

May 18, 2006

TO: [REDACTED] American Bar Association

FROM: ABA Delegation to CSC Detention Facility, Seattle, Washington¹

RE: INS Compliance with Detention Standards at the Seattle CSC Facility

I. INTRODUCTION

At your request, we attempted to tour two INS detention facilities in Seattle, Washington: the CSC Detention Facility located at 815 Airport Way South in Seattle (the “CSC Facility”) and the Federal Detention Center located at 2425 South 200th Street in Seattle (the “FDC”), to evaluate and report on their compliance with standards in the INS Detention Operations Manual (the “Standards”). Unfortunately, we were denied permission to tour the FDC Facility.² Accordingly, this memorandum summarizes information gathered during our May 1, 2002 tour of the CSC Facility and interviews with administrators and detainees there, as well as informal interviews with representatives of the Northwest Immigrant Rights Project (“NWIRP”) and immigration attorneys representing detainees at the CSC Facility.

This memorandum reports on the CSC Facility’s compliance with the Standards in the following areas: detainee handbook, legal access/visitation, telephone access, legal materials, group rights presentations, recreation issues, medical issues, religious issues, and living arrangements. The entire delegation participated in the tour, which lasted three hours. The tour was led by Mr. [REDACTED] CSC Facility Administrator. As part of the tour, we had an opportunity to inspect the dormitory

¹ [REDACTED] gation was comprised of University of Washington law students [REDACTED] [REDACTED] [REDACTED], and [REDACTED] and Perkins Coie LLP attorneys [REDACTED] [REDACTED] and [REDACTED]

² According to FDC attorney William Goldring, the FDC is a Bureau of Prisons facility and is not subject to the Standards. While we informed the FDC warden and Mr. Goldring that the Standards applied to all facilities housing detained immigrants, Mr. Goldring insisted that the FDC facility is not subject to these “INS” standards.

areas, the cafeteria, the visiting area, the recreational areas, the library, the segregation rooms, and the medical facilities. During this tour, we interviewed Mr. [REDACTED] CSC Facility Administrator and Mr. [REDACTED], Immigration and Naturalization Service, as well as the head nurse and several guards at the facility. In addition, we conducted private interviews with three detainees.

II. GENERAL INFORMATION ABOUT FACILITY

The CSC Facility is a contract detention facility located close to downtown Seattle. According to CSC Facility Administrator, Mr. [REDACTED] approximately 160 detainees are held in the facility at any given time. Based on information obtained under the Freedom of Information Act, NWIRP found that while there are 160 beds at CSC, the Facility actually held up to 200 people at any one time.³

The average length of stay is 10 to 15 days, although some detainees have been held as long as 10 months. The detainee population consists of approximately 60% Hispanic/Spanish speaking; 25% Chinese; and 15% from Europe or other countries.

III. COMPLIANCE ISSUES

A. General Information / Detainee Handbook

The Standards require each detention facility to produce a detainee handbook specific to the policies, rules, and procedures of that facility.

The CSC Facility's handbook outlines the facility's policies and procedures. The handbook is published in English and Spanish. According to Mr. [REDACTED] all detainees receive a copy of the book on arrival, and non-English/Spanish speaking detainees receive a translation of the handbook either orally or in writing. However, several Chinese speaking detainees stated that they had never received a copy of the handbook or a translation since arriving at the CSC Facility.⁴

The failure to provide non-English/Spanish speaking detainees with translations of the detainee handbook is a serious hardship for those detainees. Chinese detainees constitute approximately 25% of the population. In general, non-English/Spanish speaking detainees appeared to be unaware of many of the policies and procedures of

³ Email correspondence from [REDACTED] Accredited Representative, NWIRP, to [REDACTED] on July 12, 2002.

⁴ Mr. [REDACTED] notes from detainee interviews (detainees do not wish to be identified).

the CSC Facility. Chinese detainees interviewed stated that they did not know the contents of the detainee handbook and obtained most of their information about the CSC Facility from other Chinese detainees.⁵

B. Legal Access / Visitation

1. Visitation by Attorneys

The Standards require detention facilities to allow detainees to meet privately with their current or prospective legal representatives and legal assistants and to meet with their consular officials.

