes of delegation member [REDACTED] b6, interview with detainees [REDACTED] b6, b7c and [REDACTED] b6, b7c.

¹²⁹ Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7c.

¹³⁰ Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7c.

¹³¹ Observation of delegation member [REDACTED] b6. Notes of delegation member [REDACTED] b6 on

conversation with Sergeant [REDACTED] b6, b7c.

¹³² Notes of delegation member [REDACTED] b6 on conversation with Sergeant [REDACTED] b6, b7c and interview with detainee

[REDACTED] b6, b7c.

¹³³ Detention Operations Manual, Health Services, Standard 2, Section I.

detainees with “initial medical screening, cost-effective primary medical care, and emergency care” and must “arrange for specialized health care, mental health care, and hospitalization within the local community.”¹³⁴ The initial screening must include a TB test.¹³⁵ Facilities must employ a medical staff large enough to at least perform basic exams and treatments for all detainees.¹³⁶ Each facility must also have a “sick call” mechanism that allows detainees to request health care services.¹³⁷ In a facility with over 200 detainees, sick calls must be regularly scheduled at least 5 days per week.¹³⁸ Medical records must be kept separate from detainee records and stored in a securely locked area within the medical unit.¹³⁹

Piedmont has partially met this section of the Standards; however, several of the detainees interviewed at Piedmont reported that there were long waits for medical care and that medical requests were not fully responded to.¹⁴⁰ One detainee reported that he had made four requests for medical care beginning two months ago and still has not seen a doctor.¹⁴¹ He said he has seen the nurses and has been given prescriptions, but that the medications do not help.¹⁴² Another detainee reported that the wait to see a doctor was usually three to four days, but sometimes a week or longer, especially for non-emergencies.¹⁴³

Detainees undergo a medical and mental health screening, including tests for TB and HIV, within 72 hours of arrival.¹⁴⁴ The detention staff receives annual CPR and emergency response training.¹⁴⁵ There is a doctor on site twice a week and on call at all times.¹⁴⁶ Nurses head shifts and administer drugs, but the doctor is the medical director who makes treatment decisions.¹⁴⁷ There is a hospital within two miles of the facility to which detainees may be sent.¹⁴⁸ Detainees may also receive treatment from the Medical College of Virginia, the University of Virginia hospital, or a local mental health service provider if necessary.¹⁴⁹

¹³⁴ Detention Operations Manual, Health Services, Standard 2, Section I.
¹³⁵ Detention Operations Manual, Health Services, Standard 2, Section I.
¹³⁶ Detention Operations Manual, Health Services, Standard 2, Section I.
¹³⁷ Detention Operations Manual, Health Services, Standard 2, Section I.
¹³⁸ Detention Operations Manual, Health Services, Standard 2, Section I.
¹³⁹ Detention Operations Manual, Health Services, Standard 2, Section I.
¹⁴⁰ Notes of delegation member [redacted] b6, on interviews with detainee #1 and [redacted] b6, b7c notes of delegation member [redacted] b6, interview with detainee [redacted] b6, b7c.
¹⁴¹ Notes of delegation member [redacted] b6, on interview with d [redacted] b6, b7c.
¹⁴² Notes of delegation member [redacted] b6, on interview with detainee #1.
¹⁴³ Notes of delegation member [redacted] b6, on interview with detainee [redacted] b6, b7c.
¹⁴⁴ Notes of delegation member [redacted] b6, on conversation with Super [redacted] b6, Major [redacted] b6, b7c, Major [redacted] b6, b7c and Sergeant [redacted] b6, b7c notes of delegation member [redacted] b6, b7c on i [redacted] b6, b7c s with [redacted] b6, b7c deta [redacted] b6, b7c, and detainee #3.
¹⁴⁵ Notes of delegation member [redacted] b6, b7c on conversation with Superintendent [redacted] b6, b7c Major [redacted] b6, b7c Major [redacted] b6, b7c and Sergeant [redacted] b6, b7c.
¹⁴⁶ Notes of delegation member [redacted] b6, b7c on conversation with Superintendent [redacted] b6, b7c Major [redacted] b6, b7c Major [redacted] b6, b7c and Sergeant [redacted] b6, b7c.
¹⁴⁷ Notes of delegation member [redacted] b6, b7c on conversation with Superintendent [redacted] b6, b7c Major [redacted] b6, b7c Major [redacted] b6, b7c and Sergeant [redacted] b6, b7c.
¹⁴⁸ Notes of delegation mem [redacted] b6, b7c on conversation with Superintendent [redacted] b6, b7c Major [redacted] b6, b7c Major [redacted] b6, b7c and Sergeant [redacted] b6, b7c.
¹⁴⁹ Notes of delegation member [redacted] b6, b7c on conversation with Superintendent [redacted] b6, b7c Major [redacted] b6, b7c Major [redacted] b6, b7c and Sergeant [redacted] b6, b7c.

