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MEMORANDUM
August 22, 2007

To: John P. Torres, Director, Office of Detention and Removal, Immigration and Customs Enforcement
From: American Bar Association Delegation to the Dodge County Detention Facility¹
Copies to: [REDACTED] b3 ABA Commission on Immigration
Subject: Report on Observational Tour of the Dodge County Detention Facility, Juneau, WI

This memorandum summarizes and evaluates information gathered at the Dodge County Detention Facility ("DCDF" or "the Facility") in Juneau, WI, during the delegation's July 12, 2007 visit to the Facility. The information was gathered via observation of the facility by the delegation, interviews with two detainees, and discussions with DCDF 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-nine standards contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies to grievance procedures. 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

¹ The delegation was comprised of attorneys and summer associates from the Chicago office of Latham & Watkins, LLP, including [REDACTED] b6

² Effective March 1, 2003, the INS ceased to exist as an agency of the Department of Justice. The INS's immigration enforcement functions were transferred to ICE, a division of the newly-created Department of Homeland Security ("DHS").

a ceiling for the treatment of immigration detainees. In other words, they are designed to establish the minimum requirements to which ICE must adhere in its facilities. Each Field Office or Officer-in-Charge ("OIC") 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, July 12, 2007

On Thursday, July 12, 2007, the members of our delegation met with several members of DCDF's staff and two representatives from the ICE office in Chicago, IL. Deputy Jail Administrator [REDACTED] Supervisor [REDACTED] Supervisor [REDACTED] Supervisor [REDACTED] ICE Deportation Officer [REDACTED] and ICE Deportation Officer [REDACTED] led our delegation on a tour of the facilities and participated in post-tour follow-up discussions. The delegation also met with other DCDF personnel along the tour, including [REDACTED] the nurse on duty at DCDF. The delegation appreciates the cooperation of these individuals; they were direct and accommodating during our tour of the Facility.

Our report is based on the discussions we had with these DCDF and ICE employees, as well as observations of the Facility and an interview with two immigration detainees. In many instances, detainees' reports were compatible with statements made by facility personnel and our observations. In such cases, the delegation was able to more accurately determine whether DCDF policy and procedures successfully meet the *Standards*. However, in certain circumstances, the detainees' reports conflicted with statements made by facility personnel. Where we were unable to reconcile the conflicting reports, the delegation was unable to determine conclusively whether the *Standards* are being met.

B. General Information about the Dodge County Detention Facility

DCDF houses federal immigration detainees according to an IGSA with ICE.³ According to DCDF personnel, the Facility has the capacity to hold over 400 individuals.⁴ At the time of our visit, DCDF had a population of approximately 400 inmates, 169 of whom were immigration detainees.⁵ DCDF houses mostly males.⁶ At the time of our visit, the facility personnel estimated that three women were housed there.⁷ Supervisor [REDACTED] told the delegation that the facility housed immigration detainees from many different countries.⁸

³ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

⁴ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

⁵ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

⁶ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

⁷ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

⁸ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

III. 2005 ABA REPORT ON DODGE COUNTY DETENTION FACILITY

A review of the 2005 ABA report shows that problems persist with regard to meeting several Standards: Visitation by attorneys, Telephone Access, Access to Legal Material, Correspondence, the Detainee Handbook, and the Special Management Unit.

With regard to Visitation, the Handbook provision that attorneys are not permitted to visit during meal time has not been changed. For Telephone Access, telephone calls are still limited to fifteen minutes; the phones where detainees make outgoing calls are still located in public dayrooms with no privacy safeguards; all phone conversations made on outgoing phones (except calls made to consulates using the pro bono hotline) may still be monitored and recorded; and non-emergency telephone messages are still not accepted.

Detainees are still prohibited from assisting other detainees with researching or preparing legal documents.

The DCDF handbook still does not contain information regarding special correspondence. The handbook also still does not include information about a detainee's right to protection from abuse or discrimination.

Finally, the 2007 report indicates that there are now beds in *some* of the SMU rooms, but not in all of them.

IV. LEGAL ACCESS STANDARDS

A. Visitation

1. Visitation by Attorneys

The *Standards* require facilities to permit legal visitation seven days per week.⁹ Attorneys should have access to their clients a minimum of eight hours per day during the week and four hours per day during the weekend and on holidays.¹⁰ The visits must be private and should not be interrupted for head counts.¹¹ On business days, legal visitation may proceed through a scheduled meal period.¹² Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.¹³ Detention centers are required

⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

¹² Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

to permit visits from attorneys, other legal representatives, legal assistants, and interpreters.¹⁴ Detainees in either administrative or disciplinary segregation shall be allowed legal visitation.¹⁵

DCDF appears to meet this section of the *Standards*; however, the Handbook states that attorney visits are not permitted during mealtime. Attorneys may visit detainees seven days per week, and are also offered the option of telephone conferences with their clients.¹⁶ The attorney must initiate these visits or telephone calls.¹⁷ DCDF staff do not monitor the telephone calls.¹⁸ On-site visits are visually monitored by camera, but there is no audio surveillance.¹⁹ Attorneys are asked to present bar identification cards upon entering the facility.²⁰ Law students, interpreters, and medical examiners are allowed to enter with special permission that is granted on a case-by-case basis.²¹

The information given in the "DCDF Inmate Handbook and Jail Rules" (the "DCDF Inmate Handbook") differs from the information that the Facility staff provided during the tour.²² According to the Handbook, attorney visits are not permitted during mealtime and lockdown.²³ However, the Facility staff explained that attorney-client visits may take place at any time of day, regardless of what else is going on in the Facility.²⁴ According to the staff, the kitchen will provide a regular meal to the detainee should an attorney visit continue through a meal.²⁵ This is an apparent improvement, since the 2005 ABA delegation report indicates that visits during mealtimes and headcounts were discouraged by the staff.²⁶

¹⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

¹⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.12.

¹⁶ Dodge County Detention Facility Inmate Handbook and Jail Rules ("DCDF Inmate Handbook"), p. 3; notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED].

¹⁷ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED].

¹⁸ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED].

¹⁹ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED].

²⁰ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED].

²¹ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]. Supervisor [REDACTED] indicated that some key considerations in the case-by-case evaluation include detainee classification level and segregation status.

²² It should be noted that the DCDF Inmate Handbook is not specific to immigration detainees and therefore does not reflect any policies or procedures that the Facility may have implemented which are specific to detainees and different from those for the general inmate population.

²³ DCDF Inmate Handbook, pp. 3 & 16.

²⁴ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED].

²⁵ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED].

²⁶ 2005 ABA Report, part III A.1.

Two detainees were interviewed about their experiences with attorney visitation. One detainee indicated s/he met an attorney during an organizational presentation at the facility.²⁷ Aside from that initial meeting, s/he has only been in contact with his/her attorney through telephone conversations initiated by the attorney.²⁸ Detainee, [REDACTED] indicated that while his attorney never visited him, he had no trouble speaking to his attorney over the telephone.²⁹

All of the Pods at the DCDF have attorney visitation booths.³⁰ All visits are non-contact, unless special circumstances warrant a contact visit.³¹ There is a Plexiglas divider between the detainee and the attorney, with a small lockable opening which allows for the exchange of documents.³² Detainees and attorneys can pass paper back and forth to each other in the attorney visitation booths; however, a guard's assistance is required to unlock the divider between them each time paper is transferred.³³ Detainees are normally subjected to a pat-down search after a legal visit.³⁴ Although strip searches are not routine, they are conducted if the facility staff has a reasonable suspicion that the detainee is concealing contraband.³⁵

Attorneys may call DCDF to determine whether a client is being housed at the Facility.³⁶ DCDF has the capability to search for detainees by name, although facility staff are not permitted to disclose information beyond whether the detainee is at the Facility.³⁷

2. Visitation by Family and Friends

The *Standards* require facilities to establish written visitation hours and procedures and make these available to the public.³⁸ This includes procedures for handling incoming money for detainees.³⁹ The visiting area is to be "appropriately furnished and . . . as comfortable and

²⁷ Notes of delegation member [REDACTED] on conversation with detainee who wished not to be identified. [REDACTED] b6

²⁸ Notes of delegation member [REDACTED] on conversation with detainee who wished not to be identified. [REDACTED]

²⁹ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED] b6 b5, b7c

³⁰ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6

³¹ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6, b7c

³² Observations of delegation member [REDACTED] b6

³³ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6 b6, b7c

³⁴ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

³⁵ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6, b7c

³⁶ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

³⁷ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6 b6, b7c

³⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III. A & B.

³⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

pleasant as practicable.”⁴⁰ 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.⁴¹ Visits should be at least thirty minutes; longer when possible.⁴² If a facility does not provide for visits from minors, ICE should arrange for visits with children or stepchildren within the detainee’s first thirty days at the facility, with continuing monthly visits.⁴³ Visits should be granted to detainees in both disciplinary and administrative segregation unless a detainee violates the visitation rules or threatens the security of the visitation room.⁴⁴ The *Standards* require facilities to have written procedures regarding incoming property and money for detainees.⁴⁵ Visitors may not give property or money directly to a detainee, but may leave money with a designated staff member for deposit in a detainee’s account.⁴⁶ Visitors should receive a receipt for all money or property left at the facility.⁴⁷

DCDF meets this section of the *Standards*. The visitation schedule is clearly posted at the entrance to the Facility,⁴⁸ is available over the telephone,⁴⁹ and is posted on the DCDF website.⁵⁰ Visiting hours are seven days per week, from 9 a.m. until 11 a.m., and again from 6 p.m. until 8 p.m.⁵¹ However, visitation days are allocated according to the first letter of each detainee’s last name such that each detainee may receive visitors two days per week during visiting hours.⁵² The DCDF Inmate Handbook caps the number of visits to two per week, and one per day.⁵³ DCDF generally confines visits to the aforementioned hours, but supervisors may adjust the schedule if a detainee’s visitors face a particular hardship.⁵⁴ Visits are typically

⁴⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

⁴¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

⁴² Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

⁴³ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.

⁴⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5.

⁴⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

⁴⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

⁴⁷ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

⁴⁸ Observation of delegation member [REDACTED] b6

⁴⁹ Notes of delegation member [REDACTED] b5 on telephone call to Dodge County Detention Facility at (920) 386-3734.

⁵⁰ See <http://www.co.dodge.wi.us/sheriff/detention.html>.

⁵¹ DCDF Inmate Visiting Schedule; DCDF Inmate Handbook, p. 18.

