

Facility Name: Mira Loma Detention Center

Date of Tour: July 8, 2004

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(b)(6)

(b)(6)

ICE Standard	Tour Observation	Source	ICE Response
<p>Telephone Access</p> <ul style="list-style-type: none"> <li>• III.E.4 “[the facility shall permit the detainee to make direct calls] to legal service providers...”</li> <li>• III.B. “[The facility] shall post these rules where detainees may easily see them”</li> </ul>	<ul style="list-style-type: none"> <li>• The delegation noted that some detainees were unaware of their ability to place direct calls (p7, line 21 and p8, line 4))</li> <li>• The delegation observed that the notice regarding free calls and was posted outside the library, not readily accessible and not near any telephones (p8, line 2)</li> </ul>	<ul style="list-style-type: none"> <li>• According to delegation observations and interviews with detainees</li> </ul>	<p><b>Not noted in 2004 review.</b></p>
<p>Voluntary Work Program</p> <ul style="list-style-type: none"> <li>• III.K. “Detainees shall receive monetary compensation for work completed in accordance with the facility’s standard policy.”</li> </ul>	<ul style="list-style-type: none"> <li>• While the detainees may participate in the voluntary work program, they are not compensated for their work (p20, line 2)</li> </ul>	<ul style="list-style-type: none"> <li>• According to detainee interviews</li> </ul>	<p><b>Not noted in 2004 review.</b></p>
<p>Grievance</p> <ul style="list-style-type: none"> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• the delegation learned from the detainees of a mass strip search conducted over Memorial Day weekend. (p21, line 15)</li> </ul>	<ul style="list-style-type: none"> <li>• According to detainee interviews</li> </ul>	<p><b>Not noted in 2004 review.</b></p>

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## MEMORANDUM

August 27, 2004

### CONFIDENTIAL

**To:** Victor Cerda, Acting Director, Office of Detention and Removal  
Immigration and Customs Enforcement

**From:** Latham & Watkins, Mira Loma Detention Center Delegation

**File no:** 502130-0018

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

**Subject:** Delegation Observational Report of Mira Loma Detention Center, Lancaster, California

## I. INTRODUCTION

On July 8, 2004, a delegation of three attorneys and three summer clerks from Latham & Watkins' Orange County office visited the Mira Loma Detention Center in Lancaster, California (the "Center").<sup>1</sup> We met with members of both the Center's Immigration and Customs Enforcement ("ICE") staff and the Los Angeles County Sheriff's Department, which operates the facility for I<sup>2</sup> with the staff, toured the Center, and interviewed 20 inees.<sup>3</sup> (b)(6), (b)(7)c the ICE officer stationed at the Center, and Captain (b)(6), (b)(7)c of the Los Angeles County department, d e tour a answered many of our questions. Lieutenant (b)(6), (b)(7)c Lieutenant (b)(6), (b)(7)c Deputy (b)(6), (b)(7)c

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<sup>2</sup> The Mira Loma Detention Center was previously operated by the Sheriff's Department for the Immigration and Naturalization Service ("INS"). As of March 1, 2003, the INS ceased to exist as an agency of the Department of Justice. The immigration enforcement functions of the INS were assigned to ICE, an investigative bureau within the Department of Homeland Security ("DHS").

<sup>3</sup> Prior to our visit, the Center informed us that only a small number of detainees wished to speak with us. Following our arrival, however, we learned that more than 50 detainees volunteered to be interviewed. Due to time constraints, we were able to interview only 20 detainees.

(b)(6), (b)(7) and Deputy (b)(6), (b)(7)c were also present on the tour and assisted in answering our questions.

This memorandum summarizes the information gathered by our delegation's observations regarding implementation of the Detention Standards with a particular focus on the legal access standards.

## **II. EXECUTIVE SUMMARY**

The staff at the Mira Loma Detention Center have made substantial efforts both to familiarize themselves with and implement the Detention Standards. Officers also seem to make valid attempts to address detainees' concerns. Overall, the Center appeared well-run, clean, and secure. From our observations, the staff was extremely professional and humane.

Through our observations and interviews, the delegation became aware of a few concerns which need to be addressed. First, despite the staff's statements to the contrary, almost no detainees received a Detainee Handbook upon arrival. Many of these detainees did, however, receive a handbook the day before our delegation toured the Center, and this procedure should be continued for all arriving detainees. The group rights videos should be shown to those detainees in the segregated barracks, instead of only to the general population. Additionally, detainees should be paid for the work that they perform.

Finally, the delegation was notified of a strip search that officers conducted over Memorial Day weekend. In one barrack, about 14 to 15 officers observed the strip search, which occurred for no apparent reason and humiliated the detainees. One detainee reported that this strip search was filmed. The detainees were told that the incident would be investigated, but nothing has resulted from any investigation. Our delegation strongly recommends that a further examination of this incident be conducted.

## **III. STANDARDS**

In November 2000, the Immigration and Naturalization Service ("INS") promulgated the INS Detention Standards, which are contained in its Detention Operation Manual. The Detention Standards were created to ensure the "safe, secure and humane treatment of individuals detained by the INS." The 36 Standards encompass a broad range of issues, from visitation policies to food service to grievance procedures. The Standards are meant to establish minimum guidelines for treatment of immigration detainees; they are not intended to place a ceiling on treatment requirements.

This memorandum evaluates the Standards in the following areas: (1) Visitation; (2) Telephone Access; (3) Access to the Law Library and Legal Materials; (4) Group Rights Presentations; and (5) Additional Miscellaneous Issues.

**A. General Information**

1. The Facility

The Mira Loma Detention Center is located in Lancaster, California. Lancaster is a city with an estimated population of 120,000 and is located in the Antelope Valley near Palmdale, approximately 80 miles north of Los Angeles.

The Mira Loma facility consists of approximately 30 buildings, including 20 barracks, a recreation center, library, classroom, mess hall, and infirmary. There is also an administrative building, 3 Executive Office of Immigration Review courtrooms and the central building that holds the main guard center and visitation rooms.

2. Detainee Population

The current population of the Detention Center is 524. The Center has the capacity 18 detainees. All detainees at Mira Loma are adult male detainees. According to Mr. (b)(6), (b)(7)c approximately 80% of the aliens detained at any one time are being held for criminal e the other 20% are noncriminal aliens. The largest ethnic group represented at the Center were Mexicans, with a variety of countries making up the remainder, in American citizens, Guatemalans, Hondurans, El Salvadorians, and Armenians. (b)(6), (b)(7)c informed us that the average length of stay for the detainees varies greatly on a case-by-case basis. In general, detainees are in the Center for a week or two and then deported to their home countries. However, if a detainee chooses to submit an asylum application, he can remain at Mira Loma for over a year, depending on which appeals the detainee chooses to file.

Both Captain (b)(6), (b)(7)c informed us that every detainee receives a Detainee Handbook upon (b)(6), (b)(7)c available in English, Spanish, Chinese and Arabic. Despite Captain (b)(6), (b)(7)c assurances, almost none of the detainees with whom we met received a Handbook upon arrival. A large number of detainees reported receiving the Handbook the day before our delegation toured the facility.

