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Commission on Immigration

MEMORANDUM

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

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

RE: Report on Observational Tour of the Santa Ana Detention Facility, Santa Ana, California

DATE: June 15, 2007

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The attached Report on Observational Tour of the Santa Ana Detention Facility, Santa Ana, California was prepared for the ABA Commission on Immigration's Detention Standards Implementation Initiative. The report raises several concerns with implementation of the DHS detention standards, which are highlighted on the chart that follows the memorandum. The delegation took place in 2006.

The ABA previously visited this facility on June 30, 2005. Several Detention Standards relating to legal access that were not being met in the earlier report remain issues of concern one year later, as follows:

- The facility does not take telephone messages from attorneys.
- Telephones do not provide privacy for calls regarding legal matters.
- There is only one computer per "mod" for access to legal material; each mod houses as many as 64 people.

We look forward to hearing whether these recurring issues have been addressed, or what steps may be taken to address them.

633 West Fifth Street, Suite 4000  
Los Angeles, California 90071-2007  
Tel: (213) 485-1234 Fax: (213) 891-8763  
www.lw.com

# LATHAM & WATKINS LLP

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MEMORANDUM  
August 18, 2006

To: John P. Torres, Director, Office of Detention and Removal, Immigration and Customs Enforcement ("ICE")

From: American Bar Association ("ABA") Delegation to the Santa Ana Detention Facility<sup>1</sup>

File no: 502130-0027

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

Subject: Report on Observational Tour of the Santa Ana Detention Facility, Santa Ana, California

This memorandum summarizes and analyzes the information gathered at the Santa Ana Detention Facility (the "Facility") in Santa Ana, California, during the delegation's July 20, 2006 visit. The information was gathered through the delegation's observation of the Facility, interviews with six immigration detainees, and discussions with Facility personnel.

## I. ICE DETENTION STANDARDS

In November 2000, the Immigration and Naturalization Service ("INS")<sup>2</sup> promulgated the "*INS Detention Standards*" ("the *Standards*") to ensure the "safe, secure and humane treatment" of immigration detainees. The 38 standards contained in the Detention Operations Manual cover a broad spectrum of issues, ranging from visitation policies to grievance procedures and food service. These *Standards* apply to ICE-operated detention centers and other facilities that house immigration detainees pursuant to a contract or intergovernmental service agreement ("IGSA").

The *Standards* went into effect at INS-operated detention facilities on January 1, 2001. The INS intended to phase in the *Standards* at all of its contract and IGSA facilities by

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<sup>1</sup> The Santa Ana Detention Facility delegation was comprised of an attorney and five summer associates from the Los Angeles and Orange County offices of Latham & Watkins, LLP, including the delegation leader (b)(6) and summer associates (b)(6).

<sup>2</sup> Effective March 1, 2003, the INS ceased to exist as an agency of the Department of Justice. INS' immigration enforcement functions were transferred to Immigration and Customs Enforcement ("ICE"), a division of the newly-created Department of Homeland Security ("DHS").

December 31, 2002. The *Standards* constitute a floor rather than a ceiling for the treatment of immigration detainees. In other words, they are designed to establish the minimum requirements to which ICE must adhere in its facilities. Each Field Office or Officer-in-Charge has discretion to promulgate policies and practices affording ICE detainees more enhanced rights and protections, beyond those provided for by the *Standards*.

**II. INTRODUCTION**

**A. The Delegation’s July 20, 2006 Visit**

On Thursday, July 20, 2006, our delegation met with several members of the Santa Ana Detention Facility staff in Santa Ana, California. Detention Supervisor (b)(6), (b)(7)c was the main contact person for our visit. Supervisor (b)(6), (b)(7)c led our delegation on a tour of the Facility and provided an overview of the Facility and general procedures concerning immigration detainees. Supervisor (b)(6), (b)(7)c answered questions before, during, and after the tour. The delegation also met with Detention Officers (b)(6), (b)(7)c during the tour. The delegation appreciates the cooperation of these helpful individuals; they were frank and accommodating during our tour of the Facility.

This report is based on discussions with these employees, observations of the Facility, and interviews with six immigration detainees. In many instances, the detainees’ responses were compatible with statements made by Facility personnel and/or our observations. In such cases, the delegation was able to determine more clearly whether Santa Ana Detention Facility policy and procedures successfully meet the *Standards*. In certain instances however, the detainees’ reports conflicted with statements made by Facility personnel. Where we could not verify the accuracy of conflicting reports, the delegation was unable to determine conclusively whether the *Standards* have been applied.

**B. General Information About the Santa Ana Detention Facility**

The Santa Ana Detention Facility holds immigrant detainees under contract with ICE; the Facility is owned and operated by the City of Santa Ana.<sup>3</sup> According to Supervisor (b)(6), (b)(7)c the Facility has the capacity to house 482 individuals.<sup>4</sup> The Facility has a current population of 413 people, 14 of whom are immigration detainees.<sup>5</sup> Individuals are housed in “mods” that hold up to 64 people.<sup>6</sup> The Facility houses mostly males. At the time of our visit, the Facility personnel estimated that only 30 women in total were housed there.<sup>7</sup> Supervisor (b)(6), (b)(7)c told the delegation that the Facility housed immigration detainees from several different countries. The majority of the detainees are from Mexico, but others are from Vietnam,

<sup>3</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c  
<sup>4</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c  
<sup>5</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c  
<sup>6</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c  
<sup>7</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c

El Salvador, and Nigeria.<sup>8</sup> According to Supervisor (b)(6), (b)(7)c ICE pays the Facility eighty-two (82) dollars per diem for each ICE detainee located there.<sup>9</sup>

The Facility houses both criminal and non-criminal inmates. The inmates and detainees that pose a high security risk, however, are kept in a separate housing area and do not interact with the non-criminal inmates.<sup>10</sup>

### III. LEGAL ACCESS PROVISIONS OF ICE DETENTION STANDARDS

#### A. Legal Access/Visitation

##### 1. Visitation by Attorneys

**Applicable Standards.** The *Standards* suggest that facilities permit legal visitation seven days per week.<sup>11</sup> Attorneys should have access to their clients a minimum of eight hours per day during the week, and four hours per day during the weekend and on holidays.<sup>12</sup> The visits must be private and should not be interrupted for head counts.<sup>13</sup> Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.<sup>14</sup> Detention centers should permit visits from other legal representatives, legal assistants, and interpreters.<sup>15</sup> The current ICE-provided list of pro bono legal organizations must be “promptly and prominently” posted in detainee housing units and other appropriate areas.<sup>16</sup>

**The Santa Ana Detention Facility substantially meets this section of the Standards.** Attorneys may visit the detainees seven days a week, twenty-four hours a day.<sup>17</sup> Attorney visits are not interrupted for head counts or meal breaks, and there are no set time limits.<sup>18</sup> Detainees are given their meal at the end of the visit if a meal is missed.<sup>19</sup> Bar cards are checked before attorney visits.<sup>20</sup> In addition to barred attorneys, interpreters with appropriate identification are allowed entry.<sup>21</sup> Apparently no other individuals are allowed rights as legal

<sup>8</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>9</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>10</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>11</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

<sup>12</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

<sup>13</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

<sup>14</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

<sup>15</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

<sup>16</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.14.