Attorneys can also arrange independent medical service visits for their detainee clients.¹⁵⁰ One detainee reported that when his glasses were stolen, he was able to quickly get a new pair from an outside doctor with the help of his attorney.¹⁵¹

Sick calls occur five days a week.¹⁵² The detainees interviewed knew where to find forms to request medical service and were familiar with how the sick call procedure works.¹⁵³

Detainees sign consent forms before receiving medical treatment and, in the rare instance of refusal of treatment, a refusal form is signed by two witnesses.¹⁵⁴ Medical records are maintained in a locked filing cabinet in the main medical unit of the prison.¹⁵⁵

E. Access to Dental Care

The *Standards* suggest that detainees undergo an initial dental screening exam within 14 days of their arrival.¹⁵⁶ If no on-site dentist is available, the *Standards* state that initial dental screening may be performed by a physician, physician’s assistant, or nurse practitioner.¹⁵⁷ All detainees should be provided with emergency dental treatment.¹⁵⁸ Individuals detained for longer than six months may receive routine dental treatment, including “amalgam and composite restoration, prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee’s health.”¹⁵⁹

Piedmont has met this section of the *Standards*. Detainees receive dental screenings within the first three days of their arrival at the facility.¹⁶⁰ There is a dental lab in the main prison facility that serves detainees and prisoners.¹⁶¹ The facility has an X-ray lab.¹⁶² There is a dentist on site to provide dental care twice a week, but one detainee who has not personally experienced dental problems reported that other detainees had experienced long waits before being seen by

¹⁵⁰ Notes of delegation member [redacted] b6, on conversation with Superintendent [redacted] b6, Major [redacted] b6,b7c, Major [redacted] b6,b7c and Sergeant [redacted] b6,b7c.

¹⁵¹ Notes of delegation member [redacted] b6, on interview with detainee #3.

¹⁵² Notes of delegation member [redacted] b6, on conversation with Superintendent [redacted] b6, Major [redacted] b6,b7c, Major [redacted] b6,b7c and Sergeant [redacted] b6,b7c.

¹⁵³ Notes of delegation member [redacted] b6, on interviews with detainee [redacted] b6,b7c, detainee #1, and detainee #3.

¹⁵⁴ Notes of delegation member [redacted] b6, on conversation with Superintendent [redacted] b6, Major [redacted] b6,b7c, Major [redacted] b6,b7c and Sergeant [redacted] b6,b7c.

¹⁵⁵ Notes of delegation member [redacted] b6, on conversation with Superintendent [redacted] b6, Major [redacted] b6,b7c, Major [redacted] b6,b7c and Sergeant [redacted] b6,b7c.

¹⁵⁶ Detention Operations Manual, Health Services, Standard 2, Section III.

¹⁵⁷ Detention Operations Manual, Health Services, Standard 2, Section III.

¹⁵⁸ Detention Operations Manual, Health Services, Standard 2, Section III.

¹⁵⁹ Detention Operations Manual, Health Services, Standard 2, Section III.

¹⁶⁰ Notes of delegation member [redacted] b6, on conversation with Superintendent [redacted] b6, Major [redacted] b6,b7c, Major [redacted] b6,b7c and Sergeant [redacted] b6,b7c, on interview with Detainee [redacted] b6,b7c.

¹⁶¹ Notes of delegation member [redacted] b6, on conversation with Superintendent [redacted] b6, Major [redacted] b6,b7c, Major [redacted] b6,b7c and Sergeant [redacted] b6,b7c.

