

MEMORANDUM

March 7, 2008

CONFIDENTIAL

To: James T. Hayes, Jr., Acting Director, Office of Detention and Removal,
Immigration and Customs Enforcement

From: American Bar Association Delegation to the Willacy Detention Facility¹

Copy to: [REDACTED] ABA Commission on Immigration

Subject: [REDACTED] vational Tour of the Willacy Detention Facility,
Raymondville, Texas

This memorandum summarizes and evaluates information gathered at the Willacy Detention Facility in Raymondville, Texas, during the delegation's August 28, 2007 visit to the facility. The information was gathered via observation of the facility by the delegation, interviews with five detainees, and discussions with Willacy Detention Facility staff and Immigration and Customs Enforcement (ICE) personnel.

I. IMMIGRATION AND CUSTOMS ENFORCEMENT 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 has discretion to 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 28, 2007

¹ The delegation was comprised of six attorneys: [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. Effective March 1, 2003, the I [REDACTED] s an agency of the Department of Justice. The INS's immigration enforcement functions were transferred to Immigration and Customs Enforcement ("ICE"), a division of the newly-created Department of Homeland Security ("DHS").

On Tuesday, August 28, 2007 the members of the delegation visited the Willacy Detention Facility. The visit began with a meeting and presentation from [b6, b7C] t Field Office Director (FOD) for the San Antonio, Texas Field Office; [b6, b7C] [b6, b7C], Assistant Officer in Charge (OIC); and [b6, b7C], Acting Officer in Charge. These officers answered questions and then accompanied the delegates during a tour of the facilities. Warden [b6, b7C] of facility contractor Management Training Corporation (MTC) also accompanied delegates during their tour. After the tour, the delegates met with five detainees for private interviews; all of the detainees requested anonymity in this report. The delegates appreciate the cooperation and accommodation provided by these individuals during the delegates' visit.

This report is based on the delegates' discussions with these officials, discussions during the tour with [b6], Supervisor of Food Services; [b6, b7C] ICE / MTC Contract Officer; Commanders [b6, b7C] and [b6, b7C] Directors of Medical Services; and interviews with detainees. While in some instances information provided by ICE and MTC officials and in official facility documents was confirmed by detainees, in many instances the detainees' reports differed significantly from the information provided by the ICE and MTC personnel.

We note that it is very unusual for all detainees who meet with an ABA delegation to request anonymity. The fact that the facility has created special procedures to file grievances directly with ICE and bypass facility staff, and that one detainee reported that detainees fear retribution for filing grievances increases our concern. We hope that ICE will be alert to this issue at the facility.

B. The Willacy Detention Facility

1. General Information

The Willacy Detention Facility houses federal immigration detainees. It is located on the outskirts of the small farming community of Raymondville, Texas. It lies adjacent to a 100-bed state prison and a 500-bed detention center operated by the U.S. Marshall's Service. The facility has capacity for 2000 detainees.³ The detainee population on the day of the delegation visit was 1216.⁴ This number was below the typical amount because the facility had prepared for a possible evacuation due to Hurricane Dean.⁵ At other times, the detainee population averages 1500-1700.⁶

Detainees at the Willacy facility were from twenty-three countries, including Mexico, Panama, South Korea, Russia, El Salvador, Honduras, Guatemala, and Nicaragua.⁷ There were no detainees from the Middle East at the Willacy facility.⁸ Detainees making asylum

³ Notes of delegation member [b6] from presentation by Asst. FOD [b6, b7C]

⁴ Notes of delegation member [b6] from presentation by Asst. FOD [b6, b7C]

⁵ Notes of delegation member [b6] from presentation by Asst. FOD [b6, b7C]

⁶ Notes of delegation member [b6] from presentation by Asst. FOD [b6, b7C]

⁷ Notes of delegation members [b6] and [b6] from presentation by Asst. FOD [b6, b7C]

⁸ Notes of delegation member [b6]

claims are transferred to other facilities at Port Isabel, Texas, or Pearsall, Texas.⁹ A typical detainee stay at the Willacy facility is twenty-one days.¹⁰ Longer stays, when they occur, are usually due to delays in obtaining return documentation, or to pending claims for relief.¹¹

The facility is funded for 109 ICE employees; however, currently there are only approximately sixty ICE employees at the facility.¹² Also, many ICE officers are often away from the facility accompanying detainees or engaged in other off-site activities.¹³ There were also 422 employees of the contractor MTC working at the facility.¹⁴ Most of the guards are men between the ages of nineteen and twenty-four, with a high school education, earning \$6.00 to \$7.00 per hour.¹⁵ They undergo a criminal background check before being hired.¹⁶ The guards receive eighty hours of academy training, followed by forty hours of on the job training.¹⁷

2. Detention Center Facilities

The detention center building contains four immigration courts and a room for attorney visitation.¹⁸ Usually one or two judges per week preside over immigration proceedings.¹⁹

The detainees are housed in “sprung structures” made by Hale Mills.²⁰ The outer walls of these structures are constructed of a firm, rubbery, Kevlar fabric. During the delegation’s visit, the delegation heard many complaints from detainees about water seeping into the housing facilities at the bottoms of the structures.²¹ Complaints were also heard regarding mold, flooding toilets, a lack of cleaning supplies, and insect and rodent infestation.²²

⁹ Notes of delegation member [redacted] b6

¹⁰ Notes of delegation member [redacted] from presentation by Asst. FOD [redacted] b6, b7C

¹¹ Notes of delegation member [redacted] from presentation by Asst. FOD [redacted] b6, b7C

¹² Notes of delegation member [redacted] from presentation by Asst. OIC [redacted] b6, b7C

¹³ Notes of delegation member [redacted] from presentation of Asst. FOD [redacted] b6, b7C

¹⁴ Notes of delegation member [redacted] from presentation by Asst. OIC [redacted] b6, b7C

¹⁵ Notes of delegation member [redacted] from presentations by Asst. FOD [redacted] b6, b7C and Acting OIC

[redacted] b6, b7C

[redacted] f delegation member [redacted] from presentations by Asst. FOD [redacted] b6, b7C and Acting OIC

[redacted] b6, b7C However, one detainee reported guards snorting what appeared to be cocaine off of their desk in the pod during night duty. Notes of delegation member [redacted] b6 from interview with detainee.

¹⁷ Notes of delegation member [redacted] from presentations by Asst. FOD [redacted] b6, b7C and Acting OIC

[redacted] b6, b7C

¹⁸ Notes of delegation member [redacted] from presentation by Asst. FOD [redacted] b6, b7C

¹⁹ Notes of delegation member [redacted] from presentation by Asst. FOD [redacted] b6, b7C

²⁰ Notes of delegation member [redacted] b6

²¹ Notes of delegation members [redacted] b6, [redacted] b6 and [redacted] b6 from interviews with detainees; Notes of delegation member [redacted] b6 from interview [redacted] b6; notes of delegation member [redacted] b6 with detainee.

²² Notes of delegation members [redacted] b6, [redacted] b6 and [redacted] b6 notes of delegation member [redacted] b6 from i [redacted] b6 ee.

