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MEMORANDUM

August 23, 2005

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

From: Association Delegation to the Dodge County Detention Facility¹

Copies to: (b)(6) Associate Director, ABA Commission on Immigration

Subject: Observational Tour of the Dodge County Detention Facility, Juneau, Wisconsin

This memorandum summarizes and evaluates information gathered at the Dodge County Detention Facility (“DCDF” or “the Facility”) in Juneau, Wisconsin, during the delegation’s July 20, 2005 visit to the Facility. The information was gathered via observation of the Facility by the delegation, interviews with three detainees, and discussions with DCDF 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-eight standards contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies to grievance procedures and food service. These standards apply to ICE-operated detention centers and other facilities that house immigration detainees pursuant to a contract or intergovernmental service agreement (“IGSA”).

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

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

Office or Officer-in-Charge has discretion to promulgate policies and practices affording ICE detainees more enhanced rights and protections, beyond those provided for by the *Standards*.

II. INTRODUCTION

A. The Delegation’s July 20th Visit.

On Wednesday, July 20, 2005, the members of our delegation met with several members of DCDF’s staff and a representative from the ICE office in Juneau, Wisconsin. Supervisor (b)(6), (b)(7)c Officer (b)(6), (b)(7)c and ICE Deportation Officer/Jail Liaison Officer (b)(6), (b)(7)c (b)(6), (b)(7)c our dele r of the facilities. The delegation also met with o onnel along the tour. The delegation appreciates the cooperation of these individuals. They were direct and accommodating during our tour of the Facility and in response to post-tour requests for additional information.

Our report is based on the discussions we had with these DCDF and ICE employees, as well as observations of the Facility and interviews with three immigration detainees. In many instances, the detainees’ reports were compatible with statements made by Facility personnel and/or our observations. In such cases, the delegation was able to more accurately determine whether DCDF policy and procedures successfully implemented the *Standards*. However, in certain instances, the detainees’ reports conflicted with statements made by Facility personnel. Where we were unable to verify the conflicting reports, the delegation was unable to conclusively determine *Standards* implementation.

B. General Information About the Dodge County Detention Facility.

The Dodge County Detention Facility houses federal immigration detainees according to an intergovernmental service agreement (“IGSA”) with ICE. According to the DCDF personnel, the Facility has the capacity to hold over 400 individuals, with a current population of 400, which includes 64 work release inmates.³ 77 of the 400 inmates currently housed in DCDF are immigration detainees.⁴

DCDF houses mostly males. At the time of our visit the Facility personnel estimated that there were only one or two female immigration detainees housed there.⁵

Further, the Facility personnel said that the Facility housed immigration detainees from many different countries, but the majority were from Mexico, Russia, the Ukraine and Poland.⁶

It is unclear exactly how many of the immigration detainees housed at DCDF have criminal records, although it appears from our discussions with DCDF personnel that some have prior criminal records, while some do not.⁷

³ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c Location List of Inmates as of July 20, 2005 provided by

⁴ Notes of delegation member on conversation with Officer (b)(6), (b)(7)c

⁵ Notes of delegation member (b)(6) on conversation with Officer and Supervisor (b)(6), (b)(7)c (b)(6), (b)(7)c

⁶ Notes of delegation member on conversation with Officer and Supervisor

III. IMPLEMENTATION OF LEGAL ACCESS STANDARDS

A. Legal Access/Visitation.

1. Visitation by Attorneys

The *Standards* require facilities to permit legal visitation seven days per week.⁸ Attorneys should have access to their clients a minimum of eight hours per day during the week and four hours per day during the weekend and on holidays.⁹ The visits must be private and should not be interrupted for head counts.¹⁰ Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.¹¹ Detention centers are required to permit visits from attorneys, other legal representatives, legal assistants, and interpreters.¹²

DCDF has implemented most of this section of the *Standards*. Attorneys may visit the detainees seven days per week, and are also offered the option of telephone conferences with their clients.¹³ The attorney must initiate these phone calls, and DCDF staff does not monitor them.¹⁴ The Facility has videoconferencing equipment so that a detainee and his attorney may conduct court hearings without leaving the premises.¹⁵

The information given in the “DCDF Inmate Handbook and Jail Rules” (the “DCDF Inmate Handbook”) differs from the information that the Facility staff provided during the tour.¹⁶ According to the Handbook, attorney visits are not permitted during mealtime and lockdown.¹⁷ However, the Facility staff explained that attorney-client visits may take place at any time of day, regardless of what else is going on in the Facility.¹⁸ According to the staff, the kitchen will provide a regular meal to the detainee should an attorney visit continue through a meal.¹⁹ Last year’s ABA delegation report indicated that visits during mealtimes and headcounts were

⁷ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c and Supervisor (b)(6), (b)(7)c

⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

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

¹⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

¹¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

¹² Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

¹³ Dodge County D y Inmate Handbook and Jail Rule inmate Handbook”), p. 3; Notes of delegation member (b)(6) , on conversation with Supervisor (b)(6)

¹⁴ Notes of delegation member on conversation with Supervisor

¹⁵ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6)

¹⁶ It should be noted here that the DCDF Inmate Handbook is not specific to immigration detainees and therefore does not reflect any policies or procedures that the Facility may have implemented which are specific to detainees and different from those for the general inmate population.

¹⁷ DCDF Inmate Handbook, p. 3 and 16.

¹⁸ Notes of delegation member on conversation with Supervisor

¹⁹ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6)

discouraged by the staff,²⁰ but neither the staff nor any of the detainees interviewed said that this was the case.

Three detainees were interviewed about their experiences with attorney visitation. One said his attorney had visited him, and the other two said theirs had not.²¹ One of these two said that his attorney was a three hour drive away, and thus did not find it practical to visit him.²² The delegation believes the remote location of the facility is the biggest obstacle to legal visitation. None of the detainees interviewed said they had encountered any obstacles to such visitations from DCDF staff.

All of the pods have attorney visitation booths.²³ All visits are non-contact, unless special circumstances warrant a contact visit.²⁴ There is a Plexiglas divider between the detainee and the attorney.²⁵ Attorneys are not searched, and detainees are only subject to a pat down search after a legal visit.²⁶ Detainees and attorneys can pass paper back and forth to each other in the attorney visitation booths; however, a guard's assistance is required to unlock the divider between them each time paper is transferred.²⁷

Attorneys may call DCDF to determine whether their client is being housed at the Facility.²⁸ DCDF has the capability to search for detainees by name, although they are not permitted to disclose information beyond whether the detainee is at the Facility.²⁹

2. Visitation by Family and Friends

The *Standards* require facilities to establish written visitation hours and procedures and make these available to the public.³⁰ This includes procedures for handling incoming money for detainees.³¹ The visiting area is to be “appropriately furnished and . . . as comfortable and pleasant as practicable.”³² 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.³³ Visits should be at least 30 minutes and longer when possible.³⁴ If a

²⁰ 2004 Report, part III A. 1.

²¹ Notes of delegation members (b)(6)

²² Notes of delegation member (b)(6)

²³ Notes of delegation member

²⁴ Notes of delegation member on conversation with Supervisor

²⁵ Notes of delegation member (b)(6) (b)(6), (b)(7)c

²⁶ Notes of delegation member on conversation with Supervisor

²⁷ Notes of delegation member , on conversation with Supervisor (b)(6), (b)(7)c

²⁸ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

²⁹ Notes of delegation member on conversation with Supervisor

³⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III. A and B.

³¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

³² Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

³³ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

facility does not provide for visits from minors, then ICE should arrange for visits with children or stepchildren within the detainee's first 30 days at the facility, with continuing monthly visits.³⁵ Visits should be granted to detainees in both disciplinary and administrative segregation unless a detainee violates the visitation rules or threatens the security of the visitation room.³⁶

DCDF has implemented most of this section of the *Standards*. The visitation schedule is clearly posted at the entrance to the Facility,³⁷ is available over the phone,³⁸ and is posted on the DCDF website.³⁹ Visiting hours are seven days per week, from 9:00 a.m. until 11:00 a.m., and again from 6:00 p.m. until 8:00 p.m.⁴⁰ However, visitation days are allocated according to the first letter of each detainee's last name such that each detainee may receive visitors two days per week.⁴¹ The Inmate Handbook caps the number of visits to two per week, and one per day.⁴² The schedule ensures that each detainee may receive visitors either on Saturday or Sunday.⁴³ DCDF generally confines visits to these hours, but supervisors may adjust the schedule if a detainee's visitors face a particular hardship.⁴⁴ Visits are limited to 30 minutes for most prisoners, although the time can be extended by up to an hour depending on behavior.⁴⁵ All visits are non-contact.⁴⁶

Depending on the reason for segregation and a detainee's behavior, a detainee in segregation may receive visitors.⁴⁷

Although the *Standards* do not cap the number of visitors, DCDF requires each detainee to submit a list of 12 individuals in order to receive them as visitors.⁴⁸ The detainees may make periodic changes to their list.⁴⁹ Minors may be included on this list, and may visit if accompanied by an adult or if the minor is the spouse or child of the visitor.⁵⁰

³⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.

³⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5.

³⁷ Notes of delegation member

³⁸ Notes of delegation member (b)(6) on telephone call to (b)(6)

³⁹ <http://www.dodgecountysheriff.com/detention.cfm>.

⁴⁰ DCDF Inmate Visiting Schedule; DCDF Inmate Handbook, p. 16.

⁴¹ DCDF Inmate Visiting Schedule; DCDF Inmate Handbook, p. 16.

⁴² DCDF Inmate Handbook, p. 17.

⁴³ DCDF Inmate Visiting Schedule; DCDF Inmate Handbook, p. 16.

⁴⁴ DCDF Inmate Handbook, p. 17.

⁴⁵ DCDF Inmate Handbook, p. 17; Detention Operations Manual, Detainee Services, Standard 1, Section III.H.1.

⁴⁶ Notes of delegation member (b)(6) on conversation with Supervisor

⁴⁷ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

⁴⁸ DCDF Inmate Handbook, p. 17.

⁴⁹ DCDF Inmate Handbook, p. 17.

⁵⁰ DCDF Inmate Handbook, p. 17.

Visitors may leave money for a detainee’s commissary account or send money to the detainee through the mail.⁵¹ Both the detainee and the individual providing the money will receive a receipt for the deposit.⁵²

None of the detainees with whom we spoke reported receiving any visits from anyone other than their attorneys. One detainee complained that the visiting hours were too short and said he did not know anything about making special accommodations for family members who must travel a great distance.⁵³ He also complained that he was not able to receive one particular visitor because the Facility required that the detainee have detailed information about the visitor that the detainee did not possess. However, it was unclear what information was required.⁵⁴ The Inmate Visitor List Form requires visitor information including full name and address, city and state of birth, citizenship status, social security number, and driver’s license number.⁵⁵ The delegation is again concerned that the location of the facility may be an obstacle for potential visitors. The delegation is also concerned about the possibility that detailed information about a visitor is required and is impeding full implementation of the *Standards*. However, the delegation does not have sufficient information to make any conclusion regarding this issue.