¹⁶² Notes of delegation member [redacted] b6, on conversation with Superintendent [redacted] b6, Major [redacted] b6,b7c, Major [redacted] b6,b7c and Sergeant [redacted] b6,b7c.

the dentist.¹⁶³ Another detainee reported that his lawyer was assisting the detainee in setting up an appointment with an outside dentist to perform a surgical procedure.¹⁶⁴

F. Hunger Strikes

The *Standards* require that all facilities follow accepted standards of care in the medical and administrative management of hunger-striking detainees.¹⁶⁵ Facilities must do everything within their means, consistent with legal authority and standard medical and psychiatric practice, to monitor and protect the health and welfare of the hunger-striking detainee and must make every effort to obtain the hunger striker’s informed consent for treatment.¹⁶⁶ The facility must notify ICE of any hunger-striking detainee being housed in the facility.¹⁶⁷

Piedmont has met this section of the *Standards*. The facility has a policy in force for the reporting, monitoring, and medical treatment of any hunger-striking detainees.¹⁶⁸ A few years ago, detainees began a hunger strike, but ICE was promptly alerted and arrived to speak to each of the hunger-striking detainees and resolve the issue before the strike had reached 72 hours.¹⁶⁹ According to facility staff, the detainees conducted the hunger strike in response to frustration regarding their status, not the conditions in the facility.¹⁷⁰

G. Detainee Classification System

The *Standards* require that detention facilities use a classification system and physically separate detainees into different categories.¹⁷¹ Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.¹⁷² A detainee’s classification is to be determined on “objective” criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.¹⁷³ Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.¹⁷⁴ Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.¹⁷⁵ Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees.¹⁷⁶

¹⁶³ Notes of delegation member [redacted] on interview with detainee #1.
¹⁶⁴ Notes of delegation member [redacted] on interview with detainee [redacted].
¹⁶⁵ Detention Operations Manual, Detainee Services, Standard 1, Section I.
¹⁶⁶ Detention Operations Manual, Health Services, Standard 1, Section I.
¹⁶⁷ Detention Operations Manual, Health Services, Standard 1, Section I.
¹⁶⁸ Note of delegation member [redacted] on conversation with Superintendent [redacted], Major [redacted], Major [redacted] and Sergeant [redacted].
¹⁶⁹ Notes of delegation member [redacted] on conversation with Superintendent [redacted], Major [redacted], Major [redacted] and Sergeant [redacted].
¹⁷⁰ Notes of delegation member [redacted] on conversation with Superintendent [redacted], Major [redacted], Major [redacted] and Sergeant [redacted].
¹⁷¹ Detention Operations Manual, Detainee Services, Standard 4, Section I.
¹⁷² Detention Operations Manual, Detainee Services, Standard 4, Section III.F.
¹⁷³ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.
¹⁷⁴ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.
¹⁷⁵ Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & III.E.
¹⁷⁶ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

All facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.¹⁷⁷ 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.¹⁷⁸

Piedmont has substantially met this section of the Standards; however, the Inmate Handbook does not include information on classification or appeals.¹⁷⁹ Detainees at Piedmont are classified according to the Virginia Department of Corrections classification system.¹⁸⁰ The Inmate Handbook states that “Race, color, creed, or national origin will not be considered in housing assignment or work assignment. Classification is an on-going process to determine housing and work assignment.”¹⁸¹

Major [REDACTED] noted that the detainees at Piedmont are there for immigration violations, as opposed to other types of convictions.¹⁸² The detainees are separated from the general prison inmate population.¹⁸³ Some detainee units share recreational facilities with general inmate units, but the housing remains separate.¹⁸⁴ If a detainee breaks prison rules or regulations, he may be separated from the other detainees and housed with a segment of the general prison population.¹⁸⁵ However, the Piedmont staff noted that the general population with which the detainee offenders are housed are not violent inmates, but, rather, are those who are being rewarded for good behavior with positions as “Trusties.”¹⁸⁶ It is not clear from our discussion how long an offending detainee is separated from the detainee unit.

Two detainees confirmed that violent detainees are not allowed to remain with the detainee population.¹⁸⁷ Both detainees noted that as soon as staff are aware that a detainee is violent, the detainee is immediately removed from the housing unit.¹⁸⁸ One detainee noted that violent detainees who are moved to a general inmate housing unit are given the opportunity to return to the detainee unit if they exhibit good behavior, and these detainees are watched very closely by staff and “Trusties” once they return to detainee housing units to ensure that they are

¹⁷⁷ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

¹⁷⁸ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

¹⁷⁹ Inmate Handbook.