There are ten housing units, each divided into four pods.²³ Men and women may be in the same building, but will be placed in separate pods.²⁴ There are no children at the facility.²⁵ Each pod holds a maximum of fifty detainees; each building therefore holds a maximum of 200.²⁶ Each pod has distinct and separate areas for bunk beds and tables for eating.²⁷ The delegation was advised that construction would be occurring on some of the pods to install some type of windows.²⁸ At present, it is impossible to see outside while in the pod. Each pod is approximately 13,000 square feet and contains five showers and five toilets.²⁹ Showers are available for use three times a day for three-hour periods, for a total of nine hours of shower availability per day.³⁰

Each detainee is issued shower shoes, clothing, a toothbrush and toothpaste.³¹ However, a detainee complained in an interview that detainees are issued used underwear and towels that have not been washed.³² Another detainee noted that razors and slippers/sneakers at the Willacy facility were re-used among different users.³³ Also, newly arriving detainees were issued old sneakers and socks with holes in them.³⁴ Other detainees indicated that they had been instructed not to say anything negative to the delegation about the facility.³⁵

Facility officials stated that when something breaks or does not work, it is fixed immediately.³⁶ They cited the example of an air conditioner that broke and was fixed within an hour.³⁷

III. LEGAL ACCESS STANDARDS

A. Visitation

1. Visitation by Attorneys

The Standards require that the facilities permit legal visitation seven days per week.³⁸ Attorneys should have access to their clients eight hours per day during the week and four

²³ Notes of delegation member [redacted] b6

²⁴ Notes of delegation member [redacted] b6 from presentations by Asst. FOD [redacted] b6, b7C

²⁵ Notes of delegation member [redacted] b6 from presentation by Asst. FOD [redacted] b6, b7C

²⁶ Notes of delegation member [redacted] b6 from presentation by Asst. FOD [redacted] b6, b7C

²⁷ Observations of delegation [redacted] b6, [redacted] b6 and [redacted] b6

²⁸ Notes of delegation member [redacted] b6 entation by Asst. FOD [redacted] b6, b7C

²⁹ Notes of delegation member [redacted] b6 from presentation by Asst. FOD [redacted] b6, b7C

³⁰ Notes of delegation member [redacted] b6

³¹ Notes of delegation member [redacted] b6

³² Notes of delegation member [redacted] b6 from interview with detainee.

³³ Notes of delegation member [redacted] b6 from interview with detainee.

³⁴ Notes of delegation member [redacted] b6 from interview with detainee.

³⁵ Notes of delegation member [redacted] b6 from conversations with detainees at female pod – communication permitted by A [redacted] b6, b7C

³⁶ Notes of delegation member [redacted] b6

³⁷ Notes of delegation member [redacted] b6

³⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

hours per day during the weekend.³⁹ The visits must be private, and should not be interrupted for head counts.⁴⁰ The detainee handbook must include notification of the visitation rules and hours, and these must also be posted where detainees can easily see them.⁴¹

It is unclear whether the Willacy Detention Facility fully meets this section of the Standards; some detainees indicated that their legal visits are generally terminated by facility personnel at meal times. In addition, the detainee handbook does not list the hours for legal visitation.⁴² According to Assistant Field Office Director [b6, b7C] legal visitation is permitted seven days a week, with no time limitations.⁴³ Officer [b6, b7C] also said meals are provided after visitation to detainees whose legal visits occur during or continue through meal times.⁴⁴ However, some detainees stated that visits are generally terminated by facility personnel at meal times.⁴⁵ Another detainee reported that he had been permitted to continue meeting with his attorney through meal times, and had not experienced any other problems with visits from his attorney.⁴⁶

2. Visitation by Family and Friends

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.⁴⁷ The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”⁴⁸ 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.⁴⁹

It is unclear whether the Willacy Detention Facility fully meets this section of the Standards; detainees gave conflicting reports regarding whether visitation is accommodated at non-standard times when visitors face a particular hardship. The Willacy facility provides space for visitation from family and friends.⁵⁰ Visitation from family and friends is permitted on Saturdays for men and on Sundays for women.⁵¹ Officer [b6, b7C] said the hours for this visitation are from 8:00 a.m. until 9:00 p.m.;⁵² a detainee confirmed that visitation is “most of the day” with a lunch break.⁵³ However, detainees gave conflicting answers regarding whether the facility will make arrangements for visitation at

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

⁴⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

⁴¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

⁴² Willacy County Processing Center, Detainee Handbook, p. 15.

⁴³ Notes of delegation member [b6] from conversation with Asst. FOD [b6, b7C]

⁴⁴ Notes of delegation member [b6] from conversation with Asst. FOD [b6, b7C]

⁴⁵ Notes of delegation members [b6] and [b6] from interviews with detainees.

⁴⁶ Notes of delegation member [b6] from interview with detainee.

⁴⁷ Detention Operations Manual, Detainee Services, Standard 17, Sections III.A & B.

⁴⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

⁴⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

⁵⁰ Observation of delegation member [b6]

⁵¹ Notes of delegation member [b6] from conversation with Asst. FOD [b6, b7C]

⁵² Notes of delegation member [b6] from conversation with Asst. FOD [b6, b7C]

⁵³ Notes of delegation member [b6] from interview with detainee.

other times when a hardship exists: one said the rules are strictly enforced with no exceptions, while another said accommodations are made.⁵⁴

Members of the news media may generally visit the facilities, but must obtain the signed consent of any detainee before interviewing or photographing the detainee.⁵⁵ Those wishing to interview detainees must submit a written request at least twenty-four hours before the interview is to occur.⁵⁶

B. Telephone Access

1. General Requirements

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during facility waking hours.⁵⁷ The facility must provide at least one working telephone for every twenty-five detainees.⁵⁸ Telephone access rules must be provided in writing to each detainee upon admittance, and the rules must be posted where detainees may easily see them.⁵⁹ If the facility monitors calls, notice of such monitoring must be displayed, along with instructions for requesting an unmonitored call to a legal representative.⁶⁰

The Willacy Detention Facility substantially meets this section of the Standards; however, detainees reported that the phones do not always work and at times cut off a conversation. Each pod, intended for a maximum of fifty detainees, has three telephones on a side wall.⁶¹ Therefore, the required ratio of telephones to detainees is provided. Detainees are provided with telephone access rules.⁶²

According to Acting Officer in Charge [REDACTED] b6, b7C, one ICE officer per shift visits each pod and selects a random telephone and random number to do a test call.⁶³ However, a detainee who had been present at the Willacy detention facility for several months said he had never seen anyone complete such a test call; instead, the detainee said officers just pick up the receiver and listen for an operator.⁶⁴ Also, that detainee said there was one week when none of the phones in his pod were working.⁶⁵ Another detainee said phone service was often cut off while he was speaking to his attorney.⁶⁶ A detainee also reported that, after a

⁵⁴ Notes of delegation members [REDACTED] b6 and [REDACTED] b6 from interviews with detainees; notes of delegation member [REDACTED] b6 from interview with detainee

⁵⁵ Notes of delegation member [REDACTED] b6 from presentation by Asst. FOD

⁵⁶ Notes of delegation member [REDACTED] b6 from presentation by Asst. FOD [REDACTED] b6, b7C

⁵⁷ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

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

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

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

⁶¹ Observation of delegation member [REDACTED] b6

⁶² Notes of delegation member [REDACTED] b6 from interview with detainee; observation of delegation member [REDACTED] b6

⁶³ Notes of delegation member [REDACTED] b6 from conversation with Acting OIC [REDACTED] b6, b7C

⁶⁴ Notes of delegation member [REDACTED] b6 from interview with detainee.

⁶⁵ Notes of delegation member [REDACTED] b6 from interview with detainee.

