

MEMORANDUM

DATE September 21, 2006

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

FROM American Bar Association Delegation to the York County Prison Facility¹

COPIES TO [REDACTED], ABA Commission on Immigration

SUBJECT Report on Observational Tour of the York County Pennsylvania Prison

This memorandum summarizes and evaluates information gathered at the York County Prison (“York County”) in York, Pennsylvania, during the delegation’s August 7, 2006 visit to the facility. The information was gathered from the delegation’s observation of the facility, from interviews with detainees, and from discussions with York County and Immigration and Customs Enforcement (“ICE”) personnel.

I. ICE DETENTION STANDARDS

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

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

¹ The delegation was comprised of two attorneys and two paralegals from the Philadelphia office of Dechert LLP, including [REDACTED], [REDACTED], Esquire, [REDACTED] and [REDACTED] Esquire

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

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 Visit, August 7, 2006

On Monday, August 7, 2006, the members of our delegation met with several members of York County's staff and representatives from the ICE office in York, Pennsylvania. Captain [b6, b7C], York County's Liaison for ICE, and ICE Deportation and Detention Officer, [b6, b7C] and Assistant Field Office Director, Officer [b6, b7C] who was temporarily assigned as an ICE supervisor to York County, led our delegation on a tour of the facilities and participated in post-tour follow-up discussions. The delegation also spoke with other York County Prison personnel during the tour, including Deputy Warden [b6, b7C], Dr. [b6], and [b6] Health Services Administrator. The delegation appreciates the cooperation of these individuals who were very accommodating during our tour of the facility.

Our report is based on the discussions we had with these York County and ICE employees, as well as observations of the facility and interviews with seven immigration detainees including a detainee-trustee³ working in the library. In some instances, the detainees' reports were compatible with statements made by facility personnel and/or our observations. In such cases, the delegation was able to more accurately determine whether York County policy and procedures successfully meet the Standards. However, in certain instances, the detainees' reports conflicted with statements made by facility personnel. Where we were unable to resolve the conflicting reports, the delegation was unable to conclusively determine whether the Standards are met.

B. General Information About the York County Prison Detention Facility

York County houses federal immigration detainees according to an IGSA with ICE. According to the York County personnel, the facility has the capacity to hold 1,962 individuals.⁴ York County had a current population of 1,950 on the day of the delegation's visit, 400-450 of whom were immigration detainees.⁵ York County houses mostly males.⁶ At the time of the visit, facility personnel reported that there were 255 female prisoners, only 13 of whom were immigration detainees.⁷ The average length of stay for detainees is approximately one year.⁸

³ A trustee is an inmate who has earned the opportunity to work in the facility.

⁴ Notes of delegation members [b6] and [b6], on conversation with Captain [b6, b7C] and [b6, b7C]

⁵ Notes of delegation members [b6] and [b6], on conversation with Captain [b6, b7C] and Officer [b6, b7C]

⁶ Notes of delegation members [b6] and [b6], on conversation with Captain [b6, b7C] and Officer [b6, b7C]

⁷ Notes of delegation member [b6] and [b6], on conversation with Captain [b6, b7C] and Officer [b6, b7C]

According to Officer [b6, b7C] and Captain [b6, b7C], the facility includes eight general population dormitories housing up to 48 inmates each, one 150-person dormitory, two 100-cell blocks, five 160-cell blocks, 260 beds for females inmates, 200 outmate program beds, 60 segregation beds, and 25 medical beds. (These beds add up to significantly more than the 1,962 maximum capacity.) Holding cells can house an additional 70 inmates during any periods of overcrowding, which Captain [b6, b7C] reported were infrequent.⁹ The delegation visited only a 48 inmate dormitory, a Behavioral Adjustment Unit (“B.A.U.”), and an Intensive Custody Unit (“I.C.U.”) block.

The delegation met with detainees from Jamaica, Jordan, Morocco, Nigeria, and Trinidad, and Officer [b6, b7C] informed the delegation that there were many detainees from Mexico and the Middle East.¹⁰ About one-third of the detainees are Spanish-speaking.¹¹ The delegation observed several detainees from Indonesia waiting for a meeting with their consulate representative. The prison contracts with a language service and uses other inmates to translate.¹²

According to Captain [b6, b7C] most of the immigration detainees housed at York County have criminal records, and the population also included 50 to 100 asylum seekers.¹³ Deputy Warden [b6, b7C] reported that asylum seekers accounted for 200 detainees.¹⁴ Most of the detainees interviewed indicated that they had prior criminal records, had served their sentences and were at York County only for immigration proceedings.¹⁵

III. LEGAL ACCESS STANDARDS

A. Legal Access/Visitation

⁸ Notes on delegation member [b6], on conversation with Captain [b6, b7C] Officer [b6, b7C] and Officer [b6, b7C].

⁹ Notes of delegation member [b6] on conversation with Captain [b6, b7C] and Officer [b6, b7C]

¹⁰ Notes of delegation member [b6], [b6], [b6], and [b6] [b6], on conversation with detainees [b6, b7C], [b6, b7C] [b6, b7C] [b6, b7C] and [b6, b7C], and Officer [b6, b7C] and on observation.

¹¹ Notes of delegation member [b6], on conversation with Officer [b6, b7C] and Officer [b6, b7C]

¹² Notes of delegation member [b6], on conversation with Officer [b6, b7C] and Officer [b6, b7C]

¹³ Notes of delegation member [b6] on conversation with Captain [b6, b7C]

¹⁴ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C]

¹⁵ Notes of delegation member [b6], [b6], [b6] [b6] on conversations with detainees [b6, b7C], [b6, b7C], [b6, b7C], [b6, b7C], [b6, b7C] [b6, b7C] and [b6, b7C]

1. Visitation by Attorneys

The Standards state that facilities should permit legal visitation seven days per week.¹⁶ Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend.¹⁷ The visits must be private, and should not be interrupted for head counts.¹⁸ Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.¹⁹ Detainees in either administrative or disciplinary segregation should be allowed legal visitation.²⁰

York County meets this section of the Standards. Attorneys may visit detainees seven days per week, at least during regular visiting hours of 8:45 – 11:45 and 1:00 – 3:30.²¹ Detainees meet with attorneys in four private glass walled attorney-client rooms, which are clean, well-lit and free from distractions.²² Attorney visits are contact visits.²³ Neither attorneys nor inmates are searched in connection with these visits.²⁴ Deputy Warden [b6, b7C] stated that a Form G-28 was required by the facility for an attorney visit, but that once the form was obtained, access by attorneys was routinely granted.²⁵ Paralegals and translators are also allowed to visit, as long as the translator is not related to the detainee.²⁶ According to Deputy Warden [b6, b7C] Pennsylvania Immigration Resource Center (“PIRC”) has earned the respect of York County and PIRC attorneys are trusted.²⁷ Detainees in the B.A.U. and I.C.U. have the same ability to meet with attorneys as other inmates.²⁸

No detainee reported trouble arranging attorney visits.²⁹ Detainee [b6, b7C] stated that attorney visits could be arranged at any time.³⁰

¹⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

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

¹⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

¹⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

²⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.12.

²¹ Inmate Handbook for York County Prison [“Inmate Handbook”] at 4.

²² Observations of delegation members [b6] and [b6].

²³ Notes of delegation member [b6] on conversation with Captain [b6, b7C] and on observation.

²⁴ Notes of delegation members [b6] and [b6] on conversation with Captain [b6, b7C] and on observation.

²⁵ Notes of delegation member [b6], on conversation with Deputy Warden [b6, b7C]

²⁶ Notes of delegation member [b6], on conversations with Deputy Warden [b6, b7C] and Captain [b6, b7C].

²⁷ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C]

²⁸ Notes of delegation member [b6] on conversation with Officer [b6, b7C] Captain [b6, b7C], and Officer [b6, b7C].

²⁹ Notes of delegation members [b6] and [b6], on conversations with detainees [b6, b7C], [b6, b7C], and [b6, b7C]

³⁰ Notes of delegation member [b6] on conversation with detainee [b6, b7C].

2. Visitation by Family and Friends

The Standards state that facilities should establish written visitation hours and procedures, and make them available to the public.³¹ The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”³² Visiting hours shall be set on Saturdays, Sundays, and holidays, and the Standards encourage facilities to accommodate visitors at other times when they are facing a particular hardship.³³ Visits should be at least 30 minutes long, and longer when possible, especially for family members traveling significant distances to visit.³⁴ If a facility does not provide for visits from minors, ICE should arrange for visits with children or stepchildren within the detainee’s first 30 days at the facility, with continuing monthly visits.³⁵ Visits should be granted to detainees in both disciplinary and administrative segregation unless the detainee violates the visitation rules or threatens the security of the visitation room.³⁶

York County meets this section of the Standards, although the facility apparently did not extend the visit of one visitor who had traveled a great distance. The facility posted a sign with visiting hours at the entrance to and inside the visitors’ waiting room.³⁷ Visiting hours are permitted from 8:45 to 11:45 a.m., Monday through Friday, plus 1:00 to 3:30 p.m. for men and 1:00 to 3:00 p.m. everyday except Sunday for women.³⁸ Additional visitation is available for minimum security inmates from 6:00 to 8:00 p.m., Monday through Friday.³⁹ Children are allowed to visit Thursdays and Fridays from 3:30 to 5:15 p.m. and from 1:00 to 3:00 p.m. on Sunday for women only.⁴⁰ Upon admission, inmates must provide a list of visitors.⁴¹ If a visitor is not on the list, he or she may not see the inmate.⁴² All visits are non-contact.⁴³ Visits are limited to three half-hour visits per week.⁴⁴ Inmates in the B.A.U. are allowed one visit per month.⁴⁵

³¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

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

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

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

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

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

³⁷ Observations of delegation member [redacted] b6 [redacted].