<sup>17</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversations with Supervisor (b)(6), (b)(7)c

<sup>18</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversations with Supervisor (b)(6), (b)(7)c

<sup>19</sup> Notes of delegation member (b)(6) regarding conversations with Supervisor (b)(6), (b)(7)c

<sup>20</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversations with Supervisor (b)(6), (b)(7)c

<sup>21</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversations with Supervisor (b)(6), (b)(7)c

visitors.<sup>22</sup> Each housing unit, or “mod” housing up to 64 persons, has one non-contact attorney visitation room.<sup>23</sup> In addition to these rooms, there are two contact rooms available for attorney visits.<sup>24</sup> Both of these contact rooms have televisions and one has a laptop.<sup>25</sup> Visits can be observed visually, but the conversations are not monitored.<sup>26</sup> The detainee is strip searched after each contact visit with an attorney, but the detainee can choose to have a non-contact visit.<sup>27</sup> Anyone, including attorneys, can contact the Facility to ascertain whether a specific detainee is located at the Facility.<sup>28</sup> According to Facility personnel, a list of local organizations that provides free legal services is posted on the bulletin board of each “mod” although apparently copies of this posting occasionally are removed by detainees and must be replaced.<sup>29</sup> During the tour, a delegation member noticed that the list of attorneys was not posted on the bulletin board of the observed housing unit.<sup>30</sup> The delegation asked a detention officer about it, however, and the list was posted on the bulletin board a few minutes later.<sup>31</sup>

**2. Visitation by Family and Friends**

**Applicable Standards.** The *Standards* recommend that written procedures governing visitation should be given to each detainee upon admittance and should be available to the public in both written form and telephonically.<sup>32</sup> Facilities should allow visits from family and friends during set hours on Saturdays, Sundays, and holidays to “maintain detainee morale and family relationships.”<sup>33</sup> When the established visiting hours pose a hardship for particular visitors, the facility should accommodate visitors’ scheduling needs when possible. Additionally, evening visiting hours may be established to the extent permitted by staff resources.<sup>34</sup> Visits should be at least thirty (30) minutes and longer when possible.<sup>35</sup> At facilities that allow visitation by minors, a supervisor may approve a minor’s admission upon verification of his/her identity by the accompanying adult visitor.<sup>36</sup>

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<sup>22</sup> Notes of delegation member [redacted] regarding conversations with Supervisor [redacted]

<sup>23</sup> Notes of delegation member [redacted] regarding conversations with Supervisor [redacted]

<sup>24</sup> Notes of delegation member [redacted] regarding conversations with Supervisor (b)(6), (b)(7)(c)

<sup>25</sup> Notes of delegation member (b)(6) regarding conversations with Supervisor [redacted]

<sup>26</sup> Notes of delegation member [redacted] regarding conversations with Supervisor [redacted]

<sup>27</sup> Notes of delegation member [redacted] regarding conversation with Officer b6, b7c

<sup>28</sup> Notes of delegation member [redacted] regarding conversations with Supervisor b6, b7c

<sup>29</sup> Observations of delegation member (b)(6) regarding conversation with Officer b6, b7c

<sup>30</sup> Delegation observations.

<sup>31</sup> Observations of delegation member (b)(6)

<sup>32</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

<sup>33</sup> Detention Operations Manual, Detainee Services, Standard 17, Sections I & III.H.1.

<sup>34</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>35</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>36</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.

**The Santa Ana Detention Facility appears to meet this section of the Standards. However, in order to maintain morale and family relationships, per the Standards, the facility should consider permitting contact visits with family and friends.** The Facility holds regular visiting hours from 10:00 a.m. until 10:00 p.m. seven days a week, except for lockdown periods.<sup>37</sup> This schedule is set out in the inmate handbook that is given to detainees upon arrival at the Facility. Detainees are allowed three one-hour visits per week.<sup>38</sup> A maximum of three adult visitors, and a maximum of five total visitors in any adult/child combination, is permitted per visit.<sup>39</sup> Minor children must be accompanied by an adult.<sup>40</sup> Only non-contact visits are available for family and friends.<sup>41</sup> These visits are conducted in open booths located in each “mod.”<sup>42</sup>

**B. Telephone Access<sup>43</sup>**

**1. General Requirements**

**Applicable Standards.** The *Standards* suggest that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.<sup>44</sup> To meet this requirement, facilities must provide at least one telephone for every twenty-five (25) detainees.<sup>45</sup> The duration and frequency of telephone calls may be restricted only because of a lack of availability, or for the orderly operation of the facility, and for emergency purposes.<sup>46</sup> The facility must provide telephone access rules to detainees when they are admitted, and post these rules where detainees will easily see them.<sup>47</sup>

**The Santa Ana Detention Facility meets this section of the Standards.** Each “mod” of up to 64 people contains six working phones — three upstairs and three downstairs.<sup>48</sup> This satisfies the guideline suggesting one phone per every twenty-five (25) detainees. These phones are available at all times provided that the detainees are not under lockdown. There is no limit to the amount of time a detainee is permitted to spend on the phone.<sup>49</sup> The bulletin board

<sup>37</sup> SADF Inmate Orientation Handbook, p.2.

<sup>38</sup> SADF Inmate Orientation Handbook, p.3.

<sup>39</sup> SADF Inmate Orientation Handbook, p.3.

<sup>40</sup> SADF Inmate Orientation Handbook, p.3.

<sup>41</sup> Notes of delegation member (b)(6) regarding conversation with Officer (b)(6), (b)(7)c

<sup>42</sup> Observations of delegation member (b)(6)

<sup>43</sup> All general information in this Section was provided to delegation member (b)(6) during conversations with Supervisor (b)(6), (b)(7)c

<sup>44</sup> Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

<sup>45</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

<sup>46</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

<sup>47</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

<sup>48</sup> Observations of delegation member (b)(6)

<sup>49</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

contains a memo that gives instructions for utilizing the ICE telephone line to contact consulates and other immigration-related organizations.<sup>50</sup>

**2. Direct vs. Collect Calls**

**Applicable Standards.** The *Standards* allow facilities to generally restrict telephone calls to collect calls;<sup>51</sup> however, the facility must allow detainees to make direct calls to the local immigration court and the Board of Immigration Appeals, to federal and local courts, to consular officials, to legal service providers, to government offices, and to family members in case of an emergency.<sup>52</sup> The facility shall not require indigent detainees to pay for such calls if they are local, nor for non-local calls if there is a compelling need.<sup>53</sup> In addition, the facility should allow “all detainees to make calls to the [ICE]-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.”<sup>54</sup>

**The Santa Ana Detention Facility meets this section of the Standards.** All calls other than free local calls are made either by using a calling card purchased from the commissary or by calling collect.<sup>55</sup> Calling cards are available for \$25.00, and each call costs \$3.00 for the first minute, \$0.15 for the second minute, and \$0.07 for each additional minute.<sup>56</sup> The ICE line is available free of charge for detainees who wish to make immigration-related phone calls.<sup>57</sup>

**3. Telephone Usage Restrictions**

**Applicable Standards.** The *Standards* provide that the facility shall not restrict the number of calls a detainee places to his/her legal representatives nor limit the duration of such calls by automatic cutoff — unless necessary for security purposes or to maintain orderly and fair access to telephones.<sup>58</sup> If time limits are necessary, they shall be no shorter than twenty (20) minutes.<sup>59</sup>

**The Santa Ana Detention Facility meets this section of the Standards.** The Facility permits unlimited calls to legal representatives with the restriction that calls cannot be made during lockdown.<sup>60</sup> Further, there is no set time limit on phone calls.<sup>61</sup>

<sup>50</sup> Observations of delegation member [REDACTED] (b)(6)

<sup>51</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>52</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>53</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>54</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>55</sup> Notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED] (b)(6), (b)(7)(c)

<sup>56</sup> Notes of delegation member [REDACTED] (b)(6) regarding interview with detainee [REDACTED] (b)(6), (b)(7)(c)

<sup>57</sup> Notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED] (b)(6), (b)(7)(c)

<sup>58</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

<sup>59</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

<sup>60</sup> SADF Inmate Orientation Handbook, p.3.