⁵² DCDF Inmate Visiting Schedule; DCDF Inmate Handbook, p. 18; notes of delegation member [REDACTED] b6
[REDACTED] b5 on conversation with Supervisor [REDACTED] b6, b7c

⁵³ DCDF Inmate Handbook, pp. 18-19.

⁵⁴ DCDF Inmate Handbook, pp. 18-19; notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

limited to thirty minutes, but the time can be extended by up to an hour depending on prisoner behavior.⁵⁵ All visits are non-contact.⁵⁶

Depending on the reason for segregation and a detainee's behavior, a detainee in segregation may receive visitors.⁵⁷ Supervisor [REDACTED] b6,b7c stated that most inmates in administrative segregation status have visitation privileges unless they are in punitive segregation or are dangerous to visitors.⁵⁸

Although the *Standards* do not cap the number of visitors, DCDF requires each detainee to submit a list of twelve individuals in order to receive them as visitors.⁵⁹ The detainees may make periodic changes to their list.⁶⁰ Minors may be included on this list and may visit if accompanied by an adult or if the minor is the spouse or child of the visitor.⁶¹

Visitors may leave money for a detainee's commissary account or send money to the detainee through the mail.⁶² Both the detainee and the individual providing the money will receive a receipt for the deposit.⁶³

The detainees we spoke with stated that they did not have any visits.⁶⁴

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.⁶⁵ In order to meet this

⁵⁵ DCDF Inmate Handbook, p. 17; Detention Operations Manual, Detainee Services, Standard I, Section III.H.1; notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6,b7c

⁵⁶ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

⁵⁷ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6,b7c

⁵⁸ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

⁵⁹ DCDF Inmate Handbook, p. 17; notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6,b7c

⁶⁰ DCDF Inmate Handbook, p. 17; notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6,b7c

⁶¹ DCDF Inmate Handbook, p. 17; notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6,b7c

⁶² Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

⁶³ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6,b7c

⁶⁴ Notes of delegation member [REDACTED] b6 on conversation with detainee who wished not to be identified; notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6,b7c
[REDACTED] b6,b7c

⁶⁵ Detention Operations Manual, Detainee Services, Standard I6, Sections I & III.A.

requirement, facilities must provide at least one telephone for every twenty-five detainees.⁶⁶ The *Standards* also require that telephone access rules be provided in writing to each detainee upon admittance, and that the rules be posted where detainees may easily see them.⁶⁷

DCDF appears generally to meet this section of the *Standards*; however, one detainee reported he had not received a PIN that would enable him to make calls. Each housing unit has its own set of telephones.⁶⁸ The number of telephones varies per unit: for example, units A and B have one telephone each whereas unit D has four.⁶⁹ The telephones are accessible during open dayroom periods depending on the detainee's classification phase ranking.⁷⁰ Detainee [REDACTED] b6, b7c indicated that he was aware of the telephone access policies because they are listed in the DCDF Inmate Handbook given to all detainees on arrival at the facility.⁷¹ Beyond being limited to dayroom hours, telephone use is limited in two other ways: first, all phone calls are automatically disconnected after fifteen minutes;⁷² second, an inmate may not make more than one consecutive call if others are waiting to use the telephone.⁷³ It is unclear whether staff inspect the telephones to ensure they are working properly, but inmates quickly inform staff when there is a problem.⁷⁴ Staff promptly report telephones that are out of order to Inmate Calling Solutions ("ICS"), the company that maintains the telephones.⁷⁵

For all calls except calls using the pro bono system (below), telephone service is provided by ICS.⁷⁶ Detainees may make collect calls or pay using a debit or credit card.⁷⁷ A personal identification number ("PIN") is required to place calls using ICS.⁷⁸ Detainee [REDACTED] b6, b7c who had been at the facility for several months, said that his PIN had never worked.⁷⁹ Though he reported the problem to DCDF staff and had been told that he could get a

⁶⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

⁶⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

⁶⁸ ICE detainees are spread across DCDF's different housing units. As of July 12, 2007, there were 169 ICE detainees out of 400 inmates total. Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

⁶⁹ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6, b7c

⁷⁰ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

⁷¹ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED] b6, b7c

⁷² DCDF Inmate Handbook, p. 17. There is an exception, addressed below, for legal calls initiated by an attorney.

⁷³ DCDF Inmate Handbook, p. 17.

⁷⁴ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6, b7c

⁷⁵ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

⁷⁶ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

⁷⁷ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6, b7c

⁷⁸ DCDF Inmate Handbook, p. 18.

⁷⁹ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7c

new PIN, DCDF never provided him with a new PIN, thereby leaving him unable to contact his family.⁸⁰

Telephone usage rules and instructions regarding use of the telephones are posted near the telephones in both English and Spanish.⁸¹ According to the instructions, there are ten steps required to place a call.⁸² Another sign, in both English and Spanish, warns detainees that calls may be monitored.⁸³ The telephone numbers of consulates are posted by the telephones.⁸⁴ The list of consulates was dated May 4, 2006.⁸⁵ Also, the telephone number of the Mexican consulate was posted near the telephones in the intake area of the facility.⁸⁶

2. Direct Calls and Free Calls

The *Standards* allow facilities generally to restrict calls to collect calls; 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 family members in case of emergency.⁸⁷ The facility shall not require indigent detainees to pay for these types of calls if local, nor for non-local calls if there is a compelling need.⁸⁸ In addition, the facility "shall enable all detainees to make calls to the [ICE]-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party."⁸⁹

DCDF appears to meet this section of the *Standards*; however, a detainee reported calls to one pro bono legal services provider were not going through. Instructions on how to place pro bono calls are posted in English and Spanish near the dayroom telephones.⁹⁰ However, the telephone system is not pre-programmed to make such calls.⁹¹ A detainee's alien registration number is required to place pro bono calls,⁹² and consequently, the delegation was unable to test whether the pro bono system was working. One detainee reported that calls to one

⁸⁰ Notes of delegation member [redacted] on conversation with detainee [redacted]

⁸¹ Observations of delegation member [redacted]

⁸² Observations of delegation member [redacted]

⁸³ Observations of delegation member [redacted]

⁸⁴ Observations of delegation member [redacted]

⁸⁵ Observations of delegation member [redacted]

⁸⁶ Observations of delegation member [redacted]

⁸⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁸⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁸⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁹⁰ Observations of delegation member [redacted] notes of delegation member [redacted] on conversation with Supervisor [redacted] DCDF Inmate Handbook, p. 17.

⁹¹ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

⁹² Observations of delegation member [redacted]

organization on the list, the National Immigrant Justice Center ("NIJC"), were not going through, and thus the detainee was unable to contact NIJC using the pro bono system.⁹³

Public Communications Services ("PCS") provides pro bono service at DCDF.⁹⁴ The ICE representative who visits DCDF tests the pro bono system at least once weekly.⁹⁵ If the system is not working, which staff indicated is rare, the staff will make arrangements for detainees to place pro bono calls.⁹⁶ ICE provides a calling card for such occasions, and the staff will take the detainee to a telephone in the intake area to place the call.⁹⁷

3. Telephone Access to Legal Representatives

The *Standards* provide that the facility shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones.⁹⁸ If time limits are necessary, they shall be no shorter than twenty minutes.⁹⁹ The *Standards* require that the facility ensure privacy for detainees' telephone calls regarding legal matters, by providing telephones on which detainees can make calls without being overheard by officers, other staff, or other detainees.¹⁰⁰ Telephone calls shall not be electronically monitored absent a court order.¹⁰¹

DCDF does not fully meet this section of the *Standards*: the telephones for making outgoing calls do not have privacy safeguards; all telephone calls made by detainees are automatically disconnected after fifteen minutes;¹⁰² calls may be monitored; and one detainee reported his attorney's telephone number has been blocked. Detainees are not afforded privacy in their outgoing telephone calls because the telephones used by detainees

⁹³ Notes of delegation member [REDACTED] on conversation with a detainee who chose to remain anonymous.

⁹⁴ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

⁹⁵ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6, b7c

⁹⁶ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]. As anecdotal evidence, detainee [REDACTED] b6, b7c said that he had never had problems speaking with his attorney over the phone. Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7c

⁹⁷ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

⁹⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

⁹⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

¹⁰⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

¹⁰¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

¹⁰² DCDF Inmate Handbook, p. 17. An exception to this rule is made for calls with legal counsel initiated by the attorney—there is no limit to the length of these calls. Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

to make outgoing calls are all located in the public dayrooms with no privacy safeguards.¹⁰³ All telephone conversations made on the outgoing telephones may be monitored or recorded.¹⁰⁴

Detainees may speak privately with counsel if the attorney initiates the call.¹⁰⁵ To do this, the attorney must call DCDF in advance to schedule a teleconference with the detainee.¹⁰⁶ If an attorney calls in, he/she will be transferred to the Pod officer of the unit housing the detainee, and the officer will setup the teleconference.¹⁰⁷ The teleconference will take place in a private visit room adjacent to one of the dayrooms.¹⁰⁸ These calls are not monitored or recorded, and there is no restriction on their number or length.¹⁰⁹ The only restriction in terms of timing, as with other calls, is that they must take place during dayroom hours.¹¹⁰

One detainee stated that s/he had actually been unable to make outgoing telephone calls to his/her attorney because the attorney's telephone number had been blocked.¹¹¹ According to this detainee, there have been no issues dialing out to other telephone numbers.¹¹² Another detainee, [REDACTED] b6, b7c, indicated that he had no trouble speaking to his attorney over the telephone.¹¹³

4. Incoming Calls and Messages

The *Standards* require that facilities take and deliver messages from attorneys and emergency incoming telephone calls to detainees as promptly as possible.¹¹⁴ If the facility receives an emergency telephone call for a detainee, the *Standards* suggest that the facility obtain the caller's name and telephone number and permit the detainee to return the emergency call as soon as possible.¹¹⁵

¹⁰³ Observations of delegation member [REDACTED] b6

¹⁰⁴ DCDF Inmate Handbook, p. 17.

¹⁰⁵ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

¹⁰⁶ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

¹⁰⁷ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

¹⁰⁸ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

¹⁰⁹ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

¹¹⁰ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

¹¹¹ Notes of delegation member [REDACTED] b6 on conversation with detainee who wished not to be identified.

¹¹² Notes of delegation member [REDACTED] on conversation with detainee who wished not to be identified.