**IV. OBSERVATIONS OF IMPLEMENTATION OF LEGAL ACCESS STANDARDS**

**A. Visitation**

1. Attorneys

The Standards provide that facilities holding immigration detainees shall permit authorized persons to visit detainees and such facilities should encourage visits from family and

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<sup>4</sup> Only one detainee reported receiving a Handbook upon arrival. Interview with detainee (b)(6), (b)(7)c July 8, 2004. Requests for Handbooks were explicitly denied. Interviews with detainee (b)(6), (b)(7)c and detainee (b)(6), (b)(7)c July 8, 2004).

friends. Such holding facilities should also permit private meetings with a detainee and his legal representative or legal assistant.<sup>5</sup>

In order to properly facilitate visitations to detainees, an immigration detention facility shall provide written visitation procedures, including a schedule and hours of visitation, to the detainee within the Detainee Handbook and posted where detainees can easily see them, and to the public in written form and telephonically.<sup>6</sup> Legal visitations shall be permitted seven days a week, including holidays, and shall be for a period of eight hours per day during the week and four hours per day on weekends.<sup>7</sup> Persons allowed to visit include attorneys and other legal representatives, including legal assistants upon presentation of a letter of authorization from the legal representative under whose supervision he/she is working.<sup>8</sup> All lawyers and assistants must provide identification prior to each visit, may not be asked to state the legal subject matter of the meeting and shall be subject to search of his/her person or belongings at any time.<sup>9</sup>

Meetings between a detainee and his attorney or legal representative shall be confidential and not subject to auditory supervision.<sup>10</sup> Such meetings shall be held in private consultation rooms and an officer shall not be present in the room, unless requested by the attorney, although officers may visually observe such meetings through windows or a camera.<sup>11</sup> Prior to a visitation by a legal representative, if standard operating procedures require strip searches, the facility must provide for noncontact, confidential visits with legal representatives.<sup>12</sup>

During our visitation of the Center, we were able to observe the attorney visitation room, the general visitation room and the posted schedule of visitation hours and rules and regulations. Mira Loma has one attorney visitation room that is located directly across from the main guard control room. The room has windows on two sides which allows the staff to visually observe the room from either the control room/hallway or the main visitation room. The room was furnished with a bench and chairs and appeared to be adequately sized. From our observation, the visitation room appeared to be private and out of the earshot of staff. If the attorney visitation room is already occupied, an attorney may meet with his/her client in the general visitation room. The general visitation room is a large room with long benches separated by a low partition. Attorney visitations in the room are confidential. The hours of visitation and a poster containing the rules and regulations were visible within the visitation area as well as at the entrance to the two barracks that we observed and the library.

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<sup>5</sup> Standards, Ch. 1: Visitation, Sec. I.

<sup>6</sup> *Id.* at Sec. III. A.

<sup>7</sup> *Id.* at Sec. III. I. 2.

<sup>8</sup> *Id.* at Sec. III. I. 3. a-c.

<sup>9</sup> *Id.* at Sec. III. I. 4.

<sup>10</sup> *Id.* at Sec. III. I. 9.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at Sec. III. I. 11.

Attorneys and other legal representatives are permitted to visit their clients 24 hours a day, 7 days a week. Attorneys must show their bar cards upon arrival and legal visitations are allowed for paralegals and law students as long as they present a letter confirming the visit on an active attorney's letterhead. An attorney or other legal representative does not need to call ahead to schedule an appointment, although we were told that most do. Attorney visits are not, although there is no physical barrier separating the attorney and his/her client. Deputy **(b)(6), (b)(7)c** informed us that detainees are only subject to physical searches, including strip searches, if a reasonable belief exists that contraband was exchanged during the legal visitation. The attorney visitation policy is exactly the same as stated above for detainees that are held in administrative or disciplinary segregation. No detainees reported access problems with visitation by attorneys or legal representation, although one man reported that detainees are subjected to a strip-search unless they opt for noncontact visits with their attorney.<sup>13</sup>

## 2. Family and Friends

According to the Standards, immigration detention facilities should establish a visiting schedule based on detainee population and visitation demand, but in any case, should permit visitations during set hours on Saturdays, Sundays and holidays.<sup>14</sup> Visitations should be for a minimum of 30 minutes.<sup>15</sup> Visitation should take place in a secure but comfortable area, and all visits should be quiet and orderly.<sup>16</sup>

Upon our visit to the Center, we observed a general visitation room that was large, open and able to hold a maximum of 70 detainees at one time. The room was furnished with long benches with a short partition separating the detainees from their family and friends. It was explained to us that detainees are led in on one side after the families are seated. Guards are positioned at a small station in order to observe the visits. The visitation room appears to be adequately comfortable, spacious and private.

Family and friends are able to visit detainees at Mira Loma from 8:00 a.m. until 4:00 p.m. on Saturdays, Sundays and holidays. Most detainees were aware of the visitation hours, although one detainee reported a problem with the posting of visitation hours.<sup>17</sup> Generally, all visitation requests are granted, including those by minors and unrelated friends. Only one detainee reported an instance of such a request being denied. The detainee's brother came to Mira Loma to visit, but was turned away because his drivers license had expired.<sup>18</sup>

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<sup>13</sup> Interview with detainee **(b)(6), (b)(7)c** (July 8, 2004).

<sup>14</sup> Standards, Ch. 1: Visitation, Sec. III. H.1.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at Sec. III.G.

<sup>17</sup> One detainee reported that visitation hours are posted in the back room of the barracks, outside of the staff's office. The hours are difficult to find because of the large amount of information in this area. The detainee was fearful of remaining there too long while reading the information because, if the staff believes that a detainee is **(b)(6), (b)(7)c** they are sent to the disciplinary barracks while the case is reviewed. Interview with detainee **(b)(6), (b)(7)c** (July 8, 2004). No other detainee corroborated this report.

<sup>18</sup> Interview with anonymous detainee (July 8, 2004).

Special visitations may be set up on a case-by-case basis, although some detainees were unaware of this provision.<sup>19</sup> Visits last for a maximum of one hour, but we were informed that visitors may leave and sign right back in. During visits, family and friends may leave money for the detainee.