¹⁸⁰ Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with Superintendent [REDACTED] b6 [REDACTED], Major [REDACTED] b6, b7c [REDACTED] Major [REDACTED] b6, b7c [REDACTED] [REDACTED] b6, b7c [REDACTED]

¹⁸¹ Piedmont Handbook, p. 1.

¹⁸² Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Major [REDACTED] b6, b7c [REDACTED]

¹⁸³ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Superintendent [REDACTED] b6 [REDACTED], Major [REDACTED] b6, b7c [REDACTED] Major [REDACTED] b6, b7c [REDACTED] [REDACTED] b6, b7c [REDACTED]

¹⁸⁴ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Superintendent [REDACTED] b6 [REDACTED] Major [REDACTED] b6, b7c [REDACTED] Major [REDACTED] b6, b7c [REDACTED] [REDACTED] b6, b7c [REDACTED]

¹⁸⁵ Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with Superintendent [REDACTED] b6 [REDACTED] Major [REDACTED] b6, b7c [REDACTED] Major [REDACTED] b6, b7c [REDACTED] [REDACTED] b6, b7c [REDACTED]

¹⁸⁶ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Superintendent [REDACTED] b6 [REDACTED] Major [REDACTED] b6, b7c [REDACTED] Major [REDACTED] b6, b7c [REDACTED] [REDACTED] b6, b7c [REDACTED] “Trusties” are certain detainees, chosen by the Piedmont staff within a pod. For example, one Trusty oversees television operations; another Trusty oversees head Trusty.

¹⁸⁷ Notes of delegation member [REDACTED] b6 [REDACTED] on interviews with detainees [REDACTED] b6, b7c [REDACTED] and [REDACTED] b6, b7c [REDACTED]

¹⁸⁸ Notes of delegation member [REDACTED] b6 [REDACTED] on interviews with detainees [REDACTED] b6, b7c [REDACTED] and [REDACTED] b6, b7c [REDACTED]

not exhibiting violent behavior.¹⁸⁹ Piedmont staff noted that detainees are screened for tattoos or evidence of gang affiliation.¹⁹⁰ This appears to conflict with the policy that detainees are not to be classified by physical characteristics or appearance.¹⁹¹

H. 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.¹⁹²

Piedmont has met this section of the *Standards*. The volunteer manual outlines a grievance procedure, which detainees can choose to follow if they have complaints.¹⁹³ However, Officers [b6, b7c], [b6, b7c] and [b6, b7c] as well as certain detainees interviewed commented that formal grievances rarely filed. If a detainee has any complaint, he usually speaks informally to a Trusty within his pod; the Trusty will then address the issue with an officer, and some resolution is achieved.¹⁹⁵ Both Piedmont officers and detainees commented that most detainee grievances do not concern the Piedmont facility, but the detainees' lack of knowledge surrounding their immigration status.¹⁹⁶

I. Religious Practices

The *Standards* require that detainees of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths.¹⁹⁷ According to the *Standards*, these "opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is 'mainstream,' whether the religion is 'Western' or 'Eastern,' or other such factors. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice."¹⁹⁸

Piedmont has met this section of the *Standards*. According to facility staff, the detainees may designate a religious preference.¹⁹⁹ Superintendent [b6] reported that there is a chaplain at the facility, and the facility receives visits from an Imam, a Catholic Priest, and a

¹⁸⁹ Notes of delegation member [b6], on interviews with detainees [b6, b7c] and [b6, b7c]

¹⁹⁰ Notes of delegation member [b6] on conversation [b6] and [b6]
[b6, b7c] Major [b6, b7c] [b6, b7c]

¹⁹¹ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

¹⁹² Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

¹⁹³ Inmate Handbook, pp. 5-6; notes of delegation member [b6] on conversation with Officers [b6, b7c] and [b6, b7c].

¹⁹⁴ Notes of delegation member [b6] on interviews with detainees [b6, b7c] and [b6, b7c]
Notes of delegation member [b6] on conversation with Officers [b6, b7c] and [b6, b7c]

¹⁹⁵ Notes of delegation member [b6] on interviews with detainees [b6, b7c] and [b6, b7c]

¹⁹⁶ Notes of delegation member [b6] on interviews with detainees [b6, b7c] and [b6, b7c]
notes of delegation member [b6] on conversation with Officers [b6, b7c] and [b6, b7c]

¹⁹⁷ Detention Operations Manual, Detainee Services, Standard 14, Section I.