Detainees at the CSC Facility are allowed to meet with their legal representatives twenty-four hours a day, seven days a week.⁶ Detainees may consult with their legal representatives in a “contact” visit; however, detainees may be searched afterwards, at the discretion of facility personnel.⁷ No movement of detainees is allowed in the facility between 6:00 a.m. and 6:30 a.m., 2:00 p.m. to 2:30 p.m. and 10:00 p.m. to 10:30 p.m. to enable a head count.⁸

Visitation periods are continuous, and detainees are not interrupted for meals. A detainee who chooses to skip a meal due to an attorney visit has the option of a snack meal after the visit.⁹ According to Mr. [b6, b7C] attorneys can call and speak with Mr. [b6, b7C] or Mr. [b6, b7C] of the INS to determine if their client is being detained in the facility.¹⁰ Attorneys are required to have a signed G28 Notice of Appearance to visit a detainee and show photo identification.¹¹

The CSC Facility only has one private room for attorney visits. If more than one room is needed, certain “spaces” are provided for the attorney visits. These “spaces” are open areas simply cordoned off by separators. Although the Facility

⁵ *Id.*

⁶ Ms. [b6] notes from statements of Mr. [b6, b7C]

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ Ms. [b6] notes.

¹¹ *Id.*

Administrator assured the delegation that the detainees' privacy is respected at these times,¹² the "spaces" do not provide sufficient privacy for attorney consultations as required by the Standards.

2. Visitation by Family and Friends

The Standards provide that facilities should permit authorized persons to visit detainees within security and operational constraints.

The schedule for visiting hours is posted in the lobby at the CSC Facility.¹³ According to the schedule, visiting hours are Monday, Thursday and Friday from 1:30 p.m. to 3:30 p.m.. For weekend visitations, detainees with odd detainee numbers can receive visitors on Saturday from 8:00 a.m. to 11:00 a.m., while detainees with even detainee numbers may receive visitors on Sunday from 8:00 a.m. to 11:00 a.m..¹⁴ Detainees may make arrangements for special visits with friends and family members outside of normal visiting hours, schedule and facility resources permitting.¹⁵ Anyone within reason may visit a detainee provided they are placed on the visitation list by the detainee. Visits are at least thirty minutes in length, although they may be shorter if there is a long line of detainees waiting to use the visitation room.¹⁶

The visitation room is small and cramped with a glass partition separating detainees and visitors.¹⁷ Contact visits with family and friends are generally not permitted, although they may be allowed under special circumstances.¹⁸

Visitors are allowed to leave money for the detainees. The money is placed in the detainee's "account," and may be used by the detainee to purchase items from the commissary.¹⁹

¹² Ms. [b6] notes from statements of Mr. [b6, b7C]

¹³ *Id.*

¹⁴ Posted visitation schedule.

¹⁵ Ms. [b6] notes from statements of Mr. [b6, b7C]

¹⁶ *Id.*

¹⁷ Ms. [b6] notes.

¹⁸ Ms. [b6] notes from statements of Mr. [b6, b7C]

¹⁹ *Id.*

C. Telephone Access

The Standards provide that detainees should have reasonable and equitable access to telephones.

In general, telephone access at the facility falls short of the Standards. Pay phones were present in the living quarters and recreation areas of the facility. However, no instructions or rates were posted at any of the telephone booths observed by the delegation.²⁰ Detainees do not receive instructions on how to operate the phones and several detainees stated that they learned how to operate the telephones from other detainees.²¹ In addition, the delegation did not observe any posted lists of consular contacts or pro bono legal organizations in any of the phone booths.²² Detainees reported repeated problems with the connection when placing calls overseas.

Several detainees were also unaware that they could receive phone messages at the facility.²³ According to Mr. [b6, b7C], phone calls are free when related to legal services.

D. Legal Materials

Access to legal materials at the CSC Seattle facility is insufficient under the Standards for three main reasons.