### B. Telephone Access

The policy of the Standards is to permit “reasonable and equitable access to telephones.”<sup>20</sup> Accordingly, the facility should allow access to telephones during waking hours, and should provide at least one telephone for every 25 detainees.<sup>21</sup> Additionally, the facility should not restrict the number or duration of calls, unless it is necessary for security purposes, and even then, the time limit should be no shorter than 20 minutes.<sup>22</sup>

Detainees should be permitted to make free calls to the local immigration court and the Board of Immigration Appeals, to Federal and State courts where the detainee is or may become involved in a legal proceeding, to consular offices, to legal service providers, to a government office to obtain documents regarding his case and in the case of a personal or family emergency or for an otherwise compelling need.<sup>23</sup> A list of pro bono legal organizations provided to the facility by ICE shall be posted by the facility prominently in each of the detainee housing units and other appropriate areas.<sup>24</sup> Furthermore, the Standards require that the facility enable all detainees to make calls to the INS-provided list of pro bono legal service providers and consulates at no charge to the detainee or receiving party.<sup>25</sup>

The Standards provide that the facility should take and deliver telephone messages to detainees.<sup>26</sup> If such call is an emergency, care should be taken to deliver the message as soon as possible, and the detainee should be permitted to return the emergency call as soon as reasonably possible.<sup>27</sup> The Standards require messages to be delivered three times a day in Service Processing Centers (“SPCs”) and Contract Detention Facilities (“CDFs”). Although this Standard is not directly applicable to this IGSA facility,<sup>28</sup> it should serve as a realistic goal for which to aim.<sup>29</sup>

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<sup>19</sup> detainee (b)(6), (b)(7)c July 8, 2 and detainee

<sup>20</sup> Standards, Ch. 2: Telephone Access, Sec. I.

<sup>21</sup> *Id.* at Sec. III.A, C.

<sup>22</sup> *Id.* at Sec. III.F.

<sup>23</sup> *Id.* at Sec. III.E.

<sup>24</sup> Standards, Ch. 1: Visitation, Sec. III.I.14

<sup>25</sup> Standards, Ch. 2: Telephone Access, Sec. III.E.

<sup>26</sup> *Id.* at Sec. III.I.

<sup>27</sup> *Id.*

<sup>28</sup> IGSA facilities are operated through an agreement between ICE and state and/or local governments.

<sup>29</sup> Standards, Ch. 2: Telephone Access, Sec. III.I.

Finally, the Standards require measures of privacy be put in place with regard to telephone calls, especially those of a legal nature. The staff may not electronically monitor detainee phone calls relating to legal matters without a court order.<sup>30</sup> Additionally, the facility should maintain a sufficient number of phones on which detainees can make calls without being overheard by officers, staff, or other detainees.<sup>31</sup>

During our visit we observed the barracks, which can house up to 65 people (though usually there are less than 65 detainees in a barracks at any given time). Each barracks contained four phones, which is well within the ratio of phones required by the Standards. There are signs posted near the phones stating the time limit for a phone call is 15 minutes. However, according to Deputy (b)(6), (b)(7)(c) these signs are left over from when the facility was used as a jail, and are not enforced. Deputy (b)(6), (b)(7)(c) stated that as long as there is not a wait for the phones, which does not happen often, there is no time limit enforced for phone calls. The detainees had no complaints about the number of phones available for their use or the time limits.

Deputy (b)(6), (b)(7)(c) indicated that 1-800 numbers could be dialed from the telephones, which allows detainee contact pro bono legal services (though, at least one detainee reported that 1-800 calls were not free from the phones in the Center<sup>32</sup>). Unfortunately, these 1-800 numbers for pro bono legal services are not posted near the phones; instead, they are posted in a small room in the back of the barracks, near the guard's office. Several detainees noted the phone numbers were difficult to find, while others indicated that they were not aware they could make such calls, other than with a phone card or by calling collect.<sup>33</sup> Detainees who knew of the pro bono lists expressed concerns that none of these services help detainees if there is a criminal conviction involved in the case, which is the situation in which approximately 80% of the detainees at Mira Loma find themselves.<sup>34</sup>

Mira Loma Detention Center should also consider posting the list more prominently, as required by the Standards.<sup>35</sup> The current placement of the list is in a small room in the back of the barracks, just outside the guard's office. The walls of this small room are cluttered with various bits of information for the detainees, in no particular order. Furthermore, one detainee reported fear of getting into trouble with the staff for "loitering" in this back room, while trying to find some piece of information, causing the detainee to be sent to the disciplinary barracks until the situation was reviewed.<sup>36</sup> Even aside from detainee concerns about getting into trouble for "loitering," since this area is so crowded with various postings, it is difficult for detainees to ascertain which postings are important for them to read.

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<sup>30</sup> *Id.* at Sec. III.J.

<sup>31</sup> *Id.*

<sup>32</sup> Interview with anonymous detainee (July 8, 2004).

<sup>33</sup> Interviews with detainee (b)(6), (b)(7)(c) and anonymous detainee (July 8, 2004).

<sup>34</sup> Interviews with detainee (b)(6), (b)(7)(c) (July 8, 2004).

<sup>35</sup> Standards, Ch. 1: Visitation, Sec. III.I.14

<sup>36</sup> Interview with detainee (b)(6), (b)(7)(c) (July 8, 2004).



Information about dialing a detainee's consular office, different courts, or government offices was posted near phones outside the library, but this information did not appear to be posted near the phones in the barracks. Many detainees were unaware of their ability to make phone calls regarding pro bono legal services or to their consular office at no cost to them.<sup>37</sup> Since the phones are not preprogrammed with the ability to make such calls, it might be helpful to provide detainees with a notice of their telephone privileges and how they can use them. Since the Standards require the facility to enable such calls at no cost to the detainee, perhaps instructions and numbers should be placed next to the phones in the barracks to enable the detainees to utilize this opportunity.

During the tour, Deputy (b)(6), (b)(7)c indicated that phone cards were available to be purchased, but he was not aware of the details of such phone cards as they were handled by the "store," which comes in daily to allow detainees to purchase items during their recreation time, such as stamps, snacks, phone cards, and other similar items that they request.<sup>38</sup> Almost all the detainees with whom we spoke reported that the available phone cards were inadequate because the cards were too expensive, often ended up with money left on them in small amounts (e.g. \$3.00 or less) that were not sufficient alone to place a call, and that they could not be consolidated with other cards to utilize the extra money left over.<sup>39</sup>

Mira Loma does not actively monitor phone calls made by the detainees, which goes above and beyond the requirements by the Standards. Few detainees complained of privacy concerns during their phone calls, but observations during the tour seemed to indicate that it may be hard for a detainee to have a phone conversation that would not be readily overheard by other detainees or facility staff, as required by the Standards.<sup>40</sup> Overall, however, since the phones are not monitored, and there seem to be many phones from which a detainee can make a call, the privacy concerns may not be a big concern.

One area that is of greater concern lies in the Center's message-taking procedures. Deputy (b)(6), (b)(7)c indicated that the Center generally does not take messages for detainees unless it is an emergency. He specifically indicated that the Center does not take messages from attorneys, commenting that if an attorney wants to contact a detainee, they can come to Mira Loma in person, and that detainees are always free to contact an attorney on their own. Since the Standards provide that messages should be delivered to detainees as promptly as possible, the Center's policy not to take messages for detainees except in cases of emergency is an area in need of improvement.<sup>41</sup>

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<sup>37</sup> Interviews with detainee (b)(6), (b)(7)c (July 8, 2004).

<sup>38</sup> The "store" is a traveling cart which comes to the recreation building daily. It offers numerous items that the detainees may purchase using cash.

<sup>39</sup> (b)(6), (b)(7)c, detainee (b)(6), (b)(7)c and numerous anonymous detainees (July 8, 2004).