³⁸ Notes of delegation member [redacted] on conversation with Officer [redacted].

³⁹ Notes of delegation member [redacted] on conversation with Officer [redacted].

⁴⁰ Notes of delegation member [redacted] b6 [redacted] on conversation with Officer [redacted] b6, b7C [redacted].

⁴¹ Notes of delegation member [redacted] on conversation with Officer [redacted].

⁴² Notes of delegation member [redacted] on conversation with Officer [redacted].

⁴³ Notes of delegation members [redacted] b6 [redacted] and [redacted] b6 [redacted], on conversations with Captain [redacted] b6, b7C [redacted] and detainee [redacted] b6, b7C [redacted].

⁴⁴ Notes of delegation member [redacted] b6 [redacted], on conversations with Officer [redacted] b6, b7C [redacted] and Captain [redacted] b6, b7C [redacted].

⁴⁵ Notes of delegation member [redacted] b6 [redacted], on conversations with Officer [redacted] b6, b7C [redacted] and Captain [redacted] b6, b7C [redacted].

Those in the I.C.U. have normal visitation.⁴⁶ Detainee [b6, b7C] complained that he was only allowed to speak with his wife for a half hour after she had driven from Illinois, which was his only visit in two years.⁴⁷ Detainee [b6, b7C]' mother was turned away after traveling from Philadelphia because she was not on the list.⁴⁸

B. Telephone Access

1. General Requirements

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.⁴⁹ In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees.⁵⁰ The Standards also require the telephone access rules to be provided in writing to each detainee upon admittance, and that the rules be posted where detainees may easily see them.⁵¹

York County appears to meet this section of the Standards. However the delegation toured only the dormitory, I.C.U. and B.A.U. areas; it did not tour any cell blocks where the majority of inmates are housed and, therefore, was unable to determine how consistently the facility followed the Standard.

While the delegation did observe that telephone access rules were not consistently posted,⁵² Officer [b6, b7C] explained that inmates would often write information on the posters and tear them down.⁵³ When posted, rules are in English and Spanish.⁵⁴ The rules are also discussed in the Inmate Handbook.⁵⁵ Consulate numbers are posted.⁵⁶ According to Officer [b6, b7C] and Captain [b6, b7C], there are two phones in each 32- to 48-person dormitory. In smaller units of approximately 12 people, there is one phone.⁵⁷ The delegation observed four phones in the 48-bed dormitories and one phone in the smaller I.C.U. and B.A.U. units.⁵⁸

⁴⁶ Notes of delegation member [b6], on conversation with Officer [b6, b7C] and Captain [b6, b7C].

⁴⁷ Notes of delegation member [b6], on conversation with [b6, b7C].

⁴⁸ Notes of delegation member [b6] on conversation with detainee [b6, b7C].

⁴⁹ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

⁵⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

⁵¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

⁵² Observations of delegation member [b6].

⁵³ Notes of delegation member [b6] on conversation with Officer [b6, b7C].

⁵⁴ Observations of delegation member [b6].

⁵⁵ Inmate Handbook at 8.

⁵⁶ Notes of delegation member [b6], on observation.

⁵⁷ Notes of delegation member [b6], on conversation with Captain [b6, b7C].

⁵⁸ Observations of delegation member [b6].

2. Direct Calls and Free Calls

The Standards allow facilities to generally restrict calls to collect calls;⁵⁹ however, the facility must permit detainees to make direct calls to the local immigration court and the Board of Immigration Appeals, federal and local courts, consular officials, legal service providers, government offices, and to family members in case of emergency.⁶⁰ The facility shall not require indigent detainees to pay for these types of calls if local, or for non-local calls if there is a compelling need.⁶¹ In addition, the facility shall enable all detainees to make calls to ICE–provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.⁶²

York County does not meet this section of the Standards: according to detainees and delegation observations, telephones do not work properly so detainees are unable to make calls to pre-programmed numbers. According to staff, phones are pre-programmed for courts, embassies, and PIRC, and these calls are available free for immigrant detainees when they enter their "A" number. Phones are checked every month to be certain that they are still working.⁶³ Several detainees, however, reported that the pre-programmed phones did not always work (for example, agencies could not hear) and the consulate numbers were often incorrect.⁶⁴ Delegation member [b6] placed a test phone call to PIRC. He could hear the PIRC employee, but he could not be heard.⁶⁵

Detainees complain that the phone charges are very expensive.⁶⁶ For example, Mr. [b6, b7C] had to pay \$30 for a 15-minute call to Illinois.⁶⁷ When a detainee complained that the pre-paid international phone cards didn't work, he was told "don't buy the phone card."⁶⁸ Officer [b6, b7C] acknowledged that there had been a problem with the cards, but said that Officer [b6, b7C]

⁵⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶² Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶³ Notes of delegation member [b6], on conversation with Officer [b6, b7C]

⁶⁴ Notes of delegation member [b6] and [b6] on conversations with detainees [b6, b7C] and [b6, b7C].

⁶⁵ Observations of delegation member [b6].

⁶⁶ Notes of delegation members [b6] and [b6], on conversations with detainees [b6, b7C] and [b6, b7C].

⁶⁷ Notes of delegation members [b6] and [b6] on conversations with detainees [b6, b7C] and [b6, b7C].

⁶⁸ Notes of delegation member [b6] on conversation with detainee [b6, b7C]

had worked very hard and had resolved this problem.⁶⁹ Several detainees reported that ICE allowed them to place free personal calls on occasion.⁷⁰

3. Telephone Access to Legal Representatives

The Standards require that the facility ensure privacy for detainees' telephone calls regarding legal matters.⁷¹ Legal calls may not be monitored without a Court Order.⁷²

York County does not fully meet the section of the Standards regarding telephone privacy. Detainees are unable to make private telephone calls, because the phones are all located in the housing units with no privacy safeguards: telephones are out in the open, and there are no partitions for privacy.⁷³ According to staff, attorney calls are not monitored and are not limited to 20 minutes.⁷⁴

4. Incoming Calls and Messages

The Standards suggest that facilities take and deliver messages to detainees as promptly as possible.⁷⁵

It is unclear whether York County meets this standard. According to Deputy Warden [b6, b7C], attorneys can call the ICE office and get a message to a detainee.⁷⁶ However, two detainees reported that corrections officers refused to convey messages to inmates.⁷⁷ Usually facility personnel will not pick up the phone.⁷⁸ If they do, they apparently often tell attorneys not to call back.⁷⁹ One detainee reported that he did receive messages.⁸⁰

⁶⁹ Notes of delegation members [b6] and [b6], on conversation with Officer [b6, b7C]

⁷⁰ Notes of delegation members [b6], [b6], and [b6], on conversations with [b6, b7C], [b6, b7C], and [b6, b7C].

⁷¹ Detention Operations Manual, Detainee Services, Standard 16, Section J.

⁷² Detention Operations Manual, Detainee Services, Standard 16, Section K.

⁷³ Observations of delegation member [b6].

⁷⁴ Notes of delegation member [b6], on conversation with Officer [b6, b7C].

⁷⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁷⁶ Notes of delegation member [b6], on conversations with Deputy Warden [b6, b7C]

⁷⁷ Notes of delegation member [b6], on conversations with [b6, b7C] and [b6, b7C].

⁷⁸ Notes of delegation member [b6], on conversations with [b6, b7C] and [b6, b7C].

⁷⁹ Notes of delegation member [b6], on conversations with detainees [b6, b7C] [b6, b7C] and [b6, b7C].

⁸⁰ Notes of delegation member [b6], on conversation with detainee [b6, b7C].

5. Telephone Privileges in Special Management Unit

The Standards provide that detainees who are in the Special Management Unit for disciplinary reasons shall be permitted to make direct and/or free calls,⁸¹ but calls are restricted to legal calls, calls to consular or embassy officials, and family emergencies.⁸²

York County meets this section of the Standards. According to staff, detainees in the B.A.U. and Intensive Custody Unit (I.C.U.)⁸³ may make attorney phone calls.⁸⁴ Those in the I.C.U. may also make personal calls during their one-hour out of lock-down.⁸⁵ Those in the B.A.U. may also request calls to their consulates.⁸⁶ They may not make personal calls.⁸⁷

C. Access to Library and Legal Materials

All facilities “shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.”⁸⁸

1. Library Access

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.⁸⁹ Each detainee shall be permitted to use the law library for a minimum of five hours per week.⁹⁰

York County substantially meets this section of the Standards for men, but women may not use the main library, and the women’s library has fewer books. However, women are apparently able to request books from the other libraries. The facility maintains four or five law libraries which are open from 9:00 to 11:00, 1:00 to 4:00, and 7:00 to 10:00, Monday through Sunday. These hours are posted on a window of the library. Use of the library is scheduled according to housing unit, and each inmate has at least five hours of access per week.⁹¹

⁸¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

⁸² Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

⁸³ According to the Inmate Handbook, the I.C.U. is “a non-punitive housing unit where each inmate is kept separate from other inmates.” Inmate Handbook at 5.

⁸⁴ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C and Captain [REDACTED] b6, b7C

⁸⁵ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C and Captain [REDACTED] b6, b7C

⁸⁶ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C

⁸⁷ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C, Captain [REDACTED] b6, b7C, and Officer [REDACTED] b6, b7C

⁸⁸ Detention Operations Manual, Detainee Services, Standard 1, Section I.