⁶⁶ Notes of delegation member [REDACTED] b6 from interview with detainee.

detainee had placed a telephone call to local media, that phone number was “blocked” and unavailable thereafter.⁶⁷

Detainees are permitted to purchase calling cards for international calls.⁶⁸ Warden [b6, b7C] said these cards provide approximately forty-five minutes of calling time for the price of \$10.00;⁶⁹ however, a detainee reported that a \$10 card was good for only approximately twenty-five minutes of calling time within the United States, or for a three-minute call to El Salvador.⁷⁰

2. Direct Calls and Free Calls

Facilities must permit detainees to make direct calls to courts, government offices, and in case of emergency, and indigent detainees must be able to make these calls for free if there is a compelling need.⁷¹ Facilities must also permit all detainees to make free calls to consular offices and to the free legal service providers on the ICE-provided list.⁷²

The Willacy Detention Facility does not meet this section of the Standards; non-indigent detainees are not entitled to make free calls, and one indigent detainee had never been able to place a free call to a legal services provider. The telephones in the pods require a paid calling card to be used in order to make a call.⁷³ These calling cards can be purchased in the commissary.⁷⁴ According to Officer [b6, b7C] if a detainee is indigent, the detainee can submit a written request and sometime later will be taken to the intake area and permitted to make a call.⁷⁵ According to one detainee, forms for such call requests are distributed only on Mondays and Wednesdays.⁷⁶ Another detainee reported that he has never been able to place a free call to a legal service provider, despite his indigence.⁷⁷

Phone numbers for several pro bono legal service providers and consular offices were provided.⁷⁸ However, one detainee reported that the posted number for his embassy was wrong for three to four months.⁷⁹ Another reported that the list of numbers in his pod had only recently been added.⁸⁰ A third detainee also reported that this list had only been posted two to three weeks before the delegation’s visit; prior to that there had been no list.⁸¹ Finally, the list of contacts was provided only in English, even though the majority of detainees at the

⁶⁷ Notes of delegation member [b6] from interview with detainee.

⁶⁸ Notes of delegation member [b6] from conversation with Warden [b6, b7C]

⁶⁹ Notes of delegation member [b6] from conversation with Warden [b6, b7C]

⁷⁰ Notes of delegation member [b6] from interview with detainee.

⁷¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁷² Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁷³ Observation of delegation member [b6].

⁷⁴ Notes of delegation member [b6].

⁷⁵ Notes of delegation member [b6] from conversation with Acting OIC [b6, b7C].

⁷⁶ Notes of delegation member [b6] interview with detainee.

⁷⁷ Notes of delegation member [b6] from interview with detainee.

⁷⁸ Observation of delegation member [b6].

⁷⁹ Notes of delegation member [b6] from interview with detainee.

⁸⁰ Notes of delegation member [b6] from interview with detainee.

⁸¹ Notes of delegation member [b6] from interview with detainee.

Willacy detention facility are native Spanish speakers.⁸² According to Officer [b6, b7C] guards and ICE officers make themselves available to assist detainees who have problems using the phones.⁸³

Delegation member [b6] attempted to place a call to a consulate and legal service provider, and was unable to reach either.⁸⁴ MTC Warden [b6, b7C] observed Ms. [b6] difficulty and attempted to assist, but he also was unable to connect a call.⁸⁵

3. Telephone Access to Legal Representatives

The Standards provide that the facility shall not restrict the number of calls a detainee places to his or her legal representatives, nor the duration of such calls to less than twenty minutes.⁸⁶ The facility must provide a reasonable number of phones for detainees to make private calls without being overheard by staff or other detainees.⁸⁷ Legal calls should not be electronically monitored without a court order.⁸⁸ If the facility monitors calls, notice of such monitoring must be displayed, along with instructions for requesting an unmonitored call to a legal representative.⁸⁹

The Willacy Detention Facility does not meet this section of the Standards: telephones do not have privacy safeguards, and detainee phone calls are monitored but there is no posted notice regarding how to make an unmonitored call. In addition, free legal calls are generally limited to only ten minutes. The telephones are located on an open wall with no partitions or other privacy measures to provide the required privacy from officers, staff, or other detainees.⁹⁰ According to detainees, all calls are recorded, including calls with attorneys.⁹¹ Notice of such recording is provided, but the required instructions for obtaining an unmonitored legal call are not provided.⁹² A detainee said free calls may only be made in the [b6, b7C] area, and are only permitted on Mondays and Wednesdays.⁹³ According to [b6, b7C] if a detainee is taken to the intake area to make a free call, such calls are generally limited to no more than ten minutes in length, contrary to the requirement that legal calls be permitted for at least twenty minutes.⁹⁴

⁸² Observation of delegation member [b6]

⁸³ Notes of delegation member [b6] from conversation with Acting OIC [b6, b7C]

⁸⁴ Observations of delegation member [b6]

⁸⁵ Observations of delegation member [b6]

⁸⁶ Detention Operations Manual, Detainee Services, Standard 16, Sections III.E & F.

⁸⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

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

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

⁹⁰ Observation of delegation member [b6]

⁹¹ Notes of delegation member [b6] from interview with detainee; notes of delegation member [b6] from interview with detainee.

[b6] tion member [b6] from interview with detainee.

⁹³ Notes of delegation member [b6] from interview with detainee.

⁹⁴ Notes of delegation member [b6] from conversation with Acting OIC [b6, b7C]

4. Incoming Calls and Messages

The facility must take and deliver telephone messages to detainees.⁹⁵

The Willacy Detention Facility meets this section of the Standards. Detainees reported that the facility does take telephone messages, and delivers them every few hours.⁹⁶

C. Access to Library and Legal Material

All detention facilities “shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.”⁹⁷

1. Library Access

Each detainee shall be permitted to use the law library for a minimum of five hours per week.⁹⁸ Detainees may not be forced to forego their minimum recreation time to in order to use the law library.⁹⁹

The Willacy Detention Facility does not fully meet this section of the Standards: detainees reported that they must forego recreation time to use the library, and one detainee reported waiting weeks to access the law library. At the Willacy Detention Facility, detainees must place a request to use the law library, and then library use is generally limited to one hour per day.¹⁰⁰ Officials said that a second recreation hour was being implemented, and that this second hour might be lost by a detainee who chose to use the law library.¹⁰¹ However, a detainee reported that only one hour of recreation was currently provided, and two detainees reported that using the law library meant losing recreation time.¹⁰² One of these two detainees reported that he had to wait weeks for a response to his request for access to the law library.¹⁰³

2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees’ legal research and writing.¹⁰⁴ “It shall contain a sufficient number of

⁹⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁹⁶ Notes of delegation member [REDACTED] from interview with detainee; notes of delegation member [REDACTED] from interview with detainee.

⁹⁷ Detention Operations Manual, Detainee Services, Standard 1, Section I.

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

⁹⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

¹⁰⁰ Notes of delegation member [REDACTED]

¹⁰¹ Notes of delegation member [REDACTED] from conversation with detainee.

¹⁰² Notes of delegation member [REDACTED] from interview with detainee; notes of delegation member [REDACTED] from in [REDACTED] inee.

¹⁰³ Notes of delegation member [REDACTED] from interview with detainee.

¹⁰⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

tables and chairs in a well-lit room, reasonably isolated from noisy areas.”¹⁰⁵ The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.¹⁰⁶

The Willacy Detention Facility substantially meets this section of the Standards. The law library at the Willacy facility is a mobile home–style portable building located just outside the main detention center building.¹⁰⁷ The building is quiet and adequately lit.¹⁰⁸ Limited tables, chairs, and writing implements are provided.¹⁰⁹ The librarian will make photocopies for detainees.¹¹⁰

3. Materials Required by 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*.¹¹¹ 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.¹¹² Damaged, lost, or stolen materials must be promptly replaced.¹¹³

The Willacy Detention Facility does not fully meet this section of the Standards; some, but not all, of the required materials were present.¹¹⁴ Update materials were present but had not been filed with the appropriate reference materials.¹¹⁵ No one appeared able to explain to detainees how to conduct research using the available resources, including computer resources.¹¹⁶

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.”¹¹⁷ Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.¹¹⁸ In addition, detainees

¹⁰⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

¹⁰⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

¹⁰⁷ Observation of delegation members [REDACTED] b6 [REDACTED] and [REDACTED] b6 [REDACTED].