<sup>40</sup> Standards, Chapter 2, Telephone Access, Sec. III.J.

<sup>41</sup> *Id.* at Sec. III.I.

In general, Mira Loma is doing a fairly good job of providing reasonable access to telephones. However, additional steps can be taken in order to fully implement the Standards. The Center should work to fully implement the Standards with regard to taking messages from attorneys for the detainees. Additionally, the Center should better inform the detainees of their telephone privileges, and should consider posting the list of pro bono legal service providers and instructions on how to use telephone privileges by all of the phones, instead of just a few select phones, so that detainees can effectively exercise their telephone privileges.

### **C. Access to the Law Library and Legal Materials**

According to the Standards, immigration detention facilities should have and maintain a library with current copies of various immigration-related legal materials.<sup>42</sup> The facility's library must be adequate in size so as to permit detainees to research and write.<sup>43</sup> Additionally, the library should be well-lit, reasonably quiet, and have a sufficient number of tables and chairs to accommodate all detainees requesting use of the library.<sup>44</sup>

In order to comply with the Standards, Mira Loma is required to provide legal materials, equipment, and office supplies necessary to meet detainees' needs in preparing legal documents.<sup>45</sup> Additionally, a "flexible" schedule should allow detainees to utilize the library for at least five hours per week.<sup>46</sup> Detainees in disciplinary or administrative segregation must have the same access to the library and legal materials as the other detainees, unless compelling security concerns dictate otherwise.<sup>47</sup>

#### **1. Library**

The library is housed in one fairly large room with seating for about 20 to 25 people. The library is well-lit with high ceilings, and it has a fairly pleasant atmosphere. There are three separate tables with five chairs each, and there are a number of chairs around two computers. At the time of our visit, two detainees were reading in the library.

The nonlegal collection of books is organized and catalogued, similar to what one might find in a municipal or school library. The non-legal section contains an assortment of fiction, nonfiction, and educational books and materials. It appears that most of the nonlegal books are in English, but a fair number of Spanish and Asian-language materials are also present.

The library is open Monday through Friday from 8:00 a.m. until 3:30 p.m. Detainees are allowed access to the library during their recreation time. Additionally, detainees

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<sup>42</sup> Standards, Ch. 4: Access to Legal Material, Sec. I.

<sup>43</sup> *Id.* at Sec. III.A.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.* at Sec. III.B.

<sup>46</sup> *Id.* at Sec. III.G.

<sup>47</sup> *Id.* at Sec. III.N.

may request additional time to use the library. According to the Center's staff, such requests are liberally granted, and Mira Loma has a policy of permitting detainees as much legal research time as they request and need. One detainee reported that detainees who work have trouble using the library because of the limited hours.<sup>48</sup> Other detainees noted that they had to forego their recreation time to use the library, but did not seem to find this problematic.<sup>49</sup> Additionally, the Sheriff's Department stated that detainees in administrative or disciplinary segregation are permitted the same access to the library as other detainees, unless overriding security concerns would prevent such access. Two detainees reported that they were denied library access for two months when their barrack was under disciplinary restrictions.<sup>50</sup> Therefore, while Mira Loma seems to adequately meet most of the Standard's allowance requirements for library use, they must ensure that detainees subject to disciplinary restrictions also have equal access to the library.

## 2. Legal Materials

The Standards list a number of legal materials that facilities are required to possess and maintain for detainee use.<sup>51</sup> These legal materials must be updated regularly, and ICE is responsible for updating the Standards' list regularly.<sup>52</sup> According to the Standards, detention facilities should designate an employee to update the legal materials, inspect them weekly, and maintain them in good condition, and replace them promptly as needed.<sup>53</sup>

All legal materials possessed by the library are kept on approximately 14 shelves behind the librarian's desk. None of these legal materials are directly accessible by detainees. In order to access any legal materials, detainees must specifically request the material from the librarian. Almost all legal materials are in English, with the exception of the Florence Project's "Know Your Rights" binder, which was available in both English and Spanish.

The number of legal books and materials available in Mira Loma's library is relatively small, but almost all detainees thought that the legal materials were helpful. Several of the legal materials required by the Standards are not present in the library. Despite this, the library did maintain a number of important legal materials, such as Black's Law Dictionary and a number of West publications. Our delegation was informed that the Center regularly compares its materials with the Standards' list, and a designated officer had actually reordered a number of missing publications very recently. Furthermore, a detainee may request additional legal

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<sup>48</sup> Interview with detainee (b)(6), (b)(7)c (July 8, 2004). Detainee (b)(6), (b)(7)c reported that he was forced to request a job change so that his recreation time coincided with the library

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(b)(6), (b)(7)c

(b)(6), (b)(7)c

(b)(6), (b)(7)c

and anonymous detainees (July 8, 2004).

<sup>50</sup> Interviews with detainee (b)(6), (b)(7)c and anonymous detainee (July 8, 2004).

<sup>51</sup> Standards, Ch. 4: Access to Legal Material, Sec. III.C.

<sup>52</sup> *Id.* at Sec. III.E.

<sup>53</sup> *Id.*

materials that the library does not currently possess. Requests for legal forms are almost always granted, and requests for legal books are ordered at the discretion of the Center's staff.

Overall, the library at Mira Loma was quite impressive. Detainees benefit from the great number of reading materials, and library facility is large, bright, and accessible. The legal materials, however, do not fully meet the Standards' requirements. Once the recently ordered materials are received, the legal holdings may fulfill the requirements. In addition to maintaining the required legal materials, our delegation recommends that the legal books and materials be moved to a more accessible place in the library. Detainees should not be forced to specifically request each legal material needed, and detainees interested in gaining knowledge about their legal rights could more easily examine the materials.

### 3. Legal Material Retention

The Standards allow detainees to keep legal documents in their personal possession.<sup>54</sup> The Mira Loma Detention Center appears to be in compliance with the Standards regarding Legal Material Retention.

At the Mira Loma Detention Center detainees are permitted to keep a "reasonable" number of legal documents in their personal possession.<sup>55</sup> If a detainee has an excessive amount of legal documents, they will be stored on-site and the detainee can request them if needed.<sup>56</sup> In addition, the Center will copy legal documents for detainees free of charge at the library. Detainees reported no complaints about the personal retention of legal materials.

### 4. Photocopies

According to the Standards, a detention facility should permit all "reasonable and necessary" photocopies of legal materials.<sup>57</sup> The Standards list a number of possible exceptions to this general rule. Requests for photocopies may be denied for security concerns, copying in violation of the law, and "clearly abusive or excessive" requests.<sup>58</sup>

The Mira Loma Detention Center library contains one photocopier, and an unlimited number of legal-related copies are permitted. The procedure for requesting photocopies is quite informal. Detainees typically request photocopies from Deputy (b)(6), (b)(7)(c) who is stationed in the library.<sup>59</sup> Deputy (b)(6), (b)(7)(c) stated that she promptly grants all photocopy requests of a legal nature at no cost to the detainee.<sup>60</sup> Requests for photocopies of personal materials or artwork are

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<sup>54</sup> Standards, Ch. 17: Funds and Personal Property, Sec. III.B.4.