4. *Privacy for Telephone Calls on Legal Matters*

**Applicable Standards.** The *Standards* provide that a facility should provide a reasonable number of phones that afford detainees privacy in which to discuss legal matters without being overheard by officers, facility staff, or fellow detainees.<sup>62</sup> The *Standards* provide that legal calls shall not be electronically monitored absent a court order.<sup>63</sup>

**The Santa Ana Detention Facility does not meet this section of the *Standards*: there are no privacy safeguards.** The phones at the Facility do not provide any privacy whatsoever for the detainees.<sup>64</sup> All of the phones are located in public areas in clusters of three such that phone conversations almost certainly will be overheard by other detainees and passing guards.<sup>65</sup> According to Supervisor (b)(6), (b)(7)c and to the inmate handbook, telephone calls routinely are monitored and recorded.<sup>66</sup> In order to ensure that legal calls are not monitored, the detainee must fill out an information card with the number of his/her attorney.<sup>67</sup> This number then is filed internally at the Facility to ensure that these calls will not be monitored.<sup>68</sup> According to Supervisor (b)(6), (b)(7)c staff who are monitoring calls will stop monitoring a call promptly if it is of a legal nature, and delete the call recording.<sup>69</sup>

5. *Incoming Calls and Messages*

**Applicable Standards.** The *Standards* require that facilities deliver to detainees any messages from attorneys as well as emergency incoming telephone calls as promptly as possible.<sup>70</sup> Detainees are to be allowed to return emergency telephone messages, "as soon as reasonably possible within the constraints of security and safety."<sup>71</sup>

**The Santa Ana Detention Facility does not meet this section of the *Standards*. The Facility does not take messages from attorneys.<sup>72</sup> Messages pertaining to family**

<sup>61</sup> Notes of delegation member (b)(6) regarding conversation with Officer (b)(6), (b)(7)c

<sup>62</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

<sup>63</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

<sup>64</sup> Observations of delegation member (b)(6)

<sup>65</sup> Observations of delegation member (b)(6)

<sup>66</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c SADF Inmate Orientation Handbook, p.3.

<sup>67</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>68</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>69</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>70</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

<sup>71</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

<sup>72</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c



emergencies, however, are taken and delivered to detainees.<sup>73</sup> Detainees may not receive telephone calls.<sup>74</sup>

**C. Access to Legal Materials**

**Applicable Standards.** According to the *Standards*, each ICE detention facility shall provide a law library and allow detainees access to updated legal materials and other equipment necessary to facilitate detainees' legal research and writing.<sup>75</sup> The *Standards* also outline specific recommendations concerning facility conditions, holdings, equipment, access, and procedures.<sup>76</sup>

**The Santa Ana Detention Facility does not fully meet this section of the Standards; library use is restricted and materials are only available on computers.** Contrary to the *Standards*, the Facility restricts access to legal materials to "pro-per" inmates, a term used to designate those detainees who are representing themselves in legal matters.<sup>77</sup> All legal materials are in electronic form and are stored on computers, and only one computer is allocated per "mod."<sup>78</sup> Although the materials seem to be current, the computer "library" is missing sources such as a Black's Law Dictionary, which is required under the *Standards*.<sup>79</sup> Furthermore, the computer system seems to be difficult to navigate.<sup>80</sup>

**1. Library Conditions**

**Applicable Standards.** The *Standards* instruct that the library should be in a designated room, reasonably isolated from noisy areas, and sufficiently large to accommodate all detainees who request its use.<sup>81</sup>

**The Santa Ana Detention Facility does not meet this section of the Standards: there is no designated, isolated library room.** The Facility does not maintain a traditional library or library system: the only legal materials available are stored electronically; there are no books whatsoever.<sup>82</sup> However, Supervisor (b)(6), (b)(7)c did tell the group that some books were being delivered the following day.<sup>83</sup> Only one computer is allocated per "mod" and each "mod"

<sup>73</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>74</sup> SADF Inmate Orientation Handbook, p.3.

<sup>75</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

<sup>76</sup> Detention Operations Manual, Detainee Services, Standard 1, Sections III.B, J, & N.

<sup>77</sup> This policy was posted above the single computer in the "mod" the delegation visited. Observations of delegation.

<sup>78</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>79</sup> Notes of delegation member (b)(6) regarding conversation with inmate (b)(6), (b)(7)c

<sup>80</sup> Observation of delegation member (b)(6)

<sup>81</sup> Detentions Operations Manual, Detainee Services, Standard 1, Section III.A.

<sup>82</sup> Observations of delegation member (b)(6)

<sup>83</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

houses as many as 64 persons.<sup>84</sup> The computer is located in the “mod” common area, where inmates and detainees spend most of their time when not on lockdown.<sup>85</sup> Thus, it cannot be said that the “library” is “reasonably isolated from noisy areas.”

## 2. Equipment

**Applicable Standards.** The *Standards* state that facility law libraries should provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents effectively for legal proceedings.<sup>86</sup>

**The Santa Ana Detention Facility does not fully meet this section of the Standards: the Facility’s allocation of only one computer per module, its policy of limiting computer use to “pro-per” inmates, and the difficulty of navigating the computer programs, would seem to prevent detainees from effectively conducting research and preparing documents.** The Facility grants free access to document copying and printing, and provides free writing implements, paper, and envelopes to indigent detainees.<sup>87</sup> However, the access to computers was quite limited: there is only one computer per module, and each “mod” can hold up to 64 detainees,<sup>88</sup> so it is difficult to say that the library provides “an adequate number of ... computers ... to enable detainees to prepare documents for legal proceedings.”<sup>89</sup> In the housing unit that the delegation observed, a sign posted above the computer stated that only “pro-per” inmates were allowed to use the computer with written consent.<sup>90</sup> An inmate stated to the delegation that in order to use the computer, one needed to get written approval from a court determining that the inmate or detainee was in fact “pro-per.”<sup>91</sup> In addition, the computer in the housing unit seemed difficult to use.<sup>92</sup>

<sup>84</sup> Observation of delegation member [REDACTED] notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED].

<sup>85</sup> Observation of delegation member [REDACTED] notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED].

<sup>86</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>87</sup> Notes of delegation member [REDACTED] regarding interviews with detainee [REDACTED] and detainee [REDACTED]. Notes of delegation member [REDACTED] regarding conversation with inmate [REDACTED].

<sup>88</sup> Observation of delegation member [REDACTED] notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED].

<sup>89</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>90</sup> The sign read: “Only inmates that are pro-per and have written approval may use the computer. You must also ask for permission before you use the computer.” (See attached.) Observations of delegation.

<sup>91</sup> Notes of delegation member [REDACTED] regarding conversation with inmate S [REDACTED].

<sup>92</sup> Observation of delegation member [REDACTED].

There are computer classes offered at the Facility.<sup>93</sup> There were two computer labs for these classes, each containing functioning computers and printers.<sup>94</sup> According to Supervisor (b)(6), (b)(7)c detainees must sign up for a computer class in order to access the internet.<sup>95</sup>

### 3. Holdings

**Applicable Standards.** The *Standards* specify that the library holdings should conform to the materials list provided by ICE, a list of the library's holdings should be posted in the facility, and a procedure should be in place to ensure that they are up-to-date.<sup>96</sup> The *Standards* also state that unrepresented illiterate or non-English speaking detainees "must be provided with more than access to a set of English-language law books."<sup>97</sup>

**The Santa Ana Detention Facility does not fully meet this section of the Standards: legal materials are only available on computer and the available holdings are apparently not in accord with the Standards.** The Facility does not have books at all at the time of the delegation's visit;<sup>98</sup> legal materials are stored on the computer.<sup>99</sup> The delegation was able to determine that the Facility's computerized library includes the fundamental legal research materials (i.e. Federal and State Reporters, United States Code, Code of Federal Regulations, and the Rules of Procedure); these sources appear current.<sup>100</sup> However, most secondary sources listed in the *Standards* could not be located.<sup>101</sup>

### 4. Access

**Applicable Standards.** The *Standards* suggest that each facility shall have a flexible schedule for law library use that permits all detainees, regardless of housing or classification, to use the law library on a regular basis.<sup>102</sup> Additionally, each detainee shall be permitted to use the law library for a minimum of five hours per week.<sup>103</sup>

**It is unclear whether the Santa Ana Detention Facility meets this section of the Standards; computers appear limited to "pro-per" detainees.** As mentioned earlier, the

<sup>93</sup> Notes of delegation member (b)(6) regarding interviews with detainee (b)(6), (b)(7)c and detainee (b)(6), (b)(7)c notes of delegation members (b)(6) regarding conversation with inmate (b)(6), (b)(7)c

<sup>94</sup> Observation of delegation member (b)(6)

<sup>95</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>96</sup> Detentions Operations Manual, Detainee Services, Standard 1, Section III.E.

<sup>97</sup> Detentions Operations Manual, Detainee Services, Standard 1, Section III.L.

<sup>98</sup> Observations of delegation member (b)(6)

<sup>99</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>100</sup> Observation of delegation member (b)(6)

<sup>101</sup> Observation of delegation member (b)(6)

<sup>102</sup> Detentions Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>103</sup> Detentions Operations Manual, Detainee Services, Standard 1, Section III.G.