¹⁰⁸ Observation of delegation member [REDACTED] b6 [REDACTED].

¹⁰⁹ Notes of delegation member [REDACTED] b6 [REDACTED] from interview with detainee; notes of delegation member [REDACTED] b6 [REDACTED] from interview

Notes of delegation member [REDACTED] b6 [REDACTED] from interview with detainee.

¹¹¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

¹¹² Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

¹¹³ Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

¹¹⁴ Observation of delegation member [REDACTED] b6 [REDACTED].

¹¹⁵ Observation of delegation member [REDACTED] b6 [REDACTED].

¹¹⁶ Observation of delegation member [REDACTED] b6 [REDACTED].

¹¹⁷ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹¹⁸ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

shall have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”¹¹⁹

The Willacy Detention Facility does not meet this section of the Standards; detainees had not seen a videotaped presentation on legal rights. The detainees said they had heard of others viewing a “Know Your Rights” videotape, but none of the five detainees interviewed had been given an opportunity to see it.¹²⁰ The detainees said they were not aware of any live group rights presentations being conducted at this facility.¹²¹

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 for safety, security, and orderly operation of the facility.¹²² Incoming special correspondence – that from legal representatives, courts, government officials, and the news media, may be inspected for contraband in the presence of the detainee, but may not be read or copied.¹²³ Outgoing special correspondence cannot be opened, inspected, or read.¹²⁴ The Standards also require that facilities provide indigent detainees with free envelopes and stamps for legal mail.¹²⁵

The Willacy Detention Facility does not fully meet this section of the Standards: two detainees reported that outgoing special correspondence is opened and read, and one detainee reported that detainees are only given postage for two to three letters total per week. The procedure for sending mail at the Willacy facility is quite tedious. A detainee wanting to send a letter must submit separate, written requests for a stamp and an envelope, and wait for a period ranging from one day to one week for a response.¹²⁶ Incoming “special correspondence” (legal mail) is opened in the detainee’s presence.¹²⁷ Outgoing special correspondence is also opened and read.¹²⁸ Detainees are allowed free postage for only two envelopes per week within the United States, and one envelope per week for international mail.¹²⁹

¹¹⁹ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹²⁰ Notes of delegation member [REDACTED] from interview with detainee, notes of delegation member [REDACTED] from interview with detainee, notes of delegation member [REDACTED] from interview with detainee.

¹²¹ Notes of delegation member [REDACTED] from interview with detainee; notes of delegation member [REDACTED] from interview with [REDACTED]; notes of delegation member [REDACTED] from interview with [REDACTED].

¹²² Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹²³ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹²⁴ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

¹²⁵ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹²⁶ Notes of delegation member [REDACTED] from interview with detainee.

¹²⁷ Notes of delegation member [REDACTED] from interview with detainee; notes of delegation member [REDACTED] from interview with [REDACTED].

Notes of delegation member [REDACTED] from interview with detainee; notes of delegation member [REDACTED] from interview with detainee.

Notes of delegation member [REDACTED] from interview with detainee.

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.¹³⁰ Every detainee should receive a copy of the handbook upon admission to the facility.¹³¹ The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.¹³² The handbook must include visitation hours and rules.¹³³ The handbook must notify detainees of the facility correspondence policy.¹³⁴ 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.¹³⁵ The handbook must provide notice of the facility's rules of conduct and the sanctions imposed.¹³⁶ It must advise detainees of rights including the right to protection from abuse, right to freedom from discrimination, and right to pursue a grievance.¹³⁷ 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.¹³⁸

The Willacy Detention Facility does not fully meet this section of the Standards: the handbook does not inform detainees about how to contact ICE staff, and does not advise detainees of their right to be free from abuse and discrimination. The Handbook is written in English and Spanish.¹³⁹ Two detainees reported that they were provided with copies of the Handbook upon arrival at the facility.¹⁴⁰ The Handbook does not provide the hours and rules for visitation.¹⁴¹ The Handbook does provide the facility's official policy regarding correspondence.¹⁴² However, according to detainees, actual practice is far more restrictive than the official policy: the Handbook states that detainees may mail up to two letters per day when the facility pays postage, but detainees stated that they may only mail three pieces of mail per week, and must submit separate requests for stamps and envelopes in order to do so.¹⁴³ The Handbook does advise detainees of the opportunity to file formal and informal grievances, and of the procedures for filing grievances and appeals.¹⁴⁴ It does not, however, provide information on how to submit written questions, requests, or concerns

¹³⁰ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹³¹ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹³² Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

¹³³ Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

¹³⁴ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹³⁵ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

¹³⁶ Detention Operations Manual, Detainee Services, Standard 5, Section III.A.5.

¹³⁷ Detention Operations Manual, Detainee Services, Standard 5, Section III.A.5.

¹³⁸ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

¹³⁹ Willacy County Processing Center Detainee Handbook (hereinafter "Detainee Handbook").

¹⁴⁰ Notes of delegation member [REDACTED] from interview with detainee, notes of delegation member [REDACTED] from interview

Detainee Handbook IV, pp. 14-15.

¹⁴² Detainee Handbook IV, p. 16.

¹⁴³ Notes of delegation member [REDACTED] from interview with detainee.

¹⁴⁴ Detainee Handbook IV, pp. 21-22.

to ICE staff.¹⁴⁵ The Handbook does provide notice of the facility's rules of conduct and of sanctions that may be imposed.¹⁴⁶ The Handbook includes an extensive section concerning sexual assault, but otherwise does not address the rights of detainees to be free from abuse or discrimination.¹⁴⁷

Some of the provisions in the Detainee Handbook do not appear to be site-specific. For example, the "General Rules for living area" make multiple references to windows, however, there are no windows in the living areas at the Willacy Detention Facility.¹⁴⁸ Also, the Handbook includes provisions regarding Special Management Units,¹⁴⁹ even though the facility does not have Special Management Units.¹⁵⁰

C. Recreation

The Standards require that all detainees be provided with access to recreational programs, including at least one hour a day of recreation with access to natural light.¹⁵¹ Detainees shall have access to "fixed and movable equipment, including opportunities for cardiovascular exercise and games and television in day rooms."¹⁵²

The Willacy Detention Facility does not fully meet this section of the Standards: there was no fixed or movable exercise equipment or games in day rooms. Acting Officer in Charge [REDACTED] b6, b7C said detainees are provided with three one-hour outdoor recreation periods per day (which contradicts what a detainee stated, below), and are supplied with balls for basketball, soccer, and volleyball.¹⁵³ The delegation observed detainees during their recreation period on a concrete area approximately forty yards by forty yards, enclosed with chain link fence.¹⁵⁴ There was one basketball hoop, with no net.¹⁵⁵ The detainees, numbering at least thirty, also had one soccer ball.¹⁵⁶ No other recreation equipment was observed.¹⁵⁷

A detainee said recreation is provided one hour per day, with a possible second hour at the guard's discretion.¹⁵⁸ As an example of the guard's discretion, he reported that one guard had denied the detainees a second recreation period because the guard said he was hung over and did not want to go outside.¹⁵⁹ The detainee had never experienced a third

¹⁴⁵ Detainee Handbook IV, pp. 21-22.

¹⁴⁶ Detainee Handbook II, pp. 8-10; V, pp. 23-30.

¹⁴⁷ Detainee Handbook VII, pp. 32-37.

¹⁴⁸ Detainee Handbook II.a, p. 9; observation of delegation member [REDACTED] b6

¹⁴⁹ Detainee Handbook II, p. 10.

¹⁵⁰ Presentation of Asst. OIC [REDACTED] b6, b7C

¹⁵¹ Detention Operations Manual, Detainee Services, Standard 13, Sections I & III.B.

