

MEMORANDUM

To: Victor Cerda, Acting Director, Office of Detention and Removal Operations
From: American Bar Association Delegation to the Krome Service Processing Center¹
Re: Observational Tour of the Krome Service Processing Center, Miami, Florida
Date: July 20, 2004

This memorandum summarizes and evaluates information gathered at the Krome Service Processing Center, Miami, Florida facility (“Krome”), through discussions with Section Chief, [REDACTED], Krome personnel, interviews of detainees, and observations by delegation members during the delegation's April 16, 2004 visit.

I. ICE Detention Standards

In November 2000, the former Immigration and Naturalization Service (INS) promulgated standards to ensure the “safe, secure and humane treatment of individuals detained by the INS.” The thirty-six Standards contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies to grievance procedures and food service. These Standards apply to INS Service Processing Centers, Contract Detention Facilities, and state and local government facilities used by the former INS through Intergovernmental Service Agreements. The Detention Standards went into effect at Service Processing Centers on January 1, 2001. The INS intended to phase-in the Standards in all of its contract facilities, and state and local facilities, by December 31, 2002. The Detention Standards establish the minimal requirements that INS must adhere to in its facilities. Each Field Office or Officer in Charge may, in his or her discretion, promulgate policies and practices affording immigration detainees greater rights and protections than those provided for by the INS Detention Standards.

In March 2001 INS was reorganized and is now known as U.S. Immigration and Customs Enforcement (ICE), an agency under the Department of Homeland Security. All references in this report to INS shall also refer to what it currently known as ICE.

II. Introduction

A. The Delegation's April 16th Visit

On Friday, April 16, 2004, the members of our delegation visited Krome, which is located at 18201 S.W. 12th Street, Miami, FL 33194. Our delegation met with several members of Krome's staff, primarily with [REDACTED] Section Chief, who personally guided the delegation through a tour of the facility. During the tour, we met with other Krome personnel who discussed different aspects of the facilities and operations.

B. General Information about Krome

¹ The delegation was comprised of [REDACTED] Partner at Baker & McKenzie (Miami), [REDACTED] Associate at Baker & McKenzie (Miami), and [REDACTED] Associate at Baker & McKenzie (Miami).

The Krome Service Processing Center at Miami, Florida is a detention facility of the United States Immigration and Customs Enforcement (ICE). Krome is an all-male facility² designed for a minimum capacity of 435, operational capacity of 580 and an emergency capacity of 850 detainees. On the date of the delegation's visit, the facility housed approximately 570 detainees.

Mr. [REDACTED] stated that the vast majority of the detainees are from Central America, South America and the Caribbean, with some detainees originating from the 'Middle East,' China and Ukraine.

The average stay for detainees at Krome is approximately thirty to ninety days. However, detainees from countries that will not issue travel documents for them have stays that are substantially longer than the average. Two of the detainees we interviewed had been at Krome for over a year and did not know the status of their cases.

The detainees are divided into three populations, represented by different color uniforms: blue for detainees with no criminal history, however, may include detainees with minor criminal records and non-violent felonies; orange for detainees with a history of non-violent offenses; and red for detainees with a history of violent offenses. Generally, the three populations are segregated from each other at all times. However, detainees of all three populations may be integrated during attorney visits, as there is only one designated area for such visits. In addition, if necessary (e.g. capacity concerns), the orange population may be combined with the red or blue population. Mr. [REDACTED] estimated that the detainee population was divided into 30% red, 40% orange and 30% blue.

Mr. [REDACTED] informed us that all detainees receive a copy of the Detainee Handbook³ for Krome Service Processing Center (the "Handbook") upon admission to Krome.⁴ In addition, all detainees must acknowledge, by signature, receipt of the Handbook. The Handbook is printed in English, Spanish and Creole. An English copy of the Handbook is attached hereto as Exhibit "A." The Handbook provides an overview of the detention policies, rules, and procedures and describes the services, programs, and opportunities at Krome.

III. Observations Relating to the Legal Access Standards

1. Legal Representation Section

Four paragraphs of the Handbooks are dedicated to Attorney Visits and Group Legal Rights Presentations.⁵ The 'Attorney Visits' section provides the visiting hours for legal representatives or paralegals. It also provides that a "list of pro bono (free) organizations will be

² Women and Children detainees are housed at a hotel, with which INS has an agreement.