Facility restricts access to legal materials to “pro-per” inmates and detainees with written evidence confirming their “pro-per” status.<sup>104</sup> A sign posted above the single computer in the “mod” explicitly stated this policy: “Only inmates that are pro-per and have written approval may use the computer. You must also ask for permission before you use the computer.”<sup>105</sup> An inmate and two ICE detainees confirmed that the officer in charge of maintaining the Facility’s virtual library, Officer [REDACTED] (b)(6), (b)(7)c required “a note from the court” before granting access to use the computer.<sup>106</sup> Notwithstanding the sign and information from detainees, Facility officials maintained that all detainees and inmates were allowed access to legal materials and suggested that the sign actually meant that “pro-per” inmates and detainees are given high priority.<sup>107</sup> The delegation was thus unable to determine whether the Facility is in accordance with the *Standards* in this area.

Inmates and detainees who qualify under the Facility’s policy are permitted to use the computer during any non-lockdown period.<sup>108</sup> The Facility does not cap the number of hours qualifying inmates and detainees may use computers.<sup>109</sup>

### 5. Assistance

**Applicable Standards.** The *Standards* state that detainees shall be permitted to assist other detainees in researching and preparing legal documents upon request and never for payment, except when such assistance poses a security risk.<sup>110</sup>

**The Santa Ana Detention Facility meets this section of the Standards.** An inmate reported that the Facility permits detainees and inmates to assist others in the preparation of legal documents and in conducting legal research.<sup>111</sup> This statement was verified by Facility personnel.<sup>112</sup>

### 6. Photocopies

**Applicable Standards.** The *Standards* require that detainees be able to obtain photocopies of legal materials when “reasonable and necessary for a legal proceeding involving the detainee.”<sup>113</sup> The detainee must be permitted to make enough copies to file with the court and

<sup>104</sup> Observations of delegation.

<sup>105</sup> See attached. Observations of delegation.

<sup>106</sup> Notes of delegation member [REDACTED] (b)(6) regarding conversation with inmate [REDACTED] (b)(6), (b)(7)c and interviews with detainees [REDACTED] (b)(6), (b)(7)c

<sup>107</sup> Notes of delegation member [REDACTED] (b)(6) regarding conversation with Supervisor [REDACTED] (b)(6), (b)(7)c. Notes of delegation member [REDACTED] (b)(6) regarding conversation with Office [REDACTED] (b)(6), (b)(7)c

<sup>108</sup> Notes of delegation member [REDACTED] (b)(6) regarding conversation with inmate [REDACTED] (b)(6), (b)(7)c

<sup>109</sup> *Id.*

<sup>110</sup> Detentions Operations Manual, Detainee Services, Standard 1, Section III.K.

<sup>111</sup> Notes of delegation member [REDACTED] (b)(6) regarding conversation with inmate [REDACTED] (b)(6), (b)(7)c

<sup>112</sup> Notes of delegation member [REDACTED] (b)(6) regarding conversation with Office [REDACTED] (b)(6), (b)(7)c

<sup>113</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

retain a personal copy, and requests can be denied only for security reasons, violations of law, or if the request is excessive or abusive.<sup>114</sup>

**The Santa Ana Detention Facility meets this section of the *Standards*.**

Detainees suggested that the Facility’s policies for copying were informal and relaxed, particularly for copying of legal materials.<sup>115</sup>

**D. Groups Rights Presentations**

**Applicable *Standards*.** According to the *Standards*, 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.”<sup>116</sup> The facility shall play videotape presentations on legal rights, at the request of outside organizations, and provide regular opportunities for detainees in the general population to view the videotape.<sup>117</sup>

**The Santa Ana Detention Facility appears to meet this section of the *Standards*; however, it would be helpful if a Know Your Rights video were made available.**

Currently, there are no group rights presentations conducted at the Facility.<sup>118</sup> Supervisor (b)(6), (b)(7)c stated that there is no current interest from nonprofit organizations or agencies to conduct these presentations.<sup>119</sup> Due to this lack of interest, there is no plan to have group rights presentations in the near future.<sup>120</sup> Supervisor (b)(6), (b)(7)c noted that Officer (b)(6), (b)(7)c is the program supervisor over group rights presentations.<sup>121</sup> The Facility does not show the “Know Your Rights” video created by the Florence Project.<sup>122</sup> In fact, no one at the Facility seemed to know what this video was and did not appear to have received a copy from ICE.

**IV. OTHER PROVISIONS OF THE ICE DETENTION STANDARDS**

**A. Correspondence**

**Applicable *Standards*.** The *Standards* state that detainees will be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility.<sup>123</sup> General correspondence normally shall be opened and

<sup>114</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>115</sup> Notes of delegation member (b)(6) regarding conversations with inmate (b)(6), (b)(7)c and detainee (b)(6), (b)(7)c

<sup>116</sup> Detention Operations Manual, Detainee Services, Standard 9, Section I.

<sup>117</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

<sup>118</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>119</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>120</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>121</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>122</sup> Observation of delegation member (b)(6) and notes of (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)c; notes of delegation members (b)(6) regarding interviews with unnamed male detainee, and detainees (b)(6), (b)(7)c

<sup>123</sup> Detention Operations Manual, Detainee Services, Standard 3, Section I.

inspected for contraband in the presence of the detainee, but may be opened and even read outside the presence of the detainee if security reasons exist for doing so.<sup>124</sup> Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.<sup>125</sup> Outgoing special correspondence cannot be opened, inspected, or read.<sup>126</sup> The *Standards* also require that the facility provide free stamps and envelopes for indigent detainees wishing to engage in legal correspondence, including correspondence with a current or potential legal representative or with any court.<sup>127</sup>

**The Santa Ana Detention Facility meets these sections of the *Standards*.** Two of the detainees interviewed agreed that officers distribute legal envelopes, postage, and other necessary supplies freely for the preparation and mailing of legal materials. These detainees described the process for opening of legal and non-legal mail; their descriptions were consistent with the policies laid out in the *Standards*, as well as the policies described by the Facility personnel.<sup>128</sup>

#### B. Recreation

**Applicable *Standards*.** According to the *Standards*, “all facilities shall provide [ICE] detainees with access to recreational programs and activities, under conditions of security and supervision that protect their safety and welfare.”<sup>129</sup> The *Standards* state that each detainee shall have access to outdoor recreation for a minimum of one hour daily, five days a week, and to indoor recreation for at least one hour each day.<sup>130</sup> The *Standards* recommend that outdoor exercise areas “offer a variety of fixed and movable equipment,” and recreational activities “based on the facility’s size and location.”<sup>131</sup> Detainees should not be forced to choose between library and recreation privileges.<sup>132</sup> Detainees in administrative or disciplinary segregation should be provided with recreation that is separate from the general prison population, but may be denied recreation for “safety or security purposes.”<sup>133</sup> The *Standards* indicate that dayrooms should provide “board games, television, and other sedentary activities.”<sup>134</sup>

**The Santa Ana Detention Facility appears to meet this section of the *Standards*.** The Facility permits detainees to use both the dayroom and outdoor facilities.<sup>135</sup>

<sup>124</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.E.1.

<sup>125</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.E.2.

<sup>126</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.F.2.

<sup>127</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.I.

<sup>128</sup> Notes of delegation member (b)(6) regarding interviews with detainee (b)(6), (b)(7)c.

<sup>129</sup> Detention Operations Manual, Detainee Services, Standard 13, Section I.

<sup>130</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.B.1.

<sup>131</sup> Detentions Operations Manual, Detainee Services, Standard 13, Section III.G.

<sup>132</sup> Detention Operations Manual, Detainee Services, Standard III.B.

<sup>133</sup> Detention Operations Manual, Detainee Services, Standard III.H.

<sup>134</sup> Detentions Operations Manual, Detainee Services, Standard 13, Section III.G.3.