<sup>55</sup> Statement of Deputy (b)(6), (b)(7)(c) (July 8, 2004).

<sup>56</sup> *Id.*

<sup>57</sup> Standards, Ch. 4: Access to Legal Material, Sec. III.J.

<sup>58</sup> *Id.*

<sup>59</sup> Statement of Deputy (b)(6), (b)(7)(c) (July 8, 2004).

<sup>60</sup> *Id.*

not granted.<sup>61</sup> A few detainees reported that their photocopy requests were partially denied.<sup>62</sup> As stated above, the Center permits detainees to keep photocopied legal materials in their possession.<sup>63</sup>

## 5. Mail

The Standards call for indigent detainees to receive free envelopes and stamps for the purposes of mailing legal-related materials and other correspondence.<sup>64</sup> An immigration detention facility is also required to have a system for purchasing stamps, and in the absence of such system, should allow detainees to mail five pieces of “special correspondence” and three pieces of “general correspondence” per week, at government expense.<sup>65</sup> Furthermore, according to the Standards, facilities must provide envelopes, paper, and writing instruments to all detainees.<sup>66</sup>

The Center’s staff informed the delegation that paper, writing implements, and envelopes are provided to detainees free of charge. Stamps are only provided free of charge to indigent detainees; all other detainees must pay for stamps.<sup>67</sup> Two detainees reported that there was no limit on the materials provided to indigent detainees.<sup>68</sup> A determination on the indigent status of a detainee is made when the detainee arrives at Mira Loma.<sup>69</sup>

The detainees with whom we spoke reported no problems or concerns with sending or receiving mail.

## 6. Computer Access and Equipment

The Standards require immigration detention facilities to maintain an adequate number of typewriters and/or computers, and to provide writing instruments, paper and office supplies to be available for use by detainees.<sup>70</sup> Mira Loma’s library contains no typewriters designated for detainee use, but the Center maintains two computers that detainees may use free

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<sup>61</sup> *Id.*

<sup>62</sup> Interviews with detainee (b)(6), (b)(7)c and an anonymous detainee (July 8, 2004). In one example, detainee (b)(6) requested that 20 pages of legal documents be copied, but the librarian only agreed to copy four pages, stating that the others were not important.

<sup>63</sup> Statement of Deputy (b)(6), (b)(7)c (July 8, 2004).

<sup>64</sup> Standards, Ch. 4: Access to Legal Material, Sec. III.O.

<sup>65</sup> Standards, Ch. 9: Correspondence and Other Mail, Sec. III.I. “Special correspondence,” as defined by the Standards, includes all legal-related correspondence, correspondence to or from political representatives or government agencies, and correspondence to or from the media. All other correspondence is denied as “general correspondence.” Standards, Ch. 10: Definitions.

<sup>66</sup> Standards, Ch. 9: Correspondence and Other Mail, Sec. III.J.

<sup>67</sup> Statement of Deputy (b)(6), (b)(7)c (July 8, 2004).

<sup>68</sup> Interviews with detainee (b)(6), (b)(7)c (July 8, 2004).

<sup>69</sup> Statement of Deputy (b)(6), (b)(7)c (July 8, 2004).

<sup>70</sup> Standards, Ch. 4: Access to Legal Material, Sec. III.B.

of charge. The computers are available upon request, but use can be scheduled if the demand exceeds the number of computers available. One detainee complained that the computers used an obsolete operating system that was somewhat unreliable.<sup>71</sup> The computers are equipped with immigration law materials, which are installed and maintained by ICE. The computers are not equipped with internet access.

There is one shared printer available for use by detainees. There is no limit to the amount of legal-related materials that may be printed.<sup>72</sup> Many detainees corroborated this fact. Like photocopied legal materials, computer printed legal materials may be retained by detainees and taken to the detainee barracks.

#### D. Group Rights Presentations

According to the Standards, facilities should allow authorized persons (attorneys and legal representatives) to make presentations to groups of detainees to inform the detainees of immigration law and procedures, and their rights within such law and procedures.<sup>73</sup> The facility is required to fully cooperate with authorized persons wishing to give presentations, but is not required to arrange such presentations.<sup>74</sup> Presentations are open to all detainees, except when a particular detainee's presence would present a security risk.<sup>75</sup> If a detainee in segregation cannot attend for this reason, and he and the presenters both request, alternative arrangements shall be made.<sup>76</sup> Finally, the Standards require the facility to permit individual detainees or small groups of detainees to meet with presenters following a group presentation, without ICE or facility staff present.<sup>77</sup>

During our tour of the Center, we learned from Deputy (b)(6), (b)(7) that two groups visit Mira Loma to make such presentations: Catholic Charities and a group called the Pacific South Islanders. Deputy (b)(6), (b)(7) noted that one or other of these groups probably comes bi-monthly. He stated that detainees are permitted to meet individually or in small groups with the presenters after the presentations, without staff present, in accordance with the Standards. He also informed us that detainees in the administrative/disciplinary barracks could generally attend the presentations, unless they are violent offenders, in which case the security risk is too high.

While the Center has implemented the Standard, it would be beneficial to the detainees if more groups came in to Mira Loma. As Deputy (b)(6), (b)(7) said, he does not control what groups come in or how often. Two years ago, there were no groups coming to make

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<sup>71</sup> Interview with anonymous detainee (July 8, 2004).

<sup>72</sup> Statement of Deputy (b)(6), (b)(7) July 8, 2004.

<sup>73</sup> Standards, Ch. 4: Group Presentations on Legal Rights, Sec. I.

<sup>74</sup> *Id.* at Secs. I, III.B.

<sup>75</sup> *Id.* at Sec. III.C.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.* at Sec. III.G.

presentations, so there has been an improvement.<sup>78</sup> Additionally, it appears that many detainees are unaware that these presentations are taking place. The Standards require that the informational posters about a presentation should be prominently displayed at least 48 hours prior to a presentation.<sup>79</sup> Perhaps the informational sheets notifying the detainees of such presentations could be placed in a more prominent location in the barracks, rather than the back room near the guard's office, where most information is posted.

Deputy (b)(6), (b)(7)(c) informed us that the Center shows the Florence Project's "Know Your Rights" video on closed circuit televisions throughout the facility, two times a day in English and Spanish. Most of the detainees did not corroborate this information, though their reports varied. Most detainees confirmed that the video is shown on closed circuit television, but there was some discrepancy regarding the number of showings per day. One detainee reported he had seen it once during his 40-day stay at Mira Loma, while another reported it was shown about 3 times per week.<sup>80</sup> Additionally, the video is not shown in the administrative/disciplinary barracks.