First, the library does not contain all of the legal materials required by the Standards.

Second, the absence of dictionaries and legal materials in languages other than English means that many detainees can not use the library at all.

Third, the library can only seat two people at a time, and this is too small to meet the needs of a detainee population of 160 people.

1. Required Legal Materials

The law library at the CSC detention facility contained 15 of the 30 legal materials mandated by the Standards and listed in Attachment A-2 of the Volunteer Attorney's

²⁰ Mr. [redacted] notes.

²¹ Mr. [redacted] notes from detainee interviews (detainees do not wish to be identified).

²² Mr. [redacted] notes.

²³ Mr. [redacted] notes from detainee interviews (detainees do not wish to be identified).

Guide.²⁴ Significant missing items include materials regarding constitutional law, immigration law and crimes, legal research, human rights reports, UNHCR procedures, and the United States Code Titles 8 and 28. Black's Law Dictionary and a Spanish-English law dictionary were available for use.²⁵ Mr. [b6, b7C] expressed his opinion that the library would soon acquire a Chinese-English dictionary.²⁶ No legal materials were available in any languages other than English, despite the fact that Spanish and Chinese are the two most common languages spoken by detainees at the facility.²⁷

[b6, b7C] and [b6, b7C] are the two INS officials at the facility in charge of the legal resources.²⁸

The last inventory check was performed on April 28, 2002, three days prior to our delegation visit.²⁹ The materials are neither completely out of date, nor are they up to date.³⁰ For example, the Standards note that *Federal Criminal Code and Rules* is published annually. The law library contains the 2000 edition. Heins *Interim Decisions* is current though 1999.³¹

According to Mr. [b6, b7C] there is a procedure for detainees to request additional legal materials. A detainee should write a letter to the INS to request the materials and state the reasons why they are needed.³² These materials would then be provided to the detainee.

²⁴ This information regarding resources is from the "Law Library Inventory List," provided by INS officials during the visit.

²⁵ Ms. [b6] notes.

²⁶ Ms. [b6] notes from statement by Mr. [b6, b7C].

²⁷ Ms. [b6] notes.

²⁸ Ms. [b6] notes from statement by Mr. [b6, b7C].

²⁹ Law Library Inventory List.

³⁰ *Id.*

³¹ *Id.*

³² Ms. [b6] notes from statement by Mr. [b6, b7C].

2. Access to Library

According to Mr. [b6, b7C] detainees in segregation who are not a threat to others may be permitted to use the law library. Materials will be brought to segregated detainees upon request.³³ However, as no segregated detainee was interviewed, it was not possible to verify Mr. [b6, b7C] statements in this regard.³⁴

3. Library Conditions

The library facilities are insufficient under the Standards. The room is small and equipped with only two chairs and two small desks.³⁵ It is located off of a common area, which could pose a noise problem.³⁶ There are no set hours during which the library is open.³⁷ The facility does not limit a detainee's use of the library unless space is unavailable. The detention officials state that they try to accommodate detainee requests to use the library unless such requests are unreasonable or unacceptable.³⁸

Mr. [b6, b7C] stated that requests to use the library were few, and thus the small size of the room was not a problem.³⁹ The lack of requests to use the library, however, may be the result of the lack of materials in languages other than English, and also the ignorance of many detainees as to the library's availability at all. Two Chinese detainees we interviewed stated they were not aware that a legal library existed.⁴⁰

³³ *Id.*

³⁴ Ms. [b6] notes.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Ms. [b6] notes from statement by Mr. [b6, b7C]

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Detainee Interviews 1 and 2.