³ A copy of the Handbook was provided to us at the beginning of our tour by [REDACTED]

⁴ Each detainee interviewed by the delegation confirmed receipt of the Handbook.

⁵ Detainee Handbook, at p.16.

posted in all detainee housing units.” It further provides that it is the responsibility of the detainee to contact such organizations for an appointment.

During our tour, we visited one housing building containing several units. The housing units we visited conspicuously posted a list of several pro bono legal services on a large bulletin board.

In addition, at the end of the Handbook is a section entitled ‘Rights and Responsibilities.’⁶ This section contains a list of the rights of the detainees and their corresponding responsibilities *vis a vis* such rights. For example, item 6 on the list provides as follows:

“You have the right to legal counsel from an attorney of your choice by means of interviews and correspondence at no cost to the United States Government. *It is your responsibility to obtain the services of any attorney honestly and fairly.*”

There is no language in the Handbook as to how a detainee would go about obtaining an attorney.

It is important to note that all but one of the detainees interviewed by the delegation did not have counsel. As of result of the delegation’s scheduling conflicts, our visit was rescheduled to a date almost one month from our originally scheduled date. By the time of our visit, several of the detainees on our interview list were no longer at Krome. Such detainees had been transported to another facility or had already been deported. A few days prior to our visit, while finalizing the list of interviewees, we had difficulty contacting counsel for each detainee in order to get their consent to interview them. Thus, all but one of the detainees gathered by Mr. b6, b7C did not have counsel.

2. Legal Access/Visitation

A. Visitation by Attorneys⁷

The *INS Standards* provide that facilities should allow detainees to meet privately with their current or prospective legal representatives and legal assistants and to meet with their consular officials.⁸

According to the Handbook and Mr. b6, b7C attorneys are allowed to visit detainees at Krome seven days a week. The visiting hours are 7:00 am to 11:00 pm every day, including weekends and holidays. If a detainee is meeting with his legal representative during meal hours, a lunch tray will be brought to the visiting area. In addition, the attorney visit may continue through a detainee count. This is no limit to the duration of an attorney visit. While attorneys may call ahead to determine whether a detainee is at the facility, no advance notice is required.

⁶ Detainee Handbook, at p.33.

⁷ Attorney Visits are discussed in Detainee Handbook at p. 16.

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

There may, however, be a 30-minute turn around time from the moment the attorney arrives at Krome and the detainee is escorted to the visiting area. Attorneys may visit detainees regardless of whether they are in a housing unit or in a segregation unit.

The area designated for attorney visits consists of five visiting rooms separated by a wall, open on the rear part of the detainee side and a small room on the attorney side. There are four “no-contact” rooms and one “contact” visitation room.⁹ The visitation rooms, with room for one detainee and one attorney, are located in a hallway behind the visitor entrance and leading to the three ICE courtrooms located within Krome. The attorney visits may be observed by Krome staff. All detainees are subject to a “pat down” search after an attorney visit to search for contraband. There are no strip searches after attorney visits.

Mr. [REDACTED] informed us that in order for an attorney to visit a detainee at Krome, the attorney must have and present a bar card and sign the attorney log. Interpreters, paralegals and legal assistants require a letter on the letterhead of the law firm or clinic they represent.

B. Visits by Family and Friends¹⁰

In order to facilitate the INS policy of encouraging visitation by detainees' family and friends, the INS Standards require that all facilities establish written visitation procedures.¹¹

In accordance with the Handbook, in order to receive visitors (family and friends)¹², detainees must fill out and submit a Detainee Visitation Form. Mr. [REDACTED] informed us that the facility provides 8 1 hour visitation blocks. However, the Handbook provides that detainees with surnames commencing with the letters A through L may have visitors on Saturdays from 8:00 am to 10:30 am and 1:00 pm to 3:30 pm, and detainees with surnames commencing with the letters M through Z may have visitors on Sundays from 8:00 am to 10:30 am and 1:00 pm to 3:30 pm. On holidays, detainees with surnames commencing with the letters A through L may have visitors on Saturdays from 8:00 am to 10:30 am and detainees with surnames commencing with the letters M through Z may have visitors from 1:00 pm to 3:30 pm

A detainee may have a maximum of two visitors at a time and for one-hour slots. Visits may be shortened if there are more visitors in the visiting area than can be accommodated under the regular schedule.