## V. OTHER GENERAL OBSERVATIONS UNRELATED TO THE LEGAL ACCESS STANDARDS

### A. Recreation

Detention Standards require that "all facilities shall provide INS detainees with access to recreational programs and activities, under conditions of security and supervision that protect their safety and welfare."<sup>81</sup> Every effort is to be made to provide outdoor recreational facilities with access to sunlight.<sup>82</sup> "Each detainee shall have access to outdoor or indoor recreation for at least one hour daily, five days a week."<sup>83</sup>

The personnel at Mira Loma indicated that detainees are typically given recreation time, or "yard time," twice a day for a minimum of 40 minutes.<sup>84</sup> The majority of detainees with whom we spoke verified this, though many pointed out that the scheduling of "yard time" was often unpredictable, and in fact, there would occasionally be days when there was no "yard time" at all.<sup>85</sup> Those detainees who have been segregated from the rest of the population are given a minimum of one hour per day, and the staff makes an effort to give this to them seven days a

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<sup>78</sup> Arnold and Porter Memorandum Re: Compliance with Detention Standards at INS Mira Loma Detention Center, Lancaster, California, dated September 30, 2002.

<sup>79</sup> Standards, Ch. 4: Group Presentations on Legal Rights, Sec. III.C.

<sup>80</sup> Interviews with detainee (b)(6), (b)(7)(c) (July 8, 2004).

<sup>81</sup> Detention Operation Manual, Detainee Services, Recreation, Standard 13, Sec. I.

<sup>82</sup> *Id.* at Sec. III(A).

<sup>83</sup> *Id.* at Sec. III(B); *see also* Summary of Select Detention Standards, Sec. 10(B).

<sup>84</sup> Statement of Mira Loma Detention Center personnel (July 8, 2004).

<sup>85</sup> Interviews with detainee (b)(6), (b)(7)(c) and anonymous detainees (July 8, 2004).  
(b)(6), (b)(7)(c)

week.<sup>86</sup> Detainees who have been segregated are given access to the same activities as the rest of the population, only they partake in them when the majority of the population is locked down.<sup>87</sup> One detainee reported that his recreation time was eliminated because of disciplinary reasons.<sup>88</sup>

The “yard” is a large, fenced-in complex containing paved and grassy segments. There is a track for running, basketball and volleyball courts, facilities for soccer, as well as a series of pull-up bars. Additionally, the center has indoor recreational facilities in which there is a large space where detainees may watch television, movies, play cards, etc. Also within this area, there are what the staff referred to as stores from which detainees may buy envelopes, stamps, and other personal items.<sup>89</sup> Detainees have access to a television within each of their barracks, and we saw many detainees playing cards and reading within their barracks during our tour. Even when detainees are not engaged in “yard time,” Mira Loma is considered an “open compound” such that detainees have access to the grassy areas located outside of their barracks.

## **B. Classes**

Mira Loma Detention Center provides detainees with a number of classes taught by a credentialed teacher from a local school district.<sup>90</sup> These classes include English as a second language, computer tutorials, as well as drug and alcohol abuse seminars; in fact, detainees are able to earn certificates for certain of the alcohol and drug programs to show to the court during their hearings as an attempt to demonstrate progress and/or good faith efforts to improve themselves.<sup>91</sup> Detainees receive one-on-one direction in these classes, which occur during their “yard time.”<sup>92</sup> The staff, however, indicated that if an individual needs additional time to work on a special project, extra class time can be arranged.<sup>93</sup> At present, the majority of the courses are taught in English and Spanish, though it was explained to us that the Center hopes to hire additional teachers with more diverse language skills.<sup>94</sup> Classes are often very busy, though this entirely depends upon the population of the Center at any given time.<sup>95</sup> Detainees have access to general health books and tapes, and there are materials available in Chinese, Spanish, and Armenian.<sup>96</sup> Even when classes are busy, an effort is made to allow every interested detainee an

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<sup>86</sup> Statement of Mira Loma Detention Center personnel (July 8, 2004).

<sup>87</sup> *Id.*

<sup>88</sup> Interview with detainee (b)(6), (b)(7)c July 8, 2004).

<sup>89</sup> Statement of Mira Loma Detention Center personnel (July 8, 2004).

<sup>90</sup> *Id.*

<sup>91</sup> *Id.*

<sup>92</sup> *Id.*

<sup>93</sup> *Id.*

<sup>94</sup> *Id.* See also interviews with detainee (b)(6), (b)(7)c and anonymous detainees (July 8, 2004).

<sup>95</sup> Statement of Mira Loma Detention Center personnel (July 8, 2004).

<sup>96</sup> *Id.*



opportunity to access these resources.<sup>97</sup> Although only 35 detainees are allowed in at a time, they will rotate them in and out, one barracks at a time.<sup>98</sup>

### C. Access to Medical

#### 1. Access to Health Care

It is required by the Detention Standards that detainees have access to medical services promoting their health and welfare.<sup>99</sup> Detention facilities must have regularly scheduled times when a detainee may attend “sick call” to seek medical attention.<sup>100</sup> The number of times each week will depend on how large a population is present in the Center.<sup>101</sup>

Mira Loma personnel informed us that every detainee goes through a screening process upon arrival, meaning that each detainee is given a complete physical examination within 14 days of having arrived at Mira Loma.<sup>102</sup> Any detainee with a medical problem may seek assistance from a registered nurse or nurse practitioner every morning, Monday through Friday, as a part of “sick call.”<sup>103</sup> There is also a doctor present on various days.<sup>104</sup> If a detainee is found to have a serious medical condition, that individual will be immediately transported to a nearby medical facility.<sup>105</sup> The detainees reported a few complaints with the available medical care. One detainee complained about a lack of attention given to medical problems, stating that he had to wait too long to see a nurse for what he described as a badly cut ear.<sup>106</sup> A detainee also complained that blisters on his feet were left untreated.<sup>107</sup> One man reported that a detainee has “to be really dying for them to take action.”<sup>108</sup> Another detainee badly needed dental care, but none was available at the Center.<sup>109</sup> Others reported no complaints and specifically noted that they have never been denied medical attention.<sup>110</sup>

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<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> Detention Operation Manual, Health Services, Medical Care, Standard 2, Sec. I.

<sup>100</sup> *Id.* at Sec. III(F).

<sup>101</sup> *Id.*

<sup>102</sup> Statement of Mira Loma Detention Center personnel (July 8, 2004).

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> Interview with detainee (b)(6), (b)(7)c July 8, 2004).

<sup>107</sup> Interview with anonymous detainee (July 8, 2004).

<sup>108</sup> Interview with anonymous detainee (July 8, 2004).

<sup>109</sup> Interview with detainee (b)(6), (b)(7)c July 8, 2004).

<sup>110</sup> Interviews with detainee (b)(6), (b)(7)c and anonymous detainee (July 8, 2004).