<sup>135</sup> Observation of delegation member (b)(6)

According to one detainee, detainees have free time for recreation everyday — both in the morning and afternoon.<sup>136</sup> The indoor recreation areas have televisions and couches,<sup>137</sup> and the inmate handbook indicates that board games are available to the detainees.<sup>138</sup> Each module has a small outdoor yard area with a pull-up bar and sit-up bench.<sup>139</sup> Although the yards are technically outdoors, the surrounding walls are relatively high, allowing minimal natural light.<sup>140</sup> According to Supervisor (b)(6), (b)(7)(c) detainees are able to “run laps although the outdoor areas are small.”<sup>141</sup>

### C. Access to Medical Care

**Applicable Standards.** All detainees shall have access to medical services that promote detainee health and general well-being.<sup>142</sup> Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care.<sup>143</sup> All facilities must employ, at a minimum, a medical staff large enough to perform basic exams and treatments for all detainees.<sup>144</sup>

Detention centers must provide an initial medical screening upon a detainee’s arrival.<sup>145</sup> The prescreening shall include an evaluation of the detainee’s suicide risk and mental disorders.<sup>146</sup> There must be procedures in place by which detainees can request medical attention when they feel that it is needed.<sup>147</sup> All facilities must have a procedure in place to ensure that all request slips are received by the medical facility in a timely manner.<sup>148</sup>

**The Santa Ana Detention Facility substantially meets this section of the Standards; however, there was one serious complaint regarding delayed medical treatment.** Medical care at the Facility is provided and overseen by Correction Managed Care.<sup>149</sup> There is no onsite medical center at the Facility. Rather, medical care is provided by a number of onsite or visiting medical professionals.<sup>150</sup> There is always a Nurse Practitioner, Registered Nurse, and

<sup>136</sup> Notes of delegation member (b)(6) regarding interview with detainee (b)(6), (b)(7)(c)

<sup>137</sup> Observation of delegation member (b)(6)

<sup>138</sup> SADF Inmate Orientation Handbook, p.4.

<sup>139</sup> Observation of delegation member (b)(6)

<sup>140</sup> Observation of delegation member (b)(6)

<sup>141</sup> Notes of delegation member (b)(6) regarding conversation with (b)(6), (b)(7)(c)

<sup>142</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

<sup>143</sup> Detention Operations Manual, Health Services, Standard 2, Section III.A.

<sup>144</sup> Detention Operations Manual, Health Services, Standard 2, Section III.A.

<sup>145</sup> Detention Operations Manual, Health Services, Standard 2, Section III.A.

<sup>146</sup> Detention Operations Manual, Health Services, Standard 2, Section III.D.

<sup>147</sup> Detention Operations Manual, Health Services, Standard 2, Section III.F.

<sup>148</sup> Detention Operations Manual, Health Services, Standard 2, Section III.F.

<sup>149</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)(c)

<sup>150</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)(c)

Licensed Vocational Nurse on site.<sup>151</sup> These professionals manage the day-to-day medical needs of the detainees, provide the initial diagnosis, and coordinate additional medical care.<sup>152</sup> A medical doctor visits the Facility once a week to provide additional care and checkups.<sup>153</sup> A podiatrist and dentist also visit once a week to provide services as needed.<sup>154</sup> Also, a psychiatrist visits the Facility once every two weeks.<sup>155</sup> If there is a medical emergency, the detainee will be transferred by the fire department to Western Medical in Santa Ana.<sup>156</sup>

Upon arriving at the Facility, detainees are subject to an initial medical examination and screening.<sup>157</sup> If the detainee is terminally ill, taking certain psychiatric medications, or at least six months pregnant, the Facility will not admit the detainee.<sup>158</sup> In addition to this initial medical screening, all detainees are given a medical examination every six months to one year.<sup>159</sup>

Detainees generally are not segregated based on medical conditions. If an inmate has a severe, contagious, or dangerous medical problem, he or she will be given treatment and may have to be removed from the Facility or segregated.<sup>160</sup> Detainees are segregated under medical quarantine if they have a highly contagious or dangerous condition.<sup>161</sup> The detainee may stay at the Facility if the condition can be treated quickly. If the problem is more serious, however, he or she will be taken to the hospital until the condition improves or he or she will be removed from the Facility.<sup>162</sup>

If a detainee has a medical problem, he or she can fill out a medical inmate request form.<sup>163</sup> These forms are located in each housing area, and the detainees we interviewed were

<sup>151</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

<sup>152</sup> Notes of delegation member [redacted] regarding conversations with Supervisor [redacted]

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

<sup>153</sup> Notes of delegation member [redacted] regarding conversations with Supervisor [redacted]

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

<sup>154</sup> Notes of delegation member [redacted] regarding conversations with Supervisor [redacted]

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

<sup>155</sup> Notes of delegation member [redacted] regarding conversations with Supervisor [redacted]

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

<sup>156</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

<sup>157</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

<sup>158</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

<sup>159</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

<sup>160</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

<sup>161</sup> Notes of delegation member [redacted] regarding conversations with Supervisor [redacted]

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

<sup>162</sup> Notes of delegation member [redacted] regarding conversations with Supervisor [redacted]

and (b)(6), (b)(7)c Notes of delegation members [redacted] regarding interviews with unnamed male detainee, and detainees [redacted]

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

<sup>163</sup> Notes of delegation member [redacted] regarding conversations with Supervisor [redacted]

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



generally aware of the location and purpose of these forms.<sup>164</sup> If a detainee is illiterate, he or she can speak to a guard and receive assistance in filling out the form.<sup>165</sup> These forms are collected numerous times throughout the day, and responses by medical personal usually are timely.<sup>166</sup> One detainee, however, reported that he had been awaiting medical treatment for a painful dermatological disease for over three months, even though he had filled out a request form and had spoken with a nurse at the Facility.<sup>167</sup> The detainee stated that he was told he had to “wait for INS” to provide a doctor to treat his condition.<sup>168</sup>

As mentioned earlier, a psychiatrist visits the Facility once a week to treat mental health problems.<sup>169</sup> The supervising guards are trained to spot such issues.<sup>170</sup> These supervisors inspect the Facility and conduct a “walk through” twice a day; if they spot potential mental health issues, they contact the onsite nurse practitioner who initially treats the inmate.<sup>171</sup> Guards and inmates can also report potential mental health issues.<sup>172</sup> Similar to other medical emergencies, the detainee will be transferred to a hospital if the problem is severe.<sup>173</sup> The psychiatrist will treat patient directly if the mental health situation can be handled at the Facility.<sup>174</sup>

#### D. Detainee Grievance Procedures

**Applicable Standards.** The *Standards* state that every facility must develop and employ standard operating procedures that address detainee grievances within a reasonable time limit.<sup>175</sup> Each facility must have procedures for informal resolution of oral grievances within five days of the event precipitating the grievance.<sup>176</sup> If dissatisfied with or instead of the informal

<sup>164</sup> Notes of delegation members [redacted] (b)(6) regarding interviews with unnamed male detainee, and detainees [redacted] (b)(6), (b)(7)c

<sup>165</sup> Notes of delegation member [redacted] (b)(6) regarding conversation with Supervisor [redacted] (b)(6), (b)(7)c

<sup>166</sup> Notes of delegation member [redacted] (b)(6) regarding conversations with Supervisor [redacted] (b)(6), (b)(7)c  
<sup>166</sup> Notes of delegation members [redacted] (b)(6) regarding interviews with unnamed male detainee, and detainees [redacted] (b)(6), (b)(7)c

<sup>167</sup> Notes of delegation member [redacted] (b)(6) regarding interview with detainee [redacted] (b)(6), (b)(7)c

<sup>168</sup> Notes of delegation member [redacted] (b)(6) regarding interview with detainee [redacted] (b)(6), (b)(7)c

<sup>169</sup> Notes of delegation member [redacted] (b)(6) regarding conversation with Supervisor [redacted] (b)(6), (b)(7)c

<sup>170</sup> Notes of delegation member [redacted] (b)(6) regarding conversation with Supervisor [redacted] (b)(6), (b)(7)c

<sup>171</sup> Notes of delegation member [redacted] (b)(6) regarding conversation with Supervisor [redacted] (b)(6), (b)(7)c

<sup>172</sup> Notes of delegation member [redacted] (b)(6) regarding conversations with Supervisor [redacted] (b)(6), (b)(7)c  
<sup>172</sup> notes of delegation members [redacted] (b)(6) regarding interviews with unnamed male detainee, and detainees [redacted] (b)(6), (b)(7)c

<sup>173</sup> Notes of delegation member [redacted] (b)(6) regarding conversation with Supervisor [redacted] (b)(6), (b)(7)c

<sup>174</sup> Notes of delegation member [redacted] (b)(6) regarding conversation with Supervisor [redacted] (b)(6), (b)(7)c

<sup>175</sup> Detention Operations Manual, Detainee Services, Standard 5, Section I.