¹⁵² Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

¹⁵³ Notes of delegation member [REDACTED] b6 from conversation with Asst. OIC [REDACTED] b6, b7C

¹⁵⁴ Observation of delegation member [REDACTED]

¹⁵⁵ Observation of delegation member [REDACTED] b6, b7C

¹⁵⁶ Observation of delegation member [REDACTED] b6, b7C

¹⁵⁷ Observation of delegation member [REDACTED]

¹⁵⁸ Notes of delegation member [REDACTED] b6, b7C from interview with detainee.

¹⁵⁹ Notes of delegation member [REDACTED] b6, b7C from interview with detainee.

recreation hour.¹⁶⁰ The detainee also said there have never been basketballs or volleyballs, only a single soccer ball.¹⁶¹ If the soccer ball is kicked over the fence, it is not retrieved until the following month.¹⁶²

In the day rooms, the detainees have access to television, but no games were observed.¹⁶³ A detainee reported that the television is always kept on Spanish language channels, despite the facility's written policy that Spanish and English programming be alternated each hour.¹⁶⁴

D. Access to Medical Care

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.¹⁶⁵ 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.¹⁶⁶ For a facility like the Willacy Detention facility with over 200 detainees, there must be sick call five days per week.¹⁶⁷ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.¹⁶⁸

Facilities are required to provide initial medical screening, primary and emergency medical care, and to arrange for specialized care in the local community.¹⁶⁹ Facilities are required to employ, at a minimum, a sufficient medical staff to provide basic exams and treatments for all detainees.¹⁷⁰ All new arrivals are to be screened for tuberculosis. A PPD (skin) test is the preferred method; a chest x-ray is to be performed only if the PPD is contraindicated.¹⁷¹

The Willacy Detention Facility substantially meets this section of the Standards; however, one detainee reported that response time for medical requests is very slow, and the facility uses chest x-ray rather than a PPD to test for tuberculosis. Health care at the Willacy Detention facility is provided through the Division of Immigration Health Services (DIHS), whose officers hold military rank.¹⁷² Newly arriving detainees receive a medical screening from a nurse, which includes taking a medical history, vital signs, checking for lice or skin lesions, and a chest x-ray to check for tuberculosis.¹⁷³ Within ten days, a physical exam is performed by a nurse or mid-level (non-physician) medical

¹⁶⁰ Notes of delegation member [redacted] from interview with detainee.

¹⁶¹ Notes of delegation member [redacted] b6 from interview with detainee.

¹⁶² Notes of delegation member [redacted] from interview with detainee.

¹⁶³ Observation of delegation member [redacted] b6.

¹⁶⁴ Notes of delegation member [redacted] b6 from interview with detainee.

¹⁶⁵ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁶⁶ Detention Operations Manual, Health Services, Standard 2, Section III.F.

¹⁶⁷ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁶⁸ Detention Operations Manual, Health Services, Standard 2, Sections III.A, D, & G.

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

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

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

¹⁷² Notes of delegation member [redacted] b6 om conversation with Asst. FOD [redacted] b6, b7C

¹⁷³ Notes of delegation member [redacted] b6 from presentation of Commander [redacted] b6, b7C

provider.¹⁷⁴ The Clinical Director visits the clinic for two weeks out of each month, and is out of town the other two weeks.¹⁷⁵ There is no other physician on staff at the facility.¹⁷⁶ When a detainee is judged to have medical needs beyond the competence of the paraprofessional staff at the Willacy Detention Center, detainees are sent to local specialists or to the detention center in Port Isabel, Texas (approximately fifty-eight miles away), which has a physician available.¹⁷⁷

Mental health care is provided by “master’s ready” licensed social workers.¹⁷⁸ There are no psychologists or psychiatrists on site.¹⁷⁹ The Chief Mental Health Officer is in Miami, Florida and does not visit the Willacy facility, and is consulted only by phone.¹⁸⁰ The medical director, Dr. [REDACTED] visits once every two weeks.¹⁸¹ An official said that if a detainee has suicidal ideation, the facility will contract with an off-site provider for assistance.¹⁸²

Detainees reported that to receive any kind of medical care, even as minor as over-the-counter medication for fever or a headache, they are required to fill out a request form, and then wait for at least a day, sometimes several days, before being seen.¹⁸³ One detainee reported that the response time is so slow for medical attention that his symptoms have often passed before care is provided.¹⁸⁴

E. Access to Dental Care

Facilities are required to provide an initial dental screening within fourteen days of arrival.¹⁸⁵ If a dentist is not available, the dental screening shall be performed by a physician, physician’s assistant, or nurse practitioner.¹⁸⁶ For detainees detained less than six months, the Standards require only emergency dental care, defined as care necessary to relieve pain, trauma, or acute infection that endangers the health of the detainee.¹⁸⁷

The Willacy Detention Facility appears to meet this section of the Standards. Apparently a dental clinic was opened for detainees the week of the delegation’s visit.¹⁸⁸

¹⁷⁴ Notes of delegation member [REDACTED] from presentation of Commander [REDACTED]
¹⁷⁵ Notes of delegation member [REDACTED] from presentation of Commander [REDACTED]
¹⁷⁶ Notes of delegation member [REDACTED] from presentation of Commander [REDACTED]
¹⁷⁷ Notes of delegation member [REDACTED] from presentation of Commander [REDACTED]
¹⁷⁸ Notes of delegation member [REDACTED] from presentation of Commander [REDACTED]
¹⁷⁹ Notes of delegation members [REDACTED] from presentation of Commander [REDACTED]
¹⁸⁰ Notes of delegation members [REDACTED] and [REDACTED] from presentation [REDACTED]
¹⁸¹ [REDACTED] ation member [REDACTED] from presentation of Commander [REDACTED]
¹⁸² Notes of delegation member [REDACTED] from presentation of Commander [REDACTED]
¹⁸³ Notes of delegation member [REDACTED] from conversation with detainee; notes of delegation member [REDACTED] from conversation with detainee; notes of delegation member [REDACTED] from conversation with detainee.
¹⁸⁴ Notes of delegation member [REDACTED] from interview with detainee.
¹⁸⁵ Detention Operations Manual, Health Services, Standard 2, Section III.E.
¹⁸⁶ Detention Operations Manual, Health Services, Standard 2, Section III.E.
¹⁸⁷ Detention Operations Manual, Health Services, Standard 2, Section III.E.
¹⁸⁸ Notes of delegation member [REDACTED] from presentation of Commander [REDACTED]

One DIHS official said any dental care is also provided by the same nurses who provide general medical care; there are no dentists or other dental professionals present.¹⁸⁹ However, a different official stated that a dentist is on staff eight hours a day.¹⁹⁰ A detainee who had complained of tooth pain reported that he was seen only by a nurse, Ms. [b6] who told him he had cavities and that curing such medical conditions was not the purpose of their clinic; she provided the detainee with Ibuprofen.¹⁹¹ The detainee was not seen by a dentist or provided any other care.¹⁹²

F. Hunger Strikes

The Standards require that all facilities follow accepted standards of care in the medical and administrative management of hunger-striking detainees.¹⁹³ Facilities must do everything within their means to monitor and protect the health and welfare of the hunger-striking detainee and must make every effort to obtain the hunger striker's informed consent for treatment.¹⁹⁴

At Willacy, if a detainee refuses to eat, that detainee is placed in solitary confinement for observation therapy.¹⁹⁵ Refusal to eat is considered a "hunger strike" if a person goes seventy-two hours without food.¹⁹⁶ No one at the Willacy Facility has yet refused food for a sufficient period to be considered on a "hunger strike."¹⁹⁷

G. Detainee Classification System

The Standards require that detention facilities use a classification system and physically separate detainees into different categories.¹⁹⁸ Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.¹⁹⁹

Willacy is a low-level security facility, which means it houses only Level 1 and low Level 2 detainees.²⁰⁰ The only felons at the Willacy facility are those that have committed re-entry felonies.²⁰¹

¹⁸⁹ Notes of delegation member [b6] from presentation of Comman [b6, b7C]

¹⁹⁰ Notes of delegation member [b6] from presentation of Commander [b6, b7C]

¹⁹¹ Notes of delegation member [b6] from interview with detainee.