The staff indicated that Mira Loma is considered a “wellness facility” meaning that detainees with serious medical conditions or diseases are not kept at the Center.<sup>111</sup> This seemed to be the case, though one detainee reported that a detainee had died of meningitis after being removed from Mira Loma.<sup>112</sup> Therefore, those with psychological issues, prosthetic limbs, or serious disease are not admitted.<sup>113</sup> Many of the health care services at Mira Loma are contracted through the Los Angeles County Department of Health Services.<sup>114</sup> There are, however, registered nurses who are always present at Mira Loma and who report directly to the Los Angeles County Sheriff’s Department.<sup>115</sup>

## 2. Mental Health Services

Because Mira Loma is a “wellness facility,” psychological problems are not addressed at the Center. Consequently, there are no counseling services available at the facility.<sup>116</sup>

### **D. Religious Issues**

It is required by the Detention Standards that detainees of different religious beliefs be provided reasonable and equitable opportunities to participate in the practices of their respective faiths.<sup>117</sup> “Those opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is ‘mainstream,’ whether the religion is ‘Western’ or ‘Eastern,’ or other such factors.”<sup>118</sup> Opportunities will be constrained only by concerns of safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.<sup>119</sup> Additionally, it is suggested that “all reasonable efforts to accommodate” special dietary requests be made as dictated by a detainee’s religion.<sup>120</sup>

The staff at Mira Loma indicated that special dietary requests may be made to a detainee’s supervisor, and they are always accommodated.<sup>121</sup> For example, during Ramadan, Muslims are allowed to eat at a different time and separate from other detainees in order to

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<sup>111</sup> Statement of Mira Loma Detention Center personnel (July 8, 2004).

<sup>112</sup> Interview with anonymous detainee (July 8, 2004).

<sup>113</sup> Statement of Mira Loma Detention Center personnel (July 8, 2004).

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

<sup>117</sup> Detention Operations Manual, Detainee Services, Religious Practices, Standard 14, Sec. I.

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> *Id.* at Sec. III(M).

<sup>121</sup> Statement of Mira Loma Detention Center personnel (July 8, 2004).

observe the holiday. In addition, a special wristband is given to those who are vegetarians.<sup>122</sup> We were told that all detainees are allowed to keep religious items with their personal belongings such as a bible, the Koran, rosary beads, etc.<sup>123</sup> In fact, it was indicated that prayer rugs are provided to detainees if they are not in possession of their own.<sup>124</sup> However, one detainee complained that an officer threw his rosary beads away from him during a search,<sup>125</sup> while another detainee indicated that detainees are not permitted to wear clothing indicative of their faith.<sup>126</sup> Many detainees, though, were not subject to harassment due to their religious beliefs.<sup>127</sup> Mira Loma personnel said that they do not have major problems due to religious differences, instead, most friction between detainees results from ethnic or gang-related affiliations.<sup>128</sup> Religious services are provided at the detention center, including a nondenominational chapel in which different groups of detainees may congregate to conduct services.<sup>129</sup> The principle religions represented by detainees are Catholicism, Protestantism, Buddhism, and Islam.<sup>130</sup> Religious services conducted by outside clergy are performed weekly.<sup>131</sup> For instance, Catholic and Protestant services occur once or twice each week.<sup>132</sup> A number of detainees took advantage of these services.<sup>133</sup> With regard to those of the Buddhist or Islamic faiths, the Center provides space and time for detainees to practice their religion, which is typically run by a self-appointed detainee on behalf of the interested group.<sup>134</sup>

### E. Detainee Classification

The Standards call for detainees to be classified upon arrival before admission into the main population.<sup>135</sup> Classification is to be performed by trained officers, and detainees are to be kept in detention until all information necessary for the classification process is received.<sup>136</sup>

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<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

<sup>125</sup> Interview with detainee (b)(6), (b)(7)c July 8, 2004).

<sup>126</sup> Interview with detainee (b)(6), (b)(7)c July 8, 2004).

<sup>127</sup> (b)(6), (b)(7)c

(b)(6), (b)(7)c detainees (July 8, 2004).

<sup>128</sup> Statement of Mira Loma Detention Center personnel (July 8, 2004)..

<sup>129</sup> *Id.*

<sup>130</sup> *Id.*

<sup>131</sup> *Id.*

<sup>132</sup> *Id.*

<sup>133</sup> (b)(6), (b)(7)c

(b)(6), (b)(7)c

<sup>134</sup> Statement of Mira Loma Detention Center personnel (July 8, 2004).

<sup>135</sup> Standards, Ch. 6: Detainee Classification System, Sec. III.

<sup>136</sup> *Id.*

The classification is based upon security risk, and detainees' security classification must be easily identifiable by color-coded uniforms or wristbands.<sup>137</sup> The Standards also bar "Level 1 detainees" (noncriminal detainees or nonviolent detainees guilty of petty offenses) from interacting with "Level 3 detainees" (those convicted of aggravated felonies).<sup>138</sup> Classification is required in order to separate detainees with no or small criminal records from inmates with serious criminal records.<sup>139</sup> The Standards call for reclassification after 45 to 60 days and every 60 to 90 days thereafter.<sup>140</sup> Detainees should have the right to appeal their classification.<sup>141</sup>

At the Mira Loma facility, approximately 80% of the detainees are convicted criminals; however, the noncriminal detainee population has not been separated from the criminal population. There is one classification used at the Mira Loma Detention Center: "acceptable."<sup>142</sup> To some extent, the detainees are separated and housed according to ethnicity to minimize ethnic friction.<sup>143</sup> All detainees at the Mira Loma Detention Center wear the same orange clothes. Blue wristbands are issued to those detainees who have special religious dietary needs. Detainees are not classified based on medical conditions, as detainees with serious medical or emotion conditions are not housed at Mira Loma.

Our delegation strongly recommends that ICE takes immediate steps to separate the noncriminal Mira Loma Detention Center population from the criminal population.

#### **F. Voluntary Work Program**

The Standards require that every physically and mentally able detainee have an opportunity to work.<sup>144</sup> Work assignments are to be made based on a detainee's security classification.<sup>145</sup> Qualified detainees cannot be denied work assignments on the basis of factors such as race, religion, physical or mental handicap or national origin.<sup>146</sup> Supervisory officials must consider the precise limitations of disabled individuals before rejecting them for particular work assignments.<sup>147</sup> Work is limited to 8 hours per day, and a maximum of 40 hours per week. Workers are to be paid \$1.00 per day and are to be paid daily.<sup>148</sup>

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<sup>137</sup> *Id.* at Sec. III.B.

<sup>138</sup> *Id.* at Sec. III.E.

<sup>139</sup> Detention Operations Manual, Detainee Services, Standard 3, Secs. III.A and III.E.

<sup>140</sup> Standards, Ch. 6: Detainee Classification System, Sec. III.G.

<sup>141</sup> *Id.* at Sec. III.H.

<sup>142</sup> Statement of Deputy (b)(6), (b)(7)c (July 8, 2004).

<sup>143</sup> *Id.*

<sup>144</sup> Standards, Ch. 37: Voluntary Work Program, Sec. III.A.

<sup>145</sup> *Id.*

<sup>146</sup> *Id.* at Sec. III.F.

<sup>147</sup> *Id.* at Sec. III.G.

<sup>148</sup> *Id.* at Sec. III.K.