4. Computer Access

The law library contained two typewriters and one computer with a CD-ROM. Bender's Immigration Service was available for use on the CD-ROM.⁴¹ Detainees may save work to a disc, which is then kept by the shift supervisor until requested again.⁴² Mr. [b6, b7C] stated that the Florence "Know Your Rights Video" was in the library, but we did not find it there during our tour.⁴³

5. Photocopies and Mail

The CSC Facility appears to meet the Standards governing copying of legal materials and the provision of free stamps and envelopes to indigent detainees. Free copies of legal documents are available to all detainees.⁴⁴ A detainee who needs copies submits a request to the shift supervisor, who will then make as many copies as necessary.⁴⁵ Indigent detainees are provided with envelopes and stamps three times a week for non-legal correspondence, and as often as necessary for legal correspondence.⁴⁶ Staff at the facility make a determination as to whether a detainee is indigent based on the amount of funds held in account for the detainee.⁴⁷

E. Group Rights Presentations

The CSC Facility generally follows the Standards with respect to group rights presentations. Group rights presentations are regularly given at the CSC Facility by NWIRP. No other organizations give rights presentations at this time.⁴⁸

The lack of information in Chinese is a serious problem for the many Chinese-speaking detainees. No organizations give regular presentations in Chinese, although

⁴¹ Ms. [b6] notes.

⁴² Ms. [b6] notes from statement by Mr. [b(6), (b)(7)C]

⁴³ Ms. [b6] notes.

⁴⁴ Ms. [b6] notes from statement by Mr. [b6, b7C] Detainee Interviews 1 and 2.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Ms. [b6] notes from statement by Mr. [b6, b7C]

⁴⁸ Mr. [b(6), (b)(7)C] notes from statement by Mr. [b6, b7C]

NWIRP has provided a presentation with a Chinese interpreter on at least one occasion.⁴⁹ It is also notable that notices of presentations are not posted in Chinese.⁵⁰ Chinese detainees interviewed were only vaguely aware of the presentations or of the existence of free legal services in the area.⁵¹ A NWIRP representative stated: “I know there are people who have no knowledge of Spanish or English that completely fall through the cracks in our current system.”⁵²

1. Pre-Presentation Procedures

Written notices of rights presentations in English and Spanish were posted in the living quarters of the detainees, and included a schedule of the weekly presentations with the topic and the language to be used in the presentation.⁵³ According to Mr. [b6, b7C] the informational posters are generally posted at least seven days in advance, along with a sign-up sheet for detainees wishing to attend the presentation. No sign-up sheet was visible to the delegation near the informational posters.⁵⁴ However, Mr. [b6, b7C] also stated that guards verbally notify detainees before a presentation and usually allow all interested detainees to attend, regardless of whether they use the sign-up sheet. The presentations are open to all detainees, including those in segregation, provided they do not present a security risk. Detainees who are not permitted to attend the general presentation for security reasons may request special accommodations for a personal know-your-rights presentation.⁵⁵ It is unclear if detainees in segregation are aware of this right.

2. Presentations

Presentations are given in the facility’s cafeteria on Wednesdays. According to [b6] [b6] at NWIRP, the first Wednesday of the month is for Spanish-speaking men, the

⁴⁹ Mr. [b6] Interpreter.

⁵⁰ Mr. [b6] notes.

⁵¹ Mr. [b6] notes from detainee interviews (detainees do not wish to be identified).

⁵² Email correspondence from [b6], Accredited Representative, NWIRP, to [b6] on July 12, 2002.

⁵³ Mr. [b6] notes.

⁵⁴ *Id.*

⁵⁵ Mr. [b6] notes from statement by Mr. [b6, b7C]

second Wednesday is for English-speaking men, the third Wednesday is for Spanish-speaking men, and the fourth Wednesday is for individual intakes with women detainees.⁵⁶ Legal assistants may make presentations without an attorney present.⁵⁷ NWIRP is generally allowed two hours for their presentations, and are allowed a maximum of four to five presenters.⁵⁸

Generally between 50 and 60 men are present at the Spanish speaking presentations, and between 30 to 40 men for the English speaking presentations.⁵⁹ Between three to eight women request a conference with the NWIRP representative on the fourth Wednesday.⁶⁰

During these group rights presentations, the CSC Facility guards are at their regular stations.⁶¹ According to Mr. [b6, b7C] guards also may be present during these presentations for security reasons; however, they make an effort to respect the privacy of the discussions and stay in the back of the room.⁶² Sometimes a guard may pass through the cafeteria and disrupt the presentation in order to accompany a detainee to receive medicine (also called the “pill line”) or for other reasons.⁶³ The guards may also stand in the cafeteria at the end of the presentation to make sure it ends on time and to escort detainees back to their rooms.⁶⁴

⁵⁶ Email correspondence from [b6] Accredited Representative, NWIRP, to [b6] on July 12, 2002.