B. Telephone Access.

1. General Requirements

The *Standards* require facilities to provide detainees with reasonable and equitable access to telephones during established facility waking hours.⁵⁶ In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees.⁵⁷

DCDF has implemented this portion of the *Standards*. Each housing unit has its own set of phones and the ratio is approximately one phone per 7 inmates.⁵⁸ There are currently 51 phones at DCDF and 12 phones in each housing unit.⁵⁹ The telephones are accessible during open dayroom periods depending on the detainee’s classification Phase ranking.⁶⁰ Open dayroom period exists daily at DCDF except for the following approximate times: 11:30 a.m. to

⁵¹ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

⁵² Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

⁵³ Notes of delegation member (b)(6) on conversation with (b)(6)

⁵⁴ Notes of delegation member (b)(6) on conversation with (b)(6)

⁵⁵ Dodge County Detention Facility, Inmate Visitor List Form (DCDF #664-0900).

⁵⁶ Detention Operations Manual, Detainee Services, Standard 16, Sections I and III.A.

⁵⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

⁵⁸ It is more difficult to compute phones per detainee than phones per inmate since the detainees are spread throughout the housing units at any given time. As of July 20, 2005, there were 77 ICE detainees o 400 inmates at s from delegation member John C. Ayres, on conversation with Supervisor (b)(6) and Supervisor (b)(6), (b)(7)c

⁵⁹ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

⁶⁰ DCDF Inmate Handbook, p. 16.

12 p.m., 1:50 p.m. to 2:30 p.m., 4:30 p.m. to 5 p.m., and 9:30 p.m. to 6:30 a.m.⁶¹ Detainee classification Phase rankings vary from 1 (most restrictive) to 3 (least restrictive) and depend on both past criminal history as well as how the detainee acts while in jail. Evaluations occur every 14 days and based on those evaluations, rankings can be adjusted.⁶²

Instructions regarding usage of the phones are posted next to the phones in both English and Spanish. Similarly, the phone numbers of local consulates are posted by each phone or bank of phones in the Facility.⁶³

2. Direct vs. Collect Calls

The *Standards* allow facilities to generally restrict calls to collect calls;⁶⁴ however, the facility must permit detainees to make direct calls to the local immigration court and the Board of Immigration Appeals, federal and local courts, consular officials, legal service providers, government offices, and to family members in case of emergency or when the detainee can otherwise demonstrate a compelling need.⁶⁵ The facility shall not require indigent detainees to pay for these types of calls if local, nor for non-local calls if there is a compelling need.⁶⁶ In addition, the facility must allow all detainees to make calls to the ICE list of free legal service providers and consulates at no charge to the detainee or the receiving party.⁶⁷

DCDF has not fully implemented this section of the *Standards*. DCDF restricts phone calls to collect calls and calls to consular offices (see below).⁶⁸ The detainees are allowed to buy phone cards,⁶⁹ but all calls are limited to 15 minutes in duration and cost a minimum of \$3.95 (maximum of \$4.99) to connect plus anywhere from \$0.10 to \$.89 per minute per call.⁷⁰ The collect calls are similarly expensive.⁷¹ This limit places severe restrictions on the detainees' ability to make calls to family, attorneys, legal organizations and immigration advocacy organizations.

The only instance in which a detainee can make a free direct call is to consular officials. There is a pro bono direct line, reached by dialing 920-555-1234, that connects through ICE and

⁶¹ Notes of delegation member on conversation with Officer (b)(6), (b)(7)c

⁶² Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

⁶³ Notes of delegation member on observation of phone banks in housing units.

⁶⁴ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶⁸ DCDF Inmate Handbook, p. 16.

⁶⁹ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

⁷⁰ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6) and PIN card that is given to each inmate upon arrival at DCDF.

⁷¹ Pin card given to each inmate upon arrival at DCDF provides all of the collect, prepaid, and debit rates for Local, IntraLata, IntraState, Interstate, and International calls (a Detainee Pin card is attached as Exhibit A).

has different consulates on speed dial.⁷² The delegation was not able to test this direct line as it required an alien registration number.⁷³ The delegation is concerned that this practice may sharply curtail the detainee’s access to his or her legal rights and his or her ability to work on his or her own immigration case.

Also, during the interviews with the detainees it was reported that the telephone service provider, Inmate Calling Solutions (“ICS”), is very restrictive in what numbers can be called collect.⁷⁴ In many circumstances, the person or organization that is being called collect must first set up an account with ICS because ICS does not work with many other carriers.⁷⁵ The Midwest Immigrant and Human Rights Center (“MIHRC”), one of the legal service providers, cannot accept collect calls from the Facility.⁷⁶ Detainee (b)(6), (b)(7)c told the delegation of his experience having to write to his attorneys and wait for a response to come back, which negatively impacted his case.⁷⁷ The delegation is concerned that the detainees’ inability to call legal service providers, government offices, and courts makes access to the detainee’s legal rights very difficult.

3. Telephone Usage Restrictions

The *Standards* also require that the facility not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones.⁷⁸ If time limits are necessary, they shall be no shorter than 20 minutes.⁷⁹

All phone calls made by a detainee from a common area phone are automatically disconnected after 15 minutes.⁸⁰ This limitation does not appear to be for security purposes or to maintain orderly and fair access to the telephones. **Consequently, the unrestricted access to legal calls is not being met at DCDF.** Detainees are allowed to make as many calls as they

⁷² Notes of delegation member (b)(6), on conversation with Officer (b)(6), (b)(7)c

⁷³ Attorneys at various immigrant advocacy agencies have expressed concern about these pro bono direct lines, reiterating feedback from detainees stating that the pro bono direct lines often do not work and that the instructions one must follow to use the lines are very confusing, on conversation with (b)(6) Legal Assistance Foundation of Metropolitan Chicago, 312-341- (b)(2)Low

⁷⁴ Notes of delegation member (b)(6) on interview with (b)(6), (b)(7)c Alien Registration Number (b)(6), (b)(7)c s members (b)(6) n interview with detainee (b)(6), (b)(7)c Alien Registration Number: (b)(7)c

⁷⁵ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

⁷⁶ Notes of delegation member (b)(6) on conversation with detainee

⁷⁷ Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

⁷⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

⁷⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

⁸⁰ DCDF Inmate Handbook, p. 16.

would like during their open dayroom period if other inmates are not waiting to use the phone, assuming they can afford to pay for them or the recipient of the collect call will accept.⁸¹

4. Privacy for Telephone Calls on Legal Matters

In addition, the *Standards* require that the facility ensure privacy for detainees' telephone calls regarding legal matters.⁸² **DCDF has not fully implemented this portion of the *Standards*.** The phones where detainees make outgoing calls are all located in the public dayrooms with no privacy safeguards whatsoever. They are out in the open and there are no partitions. At the very least the phone conversations can be overheard by other detainees and inmates in the housing unit, as well as supervisors in the dayrooms. Also, all phone conversations made on the outgoing phones are recorded and monitored.⁸³

It should be noted, however, that there are opportunities at DCDF for detainees to have private phone calls with attorneys. These phone calls must be initiated by the attorney representing the detainee and normally need to be set up in advance.⁸⁴ The attorney teleconferences are held in the library of the unit where the detainee is housed and therefore some privacy is ensured.⁸⁵ These teleconference communications are not monitored or recorded, nor is there a durational limit.⁸⁶ Calls using the pro bono hotline to the different consulates are similarly not monitored or recorded.⁸⁷ Though these options conform more closely to the *Standards*, the detainees' inability to make private and direct calls to attorneys does not follow the *Standards*.

It should also be noted that DCDF provides notice of the monitoring and recording policy in a number of forms. The PIN card that is given to each inmate upon arrival at DCDF has one side detailing the calling rates and the other side states in both English and Spanish that all calls are subject to monitoring and recording.⁸⁸ The monitoring and recording policy is also posted in both English and Spanish next to all the phone banks in each housing unit.⁸⁹ Finally, the

⁸¹ DCDF I [redacted] book, pg. 16 and notes from delegation member [redacted] on conversation with Supervisor [redacted].

⁸² Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

⁸³ [redacted] of delegation member [redacted] on observation of the DCDF as well as conversation with Officer [redacted] according to Supervisor [redacted] certain calls are programmed to automatically not be monitored. He [redacted] at calls to MIHRC were [redacted] red (however, as noted earlier, MIHRC cannot accept these collect calls). Notes of delegation member [redacted], on conversation with Supervisor [redacted].

⁸⁴ Notes of delegation member [redacted] on conversation with Supervisor [redacted].

⁸⁵ Notes of delegation member [redacted] on conversation with Supervisor [redacted].

⁸⁶ Notes [redacted] on conversation with [redacted] and notes of delegation members [redacted] on interview with detainee [redacted].

⁸⁷ Notes of delegation member [redacted] on conversation with Officer [redacted].

⁸⁸ Pin card given to each inmate up [redacted] delegation member [redacted] on conversation with Officer [redacted].

⁸⁹ Notes of delegatio [redacted] on observation of the DCDF and conversation with Officer [redacted] Supervisor [redacted].

monitoring and recording policy is provided in the Inmate Handbook and Jail Rules, and the Handbook and Jail Rules are written in both English and Spanish.⁹⁰

5. Incoming Calls and Messages

The *Standards* require that facilities take and deliver messages from attorneys and emergency incoming telephone calls to detainees as promptly as possible.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

DCDF has not fully implemented this portion of the *Standards*, as incoming phone calls, except for prearranged attorney calls, and messages are not accepted at DCDF.⁹³ Similarly, the procedure for emergency calls is to refer them to the Shift Commander on a case-by-case basis.⁹⁴ In practice, emergencies or urgent messages are passed on to inmates and appointments can be made by attorneys to speak with their detainee clients but otherwise, incoming calls and messages are not accepted.⁹⁵ One detainee interviewed indicated that DCDF did pass on family emergency messages.⁹⁶

6. Telephone Privileges in Special Management Unit

The *Standards* provide that detainees in the Special Management Unit (“SMU”) for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions.⁹⁷

DCDF has not fully implemented this portion of the *Standards*. Detainees at DCDF placed in the SMU for disciplinary reasons do not have access to the telephones except for legal use.⁹⁸ Legal use is categorized by DCDF as calls to an attorney or legal service provider, the consulate, or ICE.⁹⁹

⁹⁰ DCDF Inmate Handbook, p. 16.

⁹¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁹² Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁹³ DCDF Inmate Handbook, p. 16.

⁹⁴ DCDF Inmate Handbook, p. 16.

⁹⁵ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c
 Notes of delegation member (b)(6) on inter (b)(6), (b)(7)c
 indicate that DCDF is good sages.

⁹⁶ Notes of delegation member (b)(6) , on conversation with detainee (b)(6), (b)(7)c

⁹⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

⁹⁸ DCDF Inmate Handbook, p. 22.