At the Mira Loma Detention Center, detainees are afforded the opportunity to participate in voluntary work programs. However, the detainees are not paid. Most detainees did not seem upset with the lack of payment, but were satisfied with the special privileges received.<sup>149</sup> Detainees who work at Mira Loma receive special benefits including living in special barracks with large screen televisions and vending machines, a special meal at least once a week, and extended visiting hours.

### G. Grievance Procedures

The Standards aim for an informal resolution of most detainee grievances.<sup>150</sup> However, each facility is required to have a formal written grievance process.<sup>151</sup> The facility is to provide assistance for illiterate, disabled, and non-English speaking detainees<sup>152</sup> and detainees may obtain assistance in preparing grievances from other detainees, facility staff, and outside sources.<sup>153</sup> Detainees are to be provided with written grievance forms on request,<sup>154</sup> and forms may be submitted up to five days after an objectionable event.<sup>155</sup> The completed form is to be delivered without delay to the on-duty supervisor,<sup>156</sup> who is to meet with the detainee.<sup>157</sup> If the supervisor is unable to resolve the problem, a notation is made on the grievance form, which is forwarded to the department head.<sup>158</sup> If the detainee does not accept the department head's proposed solution, the grievance is forwarded to the Detainee Grievance Committee, which must make a ruling within five days of convening, stating the reasons for its ruling.<sup>159</sup> The detainee can appeal the committee's ruling to the officer-in-charge, who must respond within five days and may uphold, modify or reverse the committee ruling.<sup>160</sup> The Standards prohibit retaliation against detainees for filing a grievance,<sup>161</sup> and the facilities are required to keep a record of grievances.<sup>162</sup> Further, the Standards require detainee handbooks to provide an explanation of

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<sup>149</sup> Interviews with detainee (b)(6), (b)(7)c and an anon (b)(6), (b)(7)c ). But note, one detainee likened the unpaid work structure to slavery. Interview with (b)(6), (b)(7)c (July 8, 2004).

<sup>150</sup> Standards, Ch. 18: Detainee Grievance Procedures, Sec. III.A.1.

<sup>151</sup> *Id.* at Sec. III.A.2.

<sup>152</sup> *Id.* at Sec. III.A.2.6.

<sup>153</sup> *Id.* at Sec. III.A.2.4.

<sup>154</sup> *Id.* at Sec. III.A.2.1.

<sup>155</sup> *Id.* at Sec. III.A.2.

<sup>156</sup> *Id.* at Sec. III.A.2.3.

<sup>157</sup> *Id.* at Sec. III.A.2.

<sup>158</sup> *Id.*

<sup>159</sup> *Id.*

<sup>160</sup> *Id.* at Sec. III.C.

<sup>161</sup> *Id.* at Sec. III.D.

<sup>162</sup> *Id.* at Sec. III.E.

the grievance procedures and provide the opportunity to file a complaint about officer misconduct directly with the Justice Department (including the phone number and address).<sup>163</sup>

At the Mira Loma Detention Center, detainees are able to file a grievance by filling out a form, which can be found in every barracks. The detainee then places the form in a lock box, which is checked by the Supervisor after every shift. The Sheriff's staff reviews the complaints and sends complaints related to the Standards to ICE. The grievances are processed within ten days. If a detainee is illiterate, he can ask for help from the staff. Language is also not an impediment to filing a complaint; the staff at the Mira Loma Detention Center will translate complaints made in foreign languages.<sup>164</sup>

The Mira Loma Detention Center appears to have an organized system for filing grievances and does not appear to be dismissing the Standards governing the grievance procedure. Whether or not the grievance system is effective, however, is another matter. Some detainees reported suspicions that the Center's officers retaliated against complaining detainees.<sup>165</sup>

Additionally, detainees reported of a strip search that officers and staff conducted over Memorial Day weekend.<sup>166</sup> In one barrack, about 14 to 15 officers observed the strip search.<sup>167</sup> Detainees were required to strip down and bend over, holding their buttocks apart.<sup>168</sup> Many of the officers present were laughing at the detainees during this procedure.<sup>169</sup> The detainees reported feeling humiliated by this episode.<sup>170</sup> One detainee reported that the entire incident was filmed, and that the detainees had filed a petition with the ACLU to have the tape destroyed.<sup>171</sup>

The detainee who reported this incident to us also noted that ICE was notified of the situation, an officer said it would be investigated, but nothing had been done as a result of any investigation.<sup>172</sup>

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<sup>163</sup> Detention Operations Manual, Detainee Services, Standard 8, Sec. III.G.

<sup>164</sup> Statements of (b)(6), (b)(7)c ICE, and Captain (b)(6), (b)(7)c Los Angeles Sheriff's Department (July 8, 2004).

<sup>165</sup> Interviews with detainee (b)(6), (b)(7)c and anonymous detainee (July 8, 2004).

<sup>166</sup> Interviews with detainee (b)(6), (b)(7)c, two anonymous detainees (July 8, 2004).

<sup>167</sup> Interview with detainee (b)(6), (b)(7)c (July 8, 2004).

<sup>168</sup> *Id.*

<sup>169</sup> *Id.*

<sup>170</sup> Interview with anonymous detainee (July 8, 2004).

<sup>171</sup> Interview with anonymous detainee (July 8, 2004).

<sup>172</sup> Interviews with detainee (b)(6), (b)(7)c (July 8, 2004).

## H. Immigration Court

The Mira Loma Detention Center has an Immigration Court on site. It is marked Building 27 and is located just beyond the security base. Detainees are transported to the Immigration Court building for their hearings. They are handcuffed when walking from the security base to the Immigration Court. There is a list of pro bono legal services posted in the living quarters; however, due to Mira Loma's remote location, it is very hard for detainees to obtain legal counsel. While detainees can attend group rights presentations, which are given in English and Spanish, it is unclear whether the detainees who speak neither English nor Spanish have any similar opportunities to receive any kind of legal advice.

## I. ICE Presence

ICE has a sizeable on-site presence at the Mira Loma Detention Center. The ICE co six deportation officers, eight immigration enforcement agents, in addition to (b)(6), (b)(7)c. The Mira Loma Detention Center is an Intergovernmental Service Agreement (IGSA) facility, and ICE is at Mira Loma daily. As a consequence of the large on-site ICE presence, ICE is constantly visiting and interviewing detainees.

If a detainee needs to contact the ICE staff, the detainee can also fill out a complaint form, located in the barracks. The detainee requests are screened by facility staff, which then re-routes ICE-related complaints/requests to the ICE staff. (b)(6), (b)(7)c stated that if a detainee has an urgent complaint or problem, it will be addressed within 2 hours, and otherwise, complaints are responded to as soon as practicable. (b)(6), (b)(7)c said that a log of detainee requests sent and responses received is not kept at the Mira Loma Detention Center.

## VI. CONCLUSION

At the time of the delegation's visit and tour, the Mira Loma Detention Center appears well-run, and the officers in charge appear professional and humane. Of particular concern however, is the strip-search incident noted above. While not all of the Standards have been fully implemented, as articulated above, the Center is aware of the Standards and appears to be working to implement them.