⁵⁷ Mr. [b6] notes from statement by Mr. [b6, b7C]

⁵⁸ *Id.*

⁵⁹ Email correspondence from [b6] Accredited Representative, NWIRP, to [b6] on July 12, 2002.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² Mr. [b6] notes, based on statement by Mr. [b6, b7C]

⁶³ Email correspondence from [b6] Accredited Representative, NWIRP, to [b6] on July 12, 2002.

⁶⁴ *Id.*

In the past, NWIRP presenters had allowed detainees to ask questions about their individual cases.⁶⁵ However, due to lack of resources at this organization, NWIRP has not been able to do individual consultations with detainees in over one year.⁶⁶ Instead, detainees are directed to call NWIRP during specific lawyer intake times, which are held approximately three hours per week.⁶⁷ These intake hours are often very busy times, and detainees may frequently receive busy signals when trying to contact an attorney at NWIRP regarding their case.⁶⁸

F. Recreation Issues

1. Recreation Areas

The CSC Facility has two outdoor recreation areas. Each consists of an open paved area and a basketball backboard with a hoop.⁶⁹ There is also one indoor recreation area containing a Ping-Pong table, a television (available in Spanish and English and controlled by a central control area), a small collection of books, and a set of weights. At the time of the tour, the area for lifting weights was not functional because the equipment was being moved and rebolted to the floor.⁷⁰

2. Extent and Types of Recreation

Detainees are provided at least one hour of outdoor recreation time per day.⁷¹ Detainees interviewed stated that the time allowed for outdoor recreation varies according to the specific guard on duty that day.⁷² In addition, detainees often choose

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Mr. [REDACTED] notes.

⁷⁰ Mr. [REDACTED] notes from statement by Mr. [REDACTED].

⁷¹ Mr. [REDACTED] notes from statement by Mr. [REDACTED].

⁷² Mr. [REDACTED] notes from detainee interviews (detainees do not wish to be identified).

to remain in the indoor recreation area during cold or rainy weather since they do not have proper jackets for cold weather.⁷³

Detainees usually play basketball in the outdoor recreation area. Detainees are also allowed to keep their own tennis shoes as they provide better traction on the outdoor surface and reduce injuries.

Although disputes do occasionally arise on the basketball court, the detainees often settle the disputes themselves without the need for outside intervention.⁷⁴ Many Chinese detainees also play a traditional game similar to “hackey sack.”

The same types of recreation are available to the individuals in segregation as those in the general population; however, they receive their recreation time at different times than the general population. Mr. [b6, b7C] stated that he believes it to be in the facility’s interest to provide all detainees with as much recreation time as possible.⁷⁵

G. Classes

The CSC Facility does not provide any type of classes for detainees because it is a short-term facility.⁷⁶ Although the majority of detainees are short-term, the number of long-term detainees appears to be growing, especially among Chinese detainees.⁷⁷ Classes may be appropriate under the Standards for this segment of the CSC Facility detainees.

H. Medical Issues

Overall, the general access to healthcare at the CSC Facility appears to be in line with the optimal implementation of the Standards. However, the CSC Facility appears to fall short of the Standards in two areas: the provision of dental care, and publication and posting of the Clinic’s hours and grievance procedures.

⁷³ Mr. [b6] notes from statement by Mr. [b6, b7C] and detainee interviews (detainees do not wish to be identified).

⁷⁴ Mr. [b6] notes from statement by Mr. [b6, b7C]

⁷⁵ Mr. [b6, b7C] stated “The more tired we can make them [the detainees], the better.” (Mr. [b6] notes).

⁷⁶ Mr. [b6] notes from statement by Mr. [b6, b7C]

⁷⁷ Mr. [b6] notes.