⁹⁹ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

7. Telephone Maintenance

The *Standards* provide that facilities must maintain the telephones in proper working order and inspections of the phones shall occur regularly.¹⁰⁰

DCDF has implemented this portion of the *Standards*. All of the phones at DCDF are inspected once a month by a field engineer of their contracted service provider, ICS, and if a problem is reported by DCDF to ICS, the field engineer comes out that day.¹⁰¹

C. Access to Legal Materials.

1. Access to the Library

The *Standards* require that facility law libraries have flexible hours that allow detainees to access legal materials regularly regardless of housing or classification.¹⁰² Each detainee should be able to use the law library for at least five hours a week.¹⁰³ Furthermore, detainees should not have to choose between recreation time and using the law library.¹⁰⁴

DCDF has implemented most of this section of the *Standards*. To use the law library, detainees must submit an inmate request form to a Pod Officer.¹⁰⁵ Each of the five pods, or housing units, has its own law library.¹⁰⁶ The library is open for several hours each day, and no limits are placed on detainee computer usage unless others are waiting to use it.¹⁰⁷ Detainees do not have access to the law library while in disciplinary segregation unless they can show a need to use it, but the de specific statute number, and DCDF will provide a copy.¹⁰⁸ Detainee (b)(6), (b)(7)c indicated that he did not have to choose between library usage and recreati

2. Library Conditions

The *Standards* indicate that the law library should be large enough to provide reasonable access to all detainees who use it with sufficient space to “facilitate detainees’ legal research and

¹⁰⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.D.

¹⁰¹ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

¹⁰² Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

¹⁰³ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

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

¹⁰⁵ DCDF Inmate Handbook, p. 19.

¹⁰⁶ Notes of delegation membe

¹⁰⁷ Notes of delegation membe (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

¹⁰⁸ DCDF Inmate Handbook, p. 19.

¹⁰⁹ Notes of delegation member (b)(6) on conversation with detainee (b)(6)

writing.”¹¹⁰ The library should “contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.”¹¹¹

DCDF has implemented this section of the *Standards*. Each pod has a library segregated from noisy areas.¹¹² Each library has two tables, several chairs, and a computer desk.¹¹³ Adequate lighting is provided.¹¹⁴

3. Library Supplies and Materials Identified in the *Detention Standards*

The *Standards* require that the law library provide “an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.”¹¹⁵ The law library should also offer the materials listed in Attachment A to the chapter on Access to Legal Materials.¹¹⁶ The facility should post a list of its holdings.¹¹⁷

DCDF has not fully implemented this section of the *Standards*. Each pod’s law library has only one computer and no typewriter.¹¹⁸ Detainees must bring their own paper and pencils to the library, although a printer is available to print computer documents.¹¹⁹ Detainees are provided paper and pens on a regular basis and can request additional pens and paper when needed.¹²⁰ DCDF provides access to materials primarily through computer CD-ROMs provided by LexisNexis and Loislaw.¹²¹ A cart of some print legal materials is available, but only one such cart is available for the entire Facility, and it primarily contains Wisconsin case law in English only.¹²² The limited number of computers available to the detainees and inmates was a major concern for the delegation, because there are very few books so the computers are the detainees' only means of conducting legal research.

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

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

¹¹² Notes of delegation member

¹¹³ Notes of delegation member (b)(6)

¹¹⁴ Notes of delegation member

¹¹⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

¹¹⁶ Detention Operations Manual, Detainee Services, Standard 1, Attachment A.

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

¹¹⁸ Notes of delegation membe (b)(6)

¹¹⁹ Notes of delegation membe (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

¹²⁰ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

¹²¹ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

¹²² Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

The delegation was not permitted to access the computers to check the availability of the materials listed in the *Standards*, nor did the delegation view the cart of books.¹²³ Officer (b)(6), (b)(7)c indicated that acquiring all listed materials would be too costly.¹²⁴ Since most legal materials are available only on computers, the inmate to tutor others in using the computer programs available.¹²⁵ Detainee (b)(6), (b)(7)c stated that he had no real ability to do legal research because he is not a lawyer, and he was unaware that a tutor was available for assistance (please see below regarding assistance from other detainees).¹²⁶

4. Requests for Additional Legal Material

The *Standards* require that detainees who need legal material not available at the facility may make a written request for the material, and the facility shall inform the ICE contact person of the request to answer in a timely manner.¹²⁷

DCDF has implemented this section of the *Standards*. Detainee requests for additional materials are forwarded to ICE and granted if approved.¹²⁸

5. Assistance from Other Detainees

The *Standards* state that the facility “shall permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.”¹²⁹

DCDF has not fully implemented this section of the *Standards*. DCDF policy expressly prohibits conducting legal research for other detainees.¹³⁰ A tutor is provided to teach other detainees to use the computers, but the tutor may not conduct research for the detainee.¹³¹ Supervisor (b)(6), (b)(7)c indicated that tutors are available to assist detainees, Officer (b)(6), (b)(7)c stated that the facility does not want to create the problem of “jailhouse lawyer” by allowing detainees believing another detainee or inmate is representing them or that the other inmate or detainee can offer sound legal advice.¹³² The delegation was unable to determine if the

¹²³ Officer (b)(6), (b)(7)c stated that he was waiting to hear if delegation members could use the facility computers from

¹²⁴ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

¹²⁵ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

¹²⁶ Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c
(b)(6), (b)(7)c

¹²⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.I.

¹²⁸ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

¹²⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

¹³⁰ (b)(6), (b)(7)c ; notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

¹³¹ DCDF Inmate Handbook, p. 19.

¹³² Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

detainees were given proper computer assistance and is concerned that those detainees who do not know how to use the computer will not be able to conduct any legal research.

6. Photocopies

The *Standards* suggest that detainees should be able to obtain photocopies of legal material when “reasonable and necessary for a legal proceeding involving the detainee.”¹³³ The detainee must be permitted to make enough copies to file with the court and retain a personal copy, and requests can be denied only for security reasons, violations of law, or if the request is excessive or abusive.¹³⁴

DCDF appears to have implemented this section of the *Standards*. According to the Inmate Handbook, inmates may make unlimited photocopies of legal, professional, and religious documents for five cents per page.¹³⁵

7. Personal Legal Materials

The *Standards* indicate that detainees should be permitted to retain all personal legal material unless it creates a safety, security, or sanitation hazard.¹³⁶

DCDF has implemented this section of the *Standards*. Detainees may keep unlimited amounts of legal documents and correspondence in the detainee’s personal possession.¹³⁷

8. Correspondence and Other Mail

The *Standards* require that the quantity of correspondence a detainee may send or receive at the detainee’s expense should not be limited.¹³⁸ The facility must notify detainees of correspondence policies upon admittance, including how to properly address outgoing and incoming mail.¹³⁹ General correspondence may be opened and inspected in the detainee’s presence or outside of the detainee’s presence for security reasons.¹⁴⁰ Special correspondence, which includes legal mail, may only be opened in the detainee’s presence but may not be read.¹⁴¹

¹³³ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹³⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹³⁵ DCDF Inmate Handbook, p. 19.

¹³⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

¹³⁷ Notes of delegation member (b)(6), on conversation with Supervisor (b)(6), (b)(7)c

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

¹³⁹ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁴⁰ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁴¹ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

Detainees must receive notice of how to obtain postage stamps.¹⁴² Indigent detainees must be able to mail at least five pieces of special correspondence and three pieces of general correspondence each week at government expense.¹⁴³ Furthermore, the facility “shall provide writing paper, writing implements and envelopes at no cost” to all detainees.¹⁴⁴ Incoming correspondence should be distributed to detainees within 24 hours of receipt, and outgoing correspondence should be given to the postal service the day after the detainee places it in the mail, except on weekends and holidays.¹⁴⁵

DCDF has only partially implemented this section of the Standards. While detainees are informed how to address general mail, the Facility does not provide detainees with information regarding how attorneys must label special correspondence to ensure that staff does not open it outside the detainee’s presence.¹⁴⁶ The delegation believes the Facility should be giving detainees instructions on how attorneys should label correspondence to ensure legal mail is not opened outside of the detainee’s presence.

Other *Standards* regarding correspondence are met. The Facility permits unlimited incoming and outgoing mail at the detainee’s own expense.¹⁴⁷ Special correspondence is opened in front of the detainee and is not read, and other incoming mail is opened and inspected but not read in a separate room to ensure its safety.¹⁴⁸ Mail is routinely distributed the day the Facility receives it, and outgoing mail submitted for delivery by early afternoon is sent out the same day.¹⁴⁹

Indigent inmates are permitted to use an indigent commissary order form to request writing materials and stamps.¹⁵⁰ A detainee is deemed indigent if there is no money in the detainee’s commissary account at the time of delivery of the order form or prior to sending out the letter.¹⁵¹ Indigent detainees are permitted to send out five ICE indigent legal envelopes and three ICE indigent personal envelopes each week and to receive one pad of paper every three weeks without cost. Detainee (b)(6), (b)(7)c y two weeks and was aware of the procedure for indigent detainees to procure (b)(6), (b)(7)c nd send mail without cost, and he stated that the Facility had even sent letters overseas for him.¹⁵²

¹⁴² Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁴³ Detention Operations Manual, Detainee Services, Standard 3, Section III.I.

¹⁴⁴ Detention Operations Manual, Detainee Services, Standard 3, Section III.J.

¹⁴⁵ Detention Operations Manual, Detainee Services, Standard 3, Section III.C.

¹⁴⁶ DCDF Inmate Handbook, p. 11-12; Postcard Stating Rules Regarding Phone Calls and Correspondence

¹⁴⁷ Notes of delegation member on conversation with Supervisor

¹⁴⁸ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

¹⁴⁹ Notes of delegation member on conversation with Supervisor

¹⁵⁰ DCDF Inmate Handbook, p. 5.

¹⁵¹ ICE Indigent Commissary Order Form.

¹⁵² Notes of delegation memb (b)(6) on conversation with detainee (b)(6), (b)(7)c

D. Group Rights Presentations.

The *Standards* provide that facilities holding ICE detainees, through Intergovernmental Service Agreements, “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.”¹⁵³ Attorneys and legal representatives (including paralegals and legal assistants, with the proper supervision or written notice thereof) must submit written requests to ICE to conduct such presentations.¹⁵⁴ Presentations should be scheduled during normal legal visiting hours, excluding weekends and holidays.¹⁵⁵ At least forty-eight hours before a scheduled presentation, informational posters are to be prominently displayed in the housing units.¹⁵⁶ Presentations are open to all detainees, and alternative arrangements should be made if a detainee cannot attend for security or segregation reasons.¹⁵⁷ Additionally, the facility “may limit the number of detainees at a single session.”¹⁵⁸ The facility should select and provide an environment conducive to the presentation and allow at least one hour for a presentation and question and answer session.¹⁵⁹ Presenters may distribute ICE-approved materials.¹⁶⁰ Individual counseling should be permitted following a group presentation.¹⁶¹ Finally, the facility should provide regular opportunities for detainees to view ICS-approved videotaped presentations on legal rights.¹⁶²

DCDF has implemented this section of the *Standards*. According to DCDF personnel, requests to the OIC from attorneys to make group legal rights presentations would be forwarded to ICE and granted with few restrictions.¹⁶³ The Facility requires that attorneys show a photo ID and bar card upon entry.¹⁶⁴ Interpreters are allowed to attend if their names are submitted ahead of time, and legal assistants or paralegals are allowed on a case by case basis.¹⁶⁵ MIHRC schedules two presentations at the Facility each year.¹⁶⁶ Three days before each presentation, Facility staff goes to each housing unit and solicits attendees.¹⁶⁷ At this time, informational

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

¹⁵⁴ Detention Operations Manual, Detainee Services, Standard 9, Section III.A.