<sup>176</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.1.

process, a detainee must be allowed to submit a formal, written grievance to a grievance committee.<sup>177</sup>

**The Santa Ana Detention Facility appears to meet this section of the Standards.** Detainees have access to a formal grievance process, and detainees may appeal a grievance decision.<sup>178</sup> To initiate a grievance procedure, detainees may fill out an "Inmate Grievance Form," on which the detainee provides their full name, booking number, housing location, category of complaint, and date and time of grievance.<sup>179</sup> Some of the detainees interviewed were not aware of the procedure for filing a grievance.<sup>180</sup> However, one detainee reported that after filing a grievance, he received a response within a few days.<sup>181</sup>

#### E. Disciplinary Policy

**Applicable Standards.** The *Standards* suggest that each facility maintain a detainee disciplinary system that has a "progressive level of review, appeals, procedures, and documentation of procedures."<sup>182</sup> Any disciplinary action "may not be capricious or retaliatory,"<sup>183</sup> and must not include corporal punishment, deviation from normal food service, deprivation of clothing, bedding, items of personal hygiene, correspondence privileges or physical exercise.<sup>184</sup> The inmate handbook must provide notice of the facility's conduct rules and the sanctions imposed for violations of the rules.<sup>185</sup> When an officer witnesses a prohibited act that is unsuitable for informal settlement, the officer must prepare and submit an incident report, which shall be investigated within twenty-four (24) hours of the incident.<sup>186</sup> A disciplinary panel will adjudicate these reports.<sup>187</sup>

**The Santa Ana Detention Facility appears to meet this section of the Standards.** The handbook outlines the rules of conduct and sanctions for violations.<sup>188</sup> The handbook also informs detainees that they have the right to appeal disciplinary actions.<sup>189</sup>

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<sup>177</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.2.

<sup>178</sup> SADF Inmate Orientation Handbook, p.7.

<sup>179</sup> SADF "Inmate Grievance Form."

<sup>180</sup> Notes of delegation members, regarding interviews with detainees.

<sup>181</sup> Notes of delegation member (b)(6) regarding interview with detainee (b)(6), (b)(7)c

<sup>182</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.1.

<sup>183</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.2.

<sup>184</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.3.

<sup>185</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.5.

<sup>186</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.B, C.

<sup>187</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.F.

<sup>188</sup> SADF Inmate Orientation Handbook, p.10.

<sup>189</sup> SADF Inmate Orientation Handbook, pp.10-12.

**F. Detainee Classification**

**1. Classification in general**

**Applicable Standards.** According to the *Standards*, all detainees shall be classified upon arrival.<sup>190</sup> ICE is to provide IGSA facilities with the data needed to classify detainees received from ICE upon arrival.<sup>191</sup> Detainees are to be classified according to risk, and to be given color-coded uniforms and wristbands that correspond to their level of risk.<sup>192</sup> A supervisor shall review the intake officer's classification files for accuracy,<sup>193</sup> and facilities shall house detainees according to their classification level.<sup>194</sup>

**The Santa Ana Detention Facility appears to meet this section of the Standards.** Detainees are classified initially when they arrive at the Facility as part of the booking process.<sup>195</sup> This initial classification is based solely on security risk, although if a detainee is found to have a serious medical condition, they may also be segregated at this juncture or taken away from the Facility.<sup>196</sup> Detainees are asked a series of questions to determine their security risk.<sup>197</sup> Moreover, the staff will review the detainee's file and past behavior if transferred to complete this initial classification.<sup>198</sup> After this interview and review, detainees are assigned a number on a continuum from one through six to correspond with their risk level — the lower numbers are assigned to signify “no security risk” and the number six signifies the highest security risk.<sup>199</sup> Those inmates or detainees with a high security risk number are housed in a separate housing area, do not have cellmates, and are kept under a high level of supervision.<sup>200</sup> These high risk inmates do not come into contact with low or medium risk inmates or detainees.<sup>201</sup> Detainees may be reevaluated and placed in a different risk category depending on their behavior and actions.<sup>202</sup>

<sup>190</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.A.1.

<sup>191</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.A.1.

<sup>192</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.A.4.

<sup>193</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.C.

<sup>194</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

<sup>195</sup> Notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED]

<sup>196</sup> Notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED]

<sup>197</sup> Notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED]

<sup>198</sup> Notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED]

<sup>199</sup> Notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED]

<sup>200</sup> Notes of delegation member [REDACTED] regarding conversations with Supervisor [REDACTED] and [REDACTED]

<sup>201</sup> Notes of delegation member [REDACTED] regarding conversations with Supervisor [REDACTED] and [REDACTED]

<sup>202</sup> Notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED]

## 2. Disciplinary Segregation

**Applicable Standards.** The *Standards* provide that facility authorities shall “impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures” in order to ensure a safe and orderly living environment for the general population.<sup>203</sup> Detainees should be placed in disciplinary segregation only after a hearing at which the detainee “is found to have committed a prohibited act.”<sup>204</sup> The *Standards* also provide that facilities shall institute “written procedures for the regular review of all disciplinary-segregation cases.”<sup>205</sup>

**The Santa Ana Detention Facility appears to meet this section of the Standards.**<sup>206</sup> Detainees may be segregated based on disciplinary actions.<sup>207</sup> Generally, detainees are disciplined for fights, major contraband, or a violation of other major rules.<sup>208</sup> Depending on the extent of the act, the detainee may be moved to a different housing area, moved to the high risk housing area, or placed on a 23-hour lockdown in their cell.<sup>209</sup> Two detainees reported that they had been placed under 23-hour lockdown for having food in their cells.<sup>210</sup>

## 3. Administrative Segregation

**Applicable Standard.** Administrative segregation is non-punitive separation from the general population, used when a detainee would pose a threat to himself, staff, or other detainees.<sup>211</sup> Detainees in administrative segregation shall receive the same general privileges as those in the general population.<sup>212</sup>

**The Santa Ana Detention Facility appears to meet this Standard.** There are various other reasons that a detainee may be segregated outside of risk, medical, and disciplinary

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<sup>203</sup> Detention Operations Manual, Security and Control, Standard 5, Section I.

<sup>204</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

<sup>205</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.C.

<sup>206</sup> The *Standards* recognize that detainees in disciplinary segregation usually have fewer privileges than those in the general population. However, the *Standards* require that the detainees in disciplinary segregation have the same humane living conditions as the general population, including receiving clean clothes, receiving meals according to schedule, and having the opportunity to maintain a normal level of personal hygiene. Detention Operations Manual, Security and Control, Standard 14, Section III.D.

<sup>207</sup> Notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED]

<sup>208</sup> Notes of delegation member [REDACTED] regarding conversation with Supervisor [REDACTED]

<sup>209</sup> Notes of delegation member [REDACTED] regarding conversations with Supervisor [REDACTED]

and [REDACTED] Notes of delegation members [REDACTED] regarding interviews with unnamed male detainee, and detainee [REDACTED]

<sup>210</sup> Notes of delegation member [REDACTED] regarding interviews with detainee [REDACTED] and detainee [REDACTED]

<sup>211</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.A.