⁸⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁹⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁹¹ Notes of delegation member [REDACTED] b6, on conversation with Captain [REDACTED] b6, b7C

However, one detainee complained that library visits were often delayed, thus reducing the time actually available in the library.⁹² Inmates in segregation may request books from the library.⁹³ Each library is staffed by two or more trustees who are familiar with the available materials.⁹⁴ Women may not use the main library.⁹⁵ Captain [b6, b7C] informed us that the women's library had fewer books available than the main and other satellite libraries, and women had to request books from those libraries.⁹⁶

2. Library Conditions

The Standards require the facility to provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing.⁹⁷ It should be large enough to provide reasonable access to all detainees who request its use and shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.⁹⁸ The facility shall provide legal materials, equipment and document-copying privileges and the opportunity to prepare legal documents.⁹⁹

York County meets this section of the Standards. The delegation visited the main library and one satellite library. The libraries were well lit and had adequate chairs and tables.¹⁰⁰ Paper and writing implements are provided to detainees.¹⁰¹ One detainee reported, however, that inmates who were simply interested in leaving their cells and getting out to "watch females go by" and had no interest in doing legal research caused a fair level of disruption.¹⁰²

3. Legal Materials

The Standards require that all facility law libraries contain the materials listed in Attachment A to the chapter on *Access to Legal Materials*.¹⁰³ These materials must be updated regularly, and information must be added on significant regulatory and statutory changes regarding

⁹² Notes of delegation member [b6], on conversation with detainee [b6, b7C]

⁹³ Notes of delegation members [b6] and [b6], on conversations with Captain [b6, b7C] and Officer [b6, b7C] and on observation.

⁹⁴ Notes of delegation member [b6], on conversation with Captain [b6, b7C] and detainee trustee [b6, b7C].

⁹⁵ Notes of delegation member [b6], on conversation with Captain [b6, b7C]

⁹⁶ Notes of delegation member [b6], on conversation with Captain [b6, b7C]

⁹⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

⁹⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

⁹⁹ Detention Operations Manual, Detainee Services, Standard 1, Section I.

¹⁰⁰ Observations of delegation member [b6]

¹⁰¹ Notes of delegation member [b6] on conversation with Officer [b6, b7C]

¹⁰² Notes of delegation member [b6] on conversation with detainee [b6, b7C]

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

detention and deportation of aliens in a timely manner.¹⁰⁴ Damaged or stolen materials must be promptly replaced.¹⁰⁵

York County does not meet this section of the Standards. The delegation visited two libraries, including the main library, and did not find many of the required resources in hard copy.¹⁰⁶ According to Captain [b6, b7C] and detainee [b6, b7C], many more resources were available by computer.¹⁰⁷ However, the delegation determined that only limited resources were available on the computer.¹⁰⁸ Each computer contained three programs: Word Pad, Lexis/Nexis CD on Folio 4 Client, and Law Desk 5.70.¹⁰⁹ There was no internet service.¹¹⁰ Lexis is updated three times a year.¹¹¹ Many of the materials maintained in the major and satellite libraries were not up-to-date.¹¹² For example, the last volume in the Supreme Court Reporter was from 1999 and the Federal Reporter 3d series went up to 2001.¹¹³ The Pennsylvania Reporter in the main library went through February 2006.¹¹⁴

The following resources were NOT observed in the libraries by the delegation:¹¹⁵

- Bender's Administrative Decisions Under Immigration & Nationality Laws after Volume 14
- Bender's Immigration and Nationality Act Service
- Immigration Law and Defense
- Guide For Immigration Advocates
- Country Reports On Human Rights Practices
- Human Rights Watch—World Report
- UNHCR Handbook on Procedures and Criteria For Determining Refugee Status
- Considerations for Asylum Officers Adjudicating Asylum Claims For Women
- Lawyers Committee Handbook on Representing Asylum Applicants
- Federal Habeas Corpus, Practice and Procedure
- Criminal Procedure

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

¹⁰⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

¹⁰⁶ Delegation observations.

¹⁰⁷ Notes of delegation member [b6] on conversations with Captain [b6, b7C] and [b6, b7C].

¹⁰⁸ Notes of delegation members [b6] and [b6], on conversation with detainee [b6, b7C] and on observation.

¹⁰⁹ Notes of delegation members [b6] and [b6], on conversation with detainee [b6, b7C] and on observation.

¹¹⁰ Notes of delegation members [b6] and [b6], on conversation with detainee [b6, b7C] and on observation.

¹¹¹ Notes of delegation member [b6], on conversation with Officer [b6, b7C].

¹¹² Observations of delegation member [b6].

¹¹³ Observations of delegation member [b6].

¹¹⁴ Observations of delegation member [b6].

¹¹⁵ Observations of delegation members [b6] and [b6].

- Legal Research In A Nutshell
- Legal Research And Writing: Some Starting Points
- Directory of Non Profit Agencies that Assist Persons in Immigration Matters

The facility reportedly has additional periodicals, but they are not always made available.¹¹⁶

4. Computer Access, Equipment, and Holdings

The Standards require that the library provide an adequate number of typewriters or computers, writing instruments, paper, and office supplies so that detainees can prepare documents for legal proceedings.¹¹⁷

York County does not fully meet this section of the Standards: detainees are unable to save computer documents to prepare for proceedings. The delegation observed four to six computers in the main library, and three in the satellite library.¹¹⁸ Detainees are not permitted to save documents on the hard drive.¹¹⁹ They may only print documents upon permission.¹²⁰ According to one detainee, detainees are not permitted to save their documents on a diskette or on a CD.¹²¹ Especially given the reduced hours and disruption, the inability to save documents is a significant hardship as it makes it very difficult to draft lengthy court papers.¹²² According to Deputy Warden [b6, b7C], CDs present a security risk, as they can be used as a weapon if broken.¹²³ Diskettes represent a lesser risk, although they can serve as a vehicle for transporting illegal substances.¹²⁴ The facility is working on the problem.¹²⁵

D. Assistance From other Detainees

The Standards require that the facility permit detainees to assist other detainees in research in preparing legal documents upon request.¹²⁶

¹¹⁶ Notes of delegation member [b6], on conversation with detainee [b6, b7C].

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

¹¹⁸ Observations of delegation member [b6].

¹¹⁹ Notes of delegation member [b6], on conversation with detainee [b6, b7C].

¹²⁰ Notes of delegation member [b6], on conversation with detainee [b6, b7C].

¹²¹ Notes of delegation member [b6], on conversation with detainee [b6, b7C].

¹²² Notes of delegation member [b6], on conversation with detainee [b6, b7C].

¹²³ Notes of delegation members [b6] and [b6], on conversation with Deputy Warden [b6, b7C].

¹²⁴ Notes of delegation members [b6] and [b6], on conversation with Deputy Warden [b6, b7C].

¹²⁵ Notes of delegation members [b6] and [b6], on conversation with Deputy Warden [b6, b7C].

¹²⁶ Detention Operations Manual, Detainee Services, Standard I, Section III.K.

York County meets this section of the Standards. Captain [b6, b7C] explained that library trustees were very well informed and were permitted to assist detainees.¹²⁷ The delegation observed trustees working in the library and detainee trustee [b6, b7C] reported that he assists detainees.¹²⁸ In addition, one detainee reported that he assists other inmates.¹²⁹

1. Photocopies

The Standards provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.¹³⁰ Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.¹³¹ Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.¹³²

York County meets this section of the Standards. Detainees at York County may make copies by filling out a blue request form. There is no charge for copies. The procedure for obtaining copies is posted in the library.¹³³

E. Personal Legal Materials

According to the Standards, a facility should permit detainees to retain all personal legal material unless such material creates a hazard.¹³⁴

York County substantially meets this section of the Standards. Captain [b6, b7C] informed the delegation that detainees are allowed to maintain their personal legal papers with them unless there is a large volume, in which case the documents are kept in storage.¹³⁵ Officer [b6, b7C] said that documents in storage could be retrieved within a day or so.¹³⁶ Detainees confirmed that they were allowed to maintain their legal papers with them.¹³⁷ However, detainee

¹²⁷ Notes of delegation member [b6] on conversation with Captain [b6, b7C].

¹²⁸ Notes of delegation member [b6] on observation and conversation with detainee [b6, b7C].

¹²⁹ Notes of delegation member [b6] on conversation with detainee [b6, b7C].

¹³⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹³¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹³² Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹³³ Notes of delegation member [b6] on conversation with Officer [b6, b7C] and observation.

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

¹³⁵ Notes of delegation member [b6], on conversation with Captain [b6, b7C].

¹³⁶ Notes of delegation member [b6], on conversation with Captain [b6, b7C] and Officer [b6, b7C].

¹³⁷ Notes of delegation member [b6] on conversations with detainees [b6, b7C] and [b6, b7C].

Lawal reported that his documents were misplaced during transit from one area of the facility to another.¹³⁸

F. Group Rights Presentations

The Standards provide that facilities holding ICE detainees “shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of each facility.”¹³⁹ Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.¹⁴⁰ While the presentations are open to all detainees, the facility “may limit the number of detainees at a single session.”¹⁴¹ “The facility shall select and provide an environment conducive to the presentation, consistent with security.”¹⁴² In addition, detainees shall have regular opportunities to view an “I.N.S.-approved videotaped presentation on legal rights.”¹⁴³

The extent to which York County meets this standard is unclear because information provided by authorities and detainees is in conflict. According to Deputy Warden [b6, b7C], each week the facility plays the “Know Your Rights” video at 10:00 a.m. on all the facility’s TVs.¹⁴⁴ The fact that the video will be played is announced on the public address system.¹⁴⁵ This video cannot be watched in the B.A.U. or I.C.U., but individual arrangements can be made.¹⁴⁶

According to Deputy Warden [b6, b7C] the facility also allows live group presentations by PIRC.¹⁴⁷ Attorneys always have opportunities to speak with detainees after such presentations.¹⁴⁸ Notices are not posted announcing the presentations, but announcements are made on the public address system.¹⁴⁹ Inmates in the B.A.U. and I.C.U. cannot attend these presentations, but individual arrangements will be made.¹⁵⁰ Deputy Warden [b6, b7C] estimated that approximately 35 people attend each such meeting.¹⁵¹

¹³⁸ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

¹³⁹ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹⁴⁰ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁴¹ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁴² Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹⁴³ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹⁴⁴ Notes of delegation member [b6], on conversation with Deputy Warden [b6, b7C]

