

505 Montgomery Street, Suite 2000
San Francisco, California 94111-6538
Tel: +1.415.391.0600 Fax: +1.415.395.8095
www.lw.com

LATHAM & WATKINS LLP

FIRM / AFFILIATE OFFICES
Abu Dhabi Munich
Barcelona New Jersey
Brussels New York
Chicago Northern Virginia
Doha Orange County
Dubai Paris
Frankfurt Rome
Hamburg San Diego
Hong Kong San Francisco
London Shanghai
Los Angeles Silicon Valley
Madrid Singapore
Milan Tokyo
Moscow Washington, D.C.

MEMORANDUM

October 21, 2008

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

From: American Bar Association Delegation to the Lerdo Pre-Trial Facility¹

Copies to: [REDACTED] ABA Commission on Immigration

Subject: Report on Observational Tour of the Lerdo Pre-Trial Facility, Bakersfield, California

This memorandum summarizes and evaluates information gathered at the Lerdo Pre-Trial Facility (“LPTF”) in Bakersfield, California, during the delegation’s September 25, 2008 visit to the facility. The information was gathered via observation of the facility by the delegation, interviews with 6 detainees, and discussions with LPTF and Immigration and Customs Enforcement (“ICE”) personnel.

I. ICE DETENTION STANDARDS

In November 2000, the Immigration and Naturalization Service (“INS”),² promulgated the “INS Detention Standards” to ensure the “safe, secure and humane treatment” of immigration detainees. The thirty-nine standards contained in the Detention Operations Manual (“DOM”) 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 (“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

¹ The delegation was comprised of attorneys from the San Francisco office of Latham & Watkins LLP, including [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

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

minimum requirements to which ICE must adhere in its facilities. Each Field Office or Officer-in-Charge (“OIC”) has discretion to promulgate policies and practices affording ICE detainees more enhanced rights and protections, beyond those provided by the Standards.

On September 12, 2008, ICE published a revised set of performance-based standards. The new Performance Based National Detention Standards (“PBNDS”) focus on the outcomes the Standards are expected to accomplish, and include a number of new standards.³ At the time of our visit to LPTF we used the earlier version of the Standards to guide our observations. Nevertheless, for purposes of this report, substantive distinctions between the Standards and the PBNDS are identified in the footnotes of this report.

II. INTRODUCTION

A. The Delegation’s Visit, September 25, 2008

On September 25, 2008, the members of our delegation met with two members of LPTF’s staff, Kern County officers Sergeant [REDACTED] (“Sergeant [REDACTED]”) and Lieutenant [REDACTED] (“Lieutenant [REDACTED]”), and a representative from the ICE office in Bakersfield, California, ICE Supervisory Detention and Deportation Officer [REDACTED] (“Supervisor [REDACTED]”). All three officers accompanied us on the tour of LPTF and participated in post-tour discussions. The delegation appreciates the cooperation of these LPTF and ICE officers for accommodating our visit and the assistance of ICE employee [REDACTED] in preparing our visit.

Upon our arrival, Sergeant [REDACTED] provided our delegation with a copy of the Lerdo Pre-Trial Facility Federal Inmate Orientation Hand Book (“Handbook”), the Inmate Grievance Form, the Sick Call Request Form, as well as a copy of the form used for inmate intake and a list of the phone numbers that are pre-programmed into the housing unit phones.

Our report is based on the discussions we had with the LPTF and ICE officers, the materials we received upon arrival, our observations of the facility, and interviews with six immigration detainees. In many instances, the detainees’ reports were compatible with statements made by facility officers and our observations. In such cases, the delegation obtained some confirmation that LPTF policies and procedures successfully meet the Standards in practice. However, in certain instances, the detainees’ reports conflicted with statements made by facility officers; thus, the delegation was unable to confirm if these Standards are in practice.

B. General Information About LPTF

LPTF houses federal immigration detainees according to an IGSA with ICE.⁴ ICE pays LPTF a per diem of \$63 per detainee.⁵ According to LPTF officers, LPTF has the capacity to hold 1,232 individuals, a maximum of 150 of which may be federal immigration detainees.⁶

³ The PBNDS are available electronically at www.ice.gov/partners/dro/PBNDS/index.htm.

⁴ Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

⁵ Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

⁶ Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

LPTF has a current population of 929 total inmates, 101 of whom are immigration detainees.⁷ At the time of our visit, the facility officers estimated that eight female immigration detainees were currently in residence.⁸

LPTF is structured as seven pods, each with six units that hold thirty-two inmates.⁹ There is a separate unit for Administratively Segregated inmates.¹⁰ During our visit, we were able to walk through “Unit 5 of the H Pod.”¹¹ Supervisor [REDACTED] b6, b7C told the delegation that the facility houses immigration detainees from many different countries, including Mexico, El Salvador, Guatemala, India, Fiji, Laos, and Vietnam.¹²

Although LPTF is a “pre-trial” facility, all ICE detainees at the facility have a final order of removal and are being detained pending appeal, petition for review, or final execution of their removal order.¹³ According to Supervisor [REDACTED] b6, b7C, the national average duration for confinement in ICE detention is around sixteen days,¹⁴ but can be much longer due to the difficulty in obtaining travel documents, particularly for detainees from Fiji, Laos, and Vietnam.¹⁵ At LPTF, it is common for individuals to be detained for many months or even several years.¹⁶

III. PREVIOUS ABA REPORT ON LPTF

In 2006, the ABA composed a similar report on LPTF.¹⁷ A review this document shows that while some challenges still exist for the facility’s full implementation of the Standards, LPTF has made substantial progress since 2006 in a number of areas. However, persisting problems from the prior report are highlighted below.

⁷ Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C
⁸ Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C
⁹ Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C and Sergeant [REDACTED] b6, b7C
¹⁰ Notes of delegation member [REDACTED] b6, on conversation with Sergeant [REDACTED] b6, b7C
¹¹ Notes of delegation member [REDACTED] b6, on conversation with Sergeant [REDACTED] b6, b7C who affirmed that H pod was representative of all the other pods.

¹² Notes of delegation member [REDACTED] b6, on conversation with Supervisor [REDACTED] b6, b7C
¹³ Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversations with Supervisor [REDACTED] b6, b7C and Lieutenant [REDACTED] b6, b7C

¹⁴ See GAO Report, *Alien Detention Standards : Telephone Access Problems Were Pervasive at Detention Facilities; Other Deficiencies Did Not Show a Pattern of Noncompliance*, (July 2007) “According to ICE data, the average length of stay in ICE adult detention custody for fiscal year 2007 as of April 2007 was 37.6 days.”

¹⁵ Notes of delegation member [REDACTED] b6, on conversation with Supervisor [REDACTED] b6, b7C
¹⁶ Notes of delegation member [REDACTED] b6, on conversations with Supervisor [REDACTED] b6, b7C and detainee [REDACTED] b6, b7C.

¹⁷ ABA 2006 Report on Observational Tour of LPTF.

- The 2006 ABA Report concluded that LPTF did not meet the Standard regarding the Detainee Handbook – the Handbook was available only in English and did not include all the necessary information for ICE detainees.¹⁸
 - **This problem has not been resolved.** The Handbook does not contain all of the required information, and LPTF officers informed the delegation that there are still no foreign language translations available.
- The 2006 ABA Report stated that some detainees were unable to receive visitors on the weekends and that visits were often shorter than thirty minutes.¹⁹
 - **This problem has not been resolved.** Some detainees’ designated visitation day is on a Monday; requests for special accommodation are not honored, and visits are still occasionally cut short.
- The 2006 ABA delegation reported that LPTF did not fully satisfy the Standard related to Telephone Access to Legal Representatives, because there are not sufficient privacy safeguards, and electronic call monitoring may have the effect of inhibiting communications with counsel.²⁰
 - **This problem has not been resolved.** This year’s delegation confirmed that all outgoing calls are electronically monitored, and that detainees are unable to make private legal calls.
- The 2006 ABA report noted that messages are not taken or delivered to detainees at LPTF.²¹
 - **It is unclear whether this problem has been fully resolved.** Although LPTF officers indicated during the 2008 tour that messages are taken as incoming calls are received, several detainees noted that they never received the messages that callers indicated that they had left for them.
- The 2006 ABA Report noted that LPTF did not meet the Recreation Standards.²²
 - **The same problems involving the Recreation Standard persist in 2008.** Detainees do not have adequate time for outdoor recreation or the opportunity for cardiovascular exercise.

¹⁸ ABA 2006 Report on Observational Tour of LPTF (hereinafter “2006 Report”), p. 13.

¹⁹ 2006 Report on Tour of LPTF, p. 4.

²⁰ 2006 Report on Tour of LPTF, p. 6.

²¹ 2006 Report on Tour of LPTF, p. 7.

²² 2006 Report on Tour of LPTF, pp. 13-14.

- The 2006 ABA Report indicated that LPTF does not meet the Classification Standard because it was not clear that detainees were given any information about the procedure for initial classification or the ability to appeal their classification.²³
 - **This problem has not been resolved.** This year’s delegation observed that the Handbook does not explain the various classification levels.

IV. LEGAL ACCESS STANDARDS

A. Visitation

1. Visitation by Attorneys

The Standards require that facilities permit legal visitation seven days per week.²⁴ Legal visits must be permitted for at least eight hours per day during the week and four hours per day on weekends and holidays.²⁵ The visits must be private, should not be interrupted for head counts, and may proceed through meals on regular business days.²⁶ Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.²⁷ Visitation hours must be provided in the handbook, and posted where detainees can easily see them.²⁸ If standard operating procedures at the facility require strip searches after contact visits with a legal representative, then the facility must provide an option for confidential non-contact visits with legal representatives and a mechanism to exchange documents.²⁹

LPTF meets this section of the Standards. Each pod is equipped with two visitation areas.³⁰ Each visitation area has five general visitation booths, and two attorney visitation booths.³¹ There were two types of attorney visitation rooms. One had a divider that could be opened completely to allow for physical contact and exchange of documents.³² The second type of visitation room had a glass panel with a small opening for the exchange of documents.³³

According to facility staff, attorneys are allowed to visit their clients twenty-four hours a day, without prior notification to the facility.³⁴ According to the Handbook, however, legal

²³ 2006 Report on Tour of LPTF, p. 16.

²⁴ Detention Operations Manual (“DOM”) Detainee Services, Visitation, Section III.I.2.

²⁵ DOM Detainee Services, Visitation, Section III.I.2.

²⁶ DOM Detainee Services, Visitation, Sections III.I.2 & 9.

²⁷ DOM Detainee Services, Visitation, Section III.I.3.

²⁸ DOM Detainee Services Visitation, Section III.B.

²⁹ DOM Detainee Services Visitation, Section III.I.11.

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

³¹ Observation of delegation member [REDACTED] b6

³² Observation of delegation member [REDACTED] b6.

³³ Observation of delegation member [REDACTED] b6

³⁴ Notes of delegation member [REDACTED] b6 on conversation with Sergeant [REDACTED] b6, b7C

visitation begins at 05:30 hours.³⁵ According to Sergeant [REDACTED], there is no time limit for attorney visits.³⁶ The Handbook states that attorney access is unlimited.³⁷ The Handbook also states, “denial of attorney visits will only occur under special circumstances,” but there is no information on what would constitute a special circumstance.³⁸ To see a client, an attorney must show personal identification and provide an active bar card.³⁹ Detainees are not interrupted during attorney visitations for meals, and if a detainee misses a meal due to an attorney visit, that meal is provided later.⁴⁰ Detainees are not searched after visits.⁴¹ While LPTF officers can visually observe the interaction between detainee and attorney, they cannot hear or otherwise monitor the conversation.⁴²

2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the Standards encourage visits from family and friends.⁴³ 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.⁴⁴ The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”⁴⁵ 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.⁴⁶ Visits should be at least thirty minutes long, and longer when possible.⁴⁷ If a facility does not provide for visits from minors, ICE should arrange for visits with children or stepchildren within the detainee’s first thirty days at the facility, with continuing monthly visits.⁴⁸

³⁵ Handbook, “Access to Counsel.”

³⁶ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED].

³⁷ Handbook, “Access to Counsel.”

³⁸ Handbook, “Access to Counsel.”

³⁹ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED].

⁴⁰ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED].

⁴¹ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED] notes of delegation member [REDACTED], on conversation with detainee [REDACTED]. The 2008 Performance Based National Detention Standards (PBNDS) require each facility to have written procedures to govern detainee searches (Visitation, I.J.11.).

⁴² Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]; observations of delegation member [REDACTED]. Visual observation of attorney-detainee meetings is permitted under the PBNDS (Visitation, I.J.9.).

⁴³ DOM Detainee Services, Visitation, Section I.

⁴⁴ DOM Detainee Services, Visitation, Sections III.A & B.

⁴⁵ DOM Detainee Services, Visitation, Section III.G.

⁴⁶ DOM Detainee Services, Visitation, Section III.H.1.

⁴⁷ DOM Detainee Services, Visitation, Section III.H.1.

⁴⁸ DOM Detainee Services, Visitation, Section III.H.2.