Visitors are authorized to bring passports, airline tickets and birth certificates (which shall be turned in to the supervisor) diapers and baby bottles into the facility. All other items are subject to the approval of the supervising personnel on duty. Visitors and hand held items are subject to search. Visitors are asked not to bring cash to the detainees. They are requested to

⁹ The “contact” in the contact visitation room is through Plexiglas.

¹⁰ General Visitation is discussed in Detainee Handbook at p. 15.

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

¹² Minors are permitted so long as they remain under the supervision of a visiting adult.

provide a money order payable to ICE with instructions to deliver to the commissary account of a particular detainee.

All visitors must sign a logbook and pass through a metal detector, all visits are contact visits. The visits take place in a large room with tables, benches and vending machines.

3. Access to Telephones¹³

The *INS Standards* provide that the facilities shall permit detainees to have reasonable and equitable access to telephones.¹⁴

Each housing unit has approximately five pay phones available for detainee use. There are also scattered pay phones in the outdoor recreation area. Access to the telephones is available from 6:00 am to 11:00 pm. In the event of an emergency outside of normal calling hours, the housing unit officer may assist the detainee in making a phone call. The phones located in the dormitories are accessible by use of collect calls or a prepaid calling card costing approximately \$0.50/minute. Prepaid calling cards may be purchased in \$5 dollar increments from the commissary. Using this calling card, detainees can call anyone they want and may talk until the phone automatically cuts off.

In order to purchase a prepaid calling card, a detainee must complete a debit card purchase form and place it in a box in the cafeteria. The cards are delivered on Monday, Wednesday and Friday of every week, excluding holidays.

There were large bulletin boards present next to the telephones in the housing units where instructions were posted in English, Spanish, Creole and other languages on how to use the phones.¹⁵ Also posted were a number of pro bono organizations offering assistance and consular telephone numbers, scheduled “Know your Rights” presentations and the schedules for facility services (e.g. meals, law library, visitation, and phone calls). The telephones in each dorm are not private, but are located in open areas. In addition, all phone conversations are subject to monitoring by Krome staff.

All of the detainees interviewed by the delegation were familiar with how to use the telephones and the schedule for use of the telephones. Two of the detainees complained that it often takes 2 to 3 weeks to receive telephone cards and that the lines to use the phone are often too long.¹⁶ One detainee further complained that the telephone lines often made it difficult to keep scheduled telephone appointments with counsel.¹⁷

¹³ Access to Telephones is discussed in Detainee Handbook at p.13.

¹⁴ Detention Operations Manual, Detainee Services, Standard 16, Section I.

¹⁵ We did not obtain copies of the instructions nor did we discuss calls to consulates, courts or NGOs.

¹⁶ Detainee interviews by [REDACTED] and [REDACTED]

¹⁷ Detainee interview by [REDACTED]

Regarding incoming phone calls, phone messages are taken by facility staff on behalf of a detainee and delivered to such detainee. Krome has the capacity to monitor legal calls. However, Mr. [REDACTED] b6, b7C stated that Krome does not do so.

The telephone service provider for detainee calls at Krome is PCS. Mr. [REDACTED] b6, b7C stated that he was not familiar with the rates being charged to detainees for calls made from the telephones.

4. Legal Materials

The *INS Standards* provide that all facilities holding INS detainees must permit detainees to have access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.¹⁸

A. Material Identified in the *INS Standards*

The *INS Standards* require all law libraries to contain the materials listed in Attachment A of the *Access to Legal Materials* chapter of the *Detention Operations Manual*.¹⁹ These materials must be updated regularly and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner. In addition, the *INS Standards* require that the facility post a list of holdings in the law library and designate an employee with responsibility for updating materials, inspecting them weekly, and maintaining them in good working order.²⁰ Mr. [REDACTED] b6, b7C stated that the library contained all of the materials listed in the *Detention Operations Manual* and that such material was up to date. In the event a detainee would like to order a legal book or publication not contained on the *Detention Standards List*, he may request the book in writing and Krome will order the book. The library contained copies of the Florence Project “Know your Rights” pamphlets in English only.