<sup>212</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.

factors. Generally, homosexuals are not segregated.<sup>213</sup> However, if a male detainee is, as Supervisor (b)(6), (b)(7)c phrased it, "excessively flamboyant" or "overtly female," he may be segregated for his own safety.<sup>214</sup> Additionally, if sex change operations have been performed, a detainee may be segregated.<sup>215</sup>

Moreover, a detainee may be segregated if he or she is a material witness in a pending trial.<sup>216</sup> If the detainee is a high-profile witness or may testify against another inmate, they will be kept separate from other inmates.<sup>217</sup> If a detainee is in danger because of past circumstances, the detainee may be segregated regardless of the security risk.<sup>218</sup> One detainee reported that he had been the victim of gang violence while at the Facility, and thus was separated from the other inmates until the atmosphere "settled down."<sup>219</sup>

Supervisor (b)(6), (b)(7)c also noted that a detainee or inmate may be segregated if they are deemed non-criminal, as the Facility does not house criminals and non-criminals together.<sup>220</sup>

**G. Voluntary Work Program**

**Applicable Standards.** The *Standards* suggest that every facility that has a work program provide detainees who are physically and mentally able to work with an opportunity to work and earn money.<sup>221</sup> A detainee's classification will help determine the type of assignment for which he or she is eligible.<sup>222</sup> Detainees shall receive monetary compensation for work completed in accordance with the facility's standard policy.<sup>223</sup>

**The Santa Ana Detention Facility does not fully meet this section of the Standards; detainees do not receive monetary compensation for their work.** According to Supervisor Rubalcaba, the Facility provides voluntary job opportunities for both male and female detainees.<sup>224</sup> Male and female detainees do not work together.<sup>225</sup> Job opportunities include

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<sup>213</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>214</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>215</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>216</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>217</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversations with Supervisor (b)(6), (b)(7)c

<sup>218</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>219</sup> Notes of delegation member (b)(6), (b)(7)c regarding interview with detainee (b)(6), (b)(7)c

<sup>220</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>221</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.A.

<sup>222</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.A.

<sup>223</sup> Detention Operations Manual, Detainee Services, Standard 18, Section III.K.

<sup>224</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c

<sup>225</sup> Notes of delegation member (b)(6), (b)(7)c regarding conversation with Supervisor (b)(6), (b)(7)c

laundry and general clean-up.<sup>226</sup> In order to be eligible to work, a detainee cannot be under administrative or disciplinary segregation, cannot have any hazard warnings, and cannot have been on major discipline within the previous month.<sup>227</sup> Detainees do not receive monetary compensation for their labor.<sup>228</sup> However, detainees who work receive special benefits, such as extra food during meals or the ability to make additional phone calls.<sup>229</sup>

**H. Detainee Transfer**

**Applicable Standards.** The *Standards* require ICE to notify a detainee’s legal representative of record that the detainee is being transferred.<sup>230</sup> Indigent detainees will be permitted to make a single domestic telephone call at the government’s expense upon arrival at their final destination; non-indigent detainees will be permitted to make telephone calls at their own expense.<sup>231</sup> Records including the detainee’s Alien File (“A-file”) and health records (or transfer summary for IGSA’s) must accompany the detainee.<sup>232</sup>

**The Santa Ana Detention Facility meets this section of the Standards.** When detainees are transferred to the Facility, they may make a phone call in the booking area upon arrival.<sup>233</sup> All of the detainees indicated that they were able to make a phone call upon arrival, but one detainee reported that the Facility limited his call to “one second only.”<sup>234</sup> The detainee’s A-file and health records are transferred to the Facility with the detainee.<sup>235</sup>

**I. Detainee Handbook**

**Applicable Standards.** The *Standards* instruct that each facility shall have a detainee handbook that “briefly describe[s] individual programs and services and associated rules.”<sup>236</sup> The handbook shall be distributed to detainees immediately upon their admission to the facility.<sup>237</sup> The handbook should include topics such as “recreation, visitation, education, voluntary work, telephone use, correspondence, library use, and the canteen/commissary.”<sup>238</sup> In addition, the handbook shall cover the facility’s medical policy, facility-issued items such as

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<sup>226</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

<sup>227</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

<sup>228</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

<sup>229</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

<sup>230</sup> Detentions Operations Manual, Security and Control, Standard 4, Section III.A.

<sup>231</sup> Detentions Operations Manual, Security and Control, Standard 4, Section III.G.

<sup>232</sup> Detentions Operations Manual, Security and Control, Standard 4, Sections III.D.1 & III.D.6.

<sup>233</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted] notes of delegation member [redacted] regarding interview with detainee [redacted]

<sup>234</sup> Notes of delegation members [redacted] regarding interview with unnamed male detainee.

<sup>235</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

<sup>236</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.B.

<sup>237</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.B.

<sup>238</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.B.

clothing and bedding, access to personal property, and meal service.<sup>239</sup> The handbook must provide notice of the procedures for filing grievances and appeals. It must provide information on submitting questions and concerns to ICE staff.<sup>240</sup> The handbook must also specify the rules and regulations with which detainees must comply, and it must detail detainees' rights and responsibilities, including the right to be free from discrimination and abuse.<sup>241</sup> The handbook must be available in English and Spanish and, where appropriate, in "the next most-prevalent language(s) among the facility's detainees."<sup>242</sup> The handbook should be revised as necessary, and formally reviewed at least annually.<sup>243</sup>

**The Santa Ana Detention Facility's handbook partially meets this section of the *Standards*; however, the inmate handbook does not address certain topics, including detainees' rights to communicate with ICE staff and to be free from abuse and discrimination, and does not provide information on how to file a grievance or appeal.** The Facility's "inmate orientation handbook" explains the behavior expected from detainees, and details the Facility's rules and regulations.<sup>244</sup> It includes a discussion of recreation,<sup>245</sup> visitation,<sup>246</sup> education,<sup>247</sup> correspondence,<sup>248</sup> library use,<sup>249</sup> telephone use,<sup>250</sup> and commissary use.<sup>251</sup> The handbook, in accordance with the *Standards*, also contains information on the Facility's medical policy,<sup>252</sup> Facility-issued items,<sup>253</sup> and meal service.<sup>254</sup> The handbook does not, however, discuss the voluntary work program or access to personal property. In addition, the inmate handbook does not provide information on how to file a grievance or appeal, or indicate that detainees may send written questions or concerns to ICE staff, or inform detainees of their right to be free from discrimination and abuse.

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<sup>239</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.B.

<sup>240</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

<sup>241</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.C, and Security and Control Standard 5, Section III.A.5.

<sup>242</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

<sup>243</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.H & III.I.

<sup>244</sup> SADF Inmate Orientation Handbook.

<sup>245</sup> SADF Inmate Orientation Handbook, pp. 4-5.

<sup>246</sup> SADF Inmate Orientation Handbook, p. 2.

<sup>247</sup> SADF Inmate Orientation Handbook, p. 10.

<sup>248</sup> SADF Inmate Orientation Handbook, pp. 8-9.

<sup>249</sup> SADF Inmate Orientation Handbook, p. 9.

<sup>250</sup> SADF Inmate Orientation Handbook, p. 3.

<sup>251</sup> SADF Inmate Orientation Handbook, p. 7.

<sup>252</sup> SADF Inmate Orientation Handbook, p. 10.

<sup>253</sup> SADF Inmate Orientation Handbook, pp. 6-7.

<sup>254</sup> SADF Inmate Orientation Handbook, p. 4.

The handbook is translated into Spanish.<sup>255</sup> According to Supervisor (b)(6), (b)(7)C if a detainee does not speak English or Spanish, the Facility hires translators to translate the handbook for the detainee.<sup>256</sup> Supervisor (b)(6), (b)(7)C also stated that the handbook is revised regularly, and that detainees are informed about updates as they arise even if the handbook has not yet been revised.<sup>257</sup>

#### J. Religious Practices

**Applicable Standards.** The *Standards* require that detainees of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths.<sup>258</sup> According to the *Standards*, these “opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is ‘mainstream,’ whether the religion is ‘Western’ or ‘Eastern,’ or other such factors.”<sup>259</sup> A facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.<sup>260</sup>

**The Santa Ana Detention Facility appears to meet this section of the Standards.** The Facility allows inmates to attend religious services on a weekly basis.<sup>261</sup> Voluntary religious services are held weekly, typically on Sundays.<sup>262</sup> In addition, detainees may submit a written request for alternate meal times during religious holidays.<sup>263</sup>

#### K. ICE Presence at the Facility/Staff-Detainee Communication

**Applicable Standards.** The *Standards* recommend that facilities have procedures to facilitate formal and informal communication between and among facility staff, ICE staff, and ICE detainees.<sup>264</sup> Additionally, detainees should be able to file written requests to ICE and receive responses in a timely fashion.<sup>265</sup>

**The Santa Ana Detention Facility appears to meet this section of the Standards.** To contact ICE, detainees can send a fax on a form provided by the Facility or dial the

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<sup>255</sup> SADF Inmate Orientation Handbook, pp. 15-30.