¹⁹⁸ Detention Operations Manual, Detainee Services, Standard 14, Section I.

¹⁹⁹ Notes of delegation member [b6] on conversation with Superintendent [b6], Major [b6, b7c] [b6, b7c] [b6, b7c]

Methodist Minister among others.²⁰⁰ Religious activities take place in the housing unit, and there is a designated prayer area in each housing unit for Muslim detainees that faces in an eastward direction.²⁰¹ Detainees may voluntarily participate in religious activities.²⁰² Detainees may also participate in religious activities with volunteer ministers and religious groups who schedule prearranged visits, and personal ministers may visit during scheduled visit days or may obtain prior approval for contact visits during certain hours.²⁰³ Detainees are allowed access to personal religious property such as prayer beads, prayer rugs, bibles, religious medallions, etc.²⁰⁴ The handbook states that detainees are permitted a “[r]easonable amount of ... Religious Materials.”²⁰⁵

Detainees interviewed during the visit confirmed that religion is practiced freely within the facility.²⁰⁶ One detainee noted that detainees who are unable to afford a prayer rug are permitted to use blankets as prayer rugs.²⁰⁷

J. Voluntary Work Program

The *Standards* suggest that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”²⁰⁸ Participation must be voluntary, and detainees may not work more than eight hours per day, and 40 hours per week.²⁰⁹

Piedmont has partially met this section of the *Standards*; however, detainees are unable to earn money for this work. There is a work program in place, but the detainees cannot earn money.²¹⁰ However, there is a “Trusty” system where certain detainees can earn “canteen”²¹¹ for compensation.²¹² Detainees who serve as Trustees can work throughout the day, effectively assisting facility staff.²¹³ There are approximately ten Trustees per housing unit and they are chosen from among the volunteers based on how long they have resided in the

²⁰⁰ Notes of delegation member [REDACTED], on conversation with Superintendent [REDACTED].

²⁰¹ Notes of delegation member [REDACTED], on conversation with Major [REDACTED].

²⁰² Inmate Handbook, p. 4; notes of delegation member [REDACTED], on conversation with Superintendent [REDACTED], Major [REDACTED], Major [REDACTED], and Sergeant [REDACTED].

²⁰³ Inmate Handbook, p. 4.

²⁰⁴ Notes of delegation member [REDACTED], on conversation with Superintendent [REDACTED], Major [REDACTED], Major [REDACTED], and Sergeant [REDACTED].

²⁰⁵ Inmate Handbook, p. 4.

²⁰⁶ Notes of delegation member [REDACTED], on interview with detainee #1 and detainee [REDACTED].

²⁰⁷ Notes of delegation member [REDACTED], on interview with detainee [REDACTED].

²⁰⁸ Detention Operations Manual, Standard 37, Sections I & III.

²⁰⁹ Detention Operations Manual, Detainee Services, Standard 37, Sections III.A & H.

²¹⁰ Notes of delegation member [REDACTED], on conversation with Superintendent [REDACTED], Major [REDACTED], Major [REDACTED], and Sergeant [REDACTED].

²¹¹ “Canteen” refers to cre [REDACTED] the commissary items such as candy bars, etc.

²¹² Notes of delegation member [REDACTED], on conversation with Superintendent [REDACTED], Major [REDACTED], Major [REDACTED], and Sergeant [REDACTED].

²¹³ Notes of delegation member [REDACTED], on conversation with Superintendent [REDACTED], Major [REDACTED], Major [REDACTED], and Sergeant [REDACTED].

facility.²¹⁴ Trusty jobs include cleaning, laundry, overseeing the TV remote, overseeing the telephone sign-up list, etc.²¹⁵

K. Staff-Detainee Communication/ICE Presence At the Facility

The *Standards* require that procedures be in place “to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.”²¹⁶ The *Standards* require that scheduled weekly visits be conducted by ICE personnel and that “regular unannounced (not scheduled) visits” be conducted by the ICE OIC, the Assistant OIC, and designated department heads.²¹⁷ The purpose of these visits is to monitor housing conditions, interview detainees, review records, and answer questions for detainees who do not comprehend the immigration removal process.²¹⁸ The *Standards* suggest that detainee requests be forwarded to the appropriate ICE office within 72 hours and “answered as soon as possible or practicable, but not later than 72 hours from receiving the request.”²¹⁹