LPTF does not meet this section of the Standards: certain detainees are unable to have visitors on weekends, and one detainee reported that requests to accommodate weekend hours of visitation are not honored. According to the Handbook, the general visitation days for detainees are divided based on the last name of the inmate (detainees with last names A through F are allowed visits on Saturday, G through M on Sundays, and N through Z on Mondays).⁴⁹ The visitation schedule is clearly posted at the entrance to the facility.⁵⁰ According to the Handbook, detainees are allowed two (2) thirty-minute visitations per week.⁵¹ The two visitations can occur one after another (for one hour total), or separately on the same day.⁵² The visitation areas each contain five booths where detainees can converse with visitors by phone contact only.⁵³ The detainees are allowed to visit with two individuals at a time, and anyone can visit, including minors.⁵⁴

Two detainees indicated that they were familiar with their assigned visiting hours because the hours are posted.⁵⁵ One detainee indicated that because his visitation day is Monday and not the weekend, it is extremely difficult for his family to visit.⁵⁶ The detainee explained that his wife even requested permission for a special visit, but the request was denied.⁵⁷ Similarly, another detainee noted that his visitation days previously fell on Sundays, but had recently been rotated to Mondays without notice, and with no indication of whether there would be a subsequent rotation.⁵⁸ Since his visitation day was moved, the detainee had not been able to have visitors due to their inability to travel on a weekday.⁵⁹ One detainee indicated that even though visiting time with family was supposed to be an hour long, it was generally shortened to forty-five minutes because of the time it took to register visitors and set up the visitation.⁶⁰

B. Telephone Access

1. General Requirements

⁴⁹ Handbook, "Visiting."

⁵⁰ Observation of delegation member [REDACTED] b6 [REDACTED].

⁵¹ Handbook, "Visiting."

⁵² Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with detainee [REDACTED] b6, b7C [REDACTED].

⁵³ Observation of delegation members [REDACTED] b6 [REDACTED] and [REDACTED] b6 [REDACTED].

⁵⁴ Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with detainee [REDACTED] b6, b7C [REDACTED].

⁵⁵ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with detainees [REDACTED] b6, b7C [REDACTED] and [REDACTED] b6, b7C [REDACTED].

⁵⁶ Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with detainee [REDACTED] b6, b7C [REDACTED]. PBNDs state that while a facility is not required to permit every detainee to have visits on *both* days of the weekend, the facility administrator is encouraged to establish visiting hours for each detainee on both days of the weekend, and to try to accommodate visitors who can only visit on a specific weekend day (Visitation V.I.1.).

⁵⁷ Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with detainee [REDACTED] b6, b7C [REDACTED].

⁵⁸ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with detainee [REDACTED] b6, b7C [REDACTED].

⁵⁹ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with detainee [REDACTED] b6, b7C [REDACTED].

⁶⁰ Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with detainee [REDACTED] b6, b7C [REDACTED]; notes of delegation member [REDACTED] b6 [REDACTED], on conversation with detainee [REDACTED] b6, b7C [REDACTED].

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.⁶¹ In order to meet this requirement, facilities must provide at least one telephone for every twenty-five detainees.⁶² The Standards also require that telephone access rules be provided in writing to each detainee upon admittance, and that the rules be posted where detainees may easily see them.⁶³ The facility must maintain telephones in proper working order, and inspect them regularly.⁶⁴

LPTF partially meets this Standard: however, there is no regular inspection policy for the phones. The unit observed by the delegation has two phones accessible to the 32 inmates.⁶⁵ Rules about telephone access are posted on the wall, adjacent to the two phones.⁶⁶ The telephones are accessible whenever detainees have access to the common room, generally from 7 a.m. to 10 p.m. daily.⁶⁷

One detainee indicated that the phone system is not reliable, stating that it does not function well and often cuts off calls randomly.⁶⁸ The same detainee also noted that there is often a wait to use the phone and that he sometimes misses his regularly scheduled calls to his wife, because he cannot access the phones.⁶⁹ One detainee indicated that phones were difficult for him to use because county inmates often monopolize phone access.⁷⁰ While there is no inspection policy for the phones, the detention officers made clear that the inmates alert the staff promptly if the phones are not working properly.⁷¹

2. Direct Calls and Free Calls

The Standards allow facilities to generally restrict calls to collect calls;⁷² however, the facility must permit detainees to make direct calls to the local immigration court and the Board of Immigration Appeals (“BIA”), federal and local courts, consular officers, legal service providers, government offices, and to family members in case of emergency.⁷³ The facility shall

⁶¹ DOM Detainee Services, Telephone Access, Sections I & III.A.

⁶² DOM Detainee Services, Telephone Access, Section III.C.

⁶³ DOM Detainee Services, Telephone Access, Section III.B.

⁶⁴ DOM Detainee Services, Telephone Access, Section III.D.

⁶⁵ Observation of delegation member [REDACTED].

⁶⁶ Observation of delegation member [REDACTED].

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

⁶⁸ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

⁶⁹ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

⁷⁰ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

⁷¹ Notes of delegation member [REDACTED] on conversations with Sergeant [REDACTED] and Lieutenant [REDACTED].

Under PBNDS, facility staff is responsible for ensuring on a daily basis that the telephones are operational. Similarly, ICE field office staff members are required to verify the serviceability of all telephones at least weekly (Telephone Access, V.A.4.).

⁷² DOM Detainee Services, Telephone Access, Section III.E.

⁷³ DOM Detainee Services, Telephone Access, Section III.E.

not require indigent detainees to pay for these types of calls if local, or for non-local calls if there is a compelling need.⁷⁴ 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.”⁷⁵

LPTF does not fully meet this section of the Standards: detainees cannot make direct calls to all free legal service providers on the ICE-approved list. LPTF allows detainees to make direct calls, free of charge, to the immigration court, the BIA, federal courts, government offices, and various national consulates; however, LPTF does not allow detainees to make free direct calls to most of the legal service providers on the list provided by ICE/DRO.⁷⁶ There is a posted list of pre-programmed free telephone options by each telephone in the common room of a housing pod.⁷⁷ The pre-programming options require an alien number (“A number”) to complete a call.⁷⁸ The list includes numbers to seventy-nine national consulates and embassies, several numbers to immigration offices and courts, including the BIA, numbers to a few federal district courts, the Ninth Circuit Court of Appeals, and a few legal service organizations.⁷⁹ However, the list does not include most of the phone numbers for pro bono legal service organizations that are on the ICE/DRO provided list, and it does not include any numbers for attorneys.⁸⁰ Furthermore, at least one detainee we interviewed was unaware that free legal service providers could be contacted using the pre-programmed numbers.⁸¹ Another detainee stated that these lists often fall off the wall or are removed by individuals housed in the units, and are not replaced until an outside group tours the facility.⁸²

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 limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones.⁸³ If time limits are necessary, they shall be no shorter than twenty minutes.⁸⁴ The Standards require that the facility ensure privacy for detainees’ telephone calls regarding legal matters by providing

⁷⁴ DOM Detainee Services, Telephone Access, Section III.E.

⁷⁵ DOM Detainee Services, Telephone Access, Section III.E.

⁷⁶ Observation of delegation member [REDACTED].

⁷⁷ Observation of delegation member [REDACTED].

⁷⁸ Observation of delegation member [REDACTED].

⁷⁹ Observation of delegation member [REDACTED].

⁸⁰ Observation of delegation member [REDACTED]. The [ICE]-provided list is available at <http://www.usdoj.gov/eoir/probono/freelglchtCA.htm>.

⁸¹ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

⁸² Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

⁸³ DOM Detainee Services, Telephone Access, Section III.F.

⁸⁴ DOM Detainee Services, Telephone Access, Section III.F.

a reasonable number of phones for detainees to make calls without being overheard by facility staff or detainees, and that calls shall not be electronically monitored absent a court order.⁸⁵

LPTF does not meet this section of the Standards: there are no privacy safeguards and all calls are recorded.⁸⁶ Detainees are unable to make private legal calls; both of the accessible phones are located in the public day rooms afford very little privacy to detainees using the phone.⁸⁷ The phones are near each other, and not partitioned.⁸⁸ According to LPTF officers, all calls are recorded, but calls are only reviewed if the officers have some reason to suspect illicit activity.⁸⁹ However, there is no way for a detainee to alert the staff that his or her call is a privileged conversation with an attorney, and either have the recording mechanisms turned off, or have a recorded call deleted.⁹⁰

4. Incoming Calls and Messages

The Standards require that facilities take and deliver telephone messages to detainees as promptly as possible.⁹¹ If the facility receives an emergency telephone call for a detainee, the Standards require that the facility obtain the caller's name and number and permit the detainee to return the emergency call as soon as possible.⁹²

It is unclear if LPTF meets this section of the Standards: detainees reported phone messages are not taken. Detainees are not allowed to receive incoming phone calls.⁹³ LPTF officers stated that detainees are given incoming messages as they are received.⁹⁴ However, there is no special method for returning emergency phone calls other than by making a collect call or using a pre-paid calling card.⁹⁵ One detainee said that he has never received a message from an official at LPTF in over a year, even though his wife has called the facility and

⁸⁵ DOM Detainee Services, Telephone Access, Section III.J.

⁸⁶ Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C

⁸⁷ Observation of delegation member [REDACTED] b6; notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C

⁸⁸ Observation of delegation member [REDACTED] b6.

⁸⁹ Notes of delegation member [REDACTED] b6, on conversation with Sergeant [REDACTED] b6, b7C. Notably under the PBNDS, adjacent to each phone should be a notice stating that detainee calls are monitored and describing the procedure for obtaining an unmonitored call to a court or legal representative (Telephone Access, V.4.B.).

⁹⁰ Notes of delegation member [REDACTED] b6, on conversation with Sergeant [REDACTED] b6, b7C.

⁹¹ DOM Detainee Services, Telephone Access, Section III.I.

⁹² DOM Detainee Services, Telephone Access, Section III.I.

⁹³ Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C.

⁹⁴ Notes of delegation member [REDACTED] b6, on conversations with Sergeant [REDACTED] b6, b7C and Lieutenant [REDACTED] b6, b7C.

⁹⁵ Observation of delegation member [REDACTED] b6 notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

attempted to leave messages.⁹⁶ Another detainee simply said that messages are not taken at LPTF.⁹⁷

C. Access to Legal Material and Library

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.”⁹⁸

1. Library 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.⁹⁹ Detainees in administrative or disciplinary segregation must have the same law library access as others, except when compelling security concerns require limitations.¹⁰⁰ Each detainee shall be permitted to use the law library for a minimum of five hours per week.¹⁰¹

LPTF meets this section of the Standards. LPTF allows all detainees to access the law library.¹⁰² Only ICE detainees may access the law library; other inmates at LPTF use the Legal Research Associates program to access legal materials.¹⁰³ The library is open from 7 a.m. to 3 p.m., Monday through Friday.¹⁰⁴ Library use by detainees is unlimited in theory, but in practice it is subject to the number of requests to use the library in any given week.¹⁰⁵ One detainee’s understanding of the rule is that detainees may access the law library twice per week for two hours per visit.¹⁰⁶ Another detainee indicated that requests to use the library are usually granted, and that he usually uses the library twice a week for two and a half hours at a time.¹⁰⁷ Detainees do not have to choose between library time and recreation time.¹⁰⁸

⁹⁶ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]

⁹⁷ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]

⁹⁸ DOM Detainee Services, Access to Legal Material, Section I.

⁹⁹ DOM Detainee Services, Access to Legal Material, Section III.G.

¹⁰⁰ DOM Detainee Services, Access to Legal Material, Section III.M.

¹⁰¹ DOM Detainee Services, Access to Legal Material, Section III.G.

¹⁰² Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

¹⁰³ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

¹⁰⁴ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED]

¹⁰⁵ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED]

¹⁰⁶ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]

¹⁰⁷ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]

¹⁰⁸ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED] and Lieutenant [REDACTED]

The law librarian coordinates the library schedule each week, and pro se detainees are given priority.¹⁰⁹ Administratively Segregated detainees are allowed to access the library one at a time, and the law librarian coordinates their schedule as well.¹¹⁰

2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees' legal research and writing.¹¹¹ 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."¹¹²

LPTF meets this section of the Standards. The law library is located in a large room and contains three long tables and nine chairs.¹¹³ It is well-lit and appears to be isolated from noisy areas.¹¹⁴ Four detainees had favorable opinions about the law library and its offerings, including the availability of functioning computers, typewriters, books, office supplies, and unlimited free copies.¹¹⁵

3. Materials Identified in the Detention Standards

The Standards require that all facility law libraries contain the materials listed in Attachment A to the chapter on *Access to Legal Materials*, and must post a list of the materials available.¹¹⁶ 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.¹¹⁷ Damaged or stolen materials must be promptly replaced.¹¹⁸ Unrepresented non-English speaking detainees must be provided with more than access to English-language law books; facilities shall establish procedures such as helping detainees obtain assistance from other detainees in using the law library and drafting legal documents, and assisting detainees to contact pro bono legal service providers.¹¹⁹

¹⁰⁹ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

¹¹⁰ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

¹¹¹ DOM Detainee Services, Access to Legal Material, Section III.A.

¹¹² DOM Detainee Services, Access to Legal Material, Section III.A.

¹¹³ Observation of delegation member [REDACTED].

¹¹⁴ Observation of delegation member [REDACTED].

¹¹⁵ Notes of delegation member [REDACTED], on conversations with detainees [REDACTED] and [REDACTED]; notes of delegation member [REDACTED], on conversation with detainee [REDACTED]; notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

¹¹⁶ DOM Detainee Services, Access to Legal Material, Section III.C.

¹¹⁷ DOM Detainee Services, Access to Legal Material, Section III.E.

¹¹⁸ DOM Detainee Services, Access to Legal Material, Section III.F.

¹¹⁹ DOM Detainee Services, Access to Legal Material, Section III.L.