¹⁵⁵ Detention Operations Manual, Detainee Services, Standard 9, Section III.B.

¹⁵⁶ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁵⁷ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁵⁸ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁵⁹ Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹⁶⁰ Detention Operations Manual, Detainee Services, Standard 9, Section III.F.

¹⁶¹ Detention Operations Manual, Detainee Services, Standard 9, Section III.G.

¹⁶² Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹⁶³ Notes of delegation membe on conversation with Officer

¹⁶⁴ Notes of delegation membe on conversation with Officer

¹⁶⁵ Notes of delegation membe (b)(6) on conversation with Officer (b)(6), (b)(7)c

¹⁶⁶ Notes of delegation membe on conversation with Officer

¹⁶⁷ Notes of delegation membe on conversation with Officer

posters announcing the presentations are displayed in Spanish and English.¹⁶⁸ Presentations take place in DCDF’s classroom, which is well-lit and spacious, with enough seating to accommodate at least twenty detainees at one time.¹⁶⁹ At the presentations, MIHRC presenters are permitted to distribute ICE-approved materials.¹⁷⁰ Presenters are also permitted to meet with detainees in small groups to discuss their cases following group presentations, with ICE and Facility staff present.¹⁷¹ One detainee interviewed met his attorney at one such meeting.¹⁷² Presentations are open to all detainees, including those in segregation who may, for security reasons, have to attend in restraints or with officers present.¹⁷³ Enough sessions are held so that all detainees who want to attend a presentation are able to do so.¹⁷⁴

In addition, the Florence Project’s “Know Your Rights” video is played each weekend on every television in the Facility except in areas designated for medical segregation and suicide watch, where there are no televisions.¹⁷⁵ The video is announced on loudspeakers and airs during breakfast, with an English version of the video aired on Saturday morning and a Spanish version aired on Sunday morning.¹⁷⁶ One of the detainees interviewed confirmed that he has seen the video play at those times.¹⁷⁷ The delegation was pleased to learn that the Facility is supporting group rights presentations and believes that the facilities in place are sufficient for the presentations.

IV. OTHER PROVISIONS OF THE ICE DETENTION STANDARDS

A. Recreation

The *Standards* require that all detainees have access to recreation “under conditions of security and supervision that protect their safety and welfare.”¹⁷⁸ Detainees should be housed in facilities with outdoor recreation.¹⁷⁹ If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.¹⁸⁰ Detainees

¹⁶⁸ Notes of delegation membe on conversation with Officer

¹⁶⁹ Notes of delegation membe (b)(6) on observations of the DCDF (b)(6), (b)(7)c

¹⁷⁰ Notes of delegation membe (b)(6) on conversation with Officer

¹⁷¹ Notes of delegation membe on conversation with Officer

¹⁷² Notes of (b)(6) and from interview with (b)(6)

¹⁷³ Notes of delegation membe n conversation with Officer (b)(6), (b)(7)c

¹⁷⁴ Notes of delegation membe (b)(6) n conversation with Officer

¹⁷⁵ Notes of delegation membe n conversation with Supervisor (b)(6), (b)(7)c

¹⁷⁶ Notes of delegation membe n conversation with Officer (b)(6), (b)(7)c

¹⁷⁷ Notes o (b)(6) and (b)(6) from interview with (b)(6)

¹⁷⁸ Detention Operations Manual, Detainee Services, Standard 13, Section I.

¹⁷⁹ Detention Operations Manual, Detainee Services, Standard 13, Section III.A.

¹⁸⁰ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

should have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise, and games and television in dayrooms.¹⁸¹

DCDF has failed to implement this section of the *Standards*. DCDF has two types of indoor recreation rooms, a gym and a dayroom.¹⁸² Although there is a small outdoor recreation area, it is only available to those inmates or detainees who are part of the work program for 15 minutes a day.¹⁸³ There is no outdoor recreation facility for inmates and detainees who are not part of the work program and the gym does not have any exposure to natural sunlight.¹⁸⁴ In the gym facility, the detainees can jog, walk, and play handball.¹⁸⁵ A basketball hoop was previously available but was removed by the DCDF staff because too many inmates were injured while playing.¹⁸⁶ The gym equipment includes a pull-up bar and chairs which the detainees use as weights for weight lifting.¹⁸⁷ There are no guards in the gym area with the inmates but the area is monitored by guards through security cameras.¹⁸⁸ The amount of recreation time a detainee can spend in the gym depends on his or her Phase level and on how much time he or she wants to spend in the gym.¹⁸⁹ Inmates in disciplinary segregation do not have recreation time.¹⁹⁰ There is no equipment for muscular or cardiovascular exercise in the recreation areas.¹⁹¹ The delegation believes that some form of outdoor recreation should be created or that all detainees and inmates should be allowed into the small outdoor area for some period of time everyday.

The detainees also spend recreation time in the dayroom.¹⁹² The dayrooms are common rooms where the detainees can watch television, play board games on game top tables, and socialize with each other.¹⁹³ The detainees have access to sunlight in the dayrooms.¹⁹⁴

There is no outdoor recreation generally available to the detainees.¹⁹⁵ As mentioned above, there is a small outdoor break area for those inmates/detainees who are part of the work

¹⁸¹ Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

¹⁸² Notes of delegation member on conversation with Supervisor (b)(6), (b)(7)c

¹⁸³ Notes of delegation member on conversation with Officer

¹⁸⁴ Notes of delegation member on observation of the DCDF.

¹⁸⁵ Notes of delegation member on conversation with Officer

¹⁸⁶ Notes of delegation member on conversation with Officer (b)(6), (b)(7)c

¹⁸⁷ Notes of delegation member (b)(6) on conversation with Officer

¹⁸⁸ Notes of delegation member on conversation with Officer

¹⁸⁹ Notes of delegation member on conversation with Officer

¹⁹⁰ Notes of delegation member on conversation with Officer

¹⁹¹ delegation member on observations of the DCDF and conversation with Officer (b)(6), (b)(7)c

¹⁹² Notes of delegation member on conversation with Officer

¹⁹³ Notes of delegation member on conversation with Officer

¹⁹⁴ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

¹⁹⁵ Notes of delegation member on conversation with Officer

program but this area is not available to other detainees.¹⁹⁶ Those inmates/detainees who are part of the work program can spend 15 minutes a day in the outdoor labor break area on those days which he or she works.¹⁹⁷ ICE suggests that detainees be eligible for transfer after 180 days at a facility without outdoor recreation.¹⁹⁸ In accordance with this policy, DCDF notifies ICE after it has held a detainee for 165 days in order to allow the detainee to relocate if he so chooses.¹⁹⁹ Office (b)(6) indicated that a detainee transfer request based on a lack of outdoor recreation is usually allowed.²⁰⁰ Detainee (b)(6) indicated that the lack of outdoor recreation is the worst part of being held i

B. Access to Medical Care.

The *Standards* require that all detainees have access to medical services that promote detainee health and general well-being.²⁰² Each facility is suggested to have regularly scheduled times, known as sick call, when medical personnel are available to see detainees who have requested medical services.²⁰³ For a facility of over 200 detainees, a minimum of five days per week is suggested.²⁰⁴ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.²⁰⁵ With respect to emergency care, the *Standards* state that in a situation in which a detention officer is uncertain whether a detainee requires emergency medical care, the officer should immediately contact a health care provider or an on-duty supervisor.²⁰⁶ If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the Officer-in-Charge in writing.²⁰⁷

DCDF appears to have substantially implemented this portion of the *Standards*, but there may be cause for some concern. The Facility contracts with a company called Health Providers Limited (“HPL”), based in Illinois, to provide staffing and medical care 7 days a week. The service is on call 24 hours a day. The DCDF is not accredited itself, as they do not pay the

¹⁹⁶ Notes of delegation member (b)(6) on observations of the DCDF and conversation with Officer (b)(6), (b)(7)c

¹⁹⁷ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

¹⁹⁸ Detention Operations Manual, Detainee Services, Standard 13, Section III.C.

¹⁹⁹ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

²⁰⁰ Notes of delegation member (b)(6) on conversation with Officer

²⁰¹ Notes of delegation member (b)(6) on conversation with detainee (b)(6)

²⁰² Detention Operations Manual, Health Services, Standard 2, Section I.

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

²⁰⁴ Detention Operations Manual, Health Services, Standard 2, Section I.

²⁰⁵ Detention Operations Manual, Health Services, Standard 2, Section III.A, D. and G.

²⁰⁶ Detention Operations Manual, Health Services, Standard 2, Section III.H.

²⁰⁷ Detention Operations Manual, Health Services, Standard 2, Section III.J.

\$10,000 to maintain accreditation, but the staff feels they are close to meeting if not exceeding several of the requirements for accreditation.²⁰⁸

If there is a need for an outside medical visit, officials at DCDF first clear it with the staff doctor, and then HPL will contact area facilities or a facility they have in Madison or Kenosha to administer the appropriate treatment.²⁰⁹ The nearest hospital is approximately 8 miles away.²¹⁰ Two emergency rooms are within 15 miles.²¹¹ For mental health needs, the County Mental Health Association has psychiatrists on call.²¹²

All detainees at DCDF are screened for medical issues upon their initial processing.²¹³ Each detainee is questioned regarding prior health history, current health, medical history, suicide risk, mental health, drug and/or alcohol dependence, TB, dental health, and STD/communicable diseases.²¹⁴ If flags are raised the individual is referred to medical for attention. HIV is not routinely checked.²¹⁵ Those who are initially flagged as having some mental health issue, including suicidal tendencies, may be kept separately and monitored closely by the staff.²¹⁶

For non-English-speaking detainees, DCDF often uses other inmates to assist with medical screening and other medical issues, through what DCDF calls the Inmate Labor Interpreters program.²¹⁷ The Facility also has access to both a local phone service and the AT&T Language Line, to provide translation services. The delegation has some concerns over confidentiality when a translator is used, especially when it is an inmate. The DCDF officials explained that if a detainee allows a fellow detainee/inmate to translate, they have waived any confidentiality.²¹⁸ However, DCDF officials informed the delegation that the Inmate Labor Interpreters use other inmates only for basic questions, not during treatment.²¹⁹

The DCDF Inmate Handbook states that “[p]rescription/non-prescription medications will be distributed as ordered by the medical staff.”²²⁰ The Inmate Handbook also provides that inmates “may request over-the-counter medications using the medication request slips provided in [their] housing area. All requests for over-the-counter medications must be submitted to the

²⁰⁸ Notes of delegation member		on conversation with Supervisor	.
²⁰⁹ Notes of delegation member		on conversation with Supervisor	and LPN
²¹⁰ Notes of delegation member		on conversation with Supervisor	and LPN
²¹¹ Notes of delegation member		on conversation with Supervisor	and LPN
²¹² Notes of delegation member		on conversation with Supervisor	and LPN
²¹³ Notes of delegation member	(b)(6)	on conversation with Supervisor	and LPN (b)(6)
²¹⁴ Notes of delegation member	(b)(6)	on conversation with Supervisor	(b)(6), (b)(7)c and LPN
²¹⁵ Notes of delegation member		on conversation with Supervisor	and LPN
²¹⁶ Notes of delegation member		on conversation with Supervisor	and LPN
²¹⁷ Notes of delegation member		on conversation with Supervisor	and LPN
²¹⁸ Notes of delegation member		on conversation with Supervisor	and Officer (b)(6), (b)(7)c
²¹⁹ Notes of delegation member		on conversation with Supervisor	and LPN (b)(6)
²²⁰ DCDF Inmate Handbook, p.12.			