ICE has not fully met this section of the *Standards*; ICE staff do not conduct scheduled visits to the facility. Piedmont’s ICE representative is Officer [REDACTED] b6, b7c²²⁰ He is attentive to Piedmont, but does not visit the facility at a scheduled time.²²¹ Piedmont indicated that he does come once a week and will meet with detainees in his office to discuss their cases.²²² One detainee did not find the ICE representative to be particularly accessible, due in particular to the unpredictable timing of his visits.²²³

L. Disciplinary Policy

The *Standards* state that facility authorities “will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures” in order “to provide a safe and orderly living environment.”²²⁴ Each facility holding ICE detainees must have a detainee disciplinary system which has “progressive levels of reviews, appeals, procedures, and documentation procedures.”²²⁵ The disciplinary policy must clearly define

²¹⁴ Notes of delegation member [REDACTED] b6 on conversation with Superintendent [REDACTED] b6 Major [REDACTED] b6, b7c and Sergeant [REDACTED] b6, b7c

²¹⁵ Notes of delegation m [REDACTED] b6 on conversation with Superintendent [REDACTED] b6 Major [REDACTED] b6, b7c Maj [REDACTED] b6, b7c rgeant [REDACTED] b6, b7c

²¹⁶ Deten [REDACTED] annual, [REDACTED] vices, Standar [REDACTED] I.

²¹⁷ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²¹⁸ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²¹⁹ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.1.

²²⁰ Notes of delegation member [REDACTED] b6 on conversation with Superintendent [REDACTED] b6, Major [REDACTED] b6, b7c, Major [REDACTED] b6, b7c and Sergeant [REDACTED] b6, b7c

²²¹ Notes of del [REDACTED] n member [REDACTED] b6 on conversation with Superintendent [REDACTED] b6 Major [REDACTED] b6, b7c Major [REDACTED] b6, b7c and Serge [REDACTED] b6, b7c

²²² Notes of del [REDACTED] n member [REDACTED] b6 on conversation with Superintendent [REDACTED] b6 Major [REDACTED] b6, b7c Major [REDACTED] b6, b7c and Serge [REDACTED] b6, b7c

²²³ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7c

²²⁴ Detention Operations Manual, Security and Control, Standard 5, Section I.

²²⁵ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.²²⁶

The Detainee Handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.²²⁷ The handbook must also notify detainees of specific rights, including the right to protection from abuse, harassment, and discrimination, the right to pursue a grievance, and the right to due process, including prompt resolution of a disciplinary matter.²²⁸

Piedmont has not fully met this section of the *Standards*; the Inmate Handbook does not inform detainees of their right to protection from abuse and discrimination. The Inmate Handbook does notify the detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the appeal procedure of disciplinary findings.²²⁹ In addition, the Handbook notifies detainees of the facility’s rules of conduct and the sanctions imposed for the violation of these rules.²³⁰ However, the Handbook does not advise the detainees of their “right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment” or their “right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs.”²³¹ When a rules violation occurs, a detainee is to be given written notice of the charge,²³² although no officers or detainees mentioned such written notice in our interviews.²³³ If the violation is considered minor, often the pod Trustees will address the situation with the officers and the detainee.²³⁴ If a major violation occurs, the Handbook describes hearing and appeal procedures that are supposed to take place.²³⁵ However, both officer and detainee interviewees indicated that if a detainee becomes “violent” or commits serious rules violations, then that detainee is moved into the pod where the regular local inmates are housed.²³⁶ Staff will then monitor that detainee’s behavior, and if he behaves well for a certain period of time, then he will be moved back into the pod with the other detainees.²³⁷ The pod Trustees and the Piedmont staff will closely watch the detainee and collaborate on whether his behavior warrants his permanent return to the detainee pod.²³⁸

M. Detainee Transfer

²²⁶ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1 & A.2.

²²⁷ Detention Operations Manual, Security and Control, Standard 5, Section III.L.

²²⁸ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

²²⁹ Inmate Handbook, pp. 8-9.

²³⁰ Inmate Handbook, pp. 8-9.

²³¹ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.5.a and III.A.5.b.

²³² Piedmont Regional Inmate Handbook, p. 8.

²³³ Notes of delegation member [redacted] b6, on interviews with detainees [redacted] b6, b7c and [redacted] b6, b7c notes of delegation member [redacted] b6, on conversation with O [redacted] b6, b7c [redacted] b6, b7c

²³⁴ Notes of delegation member [redacted] b6 on conversation with Officers [redacted] b6, b7c and [redacted] b6, b7c

²³⁵ Inmate Handbook, pp. 8-9.