LPTF meets this section of the Standards: however, a detainee expressed problems with the on-line materials and the list of materials available in the library is not posted. A list of the library's hard copy holdings is not posted,¹²⁰ but LPTF has a relatively up-to-date set of hard copy legal resources, including Central California Local Court Rules, Federal Supplement and Federal Reporter, California Criminal Code, West's California Judicial Council Forms, and the California Penal Code.¹²¹ One detainee suggested that he thought the hard copy materials were reasonably up to date, and that he uses them regularly to look up cases.¹²² Another detainee indicated that the law librarian is resourceful and available to help locate cases and other legal materials.¹²³ LPTF officers stated that the library no longer updates its hard copy collection because the materials are now provided electronically.¹²⁴ The law librarian is responsible for checking and updating the legal materials.¹²⁵

According to LPTF officers, compliance with the Standards is accomplished by providing detainees with electronic access to the legal resources on the "BICE Lexis-Nexis Immigration Law Library" CD.¹²⁶ Posted near the two computers is a list of the materials that are contained on the CD, each computer has a copy of this CD.¹²⁷ LPTF officers stated that these CDs had been recently updated.¹²⁸ Indeed, one detainee informed us that LPTF had just provided the CDs in the law library as of the week of our tour.¹²⁹ The same detainee indicated that until the week of our visit to LPTF, the law library had expired and non-working CDs.¹³⁰ According to the same detainee, no training on how to use the CD materials had ever been provided, but the materials were sufficiently easy to navigate and use.¹³¹

4. Library Equipment and Supplies

The Standards require that facility law libraries provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.¹³² Staff must inspect the library at least weekly to

¹²⁰ Observation of delegation member [REDACTED] b6 [REDACTED].

¹²¹ Observation of delegation members [REDACTED] b6 [REDACTED] and [REDACTED] b6 [REDACTED].

¹²² Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with detainee [REDACTED] b6, b7C [REDACTED].

¹²³ Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with detainee [REDACTED] b6, b7C [REDACTED].

¹²⁴ Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with Lieutenant [REDACTED] b6, b7C [REDACTED].

¹²⁵ Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with Sergeant [REDACTED] b6, b7C [REDACTED].

¹²⁶ Notes of delegation member [REDACTED] b6 [REDACTED], on conversation with Lieutenant [REDACTED] b6, b7C [REDACTED].

¹²⁷ Observation of delegation member [REDACTED] b6 [REDACTED]. Under PBNDS, a facility may substitute the Lexis-Nexis publications on CD-ROM in lieu of obtaining and maintaining the paper-based publications in Attachment A (Law Libraries and Legal Materials, V.E.2.b.(2).).

¹²⁸ Notes of delegation member [REDACTED] on conversations with Sergeant [REDACTED] b6, b7C [REDACTED] and Lieutenant [REDACTED] b6, b7C [REDACTED].

¹²⁹ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with detainee [REDACTED].

¹³⁰ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED] b6, b7C [REDACTED].

¹³¹ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

¹³² DOM Detainee Services, Access to Legal Material, Section III.B.

ensure equipment is in working order and to stock sufficient supplies.¹³³ In addition, indigent detainees must be provided free envelopes and stamps for legal mail.¹³⁴

LPTF meets this section of the Standards. The law library has two computers and two typewriters available for detainee use.¹³⁵ The computers appear to be in good working order and are equipped with navigational tools.¹³⁶ Demand for use of the two computers is high, and according to LPTF staff, both computers are always occupied while a group is in the library.¹³⁷ Several detainees suggested that the computers work, and the detainees use them often.¹³⁸ LPTF has requested three additional computers from ICE, and ICE has approved the request.¹³⁹

Writing implements, paper and office supplies are available from the law librarian.¹⁴⁰ There is no limit to the quantities of supplies a detainee may use, within reason.¹⁴¹ In addition, if a detainee is indigent, LPTF provides free envelopes and paper for legal correspondence, and the mail is stamped free of charge.¹⁴² There is no limit to the quantity of correspondence materials a detainee may obtain unless a detainee makes an unreasonable request.¹⁴³ The availability of these supplies was confirmed by at least one detainee, who describes himself as a regular user of the law library.¹⁴⁴ The law librarian is in charge of inspection of equipment and stocking of supplies.¹⁴⁵

4. 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.¹⁴⁶ Enough copies must be provided so that a detainee can

¹³³ DOM Detainee Services, Access to Legal Material, Section III.B.

¹³⁴ DOM Detainee Services, Access to Legal Material, Section III.N.

¹³⁵ Observation of delegation member [REDACTED].

¹³⁶ Observation of delegation member [REDACTED].

¹³⁷ Notes of delegation member [REDACTED] on conversations with Sergeant [REDACTED] and Lieutenant [REDACTED].

¹³⁸ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]; notes of delegation member [REDACTED], on conversations with detainees [REDACTED] and [REDACTED].

¹³⁹ Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

¹⁴⁰ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED].

¹⁴¹ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED].

¹⁴² Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED].

¹⁴³ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED].

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

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

¹⁴⁶ DOM Detainee Services, Access to Legal Material, Section III.J.

fulfill court procedural rules and retain a copy for his records.¹⁴⁷ Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.¹⁴⁸

LPTF meets this section of the Standards. The photocopier sits in the law librarian's office, which is located in the library, but separated physically by a cage-like structure.¹⁴⁹ Detainees may request photocopies from the librarian, which cost ten cents per page and are provided on an unlimited basis.¹⁵⁰ The copies are free if a detainee is indigent; however, free copies are limited to one copy of a court opinion or statute and five copies of legal forms.¹⁵¹ There is no limit to the quantity of legal documents that detainees may keep, other than what could potentially constitute a fire hazard.¹⁵² Two detainees indicated that it was easy to make copies in the library and that they never had a problem keeping legal documents.¹⁵³

5. 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.¹⁵⁴

LPTF meets this section of the Standards. One detainee stated that, because of his strong typing abilities, he often assists other detainees with preparing legal documents.¹⁵⁵

6. Notice to Detainees

The Standards require that the detainee handbook provide detainees with the rules and procedures governing access to legal materials.¹⁵⁶ It should include that a law library is available for detainee use; the scheduled hours of access to the law library; the procedure for requesting access to the law library; the procedure for requesting additional time in the law library beyond the five hours per week minimum; the procedure for requesting legal reference materials not maintained in the law library; and the procedure for notifying a designated

¹⁴⁷ DOM Detainee Services, Access to Legal Material, Section III.J.

¹⁴⁸ DOM Detainee Services, Access to Legal Material, Section III.J.

¹⁴⁹ Observation of delegation member [REDACTED] b6 .

¹⁵⁰ Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED] .

¹⁵¹ Notes of delegation member [REDACTED] b6 on conversation with Sergeant [REDACTED] b6, b7C .

¹⁵² Notes of delegation member [REDACTED] on conversation with Sergeant [REDACTED] .

¹⁵³ Notes of delegation member [REDACTED] b6 , on conversation with detainee [REDACTED] b6, b7C ; notes of delegation member [REDACTED] b6 , on conversation with detainee [REDACTED] b6, b7C .

¹⁵⁴ DOM Detainee Services, Access to Legal Material, Section III.K.

¹⁵⁵ Notes of delegation member [REDACTED] b6 , on conversation with detainee [REDACTED] b6, b7C .

¹⁵⁶ DOM Detainee Services, Access to Legal Material, Section III.Q.

employee that library material is missing or damaged.¹⁵⁷ The rules and procedures must also be posted in the library, along with a list of the library's holdings.¹⁵⁸

LPTF does not meet this section of the Standards: the Handbook is missing much of the required information on the law library. The Handbook provides a brief overview of the law library rules and states that ICE detainees will be “afforded reasonable access” to the law library.¹⁵⁹ The Handbook provides the procedure for requesting access to the law library, but does not state that detainees are allowed at least five hours in the library per week or the procedure for requesting additional time in the library.¹⁶⁰ Although it states that five requests to use the library are allowed every sixty (60) days, it does not make clear what amount of time can be requested on each individual request.¹⁶¹ The Handbook does not list the scheduled hours of access to the law library,¹⁶² or the procedure for requesting legal reference materials not maintained in the law library.¹⁶³ Additionally there is no information about notifying a designated employee that library material is missing or damaged.¹⁶⁴ Furthermore, the rules and procedures¹⁶⁵ and a list of the library's hard copy holdings are not posted in the library.¹⁶⁶

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.”¹⁶⁷ Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.¹⁶⁸ While the presentations are open to all detainees, the facility “may limit the number of detainees at a single session.”¹⁶⁹ “The facility shall select and provide an environment conducive to the presentation, consistent with

¹⁵⁷ DOM Detainee Services, Access to Legal Material, Section III.Q.

¹⁵⁸ DOM Detainee Services, Access to Legal Material, Section III.Q.

¹⁵⁹ Handbook, “Law Library.”

¹⁶⁰ Handbook, “Law Library.”

¹⁶¹ Handbook, “Law Library.”

¹⁶² Handbook, “Law Library.”

¹⁶³ Handbook, “Law Library.”

¹⁶⁴ Handbook, “Law Library.”

¹⁶⁵ Observation of delegation member [REDACTED].

¹⁶⁶ Observation of delegation member [REDACTED].

¹⁶⁷ DOM Detainee Services, Group Presentations on Legal Rights, Section I.

¹⁶⁸ DOM Detainee Services, Group Presentations on Legal Rights, Section III.C.

¹⁶⁹ DOM Detainee Services, Group Presentations on Legal Rights, Section III.C.

security.”¹⁷⁰ In addition, detainees shall have regular opportunities to view an “INS-approved videotaped presentation on legal rights” at the request of outside organizations¹⁷¹

LPTF does not meet the requirement on Group Rights presentations, LPTF does not currently show or make available the “Know Your Rights” video. It is unclear if LPTF meets the other aspects of the Standard. Rooms for group rights presentations are made available upon request and there are no rules limiting presentations.¹⁷² However, there have been no requests to hold a group rights presentation for many years, so the delegation could not confirm whether these accommodations are adequate in practice.¹⁷³

According to LPTF officers, the facility’s television system has switched from VHS to DVD and LPTF only has a VHS copy of the “Know Your Rights” video.¹⁷⁴ Lieutenant [b6, b7C] stated that he has contacted ICE for a DVD version of the video and when it arrives, he plans to show it on a daily basis after breakfast, along with the facility orientation video.¹⁷⁵

Several detainees who have been at LPTF for over a year stated that they had never attended a group rights presentation, or seen the “Know Your Rights” video.¹⁷⁶

III. 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.¹⁷⁷ 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.¹⁷⁸ Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.¹⁷⁹ Incoming special correspondence can be

¹⁷⁰ DOM Detainee Services, Group Presentations on Legal Rights, Section III.E.

¹⁷¹ DOM Detainee Services, Group Presentations on Legal Rights, Section III.I.

¹⁷² Notes of delegation member [b6], on conversation with Lieutenant [b6, b7C]

¹⁷³ Notes of delegation member [b6], on conversation with Lieutenant [b6, b7C]

¹⁷⁴ Notes of delegation member [b6], on conversation with Lieutenant [b6, b7C]

¹⁷⁵ Notes of delegation member [b6], on conversation with Lieutenant [b6, b7C]

¹⁷⁶ Notes of delegation member [b6], on conversations with detainees [b6, b7C] and [b6, b7C]; notes of delegation member [b6], on conversation with detainee Deo Singh.

¹⁷⁷ DOM Detainee Services, Correspondence and Other Mail, Section I.

¹⁷⁸ DOM Detainee Services, Correspondence and Other Mail, Sections III.B & E.

¹⁷⁹ DOM Detainee Services, Correspondence and Other Mail, Sections III.B, E, & F.

inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹⁸⁰ Outgoing special correspondence may not be opened, inspected, or read.¹⁸¹

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.¹⁸² 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; indigent detainees must be permitted to mail at least five pieces of special correspondence and three pieces of general mail per week.¹⁸³ Finally, the Standards require that facilities notify detainees of specific information regarding correspondence policies.¹⁸⁴

LPTF does not meet this section of the Standards: the amount of regular correspondence afforded to indigent detainees is below that required by the Standards.

The Handbook does not provide the following information: 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; 3) the fact that identity documents, such as passports and birth certificates, are contraband and may be rejected by the facility; 4) instructions about “how to obtain writing implements, paper, and envelopes”; 5) “the procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage.”¹⁸⁵ Without providing information regarding the foregoing matters, LPTF fails to meet the notification requirements of this section of the Standards.

The Handbook states that all mail will be searched for contraband and does not require that the detainee be present during the search.¹⁸⁶ Outgoing mail is not scanned unless there has been a tip that it contains contraband or something illegal has previously been sent to the detainee sending the mail.¹⁸⁷ Facility staff stated that legal mail will only be opened in front of the detainee.¹⁸⁸ One detainee indicated that letters from his attorney were never opened.¹⁸⁹ However, the Handbook states that “[m]ail may be read for security purposes,” and that “[a]ll

¹⁸⁰ DOM Detainee Services, Correspondence and Other Mail, Sections III.B & E.

¹⁸¹ DOM Detainee Services, Correspondence and Other Mail, Sections III.B & F.

¹⁸² DOM Detainee Services, Correspondence and Other Mail, Sections III.B.

¹⁸³ DOM Detainee Services, Correspondence and Other Mail, Section III.I, and Access to Legal Material, Section III.N.

¹⁸⁴ DOM Detainee Services, Correspondence and Other Mail, Section III.B.

¹⁸⁵ Handbook, “Correspondence/Mail” and “Legal Mail.”

¹⁸⁶ Handbook, “Correspondence/Mail.”