None of the detainees interviewed by the delegation had seen or were aware of the “Know Your Rights” video created by the Florence Project and distributed by the ICE.

B. Library Conditions²¹

The *INS Standards* provide that each facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing. The library shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.²²

¹⁸ Detention Operations Manual, Detainee Services, Standard 1, Section I.

¹⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

²⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

²¹ Law Library is discussed in Detainee Handbook at p. 15.

²² Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

The law library is in a building located towards the rear of the facility. It is easily accessible from the housing units. The library is well lit and contains 4 long tables with chairs in addition to seven computer terminals with chairs, accommodating approximately 15 detainees, including the detainee librarian. It contains hard copies and CD-ROMs of legal reference materials. All detainees have access to the law library, including those in segregation. There were very few Spanish language books and no Creole language books in the library. The lack of books in Creole is problematic for those detainees from Haiti, as they do not read English nor is a translator provided to assist in reading such materials.

C. Photocopies and Mail²³

The *INS Standards* provide that each facility shall ensure that detainees can obtain photocopies of legal material, when such copies are reasonable and necessary for legal proceedings involving the detainee.²⁴ In addition, each facility shall provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential representative, or any court.²⁵

All printed pages and copies are free. When detainees need to mail an application or filing, they shall access their commissary account (discussed in further detail below) to pay for postage. In the event a detainee is indigent²⁶ or does not have an account, Krome will bear the cost of such postage. One of the detainees interviewed by the delegation complained that it may take up to 2 weeks to receive stamps after requesting them.²⁷

The Handbook provides that an individual detainee will generally be permitted to mail 5 pieces of special correspondence²⁸ and 3 pieces of general correspondence per week. All mail will be routed to the appropriate post office within 24 hours of detainee's delivery. In our discussion with Mr. [REDACTED] b6, b7C regarding postage, he did not refer to any limits on the amount of mail detainees were permitted to send.

With respect to incoming mail, the Handbook provides that all incoming mail shall be opened by staff in the presence of detainee to inspect for contraband. Staff may, to the extent necessary, also read incoming mail, to maintain security. Incoming mail may be rejected in order to maintain security or deter criminal activity. In particular, materials encouraging violence or group demonstrations, materials dealing with weapons or explosives, information regarding

²³ Correspondence and Postage Allowance are discussed in Detainee Handbook at pp. 18-19.

²⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

²⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

²⁶ Detainees are deemed to be indigent when they have no money in their commissary account.

²⁷ Detainee interview by [REDACTED] b6

²⁸ Special correspondence is any written communication to or from government agencies, legal representatives, judges, courts, embassies, consulates, President or Vice President of the United States, Department of Homeland Security, U.S Public Health Service, administrators of grievance systems and representatives of the news media. Handbook, p. 18.

escape, plots or illegal activities, sexually explicit materials and information regarding the production of drugs will be rejected.

All incoming packages must be authorized in advance by staff. A detainee must complete a Detainee Package Request Form. All identity documents received in the mail will be held by the facility and placed in the detainee's ICE A-file. Upon request, a detainee may obtain a certified copy of the same.

D. Computer Access, Equipment and Holdings

The *INS Standards* require that the library provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.²⁹

The law library at Krome contains seven computers with free access to online legal research services such as Lexis and Westlaw, only. There is no Internet access available to detainees. There are also two typewriters, a copy machine and a printer, which are available for the preparation of legal documents only. The use of typewriters is not permitted for personal correspondence. Detainees may save information on diskettes. Such diskettes must remain in the library.

E. Access to the Library

The *INS Standards* require that the facility devise a flexible schedule to permit all detainees, regardless of housing or classification, to use the law library on a regular basis for a minimum of five hours per week. These five hours should not cause a detainee to miss a meal, recreation time, or any other planned activity.³⁰

According to Mr. [b6, b7C] and schedules posted throughout the facility, the law library hours are from 8:00 am to 4:00 pm. Each detainee may spend up to one hour per day in the library to conduct research and prepare his case. A detainee need not chose between recreation and library time. Each housing unit has designated library hours.