²³⁶ Notes of delegation member [redacted] b6, on interviews with detainees [redacted] b6, b7c and [redacted] b6, b7c notes of delegation member [redacted] b6 on conversation with Officers [redacted] b6, b7c [redacted] b6, b7c

²³⁷ Notes of delegation member [redacted] b6, on interviews with detainees [redacted] b6, b7c [redacted] b6, b7c notes of delegation member [redacted] b6, on conversation with O [redacted] b6, b7c [redacted] b6, b7c

²³⁸ Notes of delegation member [redacted] b6 on interviews with detainees [redacted] b6, b7c and [redacted] b6, b7c notes of delegation member [redacted] b6 on conversation with O [redacted] b6, b7c [redacted] b6, b7c

When transferring a detainee, the *Standards* require ICE to take into consideration whether a detainee is represented before the immigration court, and the location of the attorney and the court.²³⁹ The *Standards* require ICE to notify a detainee’s legal representative of record that the detainee is being transferred.²⁴⁰ Indigent detainees will be permitted to make a single domestic telephone call at government expense upon arrival at their final destination; non-indigent detainees will be permitted to make telephone calls at their own expense.²⁴¹

Piedmont has met this section of the *Standards*. When they first arrive at Piedmont, detainees fill out a form with their information and that of their attorney.²⁴² The staff forwards this form to the ICE office in Fairfax, Virginia.²⁴³ Indigent detainees are able to make a free call upon arrival when they are transferred to Piedmont Regional Jail.²⁴⁴ The “blue phones” in the pods have numbers for CAIR coalition, which detainees can always use at no cost.²⁴⁵ When detainees are transferred, the Piedmont staff notifies the detainee’s attorney.²⁴⁶

V. CONCLUSION

Piedmont meets many of the ICE Detention Standards but fails to meet certain specific provisions as follows:

To facilitate personal visitation, Piedmont should standardize the visitation hours listed in the Inmate Handbook with the actual visitation hours in practice, and ensure that visits are thirty minutes long or longer.

To facilitate telephone access to legal representatives, Piedmont should enable detainees to make private outgoing telephone calls to their attorneys. This issue was raised in the 2006 ABA report as well, and has not been corrected.

To support detainee access to legal materials and legal representation, Piedmont should acquire all of the printed material listed in Attachment A to the Chapter on Access to Legal Material in the *Standards*. Also, Piedmont should provide a quieter, larger space and increased lighting for the libraries in each pod.

To facilitate detainee access to outdoor recreation, Piedmont should ensure that detainees in all pods are given outdoor recreation access for at least one hour per day, five days per week. This issue was raised in the 2006 ABA report as well, and has not been corrected.

²³⁹ Detention Operations Manual, Detainee Security and Control, Standard 4, Section I.

²⁴⁰ Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.A.

²⁴¹ Detention Operations Manual, Detainee Security and Control, Standard 4, Section I.

²⁴² Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] [REDACTED] and [REDACTED] Detainee Transfer Notification form.

²⁴³ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] [REDACTED] and [REDACTED]

²⁴⁴ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] [REDACTED] and [REDACTED]

²⁴⁵ Notes of delegation member [REDACTED] on conversation with Detainees [REDACTED] and [REDACTED]
[REDACTED] notes of delegation member [REDACTED] on conversation with [REDACTED] [REDACTED] and [REDACTED]
[REDACTED] notes of delegation member [REDACTED] on interview with detainee [REDACTED]

²⁴⁶ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] [REDACTED] and [REDACTED]

To facilitate detainee access to medical care, Piedmont should ensure there are no unreasonable delays in responding to non-emergency sick-call requests.

To support detainee access to a voluntary work program, Piedmont should pay detainees for their work. Access to canteen items is not the equivalent of monetary compensation which could, for example, provide access to telephone calls.

Finally, to support detainee access to ICE staff, ICE should ensure that their representative makes regular weekly scheduled and unscheduled visits to Piedmont.

Facility Name: **PIEDMONT REGIONAL JAIL, Farmville, VA**

Date of Tour: **August 1, 2007**

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

e 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.