¹⁸⁷ Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

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

¹⁸⁹ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED] b6, b7C

mail will be searched for contraband.”¹⁹⁰ It does not provide that the detainee be present during the search of legal mail, as required by the Standards.¹⁹¹

The Handbook states that detainees without money will be provided stationary and postage for any legitimate legal mailings.¹⁹² In practice, LPTF provides all detainees, regardless of whether they are indigent or not, unlimited free envelopes and stamps for legal mail unless the detainee abuses the privilege.¹⁹³ Indigent detainees receive two envelopes and pieces of paper for non-legal mail.¹⁹⁴ Non-indigent inmates can purchase envelopes, paper, and stamps in the commissary.¹⁹⁵

Members of the clerical staff sort incoming mail each day and the mail is distributed to the detainee recipients every evening around 7 p.m.¹⁹⁶ One detainee confirmed that mail is delivered every night.¹⁹⁷ Two detainees indicated that they have no problem sending mail to or receiving mail from their attorneys, family, and friends.¹⁹⁸

B. Detainee Handbook

The Standards require that every Officer-in-Charge (“OIC”) develop a site-specific detainee handbook to serve as an overview of detention policies, rules, and procedures, and specify that every detainee will receive a copy of the handbook upon admission to the facility.¹⁹⁹ The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.²⁰⁰ The handbook must include visitation hours and rules.²⁰¹ The handbook must provide detainees with the rules and procedures governing access to legal materials.²⁰² The handbook must notify detainees of the facility correspondence policy.²⁰³ The grievance section of the handbook must provide notice of the opportunity to file both formal and

¹⁹⁰ Handbook, “Correspondence/Mail.”

¹⁹¹ Handbook, “Correspondence/Mail.”

¹⁹² Handbook, “Legal Mail.”

¹⁹³ Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]. PBNDS requires a facility to provide writing paper, implements and envelopes at no cost to all detainees (Correspondence and Other Mail, V.K.).

¹⁹⁴ Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

¹⁹⁵ Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

¹⁹⁶ Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

¹⁹⁷ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

¹⁹⁸ Notes of delegation member [REDACTED], on conversations with detainees [REDACTED] and [REDACTED].

¹⁹⁹ DOM Detainee Services, Detainee Handbook, Section I.

²⁰⁰ DOM Detainee Services, Detainee Handbook, Section III.E.

²⁰¹ DOM Detainee Services, Visitation, Section III.B.

²⁰² DOM Detainee Services, Access to Legal Material, Section III.Q.

²⁰³ DOM Detainee Services, Correspondence and Other Mail, Section III.B.

informal grievances and the procedures for filing grievances and appeals.²⁰⁴ 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.²⁰⁵ The handbook must provide notice of the facility's rules of conduct and the sanctions imposed.²⁰⁶ It must advise detainees of rights including the right to protection from abuse, right to freedom from discrimination, and right to pursue a grievance.²⁰⁷ 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.²⁰⁸ The Officer in Charge will provide a copy of the handbook to every staff member who has contact with detainees.²⁰⁹

LPTF does not meet this section of the Standards: the Handbook is only available in English and does not contain all of the required information. According to LPTF officers, the Handbook is currently being translated into Spanish, but the translation has not been completed and only the English version is distributed to detainees.²¹⁰

As explained in the other relevant sections of this report, the Handbook does not include all of the information required for correspondence procedures.²¹¹ The Handbook does not explain each of the classification levels or describe the conditions and restrictions applicable to each level.²¹² It states only the criteria taken into consideration when assigning inmates to housing units and the process for appealing a classification.²¹³ The Handbook does not advise detainees of certain rights, such as the right to protection from abuse and right to freedom from discrimination.²¹⁴ The Handbook does state that inmates may submit an appeal of a grievance determination to ICE and forward it to the facility Federal liaison officer.²¹⁵ However, the Handbook does not provide that detainees can submit written questions, requests, or concerns to ICE staff nor does it outline the procedures for doing so.²¹⁶

²⁰⁴ DOM Detainee Services, Detainee Grievance Procedures, Section III.G.

²⁰⁵ DOM Detainee Services, Detainee Classification System, Section III.I.

²⁰⁶ DOM Security and Control, Disciplinary Policy, Section III.A.5.

²⁰⁷ DOM Security and Control, Disciplinary Policy, Section III.A.5.

²⁰⁸ DOM Detainee Services, Staff-Detainee Communication, Section III.B.3.

²⁰⁹ DOM Detainee Services, Detainee Handbook, Section III.G.

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

²¹¹ See *infra* Section V.A.

²¹² Handbook, "Classification." PBNDS requires the detainee handbook to merely describe the classification system—an explanation of the levels and restrictions applicable to each level is not required (Detainee Handbook, II.).

²¹³ Handbook, "Classification.."

²¹⁴ Handbook, "Administrative."

²¹⁵ Handbook, "Inmate Grievance Process."

²¹⁶ Handbook, "Inmate Grievance Process."

C. Access to Medical Care

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.²¹⁷ 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.²¹⁸ For a facility of over 200 detainees, there must be sick call five days per week.²¹⁹ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.²²⁰ If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet, medical isolation, etc.), the medical care provider is required to notify the Officer in Charge in writing.²²¹

LPTF substantially meets this section of the Standards: however, two detainees complained regarding the level of care. A physician is on site in the medical clinic five days a week and two physician assistants provide coverage on the weekends.²²² Additionally, two psychologists are on site five days a week, as are several mental-health nurses.²²³ For routine medical or mental health needs, a detainee may submit a sick call slip.²²⁴ Medical sick call is available from 7 a.m. to 3 p.m., Monday through Friday.²²⁵ According to the Handbook, mental health staff members are available to provide assessment, psychiatric evaluations, follow-up, crisis prevention, crisis counseling, and medication monitoring from 7 a.m. to 5 p.m., Monday through Friday.²²⁶ Members of the medical staff such as registered nurses are present twenty-four hours a day for emergencies.²²⁷ Detainees who need immediate attention will be evaluated by the nurse to determine whether they can be treated in the medical clinic or if they need additional attention.²²⁸ If a detainee needs hospital attention, he or she is taken to Kern Medical Center, which is twenty miles away.²²⁹

According to LPTF officers, certain non-emergent medical procedures may require pre-approval before they may be provided to an inmate.²³⁰ One detainee indicated that he submitted a sick call request for a sore tooth and had to wait three months for treatment to be approved and

²¹⁷ DOM Health Services, Medical Care, Section I.

²¹⁸ DOM Health Services, Medical Care, Section III.F.

²¹⁹ DOM Health Services, Medical Care, Section I.

²²⁰ DOM Health Services, Medical Care, Sections III.A, D, & G.

²²¹ DOM Health Services, Medical Care, Section III.J.

²²² Notes of delegation member [REDACTED], on conversations with Lieutenant [REDACTED] and Sergeant [REDACTED].

²²³ Notes of delegation member [REDACTED], on conversations with Lieutenant [REDACTED] and Sergeant [REDACTED].

²²⁴ Notes of delegation member [REDACTED], on conversations with Lieutenant [REDACTED] and Sergeant [REDACTED].

²²⁵ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

²²⁶ Handbook, “Correctional Mental Health (CMH).”

²²⁷ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

²²⁸ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

²²⁹ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

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

rendered.²³¹ Another detainee informed us that ICE had refused his request for a vision care appointment.²³² A third detainee indicated that he had no problem getting treatment; he filled out a sick call slip and was seen the next day.²³³

D. Access to Dental Care

The Standards require that detainees have an initial dental screening exam within fourteen days of the detainee's arrival, and require the facility to provide emergency dental treatment and repair of prosthetic appliances.²³⁴ For detainees who are held in detention for over six months, routine dental treatment may be provided, including amalgam and composite restorations, prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee's health.²³⁵

LPTF does not fully meet this section of the Standards: a detainee stated that he did not receive an initial dental screening exam. The LPTF medical clinic contains two dental chairs and a dentist is on site twice a week.²³⁶ Detainees can fill out a medical request form to see the dentist, just as they can for treatment of other medical issues.²³⁷ However, one detainee stated that it took three months to obtain treatment for a sore tooth.²³⁸ Another detainee indicated that a nurse gave him a brief health questionnaire when he first processed at LPTF, but he did not receive an initial dental screening.²³⁹

E. Recreation

The Standards require that all detainees have access to recreational programs and activities, under conditions of security and safety.²⁴⁰ Detainees should be housed in facilities with outdoor recreation, and be provided with access one hour per day, five days per week.²⁴¹ If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.²⁴² Detainees should have access to "fixed and movable equipment," including opportunities for cardiovascular exercise, and games and television in

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

²³² Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

²³³ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

²³⁴ DOM Health Services, Medical Care, Section III.E.

²³⁵ DOM Health Services, Medical Care, Section III.E.

²³⁶ Notes of delegation member [REDACTED], on conversations with Lieutenant [REDACTED] and Sergeant [REDACTED].

²³⁷ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

²³⁸ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

²³⁹ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

²⁴⁰ DOM Detainee Services, Recreation, Section I.

²⁴¹ DOM Detainee Services, Recreation, Section III.A, which also provides that "[a]ll new or renegotiated contracts and IGSA's will stipulate that INS detainees have access to an outdoor recreation area[.]" and Section III.B.

²⁴² DOM Detainee Services, Recreation, Section III.B.

dayrooms.²⁴³ Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.²⁴⁴

LPTF does not fully meet this section of the Standards: detainees have insufficient time for outside recreation, only three hours per week. LPTF inmates are on a rotational schedule for access to a single outdoor recreational area; each inmate is given three hours of outdoor recreation per week.²⁴⁵ LPTF officers stated that efforts are made to provide detainees with additional recreation time in order to accommodate time that may be spent in the law library, infirmary, or visiting with attorneys during regularly scheduled recreation hours.²⁴⁶ LPTF is located in a desert where summer temperatures can reach 100 degrees Fahrenheit or more. LPTF officers acknowledged that often times detainees do not go outdoors during their allotted recreation time because it is too hot.²⁴⁷ The only equipment is a single basketball net, allowing detainees few choices for cardiovascular exercise: playing basketball, handball, or running.²⁴⁸

The dayroom, located in the center of Unit 5 in H Pod, was the only indoor recreation shown to the delegation, and contained a wall-mounted television and several tables with chairs.²⁴⁹ Inmates are permitted to socialize, watch television according to an agreed-upon schedule of channel selection, play cards and board games, and read in the dayroom.²⁵⁰ The dayroom contains windows offering access to natural sunlight, but no access to outside air or equipment for muscular or cardiovascular exercise.²⁵¹

F. Detainee Classification System

The Standards require that detention facilities use a classification system and physically separate detainees into different categories.²⁵² Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.²⁵³ A detainee’s classification is to be determined using “objective” criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.²⁵⁴ Opinions, unconfirmed and unverified information,

²⁴³ DOM Detainee Services, Recreation, Section III.G.

²⁴⁴ DOM Detainee Services, Recreation, Section III.B.

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

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

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

²⁴⁸ Observation of delegation member [REDACTED] b6 notes of delegation member [REDACTED] b6 on conversation with Sergeant [REDACTED] b6, b7C

²⁴⁹ Observation of delegation member [REDACTED]

²⁵⁰ Observation of delegation member [REDACTED] b6

²⁵¹ Observation of delegation member [REDACTED]

²⁵² DOM Detainee Services, Detainee Classification System, Section I.

²⁵³ DOM Detainee Services, Detainee Classification System, Section III.F.

²⁵⁴ DOM Detainee Services, Detainee Classification System, Section III.D.

and physical characteristics and appearance are not to be taken into account.²⁵⁵ Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees,²⁵⁶ and Level 1 (lowest risk) detainees may not be housed with Level 3 (highest risk) detainees.²⁵⁷

All facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.²⁵⁸ 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.²⁵⁹

LPTF does not meet this section of the Standards: non-violent ICE detainees are sometimes housed with violent county inmates and the criteria for classification are not clear. All inmates at LPTF are classified upon arrival at the facility, and colored wristbands are used to indicate an inmate's classification.²⁶⁰ The Handbook describes the elements included in a classification determination, but it does not explain the color-based classifications or the ramifications of being placed in any specific group.²⁶¹ The Handbook addresses an appeal of classification, saying it can be done by request, once every thirty days.²⁶²

Sergeant [REDACTED] explained that LPTF divides inmates and detainees into categories according to various colored wristbands: white, yellow, red, orange, and blue.²⁶³ White wristbands are issued to the general population.²⁶⁴ Yellow wristbands are issued to high-profile inmates, for instance those who have had a lot of media attention.²⁶⁵ Orange wristbands are issued to inmates with a history of assaultive or combative behavior.²⁶⁶ Red wristbands are issued to the inmates who pose the highest security risk.²⁶⁷ Inmates in protective custody are issued blue wristbands; protective custody extends to sex crime offenders, "snitches," and

²⁵⁵ DOM Detainee Services, Detainee Classification System, Section III.D.

²⁵⁶ DOM Detainee Services, Detainee Classification System, Section III.F.

²⁵⁷ DOM Detainee Services, Detainee Classification System, Section III.E.

²⁵⁸ DOM Detainee Services, Detainee Classification System, Sections III.G & H.

²⁵⁹ DOM Detainee Services, Detainee Classification System, Section III.I.

²⁶⁰ Notes of delegation member [REDACTED], on conversations with Sergeant [REDACTED] and Lieutenant [REDACTED].

²⁶¹ Handbook, "Classification."

²⁶² Handbook, "Classification."

²⁶³ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED]. Under PBNDS, detainees are to be assigned colored wristbands as follows: Dark Red to Level 3 (Highest Security) detainees; Bright Orange for Level 2 (Medium Security) detainees; and Dark Blue for Level 1 (Lowest Security) detainees (Classification System, V.C.).