Pod Officer on duty PRIOR to medication distribution times. [Detainees] will have at least 10 minutes after [their] cell doors are opened in the morning to submit a medication request for morning med distribution.”²²¹ DCDF staff explained that detainees may order pain relief medication themselves through the commissary; if they are indigent they may receive only a certain number of days worth of pain relief, whereas if they have money, they are not thus restricted.²²²

DCDF staff said they do regular sick calls to all the pods every day.²²³ Some cells are equipped with a call button, which when pressed alerts the officers that the inmate/detainee in the cell is requesting medical attention. In addition, each Pod Officer’s station has a general first aid kit. The staff receives first-aid training at least once each year, in cardiopulmonary resuscitation (CPR) as well as on the use of an automated external defibrillator (“AED”).

With regard to detainee medical records, HPL, as the service provider, handles, owns, and maintains all the detainee/inmate medical records on-site. When a detainee/inmate is transferred, DCDF medical staff provides a one page medical summary that the inmate will take with them.²²⁴

The delegation’s concern arises from the statements made by (b)(6) one of the det interviewed at the conclusion of our tour. At the be Officer (b)(6), (b)(7)c warned the delegation of the likely statements we would hear from (b)(6), (b)(7)c (b)(6) regarding inadequate medical treatment.²²⁵ Officer (b)(6), (b)(7)c explained that th (b)(6) received at Ozaukee County Jail (“ m that which he is getting was upset by the change. Indeed, (b)(6), (b)(7)c explained that he has high cholesterol and triglycerol, and at OCJ his blood wa y and he was on a special low fat/low cholesterol diet. At DCDF, they do not offer that type of diet, and he is not getting the same treatments. He worries about his health.²²⁶ The other detainees interviewed by the delegation suggested that medical treatment was sufficient.²²⁷

C. Access to Dental Care.

The *Standards* suggest that detainees have an initial dental screening exam within 14 days of the detainee’s arrival and require the Facility to provide a number of services, including emergency dental treatment and repair of prosthetic appliances.²²⁸ For detainees who are held in detention for over six months, routine dental treatment may be provided, including amalgam and

²²¹ DCDF Inmate Handbook, p.13.

²²² Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

²²³ Notes of delegation member (b)(6) on conversation with LPN (b)(6)

²²⁴ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6)

²²⁵ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

²²⁶ Notes of delegation membe (b)(6) on interview with (b)(6), (b)(7)c

²²⁷ Notes of delegation member (b)(6) on interview with (b)(6), (b)(7)c (after injuring himself, (b)(6), (b)(7)c saw a doctor, was given an ace medicine, and see h the medical services).

²²⁸ Detention Operations Manual, Health Services, Standard 2, Section III.E.

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.²²⁹

The DCDF has not fully implemented this section of the *Standards*. There is no on-site dentist at the DCDF,²³⁰ and the detainees do not receive the initial dental screening as suggested under the *Standards*. If a detainee complains of needing dental care, a physician will be consulted first, before the dentist is called.²³¹ If dental care is needed, the DCDF has a contract with a local dentist, who provides the necessary dental care, either in the Facility or at his local office.²³²

D. Hunger Strike.

The *Standards* require that all facilities follow accepted standards of care in the medical and administrative management of hunger-striking detainees.²³³ Facilities must do everything within their means to monitor and protect the health and welfare of the hunger-striking detainee and must make every effort to obtain the hunger striker’s informed consent for treatment.²³⁴ In IGSA facilities, the “OIC of the facility shall notify [ICE] that a detainee is refusing treatment. Under no circumstances are IGSA facilities to administer forced medical treatment unless granted permission from [ICE].”²³⁵

DCDF appears to have implemented this section of the *Standards*. If an inmate or detainee declares a hunger strike, the inmate/detainee’s commissary privileges are revoked, and the inmate/detainee is placed in a medical cell for observation.²³⁶ The medical staff then assesses the mental state of the patient, and regularly monitors the patient, including his or her food intake, liquid intake, weight, vital signs, etc.²³⁷

After meals, if a tray comes back with all of the food on it, the staff will make a note on the meal pass.²³⁸ If this behavior goes on for a 24 hour period, the detainee/inmate is referred to medical staff. In the case of a detainee, the ICE liaison officer is notified, as well.²³⁹

E. Detainee Classification.

²²⁹ Detention Operations Manual, Health Services, Standard 2, Section III.E.

²³⁰ Notes of delegation member on conversation with Supervisor (b)(6), (b)(7)c

²³¹ Notes of delegation member (b)(6) on conversation with LPN (b)(6)

²³² elegation member on conversation with Supervisor (b)(6), (b)(7)c and Jail Administrator (b)(6), (b)(7)c

²³³ Detention Operations Manual, Health Services, Standard 1, Section I.

²³⁴ Detention Operations Manual, Health Services, Standard 1, Section I.

²³⁵ Detention Operations Manual, Health Services, Standard 1, Section III.D.

²³⁶ Notes of delegation member on conversation with Supervisor and LPN

²³⁷ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6) and LPN (b)(6)

²³⁸ Notes of delegation member on conversation with Supervisor and LPN

²³⁹ Notes of delegation member on conversation with Supervisor (b)(6), (b)(7)c

The *Standards* require that detention facilities use a classification system and physically separate detainees in different categories.²⁴⁰ A detainee’s classification is to be determined on “objective” criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.²⁴¹ Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.²⁴² Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.²⁴³

Additionally, all facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.²⁴⁴ 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.”²⁴⁵

DCDF has substantially implemented this section of the *Standards*. All detainees and inmates are classified when they first arrive at the Facility as “Intake High” or “Intake Low”.²⁴⁶ “Intake High” inmates are those with a history of violence, and “Intake Low” inmates are those without an established history of violence.²⁴⁷ Within the first 72 hours, further classification occurs to determine where the individual will be housed.²⁴⁸ However, the Inmate Handbook does not explain the classification levels and the conditions and restrictions associated with each.

DCDF uses two sets of classification systems.²⁴⁹ One is applied to all inmates, including immigration detainees.²⁵⁰ The other is applied only to immigration detainees.²⁵¹ The system applied to all inmates uses 3 “Phases” for classification.²⁵² These Phases represent the amount of freedom a detainee/inmate is given in the Facility.²⁵³ This classification is based initially on the inmate’s history prior to arrival at DCDF, including “criminal history, current charges, and any

²⁴⁰ Detention Operations Manual, Detainee Services, Standard 4, Section I.

²⁴¹ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

²⁴² Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

²⁴³ Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & III.E.

²⁴⁴ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G. & H.

²⁴⁵ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

²⁴⁶ Handbook, pg. 4 and Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

²⁴⁷ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

²⁴⁸ DCDF Inmate Handbook, pg. 4 and Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

²⁴⁹ Notes of delegation member n conversation with Supervisor

²⁵⁰ Notes of delegation member n conversation with Supervisor

²⁵¹ Notes of delegation member (b)(6) n conversation with Supervisor (b)(6), (b)(7)c

²⁵² Notes of delegation member n conversation with Supervisor

²⁵³ Notes of delegation member n conversation with Supervisor

known history of discipline problems during prior incarceration.”²⁵⁴ Inmates may be reclassified based on their behavior while at DCDF, changes in the charges against them, and/or based on an “inmate request at the discretion of the Program Specialist.”²⁵⁵ There is no commingling of Phase 1 and Phase 3, but Phase 2 inmates may be intermingled with either Phase 1 or Phase 3 inmates.²⁵⁶ Phase 1 inmates have the most restrictions and Phase 3 the most privileges.²⁵⁷

Immigration detainees are classified based on this system, but each is also classified as a Level 1, 2 or 3.²⁵⁸ Level 1 detainees are generally asylum seekers and others held only for immigration purposes.²⁵⁹ Level 2 detainees are those who are charged with nonviolent and generally less serious crimes.²⁶⁰ Level 3 detainees are those charged with serious felonies and any crimes of violence.²⁶¹ Level 1 and Level 3 detainees are never commingled.²⁶²

The Phase system and the Level system work independently of one another.²⁶³ The biggest difference is that a detainee’s Phase can change based on the detainee’s behavior while at DCDF, while the detainee’s Level is based strictly on the detainee’s history prior to arrival at DCDF, and thus cannot change unless the charges are modified or a mistake in the history is corrected. A detainee’s Phase impacts both with whom a detainee is housed among the general population and what privileges the detainee enjoys, however, a detainee’s Level only limits the other detainees with whom he or she may be housed.

F. Voluntary Work Program.

1. Standards and Procedures

The *Standards* require that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”²⁶⁴ Participation must be voluntary, and detainees are required to work according to a fixed schedule.²⁶⁵ Detainees shall

²⁵⁴ Handbook, pg. 4 and Notes of delegation member (b)(6), on conversation with Supervisor (b)(6), (b)(7)c

²⁵⁵ Handbook, pg. 4 and Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

²⁵⁶ Notes of delegation member on conversation with Supervisor

²⁵⁷ Notes of delegation member on conversation with Supervisor

²⁵⁸ Notes of delegation member on conversation with Supervisor

²⁵⁹ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

²⁶⁰ Notes of delegation member on conversation with Supervisor

²⁶¹ Notes of delegation member on conversation with Supervisor

²⁶² Notes of delegation member on conversation with Supervisor

²⁶³ Notes of delegation member on conversation with Supervisor

²⁶⁴ Detention Operations Manual, Detainee Services, Standard 18, Sections I & III.A.

²⁶⁵ Detention Operations Manual, Detainee Services, Standard 18, Sections III.A. & H.