¹⁹² Notes of delegation member [b6] from interview with detainee.

¹⁹³ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁹⁴ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁹⁵ Notes of delegation member [b6] from presentation of Commander [b6, b7C]

¹⁹⁶ Notes of delegation from presentation of Commander [b6, b7C]

¹⁹⁷ Notes of delegation from presentation of Commander [b6, b7C]

¹⁹⁸ DOM Detainee Services, Detainee Classification System, Section I.

¹⁹⁹ DOM Detainee Services, Detainee Classification System, Section III.F.

²⁰⁰ Presentation of Asst. OIC [b6, b7C] notes of delegation member [b6] from comments by Warden [b6, b7C]

²⁰¹ Note [b6] gation member [b6] from comments of Asst. FOD [b6, b7C]

H. Detainee Grievance Procedures

The Standards require that every facility develop and implement standard procedures for handling formal and informal detainee grievances.²⁰² Translating assistance for both formal and informal grievances must be provided upon request.²⁰³ The grievance section of the detainee handbook must provide notice of the opportunity to file both formal and informal grievances and the procedures for filing grievances and appeals.²⁰⁴ It must also include the policy prohibiting staff from harassing, disciplining, punishing, or otherwise retaliating against any detainee for filing a grievance.²⁰⁵

The Willacy Detention Facility does not fully meet this section of the Standards; illiterate detainees do not appear to have a means of filing a formal grievance, and the detainee handbook does not provide required information regarding retaliation. In addition, the delegation is concerned about reports of retaliation for filing grievances, which have led ICE to advise detainees to bypass the facility grievance process and submit complaints about staff directly to ICE. According to ICE, detainees are advised that if they have complaints about MTC personnel they should hand such complaints directly to ICE officials to prevent MTC personnel from withholding the complaint.²⁰⁶ Officer [REDACTED] b6, b7C indicated that ICE had implemented this system because some detainees were fearful of MTC guards, and some MTC guards were not providing request and complaint forms to ICE.²⁰⁷ A detainee reported that many detainees do not file grievances because they believe the system for responding to grievances is inadequate, and also because they believe they will suffer retribution.²⁰⁸

Facility policy calls for a forty-eight-hour response time for the resolution of complaints.²⁰⁹ Complaints are tracked by a computerized system.²¹⁰ Any complaint alleging criminal behavior is referred to the Willacy County Sheriff's Office.²¹¹ If an illiterate detainee wishes to make a complaint, he can do so orally.²¹²

The detainee handbook describes procedures for filing grievances with facility staff, and an appeals process.²¹³ However, it does not include any policy prohibiting staff from retaliation.

²⁰² Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

²⁰³ Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1 & 2.

²⁰⁴ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

²⁰⁵ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

²⁰⁶ Notes of delegation mem [REDACTED] b6 from comments of Asst. FOD [REDACTED] b6, b7C

²⁰⁷ Comment of Asst. FOD [REDACTED] b6, b7C to delegation member [REDACTED] b6

²⁰⁸ Notes of delegation mem [REDACTED] b6 from interview with detainee.

²⁰⁹ Comment of Asst. FOD [REDACTED] to delegation member [REDACTED]

²¹⁰ Comment of Asst. FOD [REDACTED] b6, b7C to delegation member [REDACTED] b6

²¹¹ Comment of Asst. FOD [REDACTED] to delegation member [REDACTED]

²¹² Notes of delegation member [REDACTED] b6

²¹³ Detainee Handbook IV, p. 2

I. Disciplinary Policy

Each facility holding ICE detainees must have a detainee disciplinary system which has “progressive levels of reviews, appeals, procedures, and documentation procedures.”²¹⁴ The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.²¹⁵ The Detainee Handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.²¹⁶

The Willacy Detention Facility appears to meet this section of the Standards.

The Detainee Handbook lists prohibited acts and potential sanctions for disciplinary violations.²¹⁷ Officer [b6, b7C] stated that discipline problems were rare, and that in each circumstance the “whole picture” regarding the disciplinary violation was considered.²¹⁸

J. Special Management Units

The Standards require that each facility establish a Special Management Unit (“SMU”) that will isolate certain detainees from the general population.²¹⁹

The Willacy Detention Facility does not meet this Standard; the facility does not have any Special Management Unit.²²⁰ The Willacy Detention Facility detains only “Level I” and “low Level II” detainees.²²¹

K. Staff-Detainee Communication/ICE Presence at the facility

The Standards require procedures for formal and informal contact between key facility staff, ICE staff, and detainees, and to permit detainees to make written requests.²²²

The Willacy Detention Facility meets this section of the Standards; detainees may submit request and complaint forms to ICE officials. According to ICE officials, detainees are advised that if they have complaints about MTC personnel they should hand such complaints directly to ICE officials to prevent MTC personnel from withholding the complaint.²²³ Officer [b6, b7C] indicated that ICE had implemented this system because some

²¹⁴ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

²¹⁵ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.1 & 2.

²¹⁶ Detention Operations Manual, Security and Control, Standard 5, Section III.L.

²¹⁷ Detainee Handbook V, pp. 24-30.

²¹⁸ Notes of delegation member [b6] from conversation with Asst. FOD [b6, b7C]

²¹⁹ Detention Operations Manual, Security and Control, Standard 14, Section I.

²²⁰ Presentation of Asst. OIC [b6, b7C] notes of delegation member [b6] from comments by Warden [b6, b7C]

²²¹ Presentation of Asst. OIC [b6, b7C] notes of delegation member [b6] from comments by Warden [b6, b7C]

²²² Detention Operations Manual, Security and Control, Standard 15, Section I.

²²³ Notes of delegation member [b6]

detainees were fearful of MTC guards, and some MTC guards were not providing request and complaint forms to ICE.²²⁴

L. Religious Practices

The Standards require that detainees of different religions be provided with reasonable opportunities to participate in religious practices.²²⁵ Access to religious materials such as prayer beads, prayer rugs, and religious medallions is required.²²⁶ Opportunities will be constrained only by concerns for safety, security, orderly operation, and extraordinary cost.²²⁷ Facilities must make “all reasonable efforts to accommodate” special food services required by a detainee’s religion.²²⁸

The Willacy Detention Facility appears to meet this section of the Standards. A detainee said written notice provided to detainees states that religious services are provided on Thursdays and Sundays, but the only religious services that actually occur are those organized and conducted by detainees themselves.²²⁹ One ICE official said there is no Jewish religious service,²³⁰ although another official said there is a rabbi “on standby.”²³¹ According to Supervisor of Food Services [REDACTED] special meals are provided according to detainees’ religious requirements, and the timing of meals is also modified as required by religious requirements such as Ramadan.²³²

M. Voluntary Work Program

The Standards require that all facilities with work programs provide each detainee who is mentally and physically able with the opportunity to work and earn money.²³³

The Willacy Detention Facility meets this section of the Standards. Assistant Field Office Director [REDACTED] indicated that detainees may earn \$1.00 per day by volunteering to perform various tasks.