²⁶⁴ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

²⁶⁵ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

²⁶⁶ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

²⁶⁷ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

transgender or alternative lifestyle inmates.²⁶⁸ There does not appear to be segregation among protective custody inmates (e.g., to separate sex crime offenders from transgender inmates), but blue wristband inmates are housed separately and do not mix with other classifications of inmates.²⁶⁹

Though the specific rules were unclear, some of the more violent offenders are kept in separate housing unit or “D Pod” and not intermixed with the general population.²⁷⁰ However, county inmates and federal detainees are generally not segregated from one another.²⁷¹ Several detainees noted that the intermixing of county inmates with federal detainees was a serious problem because many detainees do not have a history of violence, while many of the inmates are violent criminals and/or gang members.²⁷² At least one detainee stated that the mingling of the two groups caused fights, and that phones were difficult to use because county inmates often monopolized phone access.²⁷³ Two detainees found that being housed with county inmates was intimidating and frightening, as drug and gang problems exist.²⁷⁴ In addition, detainees reported the need for constant vigilance regarding the “gang rule” that governs where detainees can sit and what is shown on TV, as well as fear of retaliation from gang members if the detainee files a formal complaint.²⁷⁵ Three weeks before our visit, a gang fight occurred and one of the detainees was cut with a razor blade.²⁷⁶

One detainee described a time when he was given a red band and housed with violent inmates; he had been regularly complaining about the diabetic meals he was erroneously receiving, and in a protest, threw his food tray on the ground.²⁷⁷ On another occasion, the same detainee stated that he was accused of having a handcuff key in his possession, and was assigned a red band and housed with violent county inmates.²⁷⁸ The use of reclassification as a retaliatory action was cited as a concern; one detainee stated that there is a pervasive and often unspoken understanding that complaints by detainees will be met with a changed inmate classification—

²⁶⁸ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

²⁶⁹ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED].

²⁷⁰ Observations of delegation member [REDACTED], on conversation with [REDACTED].

²⁷¹ Observations of delegation member [REDACTED].

²⁷² Notes of delegation member [REDACTED], on conversations with detainees [REDACTED] and [REDACTED]; notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

²⁷³ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

²⁷⁴ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]; notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

²⁷⁵ Notes of delegation member [REDACTED], on conversations with detainees [REDACTED] and [REDACTED].

²⁷⁶ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

²⁷⁷ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

²⁷⁸ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

namely, that the staff will classify a complaining detainee with a “red band” and move him to D Pod with the gang members and other violent inmates.²⁷⁹

G. Detainee Grievance Procedures

The Standards require that every facility develop and implement standard procedures for handling formal and informal detainee grievances.²⁸⁰ Translating assistance for both formal and informal grievances must be provided upon request.²⁸¹ The Standards also require that each facility establish a reasonable time limit for: (1) “processing, investigating, and responding to grievances;” (2) “convening a grievance committee to review formal complaints;” and (3) “providing written responses to detainees who filed formal grievances, including the basis for the decision.”²⁸² All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.²⁸³ The detainee handbook must provide notice of the opportunity to file informal and formal grievances, the procedures for filing a grievance and appeal, the right to have the grievance referred to higher levels if the detainee is not satisfied, and the policy prohibiting staff from harassing, disciplining, punishing, or otherwise retaliating against any detainee for filing a grievance.²⁸⁴

LPTF partially meets this section of the Standards: however, no notice is given to detainees in the Handbook regarding a grievance appeals process, and detainees expressed serious concerns about the use of retaliatory discipline for filing a complaint. The Handbook states that any inmate may submit a formal, written grievance, but that inmates are encouraged to communicate verbally with staff to resolve grievance issues before submitting a written complaint.²⁸⁵ “Written grievances will be answered as soon as practical, not to exceed 10 days from the date of receipt (unless accompanied by written justification for the delay).”²⁸⁶ The Handbook states that there will be no staff retaliation for filing a grievance but provides no information about how specifically grievances are reviewed, responded to, or regarding the existence of an appeals process.²⁸⁷

One detainee indicated that he often files grievances without any difficulty but LPTF officers hardly ever respond.²⁸⁸ Another detainee indicated that six months ago he complained to the staff about housing conditions and was told they would look into it, but he has yet to

²⁷⁹ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]

²⁸⁰ DOM Detainee Services, Detainee Grievance Procedures, Sections I & III.A.

²⁸¹ DOM Detainee Services, Detainee Grievance Procedures, Sections III.A.1 & 2.

²⁸² DOM Detainee Services, Detainee Grievance Procedures, Section I.

²⁸³ DOM Detainee Services, Detainee Grievance Procedures, Sections I & III.C & D.

²⁸⁴ DOM Detainee Services, Detainee Grievance Procedures, Section III.G.

²⁸⁵ Handbook, “Inmate Grievance Process.” The PBNDS encourage facility staff to resolve a complaint at the lowest level possible (Grievance System, V.C.1.).

²⁸⁶ Handbook, “Inmate Grievance Process.”

²⁸⁷ Handbook, “Inmate Grievance Process.”

²⁸⁸ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]

receive a response.²⁸⁹ One detainee stated that LPTF officers have torn up grievance forms in front of him and threatened to send him to D Pod with the gang members if he continued to request grievance forms.²⁹⁰ LPTF officers described this detainee to us as a habitual complainer.²⁹¹ Another detainee confirmed this fear, stating that there is a general worry that if detainees say something about their concerns, they will be sent to Administrative Segregation.²⁹² Yet another detainee stated that he is afraid to file a grievance because of a fear that the Sheriff will tell the other inmates of the detainee's complaint, causing retaliatory conduct by other inmates.²⁹³

H. 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.”²⁹⁴ Each facility holding ICE detainees must have a detainee disciplinary system which has “progressive levels of reviews, appeals, procedures, and documentation procedures.”²⁹⁵ The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.²⁹⁶

The following sanctions may not be imposed: “corporal punishment; deviations from normal food services; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; or deprivation of physical exercise unless such activity creates an unsafe condition.”²⁹⁷ Detainees in disciplinary segregation may not be denied legal visitation, and ordinarily retain other visiting privileges as well.²⁹⁸ In addition, they will ordinarily have access to the law library, although access may be temporarily denied for violent or uncooperative detainees.²⁹⁹ Officers who witness a prohibited act must prepare and submit an incident report.³⁰⁰ The Standards provide that all incident reports filed by officers must be investigated within twenty-four hours of the incident.³⁰¹

²⁸⁹ Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C.

²⁹⁰ Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C.

²⁹¹ Notes of delegation member [REDACTED] b6, on conversation with Sergeant [REDACTED] b6, b7C.

²⁹² Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C.

²⁹³ Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C.

²⁹⁴ DOM Security and Control, Disciplinary Policy, Section I.

²⁹⁵ DOM Security and Control, Disciplinary Policy, Section III.A.1.

²⁹⁶ DOM Security and Control, Disciplinary Policy, Section III.A.1 & A.2.

²⁹⁷ DOM Security and Control, Disciplinary Policy, Section III.A.3.

²⁹⁸ DOM Security and Control, Special Management Unit (Disciplinary Segregation), Section III.D.17.

²⁹⁹ DOM Security and Control, Special Management Unit (Disciplinary Segregation), Section III.D.15.

³⁰⁰ DOM Security and Control, Disciplinary Policy, Section III.B.

³⁰¹ DOM Security and Control, Disciplinary Policy, Section III.B & C.

The detainee handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.³⁰² 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.³⁰³

LPTF substantially meets this section of the Standards; however, the Handbook does not inform detainees of their rights to be free from abuse and harassment. The Handbook describes the disciplinary process, prohibited acts and disciplinary severity scale for minor, serious, and major rule violations, and the procedure for appeals.³⁰⁴ However, it does not notify detainees of all their 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.³⁰⁵ The Handbook describes actions that result in a minor rule violation, a serious rule violation, or a major rule violation.³⁰⁶ For each type of violation, the Handbook provides the associated form of discipline.³⁰⁷ It also provides that an inmate can appeal a disciplinary decision by submitting an Inmate Request Form and explaining the reason for the appeal.³⁰⁸

I. 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.”³⁰⁹ 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.³¹⁰ Unannounced visits to the facility’s housing areas must be conducted on a regular basis—weekly at SPCs and CDFs.³¹¹ The purpose of such visits is to monitor housing conditions, interview detainees, review records, and answer questions for detainees who do not comprehend the immigration removal process.³¹² The Standards also require that detainees “have the opportunity to submit written questions, requests, or concerns to ICE staff,” which “shall be delivered to ICE staff by authorized personnel (not detainees)

³⁰² DOM Security and Control, Disciplinary Policy, Section III.L.

³⁰³ DOM Security and Control, Disciplinary Policy, Section III.A.5.

³⁰⁴ Handbook, “Inmate Discipline.”

³⁰⁵ Handbook, “Inmate Discipline.”

³⁰⁶ Handbook, “Rules and Disciplinary Penalties.”

³⁰⁷ Handbook, “Rules and Disciplinary Penalties.”

³⁰⁸ Handbook, “Discipline Appeal Process.”

³⁰⁹ DOM Detainee Services, Staff-Detainee Communication, Section I.

³¹⁰ DOM Detainee Services, Staff-Detainee Communication, Section III.A.

³¹¹ DOM Detainee Services, Staff-Detainee Communication, Section III.A.1.

³¹² DOM Detainee Services, Staff-Detainee Communication, Section III.A.

without reading, altering, or delay.”³¹³ All facilities that house ICE detainees must have “written procedures to route detainee requests to the appropriate ICE official” and must assist detainees “who are disabled, illiterate, or know little or no English.”³¹⁴ The Standards suggest that detainee requests be forwarded to the appropriate ICE office within seventy-two hours and “answered as soon as possible or practicable, but not later than seventy-two hours from receiving the request.”³¹⁵

LPTF does not meet this section of the Standards: there are no unscheduled ICE visits and the LPTF Handbook contains no information about direct communication with ICE staff. According to ICE personnel, an ICE representative visits the units housing federal detainees weekly to answer questions and address any grievances, requests, or concerns that detainees may have.³¹⁶ However, the Handbook does not provide that detainees can submit written questions, requests, or concerns to ICE staff, nor does it outline the procedures for doing so.³¹⁷ The ICE visitation schedule is posted in the recreation area of each unit.³¹⁸ An ICE representative is scheduled to visit LPTF every Wednesday except for holidays.³¹⁹ The ICE representative arrives at 9 a.m. to accept requests from detainees and visits the requesting detainees’ units starting at 10 a.m.³²⁰ According to ICE officials, detainees’ requests are usually addressed on the same day they are made.³²¹

One detainee confirmed that ICE visits once a week to meet with the federal detainees and discuss any problems the detainees might have.³²² The detainee stated that the ICE representative will only meet with detainees who have previously filed a request form.³²³ This detainee has wanted to discuss his problems with the ICE representative but is too scared to file a request form for fear of retaliation from the county inmates.³²⁴ The detainee did write a letter to b6, b7C the District Director of ICE, saying that he was concerned for his safety due to being housed with the county inmates.³²⁵ At the time of the delegation visit, two weeks had passed since he sent the letter, but he indicated that he had not yet received a response.³²⁶

³¹³ DOM Detainee Services, Staff-Detainee Communication, Section III.B.

³¹⁴ DOM Detainee Services, Staff-Detainee Communication, Section III.B.

³¹⁵ DOM Detainee Services, Staff-Detainee Communication, Section III.B.1.

³¹⁶ Notes of delegation member b6, on conversation with Supervisor b6, b7C

³¹⁷ Detainee Handbook; observations of delegation.

³¹⁸ Notes of delegation member [REDACTED], on conversation with Supervisor [REDACTED]

³¹⁹ Notes of delegation member [REDACTED], on conversation with Supervisor [REDACTED]

³²⁰ Notes of delegation member [REDACTED], on conversation with Supervisor b6, b7C

³²¹ Notes of delegation member [REDACTED], on conversation with Supervisor [REDACTED]

³²² Notes of delegation member b6, on conversation with detainee [REDACTED]

³²³ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]

³²⁴ Notes of delegation member [REDACTED], on conversation with detainee b6, b7C

³²⁵ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]

³²⁶ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]

J. Religious Practices

The Standards require that detainees of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths.³²⁷ 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.”³²⁸ Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.³²⁹ Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.³³⁰

LPTF does not fully meet this section of the Standards: religious dietary requests are denied when there is a medical dietary requirement. LPTF has two chaplains on staff, and volunteer chaplains regularly perform Sunday services in the Multipurpose Room.³³¹ However, one detainee stated that individuals in D Pod (which houses violent inmates) are denied access to church.³³² Another detainee with dietary restrictions—religious veganism and medical restrictions—indicated that LPTF no longer accommodates his veganism.³³³ The detainee said that for a while he was getting a diet that met both his medical and his religious restrictions, but recently LPTF stopped giving him a vegan diet, and told him that both restrictions could not be accommodated simultaneously.³³⁴ The Handbook states, “medical changes to your diet will remove you from religious diet eligibility.”³³⁵

K. Detainee Transfer

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.³³⁶ The Standards require ICE to notify a detainee’s legal representative of record that the detainee is being transferred.³³⁷ Indigent detainees will be permitted to make a single domestic telephone call at government expense upon arrival at their final destination; non-

³²⁷ DOM Detainee Services, Religious Practices, Section I.

³²⁸ DOM Detainee Services, Religious Practices, Section I.

³²⁹ DOM Detainee Services, Religious Practices, Section III.M.

³³⁰ DOM Detainee Services, Religious Practices, Section III.O.

³³¹ Notes of delegation member [REDACTED], on conversation with Sergeant [REDACTED]; notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

³³² Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

³³³ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

³³⁴ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

³³⁵ Handbook, “Inmate Meals.”