	ICE Standard*	Delegation Report	Source	ICE Response
1.	Standard 16, Telephone Access <ul style="list-style-type: none"> ▪ III.J. The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. 	<ul style="list-style-type: none"> ▪ Phones are in the open area of the pod. There is no privacy for outgoing calls. (p.6 ¶2) However, attorneys may request a private call with their clients. (p.6 ¶2) 	Delegation observations; endent [REDACTED]	
2.	Standard 1, Access to Legal Material <ul style="list-style-type: none"> ▪ III.A. The facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing. The law library shall be large enough to provide reasonable access to all detainees who request its use. It shall ... [be] reasonably isolated from noisy areas. 	<ul style="list-style-type: none"> ▪ The libraries are noisy. (p.7 ¶2) 	Delegation observations.	
3.	Standard 1, Access to Legal Material <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"> ▪ Many of the secondary resources listed in Attachment A are not available on LexisNexis. (p.8 ¶2) 	Delegation observations.	
4.	Standard 3, Correspondence and Other Mail <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: ... 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.... 6. That packages may not be sent or received without advance arrangements approved by the OIC 7. A description of mail which may be rejected by the facility The notification will state that identity documents, such as passports and birth certificates, etc., are contraband 	<ul style="list-style-type: none"> ▪ The Inmate Handbook does not provide the following information as required: 1) "the definition of special correspondence, including instructions on the proper labeling for special correspondence [and a] statement that it is the detainee's responsibility to inform senders of special mail of the labeling requirement."; 2) the fact that detainees may not send or receive packages without advance approved arrangements; and 3) the fact that identity documents, such as passports and birth certificates, are contraband and may be rejected by the facility. (p.11 ¶3) 	Inmate Handbook.	

5.	<p>Standard 13, Recreation</p> <ul style="list-style-type: none"> III.A.3. All new or renegotiated contracts and IGSA's will stipulate that [ICE] detainees have access to an outdoor recreation area. III.B.1. If outdoor recreation is available at the facility, each detainee shall have access for at least one hour daily, at a reasonable time of day, five days a week, weather permitting. III.B.2. If only indoor recreation is available, detainees shall have access for at least one hour each day and shall have access to natural light. 	<ul style="list-style-type: none"> In the section of Piedmont that contains a detainee pod and an inmate pod, the detainees are only given one hour of outdoor recreation one or two times per week, and no indoor recreation. (p.12 ¶3) 	<p>Detainee [REDACTED]</p>	
6.	<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.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"> Several of the detainees interviewed at Piedmont reported that there were long waits for medical care and that medical requests were not fully responded to. (p.13 ¶2) 	<p>[REDACTED] detainees #1, [REDACTED] and [REDACTED]</p>	
7.	<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"> The Inmate Handbook does not include information on classification or appeals. (p.16 ¶3) 	<p>Inmate Handbook</p>	
8.	<p>Standard 18, Voluntary Work Program</p> <ul style="list-style-type: none"> I. Every facility with a work program will provide detainees the opportunity to work and earn money. 	<ul style="list-style-type: none"> There is a work program in place, but the detainees cannot earn money. However, there is a "Trusty" system where certain detainees can earn "canteen" for compensation. (p.19 ¶1) 	<p>Superintendent [REDACTED], Major [REDACTED], Major [REDACTED] and Sergeant [REDACTED]</p>	
9.	<p>Standard 15, Staff-Detainee Communication.</p> <ul style="list-style-type: none"> III.A.2. Scheduled Contact with Detainees. The purpose for these scheduled weekly visits is to address detainees' personal concerns and to monitor living conditions. Facility or District deportation staff ... shall conduct these scheduled visits. 	<ul style="list-style-type: none"> The ICE officer does not visit the facility at a regularly scheduled time. (p.19 ¶3) 	<p>[REDACTED] Superintendent [REDACTED], Major [REDACTED], Major [REDACTED] and Sergeant [REDACTED]</p>	

10.	<p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> ▪ III.A.5. The detainee handbook or equivalent, issued to each detainee upon admittance, shall provide notice of the facility’s rules of conduct ... 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 ...; d. The right to correspond with persons or organizations ...; e. The right to due process, including the prompt resolution of a disciplinary matter 	<ul style="list-style-type: none"> ▪ The Handbook does not advise the detainees of their “right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment” or their “right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs.” (p.20 ¶4) 	<p>Inmate Handbook.</p>	
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