N. Food Service

The Standards state that “the policy of INS [now ICE] is to provide nutritious and appetizing meals, efficiently, and within budget restrictions, manpower, resources, equipment, and physical layout.”²³⁵ It is the responsibility of all food service employees to

²²⁴ Comment of Asst. FOD [REDACTED] to delegation member [REDACTED]

²²⁵ Detention Operations Manual, Detainee Services, Standard 14, Section I.

²²⁶ Detention Operations Manual, Detainee Services, Standard 14, Section III.K.

²²⁷ Detention Operations Manual, Detainee Services, Standard 14, Section I.

²²⁸ Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

²²⁹ Notes of delegation member [REDACTED] from conversation with detainee.

²³⁰ Notes of delegation member [REDACTED] from conversation with Asst. OIC [REDACTED]

²³¹ Notes of delegation member [REDACTED] from conversation with Acting OIC [REDACTED]

²³² Notes of delegation member [REDACTED] from conversation with Supervisor of Food Services [REDACTED]

[REDACTED]

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

²³⁴ Notes of delegation member [REDACTED] from comments of Asst. FOD [REDACTED]

²³⁵ Detention Operations Manual, Detainee Services, Standard 7, Section I.

maintain a high level of sanitation in the food service department.²³⁶ Facilities must also comply with detailed rules for food temperature and handling.²³⁷

The Willacy Detention Facility appears to meet this section of the Standards. A large number of complaints had been received from detainees concerning food issues,²³⁸ including well-publicized incidents of maggots in food.²³⁹ The facility has taken steps to improve food safety. The facility has implemented new storage areas and procedures which provide proper temperature and storage conditions for food.²⁴⁰ Recently, ICE/MTC were instructed to remove wooden pallets from food storage, and they were in the process of doing so during the delegation's visit.²⁴¹ All food items are dated immediately upon receipt to ensure freshness when served.²⁴² However, detainees reported that they are served milk and bread on the day they expire, and the milk sometimes tastes sour.²⁴³ Temperatures in food storage areas are checked and logged several times a day.²⁴⁴ Kitchen utensils are stored in a secure area.²⁴⁵ Meals are covered with clear cellophane during transportation from the kitchen to detainee dormitories.²⁴⁶

In the kitchen, dishes are washed by hand in water heated to 180 degrees Fahrenheit.²⁴⁷ However, in the housing areas, detainees who are required to clean the eating areas reported that they are never given any soap or other cleaning fluids.²⁴⁸

O. Environmental Health and Safety

The Standards require that environmental health conditions be maintained at a level that meets recognized standards of hygiene.²⁴⁹ In addition, each facility must contract with pest control professionals to perform monthly inspections.²⁵⁰

The Willacy Detention Facility does not meet this Standard: detainees reported that the facility floods and there are problems with mold, rodents, and lack of cleaning

²³⁶ Detention Operations Manual, Detainee Services, Standard 7, Section III.H.

²³⁷ Detention Operations Manual, Detainee Services, Standard 7, Section III.C.

²³⁸ Presentation by Asst. FOD [redacted] b6, b7C

²³⁹ [redacted] ust [redacted] alley Morning Star (July 21, 2007); notes of delegation members [redacted] b6 and [redacted] b6 from interview with detainee.

Notes of delegation member [redacted] b6 from conversation with Supervisor of Food Services [redacted] b6

²⁴¹ Notes of delegation from presentation of Supervisor of Food Services [redacted] b6

²⁴² Notes of delegation member [redacted] b6 from conversation with Supervisor of Food Services [redacted] b6

²⁴³ Notes of delegation member [redacted] b6 from interview with detainee; notes of delegation member [redacted] b6 from interview with detainee.

²⁴⁴ Notes of delegation member [redacted] b6 from conversation with Supervisor of Food Services [redacted] b6

²⁴⁵ Observation of delegation member [redacted] b6

²⁴⁶ Observation of delegation member [redacted] b6

²⁴⁷ Notes of delegation member [redacted] b6 from conversation with Supervisor of Food Services [redacted] b6

Notes of delegation member [redacted] b6 from interview with detainee.

²⁴⁹ Detention Operations Manual, Security and Control, Standard 7, Section III.R.

²⁵⁰ Detention Operations Manual, Security and Control, Standard 7, Section III.M.

supplies. During the delegation’s visit, the delegation heard many complaints from detainees about water seeping into the housing facilities at the bottoms of the structures.²⁵¹ Complaints were also heard regarding mold, flooding toilets, a lack of cleaning supplies, and insect and rodent infestation.²⁵²

P. Issuance of Clothing and Towels

Detainees must be provided with clean clothing, linens, and towels on a regular basis to ensure proper hygiene.²⁵³

The Willacy Detention Facility does not meet this Standard: a detainee stated in an interview that detainees are issued used underwear and towels that have not been washed.²⁵⁴

V. CONCLUSION

The Willacy Detention Facility meets the requirements of several of the ICE Detention Standards, but fails to meet a number of sections. To achieve better compliance with ICE Detention Standards, the following recommendations are offered:

1. Detainees should be able to view a video available in Spanish and English regarding their rights and information regarding the detention facility and processes when they arrive at the facility. Each detainee should sign a form confirming that this information was provided during the intake process. Another alternative would be to provide Know Your Rights and facility procedures presentations as an update video shown in each pod on a regular schedule.
2. Telephones for making private legal calls should be available to detainees.
3. Random checks should be conducted of the telephone system and phone calls should actually be made without a calling card each day from the phones in each pod to the numbers listed there for OIG, a randomly selected consulate, and a randomly selected pro bono legal service provider. Calls should be permitted for at least the twenty minutes required by the Standards. Also, an investigation should be made regarding the number of minutes afforded by calling cards sold in the commissary due to the wide discrepancy in the representations of Warden [b6, b7C] and the reports of detainees.
4. Within the law library, the materials that are provided must be updated and the materials should be enhanced to include all of those items on the list. There

²⁵¹ Notes of delegation members [b6], [b6], and [b6] from interviews with detainees; notes of delegation member [b6] from interview with detainee; notes of delegation member [b6] from interview with detainee.

²⁵² Notes [b6] members [b6], [b6] and [b6] notes of delegation member [b6] from in [b6] ee.

²⁵³ Detention Operations Manual, Detainee Services, Standard 10, Section III.E.

²⁵⁴ Notes of delegation member [b6] from interview with detainee.

should be someone available who does know how to conduct Lexis-Nexis research on the computer in order to provide detainees with information regarding how to conduct research.

5. The guard within the pod should be able to provide the necessary stamps and envelopes without a formal request by the detainee.
6. Outgoing special correspondence should not be opened or read.
7. The Detainee Handbook should be reviewed and revised to conform to the Standards and to actual practices and conditions of the Willacy Detention Facility.
8. The Detainee Handbook should include a policy prohibiting staff from retaliating against any detainee for filing a grievance.
9. Additional recreation equipment should be provided.
10. No personal hygiene items or slippers should be re-used. There should be an inventory of personal items being provided to make sure that re-used items are not being provided to the detainees. In addition, there should be a back-up way to request additional sheets if for some reason the laundry run does not return the sheets of the detainee on a timely basis.

In addition, the delegation suggests that random audits be conducted regarding responses to medical care. Further, the medical staff did not seem to be prepared to handle mental health issues. Communicating by phone with one psychologist in Miami is insufficient to handle psychological issues. Provisions should be made for local consultations and local patient care for mental health issues. Finally, random, unannounced audits of the facility should be conducted by an outside third party on a regular basis.