¹⁴⁵ Notes of delegation member [b6, b7C], on conversation with Deputy Warden [b6, b7C]

¹⁴⁶ Notes of delegation member [b6, b7C], on conversation with Deputy Warden [b6, b7C]

¹⁴⁷ Notes of delegation member [b6, b7C], on conversation with Deputy Warden [b6, b7C]

¹⁴⁸ Notes of delegation member [b6], on conversation with Deputy Warden [b6, b7C]

¹⁴⁹ Notes of delegation member [b6, b7C], on conversation with Deputy Warden [b6, b7C]

¹⁵⁰ Notes of delegation member [b6, b7C], on conversation with Deputy Warden [b6, b7C]

¹⁵¹ Notes of delegation member [b6, b7C], on conversation with Deputy Warden [b6, b7C]

Detainees could not recall live presentations ever being made.¹⁵² Detainee [REDACTED], who has been in the facility since February, believes the “Know Your Rights” video played on television at one time, but does not anymore.¹⁵³ Detainee [REDACTED] said that he remembered that such a video had been played at one time, but he believes it had not been aired for at least six months,¹⁵⁴ and detainee [REDACTED] reported never seeing the video.¹⁵⁵

IV. OTHER PROVISIONS OF THE ICE DETENTION STANDARDS

A. Correspondence and Other Mail

The Standards require that detainees be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility.¹⁵⁶ General correspondence shall be opened and inspected for contraband in the presence of the detainee, but may be opened and even read outside the presence of detainee if security reasons exist for doing so.¹⁵⁷ Special correspondence — which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media — is treated differently.¹⁵⁸ Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹⁵⁹ Outgoing special correspondence cannot be opened, inspected, or read.¹⁶⁰ The Standards also require that facilities provide writing paper, implements, and envelopes at no cost to detainees,¹⁶¹ and 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.¹⁶² Finally, the Standards require that facilities notify detainees of specific information regarding correspondence policies.¹⁶³

York County substantially meets this section of the Standards, although detainees reported having to buy stamps and envelopes for legal mail, and reported that sometimes

¹⁵² Notes of delegation members [REDACTED], [REDACTED], and [REDACTED], on conversations with detainees [REDACTED], [REDACTED], [REDACTED], and [REDACTED]. The ABA understands that PIRC has now obtained a grant to provide legal rights presentations, which may have started after the delegation’s visit.

¹⁵³ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

¹⁵⁴ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

¹⁵⁵ Notes of delegation member [REDACTED], on conversations with detainee [REDACTED].

¹⁵⁶ Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹⁵⁷ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹⁵⁸ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B.E.2 & F.2.

¹⁵⁹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B.4 & E.

¹⁶⁰ Detention Operations Manual, Detainee Services, Standard 3, Sections III.F.

¹⁶¹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.J.

¹⁶² Detention Operations Manual, Detainee Services, Standard 3, Sections III.I.

¹⁶³ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B.

legal mail is opened outside their presence. Mail is usually delivered on the day after it is received.¹⁶⁴ It is opened, but not read, out of the presence of the inmate.¹⁶⁵ According to Captain [b6, b7C] legal mail is opened in the presence of the inmate.¹⁶⁶ Outgoing mail is logged, but not read.¹⁶⁷ In one conversation, Captain [b6, b7C] stated that ICE provides free mail service only to those detainees who are indigent, based on their accounts.¹⁶⁸ However, Officer [b6, b7C] stated that ICE provides free mail for all ICE detainees.¹⁶⁹

Detainees reported having to buy stamps and envelopes for legal mail, and one detainee said that detainees are only provided one 39-cent stamp a week.¹⁷⁰ Finally, detainees stated that sometimes legal mail has been opened outside the presence of detainees.¹⁷¹

B. Detainee Handbook

The Standards require that every Officer in Charge develop a site-specific detainee handbook to serve as an overview of detention policies, rules, and procedures.¹⁷² Every detainee should receive a copy of the handbook upon admission to the facility.¹⁷³ The handbook should be written in English and translated into Spanish and other prevalent languages as appropriate.¹⁷⁴ The Officer in Charge should provide a copy of the handbook to every staff member who has contact with detainees.¹⁷⁵

York County meets this section of the Standards. The Inmate handbook for York County Prison is given to each inmate upon admission.¹⁷⁶ A copy of the handbook is also kept in each housing area and will be translated if necessary. The Handbook is available in English,

¹⁶⁴ Notes of delegation members [redacted], on conversation with Captain [redacted].
¹⁶⁵ Notes of delegation members [redacted], on conversation with Captain [redacted].
¹⁶⁶ Notes of delegation members [redacted] b6, on conversation with Captain [redacted] b6, b7C.
¹⁶⁷ Notes of delegation members [redacted], on conversation with Captain [redacted].
¹⁶⁸ Notes of delegation members [redacted] and [redacted] b6, on conversation with Captain [redacted] b6, b7C.
¹⁶⁹ Notes of delegation members [redacted] b6 and [redacted] b6, on conversation with Officer [redacted] b6, b7C.
¹⁷⁰ Notes of delegation member [redacted] b6 on conversations with detainees [redacted] b6, b7C [redacted] b6, b7C and [redacted] b6, b7C.
¹⁷¹ Notes of delegation member [redacted] b6, on conversation with detainees [redacted] b6, b7C [redacted] b6, b7C and [redacted] b6, b7C.
¹⁷² Detention Operations Manual, Detainee Services, Standard 6, Section I.
¹⁷³ Detention Operations Manual, Detainee Services, Standard 6, Section I.
¹⁷⁴ Detention Operations Manual, Detainee Services, Standard 6, Section III.E.
¹⁷⁵ Detention Operations Manual, Detainee Services, Standard 6, Section III.G.
¹⁷⁶ Notes of delegation member [redacted] b6, on conversation with Officer [redacted] b6, b7C.

Spanish, and two other languages.¹⁷⁷ A summary information sheet is available in eight or more languages.¹⁷⁸

C. Access to Medical Care

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.¹⁷⁹ Each facility is required to have regularly scheduled times, known as sick call, when medical personnel are available to see detainees who have requested medical services.¹⁸⁰ For a facility of over 200 detainees, a minimum of five days per week is suggested.¹⁸¹ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.¹⁸² All new arrivals shall receive medical and mental health screening immediately upon arrival.¹⁸³ Medical providers shall protect the privacy of detainees' medical information to the extent possible.¹⁸⁴

The delegation was unable to determine whether York County meets this section of the Standards because information provided by officials and detainees was significantly different. However, both staff and detainees reported serious delays in providing medical care; and the delegation observed that privacy is not provided. Detainees must fill out a request for sick call in order to see the doctor. York County's goal is to insure that the inmate is seen that day or the next.¹⁸⁵

There are four medical areas, including one for women.¹⁸⁶ For healthcare services, the prison contracts with Prime Care, which employs 60 people at York County.¹⁸⁷ During the day there are six nurses, one mental-health worker, an Emergency Medical Technician (EMT), and a Licensed Practical Nurse (LPN) on site, with two medical assistants in Admissions.¹⁸⁸ In the evening, there are six LPNs or RNs.¹⁸⁹ Doctor [REDACTED] is on the premises for 8 hours a day,

¹⁷⁷ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

¹⁷⁸ Notes of delegation member [REDACTED] on conversation with Captain [REDACTED] and on observation.

¹⁷⁹ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁸⁰ Detention Operations Manual, Health Services, Standard 2, Section III.F.

¹⁸¹ Detention Operations Manual, Health Services, Standard 2, Section F.3.

¹⁸² Detention Operations Manual, Health Services, Standard 2, Section III.A, D, and G.

¹⁸³ Detention Operations Manual, Health Services, Standard 2, Section III.D.

¹⁸⁴ Detention Operations Manual, Health Services, Standard 2, Section III.M.

¹⁸⁵ Notes of delegation member [REDACTED], on conversation with Captain [REDACTED].

¹⁸⁶ Notes of delegation member [REDACTED], on conversation with Deputy Warden [REDACTED] and Officer [REDACTED].

¹⁸⁷ Notes of delegation member [REDACTED], on conversation with Health Services Administrator [REDACTED].

¹⁸⁸ Notes of delegation member [REDACTED] on conversation with Health Services Administrator [REDACTED].

¹⁸⁹ Notes of delegation member [REDACTED] on conversation with Health Services Administrator [REDACTED].

Monday through Friday, along with a physician's assistant.¹⁹⁰ He is on call 24 hours every day and lives 25 miles from the facility.¹⁹¹ The facility is NCCHC (National Commission on Correctional Health Care) accredited.¹⁹² York County Prison contracts with York Hospital for evaluation services and contracts with Wellspan for specialty clinics. Mental health care is outsourced. Referral to the hospital or clinics require approval from D.I.H.S.¹⁹³

According to Health Services Administrator Carolyn [b6], new inmates with mental or dental problems, injuries, detox issues and those in need of medicine or medical procedures are screened within 24 hours of their arrival.¹⁹⁴ The screening includes a standard health assessment, TB test, test for sickle cell anemia, and a mental health assessment by a counselor.¹⁹⁵ Another staff member said inmates are seen within 48 hours.¹⁹⁶ However, Captain [b6, b7C] said that not all inmates are screened on admission.¹⁹⁷

Health Services Administrator Terrasi reported that there is a significant amount of paperwork and delay involved in obtaining D.I.H.S.'s approval of referrals for further treatment, for medications or for diagnostic testing.¹⁹⁸ Every time D.I.H.S. requests additional information, a new Treatment Authorization Request ("T.A.R.") must be completed.¹⁹⁹ Health Services Administrator [b6] relayed information about two instances in which D.I.H.S. had continued to request additional information without ever denying her request for such an extended period of time that York County provided the necessary medical procedures without D.I.H.S.'s approval and, therefore, had to pay for those procedures.²⁰⁰ In one case, an inmate who had previously had bladder cancer was in need of a cystoscopy.²⁰¹ A second inmate had a large mass on the back of

¹⁹⁰ Notes of delegation member [b6], on conversation with Health Services Administrator [b6].