The law librarian (a volunteer detainee) assists detainees in finding publications, online research services, and provides assistance in completing filings. According to Mr. [b6, b7C] the library has a maximum capacity of 14 people, including the supervisor, and a law librarian. When more detainees request to use the library than the library can accommodate, detainees are given preference based on need. Detainees are not permitted to remove any materials from the library.

F. Miscellaneous Needs Associated with Legal Matters

The *INS Standards* require that the facility provide assistance to any unrepresented detainee who requests a notary public, certified mail, or other such services to pursue a legal

²⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

³⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

matter if the detainee is unable to meet the need through family members or community organizations.³¹

Across the hall from the library is an office where detainees may obtain paper, envelopes, pencils and stamps in connection with the preparation of their legal documents. The Detainee Manual did not contain procedures whereby a detainee may obtain a notary public nor did we raise the question regarding notaries public with Mr. [REDACTED] b6, b7C

5. Group Rights Presentations³²

The *INS Standards* provide that facilities "shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures consistent with the security and orderly operation of the INS facility."³³

"Know Your Rights" presentations are provided by FIAC and Catholic Charities every Wednesday. The presentations take place in the visitation room and detainees are allowed to visit with the presenters after the programs. There were postings in English and Spanish in the dormitories and on the hallway bulletin about these presentations. The detainees interviewed all appeared to be aware of the group rights presentations, although not all had attended such presentations.

IV. Observations of Other Standards

A. Recreation Issues³⁴

The *INS 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."³⁵ Every effort is to be made to provide outdoor recreation facilities, but lacking such, the recreation room should be large, with exercise equipment and having access to sunlight.

1. Indoor Recreation

Each housing unit contains television sets, controlled by remote by the supervising housing officer and a handcart containing several leisure-reading books. In addition, there is an area designated as the day room. This area has a game table and [a universal weight machine.]

³¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.P.

³² Group Legal Rights Presentations are discussed in Detainee Handbook at p. 16.

³³ Detention Operations Manual, Detainee Services, Standard 9, Section I.

³⁴ Recreation Facilities are discussed in Detainee Handbook at p. 12.

³⁵ Detention Operations Manual, Detainee Services, Standard 13, Section I.

The televisions may be viewed from 6:00 am until 11:00 pm on Sun-Thurs and until 12:30 am on Fri and Sat. The security on staff controls the programming from his post and determines what programs will be viewed by taking a vote of the detainees.

2. Outdoor Recreation

As weather permits, detainees are allowed one hour of outdoor recreation each day. The outdoor recreation areas contain handball, basketball and exercise/weight equipment. These areas are secured by barbed wire fence. Only one category of detainees is permitted outdoors at a time. Our delegation observed a group of detainees playing basketball while others simply sat outside. The Handbook provides that recreational activities may be cancelled due to security concerns or special engagements.³⁶

The Handbook refers to a monthly schedule of recreational activities. However, Mr. [REDACTED] informed us that there are no classes or recreational activities scheduled for the detainees in addition to the general hour of daily recreation already permitted.

B. Recreation for Detainees in Segregation

Detainees in segregation do not have access to a day room. They are entitled to the same recreation and library privileges as other detainees, but must do so alone for security reasons. Recreation for detainees in segregation occurs in a separate yard. In addition, the segregation facility has a separate day/TV room for those detainees who are in segregation for their own safety rather than for disciplinary reasons.

C. Classes

Mr. [REDACTED] informed us that the Krome facility offers no classes or programs for detainees. He stated that because the average stay of a detainee is 30-90 days, there would be no continuity in the courses.

D. Access to Medical Care³⁷

The *Standards* provide that "[a]ll detainees shall have access to medical services that promote detainee health and general well-being. Medical facilities in . . . contract detention facilities will maintain current accreditation by the National Commission on Correctional Health Care."³⁸ In addition, the Standards provide that "[e]ach facility will have regularly scheduled times, known as sick call, when medical personnel will be available to see detainees who have requested medical services." For a facility of over 200 detainees, a minimum of five days per week is required.³⁹ With respect to emergency care, the INS guidelines state that in situation in

³⁶ Detainee Handbook, at ____.