“receive monetary compensation for work completed in accordance with the facility’s standard policy.”²⁶⁶

DCDF has implemented this section of the *Standards*. Detainees are provided an opportunity to work in the Facility should they choose to do so.²⁶⁷ There is an application process, in which the detainee requests an inmate labor application from the Programs department within DCDF.²⁶⁸ Detainees may work in the laundry room and the kitchen, or serve as a translator, barber or maintenance worker.²⁶⁹ Eligibility may depend on a detainee’s classification, and those with physical or mental handicaps are afforded the opportunity to work.²⁷⁰ Detainees are compensated for their work.²⁷¹ Wages are deposited directly into an internal account each week and they may use that money for commissary items or save the money and receive a check upon departure from the Facility.²⁷² Detainees work according to a fixed schedule that is set ahead of time by the Programs department.²⁷³

2. Detainee Training and Safety

The *Standards* require that facilities comply with all applicable health and safety regulations and provide instructions regarding safety measures necessary and relevant to the work detail.²⁷⁴ Additionally, the *Standards* require the medical staff at the facility to ensure detainees are screened and certified to undertake a food service assignment.²⁷⁵ Occupational Safety Health Administration-certified safety equipment must be provided to detainees and procedures must be in place for responding to on-the-job injuries.²⁷⁶

DCDF appears to have substantially implemented this section of the *Standards*. Detainees are trained to do their assigned task and there are posted instructions in the kitchen.²⁷⁷ The detainees go through an orientation process and are given a list of rules and duties for each job.²⁷⁸ It is unclear whether the instructions are posted in both English and Spanish. It is also

²⁶⁶ Detention Operations Manual, Detainee Services, Standard 18, Sections III.K.

²⁶⁷ 8; notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

²⁶⁸ DCDF Inmate Handbook, p. 18, and notes of delegation member (b)(6) n conversation with Supervisor (b)(6), (b)(7)c (a DCDF Kitchen Worker Rules/Duties agreement is attac).

²⁶⁹ DCDF Inmate Handbook, p. 18.

²⁷⁰ Detention Operations Manual, Detainee Services, Standard 18, Sections III.G.

²⁷¹ DCDF Inmate Handbook, p. 19.

²⁷² Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

²⁷³ Notes of delegation member (b)(6) on conversation with Supervisor

²⁷⁴ Detention Operations Manual, Detainee Services, Standard 18, Sections III.N.

²⁷⁵ Detention Operations Manual, Detainee Services, Standard 18, Sections III.N.

²⁷⁶ Detention Operations Manual, Detainee Services, Standard 18, Sections III.N & O.

²⁷⁷ Notes of delegation membe (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

²⁷⁸ Notes of delegation memb (b)(6) n observation of DCDF Kitchen Worker Rules/Duties form and conversation with Supervisor (b)(6), (b)(7)c

unclear as to the full extent all applicable health and safety regulations are being followed. Before they begin work, detainees are required to go through a medical screening process to make sure they do not have any communicable diseases and to make sure they are fit to work.²⁷⁹

G. Detainee Grievance Procedures.

The *Standards* require that every facility “develop and implement standard operating procedures (SOP) that address detainee grievances” and make every effort to resolve a detainee’s complaint or grievance informally before following more formalized procedures.²⁸⁰ If a more formal procedure is necessary, the officer in charge must allow detainees to submit formal, written grievances to the facility’s grievance committee.²⁸¹ Each SOP should, among other things, “establish a reasonable time limit for: (i) processing, investigating, and responding to grievances; (ii) convening a grievance committee to review formal complaints; and (iii) providing written responses to detainees who filed formal grievances, including the basis for the decision.”²⁸² ICE recommends that detainees be given up to five days within which to make their concern known to a member of the staff.²⁸³ For both informal and formal grievance procedures, translation services or language assistance must be provided upon request.²⁸⁴ An appeals process should be in place if a detainee does not accept the grievance committee’s decision.²⁸⁵

The facility should devise a method for documenting detainee grievances, at minimum in a Detainee Grievance Log.²⁸⁶ The facility should also provide each detainee, upon admittance, a copy of the detainee handbook or equivalent, detailing the procedures for filing and resolving a grievance and appeal.²⁸⁷ The detainee handbook should also notify detainees of procedures for contacting ICE to appeal the decision of the OIC of the facility, and of the opportunity to file a complaint about officer misconduct directly with the Department of Justice.²⁸⁸ The *Standards* also stress that facility staff must not “harass, discipline, punish, or otherwise retaliate against a detainee lodging a complaint,” but if an individual establishes a pattern of filing nuisance complaints or otherwise abusing the grievance system, facility staff may refuse to process

²⁷⁹ e Handbook, p. 18, and notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

²⁸⁰ Detention Operations Manual, Detainee Services, Standard 5, Sections I and III.A.1.

²⁸¹ Detention Operations Manual, Detainee Services, Standard 5, Section III.A.2.

²⁸² Detention Operations Manual, Detainee Services, Standard 5, Section I.

²⁸³ Detention Operations Manual, Detainee Services, Standard 5, III.A.1 and Appendix.

²⁸⁴ Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1 and III.A.2.

²⁸⁵ Detention Operations Manual, Detainee Services, Standard 5, Section III.C.

²⁸⁶ Detention Operations Manual, Detainee Services, Standard 5, Section III.E.

²⁸⁷ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

²⁸⁸ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.6.

subsequent complaints.²⁸⁹ Allegations of officer misconduct should be forwarded to a higher-level official in the chain of command and to ICE.²⁹⁰

DCDF appears to have implemented this section of the *Standards*, but concerns remain. According to Officer (b)(6), (b)(7)c if a detainee brings a grievance to his or her Pod Officer, the officer will first try to blem can be solved through informal means.²⁹¹ To file a formal grievance, the detainee fills out a grievance form and gives it to his Pod Officer, who places it in an envelope and seals it in front of the detainee.²⁹² According to DCDF personnel, though it is not stated explicitly in the Inmate Handbook, if a detainee needs help filling out the form for reasons of language, literacy, or disability, it will be provided.²⁹³ The grievance is then entered into a computer database.²⁹⁴ The form must be filled out with the following information: date, type of grievance (original or appeal), approximate time, facts, and names of witnesses to the incident being grieved.²⁹⁵ According to the Inmate Handbook, grievance forms must be submitted within forty-eight hours of the time of the incident being grieved, and will be responded to in writing by the Shift Supervisor within five days of their receipt.²⁹⁶ Inmates have two days after receiving this response to file an appeal to the Deputy Jail Administrator, which will be responded to in writing within ten working days.²⁹⁷ An inmate may appeal again within two days to the Jail Administrator, who will respond in writing within ten working days, and then may contact the State Regional Jail Inspector if still not satisfied with the decision.²⁹⁸ The Inmate Handbook states that the grievance process is “available to express complaints without the fear of reprisal or punitive disciplinary action.”²⁹⁹

There is no indication that DCDF has a grievance committee in place to review formal complaints from detainees. The Inmate Handbook does not advise detainees about procedures for contacting ICE to appeal a decision, or the opportunity to file a complaint about officer misconduct directly with the Department of Justice or, as is currently appropriate, the Department of Homeland Security. In addition, at every level of the grievance and appeals procedures at DCDF, inmates (including detainees) have only two days, not five as recommended in the *Standards*, in which to make a concern known to a member of the facility

²⁸⁹ Detention Operations Manual, Detainee Services, Standard 5, Section III.D.

²⁹⁰ Detention Operations Manual, Detainee Services, Standard 5, Section III.F.

²⁹¹ Notes of delegation member (b)(6), (b)(7)c on conversation with Officer

²⁹² Notes of delegation member (b)(6), (b)(7)c on conversation with Officer

²⁹³ Notes of delegation member (b)(6), (b)(7)c on conversation with Officer

²⁹⁴ Notes of delegation member on conversation with Officer

²⁹⁵ DCDF Inmate Handbook, p. 8.

²⁹⁶ DCDF Inmate Handbook, p. 9.

²⁹⁷ DCDF Inmate Handbook, p. 9.

²⁹⁸ DCDF Inmate Handbook, p. 9.

²⁹⁹ DCDF Inmate Handbook, p. 8.

staff. According to one of the interviewed detainees, he has filed formal grievances but has not always received a written response.³⁰⁰

H. Religious Practices.

The *Standards* provide that detainees “will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths.”³⁰¹ Practices will be constrained only by “concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”³⁰² A detainee must be allowed to wear or use personal religious items during religious services and to wear religious headwear around the facility, consistent with considerations of security, safety, or good order.³⁰³ The facility must also, within reason, accommodate detainee’s religious dietary requirements.³⁰⁴

DCDF has only partially implemented this section of the *Standards*. Detainees’ personal effects, including religious garments, are confiscated and stored until the detainee’s release.³⁰⁵ Detainees are not permitted to wear religious head coverings at any time.³⁰⁶ DCDF does not allow detainees to possess or use religious artifacts such as rosaries.³⁰⁷ Towels are provided for use as prayer rugs.³⁰⁸ Detainees may, however, possess religious texts, which can be ordered through a publisher or borrowed from the library.³⁰⁹ At least one pod posted a sign with contact information to order Islamic religious texts.³¹⁰ The delegation was concerned that detainees’ religious practices may not be fully respected and believes the Facility could be more accommodating to detainees’ religious activities.

With respect to religious dietary requirements, only some accommodations are made.³¹¹ No pork is served within the Facility, which provides some accommodation to certain religious groups, but kosher diets are not permitted due to cost constraints.³¹² During Ramadan, detainees

³⁰⁰ Notes of (b)(6) on interview with (b)(6), (b)(7)c

³⁰¹ Detention Operations Manual, Detainee Services, Standard 14, Section I.

³⁰² Detention Operations Manual, Detainee Services, Standard 14, Section I.

³⁰³ Detention Operations Manual, Detainee Services, Standard 14, Section III.K.

³⁰⁴ Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

³⁰⁵ Notes of delegation member on conversation with Supervisor

³⁰⁶ Notes of delegation member on conversation with Supervisor

³⁰⁷ Notes of delegation member on conversation with Supervisor (b)(6), (b)(7)c

³⁰⁸ Notes of delegation member on conversation with Supervisor

³⁰⁹ Notes of delegation member (b)(6) on conversation with Supervisor

³¹⁰ Notes of delegation member on observations of the DCDF.

³¹¹ Notes of delegation member on conversation with Cook Supervisor

³¹² Notes of delegation member on conversation with Cook Supervisor (b)(6)

may sign up to receive their meals only during nighttime hours.³¹³ If a detainee is found eating at all during daylight, the detainee is automatically removed from the religious observance.³¹⁴

DCDF does seem to allow religious prayer and activities.³¹⁵ Religious programs and services, both Christian and nondenominational, take place regularly in English and Spanish with the supervision of the Facility chaplain.³¹⁶ Bible courses are taught regularly, also in English and Spanish, for detainees with sufficient privileges to leave their pods.³¹⁷ Volunteers may provide additional religious services, but the Facility will not pay to have services for other religions.³¹⁸ DCDF also makes special accommodations for clergy visitation, allowing detainees to meet with clergy outside of regular visiting hours and for longer periods than normally allotted for regular visitors.³¹⁹ DCDF provides multiple opportunities per month for the detainees to participate in bible study classes; however, there do not appear to be similar programs for other religious meetings.³²⁰ The delegation is concerned that particular religious groups may not have access to appropriate religious meetings.