¹⁹¹ Notes of delegation member [b6] on conversation with Health Services Administrator [b6].

¹⁹² Notes of delegation member [b6], on conversation with Health Services Administrator [b6].

¹⁹³ Notes of delegation members [b6] and [b6], on conversation with Health Services Administrator [b6].

¹⁹⁴ Notes of delegation member [b6] on conversation with Health Services Administrator [b6].

¹⁹⁵ Notes of delegation member [b6] on conversation with Officer [b6, b7C].

¹⁹⁶ Notes of delegation member [b6] on conversation with [b6] in the Medical Office.

¹⁹⁷ Notes of delegation member [b6] on conversation with Captain [b6].

¹⁹⁸ Notes of delegation member [b6] on conversation with Health Services Administrator [b6].

¹⁹⁹ Notes of delegation member [b6] on conversation with Health Services Administrator [b6].

²⁰⁰ Notes of delegation member [b6] on conversation with Health Services Administrator [b6].

²⁰¹ Notes of delegation member [b6], on conversation with Health Services Administrator [b6].

his neck which was pressing on his spine and causing considerable pain. After a significant delay waiting for approval, York County ultimately paid for the cystoscopy and surgery.²⁰² The facility has been waiting since October 2005 for approval for HIV medications.²⁰³ According to Health Services Administrator [b6] D.I.H.S. also delays approving medications that detainees had been taking in another facility.⁰⁴

Deputy Warden [b6, b7C] estimated that in approximately 50-60% of the approvals requested from D.I.H.S. there is a significant and deliberate delay—an attempt by D.I.H.S. to slow down the process.²⁰⁵ He stated that the situation is so bad that York County has sued D.I.H.S.²⁰⁶ Deputy Warden [b6, b7C] emphasized that he had no problem at all with the ICE employees on site.²⁰⁷

Deputy Warden [b6, b7C] related an incident in which D.I.H.S. would not approve a mammogram for a female detainee with lumps in her breast.²⁰⁸ Although Deputy Warden [b6, b7C] then stated that, despite these problems, there is no difference in the medical treatment available for inmates and detainees, his earlier statements indicated that detainees' medical procedures were often delayed longer than treatment for other inmates while York County sought D.I.H.S. approval.²⁰⁹

Deputy Warden [b6, b7C] told the delegation about a detainee who was on a hunger strike and for whom he had a Court Order to insert a feeding tube. The facility requested D.I.H.S. approval of the 24-hour nursing required with a feeding tube. D.I.H.S. responded that they wanted the facility to insert and remove the tube for each meal. Deputy Warden [b6, b7C] said York County refused to do the multiple intubation, implying that York County paid for the nurse.²¹⁰

Officer [b6, b7C] had previously informed the delegation that ICE had instituted a system to transfer detainees requiring more than routine medical care to special facilities.²¹¹ There are mental health services at the Krome Detention Facility in Florida and more intensive medical care is available in Atlanta.²¹² He reported that four inmates with mental health problems had been

²⁰² Notes of delegation member [b6] on conversation with Health Services Administrator [b6]

²⁰³ Notes of delegation member [b6] on conversation with Health Services Administrator [b6]

²⁰⁴ Notes of delegation member [b6], on conversation with Deputy Warden [b6, b6, b7C]

²⁰⁵ Notes of delegation member [b6] on conversation with Health Services Administrator [b6]

²⁰⁶ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C]

²⁰⁷ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C]

²⁰⁸ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C]

²⁰⁹ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C]

²¹⁰ Notes of delegation members [b6] and [b6], on conversation with Deputy Warden [b6, b7C]

²¹¹ Notes of delegation member [b6] on conversation with Officer [b6, b7C]

²¹² Notes of delegation member [b6] on conversation with Officer [b6, b7C]

transferred to Krome this year.²¹³ Deputy Warden [b6, b7C] disagreed, saying that it is impossible to get detainees into these special facilities.²¹⁴ Dr. [b6, b7C] reported that York had recently received a detainee requiring significant medical care from the Atlanta facility.²¹⁵

Most of the detainees interviewed complained about medical treatment, particularly that care is delayed and that no pain medications stronger than Motrin are available in any situation.²¹⁶ Deputy Warden [b6, b7C] stated that most grievances concerned medical care and pain medication.²¹⁷ He said that prisoners are probably going to get either Motrin or Tylenol for pain, unless there is some physical problem that the doctor can see.²¹⁸ Deputy Warden [b6, b7C] stated that he is not interested in making inmates “feel good.”²¹⁹ He stated that most facilities in the northeast, and particularly in New York, provide narcotics to too many inmates, and that York County does not do this.²²⁰

Detainee [b6, b7C] reported that he had to wait three days to see a doctor for pain and has been unable to get anything other than Motrin for severe back pain caused by a “bulging disk” for which he had been on disability. Before he was incarcerated, he was given hydrocodone for pain. He was reinjured in prison. At York County, he was told that the doctor could see no evidence of a disk problem, but refused to send him for x-rays or other diagnostic testing. Mr. [b6, b7C] arranged to have his medical records sent to [b6, b7C] at ICE in Philadelphia. He still has not been able to obtain anything other than Motrin.²²¹

Detainee [b6, b7C] made a request to see the nurse and was able to see her four to five days later.²²² He also related a story about another detainee who has Huntington’s Chorea who

²¹³ Notes of delegation member [b6, b7C] on conversation with Officer [b6, b7C]
²¹⁴ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C]
²¹⁵ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C] and Dr. [b6]
²¹⁶ Notes of delegation members [b6], [b6] and [b6], on conversations with detainees [b6, b7C], [b6, b7C], [b6, b7C] and [b6, b7C] [b6, b7C]
²¹⁷ Notes of delegation member [b6], on conversation with Deputy Warden [b6, b7C]
²¹⁸ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C]
²¹⁹ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C]
²²⁰ Notes of delegation member [b6, b7C] on conversation with detainee [b6, b7C]
²²¹ Notes of delegation member [b6, b7C] on conversation with detainee [b6, b7C]
²²² Notes of delegation member [b6, b7C] on conversation with detainee [b6, b7C]

shakes and faints, but receives no medication.²²³ Another inmate is 60 years old with urinary problems and also receives no medication.²²⁴

Detainee [b6, b7C] filled out two forms for another detainee, Mr. [b6, b7C] with a severe toothache/ear infection that caused him to lose consciousness.²²⁵ He stated that Mr. [b6, b7C] did not get any medical attention and is no longer at York County.²²⁶ Mr. [b6, b7C] also reported that he has been charged a fee for health care, but detainees are not given receipts for these fees.²²⁷

Detainees also complained about the five-minute medicine-line rule.²²⁸ If a detainee is not in line within five minutes after being notified that medicine is being distributed, he does not get his medication.²²⁹ The time can apparently be changed at will by corrections officers, and shorter times are difficult to meet if a detainee is ill.²³⁰

The delegation observed that inmates and/or detainees²³¹ were examined in view of other inmates.²³² In one instance, the door to the examining room was left open during an examination, and other inmates were passing by and could look in on the examination.²³³ In another, a suicidal inmate was interviewed right next to other inmates being seen by the medical staff.²³⁴

D. Access to Dental Care

The Standards suggest that detainees have an initial dental screening exam within 14 days of the detainee's arrival and require the facility to provide a number of services, including emergency dental treatment and repair of prosthetic appliances.²³⁵ For detainees who are held in detention for over six months, routine dental treatment may be provided, including amalgam and

²²³ Notes of delegation member [b6] on conversation with detainee [b6, b7C]
[b6, b7C]

²²⁴ Notes of delegation member [b6] on conversation with detainee [b6, b7C]
[b6, b7C]

²²⁵ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²²⁶ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²²⁷ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

²²⁸ Notes of delegation members [b6], [b6], and [b6] on conversations with detainees [b6, b7C], [b6, b7C], and [b6, b7C]

²²⁹ Notes of delegation members [b6], [b6], and [b6] on conversations with detainees [b6, b7C], [b6, b7C], and [b6, b7C]

²³⁰ Notes of delegation members [b6], [b6], and [b6] on conversations with detainees [b6, b7C], [b6, b7C], and [b6, b7C]

²³¹ Since inmates and detainees wear the same clothing, it is unclear whether inmates or detainees were observed; therefore the term "inmates" in this paragraph may refer to both.

²³² Observations of delegation member [b6]

²³³ Observations of delegation member [b6]

²³⁴ Observations of delegation member [b6]; Officer [b6, b7C] informed [b6] [b6] that the inmate was suicidal.

²³⁵ Detention Operations Manual, Health Services, Standard 2, Section III.E.

composite restorations, prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee's health.²³⁶

York County does not fully meet this section of the Standards. According to Health Services Administrator [b6] and Captain [b6, b7C] two dentists are employed by the facility and are available four hours a week.²³⁷ Incoming detainees, however, do not receive the screening exam suggested in the Standards unless they are experiencing a dental problem.²³⁸ According to Officer [b6, b7C], dental exams are provided annually after one year.²³⁹

E. Recreation

The Standards require that all detainees have access to recreational programs and activities, under conditions of security and safety.²⁴⁰ Detainees should be housed in facilities with an outdoor recreation area.²⁴¹ If a facility only provides indoor recreation, detainees must have outdoor access for at least one hour per day, including exposure to natural light.²⁴² Detainees should also have access to "fixed and moveable equipment," including opportunities for cardiovascular exercise, and games and television in dayrooms.²⁴³

York County does not fully meet this section of the Standards, because there is no exercise equipment aside from a basketball hoop. Inmates and detainees are allowed to use the recreation area for about one hour each day between the hours of 8:30 to 10:00.²⁴⁴ There is a small area at the end of the dormitory which is totally enclosed with fencing but open to the air and includes a basketball hoop.²⁴⁵ There is also a gymnasium, a large concrete yard and a grass field.²⁴⁶ One detainee stated that the grass recreation area was not available to detainees and inmates.²⁴⁷ The delegation did not observe any equipment except a basketball hoop, and did not observe anyone using any of the facilities. The delegation did observe televisions in the I.C.U. and dormitory.²⁴⁸

²³⁶ Detention Operations Manual, Health Services, Standard 2, Section III.E.