³⁷ Medical Care and Sick Calls are discussed in Detainee Handbook at p. 10.

³⁸ Detention Operation Manual, Health Services, Standard 2, Section I.

³⁹ Detention Operation Manual, Health Services, Standard 2, Section F.

which a detention officer is uncertain of whether a detainee requires emergency medical care, the officer should immediately contact a health care provider or an on-duty supervisor.⁴⁰

Medical care is provided by the U.S. Public Health Service (“PHS”) in a 24-hour clinic, containing a pharmacy, blood lab, several examining rooms, approximately 10 beds, a negative pressure chamber and a waiting area.

Our delegation met with Ms. [b6] of PCH. Ms. Marwar informed us that PCH has a medical staff of 30, including 2 medical doctors, 1 pharmacist, 1 dentist, 1 psychologist, 1 social worker, 4 mid-level healthcare providers and 11 registered nurses.

Ms. [b6] stated that the facility follows Center for Disease Control (“CDC”) guidelines. According to Ms. [b6] the staff will attend to detainees within 24-72 hours of intake if there is no emergency, unless it is an emergency, in which case the detainee is attended to immediately or PCH dials 911.

Upon admission to Krome, all detainees are screened for tuberculosis. Chest x-rays are taken and screened within 4 hours by the University of Maryland. This is followed by a general physical examination by a physician for the purposes of identifying medical and mental health problems. Should a detainee be found to have tuberculosis or apparently contagious condition, he will be quarantined in the clinic’s isolation room until cleared by the doctor to join the general population. If medically necessary, detainees may be placed in a negative pressure chamber.

The Handbook provides that if a detainee is ill or in need of medical attention, he must first sign up for a “Sick Call.” Mr. [b6, b7C] informed us that Sick Call forms are contained in the housing units and are deposited in drop boxes, which are then taken to the PHS Clinic. Nursing staff and doctors are always available through 24-hour on-call services. In addition to sick calls, the clinic also attends to walk-ins.

All detainees on medication have such medication administered to them by the staff at the clinic. Such medication is dispensed by the on-site pharmacy. All medicines are provided free of charge to the detainees.

Ms. [b6] explained that the facility is not equipped for seriously ill detainees or long-term care (longer than 14 days); as a result, such detainees are transferred to Palmetto General Hospital, which has an agreement with ICE to treat Krome detainees. In the event of a medical emergency, PCH will call 911.

HIV patients are treated like any other patient on medication. The fact that any detainee is HIV positive is kept confidential.⁴¹

All of the detainees interviewed by the delegation were aware of the procedure to receive medical attention. However, one detainee complained that he was denied medical attention on

⁴⁰ Detention Operation Manual, Health Services, Standard 2, Section H.

⁴¹ [b6] notes.

one occasion.⁴² The same detainee claims to have witnessed an episode where a detainee complaining of illness was denied attention because security guards believed he was faking his illness. After many hours, such detainee was rushed to the hospital after security guards ascertained that his condition was serious.⁴³

One of the doctors speaks Spanish. However, none of the medical staff speaks Creole. Nevertheless, if an interpreter is needed in order to provide medical attention, one will be called.

E. Religious Issues⁴⁴

The *INS 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.⁴⁵

The Handbook provides that "[a]ll detainees shall have access to religious resources, services, instruction and counseling on a voluntary basis. All detainees shall be extended the greatest amount of freedom and opportunity for pursuing any legitimate belief or practice within the constraints of security and safety considerations. The religious service schedule is posted in your housing unit."

Mr. [REDACTED] b6, b7C stated that all detainees are permitted to wear a small religious item such as a cross or Star of David, in addition to possession of a soft cover religious book (e.g. Bible, Torah or Koran). Indeed, at least three of the detainees interviewed wore small crosses on chains or scapularies.

Special diets may be provided to meet different religious requirements if a detainee so requests in writing. However, if the nutritionist notices that a special diet is not being observed by a detainee, such detainee will no longer be entitled to special meals.