¹¹³ Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7c

¹¹⁴ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

¹¹⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

DCDF does not fully meet this section of the *Standards*; non-emergency messages are not taken. No non-emergency incoming telephone calls and messages are accepted at DCDF,¹¹⁶ with the exception of the scheduled attorney teleconferences discussed above. There is a procedure for taking and delivering emergency telephone calls and messages.¹¹⁷ Such calls are referred to the Shift Commander on a case-by-case basis.¹¹⁸ However, Supervisor [REDACTED] b6, b7c stated that because of abuse by people claiming an emergency when there was none, the staff are cautious about believing something to be an emergency.¹¹⁹ In addition, detainees who need to contact family members in an emergency must complete a request explaining the situation in full.¹²⁰

5. Telephone Privileges in Special Management Unit

The *Standards* provide that detainees in the Special Management Unit ("SMU") for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions.¹²¹ These detainees shall be restricted to telephone calls for calls relating to the detainee's immigration case or other legal matters, calls to consular/embassy officials, and family emergencies.¹²² Detainees in administrative segregation generally have the same telephone privileges as other detainees.¹²³

DCDF appears to meet this section of the *Standards*. Detainees placed in punitive segregation continue to have access to telephones to call their attorneys.¹²⁴ They may not, however, make personal calls.¹²⁵ Detainees placed in administrative segregation have the same telephone privileges as detainees in the general facility population.¹²⁶

¹¹⁶ DCDF Inmate Handbook, p. 18.

¹¹⁷ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED]

¹¹⁸ DCDF Inmate Handbook, p. 18.

¹¹⁹ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

¹²⁰ DCDF Inmate Handbook, p. 18.

¹²¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

¹²² Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

¹²³ Detention Operations Manual, Security and Control, Standard 13, Section III.D.16.

¹²⁴ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

¹²⁵ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

¹²⁶ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

C. Access to Library and Legal Material

All facilities with detainees "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."¹²⁷

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.¹²⁸ Each detainee shall be permitted to use the law library for a minimum of five hours per week.¹²⁹ Detainees in disciplinary segregation will ordinarily have access to the law library, although a facility may choose to provide access upon request only, and access may be denied temporarily for violent or uncooperative detainees.¹³⁰

DCDF does not appear to meet this section of the *Standards*; DCDF does not permit all detainees to use the law library.¹³¹ Rather, library privileges depend on a detainee's classification.¹³² If the detainee's classification prohibits use of the library, and if the detainee has a specific citation to a statute, then the detainee may submit a written request that the statute be copied for him or her.¹³³ The *Standards* permit "access upon request only" at the facility's discretion, but this provision appears to mean that set hours are not required, not that a detainee must request specific materials in order to receive access to them—a procedure that would deny detainees the ability to do research. The DCDF Inmate Handbook indicates that use of the library will be limited by "inmate demand, facility schedule and safety/security guidelines."¹³⁴

2. Library Conditions

The *Standards* require that a facility provide a law library with sufficient space to facilitate detainees' legal research and writing.¹³⁵ Furthermore, it must be large enough "to provide reasonable access to all detainees who request its use. It shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas."¹³⁶

¹²⁷ Detention Operations Manual, Detainee Services, Standard 1, Section I.

¹²⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

¹²⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

¹³⁰ Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.

¹³¹ Observations of delegation member [REDACTED]

¹³² DCDF Inmate Handbook, p. 21.

¹³³ DCDF Inmate Handbook, p. 21.

¹³⁴ DCDF Inmate Handbook, p. 21.

¹³⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

¹³⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

DCDF meets this section of the Standards. DCDF provides several law libraries, and each is well lit, has ample space, and is well-isolated from noise and foot traffic.¹³⁷ Each library provides access to at least one computer, and each contains at least two other tables and chairs in addition to those housing the computers.¹³⁸ Additionally, these libraries are located in enclosed rooms that are relatively free from distractions and noise.¹³⁹

3. Materials Identified in the Detention Standards

The *Standards* require that all facility law libraries contain the materials listed in Attachment A to the chapter on *Access to Legal Materials*.¹⁴⁰ These materials must be updated regularly, and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner.¹⁴¹ Damaged or stolen materials must be promptly replaced.¹⁴²

DCDF does not fully meet this section of the Standards; DCDF provides its immigration detainees with access to legal materials on computer, but some of the required legal materials are unavailable.¹⁴³ DCDF provides its immigration detainees with access to LoisLaw and LexisNexis.¹⁴⁴ The LexisNexis database is updated every three to four months.¹⁴⁵ DCDF provides the detainees access to a set of legal digests that were donated to DCDF, but these materials have not been updated to the current year.¹⁴⁶ While LexisNexis and LoisLaw provide access to numerous legal materials, most of the secondary resources listed as required by Attachment A to the chapter on *Access to Legal Materials* are not available on LexisNexis or LoisLaw.¹⁴⁷ The *Standards* state that facilities shall provide: *Legal Research in a Nutshell*; *Directory of Nonprofit Agencies that Assist Persons in Immigration Matters*; *Legal Research & Writing*; *Rights of Prisoners*; and *Human Rights Watch-World Report*.¹⁴⁸ However, none of these sources is available on the computer with LexisNexis or LoisLaw or in hard copy.¹⁴⁹

4. Library Equipment and Supplies

¹³⁷ Observations of delegation member [REDACTED]

¹³⁸ Observations of delegation member [REDACTED] b6

¹³⁹ Observations of delegation member [REDACTED]

¹⁴⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

¹⁴¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

¹⁴² Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

¹⁴³ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

¹⁴⁴ Observations of delegation member [REDACTED] b6 DCDF Inmate Handbook, p.21.

¹⁴⁵ Notes of delegation member [REDACTED] b6 on conversation with ICE Officer [REDACTED] b6, b7c

¹⁴⁶ Observations of delegation member [REDACTED] b6

¹⁴⁷ Observations of delegation member [REDACTED] b6

¹⁴⁸ Detention Operations Manual, Detainee Services, Standard 1, Attachment A.

¹⁴⁹ Observations of delegation member [REDACTED] b6

The *Standards* require that facility law libraries provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.¹⁵⁰ Staff must inspect at least weekly to ensure equipment is in working order and to stock sufficient supplies.¹⁵¹ In addition, indigent detainees must be provided free envelopes and stamps for legal mail.¹⁵²

DCDF appears to meet this section of the *Standards*. DCDF has one to two computers available in each of its law libraries.¹⁵³ While writing instruments, paper, and office supplies are not stocked in the library, these materials are readily available to detainees who request them, and available for free to indigent detainees.¹⁵⁴

5. 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.¹⁵⁵ Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his/her records.¹⁵⁶ Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.¹⁵⁷

DCDF meets this section of the *Standards*. Detainees at DCDF may make copies, for ten cents apiece, of all "legal, professional, and religious documents."¹⁵⁸

6. Assistance From Other Detainees

The *Standards* require that each facility permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.¹⁵⁹

DCDF does not meet this section of the *Standards*. Detainees are not allowed to assist other detainees with research, nor "conduct legal research for other inmates."¹⁶⁰

¹⁵⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

¹⁵¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

¹⁵² Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

¹⁵³ Observations of delegation member [REDACTED] b6

¹⁵⁴ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

¹⁵⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹⁵⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹⁵⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹⁵⁸ DCDF Inmate Handbook, p. 21; observations of delegation member [REDACTED] b6

¹⁵⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

¹⁶⁰ DCDF Inmate Handbook, p. 21.

7. Notice to Detainees

The Standards require that the detainee handbook provide detainees with the rules and procedures governing access to legal materials.¹⁶¹

DCDF meets this section of the Standards. The DCDF Inmate Handbook specifies the rules for various law library-related procedures. These procedures include requesting time in the library, requesting a tutor to assist with LoisLaw research, and requesting to see a detainee's own "Legal Discovery."¹⁶²

D. 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."¹⁶³ Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.¹⁶⁴ While the presentations are open to all detainees, the facility "may limit the number of detainees at a single session."¹⁶⁵ "The facility shall select and provide an environment conducive to the presentation, consistent with security."¹⁶⁶ In addition, detainees shall have regular opportunities to view an "INS-approved videotaped presentation on legal rights."¹⁶⁷

DCDF meets this section of the Standards. According to DCDF personnel, there are no restrictions on group rights presentations.¹⁶⁸ The facility performs background and credentials checks on all speakers who give the presentations.¹⁶⁹ DCDF officials informed us that nonprofit agencies schedule multiple presentations each year.¹⁷⁰ Two weeks before a scheduled presentation, an announcement is made to make the detainees aware of the presentation.¹⁷¹ Additionally, 8 1/2"x11" informational posters are displayed in the housing units and other common areas.¹⁷² The presentations take place in DCDF's multipurpose classrooms,

¹⁶¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

¹⁶² DCDF Inmate Handbook, pp. 21-22.

¹⁶³ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹⁶⁴ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁶⁵ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁶⁶ Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹⁶⁷ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹⁶⁸ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

¹⁶⁹ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

¹⁷⁰ Notes of delegation member [redacted] on conversation with Supervisor [redacted] b6 b7c

¹⁷¹ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

¹⁷² Notes of delegation member [redacted] on conversation with Supervisor [redacted]

which are conducive to the presentations since they are well-lighted, have seating available, and can accommodate at least twenty detainees at one time.¹⁷³ The presentations are open to all detainees, including those in segregation, as long as segregated detainees do not pose a physical threat to other inmates.¹⁷⁴ While the number of detainees at a single session may be limited, enough sessions are held such that all detainees interested in attending the presentation are able to attend.¹⁷⁵

The "Know Your Rights" video is aired on the televisions inside the facility every weekend.¹⁷⁶ Prior to the airing of the video, an announcement is made, and every television in the facility is tuned into this video.¹⁷⁷ DCDF has an English and a Spanish version of this video presentation, and both are shown (one each day of the weekend) every week.¹⁷⁸

V. 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.¹⁷⁹ General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and even read outside the presence of the detainee if security reasons exist for doing so.¹⁸⁰ Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.¹⁸¹ Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹⁸² Outgoing special correspondence may not be opened, inspected, or read.¹⁸³

The detainee handbook must specify how to address correspondence, the definition of special correspondence and how it should be labeled, and the procedure for purchasing

¹⁷³ Observations of delegation member [REDACTED] b6

¹⁷⁴ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

¹⁷⁵ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

¹⁷⁶ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

¹⁷⁷ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

¹⁷⁸ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

¹⁷⁹ Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹⁸⁰ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹⁸¹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.