²³⁷ Notes of delegation member [b6], on conversation with Captain [b6, b7C] and Health Services Administrator [b6].

²³⁸ Notes of delegation member [b6] on conversation with Captain [b6, b7C] and Health Services Administrator [b6].

²³⁹ Notes of delegation member [b6] on conversation with Officer [b6, b7C].

²⁴⁰ Detention Operations Manual, Detainee Services, Standard 13, Section I.

²⁴¹ Detention Operations Manual, Detainee Services, Standard 13, Section III.A.

²⁴² Detention Operations Manual, Detainee Services, Standard 13, Section III.A.1

²⁴³ Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

²⁴⁴ Notes of delegation member [b6] on conversation with Captain [b6, b7C]. This is apparently 8:30 to 10:00 p.m., not a.m.; the Handbook indicates recreation takes place from 7:00 to 9:00 p.m.

²⁴⁵ Notes of delegation member [b6] on conversation with Captain [b6, b7C].

²⁴⁶ Notes of delegation member [b6] on conversation with Captain [b6, b7C].

²⁴⁷ Notes of delegation member [b6], on conversation detainee [b6, b7C].

²⁴⁸ Observations of delegation members [b6] and [b6].

F. Religious Practices

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.²⁴⁹ 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. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.²⁵⁰ Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.²⁵¹

York County substantially meets this section of the Standards; however, Muslim detainees are not permitted to receive Kosher meals. The Chaplain determines the inmates’ religious needs.²⁵² Kosher meals are provided for Jewish inmates only.²⁵³ Kosher meals also meet Muslims’ Halal requirements, but they are only available for Jewish inmates.²⁵⁴ Non-Jewish inmates are permitted to meet their dietary needs by choosing the common fare meal which is totally vegetarian.²⁵⁵ Jum’a services for Muslims are held every Friday.²⁵⁶

Most of the detainees reported satisfaction with the ability to practice their religion, except for the meals issue.²⁵⁷ One detainee filed a grievance about an incident involving disrespect of the Koran, which a Corrections Officer had thrown on the floor.²⁵⁸ The officer involved referred to Abu Ghraib and asked if the detainee would like to see him flush the Koran.²⁵⁹

²⁴⁹ Detention Operations Manual, Detainee Services, Standard 14, Section I.

²⁵⁰ Detention Operations Manual, Detainee Services, Standard 14, Section I.

²⁵¹ Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

²⁵² Notes of delegation member [REDACTED] on conversation with Captain [REDACTED]

²⁵³ Notes of delegation member [REDACTED] on conversation with Captain [REDACTED]

²⁵⁴ Notes of delegation members [REDACTED] and [REDACTED], on conversations with detainees [REDACTED] and [REDACTED].

²⁵⁵ Notes of delegation member [REDACTED], on conversation with Captain [REDACTED]

²⁵⁶ Notes of delegation members [REDACTED], [REDACTED], and [REDACTED], on conversation with Officer [REDACTED].

²⁵⁷ Notes of delegation members [REDACTED], [REDACTED], and [REDACTED], on conversations with detainees [REDACTED], [REDACTED], [REDACTED], and [REDACTED] [REDACTED]

²⁵⁸ Notes of delegation member [REDACTED], on conversation with detainee [REDACTED] [REDACTED]

²⁵⁹ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED] [REDACTED]

G. Detainee Classification

The Standards require that detention facilities use a classification system and physically separate detainees in different categories.²⁶⁰ Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.²⁶¹ A detainee’s classification is to be determined on “objective” criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.²⁶² Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.²⁶³ Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees.²⁶⁴

Finally, the detainee handbook’s section on classification must include (1) an explanation of the classification levels, with the conditions and restrictions applicable to each, and (2) the procedures by which a detainee may appeal his classification.²⁶⁵

York County substantially meets this section of the Standards; however, one detainee stated that in some instances detainees were housed with violent inmates.²⁶⁶ There are three classifications in York County Prison. Level 1 is for asylum seekers; Level 2 is for people who have been convicted of crimes; and Level 3 is for criminals with a history of violence.²⁶⁷ Levels 1 and 2 can live together and Levels 2 and 3 can live together. Classifications are assigned based on Pennsylvania law.²⁶⁸ Recently, immigrant detainees have been segregated from criminal inmates within some dorms.²⁶⁹ The Inmate Handbook addresses classification.²⁷⁰

H. Detainee Grievance Procedures

The Standards require that every facility develop and implement standard procedures for handling detainee grievances.²⁷¹ The Standards also require that each facility establish a reasonable time limit for: (1) “processing, investigating, and responding to grievances;” (2) “convening a grievance committee to review formal complaints;” and (3) “providing written

²⁶⁰ Detention Operations Manual, Detainee Services, Standard 4, Section I.
²⁶¹ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.
²⁶² Detention Operations Manual, Detainee Services, Standard 4, Section III.D.
²⁶³ Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & III.E.
²⁶⁴ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.
²⁶⁵ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.
²⁶⁶ Notes of delegation member [redacted] on conversation with detainee [redacted]
[redacted]
²⁶⁷ Notes of delegation member [redacted] on conversation with Captain [redacted]
²⁶⁸ Notes of delegation member [redacted] on conversation with Captain [redacted]
²⁶⁹ Notes of delegation member [redacted] on conversation with detainee [redacted]
[redacted]
²⁷⁰ Inmate Handbook at 4-5.
²⁷¹ Detention Operations Manual, Detainee Services, Standard 5, Section I & III.A.

responses to detainees who filed formal grievances, including the basis for the decision.”²⁷² All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.²⁷³

The delegation could not determine whether York County meets this section of the Standards because information obtained was contradictory. However, both staff and detainees reported complaints of retaliation; one detainee reported that he requested a grievance form many times but was not provided with one; and detainees complained about racial animus against Black and Mexican detainees on the part of corrections officers; and one detainee may have been retaliated against for meeting with the delegation. The Detainee Handbook describes the steps in the grievance procedure.²⁷⁴ Responses to grievances are to be provided within 10 days.²⁷⁵ Staff reported that the facility usually responds within seven to ten days.²⁷⁶ Deputy Warden [b6, b7C] said an inmate can grieve anything by obtaining an 801 form from any officer or counselor. According to Deputy Warden [b6, b7C], a grievance does not have to be submitted on the form, however, but can be submitted in a letter.²⁷⁸ It will be acted upon if it is received in any way from any person.²⁷⁹ Deputy Warden [b6, b7C] said that all grievances are answered.²⁸⁰ Most of the grievances concern medical care and pain medication. Deputy Warden [b6, b7C] said that there are few complaints of retaliation for filing a grievance, unless the detainee gives the grievance to the officer complained about.²⁸¹ In that circumstance, Deputy Warden [b6, b7C] believes the detainee would just be “sticking it” in the officer’s face.²⁸² One detainee stated that guards will put inmates “in the hole” after complaints are made against them.²⁸³

²⁷² Detention Operations Manual, Detainee Services, Standard 5, Section I.

²⁷³ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

²⁷⁴ Inmate Handbook at 5-6.

²⁷⁵ Inmate Handbook at 5-6.

²⁷⁶ Notes of delegation members [b6] and [b6], on conversations with Captain [b6, b7C] and Deputy Warden [b6, b7C].

²⁷⁷ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C].

²⁷⁸ Notes of delegation member [b6], on conversation with Deputy Warden [b6, b7C].

²⁷⁹ Notes of delegation member [b6], on conversation with Deputy Warden [b6, b7C].

²⁸⁰ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C].

²⁸¹ Notes of delegation member [b6] on conversation with Deputy Warden [b6, b7C].

²⁸² Notes of delegation member [b6], on conversation with Deputy Warden [b6, b7C].

²⁸³ Notes of delegation member [b6], on conversation with detainee [b6, b7C].

Detainees did not appear aware that grievances could be submitted in any way except on 801 forms.²⁸⁴ The Inmate Handbook discusses only using 801 forms to initiate grievances.²⁸⁵ One detainee reported that he asked his counselor for a form many times, but never received one.²⁸⁶

Several detainees complained about racial animus against and derision of immigrant detainees who are Black or Mexican on the part of corrections officers.²⁸⁷ They also complained about delays and lack of responses to grievances.²⁸⁸

On June 25, 2006, detainee [b6, b7C] filed a grievance about Officer [b6, b7C] who had told him “I’ll put you back in primitive life, you black bastard” and “jungle mumble punk, you’re on a pendulum.”²⁸⁹ On June 26, the detainee was asked for further information, which he submitted on June 30.²⁹⁰ There has been no further response to his grievance.²⁹¹

On another occasion, Officer [b6, b7C] told detainees that he would like to take 20 immigrants to Alaska and leave them there with five meals so they could fight over them.²⁹²

On August 4, 2006 at 8:30 p.m., detainee [b6, b7C] observed another black detainee being treated very rudely by Officer [b6, b7C].²⁹³ Approximately 23 detainees filed grievances related to this incident.²⁹⁴ There has been no response to these grievances, but the officer was

²⁸⁴ Notes of delegation member [b6], on conversation with detainee [b6, b7C].

²⁸⁵ Inmate Handbook at 5-6.