Religious services are held on Thursday, Friday and Saturday in a covered outdoor yard near the library. Mr. [REDACTED] b6, b7C believed that the services were Catholic, Baptist, Muslim and non-denominational. While many of the detainees interviewed by the delegation were not actively religious, one detainee did confirm that a pastor visited Krome every Friday.

F. Dietary Requirements⁴⁶

Generally, INS's policy concerning "Food Service" is to provide detainees with nutritious, attractively presented, and sanitarily prepared meals.⁴⁷ Furthermore, as a reflection of

⁴² Detainee interview by [REDACTED] Detainee complained of spitting blood and diarrhea.

⁴³ Detainee interview by [REDACTED] b6

⁴⁴ Religious Services are discussed in Detainee Handbook at p. 14.

⁴⁵ Detention Operations Manual, Detainee Services, Standard 14, Section I.

⁴⁶ Meals are discussed in Detainee Handbook at p. 9.

the multiple cultural and religious issues involved, the *INS Standards* require all facilities to provide detainees requesting a religious diet reasonable and equitable opportunity to observe their religious dietary practice within reasonable limits.⁴⁸

Our delegation observed the food preparation area and mess hall, which appeared to be well maintained and clean. A dietician is on call at all times. Each detainee is given three meals per day. The facility does accommodate religious diet requirements and prepares a variety of ethnic foods. There are special menus for vegetarians, diabetics, religious groups, etc.⁴⁹ If a detainee wishes a special diet for ethnic or religious reasons, he must request it. If a detainee who has requested a special diet fails to observe such diet, his special requests will no longer be met (e.g. a request for vegetarian meals by a detainee who is observed to eat meat)

Detainees in the Voluntary Work Program help prepare the food. According to Mr. [REDACTED] it costs approximately \$10 per day to feed each detainee.

Detainees are given 20 minutes from the moment the last detainee in the group sits down to eat their meals. During our tour to the mess hall, the delegation observed several detainees racing to get to the front of the line in order to have a longer lunch period.

Meals are scheduled for 6:00 am, 11:00 am and 4:00 pm. However, the actual meal time for detainees varies as the mess hall cannot accommodate all detainees at once, thus the detainees are fed in three groups, according to their classification. The order of the groups rotates every day.

G. Voluntary Work Program⁵⁰

The *INS Standards* state that all facilities should provide detainees that are physically and mentally able the opportunity to work and earn money.⁵¹

The Krome Handbook provides that volunteers may work in the kitchen, perform custodial duties, laundering duties, maintenance of the grounds, barber services, and librarian services. All work outside the dormitory is voluntary and monetary compensation is made at the rate of \$1.00 per day. Generally, a detainee will not be permitted to work more than 40 hours per week.

In order to be considered for the voluntary work program, a detainee must fill out the Detainee Voluntary Work Program Request and submit such form to the housing officer. In addition, the detainees are required to sign a voluntary work program statement and obtain any necessary training.

⁴⁷ Detention Operations Manual, Detainee Services, Standard 7, Section I.

⁴⁸ Detention Operations Manual, Detainee Services, Standard 7, Section III.E.

⁴⁹ At the time of our visit, approximately 50 detainees were on special diets.

⁵⁰ Detainee Voluntary Work Program is discussed in Detainee Handbook at p. 14.

⁵¹ Detention Operations Manual, Detainee Services, Standard 18, Sections I and III.A.

H. Grievance and Disciplinary Procedures⁵²

The *INS Standards* require that every facility develop and implement standard operating procedures for handling detainee grievances and encourage that the facility initially seek to resolve grievances informally before having to engage in a more formalized and written procedure.⁵³

The Krome Handbook provides both formal and informal grievance procedures.⁵⁴ Informal grievances may be presented orally to any staff member within 5 days after the event has occurred. If a grievance is resolved at the informal level, no written response to the detainee is necessary. Formal grievances are made on a grievance form, which may be obtained from the housing unit officer and submitted in the box marked "GRIEVANCE" in each housing unit.⁵⁵ The Facility Grievance Officer shall attempt to resolve the issue with detainee. If grievance is not resolved to satisfaction of detainee, the Grievance Officer shall refer the matter to the next level of supervision or department head. The department head or superior officer shall act on the grievance within 5 working days and respond to detainee in writing with a reasoned decision. If detainee is unhappy with a written decision, he may appeal to the Detainee Grievance Committee (DGC), which will convene within 5 working days to review the appeal. Within 5 working days of reaching a decision, the DGC will provide detainee with a written response.