Facility Name: **Willacy Detention Center, Raymondville, TX**

Date of Tour: **March 7, 2008**

Tour Participants: The delegation was comprised of six attorneys: [b6] [b6] [b6] [b6] [b6] and [b6]

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 17, Visitation <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. 	<ul style="list-style-type: none"> ▪ The detainee handbook does not list the hours for legal visitation. (p.5 ¶2) 	Detainee Handbook	
2.	Standard 17, Visitation <ul style="list-style-type: none"> ▪ III.H. The facility’s written rules shall specify time limits for visits: 30 minutes minimum, under normal conditions. Facilities are encouraged to accommodate visitors at other times when they are facing a particular hardship. 	<ul style="list-style-type: none"> ▪ Detainees gave conflicting reports regarding whether visitation is accommodated at non-standard times when visitors face a particular hardship: one said accommodations are not made. (p.5 ¶4) 	Anonymous detainees	
3.	Standard 17, Visitation <ul style="list-style-type: none"> ▪ III.I.2. Hours. The facility shall permit legal visitation seven days a week, including holidays. It shall permit legal visits for a minimum of eight hours per day on regular business days, and a minimum of four hours per day on weekends and holidays. ... On regular business days, legal visitations may proceed through a scheduled meal period. 	<ul style="list-style-type: none"> ▪ Some detainees indicated that their legal visits are generally terminated by facility personnel at meal times. Facility staff stated that meals are provided. (p.5 ¶2) 	Anonymous detainees	

4.	<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.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"> ▪ Detainees reported that the phones do not always work and at times cut off a conversation. (p.6 ¶5) ▪ Free legal calls are generally limited to only ten minutes. (p.8 ¶4) 	<p>Anonymous detainees; Officer</p> <p>§ 87(2)(b)</p>	
5.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> ▪ III.E. 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"> ▪ Non-indigent detainees are not entitled to make allowable free calls; paid calling cards are required to make a call. (p.7 ¶4) ▪ One indigent detainee had never been able to place a free call to a legal service provider. (p.7 ¶4) 	<p>Delegation observations</p> <p>§ 87(2)(b)</p> <p>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. If the facility monitors calls, notice of such monitoring must be displayed, along with instructions for requesting an unmonitored call to a legal representative. 	<ul style="list-style-type: none"> ▪ Telephones do not have privacy safeguards. (p.8 ¶4) ▪ Detainee phone calls are monitored but there is no posted notice regarding how to make an unmonitored call. (p.8 ¶3) 	<p>Delegation observations; Anonymous detainees</p>	

7.	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"> ▪ Not all of the required materials were present. (p.10 ¶4) 	Delegation observations	
8.	Standard 1, Access to Legal Material <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. 	<ul style="list-style-type: none"> ▪ Detainees reported that they must forego recreation time to use the library. (p.9 ¶5) ▪ One detainee reported waiting weeks to access the law library. (p.9 ¶5) 	Anonymous detainees	
9.	Standard 9, Group Presentations on Legal Rights <ul style="list-style-type: none"> ▪ 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"> ▪ None of the five detainees interviewed had seen a videotaped presentation on legal rights. (p.11 ¶1) 	Anonymous detainees	
10	Standard 3, Correspondence and Other Mail <ul style="list-style-type: none"> ▪ III.F. Inspection of Outgoing Correspondence and Other Mail. Outgoing special correspondence will not be opened, inspected, or read. 	<ul style="list-style-type: none"> ▪ Outgoing special correspondence is opened and read. (p.11 ¶3) 	Anonymous detainees	
11	Standard 3, Correspondence and Other Mail <ul style="list-style-type: none"> ▪ III.I. Postage Allowance. Indigent detainees will be permitted to mail a reasonable amount of mail each week, including at least five pieces of special correspondence and three pieces of general correspondence. 	<ul style="list-style-type: none"> ▪ Detainees are allowed free postage for only two envelopes per week within the United States, and one envelope per week for international mail. (p.11 ¶3) 	Anonymous detainee	

12	<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.D. A health care provider of each facility will conduct a health appraisal and physical examination on each detainee within 14 days of arrival at the facility. All new arrivals are to be screened for tuberculosis. A PPD (skin) test is the preferred method; a chest x-ray is to be performed only if the PPD is contraindicated. 	<ul style="list-style-type: none"> ▪ One detainee reported that response time for medical requests is very slow. (p.15 ¶3) ▪ The facility uses an X-ray to check for Tuberculosis, not a PPD as required. (p.14 ¶5) 	<p>Anonymous detainee; Commander [REDACTED]</p>	
13	<p>Standard 13, Recreation</p> <ul style="list-style-type: none"> ▪ III.G. Detainees shall have access to fixed and movable equipment, including opportunities for cardiovascular exercise and games and television in day rooms. 	<ul style="list-style-type: none"> ▪ There was no fixed or movable exercise equipment or games in day rooms. (p.14 ¶2) 	<p>Delegation observations</p>	
14	<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. ... Illiterate, disabled, or non-English speaking detainees shall be given the opportunity to receive additional assistance upon request. 	<ul style="list-style-type: none"> ▪ Illiterate detainees do not appear to have a means of filing a formal grievance. (p.17 ¶3) 	<p>Delegation notes</p>	
15	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> ▪ III.D. Retaliation. Staff will not harass, discipline, punish, or otherwise retaliate against a detainee lodging a complaint. <p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> ▪ III.G. Detainee Handbook. ... 5. The policy prohibiting staff from harassing, disciplining, punishing or otherwise retaliating against any detainee for filing a grievance. 	<ul style="list-style-type: none"> ▪ There are reports of retaliation for filing grievances, which have led ICE to advise detainees to bypass the facility grievance process and submit complaints about facility staff directly to ICE. (p.17 ¶2) ▪ There is no policy prohibiting staff retaliation in the handbook. (p.17 ¶4) 	<p>Asst. FOD [REDACTED]</p> <p>Detainee Handbook</p>	
16	<p>Security and Control Standard 14, Special Management Unit</p> <ul style="list-style-type: none"> ▪ I. Each facility must establish a Special Management Unit ("SMU") that will isolate certain detainees from the general population. 	<ul style="list-style-type: none"> ▪ The facility does not have any Special Management Unit. (p.18 ¶4) 	<p>Officer [REDACTED]</p>	

17	<p>Standard 15, Staff-Detainee Communication</p> <ul style="list-style-type: none"> ▪ III.B.3. Detainee Handbook. ... The handbook shall state that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so <p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> ▪ III.A.5. The detainee handbook or equivalent ... shall provide notice of the ... sanctions imposed for violations of the rules. Among other things, the handbook shall advise detainees of the following: <ul style="list-style-type: none"> 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 <p>....</p>	<ul style="list-style-type: none"> ▪ The handbook does not inform detainees about how to contact ICE staff. (p.12 ¶2) ▪ The handbook does not advise detainees of their right to be free from abuse and discrimination. (p.13 ¶1) 	Detainee Handbook	
18	<p>Security and Control Standard 7, Environmental Health and Safety</p> <ul style="list-style-type: none"> ▪ III.R. Environmental health conditions must be maintained at a level that meets recognized standards of hygiene. ▪ III.M. Each facility must contract with pest control professionals to perform monthly inspections. 	<ul style="list-style-type: none"> ▪ Detainees reported that water seeps into the housing facilities at the bottoms of the structures. (p.3 ¶4) ▪ Detainees also reported that there are problems with mold, flooding toilets, a lack of cleaning supplies, and insect and rodent infestation. (p.3 ¶4) 	Anonymous detainees	
19	<p>Standard 10, Issuance of Clothing and Towels</p> <ul style="list-style-type: none"> ▪ III.E. Detainees shall be provided with clean clothing, linens, and towels on a regular basis to ensure proper hygiene. 	<ul style="list-style-type: none"> ▪ A detainee said that detainees are issued used underwear and towels that have not been washed. (p.4 ¶2) 	Anonymous detainee	