1. General Access to Healthcare

The CSC Facility is accredited by the National Commission of Mental Health and the American Correctional Association.⁷⁸ The facility contracts with a private physician who conducts sick call between two and three times a week for between four and five hours per session.⁷⁹ The physician is also on call as needed. The facility employs one physician's assistant, who conducts sick call and routine physicals, one R.N. and two L.P.N's.⁸⁰ The clinic is open between 6 a.m. and 10 p.m.⁸¹ Detainees are taken directly to Harborview Medical Center for emergencies. The procedure for dealing with emergencies is to dial 911.⁸² Neither the Clinic's hours nor any procedures for requesting medical care were posted in any of the areas of the facility that this delegation visited.⁸³ According to Mr. [b6, b7C] detainees are seen immediately upon request if they say they are sick.

The facility contracts with Semar Clinic for detainee's dental care and with King County Mental Health for mental health evaluations and treatment.⁸⁴ All pregnant detainees are transferred immediately to other detention centers, as prenatal care is not available at the CSC Facility.⁸⁵ Mr. [b6, b7C] informed the delegation that there are few dental complaints and that all are taken care of promptly at Semar Clinic after being assessed by the facility physician. There are no routine dental check-ups. He also informed the delegation that the INS approves and grants tests, which the clinic orders promptly — sometimes within minutes.

The clinic screens for tuberculosis and pregnancy at intake or within 24 hours, and also checks at intake for any symptoms that are "bizarre" or "weird."⁸⁶ The clinic

⁷⁸ Ms. [b6] notes from statement by Mr. [b6, b7C]

⁷⁹ Mr. [b6] notes from statement by Mr. [b6, b7C]

⁸⁰ *Id.*

⁸¹ Ms. [b6] notes from statement by Head Nurse, CSC Facility.

⁸² *Id.*

⁸³ Ms. [b6] notes.

⁸⁴ Ms. [b6] notes from statement by Mr. [b6, b7C]

⁸⁵ *Id.*

⁸⁶ *Id.*

does not require other physical examination until the detainee has been held for 14 days.⁸⁷ Detainees who are suffering from or show symptoms of diseases such as hepatitis or the measles are placed in medical quarantine. Medical quarantine is also used if a detainee has recently suffered a broken bone or had an operation. Detainees who have been put in medical quarantine are reevaluated daily.⁸⁸

The Standards call for routine dental care. However, detainees are only provided with dental care after six months of detention and upon complaint.⁸⁹ While the lack of dental care may be due to the short-term nature of this facility, long-term detainees should be given access to regular dental care.

2. Information Concerning Access to Healthcare

The CSC Facility staff does not provide information about accessing the healthcare facilities to the detainees upon intake. Neither is this information available to detainees in a published form. In addition, the members of this delegation found no posted hours of operation for the clinic, no posted information on how to request medical care, and no posted information on how to file a grievance about the access to medical care.⁹⁰

Interviews with detainees confirmed that detainees lack information concerning access to health care. The detainees this delegation interviewed were not aware they were entitled to dental care.⁹¹ Similarly, the detainees informed the delegation that they obtained information about grievance procedures and their ability to access medical care from other detainees.⁹² Detainees informed the delegation that fellow detainees often translate medical information between their fellow detainees and the staff at the CSC Facility medical clinic, but that the hospital has translators. In addition, non-English speaking detainees stated that fellow detainees help them to fill out requests for health care when they need it. These same detainees learned about

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ Ms. [REDACTED] notes.

⁹¹ Ms. [REDACTED] notes from detainee interviews (detainees do not wish to be identified).

⁹² *Id.*

the medical facilities and procedures for obtaining treatment through other detainees and not from facility staff or publications.⁹³

I. Religious Issues

The Standards provide that detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths. These opportunities must exist equally regardless of the number of practitioners of the religion or whether the religion is “mainstream” or not.