<sup>256</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)C

<sup>257</sup> Notes of delegation member (b)(6) regarding conversation with Supervisor (b)(6), (b)(7)C

<sup>258</sup> Detentions Operations Manual, Detainee Security and Control, Standard 14, Section I.

<sup>259</sup> Detentions Operations Manual, Detainee Security and Control, Standard 14, Section I.

<sup>260</sup> Detentions Operations Manual, Detainee Security and Control, Standard 14, Section III.M.

<sup>261</sup> SADF Inmate Orientation Handbook, p.9.

<sup>262</sup> SADF Inmate Orientation Handbook, p.9; notes of delegation member (b)(6) regarding conversation with Office (b)(6), (b)(7)C

<sup>263</sup> SADF Inmate Orientation Handbook, p.9.

<sup>264</sup> Detention Operations Manual, Detainee Services, Standard 15, Section I.

<sup>265</sup> Detention Operations Manual, Detainee Services, Standard 15, Section I.



number that is posted.<sup>266</sup> The Facility sends faxes immediately and keeps a copy of all correspondence.<sup>267</sup> If the ICE detainee population is large enough, ICE automatically makes weekly visits.<sup>268</sup> The visits are announced to the detainees on Wednesdays, at which time the detainees can choose to sign up to speak with the representative.<sup>269</sup>

V. CONCLUSION

The Santa Ana Detention Facility meets or appears to meet many of the ICE Detention Standards. However, the Facility should take additional steps in order to apply the Standards successfully with respect to the following areas:

- Taking incoming messages from attorneys and delivering them to detainees.
- Providing privacy safeguards for telephone calls on legal matters.
- Providing hard copy library materials in a quiet, isolated, and sufficiently large enough space in order to allow detainees to research and prepare legal documents. Many detainees do not know how to use computers, and even those that do find it difficult to access a “virtual library.” A computerized library system requires that the detainees know the names of sources and legal terms in order to begin searching for them, when often this is not the case. As a result, this system is virtually unusable for most, if not all, ICE detainees.
- Allowing detainees to have greater access to the computer and legal materials. This would entail permitting all detainees to use the computer in their housing unit on a regular basis, regardless of whether they are “pro-per” or not.
- Updating the computer “library” to include the legal materials required by the Standards. Missing sources include Black’s Law Dictionary and secondary sources.
- Making the computer easier to use by offering assistance in housing units for those who need help navigating computer programs.
- Showing the Florence Project’s “Know Your Rights” video.
- Offering monetary compensation for work performed by detainees through the voluntary work program.
- Updating the inmate handbook to provide the required information for ICE detainees.

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<sup>266</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]  
<sup>267</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]  
<sup>268</sup> Notes of delegation member [redacted] (b)(6) regarding conversation with Supervisor [redacted] (b)(6), (b)(7)c  
<sup>269</sup> Notes of delegation member [redacted] regarding conversation with Supervisor [redacted]

Facility Name: SANTA ANA DETENTION FACILITY, SANTA ANA, CALIFORNIA

Date of Tour: July 20, 2006

Tour Participants: Latham & Watkins LLP attorney [REDACTED] and summer associates [REDACTED]

\*Standards are Detainee Services Standards unless otherwise indicated. Standards excerpts are typed verbatim. Issues are generally listed in their order from the Report. Report comments in bold are priority issues for ICE-ABA discussion.

	ICE Standard*	Delegation Report	Source	ICE Response
1.	<p><b>Standard 16, Telephone Access</b></p> <ul style="list-style-type: none"> <li>III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible.</li> </ul>	<ul style="list-style-type: none"> <li>The Facility does not take messages from attorneys. (p.8 ¶1)</li> </ul>	<p>Supervisor</p> <p>[REDACTED]</p>	
2.	<p><b>Standard 16, Telephone Access</b></p> <ul style="list-style-type: none"> <li>III.J. The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees.</li> </ul>	<ul style="list-style-type: none"> <li>The telephones at the Facility do not provide any privacy. All of the telephones are located in public areas in clusters of three such that phone conversations are likely to be overheard by other detainees and passing guards. (p.7 ¶2)</li> </ul>	<p>Delegation observations</p>	
3.	<p><b>Standard 1, Access to Legal Material</b></p> <ul style="list-style-type: none"> <li>III.A. The facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing. The law library shall be large enough to provide reasonable access to all detainees who request its use.</li> <li>III.B. Equipment. The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper and office supplies to enable detainees to prepare documents for legal proceedings.</li> </ul>	<ul style="list-style-type: none"> <li>There is no library room or books. Rather, there is one computer per "mod," located in the busy common area. However, Supervisor [REDACTED] informed the delegation that books were to be delivered the day after the visit. (p.8 ¶5)</li> <li>There is only one computer per "mod"; each "mod" houses as many as 64 people. Therefore, the number of available computers may be insufficient. (p.9 ¶3)</li> </ul>	<p>Delegation observations; Supervisor</p> <p>[REDACTED]</p> <p>Delegation observations; Supervisor</p> <p>[REDACTED]</p>	
4.	<p><b>Standard 1, Access to Legal Material</b></p> <ul style="list-style-type: none"> <li>III.G. The facility shall...permit all detainees, regardless of housing or classification, to use the law library on a regular basis. Each detainee shall be permitted to use the law library for a minimum of five (5) hours per week.</li> </ul>	<ul style="list-style-type: none"> <li>The Facility restricts access to legal materials to individuals who represent themselves ("proper"). (p.8 ¶3)</li> </ul>	<p>Delegation observations of posted notice</p>	
5.	<p><b>Standard 9, Group Presentations on Legal Rights</b></p> <ul style="list-style-type: none"> <li>III.I. Videotaped presentations. The facility shall play [ICE]-approved videotaped presentations on legal rights, at the request of outside organizations.</li> </ul>	<ul style="list-style-type: none"> <li>The Facility does not show a "Know Your Rights" video. (p.12 ¶4)</li> </ul>	<p>Supervisor</p> <p>[REDACTED]</p>	

6.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> <li>▪ I. All detainees shall have access to medical services that promote detainee health and general well-being.</li> <li>▪ III.A. Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee reported that he had been waiting for medical treatment for a painful dermatological disease for over three months. He was told he had to "wait for INS" to provide a doctor to treat his condition. (p.16 ¶1)</li> </ul>	De Saf	
7.	<p>Standard 18, Voluntary Work Program</p> <ul style="list-style-type: none"> <li>▪ I. Every facility with a work program will provide detainees the opportunity to work and earn money.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detainees do not receive monetary compensation for their labor. However, they receive special benefits, such as extra food during meals or the ability to make additional telephone calls. (p.21 ¶1)</li> </ul>	Sup Rub	
8.	<p>Standard 6, Detainee Handbook</p> <ul style="list-style-type: none"> <li>▪ III.B. The overview will briefly describe individual programs and services ... includ[ing] ... voluntary work ... [and] access to personal property....</li> </ul> <p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> <li>▪ III.G. Detainee Handbook. ... The grievance section of the detainee handbook will provide notice of the following: ... 2. the procedures for filing a grievance and appeal ...</li> </ul> <p>Standard 15, Staff-Detainee Communication</p> <ul style="list-style-type: none"> <li>▪ III.B.3. Detainee Handbook. ... The handbook shall state that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so ....</li> </ul> <p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> <li>▪ III.A.5. The detainee handbook or equivalent ... shall advise detainees of ... the right to protection from personal abuse... [and] the right to be free from discrimination ....</li> </ul>	<ul style="list-style-type: none"> <li>▪ The inmate handbook does not address the voluntary work program or access to personal property. It does not provide the procedures for filing a grievance or appeal. In addition, the inmate handbook does not state that detainees have the opportunity to communicate with ICE staff. It also does not state that detainees have the right to be free from discrimination and abuse. (p.22 ¶2)</li> </ul>	Inmate handbook	