Detainees who commit prohibited acts may be sentenced to administrative detention or disciplinary segregation. A detainee will be given a copy of an incident report within 24 hours of the incident occurring. If the detainee commits a serious act, the detainee will receive administrative detention pending a hearing before the IDP. If the detainee causes a disturbance in the general population, he will be placed in the segregation unit. The supervising housing officer shall commence an investigation and provide the detainee with a copy of his report at least 24 hours prior to the detainee's hearing before the IDP. If the detainee is in segregation, the detainee must receive a hearing within 72 hours.

Most of the detainees interviewed by our delegation were aware of the grievance procedures. The detainees not familiar with the grievance form were under the general impression that all grievances could be brought to the attention of the security guards. One detainee says he was placed in segregation for what he believes to have been retaliation for filing a grievance.⁵⁶

I. Immigration Court

⁵² Detainee Discipline and Grievance Procedures are discussed in Detainee Handbook at pp. 20-29.

⁵³ Detention Operations Manual, Detainee Services, Standard 5, Sections I and III.A.

⁵⁴ Krome Handbook, at 29.

⁵⁵ Krome Handbook, at 29.

⁵⁶ Detainee interview by [REDACTED] b6

Krome has three immigration courts on-site. The courtrooms are located near the visitor entrance to the facility. The rooms are arranged like standard courtrooms with room for counsel. Detainees are escorted to and from these courtrooms by security guards.

The detainees have access to pro bono legal service providers in the area. These include: FIAC and other legal service providers. Toll free telephone numbers to these organizations are posted in the housing units. One of the detainees we interviewed was told by many legal service providers that they did not have the resources to handle his case.⁵⁷

Mr. [REDACTED] stated that shackles or handcuffs were not used in transporting detainees to the courtroom.

J. ICE Presence

ICE has a presence in Krome. In addition to having offices in Krome, ICE staff visit a Contract Detention Facility in Monroe County once a week.⁵⁸ According to Mr. [REDACTED] ICE staff conducts unannounced interviews with detainees from time to time.

In the event detainees wish to contact ICE staff, they may file a grievance form. All grievance forms are faxed to ICE once a week.

K. Facility Management

Our overall impression of the facility's management is that they were doing a competent job. The general living conditions appeared appropriate for a facility of this nature. The facility was clean, especially the medical clinic. The facility provides recreation for the detainees. The medical staff appeared to be meeting the detainees' overall medical needs. The detainees have access to their families and legal representatives through telephone and contact visitation privileges. Although, it appears that many detainees do not know how to go about obtaining counsel.

The facility staff and contract security guards appeared respectful of the detainees. Only one detainee interviewed by the delegation complained of security guards acting inappropriately, and did not file any complaints for fear of retaliation.⁵⁹

The major grievances of the detainees we interviewed had less to do with the facility than with the progress of their cases. Many had no idea where their proceedings were, whether they were going to be deported or whether they could obtain counsel.⁶⁰

V. Conclusion

⁵⁷ Detainee interview by [REDACTED]

⁵⁸ Monroe County is located immediately south of Miami-Dade County, the county in which Krome is located.

⁵⁹ Detainee interview by [REDACTED]

⁶⁰ Detainee interviews by [REDACTED] and [REDACTED].

Krome appeared to have effectively implemented the INS Standards. Detainees had access to legal counsel, legal materials, telephones, medical attention, visits by counsel, and visits by friends and family, as required by the INS Standards. In addition, detainees are generally free to make grievances and practice their religion without fear of adverse consequences.

It is the delegation's general impression that language may play a factor in the detainees' perceived access to counsel, visits, telephones, legal materials, etc. While most of the postings throughout Krome are in several languages, the legal materials and any immigration-related filings are in English.