I. Special Management Unit.

The *Standards* require that each facility establish a Special Management Unit (“SMU”) that will isolate certain detainees from the general population.³²¹ A detainee may be placed in disciplinary segregation only by order of the Institutional Disciplinary Committee, after a hearing in which the detainee has been found to have committed a prohibited act.³²² The disciplinary committee may order placement in disciplinary segregation only when alternative dispositions would inadequately regulate the detainee’s behavior.³²³

All cells in the SMU must be equipped with beds that are securely fastened to the cell floor or wall.³²⁴ Segregated detainees shall have the opportunity to maintain a normal level of personal hygiene.³²⁵ Recreation shall be provided to detainees in disciplinary segregation in accordance with the “Recreation” standard.³²⁶ Access to legal material shall remain open and

³¹³ Notes of delegation member on conversation with Supervisor

³¹⁴ Notes of delegation member on conversation with Supervisor

³¹⁵ Notes of delegation member on conversation with Supervisor

³¹⁶ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

³¹⁷ Notes of delegation member on conversation with Supervisor

³¹⁸ Notes of delegation member on conversation with Supervisor

³¹⁹ Notes of delegation member on conversation with Supervisor

³²⁰ July 2005 schedule of activities, attached as Exhibit C.

³²¹ Detention Operations Manual, Security and Control, Standards 13 & 14, Section I.

³²² Detention Operations Manual, Security and Control, Standard 14, Section III.A.

³²³ Detention Operations Manual, Security and Control, Standard 14, Section III.A.

³²⁴ Detention Operations Manual, Security and Control, Standard 14, Section III.D.6.

³²⁵ Detention Operations Manual, Security and Control, Standard 14, Section III.D.11.

³²⁶ Detention Operations Manual, Security and Control, Standard 14, Section III.D.13.

requests for access shall be accommodated no more than 24 hours after receipt of the initial detainee request.³²⁷ Similarly, access to the law library shall be granted to detainees in segregation, and access by request only is an option.³²⁸ “As a rule, a detainee retains visiting privileges while in disciplinary segregation.”³²⁹ Also, a detainee in disciplinary segregation shall not be denied legal visitation.³³⁰

In accordance with the “Telephone Access” standard, detainees in disciplinary segregation shall be restricted to telephone calls for calls relating to the detainee’s immigration case or other matters, calls to consular/embassy officials, and family emergencies.³³¹ Also, detainees in segregation shall have the same correspondence privileges as detainees in the general population.³³²

DCDF has not fully implemented this section of the *Standards*. First, there are no beds in the SMU; there is only a steel table, nailed to the floor.³³³ Second, detainees in disciplinary segregation are denied telephone privileges.³³⁴ Third, they are not given access to the law library unless they can show a reason they need to use it.³³⁵

However, DCDF has implemented some of this section of the *Standards*. Detainees in disciplinary segregation are allowed to receive and send mail. They are also allowed to visit with clergy, counselors, and attorneys.³³⁶ Detainees in administrative segregation can use the law library as well as the recreation/multipurpose room.³³⁷

J. Disciplinary Policy.

The *Standards* state that in order to provide a safe and orderly living environment, “facility authorities will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures.”³³⁸ Facilities holding ICE detainees should have a detainee disciplinary system with “progressive levels of reviews, appeals, procedures, and documentation procedures.”³³⁹ The disciplinary policy and procedures should clearly define

³²⁷ Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.

³²⁸ Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.e.

³²⁹ Detention Operations Manual, Security and Control, Standard 14, Section III.D.17.

³³⁰ Detention Operations Manual, Security and Control, Standard 14, Section III.D.17.

³³¹ Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

³³² Detention Operations Manual, Security and Control, Standard 14, Section III.D.18.

³³³ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

³³⁴ DCDF Inmate Handbook, p. 22.

³³⁵ DCDF Inmate Handbook, p. 22, and notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

³³⁶ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

³³⁷ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

³³⁸ Detention Operations Manual, Security and Control, Standard 5, Section I.

³³⁹ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

detainee rights and responsibilities.³⁴⁰ Disciplinary action may not be capricious or retaliatory, and may not impose any of the following sanctions: “corporal punishment; deviations from normal food services; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; or deprivation of physical exercise unless such activity creates an unsafe condition.”³⁴¹ The detainee handbook or equivalent handbook, issued to detainees upon admittance, should provide notice of all of the facility’s rules of conduct and advise detainees of their rights to protection from personal abuse, discrimination, and their other rights.³⁴² Officers who witness rule violations must submit an incident report, which must be investigated within twenty-four hours.³⁴³ Facilities should have a disciplinary panel in place to adjudicate detainee incident reports.³⁴⁴ Only the disciplinary panel can place a detainee in disciplinary segregation.³⁴⁵

DCDF has implemented most of this section of the *Standards*. According to Officer (b)(6), (b)(7)c the disciplinary policy at DCDF categorizes rule violations in two levels: minor and major. The rules, the disciplinary severity scales, and prohibited acts are detailed in the Inmate Handbook distributed to all inmates; however, there is no separate immigration detainee handbook. According to the Inmate Handbook, minor rule violations may result in a verbal or written reprimand, punitive segregation for up to twenty-four hours, or loss of privileges.³⁴⁷ Examples of privileges that may be lost are visiting privileges, commissary privileges, and recreation room privileges.³⁴⁸ Major rule violations may result in segregation for up to ten days per violation, twenty-four hour cell confinement, or restrictions or loss of privileges for over twenty-four hours.³⁴⁹ If in punitive segregation, inmates still have access to hygiene items, reading and writing materials, visits with clergy, counselors, or attorneys, and sending and receiving mail.³⁵⁰ Major rule violations merit a hearing, unless waived by the inmate.³⁵¹ Inmates receive written notice of any rule violation, this notice includes information regarding the rule violated, the penalty imposed, and the appeal procedure.³⁵² Except for room-specific rules, it seems that rules are not posted around the Facility or in the housing units.³⁵³

³⁴⁰ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

³⁴¹ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.2 and III.A.3.

³⁴² Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

³⁴³ Detention Operations Manual, Security and Control, Standard 5, Sections III.B and III.C.

³⁴⁴ Detention Operations Manual, Security and Control, Standard 5, Section III.F.

³⁴⁵ Detention Operations Manual, Security and Control, Standard 5, Section III.F.

³⁴⁶ Notes of delegation member (b)(6) on conversation with Officer

³⁴⁷ DCDF Inmate Handbook, p. 21. (b)(6), (b)(7)c

³⁴⁸ Notes of delegation member (b)(6) on conversation with Officer

³⁴⁹ DCDF Inmate Handbook, p. 21.

³⁵⁰ DCDF Inmate Handbook, p. 21.

³⁵¹ DCDF Inmate Handbook, p. 21.

³⁵² DCDF Inmate Handbook, p. 21.

³⁵³ Notes of delegation member (b)(6) on observations during tour.

The Programs Department of the Facility handles disciplinary hearings for major rule violations for all inmates.³⁵⁴ It appears that there is no separate disciplinary panel for detainee rule violations.³⁵⁵ Incident reports are made the same day that incidents occur and are investigated within twenty-four to seventy-two hours.³⁵⁶ Segregation never exceeds ten days in a row; longer periods of segregation are imposed by allowing one day out of segregation for every ten days in segregation.³⁵⁷ Appeals can be made three times: first to a Supervisor, then to the Deputy Jail Administrator, and finally to the Jail Administrator.³⁵⁸ The Inmate Handbook states that Supervisors will respond to appeals within five days.³⁵⁹ The inmate then has two days to appeal again to the Deputy Jail Administrator.³⁶⁰ The Deputy Jail Administrator has ten working days to respond to the second appeal.³⁶¹ The inmate then has two more days in which to appeal a final time to the Jail Administrator, who will also respond in ten working days.³⁶² Inmates are notified of the appeal process in the Inmate Handbook.³⁶³ Two of the detainees interviewed confirmed that they knew the disciplinary procedures at DCDF.³⁶⁴ However, the Inmate 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.”³⁶⁵

K. Staff-Detainee Communication.

1. Scheduled Contact with Detainees

The *Detention 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.”³⁶⁶ The *Standards* suggest that both weekly visits be conducted by ICE personnel and that “regular unannounced (not scheduled) visits” be conducted by the ICE Officer in Charge

³⁵⁴ Notes of delegation member on conversation with Officer

³⁵⁵ Notes of delegation member on conversation with Officer

³⁵⁶ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

³⁵⁷ Notes of delegation member on conversation with Officer

³⁵⁸ Notes of delegation member on conversation with Officer

³⁵⁹ DCDF Inmate Handbook, p. 22.

³⁶⁰ DCDF Inmate Handbook, p. 22.

³⁶¹ DCDF Inmate Handbook, p. 22.

³⁶² DCDF Inmate Handbook, p. 22.

³⁶³ DCDF Inmate Handbook, p. 22.

³⁶⁴ (b)(6) (b)(6) Notes of (b)(6)
 (b)(6) from interview with (b)(6)

³⁶⁵ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.5.a. and III.A.5.b.

³⁶⁶ Detention Operations Manual, Detainee Services, Standard 15, Section I.

(OIC), the Assistant OIC, and designated department heads.³⁶⁷ 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.³⁶⁸

DCDF has not fully implemented this section of the *Standards*. An ICE officer makes weekly, scheduled visits to the DCDF.³⁶⁹ The visitation schedule is posted in the detainee housing areas.³⁷⁰ The ICE officer will also come whenever he is requested.³⁷¹ The ICE officer however does not regularly conduct unannounced visits to DCDF as required by the *Standards*.³⁷²

2. Request to Staff from ICE Detainees

The *Standards* require that detainees “have the opportunity to submit written questions, requests, or concerns to ICE staff.”³⁷³ 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.”³⁷⁴ Moreover, the *Standards* suggest that detainee requests be forwarded to the appropriate ICE office within 72 hours and “answered as soon as possible or practicable, but not later than 72 hours from receiving the request.”³⁷⁵

DCDF has implemented this portion of the *Standards*. The DCDF provides specific immigration forms, entitled Detainee Written Request Forms, for the detainees to fill out if they want to speak to someone from ICE.³⁷⁶ The forms are written in English but DCDF officers assist those detainees who are illiterate or do not know English with filling out the forms although typically the detainees assist each other with filling out the forms.³⁷⁷ Inmate request forms are collected by the housing unit officer daily at meal times and at the final lockdown for the evening.³⁷⁸ Detainee requests are faxed from DCDF to the ICE office in Chicago on Mondays, Wednesdays, and Fridays.³⁷⁹ Responses are faxed back to the DCDF from the ICE office for those requests that do not require a face-to-face visit.³⁸⁰

³⁶⁷ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

³⁶⁸ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

³⁶⁹ Notes of delegation member on conversation with Officer

³⁷⁰ Notes of delegation member on conversation with Officer

³⁷¹ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

³⁷² Notes of delegation member on conversation with Officer

³⁷³ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

³⁷⁴ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

³⁷⁵ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.1.