³³⁶ DOM Detainee Security and Control, Detainee Transfers, Section I.

³³⁷ DOM Detainee Security and Control, Detainee Transfers, Section III.A.

indigent detainees must have access to make telephone calls at their own expense.³³⁸ Records including the detainee’s Alien File (“A-file”) and health records (or transfer summary for IGSAAs) must accompany the detainee.³³⁹ Prior to transfer, medical personnel must provide the transporting officers with instructions and any applicable medications for the detainee’s care; medications must be turned over to an officer at the receiving field office.³⁴⁰ A detainee’s legal materials, cash, and small valuables shall always accompany the detainee to the receiving facility; larger items may be shipped.³⁴¹

LPTF substantially meets this section of the Standards: however, LPTF does not contact a detainee’s attorney upon transfer. Attorneys are not notified if their client is transferred from LPTF; they have to call the facility to determine if their client is still at LPTF or wait for their client to call from the new facility.³⁴² According to one detainee, he was permitted to make phone calls to family members, friends, and his attorney after he arrived at LPTF and was settled in housing.³⁴³ LPTF officers indicated that medications and medical records are transferred to the new facility at the time the detainee is transferred.³⁴⁴

One detainee informed us that upon his transfer to LPTF in September 2007, a large sack with clothes and other personal belongings sent to him by his wife never arrived.³⁴⁵ The detainee has attempted to track down his belongings with ICE officers in San Francisco, and has filed a claim for the value of the lost belongings, but thus far he has heard nothing regarding the status of his possessions.³⁴⁶

IV. CONCLUSION

LPTF meets the requirements of several of the ICE Detention Standards but fails to meet a number of others.

LPTF should ensure that the Handbook is translated into Spanish and other commonly spoken languages among detainees. The Handbook should be modified to include the following information required by the Standards: details about law library access and the procedure for requesting legal reference materials not maintained in the law library; information about the procedures governing the sending and receipt of special and regular correspondence as well as instructions for obtaining writing implements, paper, envelopes, and postage; a description of classification levels and restrictions applicable to each level, and information about detainees’

³³⁸ DOM Detainee Security and Control, Detainee Transfers, Sections III.G.

³³⁹ DOM Detainee Security and Control, Detainee Transfers, Sections III.D.1 & III.D.6.

³⁴⁰ DOM Detainee Security and Control, Detainee Transfers, Section III.D.D [sic].

³⁴¹ DOM Detainee Security and Control, Detainee Transfers, Sections III.E.

³⁴² Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED] b6, b7C

³⁴³ Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C

³⁴⁴ Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED] b6, b7C

³⁴⁵ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]

³⁴⁶ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED] b6, b7C

ability to submit written questions, concerns, and requests to ICE staff and the procedures for doing so. Finally, LPTF should modify the information contained in the Handbook regarding the reading and searching of mail to bring it into compliance with the Standards.

LPTF should not record or monitor legal phone calls (absent a court order). Because phone calls are regularly monitored, LPTF should provide detainees with the procedure for obtaining unmonitored call for legal purposes. Furthermore, LPTF should establish privacy safeguards for legal calls, such as providing partitions around the phones. LPTF should implement a system for delivering incoming phone messages to detainees in a timely manner. With respect to calls to free legal service providers, LPTF should update its list of pre-programmed free telephone options so that it is consistent with the ICE-provided list of free legal service providers. Finally, LPTF should ensure that it posts all the numbers on the ICE/DRO provided free legal service provider list.

Finally, although LPTF has made significant improvements with respect to the provision of legal materials and computer access, the facility should make the “Know Your Rights” video available to inmates.

Facility Name: **LERDO PRE-TRIAL FACILITY, Bakersfield, CA**

Date of Tour: September 25, 2008

Tour Participants: Attorneys from Latham & Watkins LLP, including [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

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

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

	ICE Standard*	Delegation Report	Source	ICE Response
1.	<p>Standard 17, Visitation III.H.1. The facility shall establish a visiting schedule based on the detainee population and the demand for visits. Visits shall be permitted during set hours on Saturdays, Sundays, and holidays. To the extent practicable, the facility shall accommodate the scheduling needs of visitors for whom weekends and holidays pose a hardship.</p>	<ul style="list-style-type: none"> ▪ Detainees are only permitted visits on one day per week; those with last names beginning with N-Z are only permitted to have visitors on Mondays. (p.7 ¶1) ▪ Detainee reports that requests for scheduling accommodations are not honored. (p.7 ¶2) 	<p>Detainee Handbook “Visiting”</p> <p>Detainee [REDACTED]</p>	
2.	<p>Standard 16, Telephone Access I. Facilities holding [ICE] detainees shall permit them to have reasonable and equitable access to telephones.</p> <p>III.D. The facility shall maintain detainee telephones in proper working order. Appropriate facility staff shall inspect the telephones regularly...promptly report out-of-order telephones to the repair service, and ensure that required repairs are completed quickly.</p>	<ul style="list-style-type: none"> ▪ There is no regular inspection policy for phones; detainees complain to officers when the phones do not work. (p.8 ¶2) ▪ Detainee reports that the phone system is not reliable and often disconnects calls. (p.8 ¶3) 	<p>Sergeant [REDACTED] Lieutenant [REDACTED]</p> <p>Detainee [REDACTED]</p>	
3.	<p>Standard 16, Telephone Access III.E. ...[T]he facility shall permit the detainee to make direct calls: 1. to the local immigration court and the Board of Immigration Appeals; ...3. to consular officials; 4. to legal service providers.... 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.</p> <p>III.B. As described in the “General Provisions” standard, the facility shall provide telephone access rules in writing to each detainee upon admittance, and also shall post these rules where detainees may easily see them.</p>	<ul style="list-style-type: none"> ▪ Detainees are not able to make free direct calls to most of the organization listed on the ICE/DRO approved legal service provider list. (p. 9 ¶2) ▪ A detainee stated that the telephone lists often fall off the wall or are removed by individuals housed in the units, and are not replaced until an outside group tours the facility. (p.9 ¶2). 	<p>Delegation observations</p> <p>Detainee [REDACTED]</p>	

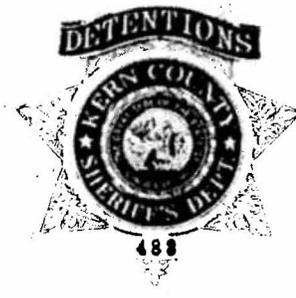
4.	Standard 16, Telephone Access III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible.	<ul style="list-style-type: none"> ▪ Detainees reported problems with receiving messages. (p.10 ¶3) 	Detainee [REDACTED] Detainee [REDACTED] [REDACTED] [REDACTED]	
5.	Standard 16, Telephone Access III.J. The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order.	<ul style="list-style-type: none"> ▪ Detainees are not able to make private telephone calls; there are no privacy safeguards or partitions between telephones. (p.10 ¶1) ▪ All calls are electronically monitored, with no mechanism for detainees to alert officers that the call is privileged communication, either to have the recording terminated or deleted. (p.10 ¶1) 	Delegation observations Sergeant [REDACTED]	
6.	Standard 1, Access to Legal Material III.Q. The detainee handbook or equivalent, shall provide detainees with the rules and procedures governing access to legal materials, including the following information: 1. that a law library is available for detainee use; 2. the scheduled hours of access to the law library; 3. the procedure for requesting access to the law library; 4. the procedure for requesting additional time in the law library (beyond the 5 hours per week minimum); 5. the procedure for requesting legal reference materials not maintained in the law library; and 6. the procedure for notifying a designated employee that library material is missing or damaged. These policies and procedures shall also be posted in the law library along with a list of the law library's holdings.	<ul style="list-style-type: none"> ▪ The Detainee Handbook does not include information on the following: that detainees are allowed at least five hours in the library per week, the procedure for requesting additional time in the library, information about scheduled hours, or the method for requesting additional legal materials. (p.16 ¶1) ▪ The rules and procedures for the library, and a list of the library's hard copy holdings are not posted in the library. (p.16 ¶1) 	Detainee Handbook, "Law Library" Delegation observations	
7.	Standard 9, Group Presentations on Legal Rights III.I. 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"> ▪ Detainees do not have an opportunity to view a videotaped legal rights presentation because the facility has a VHS copy of the presentation, but only has the equipment to show DVD presentations. (p.17 ¶1) 	Lieutenant [REDACTED]	

8.	<p>Standard 3, Correspondence and Other Mail</p> <p>III.B. The facility shall notify detainees of its policy in correspondence and other mail through the detainee handbook or equivalent ... [and] shall specify: 1. That a detainee may receive mail, ... and instructions on how envelopes should be addressed; ... 4. That [incoming] special correspondence may only be opened in the detainee’s presence, and may be inspected for contraband, but not read; ... 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... passports, birth certificates, etc., are contraband.... 8. How to obtain writing implements, paper, and envelopes; and 9. The procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage</p> <p>III.E. All facilities shall implement procedures for inspecting special correspondence for contraband. Any such inspection shall be in the presence of the detainee.</p>	<ul style="list-style-type: none"> ▪ The Detainee Handbook does not provide the following information: 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 identity documents, such as passports and birth certificates, are contraband and may be rejected by the facility; 3) instructions about “how to obtain writing implements, paper, and envelopes”; and 4) “the procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage.” (p.18 ¶4) ▪ The Detainee Handbook does not require that the detainee be present during the search of legal mail, although no reports of actual searches outside of detainees’ presence were reported. (p.19 ¶2) 	<p>Detainee Handbook, “Correspondence/Mail”</p> <p>Detainee Handbook, “Correspondence/Mail”</p>	
9.	<p>Standard 6, Detainee Handbook</p> <p>III.E. The handbook will be written in English and translated into Spanish and, if appropriate, into the next most-prevalent language(s) among the facility’s detainees.</p>	<ul style="list-style-type: none"> ▪ The Detainee Handbook is only available in English. (p.20 ¶2) 	<p>Lieutenant [REDACTED] and Sergeant [REDACTED]</p>	
10.	<p>Standard 5, Disciplinary Policy</p> <p>III.A.5. ...[T]he handbook shall advise detainees of the following: a. The right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment; b. The right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs; c. The right to pursue a grievance in accordance with written procedures (provided in the handbook).</p>	<ul style="list-style-type: none"> ▪ The Detainee Handbook does not advise 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 ¶3) 	<p>Detainee Handbook, Delegation observations</p>	

11.	<p>Standard 2, Medical Care</p> <p>III.A. Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care.</p> <p>III.E. Dental Treatment. An initial dental screening exam should be performed within 14 days of the detainee’s arrival.</p>	<ul style="list-style-type: none"> ▪ A detainee reported that he did not receive an initial dental screening exam, but rather a brief health questionnaire. (p.23 ¶2) ▪ A detainee stated that it took three months to obtain treatment for a sore tooth. (p.23 ¶2) 	<p>Detainee [REDACTED]</p> <p>Detainee [REDACTED]</p>	
12.	<p>Standard 13, Recreation</p> <p>III.B.1. If outdoor recreation is available at the facility, each detainee shall have access for at least one hour daily, at a reasonable time of day, five days a week, weather permitting.</p> <p>III.G.1. Exercise areas will offer a variety of fixed and movable equipment...</p>	<ul style="list-style-type: none"> ▪ LPTF detainees are on a rotational schedule for access to a single outdoor recreational area; each inmate is given three hours of outdoor recreation per week. (p.23 ¶1) ▪ The only exercise equipment available consists of a single basketball net, limiting detainee choices for cardiovascular exercise. (p.23 ¶2) 	<p>Lieutenant [REDACTED]</p> <p>Delegation observations</p>	
13.	<p>Standard 4, Detainee Classification System</p> <p>III.I. The detainee handbook’s section on classification will include... 1. [a]n 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.</p>	<ul style="list-style-type: none"> ▪ The Handbook describes the elements included in a classification determination, but it does not explain the color-based classifications or the ramifications of being placed in any specific group. (p.24 ¶3) 	<p>Detainee Handbook, “Classification”</p>	
14.	<p>Standard 5, Detainee Grievance Procedures</p> <p>III.G. Detainee Handbook. ... The grievance section of the detainee handbook will provide notice of the following: ...</p> <p>2. the procedures for filing a grievance and appeal ...</p> <p>III. D. Staff will not harass, discipline, punish, or otherwise retaliate against a detainee lodging a complaint. However, if an individual establishes a pattern of filing nuisance complaints or otherwise abusing the grievance system, staff may refuse to process subsequent complaints.</p>	<ul style="list-style-type: none"> ▪ The handbook does not provide information about the grievance appeals process. (p.26 ¶2) ▪ Detainees expressed fear of being placed in administrative segregation if they utilized the grievance procedure. (p.27 ¶1) ▪ Detainee complained that officers destroyed his grievance form and threatened to house him with gang members for complaining. (p.27 ¶1) 	<p>Detainee Handbook, “Inmate Grievance Process”</p> <p>Detainees [REDACTED] and [REDACTED]</p> <p>Detainee [REDACTED]</p>	

15.	<p>Standard 15, Staff-Detainee Communication.</p> <p>III.A.I. Policy and procedures shall be in place to ensure and document that ICE [officials] conduct regular unannounced (not scheduled) visits to the facility’s living and activity areas to encourage informal communication between staff and detainees and informally observe living and working conditions...</p> <p>III.B ... 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, including the availability of assistance in preparing the request.</p>	<ul style="list-style-type: none"> ▪ ICE officials do not conduct unscheduled visits to the facility. An ICE official visits the facility every Wednesday at 9 a.m. (p.29 ¶2) ▪ The handbook does not address procedures for communicating with ICE staff. (p.29 ¶2) 	<p>Supervisor [REDACTED]</p> <p>Detainee Handbook</p>	
16.	<p>Standard 14, Religious Practices</p> <p>I. Detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths.</p> <p>M. When a detainee’s religion requires special food services, either daily or during certain holy days or periods that involve fasting, restricted diets, etc., staff will make all reasonable efforts to accommodate them. This will require, among other things, modifying menus to exclude certain foods or food combinations, providing meals at unusual hours, etc.</p> <p>O. Detainees in the Special Management Unit (administrative, disciplinary, or protective custody) shall be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.</p>	<ul style="list-style-type: none"> ▪ A detainee stated that medical restrictions to his diet removed him from “religious diet eligibility,” this is LPTF policy according to the Detainee Handbook. (p.30 ¶2) 	<p>Detainee [REDACTED]; Detainee Handbook, “Inmate Meals”</p>	
17.	<p>Security and Control Standard 4, Detainee Transfers</p> <p>I. In deciding whether to transfer a detainee, ICE will take into consideration whether the detainee is represented before the immigration court.</p> <p>III.A.1. ICE shall notify the detainee’s representative of record that the detainee is being transferred</p>	<ul style="list-style-type: none"> ▪ The facility does not advise the detainees’ attorneys of their transfer. (p.31 ¶2) 	<p>Lieutenant [REDACTED]</p>	

KERN COUNTY SHERIFF'S OFFICE



LERDO PRE-TRIAL
FACILITY

**FEDERAL INMATE
ORIENTATION HAND BOOK**

The Lerdo Pretrial facility is located at 17695 Industrial Farm Rd, Bakersfield, Ca. 93308. The facility has seven pods which consist of general population, protective custody, administrative segregation and high-risk inmates. The facility has on-duty medical and psych staff, an infirmary, and legal library services.