Volunteers of all faiths are allowed to enter the CSC Facility once they have passed a security clearance. Detainees have access to Bibles and Christian religious services. Times of Christian religious services were posted.⁹⁴ No other religious events were posted, and non-Christian religious materials were not found in the detainee library.⁹⁵ One of the religious volunteers, a charismatic Catholic, attempts to cover various religious creeds in her prayer sessions, including Buddhism and Islam.⁹⁶ One Christian interviewed found the mixing of faiths unsettling and did not attend these religious sessions.⁹⁷ Mr. [b6, b7C] was unaware of volunteer Jewish, Muslim or Buddhist leaders who visited the detention center regularly.⁹⁸

J. Living Arrangements / Dietary Requirements

1. Accommodations

The Detainee Handbook provides, “[C]lean linens are provided for each person entering the facility to include two sheets, one towel, one hand towel, one pillow case, and two blankets.”⁹⁹ The Handbook also provides a schedule for laundering linens, personal items, and jumpsuits. The CSC Facility followed these requirements.

⁹³ *Id.*

⁹⁴ Ms. [b6] notes.

⁹⁵ *Id.*

⁹⁶ *Id.*

⁹⁷ Ms. [b6] notes from statement by Interview with [b6, b7C] (Nigeria), May 1, 2002.

⁹⁸ Ms. [b6] notes.

⁹⁹ *Detainee Handbook*, (June 2000) at 9.

Detainees sleep in cells of several beds in a housing unit, with toilets and showers available. There is one designated dorm for women. If the number of female detainees increases beyond this dorm's capacity, the detainees are rearranged to ensure that women are housed separately from the men.¹⁰⁰ Free toiletry kits consisting of a comb, toothbrush, soap and shampoo are provided to each detainee. Detainees are allowed to purchase additional items using their own funds.¹⁰¹ One detainee interviewed from Africa noted that the shampoo provided was not appropriate for her hair type.¹⁰²

2. Dietary Requirements

A detainee has the right to request special dietary needs. These include vegetarian, low carbohydrate, diabetic, no beef, no pork, and low sodium options.¹⁰³ Most diets contain 2500 to 3000 calories per day.¹⁰⁴ There are no kitchen facilities on the premises, so food is delivered into the facility for every meal.¹⁰⁵

K. Other Issues

1. Detainee Classification

The CSC Facility houses both criminal and non-criminal aliens.¹⁰⁶ The INS has a general policy of housing criminal aliens separately from non-criminal aliens.¹⁰⁷ Although this is generally the case, there are aliens classified as aggravated felons housed together with non-criminal aliens in the same quarters.¹⁰⁸ Mr. [b6, b7C] stated that criminal aliens are only housed temporarily with non-criminal aliens, until alternative

¹⁰⁰ Ms. [b6] notes.

¹⁰¹ Ms. [b6] notes.

¹⁰² Ms. [b6] notes from Interview with [b6, b7C] (Nigeria), May 1, 2002.

¹⁰³ Ms. [b6] notes.

¹⁰⁴ Ms. [b6] notes.

¹⁰⁵ Ms. [b6] notes.

¹⁰⁶ Ms. [b6] notes.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

housing is identified. The facility has three solitary confinement rooms, which are used for disciplinary or health reasons. The facility also has one containment chair for aliens deemed dangerous to themselves.

2. Personal Item Retention

The CSC Facility has a procedure for persons to drop off property for detainees. Permitted items include clothing and shoes. All property is subject to search. Detainees are permitted to wear their own shoes due to safety concerns.¹⁰⁹ Visitors may also leave money with a designated staff member for deposit into the detainee's account.