²⁸⁶ Notes of delegation member [b6], on conversation with detainee [b6, b7C].

²⁸⁷ Notes of delegation members [b6], [b6], and [b6], on conversations with detainees [b6, b7C], [b6, b7C], [b6, b7C], and [b6, b7C].

²⁸⁸ Notes of delegation members [b6], [b6] and [b6], on conversations with detainees [b6, b7C], [b6, b7C], [b6, b7C], and [b6, b7C].

²⁸⁹ Notes of delegation members [b6], on conversations with detainee [b6, b7C].

²⁹⁰ Notes of delegation members [b6], on conversations with detainee [b6, b7C].

²⁹¹ Notes of delegation member [b6], on conversation with detainee [b6, b7C].

²⁹² Notes of delegation member [b6] and [b6], on conversations with detainees [b6, b7C] and [b6, b7C]. Officer [b6, b7C] said this to Mr. [b6, b7C] and said something slightly different to Mr. [b6, b7C] on another occasion.

²⁹³ Notes of delegation members [b6] on conversations with detainee [b6, b7C].

²⁹⁴ Notes of delegation members [b6], on conversations with detainee [b6, b7C].

transferred.²⁹⁵ This detainee also reported an incident on March 22, 2006 involving racial slurs by Officer [b6, b7C] which was reported to Captain [b6, b7C], to which there was no response.²⁹⁶

Another detainee reported that guards used bad language toward immigrants and made racist remarks.²⁹⁷ He received no response to his grievance on this subject, which was filed approximately eight to nine months prior to the delegation's visit, although the particular officer involved never returned to this working unit.²⁹⁸

Around 4:00 p.m. on the day of the delegation's tour, Mr. [b6, b7C] wrote that he went to see Counselor [b6] to follow up on his request for a disciplinary report that was required for his custody review.²⁹⁹ Counselor [b6] told Mr. [b6, b7C] to "Get the fuck" out of his office or he would be locked up, and also told him to "Go and complain to people at the American Bar Association."³⁰⁰

Detainee [b6, b7C] filed a grievance when his legal papers were apparently misplaced during a transfer from one part of the facility to another.³⁰¹ His papers were not returned to him. The response he received was that he "had too many papers anyway" and this was a good opportunity to downsize.³⁰²

A Jamaican detainee, [b6, b7C], couldn't get to see the doctor and he was a diabetic.³⁰³ Mr. [b6, b7C] filed an 801 grievance for him, but there was no response during the three weeks before Mr. [b6, b7C] was deported.³⁰⁴

Three detainees complained that grievances are on a single sheet form and they cannot retain a copy.³⁰⁵

²⁹⁵ Notes of delegation members [b6], on conversations with detainee [b6, b7C]
[b6, b7C]

²⁹⁶ Notes of delegation members [b6], on conversations with detainee [b6, b7C]
[b6, b7C]

²⁹⁷ Notes of delegation member [b6], on conversation with detainee [b6, b7C]
[b6, b7C]

²⁹⁸ Notes of delegation member [b6], on conversation with detainee [b6, b7C]
[b6, b7C]

²⁹⁹ See letter from detainee [b6, b7C] to delegation member [b6], dated August 8, 2006 (attached).

³⁰⁰ See letter from detainee [b6, b7C] to delegation member [b6] dated August 8, 2006 (attached). The ABA has spoken with ICE concerning this incident.

³⁰¹ Notes of delegation member [b6], on conversion with detainee [b6, b7C]
³⁰² Notes of delegation member [b6], on conversion with detainee [b6, b7C]

³⁰³ Notes of delegation member [b6] on conversation with detainee [b6, b7C]
[b6, b7C]

³⁰⁴ Notes of delegation member [b6] on conversation with detainee [b6, b7C]
[b6, b7C]

³⁰⁵ Notes of delegation members [b6], [b6], and [b6], on conversations with detainees [b6, b7C], [b6, b7C], and [b6, b7C]

I. Staff-Detainee Communication

The Standards require that procedures be in place “to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.”³⁰⁶ The Standards suggest that weekly visits be conducted by ICE personnel and that “regular unannounced (not scheduled) visits” be conducted by the ICE O.I.C., the Assistant O.I.C., and designated department heads.³⁰⁷

York County meets this section of the Standards. An ICE officer makes weekly visits to the housing units.³⁰⁸ Detainees may contact ICE about issues by filling out a blue request slip, speaking with their counselors, or during weekly block visits.³⁰⁹

J. Environmental Health and Safety

Each facility will establish a hazardous materials program for handling toxic and caustic materials.³¹⁰ Environmental health conditions are to be maintained at a level that meets recognized standards of hygiene.³¹¹

Several detainees complained that inmates are often sick with respiratory problems because of poor air quality.³¹² The intakes to the air conditioning units are clogged with dirt and complaints have been made several times, but no corrective action has been taken.³¹³

K. Issuance of Clothing

The Standards require that all new detainees be provided with one set of clothing and facility-approved footwear upon admission.³¹⁴

It is unclear whether York County meets this section of the Standards. Officer [REDACTED] told the delegation that all ICE detainees receive a full set of clothing.³¹⁵ One detainee reported, however, that he had not received underclothes, socks, or shower slippers.³¹⁶

³⁰⁶ Detention Operations Manual, Detainee Services, Standard 15, Section I.

³⁰⁷ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

³⁰⁸ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED]; notes of delegation members [REDACTED] and [REDACTED], on conversation with detainees [REDACTED] and [REDACTED].

³⁰⁹ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

³¹⁰ Detention Operations Manual, Security and Control, Standard 7, Section I.

³¹¹ Detention Operations Manual, Security and Control, Standard 7, Section III.R.

³¹² Notes of delegation members [REDACTED] and [REDACTED] on conversations with detainees [REDACTED], [REDACTED], and [REDACTED].

³¹³ Notes of delegation members [REDACTED] and [REDACTED] on conversations with detainees [REDACTED], [REDACTED], and [REDACTED].

³¹⁴ Detention Operations Manual, Detainee Services, Standard 10, Section III.B.

³¹⁵ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

L. Holding Cells

The Standards require that hold rooms shall contain a minimum of 37 square feet of unencumbered space for a single occupant and seven additional square feet for each additional detainee.³¹⁷ Unencumbered space does not include space taken up by benches and tables.³¹⁸ A hold room must contain sufficient seating for the maximum capacity.³¹⁹

York County does not appear to meet this Standard; there does not appear to be sufficient seating. The delegation observed that the six detainees who had volunteered to be interviewed were held in an attorney visiting room from before the tour started at 11:30 a.m. until the facility tour finished at approximately 3:30 p.m.³²⁰ The room was approximately 80 square feet and contained a table and at least two chairs.³²¹ Detainee [b6, b7C] reported that this was the first time he had had a chair in a holding cell.³²² In addition, during the tour, a delegation member observed three women lying on mats in a holding cell along with two women in the available bunks.³²³

M. Detainee Transfers

The Standards require ICE to notify a detainee's legal representative of record that the detainee is being transferred.³²⁴ Indigent detainees will be permitted to make a single domestic telephone call at government expense upon arrival at their final destination; non-indigent detainees will be permitted to make telephone calls at their own expense.³²⁵ Prior to transfer, medical personnel must provide the transporting officers with instructions and any applicable medications for the detainee's care.³²⁶ A detainee's legal materials, cash, and small valuables shall always accompany the detainee to the receiving facility; larger items may be shipped.³²⁷

York County appears to meet this section of the Standards. According to Officer [b6, b7C], ICE notifies both the inmate's family and, when a G-28 form has been filed, the attorney-of-record, prior to transfer.³²⁸ All legal papers and personal items like money and

³¹⁶ Notes of delegation member [b6], on conversation with detainee [b6, b7C]

³¹⁷ Detention Operations Manual, Security and Control, Standard 8, Section III.A.2.

³¹⁸ Detention Operations Manual, Security and Control, Standard 8, Section III.A.2.

³¹⁹ Detention Operations Manual, Security and Control, Standard 8, Section III.A.2 & 4.

³²⁰ Delegation observations. Facility staff pointed out the waiting detainees at the start of the delegation's tour.

³²¹ Observations of delegation member [b6].

³²² Notes of delegation member [b6], on conversation with [b6, b7C].

³²³ Observations of delegation member [b6].

³²⁴ Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.A.

³²⁵ Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.G.

³²⁶ Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.D.D [sic].

³²⁷ Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.E.

³²⁸ Notes of delegation member [b6], on conversation with Officer [b6, b7C].

religious items go with inmates when they are transferred. Everything else with which they arrive is mailed. The facility does not ship personal belongings to the Berks County facility because that facility has no place to store belongings.³²⁹ When inmates are being transported for deportation (in the Justice Prisoner and Alien Transport System (JPATS)), no notice is given except that, at the discretion of the officer escorting the inmate, a phone call to family may be allowed just prior to boarding the aircraft.³³⁰

When detainees are being transferred, they are given a choice of contacting their lawyer or having Officer [REDACTED] b6, b7C contact the lawyer.³³¹ They are transferred with a seven-day supply of medications.³³² The “JPATS” have ten days worth of medication.³³³ People who are transferred into the facility can make one collect call.³³⁴

V. CONCLUSION

In many instances, it was impossible for the delegation to determine whether the York County facility meets the detention standards because the information provided by prison and ICE officials was at odds with the information provided by detainees. In some instances, these differences could be resolved through observation, but in most cases, this was not possible. In addition, the delegation toured only a small portion of the facility and did not see any of the cell blocks.

In certain instances, it was clear that York County failed to meet some of the Standards. To facilitate legal access, York County should make certain that messages left for detainees by attorneys are delivered. In addition, detainees and staff should be informed that if a detainee cannot afford them, stamps and envelopes for special mail are to be provided at no cost. Problems with pre-programmed calls to Consulates seem to be of some duration and should be solved. In addition, the instructions for use of the phone system should be posted in multiple languages reflecting the population of the facility.