³⁷⁶ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

³⁷⁷ Notes of delegation member on conversation with Supervisor (b)(6), (b)(7)c

³⁷⁸ DCDF Inmate Handbook, p. 10.

³⁷⁹ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

³⁸⁰ Notes of delegation member on conversation with Officer

3. Record Keeping and File Maintenance

The *Standards* suggest that facilities record all requests in a logbook specifically designed for that purpose and that log should contain: “date the detainee request was received, detainee’s name, A-number, nationality, officer logging the request, the date that the request, with staff response and action, is returned to the detainee, and any other pertinent site-specific information.”³⁸¹ The *Standards* also suggest that the date the request was forwarded to ICE as well as the date it was returned need to be recorded and the requests must remain in the detainee’s detention file for at least three years.³⁸²

DCDF has substantially implemented this section of the *Standards*. While the ICE office keeps a log of detainee requests, DCDF does not keep a log as the *Standards* suggest, but rather the requests are entered into the computer system and can be retrieved and printed off at any time.³⁸³ It is unclear the length of time the computer maintains these records and the type of information that is stored in the computer system.

4. Detainee Handbook

The *Standards* require that the facility must provide each detainee, upon admittance, a copy of the detainee handbook or equivalent.³⁸⁴ The handbook also must state “that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so, including the availability of assistance in preparing the request.”³⁸⁵

DCDF has not fully implemented this portion of the *Standards*. DCDF does not have a separate Detainee Handbook, rather, every detainee receives a copy of the Dodge County Inmate Handbook and Jail Rules upon admittance which he or she must return when he or she leaves DCDF.³⁸⁶ This Inmate Handbook he inmates generally, and is not specific to the detainees and their concerns. Officer (b)(6), (b)(7)c stated that this did not follow the *Standards*; he said that McHenry County process of writing a detainee specific handbook.³⁸⁷ It was unclear to the delegation whether the McHenry handbook would then be used in DCDF. The DCDF Inmate Handbook is available in both English and Spanish and if the detainee does not understand it, they can have someone read it to him/her.³⁸⁸ Also, a detainee can have the Inmate Handbook translated to him or her if he or she does not speak or read

³⁸¹ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.2.

³⁸² Detention Operations Manual, Detainee Services, Standard 15, Section III.B.2.

³⁸³ Note on member (b)(6) on conversation with Officer (b)(6), (b)(7)c and Officer (b)(6), (b)(7)c

³⁸⁴ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

³⁸⁵ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

³⁸⁶ Notes be (b)(6) on conversation with Supervisor (b)(6), (b)(7)c; Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c (a copy of the Detainee Handbook and Jail D); Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

³⁸⁷ Notes of delegation members (b)(6) and (b)(6) on conversation with Officer (b)(6), (b)(7)c

³⁸⁸ Notes of delegation member (b)(6) on conversation with Supervisor (b)(6), (b)(7)c

English or Spanish.³⁸⁹ The Inmate Handbook provides the procedure for inmate requests, questions, and concerns, however it obviously does not specify the procedure for contacting the ICE staff. It states that the requests are to be used for “contacting your public defender, probation and parole agent, requests for programs and services, and any general information requests.”³⁹⁰ Adding more information in the Inmate Handbook specifying the process for contact with ICE staff would help make it clear to all ICE detainees that the detainee request forms also apply to ICE communications. The Inmate Handbook is updated every six months.³⁹¹ When an update occurs, a special notice is sent to all officers to notify them of the change and if the change applies to the detainees and inmates it is also posted on bulletin boards in the common rooms.³⁹²

IV. CONCLUSION

The Dodge County Detention Facility has implemented many of the ICE Detention Standards but has also failed to fully implement a number of sections. Our delegation suggests the following recommendations:

The DCDF Inmate Handbook should be edited to remove the restriction on attorney visits during mealtime and lockdown. The staff indicated that this was not the policy, however, its place in the Inmate Handbook makes this a potential source for concern. Further, a comprehensive explanation of the Phases and Levels should be included in the DCDF Inmate Handbook to fully implement the Detainee Classification System Standard.

Due to the location of the Facility, it should be willing to extend visiting hours or allow for visiting outside the normal schedule to accommodate visitors traveling from great distances. To provide adequate telephone access to detainees, DCDF should ensure that detainees can place free, direct calls to pro bono legal service providers and others. DCDF should not cut off phone calls before 20 minutes have expired and should not limit legal phone calls unless necessary. DCDF should not record or monitor legal phone calls (absent a court order), and if regular phone calls are monitored, DCDF should provide detainees with the procedure for obtaining an unmonitored call for legal purposes. DCDF should either contract out for a new telephone service provider or provide better instructions on how to set up accounts in multiple languages if they are going to continue to allow for collect calls only through ICS.

To provide proper access to legal materials, DCDF should ensure that detainees have access to all legal materials required by the Standards, ensure that computer training is provided if legal materials are only accessible via computer because some of the inmates are computer illiterate, and ensure that sufficient computers and writing materials are provided without cost to detainees. The Facility should increase the number of computers available in each Pod. To

³⁸⁹ Notes of delegation member (b)(6), on conversation with Officer

³⁹⁰ DCDF Inmate Handbook, p. 10.

³⁹¹ Notes of delegation member (b)(6), (b)(7)c on conversation with Officer

³⁹² Notes of delegation member (b)(6) on conversation with Officer

provide proper protection for special correspondence, DCDF should better inform detainees how to mark legal mail to ensure it is given priority treatment.

Some form of outdoor recreation should be available to the detainees. Although the DCDF staff works hard to provide services and amenities for the detainees, the lack of any true outdoor exposure clearly weighs heavily on the detainees. The only sunlight they encounter other than when they happen to have a court hearing comes from some small skylights within the Facility. Even a minimal amount of time outside each week would go a long way to increase the overall mood of the detainees and inmates. Additionally, the only form of recreation is a handball. Adding other items would give detainees more options to relieve stress and get exercise.

DCDF should hire an on-site dentist so that the detainees can receive initial dental screenings.

A detainee grievance committee should be in place to review formal complaints from detainees. Detainees should have five days, not two, in which to make a concern known to a member of facility staff. The Handbook should provide notice of procedures for contacting the ICE to appeal a decision, and of the opportunity to file a complaint about officer misconduct directly with the Department of Justice (or Department of Homeland Security). Additionally, it is troubling that in one detainee interview, the detainee stated that he has not always received a response to the grievances he has filed.

To ensure that DCDF does not abridge free religious practices, detainees should be able to wear religious head coverings and use religious artifacts, at least during services.

DCDF should improve the conditions of their special management unit so that the area includes beds and should allow those in the special management unit to use telephones and have access to the law library so they are able to continue to work on their legal claims.

DCDF should have a separate disciplinary panel to adjudicate detainee incidents. The Handbook should advise detainees of their right to protection from personal abuse and their right to freedom from discrimination. Procedures should be in place to ensure that incident reports are investigated within twenty-four hours.

To support the detainees' access to ICE staff, ICE officers and other designated department heads should conduct regular, unannounced visits to the Facility's living and activity areas. This would encourage informal communications between ICE staff and detainees and also allow for informal observation of the living and working conditions. The current scheduled-visit-only procedure does not allow for the kind of ad hoc observation that was the aim of the Standards. The DCDF should keep a logbook of all detainee written requests as well as filing all the completed detainee requests in the detainee's detention file for at least three years.

Lastly, DCDF should develop its own Detainee Handbook which addresses those issues which specifically apply to the detainees so there are aware of their rights.

Detention Standards Implementation Initiative

ABA Commission on Immigration

Facility Name: Dodge County Detention Facility

Date of Tour: Jun

Tour participants:

(b)(6)

(Latham & Watkins)

ICE Standard	Tour Observation	Source	ICE Response
<p>Telephone Access</p> <ul style="list-style-type: none"> III.B. “[The facility] shall post these rules where detainees may easily see them” 	<ul style="list-style-type: none"> The delegation did not observe any notification near the phones of the ability to place direct calls, nor was there an indication that DCDF was aware of any preprogrammed technology. (p7, line 8) 	<ul style="list-style-type: none"> According to delegation observations and interviews with Supervisor (b)(6), (b)(7)c 	<p>Was not found deficient in 2004 review.</p>
<ul style="list-style-type: none"> III.G “Staff shall permit detainees in the Special Management Unit for disciplinary reasons to make direct and/or free calls” “Staff shall permit detainees in Special Management Unit for other than disciplinary reasons...to have telephone access similar to detainees in the general population” <p>Disciplinary Segregation</p> <ul style="list-style-type: none"> III.D.19 “Detainees in disciplinary segregation shall be restricted to telephone calls for the following purposes: a) calls pertaining to the detainees immigration case or other legal matters...b) calls to consular/embassy officials” 	<ul style="list-style-type: none"> Detainees in disciplinary segregation do not have access to telephones (p8, line 23) 	<ul style="list-style-type: none"> According to the DCDF Inmate Handbook & Jail Rules at p22 	<p>Was not found deficient in 2004</p>
<p>Access to Legal Materials</p> <ul style="list-style-type: none"> III.G “The facility shall...permit all detainees, regardless of housing or classification, to use the law library on a regular basis” III.N “Detainees housed in ...Segregation units shall have the same law library access as the general population, unless compelling security concerns require limitations.” 	<ul style="list-style-type: none"> The delegation observed that not all detainees have access to the law library, rather access was dependent on classification (p9, line 17) Detainees in disciplinary segregation must provide a statute citation in writing to receive a copy of the information (p9, line 20) 	<ul style="list-style-type: none"> According to delegation conversations with facility staff and the DCDF Inmate Handbook & Jail Rules at p19 	<p>Was not found deficient in 2004</p>
<ul style="list-style-type: none"> III.C “The library shall contain the materials listed in Attachment A” 	<ul style="list-style-type: none"> The delegation found that the secondary resources, listed in the attachment to the Standard are not 	<ul style="list-style-type: none"> According to delegation observations 	<p>Was not found</p>

	available (p10, line 16)		deficient in 2004
<ul style="list-style-type: none"> • III.K “The facility shall permit detainees to assist other detainees in research and preparing legal documents upon request” 	<ul style="list-style-type: none"> • The facility prohibits detainees from assisting each other in legal research or case preparation (p11, line 11) 	<ul style="list-style-type: none"> • According to the DCDF Inmate Handbook & Jail Rules at p19 	Was not found deficient in 2004