As provided for in the Detainee Handbook, detainees are permitted to retain the following: small religious items, soft-covered religious and secular materials, legal documents and papers within reasonable limits, prescription glasses, dentures, address books, personal correspondence, a wedding ring, and up to ten 5" x 7" photographs.¹¹⁰ In the men's dorms, the detainees keep these personal items under their beds.¹¹¹ The detention administrators are generally more permissive with respect to women retaining personal items, allowing the female detainees to retain art work, folded paper objects, and other knickknacks.¹¹² Other items, such as excessive legal documentation, as determined by facility managers, are itemized and stored.¹¹³

3. Grievance and Disciplinary Procedures

The formal grievance procedure for detainees who have complaints is outlined in the Detainee Handbook. According to the procedure, all formal grievances are responded to within 10 days and decisions may be appealed. Detainees are generally allowed to assist one another in filing complaints. However, one detainee reported that a complaint she filed on behalf of a mother and daughter placed in "quasi-segregation" was rejected as "not grievable" because detainees are not allowed to complain on

¹⁰⁹ *Id.*

¹¹⁰ *Detainee Handbook*, (June 2000) at 13.

¹¹¹ Ms. [REDACTED] notes.

¹¹² *Id.*

¹¹³ *Id.*

behalf of other detainees.¹¹⁴ According to Mr. [b6, b7C] most complaints are taken care of informally right away, such as detainee requests to have visitors come at times outside the normal visiting hours.¹¹⁵

Disciplinary procedures are also outlined in the Detainee handbook. If a report is made that may merit disciplinary segregation of a detainee, it is reviewed within 24 hours and then goes to a disciplinary committee after 72 hours. The disciplinary committee consists of two CSC Facility staff members and one INS officer.

The CSC Facility has three different classes of disciplinary segregation, depending on the nature of the offense. Detainees are segregated for up to 30 days for assaulting a CSC Facility staff member. Detainees are segregated for up to 15 days for offenses such as fighting with another detainee. Minor offenses may result in up to three days of segregation. At times, “quasi-segregation” may be used to resolve less serious problems among detainees.¹¹⁶ All segregated detainees receive recreation and shower, phone, and visitor privileges, although not at the same time as the general detainee population.

Administrative segregation is used for passive homosexuals who may be ridiculed by other detainees, detainees with mental issues, and in one particular case, for a detainee who refused to stop openly masturbating in the detainee living quarters.¹¹⁷ Detainees who are HIV positive are not segregated from the general population and their medical status is confidential.¹¹⁸

Restraints may also be used in certain situations. Detainees who are out of control and pose a danger to themselves and others are placed in a restraining chair. The chair is used for no longer than two hours at a time and King County Mental Health is called to evaluate any detainee who is placed in the restraining chair.

¹¹⁴ Ms. [b6] notes from interview with [b6, b7C] (Nigeria), May 1, 2002).

¹¹⁵ Ms. [b6] notes from statement by Mr. [b6, b7C]

¹¹⁶ For example, in the women’s living quarters, the special treatment received by one particular mother and daughter pair caused unrest among the other detainees. Rather than place the women in administrative segregation, the Facility Administrator placed them in an informal “quasi-segregation” area that is between and attached to the other two women’s sleeping areas. Ms. [b6] notes from statement by Mr. [b6, b7C]

¹¹⁷ Ms. [b6] notes from statement by Mr. [b6, b7C]

¹¹⁸ *Id.*

IV. CONCLUSION

Overall, the CSC Facility administrators appear to have attempted to comply with the Standards. However, the facility could greatly enhance its compliance by providing resources to non-English or non-Spanishspeaking detainees, particularly the large proportion of Chinese detainees. In particular, the facility should translate the Detainee Handbook into any language with significant representation in the detainee population, and Chinese in particular. The facility could also improve the communication of procedures and policies by posting signs throughout the facility in a variety of languages, including instructions on using the telephone and phone numbers for consular contacts and pro bono legal organizations in the area. Information about the Know Your Rights Presentations should be available in Chinese, particularly when a Chinese interpreter is available at this presentation.

The library should be brought up to date and include all of the materials specified by the Standards, as well as bilingual dictionaries or access to translation sites on the Internet to enable non-English speaking detainees to access these legal materials. The Facility should also provide better, more private rooms for attorney consultations with clients. In terms of health care, the CSC Facility administrators should also consider implementing better dental care, particularly for longer-term detainees, and post the Clinic's hours and grievance procedures, and offer courses to its more long-term detainees. Finally, the Facility could also encourage volunteers of religious faiths other than Christianity to offer services to detainees.