SMOKING IS NOT PERMITTED AT THIS FACILITY.

ADMINISTRATIVE

BASIC DETAINEE RESPONSIBILITIES

1. FOLLOW & OBEY RULES, LAWS, POLICIES & PROCEDURES
2. OBEY ALL ORDERS GIVEN BY STAFF MEMBERS AND SECURITY PERSONNEL.
3. RESPECT STAFF AND OTHER INMATES AT ALL TIMES.
4. RESPECT GOVERNMENT PROPERTY AND THE PROPERTY OF OTHERS.
5. KEEP YOURSELF, YOUR CLOTHING AND YOUR LIVING AREA CLEAN AT ALL TIMES.
6. OBEY ALL SANITATION RULES, POLICIES AND PROCEDURES.

ICE DETAINEES ONLY:

1. RIGHT TO UNRESTRICTED, CONFIDENTIAL ACCESS TO THE COURTS BY CORRESPONDENCE.
You are responsible to present honestly and fairly your petitions, questions, and problems to the court.
2. RIGHT TO LEGAL COUNSEL OF YOUR CHOICE BY MEANS OF INTERVIEWS AND CORRESPONDENCE AT NO COST TO THE U.S. GOVERNMENT.
You are responsible to obtain the services of an attorney honestly and fairly.
3. RIGHT TO USE OF THE LAW LIBRARY REFERENCE MATERIALS AND TO RECEIVE HELP FROM LEGAL ASSISTANCE PROGRAM.
You are responsible to use these resources and respect the rights of others in use of the materials.
4. RIGHT TO ADMINISTRATIVE HEARING BEFORE AN IMMIGRATION JUDGE TO DETERMINE YOUR STATUS.
You are responsible to seek and provide evidence for your defense.
5. IF YOU ARE NOT AN EXCLUSION CASE AND ARE

ELIGIBLE, YOU HAVE THE RIGHT TO BE RELEASED ON BOND UNTIL YOUR SCHEDULED HEARING.

You are responsible to seek methods of payment for your bond.

6. RIGHT TO APPLY FOR POLITICAL ASYLUM IF YOU BELIEVE THAT YOU WILL BE PERSECUTED BECAUSE OF RACE, RELIGION, NATIONALITY, MEMBERSHIP IN A SOCIAL GROUP OR POLITICAL OPINION.

You are responsible to prepare and submit proper forms accurately.

7. RIGHT TO REQUEST VOLUNTARY DEPARTURE, IF STATUTORILY ELIGIBLE, PRIOR TO A HEARING, BUT IF YOU REQUEST VOLUNTARY DEPARTURE YOU WAIVE THAT RIGHT TO A HEARING.

You are responsible to inform an ICE officer that you request voluntary departure.

Following instructions: You will listen to and obey any announcements, instructions, or orders.

Inmates may retain the following items in their cells: Commissary, (10) letters, (2) books, (2) periodicals and (1) newspaper. Inmates may also have legal mail, as long as it doesn't create a fire hazard. No items are to be hung on the cell walls, windows or beds. Pictures are prohibited.

INMATE CLOTHING / BEDDING ISSUE

All newly arriving prisoners that are to be housed at Lerdo Pre-Trial, except those on suicide watch, will be issued the following items of clothing and bedding:

- two (2) pants
- two (2) shirts
- two (2) boxers (male) or panties (female)
- one (1) bra (female)
- two socks (2-pairs)
- one (1) pair of shoes
- one (1) pair shower shoes
- one (1) towel
- two (2) sheets
- one (1) blanket

You will not be allowed to keep any personal property except legal paperwork. (If you have money, it will be added to your inmate trust fund account.)

RELEASE OF INFORMATION

Sheriff's Office personnel will cooperate with the news media, public or other governmental agencies, but will release authorized information only. Information about movement of inmates or facility security procedures will not be released.

Upon request, personnel may release the inmate's:

- Name and booking number
- Charges and bail amount (if bail is set)
- Arresting agency
- Date and time of arrest and booking
- Court date and/or scheduled release date
- Sentence

If the inmate is not currently in custody, staff may release the person's:

- Name
- Date of release (only with booking number)
- Method of release (Bail, citation, etc.)

All other requests for information regarding individual inmates will be referred to the Kern County Sheriff's Office Arrest Records Section.

REQUESTS FOR INFORMATION

Any questions regarding the jail or services available should be in writing on an Inmate Request Form provided by jail staff. Once completed, return the request slip to the floor officer. Answers to the questions will be made as soon as practical. Allow enough time for a response before you submit another request for the same information.

INMATE COUNT

You will be instructed when and where to line up for count. Count is conducted at lockdown (10:00pm), at shift change in the morning and in the evening, and at each meal pass. Inmates must follow the directions of the pod officer. During count, no movement or talking is

permitted. Disruptions during counts may result in lockdowns being initiated.

VISITING

Visiting regulations will be posted in a place accessible to the inmates and to the public. **Anyone not following these regulations may lose their visitation privileges.** All visitors shall register at the reception counter, with valid identification. Valid I.D. may be a government issued driver's license or identification card, military issued I.D. card or a valid passport. Visitors must be appropriately dressed (no tube tops, tank tops, midriff and/or low cut blouses, or short shorts or mini skirts, and must wear shoes). No cell phones, cameras, purses, pictures, or paperwork are allowed. Babies are allowed to have one diaper, blanket, and a bottle. Small children must be supervised at all times.

Inmates are allowed (2) thirty minute visits per week. Visiting hours are:

Saturday and Sunday: 8:00 AM to 2:00 PM

Monday's: 11:00 AM to 2:00 PM &
6:00 PM to 9:00 PM

The visiting week will begin on Sunday and will end on Saturday.

Inmates with the last name beginning with "A" through "F" will visit on Saturdays.

Inmates with the last name beginning with "G" through "M" will visit on Sundays.

Inmates with the last name beginning with "N" through "Z" will visit on Mondays.

MARRIAGE REQUESTS

Detainees that are interested in getting married must submit their request to the Federal Liaison Sergeant. Requests need to be submitted on an Inmate Request Slip. Marriage requests will be reviewed on a case-by-case basis.

CORRESPONDENCE / MAIL

Mail may be read for security purposes. All outgoing mail must have the inmates return address, including housing location and booking number. Incoming mail must have the sender's return address. Unacceptable items sent in the mail will be returned to the sender. These items include personal checks, stamps, blank paper, food items, photos or copies of photos, musical greeting cards, books or magazines not sent from the publisher, or any item deemed to be a health or security risk.

Inmates are allowed to send or receive an unlimited amount of mail to or from any person, including other inmates of the Kern County Sheriff's Office. All mail will be searched for contraband. Pornographic materials, packages, pictures and gang related items are not allowed. Magazines (2), newspapers (1) or books (2) must be shipped directly from the publisher. Excess books, magazines, and newspapers will be removed from the housing area.

LEGAL MAIL

All inmates are entitled to send and receive legal mail. Legal mail is not read and it is searched in the presence of the inmate. If an inmate does not have money, they will be provided stationery and postage for any legitimate legal mailings.

BOOKS, NEWSPAPERS AND PERIODICALS

Inmates will be allowed access to books and periodicals from the library cart. Disciplinary isolation inmates will be denied library privileges. Books and periodicals may be accepted by the facility as donations from civic groups. Those books become the property of the Detention Bureau. Inflammatory literature that may incite misbehavior or criminal activity within the facility is unauthorized material and will not be allowed in the library. Library books and periodicals will be distributed every Saturday between 0700 and 1500hrs.

LAUNDRY

Clean clothing/bedding exchange is conducted once each week. All items may be exchanged at that time. It is a "one-for-one" exchange. If you are absent during laundry pass, (court, medical appointment, etc.) you may submit a request slip to your floor officer for clean laundry.

HAIR CARE

Inmates will be allowed to receive hair care services once a month, unless there is a specific court order to the contrary. Inmates may not give or receive hair cuts from each other. Hair care services will be conducted on Saturday and Sunday. All hair care equipment shared among inmates will be sterilized before and after each use. Disciplinary isolation inmates will not receive hair care services. Inmates confined to the Infirmary will be allowed hair care services with the approval of the medical staff. Disposable razors may be purchased from commissary for the maintenance of facial hair. Inmates may shave, prior to court, in their own cell.

ACCESS TO COUNSEL

Attorneys and their representatives shall have unlimited visitation. Every effort will be made to allow attorney visits at any time and in a timely manner. Denial of attorney visits will only occur when there are special circumstances that warrant the denial. Attorneys shall register the date and time of the visit with the visiting clerk. Visiting begins at 0530 hours.

RELIGIOUS OBSERVANCES

Religious services will be provided under the direction of the Bureau Chaplain, to meet the spiritual needs of inmates. The inmate's freedom of religion, both to participate or to abstain will be protected. If desired, inmates may make arrangements through the Bureau Chaplain for individual visits from the clergy of their choice. Chaplain services include assistance with personal problems and family troubles. Bibles and religious reading materials are available if you wish.

Services are conducted at the Lerdo Pre-Trial Facility for general population male inmates on Sunday mornings from 8:00-8:45 and 9:00-9:45. Female general population inmates are from 10:00-10:45. Inmates in administrative segregation or on disciplinary isolation will not be allowed to attend church.

ACCESS TO TELEPHONE

Inmates will be allowed access to telephones from approximately 0600 to 2200 hours each day, except during periods of lockdown, facility emergencies, and meals. The phones will be activated each morning after the morning meal cleanup is completed. There are two phones located in each unit. Be respectful of others by not tying up the phone lines when phone calls are in high demand. Disciplinary isolation inmates will not be allowed access to phones.

All phone calls made from the pod phones will be collect. No incoming call can be received on these phones. The Kern County Sheriff's Department assumes no responsibility for costs incurred by those persons who accepted collect calls from prisoners. If you have money on your books, debit phone cards may be purchased from commissary. All phone calls are recorded with the exception of legal phone calls. In case of an emergency, a request slip needs to be filled out and forwarded to the Federal Liaison Sergeant for review.

This inmate right may be suspended as a result of discipline. Inmates may also be prevented from using the phones during certain hours of the day such as in emergency incidents or when necessary to maintain security of the facility.

If the phones are damaged or destroyed, a substantial delay in the repair or replacement can be expected. Remember: Use of the telephone is a privilege. Failure to use common sense can result in the loss of that privilege.

ICE Detainees Only:

Consular phone numbers are posted on the wall next to the phones. Read the instructions and follow the prompts on the phone. Detainees will not be charged for these calls.

EXERCISE AND RECREATION

Inmates who are not under disciplinary isolation and who do not pose a security risk to the facility, staff, or other inmates, will be allowed a minimum of three hours of outdoor exercise and recreation each week, according to a facility schedule. Inmates housed in the infirmary, who have been medically cleared, will be allowed access to the exercise yard. Participation in outdoor exercise and recreation by inmates is voluntary.

LIVING CONDITIONS / SANITATION

You are required to keep your bed and immediate area neat and clean. The hanging of sheets, towels, blankets or clothing from clotheslines, overhead lights, vents or beds is not permitted, nor are you allowed to attach items to the cell walls.

Television and games are provided in each housing unit and are located in the dayroom. You have the option to read, write, draw, play games, watch T.V., shower, make phone calls, eat or sleep while in your housing unit.

INSPECTIONS OF PERSONS AND PROPERTY

You are subject to search upon admission into the facility when there is reasonable cause to believe you may have contraband concealed on your person. Routine unscheduled searches of the facility and the detainee's person and property will be conducted as deemed necessary.

REQUEST SLIPS

These are duplicate forms provided by the floor officer and are to be used when you have a question regarding security, laundry, classification, disciplinary appeals, to sign up for classes or when you have an issue to discuss with your agency.