The resources in the law library should be brought up to date, and missing immigration-specific resources should be provided. In addition, it is necessary for the facility to solve the problem of allowing detainees to save their legal research. “Know Your Rights” presentations should be resumed, if they have not already. Women should not be accorded second-class status in their access to legal materials.

Medical care is the major concern of all the detainees with whom the delegation spoke. The delegation was not able to determine which set of facts accurately reflected the situation at York County, but all parties seemed to agree that there were problems with delays in addressing some medical issues.

³²⁹ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].
³³⁰ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].
³³¹ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.
³³² Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.
³³³ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.
³³⁴ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.

The grievance procedure does not appear to be functioning as intended and does not have the confidence of detainees. Detainees stated that retaliation occurs.

Lastly, as noted above with specific examples regarding grievances filed, detainees indicated that many York County personnel had an animus, often discriminatory, toward immigration detainees. On the other hand, they indicated almost unanimously that ICE personnel did a good job and were trying to improve the situation. .

Facility Name: YORK COUNTY PRISON, YORK, PA

Date of Tour: August 7, 2006

Tour Participants: Dechert LLP attorneys and paralegals [REDACTED], [REDACTED], and [REDACTED].

*Standards are Detainee Services Standards unless otherwise indicated. Issues are generally listed in the order in which they appear in the Report.

Report comments in bold are priority issues for ICE-ABA discussion.

	ICE Standard*	Delegation Report	Source	ICE Response
1.	Standard 16, Telephone Access I. Facilities holding INS detainees shall permit them to have reasonable and equitable access to telephones.	<ul style="list-style-type: none"> Detainees reported that telephone calls are very expensive. (p.7 ¶3) 	Detainees [REDACTED]	
2.	Standard 16, Telephone Access III.E. The facility shall enable all detainees to make calls to the INS-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.	<ul style="list-style-type: none"> Detainees reported that pre-programmed numbers do not always work, and consulate numbers are often incorrect. A delegation member confirmed that a legal services provider could not hear him when he called. (p.7 ¶2) 	Detainees [REDACTED] delegation observations.	
3.	Standard 16, Telephone Access III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible.	<ul style="list-style-type: none"> Deputy Warden [REDACTED] stated that attorneys can leave messages for detainees, and one detainee stated that he receives messages. (p.8 ¶5) However, two detainees reported that facility staff does not convey messages to them. (p.8 ¶5) 	Deputy Warden [REDACTED]; detainee [REDACTED] Detainees [REDACTED], [REDACTED]	
4.	Standard 16, Telephone Access 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.	<ul style="list-style-type: none"> Detainees are unable to make private telephone calls, because there are no privacy safeguards on telephones. (p.8 ¶3) 	Delegation observations.	
5.	Standard 1, Access to Legal Material III.C. The law library shall contain the materials listed in Attachment A.	<ul style="list-style-type: none"> Many of the required materials are not available in hard copy, including Bender's Immigration and Nationality Act Service, Immigration Law and Defense, Country Reports on Human Rights Practices, etc. (p.11 ¶3) 	Delegation observations.	
6.	Standard 9, Group Presentations on Legal Rights III.I. Videotaped presentations. The facility shall play INS-approved videotaped presentations on legal rights, at the request of outside organizations. ... The facility shall provide regular opportunities for detainees in the general population to view the videotape.	<ul style="list-style-type: none"> Facility staff stated that the "Know Your Rights" video is shown each week. (p.14 ¶3) However, detainees stated that it is not shown currently, and has not been shown in at least six months. (p.15 ¶1) 	Deputy Warden [REDACTED]; detainees [REDACTED]	

7.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> III.I. Postage Allowance. Indigent detainees will be permitted to mail a reasonable amount of mail each week, including at least five pieces of special correspondence and three pieces of general correspondence. III.J. The facility shall provide writing paper, writing implements, and envelopes at no cost to detainees. 	<ul style="list-style-type: none"> Detainees reported having to buy stamps and envelopes for legal mail. (p.16 ¶2) 	<p>Detainees [redacted] and [redacted]</p>	
8.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> III.E. Inspection of Incoming Correspondence and Other Mail. Any such inspection [of incoming special mail] shall be in the presence of the detainee. 	<ul style="list-style-type: none"> Captain [redacted] stated that incoming legal mail is opened in the presence of inmates. (p.16 ¶1) However, two detainees stated that sometimes legal mail has been opened outside the presence of detainees. (p.16 ¶2) 	<p>Captain [redacted] detainees [redacted] and [redacted]</p>	
9.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> I. All detainees shall have access to medical services that promote detainee health and general well-being. III.A. Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care. III.E. Dental Treatment. An initial dental screening exam should be performed within 14 days of the detainee's arrival. 	<ul style="list-style-type: none"> Captain [redacted] said that not all inmates are screened on admission. (p.18 ¶2) Incoming detainees do not receive dental screenings unless they are experiencing a dental problem. (p.22 ¶2) 	<p>Captain [redacted].</p> <p>Captain [redacted] and Health Services Administrator [redacted].</p>	
10.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> I. All detainees shall have access to medical services that promote detainee health and general well-being. III.A. Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care. 	<ul style="list-style-type: none"> Health Services Administrator [redacted] stated that there is significant delay in obtaining D.I.H.S. approval of referrals for further treatment, for medications, or for diagnostic testing. (p.18 ¶3) She described two instances in which D.I.H.S. continued to request additional information for such an extended period of time that York County provided the procedures without D.I.H.S. approval, and had to pay for the procedures. (p.18 ¶3) Deputy Warden [redacted] estimated that there is a significant and deliberate delay in 50-60% of the approvals requested from D.I.H.S. (p.19 ¶2) Detainees stated that medical care is delayed, and that pain medication stronger than Motrin is not used. (p.20 ¶2) 	<p>Health Services Administrator [redacted]; Deputy Warden [redacted].</p> <p>Detainees [redacted], [redacted] and [redacted].</p>	

11.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> III.M. All medical providers shall protect the privacy of detainees' medical information to the extent possible 	<ul style="list-style-type: none"> The delegation observed that inmates and/or detainees were examined in view of other inmates, and that a suicidal inmate was interviewed right next to other inmates. (p.21 ¶4) 	Delegation observations.	
12.	<p>Standard 14, Religious Practices</p> <ul style="list-style-type: none"> III.M. The food service will implement procedures for accommodating, within reason, detainees' religious dietary requirements. 	<ul style="list-style-type: none"> Kosher meals are not available to Muslims to meet their Halal requirements (they are provided to Jewish inmates). Instead, Muslims must choose the "common fare" vegetarian meal. (p.23 ¶2) 	Captain [redacted] detainees and [redacted]	
13.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> III.E.2. Level 2 Classification. May not include any detainee whose most recent conviction was for any offense listed under the "HIGHEST" section of the severity of offense guideline (APPENDIX 1 [includes: "Assaulting any person"]). ... May not include any detainee with a pattern or history of violent assaults, whether convicted or not. III.F. The classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security. ... 3. Under no circumstances will a level two detainee with a history of assaultive or combative behavior be placed in a level one housing unit. 	<ul style="list-style-type: none"> One detainee stated that in some instances detainees were housed with violent inmates. (p.24 ¶3) 	Detainee [redacted]	
14.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> III.D. Retaliation. Staff will not harass, discipline, punish, or otherwise retaliate against a detainee lodging a complaint. 	<ul style="list-style-type: none"> Deputy Warden [redacted] said there are few complaints of retaliation for filing a grievance, unless the detainee gives the grievance form to the officer complained about. In such cases, Deputy Warden [redacted] said the detainee would just be "sticking it" in the officer's face. (p.25 ¶2) A detainee who met with the delegation and then later that day requested a disciplinary report required for his custody review was told by Counselor [redacted] to "Get the fuck" out of his office or he would be locked up, and told him to "Go and complain to people at the American Bar Association." (p.27 ¶3)¹ 	<p>Deputy Warden [redacted]</p> <p>Detainee [redacted]</p>	

¹ Note: This report was addressed at the ABA – ICE meeting on November 1, 2006. ICE reported that [redacted] at York said York welcomes tours and that the counselor had subsequently been replaced.

<p>15. Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> ▪ I. [S]tandard operating procedures (SOP) must establish a reasonable time limit for: ... (iii) providing written responses to detainees who filed formal grievances, including the basis for the decision. <p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> ▪ III.A.5. The detainee handbook ... shall advise detainees of ... the right of freedom from discrimination based on race, religion, national origin 	<ul style="list-style-type: none"> ▪ Several detainees complained about racial animus and derision of detainees who are Black or Mexican on the part of corrections officers. (p.26 ¶¶2, 3, 5, p.27¶¶1, 2) Officer ██████ told one detainee “I’ll put you back in primitive life, you black bastard,” and “jungle mumble punk, you’re on a pendulum.” (p.26 ¶3) On another occasion detainees observed and complained about another black detainee being treated very rudely by Officer ██████ who was later transferred. (p.26 ¶5) On another occasion a detainee stated that Officer ██████ made racial slurs which detainees reported to Captain ██████. (p.27 ¶1) The detainees stated that they have not received responses to these grievances. 	<p>█████ b3, b7 █████ b6, b7C █████</p>	
<p>16. Security and Control Standard 7, Environmental Health and Safety</p> <ul style="list-style-type: none"> ▪ I. Each facility will establish a hazardous materials program for the control, handling, storage, and use of flammable, toxic, and caustic materials. ▪ III.R. Environmental health conditions will be maintained at a level that meets recognized standards of hygiene. 	<ul style="list-style-type: none"> ▪ Several detainees complained that inmates are often sick with respiratory problems because of poor air quality. (p.28 ¶4) 	<p>Detainees ██████ b3, b7 █████ b6, b7C █████</p>	