¹⁸² Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹⁸³ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

postage and rules for providing indigent detainees free postage.¹⁸⁴ The *Standards* also require that facilities 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.¹⁸⁵ Finally, the *Standards* require that facilities notify detainees of specific information regarding correspondence policies.¹⁸⁶

DCDF does not fully meet this section of the *Standards*; the handbook lacks information regarding special correspondence and free materials for immigration detainees. Mail travels in and out of DCDF on all days except Saturday and Sunday.¹⁸⁷ Incoming mail is distributed to detainees on the day it arrives.¹⁸⁸ Outgoing mail is collected by Pod officers during the day and goes out the following morning.¹⁸⁹

Incoming packages must have an inventory list written on their exterior or they will be returned to sender.¹⁹⁰ Incoming mail of all kinds is generally opened to check for contraband.¹⁹¹ In addition, all legal mail will be opened in the detainee's presence.¹⁹² Inspections of mail vary from simple visual inspections to reading a letter for content that may be of concern with regard to the safety and security of the facility.¹⁹³ DCDF keeps a written record of all items removed from detainee mail, and any such items are kept in the locker that contains the detainee's other property.¹⁹⁴ Identity documents such as passports and birth certificates are

¹⁸⁴ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B.

¹⁸⁵ Detention Operations Manual, Detainee Services, Standard 3, Section III.I, and Standard 1, Section III.N.

¹⁸⁶ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁸⁷ Mail does not travel on Saturdays because DCDF mail goes through a central sorting facility that is closed on the weekends. Notes of delegation member [REDACTED] on conversation with Deputy Jail Administrator [REDACTED].

¹⁸⁸ Notes of delegation member [REDACTED] on conversation with Office [REDACTED].

¹⁸⁹ If mail is written early enough in the morning, it will go out the same day. Notes of delegation member [REDACTED] on conversation with Office [REDACTED] and DCDF Inmate Handbook, p. 12.

¹⁹⁰ Notes of delegation member [REDACTED] on conversation with Deputy Jail Administrator [REDACTED].

¹⁹¹ Notes of delegation member [REDACTED] on conversation with Deputy Jail Administrator [REDACTED] and DCDF Inmate Handbook, p. 12.

¹⁹² DCDF Inmate Handbook, p. 13.

¹⁹³ DCDF Inmate Handbook, p. 13.

¹⁹⁴ Notes of delegation member [REDACTED] on conversation with Deputy Jail Administrator [REDACTED].

also kept in the detainee's locker.¹⁹⁵ Finally, outgoing mail will be opened and returned to the detainee if it does not have a return address.¹⁹⁶

DCDF provides free stamps, envelopes, writing paper, and pencils to indigent detainees for mailing legal materials.¹⁹⁷ The envelopes and paper are stamped "ICE Legal" to ensure they are used for legal mail, not personal mail.¹⁹⁸ There is no limit on the number of such legal envelopes that a detainee may send out.¹⁹⁹ Indigent detainees may also request stamps, envelopes, paper, and pencils for non-legal mail using an indigent commissary form.²⁰⁰ In addition, detainees may purchase stamps through the commissary.²⁰¹ There are no limits on mail sent or received at the detainee's expense.²⁰²

DCDF gives all detainees a copy of the DCDF Inmate Handbook. The Handbook describes how a detainee must address mail generally, but it does not provide "the definition of special correspondence, including instructions on the proper labeling for special correspondence . . . [and a] statement that it is the detainee's responsibility to inform senders of special mail of the labeling requirement," nor does it specifically describe the procedure for obtaining free mailing materials.²⁰³

B. Detainee Handbook

The *Standards* require that every facility develop a site-specific handbook for its immigration detainees to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility.²⁰⁴ The handbook should describe the "services, programs, and opportunities available through various sources, including the facility, [ICE], private

¹⁹⁵ Notes of delegation member [REDACTED] b6 [REDACTED] in conversation with Deputy Jail Administrator [REDACTED] b6, b7c

¹⁹⁶ DCDF Inmate Handbook, p. 12.

¹⁹⁷ Notes of delegation member [REDACTED] b6 [REDACTED] on conversations with Deputy Jail Administrator [REDACTED] b6, b7c and Supervisor [REDACTED] b6, b7c

¹⁹⁸ Notes of delegation member [REDACTED] b6 [REDACTED] in conversation with Deputy Jail Administrator [REDACTED] b6, b7c

¹⁹⁹ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Deputy Jail Administrator [REDACTED] b6, b7c

²⁰⁰ DCDF Inmate Handbook, p. 5.

²⁰¹ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Deputy Jail Administrator [REDACTED] b6, b7c DCDF Inmate Handbook, p. 12.

²⁰² Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Deputy Jail Administrator [REDACTED] b6, b7c

²⁰³ Detention Operations Manual, Detainee Services, Standard 3, Section III.B. The Handbook describes generally how an indigent detainee requests free items from the commissary. DCDF Inmate Handbook, p. 5.

²⁰⁴ Detention Operations Manual, Detainee Services, Standard 6, Section I.

organizations, etc.²⁰⁵ Every detainee in the facility is to receive a copy of the handbook upon admittance.²⁰⁶ The handbook must also be available in Spanish and if appropriate translated into the next most-prevalent language(s) among the facility's detainees.²⁰⁷ The *Standards* require that the handbook briefly describe individual programs and services and associated rules.²⁰⁸ The handbook also must specify the rules, regulations, policies, and procedures with which every detainee must comply,²⁰⁹ and should detail detainee rights and responsibilities along with a list and classification of prohibited actions/behavior and their corresponding disciplinary procedures and sanctions.²¹⁰ The handbook must notify detainees of the right to protection from abuse, harassment, and discrimination.²¹¹ The handbook must also state that detainees have the opportunity to submit written questions and concerns to ICE staff, and provide the procedures for doing so.²¹² Finally, the handbook must include grievance appeals and procedures.²¹³

The DCDF Inmate Handbook does not fully meet the *Standards*; it lacks information specific to ICE detainees. At intake, the detainees are given a copy of the "Dodge County Detention Facility Inmate Handbook and Jail Rules," available in either English or Spanish.²¹⁴ This Handbook is "site-specific," and it provides an overview of the policies, rules, and procedures generally in effect at the Facility.²¹⁵ However, the Handbook fails to explain and adequately describe the policies, rules, services, programs, and rights available to immigration detainees under the *Standards*. It does not include information on a detainee's right to be free from abuse or discrimination; does not explain how special correspondence should be handled; and does not include information on communicating with ICE staff.

C. Recreation

The *Standards* require that all detainees have access to recreational programs and activities, under conditions of security and safety.²¹⁶ Detainees should be housed in facilities

²⁰⁵ Detention Operations Manual, Detainee Services, Standard 6, Section I.

²⁰⁶ Detention Operations Manual, Detainee Services, Standard 6, Section I.

²⁰⁷ Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

²⁰⁸ Detention Operations Manual, Detainee Services, Standard 6, Section III.B.

²⁰⁹ Detention Operations Manual, Detainee Services, Standard 6, Section III.C.

²¹⁰ Detention Operations Manual, Detainee Services, Standard 6, Section III.D.

²¹¹ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

²¹² Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

²¹³ Detention Operations Manual, Detainee Services, Standard 6, Section III.D.

²¹⁴ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7C DCDF Inmate Handbook; "Centro De Detencion Del Condado De Dodge Manual Para El Interno Con El Reglamento Del Precidio."

²¹⁵ DCDF Inmate Handbook.

²¹⁶ Detention Operations Manual, Detainee Services, Standard 13, Section I.

with outdoor recreation.²¹⁷ If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.²¹⁸ Detainees should have access to "fixed and movable equipment," including opportunities for cardiovascular exercise, and games and television in dayrooms.²¹⁹ Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.²²⁰

DCDF does not fully meet this section of the Standards; no fixed or movable equipment is available. DCDF has two types of indoor recreation rooms, and some outdoor recreation is provided.²²¹ ICE suggests that detainees be eligible for transfer after 180 days at a facility without outdoor recreation.²²² In accordance with this policy, DCDF notifies ICE after it has housed a detainee for 165 days in order to allow the detainee to relocate if he/she so chooses.²²³

One of the indoor recreation rooms has no exposure to natural sunlight.²²⁴ Although there is a basketball backboard, detainees are only permitted to play handball.²²⁵ DCDF staff members explained that too many detainees were injured playing basketball, and that handball seems to be a safer sport.²²⁶ There is no set schedule for use of this recreation room, but detainees may generally use it (depending on their classification, how much time they want in the room, and how many other inmates also want to use the room) between 7:30 a.m. and 11:30 a.m., 12:30 p.m. and 4:30 p.m., and 6:00 p.m. and 9:00 p.m.²²⁷ Detainees, again depending on their classification, can spend forty-five minutes per day outside for recreation.²²⁸

The second type of recreation room is a dayroom, where detainees can watch television and play board games.²²⁹ Neither room provides equipment for muscular or

²¹⁷ Detention Operations Manual, Detainee Services, Standard 13, Section III.A, which also provides that "all new or renegotiated contracts and IGSA's will stipulate that INS detainees have access to an outdoor recreation area."

²¹⁸ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

²¹⁹ Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

²²⁰ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

²²¹ Notes of delegation member [redacted], on conversation with Supervisor [redacted]

²²² Notes of delegation member [redacted], on conversation with Supervisor [redacted]

²²³ Notes of delegation member [redacted], on conversation with Supervisor [redacted]

²²⁴ Observations of delegation member [redacted]

²²⁵ Notes of delegation member [redacted], on conversation with Supervisor [redacted]

²²⁶ Notes of delegation member [redacted], on conversation with Supervisor [redacted]

²²⁷ Notes of delegation member [redacted], on conversation with Supervisor [redacted]

²²⁸ Notes of delegation member [redacted], on conversation with Supervisor [redacted]

²²⁹ Notes of delegation member [redacted], on conversation with Supervisor [redacted]

cardiovascular exercise; officials indicated that this is because detainees are prone to breaking whatever equipment has been placed in the recreation rooms.²³⁰

D. Access to Medical Care

The *Standards* require that all detainees have access to medical services that promote detainee health and general well-being.²³¹ Every facility must provide an initial health screening, and provide a physical exam within fourteen days of a detainee's arrival at the facility.²³² Each facility is required to have regularly scheduled times, known as sick call, during which medical personnel are available to see detainees who have requested medical services.²³³ For a facility with between 50 and 200 detainees, like DCDF, there must be sick call at least three days per week.²³⁴ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.²³⁵ With respect to emergency care, the *Standards* state that in a situation in which a detention officer is uncertain whether a detainee requires emergency medical care, the officer should immediately contact a health care provider or an on-duty supervisor.²³⁶ If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the OIC in writing.²³⁷

DCDF substantially meets this portion of the *Standards*; however, detainees do not receive a physical exam within fourteen days of their arrival. Detainees are not physically examined within fourteen days of their initial processing, as required by the *Standards*.²³⁸ DCDF screens detainees for medical issues upon their initial processing.²³⁹ Each detainee is questioned regarding prior health history, current health, medical history, mental health, suicide risk, drug and/or alcohol dependence, TB, dental health, and STD/communicable diseases.²⁴⁰ If flags are raised, the individual is referred to medical for attention.²⁴¹ Those who are initially flagged as having some mental health issue, including suicidal tendencies, may be

²³⁰ Notes of delegation member [redacted] on conversation with Supervisor [redacted] and ICE Officer [redacted].

²³¹ Detention Operations Manual, Health Services, Standard 2, Section I.

²³² Detention Operations Manual, Health Services, Standard 2, Section III.D.

²³³ Detention Operations Manual, Health Services, Standard 2, Section III.F.

²³⁴ Detention Operations Manual, Health Services, Standard 2, Section I.

²³⁵ Detention Operations Manual, Health Services, Standard 2, Section II.A, D, and G.

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

²³⁷ Detention Operations Manual, Health Services, Standard 2, Section III.J.

²³⁸ Notes of delegation member [redacted] on conversation with Supervisor [redacted].

²³⁹ Notes of delegation member [redacted] on conversation with Supervisor [redacted].

²⁴⁰ Notes of delegation member [redacted] on conversation with Nurse [redacted] Dodge County Detention Facility Medical Receiving Screening Form.

²⁴¹ Notes of delegation member [redacted] on conversation with Nurse [redacted].

kept separately and monitored closely by the staff.²⁴² All detainees receive medical care, and DCDF holds a sick call at least three days per week.²⁴³ The sick calls generally involve a nurse or other medical staff member visiting each Pod to address any of the detainees' health-related concerns.²⁴⁴ To the extent there are language barriers, DCDF uses other detainees or inmates, usually fluent in Spanish, to assist in treatment.²⁴⁵

The medical staff provides health services slips (an "Inmate Request Slip") to the detainees upon request, in both English and Spanish.²⁴⁶ These slips are processed by Pod officers at the time they are submitted.²⁴⁷ DCDF has also made arrangements with a local hospital and service providers for specialized care, such as mental health services.²⁴⁸ Emergency care is available twenty-four hours per day, including emergency services on-call when no medical personnel are on duty.²⁴⁹ Officers are available at all times to respond to medical emergencies, and each Pod officer's station is equipped with a first-aid kit.²⁵⁰ In the case of an emergency, officers first visually evaluate the detainee, then call a dispatcher to request emergency medical services, if necessary.²⁵¹ Officers are trained to respond to medical emergencies within four minutes.²⁵²

DCDF has special emergency procedures to deal with detainees with suicidal tendencies. If a detainee is deemed a suicide risk, he or she is placed in a special observation room, where he or she is observed every fifteen minutes.²⁵³ The observation room and clothes worn by suicidal detainees are designed to ensure nothing in the observation room or the

²⁴² Notes of delegation member [redacted] on conversation with Deputy Jail Administrator [redacted]
b6, b7c

²⁴³ Notes of delegation member [redacted] on conversation with Supervisor [redacted]
b6

²⁴⁴ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

²⁴⁵ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

²⁴⁶ Notes of delegation member [redacted] on conversation with Supervisor [redacted] Dodge
County Detention Facility Inmate Request Slip.
b6, b7c

²⁴⁷ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

²⁴⁸ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

²⁴⁹ Notes of delegation member [redacted] on conversations with Supervisor [redacted] Deputy
Jail Administrator [redacted] and Nurse [redacted] observations of delegation member [redacted]
b6, b7c b6 b6

²⁵⁰ Notes of delegation member [redacted] on conversations with Supervisor [redacted] Deputy
Jail Administrator [redacted] and Nurse [redacted] b6, b7c b6

²⁵¹ Notes of delegation member [redacted] on conversations with Supervisor [redacted]
Supervisor [redacted] and Deputy Jail Administrator [redacted] b6, b7c b6, b7c

²⁵² Notes of delegation member [redacted] on conversations with Supervisor [redacted]
Supervisor [redacted] and Deputy Jail Administrator [redacted] b6, b7c b6, b7c

²⁵³ Notes of delegation member [redacted] on conversations with Supervisor [redacted]
Supervisor [redacted] and Deputy Jail Administrator [redacted] b6, b7c b6, b7c

detainees' clothes can be used to assist in suicide attempts.²⁵⁴ Officers are, moreover, trained to recognize suicidal behavior and understand appropriate preventative techniques.²⁵⁵

The medical services facility at DCDF is a restricted-access facility off the Facility's major hallway.²⁵⁶ The medical personnel staffing the facility is quite large, and the staff and space are more than sufficient to treat all the detainees.²⁵⁷ Detainees' medical records are kept in a locked room just off the medical facility's reception area, separate and apart from detainees' custody records.²⁵⁸ Detainees' medications are stored on-site in the medical facility, and are distributed as ordered by the medical staff.²⁵⁹ Prescription medications must be approved by the medical staff before they are distributed and must be in prescription bottles with the detainee's name.²⁶⁰ Non-prescription medications are available through the inmate commissary and are limited in the dosage inmates are able to request.²⁶¹ Detainees have about ten minutes after their cell doors are opened in the morning to request medications and must request over-the-counter (i.e., non-prescription) medication to the Pod Officer on duty prior to the nurse's arrival in the Pod for medication distribution.²⁶² If medication is missed due to a detainee's absence from the Pod, arrangements are made for that detainee to receive his/her medication.²⁶³ All medication must be taken in front of the staff administering it, and the detainee must show that the medication has been swallowed by showing an empty mouth.²⁶⁴

E. Access to Dental Care

The *Standards* require that detainees have an initial dental screening exam within fourteen days of the detainee's arrival, and require the facility to provide emergency dental

²⁵⁴ Notes of delegation member [redacted] b6 on conversations with Supervisor [redacted] b6, b7c and Deputy Jail Administrator [redacted] b6, b7c [redacted] b6, b7c

²⁵⁵ Notes of delegation member [redacted] b6 on conversations with Supervisor [redacted] b6, b7c and Deputy Jail Administrator [redacted] b6, b7c [redacted] b6, b7c

²⁵⁶ Observations of delegation member [redacted] b6 notes of delegation member [redacted] b6 on conversation with Supervisor [redacted] b6, b7c

²⁵⁷ Observations of delegation member [redacted] b6 notes of delegation member [redacted] b6 on conversation with Nurse [redacted] b6

²⁵⁸ Observations of delegation member [redacted] b6 notes of delegation member [redacted] b6 on conversation with Nurse [redacted] b6

²⁵⁹ Notes of delegation member [redacted] b6 on conversation with Nurse [redacted] b6 DCDF Inmate Handbook, pp. 14-15.

²⁶⁰ DCDF Inmate Handbook, pp. 14-15.

²⁶¹ DCDF Inmate Handbook, pp. 14-15.

²⁶² DCDF Inmate Handbook, pp. 14-15.

²⁶³ DCDF Inmate Handbook, pp. 14-15.

²⁶⁴ DCDF Inmate Handbook, pp. 14-15.

treatment and repair of prosthetic appliances.²⁶⁵ For detainees who are held in detention for over six months, routine dental treatment may be provided, including amalgam and 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.²⁶⁶

The DCDF does not meet this section of the *Standards*; there is no initial dental screening. There is no on-site dentist at the Facility, and no initial screening of detainees as required by the *Standards*.²⁶⁷ If dental care is needed, the facility has a contract with a local dentist, Dr. [REDACTED] in Hustisford, WI, who provides the necessary care at his office or at the facility.²⁶⁸ Care is often delayed one to two days, however, until approval for any procedure is obtained via facsimile.²⁶⁹

F. Hunger Strikes

The *Standards* require that all facilities follow accepted standards of care in the medical and administrative management of hunger-striking detainees.²⁷⁰ Facilities must do everything within their means to monitor and protect the health and welfare of the hunger-striking detainee and must make every effort to obtain the hunger striker's informed consent for treatment.²⁷¹ In IGSA facilities, the "OIC of the facility shall notify [ICE] that a detainee is refusing treatment. Under no circumstances are IGSA facilities to administer forced medical treatment unless granted permission from [ICE]."²⁷²

DCDF appears to meet this section of the *Standards*. If a detainee has refused food for 72 hours, the standard practice is for the OIC, or a Pod officer, to refer the detainee to the medical department.²⁷³ According to the facility's written policies and procedures, an officer must check a hunger striker's vital signs once every thirty minutes.²⁷⁴ Officers provide hunger strikers three meals each day and maintain the hunger striker's supply of water and beverages.²⁷⁵

²⁶⁵ Detention Operations Manual, Health Services, Standard 2, Section III.E.

²⁶⁶ Detention Operations Manual, Health Services, Standard 2, Section III.E.

²⁶⁷ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] b6, b7c

²⁶⁸ Notes of delegation member [REDACTED] on conversation with Nurse [REDACTED] b6

²⁶⁹ Notes of delegation member [REDACTED] on conversation with Nurse [REDACTED] b6

²⁷⁰ Detention Operations Manual, Health Services, Standard 1, Section I.

²⁷¹ Detention Operations Manual, Health Services, Standard 1, Section I.

²⁷² Detention Operations Manual, Health Services, Standard 1, Section III.D.

²⁷³ Notes of delegation member [REDACTED] on conversation with Deputy Jail Administrator [REDACTED] b6, b7c

²⁷⁴ Notes of delegation member [REDACTED] on conversation with Deputy Jail Administrator [REDACTED] b6, b7c

²⁷⁵ Notes of delegation member [REDACTED] on conversation with Deputy Jail Administrator [REDACTED] b6, b7c

Facility personnel note that hunger strikes most often occur because detainees believe that such strikes will result in their release or transfer.²⁷⁶

G. Detainee Classification System

The *Standards* require that detention facilities use a classification system and physically separate detainees into different categories.²⁷⁷ A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.²⁷⁸ New arrivals are generally classified by convictions in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.²⁷⁹ All facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.²⁸⁰ 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."²⁸¹

DCDF substantially meets this section of the *Standards*; however, the Inmate Handbook does not explain the classification levels and the conditions and restrictions associated with each.²⁸² All detainees and inmates are classified when they first arrive at the Facility as "Intake High" or "Intake Low."²⁸³ "Intake High" inmates are those with a history of violence, and "Intake Low" inmates are those without an established history of violence.²⁸⁴ Within the first seventy-two hours, further classification occurs to determine where the individual will be housed.²⁸⁵

DCDF uses a "Phase" classification system.²⁸⁶ This system applies to all inmates, and uses three Phases for classification.²⁸⁷ Each Phase corresponds to a level of privilege

²⁷⁶ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Deputy Jail Administrator [REDACTED] b6, b7c

²⁷⁷ Detention Operations Manual, Detainee Services, Standard 4, Section I.

²⁷⁸ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

²⁷⁹ Detention Operations Manual, Detainee Services, Standard 4, Section III.E.

²⁸⁰ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

²⁸¹ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

²⁸² DCDF Inmate Handbook.

²⁸³ DCDF Inmate Handbook, p. 4; notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Supervisor [REDACTED] b6, b7c

²⁸⁴ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Supervisor [REDACTED] b6, b7c

²⁸⁵ DCDF Inmate Handbook, p. 4; notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Supervisor [REDACTED] b6, b7c

²⁸⁶ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Supervisor [REDACTED] b6, b7c

provided to a detainee/inmate in the Facility.²⁸⁸ Phase One is this most restrictive and least-privileged classification, and Phase Three is the least restrictive and most privileged classification.²⁸⁹ The Phase assigned to a detainee is based initially on the inmate's history prior to arrival at DCDF, including "criminal history, current charges, and any known history of discipline problems during prior incarceration."²⁹⁰ Inmates may be reclassified based on their behavior while at DCDF, changes in the charges against them, and/or an "inmate request at the discretion of the Program Specialist."²⁹¹ There is no commingling of Phase One and Phase Three inmates, but Phase Two inmates may be intermingled with either Phase One or Phase Three inmates.²⁹² This separation of Phase One and Phase Three inmates ensures that non-violent inmates are not housed with the most violent inmates.²⁹³ Immigration detainees are housed with criminal inmates, so no classificatory distinction is made between these two types of inmates.²⁹⁴

H. Detainee Grievance Procedures

The *Standards* require that every facility develop and implement standard procedures for handling detainee grievances and encourage that the facility initially seek to resolve grievances informally before having to engage in a more formalized procedure.²⁹⁵ Translating assistance for both formal and informal grievances must be provided upon request.²⁹⁶ 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 responses to detainees who filed formal grievances, including the basis for the decision."²⁹⁷ All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.²⁹⁸ Further, the *Standards*

²⁸⁷ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

²⁸⁸ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

²⁸⁹ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED] Supervisor [REDACTED] noted that this system is the inverse of the "Three Level" system described in the *Standards*. In other words, Phase One is the equivalent of Level Three, and Phase Three is the equivalent of Level One.

²⁹⁰ DCDF Inmate Handbook, p. 4.

²⁹¹ DCDF Inmate Handbook, p. 4; notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

²⁹² Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

²⁹³ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

²⁹⁴ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

²⁹⁵ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

²⁹⁶ Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1 & 2.

²⁹⁷ Detention Operations Manual, Detainee Services, Standard 5, Section I.

²⁹⁸ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

require detainee handbooks to provide an explanation of the grievance procedures, including (1) the procedures for appealing decisions to ICE and (2) the opportunity to file a complaint about officer misconduct directly with the Justice Department (including the phone number and address).²⁹⁹

DCDF appears to meet substantially this section of the *Standards*, but one concern remains: the Inmate Handbook *requires* inmates to follow the informal grievance procedure before filing a complaint. According to Supervisor [REDACTED] b6, b7c, if a detainee has a grievance, he/she will ask an officer for an "Inmate Grievance Form."³⁰⁰ Upon completing and signing the form, the detainee will give the form back to the officer, who then seals it in an envelope in front of the detainee.³⁰¹ The officer logs the grievance so that it can be tracked.³⁰² If the officer cannot resolve the detainee's grievance, the officer must go to the supervisor.³⁰³ The supervisor must respond to the grievance within five days, unless an investigation is needed.³⁰⁴

The DCDF Inmate Handbook provides that inmates "*must* first attempt to settle any dispute or complaint on an informal basis with DCDF Staff."³⁰⁵ Thus, according to the Handbook, only after the dispute cannot be resolved on an informal basis may an inmate request a grievance form from the staff.³⁰⁶ However, the *Standards* state that a detainee should be able to bypass or terminate the informal process and proceed immediately to the formal grievance stage.³⁰⁷ The Handbook does not provide notice of the availability of assistance in preparing a grievance, although Supervisor [REDACTED] b6, b7c informed us that assistance would be provided if necessary.³⁰⁸ However, detainees may not rely on their peers for assistance, as the Handbook states that "[g]roup grievances or grievances submitted on the behalf of other inmates will not be accepted."³⁰⁹

²⁹⁹ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

³⁰⁰ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³⁰¹ DCDF Inmate Grievance Form; notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³⁰² Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³⁰³ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³⁰⁴ DCDF Inmate Handbook, p. 9.

³⁰⁵ DCDF Inmate Handbook, p. 9 (emphasis added).

³⁰⁶ DCDF Inmate Handbook, p. 9.

³⁰⁷ Detention Operations Manual, Detainee Services, Standard 5, Section III.A.1.

³⁰⁸ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³⁰⁹ DCDF Inmate Handbook, p. 9.

The Handbook explains the procedures for resolving a grievance and the levels of appeal.³¹⁰ The Handbook states that the grievance process is "available to express complaints without the fear of reprisal or punitive disciplinary action."³¹¹

The detainees whom we interviewed had never filed a grievance or attempted to file a grievance.³¹²

I. Disciplinary Policy

The *Standards* state that facility authorities "will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures" in order "to provide a safe and orderly living environment."³¹³ Each facility holding ICE detainees must have a detainee disciplinary system which has "progressive levels of reviews, appeals, procedures, and documentation procedures."³¹⁴ The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.³¹⁵

The following sanctions may not be imposed: "corporal punishment; deviations from normal food services; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; or deprivation of physical exercise unless such activity creates an unsafe condition."³¹⁶ Officers who witness a prohibited act must prepare and submit an incident report.³¹⁷ The *Standards* provide that all incident reports filed by officers must be investigated within twenty-four hours of the incident.³¹⁸

The detainee handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.³¹⁹ The handbook must also notify detainees of specific rights, including the right to protection from abuse, harassment, and discrimination; the right to pursue a grievance; and the right to due process, including prompt resolution of a disciplinary matter.³²⁰

³¹⁰ DCDF Inmate Handbook, p. 9.

³¹¹ DCDF Inmate Handbook, p. 9.

³¹² Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7c notes of delegation member [REDACTED] b6 on conversation with an anonymous detainee.

³¹³ Detention Operations Manual, Security and Control, Standard 5, Section I.

³¹⁴ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

³¹⁵ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.1 and III.A.2.

³¹⁶ Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

³¹⁷ Detention Operations Manual, Security and Control, Standard 5, Section III.B.

³¹⁸ Detention Operations Manual, Security and Control, Standard 5, Sections III.B and III.C.

³¹⁹ Detention Operations Manual, Security and Control, Standard 5, Section III.L.

³²⁰ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

DCDF substantially meets this section of the *Standards*; however, the *Inmate Handbook* does not inform detainees of their right to protection from abuse and harassment, or their right to freedom from discrimination. When a rule violation occurs, a written report is filed.³²¹ If the violation is considered minor,³²² then an officer will talk with the detainee and come up with a punishment based on the minor violation.³²³ For minor violations, such as use of profanity, failure to follow cleaning procedures, or abuse of jail-issued items,³²⁴ the resulting punishment will likely be a verbal or written reprimand,³²⁵ twenty-four hours or less in punitive segregation,³²⁶ or the loss of privileges.³²⁷ For major violations, such as unauthorized organized activity, assault on staff or inmate, or failure to take medication at issue,³²⁸ the resulting punishment will likely be "loss of good time for up to 2 days per violation," up to ten days in segregation per violation, over twenty-four hours confinement in the detainee's cell, or restrictions on or loss of privileges for over twenty-four hours.³²⁹

Supervisor [REDACTED] b6, b7c outlined the due process procedure for a major rule violation. When a major rule violation occurs, the reporting officer first notifies the Shift Supervisor of the violation.³³⁰ Within twenty-four hours,³³¹ the detainee can have a hearing, which is conducted by four corrections officers, who are "program specialists."³³² The decision resulting from the hearing can be appealed three times.³³³ First, the detainee can appeal to a supervisor.³³⁴ The *Handbook* specifies that the supervisor must render a decision within five

³²¹ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³²² The *Inmate Handbook* distinguishes between minor and major rule violations. DCDF *Inmate Handbook*, pp. 26-27. Supervisor [REDACTED] b6, b7c explained that violent behavior will always be a major violation. Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³²³ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c Punishments for minor violations include verbal reprimand, written reprimand, punitive segregation for up to twenty-four hours, and loss of privileges. DCDF *Inmate Handbook*, p. 24.

³²⁴ DCDF *Inmate Handbook*, pp. 26-27.

³²⁵ DCDF *Inmate Handbook*, p. 24.

³²⁶ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c DCDF *Inmate Handbook*, p. 24.

³²⁷ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c DCDF *Inmate Handbook*, p. 24.

³²⁸ DCDF *Inmate Handbook*, p. 24.

³²⁹ DCDF *Inmate Handbook*, p. 24.

³³⁰ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³³¹ The detainee may waive the twenty-four hour waiting period. Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³³² Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³³³ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³³⁴ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

days of receiving the appeal.³³⁵ If the detainee is not satisfied with the Supervisor's decision, then he or she can appeal the decision to the Deputy Jail Administrator.³³⁶

The DCDF Inmate Handbook notifies detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the appeal procedure of disciplinary findings.³³⁷ In addition, the Handbook notifies detainees of the facility's rules of conduct and the sanctions imposed for the violation of these rules.³³⁸ However, the Handbook does not advise the detainees of their "right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment" or their "right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs."³³⁹

J. Special Management Unit

The *Standards* suggest that each facility establish a Special Management Unit ("SMU") that will isolate certain detainees (those that pose a threat to life, property, self, staff, or other detainees) from the general population.³⁴⁰ The *Standards for Administrative Segregation* and the *Standards for Disciplinary Segregation* differ somewhat from one another, but both provide for legal access and other protections. A detainee may be placed in disciplinary segregation only by order of the Institutional Disciplinary Committee, after a hearing in which the detainee has been found to have committed a prohibited act.³⁴¹ The disciplinary committee may order placement in disciplinary segregation only when alternative dispositions would inadequately regulate the detainee's behavior.³⁴²

All cells in the SMU must be well ventilated, appropriately heated, and sanitary, and must be equipped with beds.³⁴³ Segregated detainees shall have the opportunity to maintain a normal level of personal hygiene.³⁴⁴ Recreation shall be provided to detainees in segregation in accordance with the "Recreation" standard.³⁴⁵ Access to the law library shall generally be

³³⁵ DCDF Inmate Handbook, p. 25.

³³⁶ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³³⁷ DCDF Inmate Handbook, pp. 24-27.

³³⁸ DCDF Inmate Handbook, pp. 24-27.

³³⁹ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.5.a and III.A.5.b.

³⁴⁰ Detention Operations Manual, Security and Control, Standard 14, Section I.

³⁴¹ Detention Operations Manual, Security and Control, Standard 14, Section III.A.3.

³⁴² Detention Operations Manual, Security and Control, Standard 14, Section III.A.

³⁴³ Detention Operations Manual, Security and Control, Standard 13, Section III.D.2, and Standard 14, Section III.D.6.

³⁴⁴ Detention Operations Manual, Security and Control, Standard 14, Section III.D.11.

³⁴⁵ Detention Operations Manual, Security and Control, Standard 13, Section III.D.8, and Standard 14, Section III.D.13.

granted to detainees in segregation.³⁴⁶ Detainees generally retain visiting privileges while in disciplinary segregation, and may not be denied legal visitation.³⁴⁷

Detainees in administrative segregation generally have the same telephone privileges as other detainees,³⁴⁸ while detainees in disciplinary segregation shall be restricted to telephone calls for calls relating to the detainee's immigration case or other legal matters, calls to consular/embassy officials, and family emergencies.³⁴⁹ Detainees in disciplinary segregation will ordinarily have access to the law library, although a facility may choose to provide access upon request only, and access may be denied temporarily for violent or uncooperative detainees.³⁵⁰ Detainees in segregation shall have the same correspondence privileges as detainees in the general population.³⁵¹

DCDF does not fully meet this section of the *Standards*; there are no beds in some of the SMU; detainees in punitive segregation do not have access to the law library; and detainees in punitive segregation do not have access to recreation. The disciplinary process at DCDF provides for minor (e.g. profanity, running) and major (e.g. fighting, contraband) rule violations.³⁵² Minor rule violations may result in up to twenty-four hours of punitive segregation, while major violations may result in up to ten days of punitive segregation.³⁵³ For major rule violations, hearings are conducted (unless waived by the detainee) and detainees are notified within twenty-four hours of their hearing.³⁵⁴ Detainees are allowed witnesses and may request assistance from staff in understanding the violations and the hearing process.³⁵⁵ Appeals are allowed in written form within twenty-four hours of receiving the hearing officer's decision.³⁵⁶ Further appeals may be made with the ultimate decision coming from the Jail Administrator.³⁵⁷

³⁴⁶ Detention Operations Manual, Security and Control, Standard 13, Section III.D.18, and Standard 14, Section III.D.15.e.

³⁴⁷ Detention Operations Manual, Security and Control, Standard 13, Sections III.D.13 and III.D.14, and Standard 14, Section III.D.17.

³⁴⁸ Detention Operations Manual, Security and Control, Standard 13, Section III.D.16.

³⁴⁹ Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

³⁵⁰ Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.

³⁵¹ Detention Operations Manual, Security and Control, Standard 13, Section III.D.20, and Standard 14, Section III.D.18.

³⁵² DCDF Inmate Handbook, p. 24.

³⁵³ DCDF Inmate Handbook, p. 24.

³⁵⁴ DCDF Inmate Handbook, pp. 24-25.

³⁵⁵ DCDF Inmate Handbook, pp. 24-25.

³⁵⁶ DCDF Inmate Handbook, p. 25.

³⁵⁷ DCDF Inmate Handbook, p. 25.

Detainees in punitive segregation are only allowed: hygiene materials, reading materials, writing materials, visits with clergy/counsel/attorneys, and jail-issued property (e.g. linens, uniform).³⁵⁸ Punitively segregated detainees are also allowed to receive and send mail.³⁵⁹

Detainees in punitive segregation are denied recreational privileges and personal visits.³⁶⁰ Detainees in punitive segregation are allowed access to their own legal materials but are denied access to the law library.³⁶¹ If punitively segregated detainees wish to have access to law library materials, they may fill out a request form which is generally processed the same day it is submitted.³⁶² This form, however, will not allow the detainee to have access to the LexisNexis or other online legal materials.³⁶³ If detainees in punitive segregation wish to have access to religious materials (e.g., Bible, Koran, prayer mat), they need to go through an approval process.³⁶⁴ There are beds in some of the SMU rooms, but are not in others.³⁶⁵ Further, not all SMU rooms contain restrooms.³⁶⁶

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

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."³⁶⁷ The *Standards* suggest that both weekly visits be conducted by ICE personnel and that "regular unannounced (not scheduled) visits" be conducted by the ICE OIC, the Assistant OIC, and designated department heads.³⁶⁸ Unannounced visits to the facility's housing areas must be conducted on a regular basis.³⁶⁹ The purpose of such visits is to monitor housing conditions, interview detainees, review records, and answer questions for detainees who do not comprehend the immigration removal process.³⁷⁰ The *Standards* also require that detainees "have the opportunity to submit written questions, requests, or concerns to ICE staff," which "shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or

³⁵⁸ DCDF Inmate Handbook, p. 25.

³⁵⁹ DCDF Inmate Handbook, p. 25.

³⁶⁰ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

³⁶¹ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

³⁶² Notes of delegation member [redacted] on conversation with Supervisor [redacted]

³⁶³ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

³⁶⁴ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

³⁶⁵ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

³⁶⁶ Notes of delegation member [redacted] on conversation with Supervisor [redacted]

³⁶⁷ Detention Operations Manual, Detainee Services, Standard 15, Section I.

³⁶⁸ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

³⁶⁹ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.1.

³⁷⁰ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

delay.”³⁷¹ All facilities that house ICE detainees must have “written procedures to route detainee requests to the appropriate ICE official” and must assist detainees “who are disabled, illiterate, or know little or no English.”³⁷²

DCDF appears to meet this section of the *Standards*. Though the facility does not have a permanent, continuous ICE presence, an ICE officer visits DCDF once weekly.³⁷³ A sign is posted in each Pod generally announcing that an ICE officer will visit.³⁷⁴ However, because the schedule changes and the specific day that the officer will be there is not posted, detainees do not know what day the officer will visit.³⁷⁵

For detainees who wish to contact ICE staff members, DCDF provides Detainee Request Forms.³⁷⁶ DCDF officers do not read or alter the forms when they collect them³⁷⁷ except that they assign each form a control number.³⁷⁸ Forms are collected during the day, logged in a computer, and faxed a dozen at a time at the end of the day.³⁷⁹ Thus, ICE generally gets the request on the same day that the detainee filled out the form.³⁸⁰ When ICE responds to the detainee’s request, that too is acknowledged on the log.³⁸¹

L. 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.³⁸² 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

³⁷¹ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

³⁷² Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

³⁷³ Notes of delegation member [REDACTED] on conversation with ICE Officer [REDACTED]

³⁷⁴ Notes of delegation member [REDACTED] on conversation with ICE Officer [REDACTED]

³⁷⁵ Notes of delegation member [REDACTED] on conversation with ICE Officer [REDACTED]

³⁷⁶ Notes of delegation member [REDACTED] on conversation with ICE Officer [REDACTED] A
copy of the Detainee Request Form is attached to the report.

³⁷⁷ Notes of delegation member [REDACTED] on conversation with ICE Officer [REDACTED]

³⁷⁸ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

³⁷⁹ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

³⁸⁰ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

³⁸¹ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

³⁸² Detention Operations Manual, Religious Practices, Standard 14, Section I.

by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”³⁸³

DCDF appears to meet this section of the *Standards*; facility staff stated they make religious accommodations, although the variety of available services is limited. It is unclear whether DCDF is providing “reasonable and equitable opportunities [for detainees] to participate in the practices of their respective faiths.”³⁸⁴ DCDF provides Christian services, as well as access to the Bible.³⁸⁵ Moreover, Muslim groups occasionally visit the facility to hold services in DCDF’s classroom area.³⁸⁶ Supervisor [REDACTED] b6, b7c indicated that Muslim services occur relatively infrequently due to a lack of available resources in the surrounding areas and expressed that DCDF wished to provide a broader range of religious services.³⁸⁷ The Christian services provided are held in the recreation room and are broadcast to the Pods via closed-circuit television.³⁸⁸ Detainees are permitted to maintain their religious objects and materials in their possession, limited by the amount of storage space available to them.³⁸⁹ Detainees in punitive segregation who wish to gain access to their religious materials must file a formal request.³⁹⁰

M. Voluntary Work Program

The *Standards* suggest that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”³⁹¹ Participation must be voluntary, and detainees may not work more than eight hours per day, and forty hours per week.³⁹²

DCDF meets this section of the *Standards*. Detainees are provided an opportunity to work in the facility should they choose to do so.³⁹³ Unlike the criminal inmates, however, they may not work outside of DCDF.³⁹⁴ Detainees may work in the laundry room, kitchen, or Pods, or serve as an interpreter, barber, or tutor.³⁹⁵ Eligibility may depend on a detainee’s

³⁸³ Detention Operations Manual, Religious Practices, Standard 14, Section I.

³⁸⁴ Detention Operations Manual, Detainee Services, Standard 14, Section I.

³⁸⁵ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³⁸⁶ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³⁸⁷ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

³⁸⁸ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

³⁸⁹ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³⁹⁰ Notes of delegation member [REDACTED] on conversation with Supervisor [REDACTED]

³⁹¹ Detention Operations Manual, Detainee Services, Standard 37, Sections I and III.A.

³⁹² Detention Operations Manual, Detainee Services, Standard 37, Sections III.A and III.H.

³⁹³ DCDF Inmate Handbook, p. 20.

³⁹⁴ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³⁹⁵ DCDF Inmate Handbook, p. 20.

classification.³⁹⁶ The Programs Department maintains a written record of work assignments and classification levels.³⁹⁷ Detainees are compensated for their work at a rate of \$2.50/day and are eligible for a monthly bonus of \$5.00.³⁹⁸ Detainees may work for a maximum of 8 hours/day and 40 hours/week.³⁹⁹

VI. CONCLUSION

The Dodge County Detention Facility fails to meet a number of sections of the *Standards*.

A. Visitation

DCDF should inform detainees of their ability to make special arrangements when DCDF's visitation rules pose a hardship for family members.

B. Telephone Access

DCDF should ensure that detainees can place free, direct calls to pro bono legal service providers and others. Moreover, DCDF should ensure all detainees are able to call their attorneys, should not limit legal phone calls unless necessary, and, if such calls must be limited, DCDF should not cut off legal phone calls before twenty minutes have expired.

DCDF should install privacy panels or otherwise place telephones so that detainees can make legal telephone calls without being overheard by others. Additionally, DCDF should not record or monitor, in any matter whatsoever, legal telephone calls (absent a court order); if regular phone calls are monitored, DCDF should provide detainees with the procedure for obtaining an unmonitored call for legal purposes.

DCDF should implement a calling system that would assure that detainees are able to speak with international family members. The Facility should also take and deliver non-emergency telephone messages to detainees. Finally, instructions regarding usage of the telephone system need to be in different languages, reflecting the needs of the multinational detainee population.

C. Access to Legal Materials

DCDF should provide all detainees with access to the law library, even if they are in segregation. DCDF's law library should provide access to all of the legal materials listed in the

³⁹⁶ DCDF Inmate Handbook, pp. 20-21.

³⁹⁷ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

³⁹⁸ DCDF Inmate Handbook, p. 21; notes of delegation member [REDACTED] b5 on conversation with Supervisor [REDACTED] b6, b7c

³⁹⁹ Notes of delegation member [REDACTED] b6 on conversation with Supervisor [REDACTED] b6, b7c

Standards. The Facility should assign an employee to organize, update, and request these legal materials.

D. Site-Specific Detainee Handbook

DCDF should provide detainees with a detainee-specific handbook that correctly describes the policies, rules, services, programs, and rights applicable to immigration detainees through the *Standards*. The Handbook should be translated into prevalent languages among the facility's detainees because it is currently only translated into Spanish. DCDF should assure that all staff members who have contact with detainees are given a copy of the specialized detainee handbook and are familiar with the policies.

E. Recreation

There is no fixed or movable equipment available to detainees in any of the recreation rooms. Further, outside of handball, there is virtually no opportunity for detainees to get aerobic exercise - largely because of the lack of any muscular or cardiovascular equipment.

F. Medical Treatment

The DCDF should ensure that it physically examines all detainees within fourteen days of their arrival at the Facility.

G. Dental Treatment

DCDF should also provide detainees with a dental screening exam within fourteen days of the detainee's arrival at the facility.

H. Special Management Units

DCDF needs to increase the access detainees in Special Management Units have to the law library and telephones.

I. Disciplinary Policy

DCDF's Inmate Handbook should notify detainees of their right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment. DCDF's Inmate Handbook should also notify detainees of their right to freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs, in addition to the other rights enumerated in the *Standards* to be identified in the Handbook.

Facility Name: **DODGE COUNTY DETENTION FACILITY, Juneau, WI**

Date of Tour: **July 12, 2007**

Tour Participants: **Latham & Watkins LLP attorneys and summer associates** [redacted] and [redacted]

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

	ICE Standard*	Delegation Report	Source	ICE Response
1.	Standard 17, Visitation ■ III.L.2. On regular business days, legal visitations may proceed through a scheduled meal period.	■ The DCDF Handbook states that attorney visits are not permitted during mealtime, but the facility staff stated that attorney-client visits may occur at any time. (p.4 ¶3)	DCDF Inmate Handbook; Supervisor [redacted]	
2.	Standard 16, Telephone Access ■ I. Facilities holding [ICE] detainees shall permit them to have reasonable and equitable access to telephones. ■ III.F. The facility shall not restrict the number of calls a detainee places to his/her legal representative, nor limit the duration of such calls by rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones. If time limits are necessary for such calls, they shall be no shorter than 20 minutes. ... ■ III.E. Even if telephone service is generally limited to collect calls, the facility shall permit the detainee to make direct calls: ... 4. to legal service providers, [or] in pursuit of legal representation ...	■ One detainee, who had been at the facility for several months, said his PIN (required to make calls using the facility's phone system) had never worked. He reported the problem to facility staff, but was never provided with a new PIN and therefore had been unable to call his family. (p.8 ¶3) ■ All phone calls are automatically disconnected after 15 minutes. (p.8 ¶2; p.10 ¶4) ■ One detainee said s/he was unable to make outgoing calls to his/her attorney, on the pro bono legal service providers list, because the attorney's number was blocked, but that there were no issues dialing to other telephone numbers. (p.11 ¶3; p.10 ¶1)	Detainee [redacted] DCDF Inmate Handbook Anonymous Detainee	
3.	Standard 16, Telephone Access ■ III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible.	■ Non-emergency messages are not taken. (p.12 ¶1)	DCDF Inmate Handbook	
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. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order.	■ Detainees are not afforded privacy in their outgoing calls because the phones used to make outgoing calls are all located in the public dayrooms with no privacy safeguards. (p.10 ¶4) Detainees may speak privately with counsel only if the attorney initiates the call. (p.11 ¶2) ■ All telephone calls made on the outgoing telephones may be monitored or recorded. (p.11 ¶1)	Delegation observations; Supervisor [redacted] DCDF Inmate Handbook	

5.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.C. The law library shall contain the materials listed in Attachment A. 	<ul style="list-style-type: none"> Some of the required secondary legal materials are not available on the computer. (p.14 ¶3) 	Delegation observations	
6.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.G. The facility shall...permit all detainees, regardless of housing or classification, to use the law library on a regular basis. 	<ul style="list-style-type: none"> DCDF does not allow all detainees to use the law library. Library privileges depend on a detainee's classification. (p.13 ¶3) 	DCDF Inmate Handbook	
7.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.K. The facility shall permit detainees to assist other detainees in researching and preparing legal documents upon request.... 	<ul style="list-style-type: none"> Detainees are not allowed to assist other detainees with research, nor conduct legal research for other inmates. (p.15 ¶6) 	DCDF Inmate Handbook	
8.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> III.B. The facility shall notify detainees of its policy in correspondence and other mail through the detainee handbook or equivalent ... [and] shall specify: ... 5. The definition of special correspondence, including instructions on the proper labeling for special correspondence, without which it will not be treated as special mail. ... 8. How to obtain writing implements, paper, and envelopes; and 9. The procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage 	<ul style="list-style-type: none"> The DCDF handbook does not provide a definition of special correspondence or instructions for labeling special correspondence. It also does not describe the procedure for obtaining free mailing materials. (p.19 ¶3) 	DCDF Inmate Handbook	

9.	<p>Standard 6, Detainee Handbook</p> <ul style="list-style-type: none"> I. Every OIC will develop a site-specific detainee handbook to serve as an overview of ... the detention policies, rules, and procedures in effect at the facility. III.D. The handbook will list detainee rights and responsibilities. <p>Standard 15, Staff-Detainee Communication</p> <ul style="list-style-type: none"> III.B.3, Detainee Handbook, ... The handbook shall state that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so.... <p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> III.A.5. The detainee handbook or equivalent ... shall advise detainees of the following: a. the right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment; b. the right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs; ... 	<ul style="list-style-type: none"> The DCDF handbook does not adequately describe the rights available to immigration detainees under the <i>Standards</i>, including the right to be free from abuse or discrimination; how special correspondence should be handled; or how to communicate with ICE staff. (p.20 ¶2) 	DCDF Inmate Handbook	
10.	<p>Standard 13, Recreation</p> <ul style="list-style-type: none"> III.G.1. Exercise areas will offer a variety of fixed and movable equipment. 	<ul style="list-style-type: none"> Neither exercise room provides equipment for muscular or cardiovascular exercise. (p.21 ¶4) 	Supervisor and Officer	
11.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> III.D. The health care provider of each facility will conduct a health appraisal and physical examination on each detainee within 14 days of arrival at the facility. 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"> Detainees do not receive a physical exam within fourteen days of their arrival. (p.22 ¶3) There is no initial dental screening of detainees. (p.25 ¶2) 	Supervisor Supervisor	
12.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> III.1. The detainee handbook's section on classification will include the following: 1. An explanation of the classification levels with the conditions and restrictions applicable to each. 2. The procedures by which a detainee may appeal his/her classification. 	<ul style="list-style-type: none"> The DCDF inmate handbook does not explain the classification levels and the conditions and restrictions associated with each. (p.26 ¶3) 	DCDF Inmate Handbook	
13.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> III.A.1. The detainee is free to bypass or terminate the informal grievance process, and proceed directly to the formal grievance stage. 	<ul style="list-style-type: none"> The DCDF handbook requires inmates to first follow informal grievance procedure before filing a formal grievance. (p.28 ¶3) 	DCDF Inmate Handbook	

14.	<p>Security and Control Standard 14, Special Management Unit (Disciplinary Segregation)</p> <ul style="list-style-type: none"> III.D.6. The quarters for disciplinary segregation must be well ventilated, adequately lit, appropriately heated and maintained in a sanitary condition at all times. All cells must be equipped with beds [which] shall be securely fastened to the cell floor or wall. 	<ul style="list-style-type: none"> Not all SMU rooms have beds or contain restrooms. (p.33 ¶2) 	Supervisor	
15.	<p>Security and Control Standard 14, Special Management Unit (Disciplinary Segregation)</p> <ul style="list-style-type: none"> III.D.15. When developing the schedule for law library access, the OIC will set aside blocks of time for the detainees in disciplinary segregation. ... The facility may choose to provide segregated detainees upon-request access only. Violent and/or uncooperative detainees may be temporarily denied access to the law library. 	<ul style="list-style-type: none"> Detainees in punitive segregation are denied access to the law library. They may fill out a request form, but this form will not allow detainee to have access to LexisNexis or other materials on the computer. (p.33 ¶2) 	Supervisor	
16.	<p>Security and Control Standard 14, Special Management Unit (Disciplinary Segregation)</p> <ul style="list-style-type: none"> III.D.13. Recreation shall be provided to detainees in disciplinary segregation in accordance with the "Recreation" standard. The standard provisions shall be carried out, absent compelling security or safety reasons documented by the OIC. 	<ul style="list-style-type: none"> Detainees in punitive segregation do not have access to recreation. (p.33 ¶2) 	Supervisor	