DRESS CODE

Detainees are required to keep themselves clean at all times and are required to wear a shirt, pants and shoes while out of their cell. Altering jail clothing will not be tolerated. Hats and/or other head covers are not permitted. Pants will be worn at a point about the waist that prevents the crease of the buttocks from showing (despite the length of the shirt). Detainees will not walk about the facility with their hands in the waistbands of their pants, regardless of weather conditions.

INMATE DISCIPLINE

Failure to follow any rule of the Kern County Sheriff's Office while in custody may result in the administration of disciplinary action.

Un-sentenced inmates may have their disciplinary file forwarded to the sentencing court with a recommendation or a reduction in good time credits. A copy of the disciplinary file may also be forwarded to a State Prison or any county or city jail, upon **the Inmate's release from the Kern County jail system.**

FORMS OF DISCIPLINE

Any security staff member may initiate disciplinary action against an inmate for violation of facility rules. Disciplinary action will take one or a combination of the following forms, depending upon the severity of the misconduct and the inmate's past violations.

- Oral reprimand
- Loss of privileges
- Transfer to a higher level of security
- Loss of "good time" or "work time" credit
- Disciplinary isolation
- Disciplinary Diet

RULES AND DISCIPLINARY PENALTIES

Inmates committing a minor rule violation may be handled with informal discipline such as shutting

off the telephone, television or confining inmates to their cell. Inmate workers must obey all rules associated with their worker status. Facility rule violations and resultant penalties are categorized as:

Minor Rule Violation

Oral reprimand

Up to (4) days disciplinary isolation

Loss of up to (7) days "good time" credit *per* Minor Rule Violation.

Transfer to a higher level of security

Inmates are to keep their bedding and personal items arranged so that staff can clearly view the housing area.

Facility and personal items issued to inmates are to remain in the possession of the inmate.

Inmates are allowed to possess only issued types and authorized quantities of clothing and linen.

Inmates must behave in a dignified manner during visiting.

Misuse of telephone privileges is prohibited.

Unauthorized changing of television channels is prohibited.

Unauthorized communication between inmates is prohibited.

Commissary items will not be modified or altered in any way.

Inmates will be dressed accordingly when outside of their cell.

Inmates must address staff by title and last name.

When being moved inside the facility, inmates must proceed promptly as directed.

Inmates are to refrain from causing un-necessary noise at all times.

Inmates must keep their housing areas clean at all times.

Commission of a felony, misdemeanor, public offense or violation of a city or county ordinance could result in criminal prosecution.

Destruction, damaging, defacing or theft of county property will result in criminal prosecution

*SANCTIONS LISTED ABOVE ARE *PER* VIOLATION.

DISCIPLINARY HEARINGS

Inmate disciplinary hearings will be conducted in accordance with the guidelines established by the California Code of Regulations, Title 15, Detention Bureau Policies and Procedures and Lerdo Pre-Trial Policies and Procedures. Inmates who receive a write-up for a rule violation will be notified of the pending disciplinary hearing. They will have the opportunity, if they wish, to postpone the hearing for 24 hrs. in order to prepare a defense.

LIMITATIONS ON DISCIPLINE

All discipline will be as consistent as possible and will be in compliance with Title 15.

The violation and findings are forwarded to a Disciplinary Sanctioning Officer for assignment of a discipline penalty.

DISCIPLINE APPEAL PROCESS

If the inmate does not agree with the findings of the hearing officer or the discipline penalty, they may appeal the decision by submitting an Inmate Request Form. Inmates must check the appeal box and explain why they are appealing the write-up.

HEALTH CARE SERVICES

All inmates are entitled to receive medical, dental and reproductive services. Inmates may ask their housing officer for a Sick Call slip to be seen by medical staff. Exams will be done in the facility when possible. A private physician may, at any time practical, treat or examine any inmate in the custody of the Sheriff. It shall be the inmate's responsibility to pay all costs that arise out of treatment by a private physician Exams outside

the facility will be done only after prior approval of Facility Medical Staff. *DBPPM Section H*

CORRECTIONAL MENTAL HEALTH (CMH)

Psychiatric services are provided to inmates in the Kern County Jail System. CMH provides inmates with assessment, psychiatric evaluations and follow-up, crisis prevention, crisis counseling medication monitoring and court ordered psychiatric evaluations. Inmates may ask their housing officer for a Sick Call slip to be seen by Mental Health Staff. Hours of operation are from 7:00am to 5:00pm.

INMATE MEALS

Breakfast begins at 3:30 AM so that inmates may be processed for court. Lunch is served at approximately 9:00 AM and dinner is served at approximately 3:30 PM. No pork is served. Inmates must be up to be counted and to receive their meal. Inmates away from their housing unit during meals will receive a replacement meal upon their return. Questions regarding your diet should be addressed to the kitchen.

When you receive your food during chow pass, go directly to a table and sit down. If you are supposed to receive a special diet tray and you don't get it, tell the officer. If an inmate requires a special diet due to medical problems, it must be approved by medical staff.

If an inmate requires a special diet due to religious reasons, it must be cleared by the chaplain. Complaints and grievances regarding your religious diet should be addressed to the kitchen. If you see the doctor and request a change in your diet of any kind, you will be removed from the religious diet. Medical changes to your diet will remove you from religious diet eligibility.

Inmates are to keep themselves clean at all times.
Inmates are to keep their housing areas clean at all times.

Serious Rule Violations

Oral reprimand
Loss of privileges
Up to (6) days of disciplinary isolation
Transfer to a higher level of security
Loss of up to (12) days "good time" credit *per* Serious Rule Violation.

Inmates must immediately obey all orders from staff.

Inmates must identify themselves by full name and booking number when asked to do so.

Inmates will not argue with staff, this includes ancillary staff.

Inmates must keep their booking slip in their possession until they are placed in a housing unit. Inmates must wear their wristbands at all times.

Gambling of any type is not allowed.

Inmates are not allowed to smoke at any facility.

County documents are for official use only.

Inmates are allowed to possess only the type and quantities of items authorized by the Sheriff. All other items are deemed contraband and will be confiscated.

Inmates are to take all medications as directed by medical staff.

Sinks and toilets are to be used for their intended purposes.

Inmates must follow orders of escorting officers when outside the facility.

Lying will not be tolerated.

No activity or behavior associated with any criminal gang will be permitted.

Upon release, all county issued property must be returned to staff

Unauthorized area – inmates are not to enter any housing area not assigned to them.

Inmates must yield to officers.

Inmates are not to give or receive a tattoo or possess related paraphernalia.

Major Rule Violation

Oral Reprimand
Loss of privileges
Up to (30) days of disciplinary isolation
Transfer to a higher level of security
Loss of up to (45) days or all "good time" credit *per* Major Rule Violation
Loss of unearned work time
Disciplinary diet
Prosecution

Inmates are expected to get along with other inmates, fighting is not allowed.

Inmates must respect the ownership of other inmate's property.

Inmates are not to alter or possess any item capable of causing a safety or health hazard, to be used as a weapon or to defeat security devices.

Inmates must avoid placing themselves in situations which encourage sexual activity

Fires of any type are not allowed in the facility.

Inmates shall not tamper with any electrical or mechanical device.

Inmates are not to engage in any activity which may endanger staff or other inmates, jeopardize security, or interfere with the smooth operation of the facility.

If you are currently on a religious diet and you no longer desire to remain on that diet, you can contact the chaplain's office by submitting an Inmate Request Form. Once you are removed from the religious diet, your diet will be changed to the regular general population diet.

NOTE: *Once you request to be removed from a religious diet, you will not be permitted any further commissary.*

LAW LIBRARY

ICE inmates will be afforded reasonable access to the Law Library. Typewriters and/or computers are available for preparation of legal documents **ONLY**. The typewriter/computer is **not** to be used for personal correspondence. An Inmate Request Form, requesting to go to the Law Library, is required. U.S. Marshal and Bureau of Prisons inmates will be afforded access to Legal Research Associates. Up to five requests can be made per 60 days. You can request the form from the Housing Unit Floor Officer. Upon completion, all requests are to be given to the Housing Unit floor officers. *LPTPPM F-341*

COMMISSARY

The Lerdo Pre-Trial Facility will provide inmate commissary weekly through Keefe Commissary Services. Commissary Request Forms will be passed to the inmates the day before the scheduled distribution of commissary.

Inmates will be allowed to purchase only those items listed on the Commissary Request Form. Any items possessed by an inmate in excess of the limits indicated on the Commissary Request Form are considered contraband. Such excess items will be destroyed.

Indigent inmates will be supplied with welfare commissary. Keefe will determine if an inmate is eligible for welfare commissary. The indigent inmate will write "welfare" on the commissary request form when submitting a request for welfare commissary. Indigent inmates are those with \$3.00 or less in their inmate trust fund account. Disciplinary isolation inmates will not be allowed to

purchase commissary, however, they will be given a welfare commissary bag once each week.

Keefe will provide a schedule for commissary distribution. Schedules will be distributed and posted in the in the housing units of each pod.

POSSESSION OF EXCESSIVE COMMISSARY

Possession of a commissary item that is in excess of the limits indicated on the Commissary Request Form will be:

- Seized and destroyed
- Disciplinary action will be imposed against the inmate for possession of contraband.

INMATE GRIEVANCE PROCESS

Any inmate may submit a formal written grievance relating to any condition of confinement. Written grievances will be answered as soon as practical, not to exceed 10 days from the date of receipt (unless accompanied by written justification for the delay).

Inmates are encouraged to communicate with housing staff to resolve grievance issues informally prior to submitting a written grievance. If an inmate cannot obtain an informal resolution, he/she may utilize the formal, written grievance procedure. Facility Staff will accept all written grievances. There will be no staff retaliation for filing/pursuing a grievance.

If you have a question regarding the grievance process, contact the floor officer.

- Grievances involving Medical issues will be referred to the appropriate Medical authority.
- Grievances written on conditions occurring outside the inmate's normal housing facility will be forwarded to the appropriate authority where the grievance occurred.
- Supervisory Staff will act upon any grievance

ATTORNEY VISITS

If you have made an appointment with an attorney, legal representative or paralegal, it is your responsibility to cancel the appointment if you do not wish to keep it. We will not cancel appointments on your behalf.

TERMINAL ILLNESS/DEATH

If you would like special documents prepared in the event of a terminal illness/death, you may have a private attorney prepare the documents for you. It is your responsibility to locate an attorney that is specialized in this field. We will not contact or arrange visits on your behalf.

For further details, refer to the inmate orientation video.

FEDERAL INMATE ADDRESSES

Federal Bureau of Prisons (BOP)
Attn: Community Corrections Mgr.
501 "I" Street, Suite 9-400
Sacramento, CA 95814

U.S. Marshal Service
Eastern District (USM)
1130 "O" Street
U.S. Courthouse, Room 4210
Fresno, CA 93721

Immigration & Customs Enforcement (ICE)
(Bakersfield Office)
800 Truxtun Ave., Suite #109
Bakersfield, CA 93301

Immigration & Customs Enforcement (ICE)
(San Francisco Office)
630 Sansome Street
San Francisco, CA 94111

**Department of Homeland Security
Office of the Inspector General**
245 Murray Drive, SE
Building 410
Washington, DC 20538
(800) 323-8603

*****This handbook supersedes the
National Detainee Handbook*****

containing an allegation of staff misconduct.

- Inmates may submit a written appeal regarding the outcome of the grievance to the level of authority one step above the officer answering the grievance. Any inmate may submit an appeal to I.C.E. and forward it to the facility Federal liaison officer.

Staff retaliation for submitting a grievance is prohibited.

Inmates may submit a complaint about officer misconduct with the Department of Homeland Security by calling toll free 800-323-8603.

CONTRABAND

Items which are considered to be a detriment to the safe and orderly operation of the facility, are prohibited. Contraband items include, but are **not** limited to:

- a. Any dangerous drug, intoxicating liquor of any kind, deadly weapons, dangerous instruments, items used to create fires or explosives, or any other article that would endanger the preservation of order in the facility.
- b. Any item that could be used as an aide to escape.
- c. Any item which could be used to disguise or alter the appearance of an inmate/detainee.
- d. Any item altered from its original state or design.
- e. Any article of clothing or item for personal use or consumption which has not been cleared through medical staff or laundry.
- f. Any item used to conceal the light fixtures, vents, windows, faucets, etc.
- g. Any item used to display clothing or to "fish" for items from other inmates is prohibited.

CLASSIFICATION

All inmates are classified upon arrival. You will be classified and properly assigned to housing units and activities according to the following categories:

- Prior history
- Sex
- Criminal Sophistication
- Seriousness and type of crime charged
- Assaultive/non-assaultive behavior
- Gang affiliation
- Mental and medical status
- Other criteria that will provide for the safety of other inmates and staff and maintenance of facility security.

Administrative Segregation:

- Serious disruption in general population
- Inmates that require additional physical confines
- Security/High Risk
- Violent Behavior
- Medical Observation

Disciplinary Segregation:

- Have received a sanction by the Disciplinary Panel for prohibited acts

CLASSIFICATION APPEALS

Inmates may have their classification reviewed every thirty (30) days. In order to appeal your classification level, submit a request slip to "Classification." Be sure to mark the "Appeal" box followed by a written explanation for your appeal.

WORK PROGRAMS

There is not a voluntary work program, at this facility, for Federal inmates/detainees.

PERSONAL HYGIENE

You will be living in a unit with other individuals, so personal hygiene is essential. You are expected to bathe regularly and keep your hair clean. Soap, toothpaste, toothbrushes, combs and a razor will be issued to you through a "Fish Kit." All items can be ordered through Commissary.

NOTES: