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File No. 502130-0027

**MEMORANDUM**

May 19, 2009  
**CONFIDENTIAL**

**To:** James T. Hayes, Jr., Director, Office of Detention and Removal, Immigration and Customs Enforcement  
**From:** American Bar Association Delegation to the Florence Service Processing Center<sup>1</sup>  
**Copies to:** [REDACTED] ABA Commission on Immigration  
**Subject:** Report on Observational Tour of the Florence Service Processing Center, Florence, Arizona

This memorandum summarizes and evaluates information gathered at the Florence Service Processing Center (“Florence SPC” or “the facility”) in Florence, Arizona, during the delegation’s August 30, 2007 visit to the facility. The delegation gathered information through observation of the facility, interviews with four detainees, and discussions with Florence SPC and Immigration and Customs Enforcement (“ICE”) personnel.

**I. ICE DETENTION STANDARDS**

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

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<sup>1</sup> The delegation was comprised of attorneys from the Los Angeles office of Latham & Watkins LLP, including [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

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

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

## II. INTRODUCTION

### A. The Delegation’s Visit, August 30, 2007

On Thursday, August 30, 2007, the members of our delegation met with several members of Florence SPC’s staff and a representative from the ICE office in Florence, Arizona. Officer-in-Charge [REDACTED], Assistant Officer-in-Charge [REDACTED], Officer [REDACTED] and ICE Official [REDACTED] led our delegation on a tour of the facilities and participated in post-tour follow-up discussions. The delegation also met with medical personnel along the tour: Lieutenant [REDACTED] and Physician’s Assistant [REDACTED]. 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 Florence SPC and ICE employees, as well as observations of the facility and interviews with four immigration detainees. In many instances, the 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 Florence SPC policy and procedures successfully met the Standards. However, in certain instances, 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 Florence Service Processing Center

The Florence Service Processing Center houses federal immigration detainees. According to Officer-in-Charge [REDACTED], Florence SPC has a population of approximately 1,500 detainees; there are 1,422 beds for the permanent, static population and 325 for the staging area.<sup>3</sup> Staging areas are for detainees who usually stay three to five days while awaiting imminent removal or transfer.<sup>4</sup> Florence SPC only houses males in the housing units, but there are females housed in the staging areas.<sup>5</sup> Officer-in-Charge [REDACTED]

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<sup>3</sup> Notes of delegation member [REDACTED], on conversation with Officer-in-Charge (OIC) [REDACTED].

<sup>4</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

<sup>5</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

estimated that the facility housed immigration detainees from over seventy different countries, with the majority from Guatemala or Honduras.<sup>6</sup>

### III. LEGAL ACCESS STANDARDS

#### A. Visitation

##### 1. Visitation by Attorneys

The Standards require that facilities permit legal visitation seven days per week.<sup>7</sup> Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend.<sup>8</sup> The visits must be private, and should not be interrupted for head counts.<sup>9</sup> Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.<sup>10</sup> Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.<sup>11</sup>

**Florence SPC meets this section of the Standards.** Attorneys may visit the detainees seven days per week, from the hours of 8:00 a.m. to 4:30 p.m..<sup>12</sup> Detainees also may have telephone conferences with their attorneys using the phones at the housing units.<sup>13</sup> Attorneys must provide a bar card or other evidence of their status to visit.<sup>14</sup> Non-attorneys (including paralegals and law students) may meet with detainees, but must have a letter from an attorney to be allowed access.<sup>15</sup>

The information given in the “Florence Processing Center Detainee Handbook” (the “Detainee Handbook”) is consistent with the information that the facility staff provided during the tour.<sup>16</sup> No limits were placed on attorney visitation during mealtimes.<sup>17</sup> Detainee [REDACTED] b6, b7C

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<sup>6</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C

<sup>7</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

<sup>8</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

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

<sup>10</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

<sup>11</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

<sup>12</sup> Notes of delegation member [REDACTED] b6, on examination of visiting hours schedule posted at the front entrance of the facility and in the housing units; Florence Processing Center Detainee Handbook (“Detainee Handbook”), p. 13. Handbook attached hereto as Attachment E (revised March 2005).

<sup>13</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED]

<sup>14</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C

<sup>15</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED]

<sup>16</sup> Detainee Handbook, p. 13.

b6, b7C stated that the facility provides a sack lunch to detainees if a visit continues through a meal.<sup>8</sup>

The Florence SPC has approximately three attorney visitation booths.<sup>19</sup> All visits in the attorney visitation booths are semi-contact visits.<sup>20</sup> Each booth has a Plexiglas divider between the detainee and the attorney, with an approximately two inch by twelve inch opening to allow transfer of documents.<sup>21</sup> Attorneys are not searched, and detainees are subject to a pat down search after a legal visit.<sup>22</sup>

The Florence SPC website has a telephone number to check the status of a particular detainee,<sup>23</sup> and that the presence of a detainee can be confirmed by calling the listed number.<sup>24</sup>

## 2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the Standards encourage visits from family and friends.<sup>25</sup> The Standards require that facilities establish written visitation hours and procedures, post them where detainees can see them, and make them available to the public.<sup>26</sup> This includes procedures for handling incoming money for detainees.<sup>27</sup> The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”<sup>28</sup> 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.<sup>29</sup> Visits should be at least thirty minutes long, and longer when possible.<sup>30</sup>

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<sup>17</sup> Notes of delegation member [b6], on conversation with OIC [b6, b7C]

<sup>18</sup> Notes of delegation member [b6] on interview with detainee [b6, b7C]

<sup>19</sup> Observations of delegation member [b6].

<sup>20</sup> Notes of delegation member [b6], on conversation with OIC [b6, b7C]

<sup>21</sup> Observations of delegation member [b6]

<sup>22</sup> Notes of delegation member [b6], on conversation with OIC [b6, b7C] and interview with detainee [b6, b7C]

<sup>23</sup> See <http://www.ice.gov/pi/dro/facilities/florence.htm>.

<sup>24</sup> Observations of delegation member [b6]

<sup>25</sup> Detention Operations Manual, Detainee Services, Standard 17, Section I.

<sup>26</sup> Detention Operations Manual, Detainee Services, Standard 17, Sections III.A & B.

<sup>27</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

<sup>28</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

<sup>29</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>30</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

**Florence SPC meets this section of the Standards.** The visitation schedule is clearly posted at the entrance to the facility.<sup>31</sup> A visitation schedule also is posted on the Florence SPC web site.<sup>32</sup> Visiting hours are on weekends and holidays, from 8:30 a.m. until 11:15 a.m. and from 12:30 p.m. until 3:15 p.m.<sup>33</sup> The Detainee Handbook does not place limits on the number of visits, but requires authorization for visits of more than three people.<sup>34</sup> The schedule ensures that each detainee may receive visitors either on Saturday or Sunday.<sup>35</sup> Florence SPC generally confines visits to these hours, but supervisors may adjust the schedule for special visits.<sup>36</sup> The Detainee Handbook provides that detainees can request special visits for large families, out-of-state visitors and visitors unable to visit during the regular visitation hours.<sup>37</sup> Visits generally last forty-five minutes, but may be shortened if the facility is crowded or extended at the supervisor's discretion.<sup>38</sup> Visits are contact visits.<sup>39</sup> Detainee [REDACTED] stated that he was subject to strip searches following a family visit.<sup>40</sup> He also noted that former detainees were not allowed to visit current detainees.<sup>41</sup>

## 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.<sup>42</sup> In order to meet this

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<sup>31</sup> Observations of delegation members [REDACTED] and [REDACTED]

<sup>32</sup> Florence Service Processing Center, "Hours and Visitations," available at: <http://www.ice.gov/pi/dro/facilities/florence.htm#visit>.

<sup>33</sup> Notes of delegation member [REDACTED], on examination of visiting hours schedule posted at the front entrance of the facility.

<sup>34</sup> Detainee Handbook, p. 14.

<sup>35</sup> Observations of delegation members [REDACTED] and [REDACTED]; Florence Service Processing Center, "Hours and Visitations," available at: <http://www.ice.gov/pi/dro/facilities/florence.htm#visit>.

<sup>36</sup> Detainee Handbook, p. 14; observations of delegation member [REDACTED] of visit in progress during the delegation's weekday tour.

<sup>37</sup> Detainee Handbook, p. 14.

<sup>38</sup> Detainee Handbook, p. 14; notes of delegation member [REDACTED], on conversation with OIC [REDACTED]

<sup>39</sup> Notes of delegation member [REDACTED] on observation of visit in progress during the delegation's weekday tour; Detainee Handbook, p. 14.

<sup>40</sup> Notes of delegation member [REDACTED] on interview of detainee [REDACTED]

<sup>41</sup> Notes of delegation member [REDACTED] on interview of detainee [REDACTED]

<sup>42</sup> Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

requirement, facilities must provide at least one telephone for every twenty-five detainees.<sup>43</sup> 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.<sup>44</sup>

**Florence SPC meets this Standard.** Each housing unit has its own set of about three phones and the number is approximately one phone per twenty detainees.<sup>45</sup> The telephones are accessible during open dayroom periods except during head counts.<sup>46</sup>

Rules and instructions regarding telephone usage are posted next to the phones in both English and Spanish.<sup>47</sup> Detainee [REDACTED] b6, b7C stated that the phone system worked, and that wait times were generally reasonable, but occasionally were up to a half hour.<sup>48</sup>

## 2. Direct Calls and Free Calls

The Standards allow facilities to generally 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.<sup>49</sup> The facility shall not require indigent detainees to pay for these types of calls if local, or if non-local when there is a compelling need.<sup>50</sup> 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.”<sup>51</sup>

**Florence SPC meets this section of the Standards; detainees are able to make calls to legal service providers or to consulates at no charge through a pre-programmed system.** Phones were on the wall in the public dayrooms, next to a bulletin board with lists of phone numbers of legal services providers.<sup>52</sup> Florence SPC uses a preprogrammed system to place direct calls to a variety of pro bono service providers and various consulates.<sup>53</sup> The delegation

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<sup>43</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

<sup>44</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

<sup>45</sup> Observations of delegation members [REDACTED] b6 and [REDACTED] b6 .

<sup>46</sup> Detainee Handbook, p. 16.

<sup>47</sup> Observations of delegation member [REDACTED] b6 .

<sup>48</sup> Notes of delegation member [REDACTED] b6 , on interview with detainee [REDACTED] b6, b7C .

<sup>49</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>50</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

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

<sup>52</sup> Observations of delegation member [REDACTED] b6 .

<sup>53</sup> Observations of delegation member [REDACTED] b6 .

was able to successfully reach several consulates by following the posted dialing information.<sup>54</sup> Detainee [REDACTED] b6, b7C stated that he is able to contact the Florence Project through the phone system.<sup>55</sup> The phone system was also equipped for collect or debit calls.<sup>56</sup>

### 3. Telephone Access to Legal Representatives

The Standards provide that the facility shall not restrict the number of calls a detainee may place to his/her legal representatives, nor limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones.<sup>57</sup> If time limits are necessary, they shall be no shorter than twenty minutes.<sup>58</sup> The Standards require that the facility ensure privacy for detainees' telephone calls regarding legal matters, and that calls shall not be electronically monitored absent a court order.<sup>59</sup>

**Florence SPC does not fully meet this section of the Standards; detainees are unable to make private telephone calls, because all the phones where detainees make outgoing calls are located in the public dayrooms with no privacy safeguards.**<sup>60</sup> The telephones are out in the open, and there are no partitions.<sup>61</sup> Detainee [REDACTED] b6, b7C expressed concern over privacy when using the phone.<sup>62</sup> Officer-in-Charge [REDACTED] b6, b7C indicated that the facility did not have technology to monitor detainees' calls.

### 4. Incoming Calls and Messages

The Standards require that facilities take and deliver messages to detainees as promptly as possible.<sup>64</sup> If the facility receives an emergency telephone call for a detainee, the Standards require the facility to obtain the caller's name and number and permit the detainee to return the emergency call as soon as possible.<sup>65</sup>

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<sup>54</sup> Observations of delegation member [REDACTED] b6, b7C

<sup>55</sup> Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C

<sup>56</sup> Observations of delegation member [REDACTED] b6

<sup>57</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

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

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

<sup>60</sup> Observations of delegation member [REDACTED] b6

<sup>61</sup> Observations of delegation member [REDACTED] b6

<sup>62</sup> Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C

<sup>63</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C

<sup>64</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

<sup>65</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

**Florence SPC meets this section of the Standards.** Incoming phone calls and messages are accepted at Florence SPC.<sup>66</sup> Detainee [REDACTED] b6, b7C reported that the facility did take and deliver messages to him.<sup>67</sup> Detainee [REDACTED] b6, b7C reported receiving all messages within about an hour.<sup>68</sup> The procedure for making emergency calls is to refer them to Chief Immigration Enforcement Agent who approves any special access calls.<sup>69</sup>

#### 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.<sup>70</sup>

**Florence SPC meets this section of the Standards.** Detainees at Florence SPC placed in the SMU for disciplinary reasons have access to the telephones.<sup>71</sup>

#### 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.”<sup>72</sup>

#### 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.<sup>73</sup> Each detainee shall be permitted to use the law library for a minimum of five hours per week.<sup>74</sup>

**Florence SPC appears to meet this section of the Standards, but there is some confusion about the library’s operating hours.** According to Officer [REDACTED] b6, b7C from 8 a.m. to 10 p.m. three detainees may utilize the law library at one time.<sup>75</sup> According to the Detainee

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<sup>66</sup> Detainee Handbook, p. 16.

<sup>67</sup> Notes of delegation member [REDACTED] b6 on interview with detainee [REDACTED] b6, b7C

<sup>68</sup> Notes of delegation member [REDACTED] b6 on interview with detainee [REDACTED] b6, b7C

<sup>69</sup> Detainee Handbook, p. 16.

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

<sup>71</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C

<sup>72</sup> Detention Operations Manual, Detainee Services, Standard 1, Section I.

<sup>73</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>74</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>75</sup> Notes of delegation member [REDACTED] b6, on interview with OIC [REDACTED] b6, b7C



Handbook, the law library is open from 9 a.m. to 9 p.m. daily.<sup>76</sup> Detainee [REDACTED] b6, b7C confirmed the information in the Detainee Handbook.<sup>77</sup> However, according to detainee X, the library is open daily from 9 a.m. to 11 a.m., then from 1 p.m. to 3 p.m., and then from 5 p.m. to 7 p.m.<sup>78</sup> Detainee [REDACTED] b6, b7C mentioned law library hours rotate daily and that he is able to access the library twice a day.<sup>79</sup> He stated that many detainees fail to take advantage of the library resources because of their difficulty with English.<sup>80</sup>

## 2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees' legal research and writing.<sup>81</sup> 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."<sup>82</sup>

**It is unclear whether Florence SPC fully meets this section of the Standards: one detainee indicated that prolonged broken lights created a problem for library conditions.** The law library is well lit and is well-isolated from noise and foot traffic.<sup>83</sup> According to detainee X, serious problems such as prolonged broken lighting negatively affect library conditions.<sup>84</sup>

## 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*.<sup>85</sup> 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.<sup>86</sup> Damaged or stolen materials must be promptly replaced.<sup>87</sup>

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<sup>76</sup> Detainee Handbook, p. 18.

<sup>77</sup> Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C

<sup>78</sup> Notes of delegation member [REDACTED] b6, on interview with detainee X.

<sup>79</sup> Notes of delegation member [REDACTED] b6 on interview with detainee [REDACTED] b6, b7C

<sup>80</sup> Notes of delegation member [REDACTED] b6 on interview with detainee [REDACTED] b6, b7C

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

<sup>82</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

<sup>83</sup> Observations of delegation member [REDACTED] b6

<sup>84</sup> Notes of delegation member [REDACTED] b6, on interview with detainee X.

<sup>85</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

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

<sup>87</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

**Florence SPC does not appear to fully meet this section of the Standards; it does not contain all of the required materials.** Florence SPC does not have all of the materials listed in Attachment A to the chapter on *Access to Legal Materials* physically present in the library.<sup>88</sup> The posted list of the library's holdings stated that several of the texts are available online or "in jail control."<sup>89</sup> However, we noted the following texts were not in the library and are not listed as otherwise available in the library.<sup>90</sup>

- *Human Rights Watch – World Report*
- *Lawyer's Committee Handbook on Representing Asylum Applicants*. The library noted this text is out of print.
- *Legal Research in a Nutshell*. Florence staff noted this text is frequently stolen.

#### 4. Library Equipment and Supplies

The Standards require that the facility law library provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.<sup>91</sup> Staff must inspect the library at least once a week to ensure equipment is in working order and sufficient supplies are stocked.<sup>92</sup>

**Florence SPC does not appear to fully meet this section of the Standards: detainees stated that sometimes necessary supplies have been unavailable for long periods, and that the computer has been broken for six months.** Florence SPC has a computer available in its law library, as well as a typewriter.<sup>93</sup> The typewriter was functioning during the delegation's tour.<sup>94</sup> There was no paper in the library,<sup>95</sup> but detainees are able to request paper for the typewriter from the Jail Control.<sup>96</sup> Several detainees stated that the typewriter ribbons were often unusable, and that replacements are not available for several days.<sup>97</sup> Detainee X mentioned it sometimes took three to four weeks before the staff supplied paper for the

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<sup>88</sup> Observations of delegation member [REDACTED]

<sup>89</sup> Observations of delegation member [REDACTED]

<sup>90</sup> Observations of delegation member [REDACTED]

<sup>91</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>92</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>93</sup> Observations of delegation member [REDACTED]

<sup>94</sup> Notes of delegation member [REDACTED] on examination and testing of the typewriter.

<sup>95</sup> Notes of delegation member [REDACTED]

<sup>96</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED]

<sup>97</sup> Notes of delegation member [REDACTED], on interview with detainee [REDACTED];

notes of delegation member [REDACTED], on interview with detainee [REDACTED].

typewriter.<sup>98</sup> Also, some of the books and materials often have missing pages.<sup>99</sup> The computer had a CD-ROM or DVD-ROM with legal materials from LEXIS, but was not equipped to print.<sup>100</sup> The delegation started the computer and was able to access the LEXIS materials.<sup>101</sup> However, detainee X said detainees previously waited six months before the staff repaired the broken computer.<sup>102</sup>

## 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 the detainee's legal proceedings.<sup>103</sup> Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.<sup>104</sup> Facility personnel may not read a document that is clearly related on its face to a detainee's legal proceeding.<sup>105</sup>

**It is unclear whether Florence SPC fully meets this section of the Standards: one detainee stated that his requests for photocopies are often ignored.** Detainees are permitted to obtain photocopies related to their case.<sup>106</sup> An officer goes around the housing units each night to collect items that need to be photocopied.<sup>107</sup> Each detainee receives one copy for the court, one copy for his own records, and one copy for his attorney.<sup>108</sup>

However, detainee [REDACTED] b6, b7C stated that officers often ignore his photocopy requests.<sup>109</sup> Detainee X also said the permitted amount of photocopies often changes and photocopies are only available Monday through Friday.<sup>110</sup> Detainee [REDACTED] b6, b7C stated that

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<sup>98</sup> Notes of delegation member [REDACTED] b6, on interview with detainee X.

<sup>99</sup> Notes of delegation member [REDACTED] b6, on interview with detainee X.

<sup>100</sup> Observations of delegation member [REDACTED] b6.

<sup>101</sup> Observations of delegation member [REDACTED] b6.

<sup>102</sup> Notes of delegation member [REDACTED] b6, on interview with detainee X.

<sup>103</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>104</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>105</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>106</sup> Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

<sup>107</sup> Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C.

<sup>108</sup> Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].

<sup>109</sup> Notes of delegation member [REDACTED] b6 on interview with detainee [REDACTED] b6, b7C.

<sup>110</sup> Notes of delegation member [REDACTED] b6, on interview with detainee X.

many detainees withhold sensitive materials from officers and send them to their families for photocopying.<sup>111</sup>

#### 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.”<sup>112</sup> Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.<sup>113</sup> While the presentations are open to all detainees, the facility “may limit the number of detainees at a single session.”<sup>114</sup> “The facility shall select and provide an environment conducive to the presentation, consistent with security.”<sup>115</sup> In addition, detainees shall have regular opportunities to view an “ICE-approved videotaped presentation on legal rights.”<sup>116</sup>

**It is unclear whether Florence SPC fully meets this section of the Standards; some detainees indicated that they had not seen a group rights presentation or the Know Your Rights video.** According to Florence SPC personnel, there are no restrictions on group rights presentations.<sup>117</sup> Furthermore, the Detainee Handbook details the availability of groups rights presentations.<sup>118</sup> However, two of the detainees that met with the delegation never saw or attended a group rights presentation.<sup>119</sup> According to detainee [REDACTED] b6, b7C group rights presentations are permitted, but he was not aware of anyone coming to Florence SPC to give presentations.<sup>120</sup> Detainee X acknowledged attending one presentation by the Florence Immigrant & Refugee Rights Project (“FIRRP”) where attorneys were available to meet after the presentation; however, he has not heard about other presentations.<sup>121</sup> FIRRP flyers on legal access are posted in the common area of the pod we visited.<sup>122</sup>

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<sup>111</sup> Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C.

<sup>112</sup> Detention Operations Manual, Detainee Services, Standard 9, Section I.

<sup>113</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

<sup>114</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

<sup>115</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

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

<sup>117</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.

<sup>118</sup> Detainee Handbook, p. 20.

<sup>119</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on interviews with Detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C respectively.

<sup>120</sup> Notes of delegation member [REDACTED] b6 on interview with detainee [REDACTED] b6, b7C.

<sup>121</sup> Notes of delegation member [REDACTED] b6, on interview with detainee X.

<sup>122</sup> Observations of delegation member [REDACTED] b6.

According to the staff, Florence SPC plays the “Know Your Rights” video on the televisions inside the facility every day.<sup>123</sup> However, three of the detainees that met with the delegation did not recall ever seeing the “Know Your Rights” video.<sup>124</sup>

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

##### A. Correspondence and Other Mail

The Standards require that detainees be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility.<sup>125</sup> 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 for security reasons.<sup>126</sup> Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.<sup>127</sup> Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.<sup>128</sup> Outgoing special correspondence may not be opened, inspected, or read.<sup>129</sup>

The Detainee Handbook must specify how to address correspondence, the definition of special correspondence and how it should be labeled, the procedure for purchasing postage, and rules for providing indigent detainees free postage.<sup>130</sup> 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; indigent detainees must be permitted to mail at least five pieces of special correspondence and three pieces of general mail per week.<sup>131</sup> Finally, the Standards require that facilities notify detainees of specific information regarding correspondence policies.<sup>132</sup>

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<sup>123</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED]

<sup>124</sup> Notes of delegation member [REDACTED], on interview with detainee [REDACTED]; notes of delegation member [REDACTED], on interview with detainee [REDACTED]; notes of delegation member [REDACTED], on interview with detainee X.

<sup>125</sup> Detention Operations Manual, Detainee Services, Standard 3, Section I.

<sup>126</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

<sup>127</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.

<sup>128</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

<sup>129</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

<sup>130</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

<sup>131</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.I, and Standard 1, Section III.N.

<sup>132</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

**It is unclear whether Florence SPC fully meets this section of the Standards; one detainee reported that special correspondence was opened outside his presence and two reported that incoming mail with currency often disappears.** Florence SPC provides all detainees with the Detainee Handbook,<sup>133</sup> which includes the required notifications and how to send mail.<sup>134</sup> The Detainee Handbook further provides that the facility will mail up to two letters for an inmate each day, regardless of indigent status.<sup>135</sup> According to the staff, detainees receive free stamps, envelopes, and paper.<sup>136</sup> Detainee [b6, b7C] reported that he was able to send mail without charge, using paper and envelopes requested from the Jail Control.<sup>137</sup> Detainee [b6, b7C] likewise reported that he was able to get envelopes and writing materials and that the facility mailed them without charge.<sup>138</sup> Likewise, detainee [b6, b7C] reported that he was able to send mail without charge.<sup>139</sup>

Detainee [b6, b7C] reported difficulties in receiving mail sent from within the United States.<sup>140</sup> Detainee [b6, b7C] also reported problems with receipt of mail, particularly when the mail contained money.<sup>141</sup> He and detainee [b6, b7C] both stated that incoming mail containing currency often disappears and fails to reach the intended detainee.<sup>142</sup> Detainee [b6, b7C] also reported that special correspondence had to be opened in the presence of a guard, but was not read.<sup>143</sup> However, detainee [b6, b7C] reported he received special correspondence that was opened outside of his presence even when “Legal Mail” was printed on the envelope.<sup>144</sup>

## B. Detainee Handbook

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<sup>133</sup> Notes of delegation member [b6] on conversations with OIC [b6, b7C].

<sup>134</sup> Detainee Handbook, p. 14.

<sup>135</sup> Detainee Handbook, p. 14.

<sup>136</sup> Notes of delegation member [b6], on conversations with OIC [b6, b7C] and Officer [b6, b7C].

<sup>137</sup> Notes of delegation member [b6] on interview with detainee [b6, b7C].

<sup>138</sup> Notes of delegation member [b6], on interview with detainee [b6, b7C].

<sup>139</sup> Notes of delegation member [b6] on interview with detainee [b6, b7C].

<sup>140</sup> Notes of delegation member [b6] on interview with detainee [b6, b7C].

<sup>141</sup> Notes of delegation member [b6] on interview with detainee [b6, b7C]. See Attachment A, declaration of [b6, b7C] dated August 30, 2007.

<sup>142</sup> Notes of delegation member [b6], on interview with detainee [b6, b7C]; notes of delegation member [b6], on interview with detainee [b6, b7C].

<sup>143</sup> Notes of delegation member [b6] on interview with detainee [b6, b7C].

<sup>144</sup> Notes of delegation member [b6], on interview with detainee [b6, b7C]. See Attachment A, declaration of [b6, b7C] dated August 30, 2007.

The Standards require that every Officer in Charge develop a site-specific detainee handbook to serve as an overview of detention policies, rules, and procedures.<sup>145</sup> Every detainee should receive a copy of the handbook upon admission to the facility.<sup>146</sup> The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.<sup>147</sup> The handbook must include visitation hours and rules.<sup>148</sup> The handbook must notify detainees of the correspondence policy.<sup>149</sup> The grievance section of the handbook shall include details on the following: (a) the opportunity to file informal and formal grievances; (b) procedures for filing a grievance and appeal, including the availability of assistance in preparing a grievance; (c) procedures for resolving a grievance or appeal; (d) policy prohibiting staff from harassing, disciplining, punishing, or otherwise retaliating against any detainee for filing a grievance; and (e) the opportunity to file a complaint about officer misconduct directly with the Justice Department.<sup>150</sup>

**Florence SPC substantially meets this section of the Standards; however, the handbook does not include facility visiting hours.** Detainees receive a copy of the handbook upon admission to the facility.<sup>151</sup> The Detainee Handbook is printed in English and Spanish.<sup>152</sup> Although the Detainee Handbook does not list general visitation hours, it refers to the visiting hours posted in each of the housing units.<sup>153</sup> The Detainee Handbook also explains how to send and receive correspondence.<sup>154</sup> The grievance section of the Detainee Handbook discloses all of the required items above except for (e), the DOJ address.<sup>155</sup> Instead, the Detainee Handbook provides the following information for the DHS Office of the Inspector General, which is more up to date: Office of the Inspector General, 245 Murray Drive, S.E., Building 410, Washington, DC 20528, 1-800-323-8603.<sup>156</sup>

### C. Recreation

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<sup>145</sup> Detention Operations Manual, Detainee Services, Standard 6, Section I.

<sup>146</sup> Detention Operations Manual, Detainee Services, Standard 6, Section I.

<sup>147</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

<sup>148</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

<sup>149</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

<sup>150</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

<sup>151</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

<sup>152</sup> Observations of delegation member [REDACTED].

<sup>153</sup> Detainee Handbook, pp. 13-14.

<sup>154</sup> Detainee Handbook, pp. 14-15.

<sup>155</sup> Detainee Handbook, p. 19.

<sup>156</sup> Detainee Handbook, p. 19.

The Standards require that all detainees have access to recreational programs and activities, under conditions of security and safety.<sup>157</sup> Detainees should be housed in facilities with outdoor recreation.<sup>158</sup> In SPCs, “if practical considerations permit, detainees will have access to outdoor recreation every day, including weekends.”<sup>159</sup> If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.<sup>160</sup> Detainees should have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise if outdoor recreation is not available, and games and television in dayrooms.<sup>161</sup> Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.<sup>162</sup> Detainees housed in the Special Management Unit shall recreate apart from the general population for one hour per day, at least five days each week.<sup>163</sup>

**Florence SPC meets this section of the Standards.** Officer-in-Charge [REDACTED] b6, b7C is the Florence SPC’s Recreation Specialist,<sup>164</sup> although the Detainee Handbook indicates two Recreation Specialists organize athletic events and contests for the detainees.<sup>165</sup> Florence SPC offers sixty to ninety minutes of outdoor recreation every day, including weekends.<sup>166</sup> Detainees do not have to forgo library privileges to partake in recreation activities.<sup>167</sup> The outdoor recreation yard consists of an uncovered dirt field with small patches of grass.<sup>168</sup> Adjacent to the field is a covered area that has one basketball court and one volleyball court.<sup>169</sup> Benches and apparatus that allow detainees to perform chin-up or dip exercises are spread along the volleyball

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<sup>157</sup> Detention Operations Manual, Detainee Services, Standard 13, Section I.

<sup>158</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

<sup>159</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

<sup>160</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

<sup>161</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

<sup>162</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

<sup>163</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.H.

<sup>164</sup> Notes of delegation member [REDACTED] b6, on conversations with OIC [REDACTED] b6, b7C

<sup>165</sup> Detainee Handbook, p. 17.

<sup>166</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C and interview with detainee [REDACTED] b6, b7C

<sup>167</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C

<sup>168</sup> Observations of delegation member [REDACTED]

<sup>169</sup> Observations of delegation member [REDACTED] b6



court.<sup>170</sup> Nearby is a restroom where detainees can obtain water during their outdoor recreation time.<sup>171</sup>

Detainees are permitted to participate in limited contact sports such as soccer,<sup>172</sup> basketball, and volleyball.<sup>173</sup> Detainees may also use the perimeter of the outdoor recreation area as a running track.<sup>174</sup> Fences surround the outdoor recreation area and two guards sit at opposite corners of the outdoor recreation area to supervise the detainees during recreation.<sup>175</sup> In the past, people have thrown items such as tennis balls containing contraband over the fence and onto the outdoor field.<sup>176</sup> Consequently, guards search the outdoor recreation area for contraband daily, but not every time detainees enter or leave the recreation area.<sup>177</sup>

Detainees housed in Special Management Units for disciplinary reasons recreate apart from the general detainee population.<sup>178</sup> Segregated detainees have at least one hour of recreation at least five days a week.<sup>179</sup> There are three fence-enclosed, trapezoidal areas available for segregated detainees to use for outdoor recreation, but the space is substantially smaller than the outdoor recreation area available to the general detainee population.<sup>180</sup> Each fence-enclosed area has an approximate length of thirty feet and width of ten feet.<sup>181</sup> There is no exercise equipment in the area.<sup>182</sup> An overhead trellis provides shade over a small portion of the enclosed area.<sup>183</sup>

Each housing unit also has a dayroom where detainees may watch television or play board games.<sup>184</sup> There is one overhead rear-projection television, which has an approximately

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<sup>170</sup> Observations of delegation member [REDACTED] b6

<sup>171</sup> Observations of delegation member [REDACTED] b6 notes of delegation member [REDACTED] b6 on conversation with OIC [REDACTED] b6, b7C

<sup>172</sup> Notes of delegation member [REDACTED] b6 on conversation with OIC [REDACTED] b6, b7C

<sup>173</sup> Observations of delegation member [REDACTED] b6

<sup>174</sup> Notes of delegation member [REDACTED] b6 on conversation with OIC [REDACTED] b6, b7C

<sup>175</sup> Observations of delegation member [REDACTED] b6

<sup>176</sup> Notes of delegation member [REDACTED] b6 on conversation with OIC [REDACTED]

<sup>177</sup> Notes of delegation member [REDACTED] b6 on conversation with OIC [REDACTED] b6, b7C

<sup>178</sup> Notes of delegation member [REDACTED] b6 on conversation with OIC [REDACTED]

<sup>179</sup> Detainee Handbook, p. 17.

<sup>180</sup> Observations of delegation member [REDACTED]

<sup>181</sup> Observations of delegation member [REDACTED]

<sup>182</sup> Observations of delegation member [REDACTED] b6

<sup>183</sup> Observations of delegation member [REDACTED]

<sup>184</sup> Observations of delegation member [REDACTED]

25-inch screen.<sup>185</sup> Elevated windows on each of the walls, but outside of the reach of detainees, allow natural light to enter the room.<sup>186</sup> There are no other indoor recreation facilities or equipment for weight or cardiovascular training.<sup>187</sup>

Florence SPC schedules recreation time for each of the housing units<sup>188</sup> and rotates the schedule so each housing unit receives both morning and afternoon recreation periods.<sup>189</sup> However, recreation schedules are not posted in the housing units.<sup>190</sup> One detainee compliments the recreation privileges, but mentions despite the bright desert sun, detainees do not receive sunscreen to protect against sun exposure.<sup>191</sup> Another detainee notes “shakedowns” often interfere with recreation time.<sup>192</sup>

#### D. Access to Medical Care

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.<sup>193</sup> In SPCs, new arrivals are required to receive health screening during in-processing and prior to the detainee’s placement into a housing unit.<sup>194</sup> Health screening should include tuberculosis screening by PPD (mantoux method) or chest x-ray, with PPD as the primary screening method unless it is contraindicated, in which case the chest x-ray should be administered.<sup>195</sup> A translator should be available if necessary.<sup>196</sup> SPC facilities must provide sick call request slips for detainees to request health care services on a daily basis.<sup>197</sup> The slips must be received by the medical facility in a timely manner.<sup>198</sup> Facilities must also have procedures in place to provide emergency medical care for detainees

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<sup>185</sup> Observations of delegation member [REDACTED].

<sup>186</sup> Observations of delegation member [REDACTED].

<sup>187</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

<sup>188</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED] and interview with detainee [REDACTED].

<sup>189</sup> Detainee Handbook, p. 17.

<sup>190</sup> Observations of delegation member [REDACTED].

<sup>191</sup> Notes of delegation member [REDACTED] on interview with detainee [REDACTED].

<sup>192</sup> Notes of delegation member [REDACTED] on interview with detainee [REDACTED].

<sup>193</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

<sup>194</sup> Detention Operations Manual, Health Services, Standard 2, Section III.D.

<sup>195</sup> Detention Operations Manual, Health Services, Standard 2, Section III.D.

<sup>196</sup> Detention Operations Manual, Health Services, Standard 2, Section III.D.

<sup>197</sup> Detention Operations Manual, Health Services, Standard 2, Section III.F.

<sup>198</sup> Detention Operations Manual, Health Services, Standard 2, Section III.F.

when needed.<sup>199</sup> In addition, as a rule, medical treatment will not be administered against the detainee's will.<sup>200</sup>

**Florence SPC may not fully meet this section of the Standards: first, the facility uses chest x-ray as the primary method of tuberculosis screening instead of PPD. Second, one detainee stated translation services were not provided in the medical facility. Third, one detainee stated he has not been provided with over the counter medication.** All detainees are screened mentally and physically immediately upon arrival.<sup>201</sup> If any chronic care issues are detected, the detainee receives medical attention the next day.<sup>202</sup> About forty to fifty detainees go through this screening process daily.<sup>203</sup> Screening includes a chest x-ray to detect tuberculosis.<sup>204</sup> The new detainees must sign a consent form prior to their initial screening.<sup>205</sup> If detainees refuse to do so, they are put into an isolation area and not allowed to enter the facility.<sup>206</sup>

On its medical staff, Florence SPC has a physician, a psychologist, a psychiatrist, four mid-levels,<sup>207</sup> ten registered nurses (RNs), two licensed practical nurses (LPNs), a dentist and a pharmacist.<sup>208</sup> The facility's medical care is provided by U.S. Public Health Services. The facility includes a tuberculosis isolation facility equipped with negative air flow chambers and a medical center with four beds.<sup>209</sup> Mental health services including cognitive therapy and medication are available.<sup>210</sup> Detainees who need dialysis or other regular treatment with special

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<sup>199</sup> Detention Operations Manual, Health Services, Standard 2, Section III.G.

<sup>200</sup> Detention Operations Manual, Health Services, Standard 2, Section III.I.

<sup>201</sup> Notes of delegation member [REDACTED], on conversation with Physician's Assistant [REDACTED].

<sup>202</sup> Notes of delegation member [REDACTED], on conversation with Physician's Assistant [REDACTED].

<sup>203</sup> Notes of delegation member [REDACTED], on conversation with Physician's Assistant [REDACTED].

<sup>204</sup> Notes of delegation member [REDACTED], on conversation with Physician's Assistant [REDACTED].

<sup>205</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>206</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>207</sup> That is, a mid-level provider—someone who is not a physician but is licensed to diagnose and treat patients under the supervision of a physician.

<sup>208</sup> Notes of delegation members [REDACTED], [REDACTED], and [REDACTED], on conversation with [REDACTED].

<sup>209</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

<sup>210</sup> Notes of delegation member [REDACTED], on conversation with [REDACTED].

equipment are escorted by staff to a local hospital.<sup>211</sup> Medication for detainees with HIV is also available.<sup>212</sup> Medical education posters in English and Spanish were posted in the units the delegation visited.<sup>213</sup>

According to a member of the medical staff, interpreters are available for detainee patients.<sup>214</sup> Detainee X stated that interpreters have been made available for his medical visits.<sup>215</sup> Detainee [REDACTED] b6, b7C stated that he has been asked to interpret for other detainees needing medical attention. However, detainee [REDACTED] b6, b7C, who speaks only limited English, said that an interpreter had not been made available to him during treatment.<sup>217</sup>

Sick call is conducted daily during regular sick call hours.<sup>218</sup> Sick calls are taken through sick call slips placed in a Medical Request Box in the Kitchen Dining Room,<sup>219</sup> to which RNs on staff respond.<sup>220</sup> These RNs provide over the counter medication and other care as necessary.<sup>221</sup> The medical facility tries to have detainees see the same provider for multiple calls to prevent abuse of the system.<sup>222</sup> Same-day appointments are available for detainees with complaints.<sup>223</sup> If a detainee complains about an ailment two or more times, he is seen by the physician.<sup>224</sup>

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<sup>211</sup> Notes of delegation member [REDACTED] b6 on conversation with [REDACTED] b6

<sup>212</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C [REDACTED] b6, b7C

<sup>213</sup> Observations of delegation member [REDACTED] b6

<sup>214</sup> Notes of delegation member [REDACTED] b6 on conversation with Lieutenant [REDACTED] b6, b7C

<sup>215</sup> Notes of delegation member [REDACTED] b6, on interview with detainee X.

<sup>216</sup> Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C

<sup>217</sup> Notes of delegation member [REDACTED] b6 on interview with detainee [REDACTED] b6, b7C

<sup>218</sup> Detainee Handbook, p. 12.

<sup>219</sup> Detainee Handbook, p. 12.

<sup>220</sup> Notes of delegation member [REDACTED] b6, on conversation with Physician's Assistant [REDACTED] b6

<sup>221</sup> Notes of delegation member [REDACTED] b6, on conversation with Physician's Assistant [REDACTED] b6

<sup>222</sup> Notes of delegation member [REDACTED] b6 on conversation with Physician's Assistant [REDACTED] b6

<sup>223</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C [REDACTED] b6, b7C

<sup>224</sup> Notes of delegation member [REDACTED] b6, on conversation with Physician's Assistant [REDACTED] b6 [REDACTED] b6

Detainees with emergency medical problems may notify a Unit Housing Officer for more immediate evaluation if necessary.<sup>225</sup>

Detainee [b6, b7C] stated that when he fills out sick call forms, he gets called for medical attention within one or two days.<sup>226</sup> Detainee [b6, b7C] said that he fills out sick call forms and drops them off in the cafeteria when he feels ill, and is usually called in for medical attention on the same day.<sup>227</sup> He has not been denied care.<sup>228</sup> Detainee [b6, b7C] said that medical request forms are responded to within forty-eight hours.<sup>229</sup> He has also never been denied care.<sup>230</sup> With regard to access to over the counter medication, detainee [b6, b7C] [b6, b7C] stated that his requests for toe fungus medication and ace wrap bandages for an ankle injury were denied because they were viewed as elective.<sup>231</sup> His statement is attached.<sup>232</sup>

#### E. Access to Dental Care

The Standards require that detainees undergo an initial dental screening within fourteen days of arrival to the facility.<sup>233</sup> Thereafter, detainees must be afforded dental care for emergency dental treatment and routine dental treatment may be provided for detainees for whom treatment has been inaccessible for long periods due to detention of over six months.<sup>234</sup>

**Florence SPC appears to meet this section of the Standards.** Incoming detainees are given an initial dental screening and thereafter only necessary care (but no regular cleanings).<sup>235</sup> Appointments are given to detainees who have dental complaints.<sup>236</sup>

#### F. Hunger Strikes

The Standards require that all facilities follow accepted standards of care in the medical and administrative management of hunger-striking detainees.<sup>237</sup> Facilities must do everything

<sup>225</sup> Detainee Handbook, p. 12.

<sup>226</sup> Notes of delegation member [b6], on interview with detainee [b6, b7C]

<sup>227</sup> Notes of delegation member [b6], on interview with detainee [b6, b7C]

<sup>228</sup> Notes of delegation member [b6], on interview with detainee [b6, b7C]

<sup>229</sup> Notes of delegation member [b6], on interview with detainee [b6, b7C]

<sup>230</sup> Notes of delegation member [b6], on interview with detainee [b6, b7C]

<sup>231</sup> Notes of delegation member [b6], on interview with detainee [b6, b7C]

<sup>232</sup> See Attachment A, declaration of [b6, b7C] dated August 30, 2007.

<sup>233</sup> Detention Operations Manual, Health Services, Standard 2, Section III.E.

<sup>234</sup> Detention Operations Manual, Health Services, Standard 2, Sections III.E.1-2.

<sup>235</sup> Notes of delegation member [b6], on conversation with OIC [b6, b7C]

<sup>236</sup> Notes of delegation member [b6], on conversation with OIC [b6, b7C]

<sup>237</sup> Detention Operations Manual, Health Services, Standard 1, Section I.

within their means to monitor and protect the health and welfare of a hunger-striking detainee, and make every effort to obtain the hunger striking detainee's informed consent for treatment, especially when the hunger strike is threatening his life or long-term health.<sup>238</sup> In SPCs, medical personnel should isolate the detainee in a single-occupancy observation room when medically advisable, and may place the detainee in a Special Management Unit or locked hospital room if necessary to measure detainee input and output.<sup>239</sup> If medically indicated, the detainee may be transferred to a community hospital or a detention facility that is appropriately equipped for treatment.<sup>240</sup>

**Florence SPC appears to meet this section of the Standards.** The facility's policy is to first give detainees who may be on hunger strike a mental and physical assessment.<sup>241</sup> Vital signs are documented and physical input and output are monitored, with the detainee placed on twenty-four hour watch.<sup>242</sup> Care is not administered without consent, and if necessary, the detainee will be sent out to receive emergency care at the Emergency Room of an outside hospital.<sup>243</sup>

#### G. Detainee Classification System

The Standards require that detention facilities use a classification system to place each detained alien in the appropriate category and physically separate detainees from others in different categories.<sup>244</sup> A detainee's classification is to be determined using "objective" criteria including past offenses, escapes, institutional disciplinary history, violent episodes/incidents, etc.<sup>245</sup> Opinions and unconfirmed information are not to be taken into account.<sup>246</sup>

SPCs must assign individual detainees color-coded uniforms and wristbands based on whether they are classified Level 1, Level 2 or Level 3.<sup>247</sup> Detainees must be housed, given work assignments, and permitted activities according to their classification level.<sup>248</sup> Level 3

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<sup>238</sup> Detention Operations Manual, Health Services, Standard 1, Section I.

<sup>239</sup> Detention Operations Manual, Health Services, Standard 1, Section III.A.2.

<sup>240</sup> Detention Operations Manual, Health Services, Standard 1, Section III.B.5.

<sup>241</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]  
[REDACTED]

<sup>242</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]  
[REDACTED]

<sup>243</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]  
[REDACTED]

<sup>244</sup> Detention Operations Manual, Detainee Services, Standard 4, Section I.

<sup>245</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

<sup>246</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

<sup>247</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.A.

<sup>248</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.E.

detainees are not to be housed with Level 1 detainees.<sup>249</sup> Level 2 detainees with a history of assault or combative behavior may not be placed in a Level 1 housing unit under any circumstances.<sup>250</sup> Generally, detainees with a history of assaultive or combative behavior are not to be housed with non-violent detainees.<sup>251</sup> However, high Level 2 detainees may be housed with Level 3 detainees when a facility is at or above full capacity.<sup>252</sup>

All facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.<sup>253</sup> 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.<sup>254</sup>

**Florence SPC may not meet this section of the Standards: some detainees stated that violent and non-violent detainees are housed together at the facility.** Detainees at Florence SPC are classified into three security levels: Level 1 (most detainees), Level 2, and Level 3.<sup>255</sup> Levels 1 and 2 and Levels 2 and 3 are housed together, but Levels 1 and 3 are not.<sup>256</sup> Detainees wear different colored clothing based on their classification.<sup>257</sup> Detainees [REDACTED] and [REDACTED] both stated that while Level 1 detainees cannot be housed with Level 3 detainees, violent detainees still end up being housed with non-violent detainees,<sup>258</sup> which does not conform with the Standards. Detainee [REDACTED] also stated that he believes non-violent Level 2 detainees are sometimes housed with Level 3 detainees who have committed violent crimes.<sup>259</sup>

Our delegation visited a Level 1 unit and a Level 3 unit. The Level 1 unit has five pods with seventy beds each, with two officers on duty at all times.<sup>260</sup> The Level 3 unit has three pods with twenty-four beds each.<sup>261</sup> The unit we visited, which was open inside but behind bars

<sup>249</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.1.

<sup>250</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.3.

<sup>251</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

<sup>252</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.2.

<sup>253</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.G & H.

<sup>254</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

<sup>255</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED]

<sup>256</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED]

<sup>257</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED]

<sup>258</sup> Notes of delegation member [REDACTED], on interview with detainee [REDACTED]; notes of delegation member [REDACTED] on interview with detainee [REDACTED].

<sup>259</sup> Notes of delegation member [REDACTED], on interview with detainee [REDACTED].

<sup>260</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED]

<sup>261</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED]

separating it from the hallway, contained rows of bunk beds surrounded by detainees' blankets, books, sandals, and other personal items.<sup>262</sup>

The Detainee Handbook gives detailed information on classification, and states that detainees are classified upon arrival based on past offenses, escapes, institutional disciplinary history, violent episodes and other pertinent facts relevant to the detainee's behavior while in custody and/or his criminal past.<sup>263</sup> A point system is used in assigning a number of points for certain offenses, and the total number of points determines a detainee's classification level.<sup>264</sup> The handbook also states that detainees at Level 2 or Level 3 have the right to appeal their classification level, and explains the procedure for appeal.<sup>265</sup> Detainee X stated that he was classified on the basis of his past record,<sup>266</sup> which conforms with the Standards as a proper basis for classification. Detainee [REDACTED] b6, b7C stated that he has not been separately classified for receiving medication or for sexual orientation.<sup>267</sup>

The Detainee Handbook also discusses the restrictions and conditions of different classifications and in relation to specific acts<sup>268</sup> as well as privileges regarding the detainee voluntary work program.<sup>269</sup>

## H. Detainee Grievance Procedures

### 1. Informal/Oral Grievance

The Standards require that all facilities institute procedures for informal resolution of oral grievances.<sup>270</sup> The Officer-in-Charge is given the responsibility of establishing procedures for detainees to communicate oral grievances informally to any staff member within five days of the event that caused the grievance.<sup>271</sup> Detainees should also have the right to bypass or terminate the informal grievance process and proceed directly to the formal grievance stage.<sup>272</sup>

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<sup>262</sup> Observations of delegation member [REDACTED] b6 .

<sup>263</sup> Detainee Handbook, p. 5.

<sup>264</sup> Detainee Handbook, p. 5.

<sup>265</sup> Detainee Handbook, p. 5.

<sup>266</sup> Notes of delegation member [REDACTED] b6 , on interview with detainee X.

<sup>267</sup> Notes of delegation member [REDACTED] b6 , on interview with detainee [REDACTED] b6, b7C .

<sup>268</sup> Detainee Handbook, pp. 22-26.

<sup>269</sup> Detainee Handbook, p. 9.

<sup>270</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.

<sup>271</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.

<sup>272</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.



**Florence SPC meets this section of the Standards.** Florence SPC encourages and notifies detainees of the informal grievance procedure in the Detainee Handbook: “First, speak to your Unit Housing Officer. If he/she is unable to resolve the problem, please take the... Informal Grievance Procedure steps.”<sup>273</sup> This Informal Grievance Procedure delineates how and to whom the detainee should communicate to informally resolve the grievance up the chain of command: an oral grievance to an Immigrant Enforcement Agent, an oral grievance to a Supervisory Immigration Enforcement Agent, a written grievance on a Detainee Grievance Form to the Chief Immigration Enforcement Agent, and finally an appeal to the Officer-in-Charge by submitting another written Detainee Grievance Form.<sup>274</sup> The Chief Immigration Enforcement Agent and the Officer-in-Charge shall both respond to the detainee’s Detainee Grievance Form within five days.<sup>275</sup> The Detainee Handbook also notifies detainees that they are free to initiate the formal grievance process if dissatisfied with the outcome of the informal grievance process, or if they simply want to file a formal grievance.<sup>276</sup>

## 2. Formal/Written Grievance Procedures

The Standards require that the Officer-in-Charge institute formal grievance procedures and give detainees the opportunity to obtain assistance from another detainee or facility staff in preparing a grievance.<sup>277</sup> Such grievance procedures must include or provide the following: (a) SPC staff will provide a grievance form upon request; (b) staff will advise that one grievance form can cover one single complaint or a cluster of closely related issues; (c) the grievance form shall be delivered by authorized personnel (not detainees) without reading, altering, or delay; (d) if the detainee claims that the issue is sensitive or the detainee might be in jeopardy if others learned of the grievance, the detainee may seal the form in an envelope and mark it “Sensitive” to submit it directly to the Officer-in-Charge; (e) the detainee may obtain assistance from another detainee, housing officer, other facility staff, or outside sources in preparing the grievance; (f) no detainee may submit a grievance on another detainee’s behalf; and (g) detainees with special assistance needs shall be accommodated.<sup>278</sup> Detainees have the right to appeal the resolution of a grievance to a Detainee Grievance Committee, and such committee will convene within five working days to decide on the appeal.<sup>279</sup> Detainees will have the right to appear before the

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<sup>273</sup> Detainee Handbook, p. 19.

<sup>274</sup> Detainee Handbook, p. 19.

<sup>275</sup> Detainee Handbook, p. 19.

<sup>276</sup> Detainee Handbook, p. 19.

<sup>277</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.

<sup>278</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.

<sup>279</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.

committee to present their case.<sup>280</sup> Lastly, detainees may appeal the committee's decision to the Officer-in-Charge, whose decision on the appeal is final.<sup>281</sup>

**Florence SPC may not fully meet this section of the Standards: four detainees stated that some of their grievances are not responded to.** The Detainee Handbook specifies the procedures for instituting a formal grievance and covers all of the requirements listed above except for part (f), which states that no detainee may submit a grievance on another detainee's behalf.<sup>282</sup> That part (f) is not explicitly stated in the Detainee Handbook is not of great concern because it is implicit that the detainee with the grievance must invoke the formal grievance process herself or himself: "*You must file a Formal Grievance... Your complaint... You may appeal... You will be offered the opportunity to appear before the committee to present your case...*"<sup>283</sup> (emphasis added). Florence SPC detainees have the right to the requisite two levels of appeal, first to the Detainee Grievance Committee and then to the Officer-in-Charge.<sup>284</sup> A blank template of Florence SPC's Detainee Grievance Form is attached.<sup>285</sup>

The grievance procedures at Florence SPC appears to meet the Standards. However, detainee [b6, b7C] stated that he has received no response from Florence SPC staff on fifteen percent of his grievances.<sup>286</sup> Detainee X, who had filed seven grievances as of August 30, 2007, stated that Florence SPC staff did not respond to two or three of his filed grievances for over one hundred days.<sup>287</sup> Detainee [b6, b7C], with assistance from detainee [b6, b7C] [b6, b7C], filed a grievance on July 27, 2007 following an alleged incident of officer misconduct, but had yet to receive a response as of August 30, 2007.<sup>288</sup> Detainee [b6, b7C] completed Detainee Grievance Form is attached.<sup>289</sup> Detainee [b6, b7C] confirmed Detainee [b6, b7C] [b6, b7C] account of the story and described the grievance process at Florence SPC as unresponsive.<sup>290</sup>

### 3. Emergency Grievances

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<sup>280</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.

<sup>281</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.C.

<sup>282</sup> Detainee Handbook, p. 19.

<sup>283</sup> Detainee Handbook, p. 19.

<sup>284</sup> Detainee Handbook, p. 19.

<sup>285</sup> See Attachment B, sample grievance form.

<sup>286</sup> Notes of delegation member [b6], on interview with detainee [b6, b7C].

<sup>287</sup> Notes of delegation member [b6], on interview with detainee X.

<sup>288</sup> Notes of delegation member [b6], on interview with detainee [b6, b7C]. See Attachment C, Declaration of [b6, b7C] dated August 20, 2007.

<sup>289</sup> See Attachment D, Grievance Form of [b6, b7C] dated July 27, 2007.

<sup>290</sup> Notes of delegation member [b6] on interview with detainee [b6, b7C].

The Standards require procedures for identifying and handling emergency grievances.<sup>291</sup> Detainees should have the option to present the emergency grievance directly to the Supervisory Detention Enforcement Officer, and if the Supervisory Detention Enforcement Officer concurs that it is an emergency grievance, it should receive immediate attention.<sup>292</sup> Emergency grievances are to be sent up the chain of command until they are resolved.<sup>293</sup>

**Florence SPC meets this section of the Standards.** Staff is trained to identify emergency situations and any grievance identified as an emergency by facility staff is rushed to the Officer-in-Charge within twenty-four to seventy-two hours.<sup>294</sup>

#### 4. Retaliation, Officer Misconduct, and Record Keeping

The Standards require that staff must not harass, discipline, punish, or otherwise retaliate against a detainee who lodges a grievance.<sup>295</sup> However, staff may refuse to process subsequent complaints if a particular detainee establishes a pattern of filing nuisance complaints or otherwise abusing the grievance system.<sup>296</sup> Any processed detainee grievances should be documented in a Detainee Grievance Log, at a minimum.<sup>297</sup> Any allegations of officer misconduct must be forwarded to a supervisor or higher-level official in the chain of command.<sup>298</sup>

**Florence SPC meets this section of the Standards.** The Detainee Handbook states verbatim that staff will not harass, discipline, punish, or otherwise retaliate against a detainee for lodging a grievance, but that staff may refuse to process subsequent complaints if the detainee establishes a pattern of filing nuisance complaints or otherwise abuses the grievance system.<sup>299</sup> All of the detainees interviewed on site stated that they had not experienced retaliation in response to the filing of a Detainee Grievance Form.<sup>300</sup> At Florence SPC, the Officer-in-Charge makes an informal visit to a detainee who has established the pattern of filing nuisance

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<sup>291</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.B.

<sup>292</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.B.

<sup>293</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.B.

<sup>294</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C

<sup>295</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.D.

<sup>296</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.D.

<sup>297</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.E.

<sup>298</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.F.

<sup>299</sup> Detainee Handbook, p. 20.

<sup>300</sup> Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C; notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C; notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C; notes of delegation member [REDACTED] b6, b7C, on interview with detainee X.

complaints to speak to the detainee about the nuisance grievances.<sup>301</sup> All processed detainee grievances and even nuisance complaints are recorded in Detainee Grievance Log.<sup>302</sup> Any allegation of officer misconduct is communicated to the Officer-in-Charge, who takes immediate action to remove contact between the detainee and the officer in question until the allegation has been investigated.<sup>303</sup> Detainee [REDACTED] b6, b7C was segregated following an incident in which he alleged officer misconduct.<sup>304</sup> In addition, all allegations of officer misconduct are forwarded to the Office of Inspector General and Office of Professional Responsibility.<sup>305</sup>

## I. Disciplinary Policy

### 1. Disciplinary Policy Guidelines

The Standards require that every facility holding ICE detainees in custody have a detainee disciplinary system with progressive levels of review, appeals, procedures, and documentation procedures.<sup>306</sup> Disciplinary action may not be capricious and retaliatory, and no disciplinary system may impose any of the following sanctions: 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 situation.<sup>307</sup> Lastly, the Detainee Handbook or equivalent shall provide notice of the SPC's rules of conduct and the sanctions imposed for violations of such rules.<sup>308</sup> Copies of the rules of conduct and disciplinary sanctions shall be posted in English, Spanish, and other languages spoken by a significant number of detainees, and include: Disciplinary Severity Scale; Prohibited Acts; and Sanctions.<sup>309</sup>

**Florence SPC meets this section of the Standards.** The Detainee Handbook provided to every detainee upon admission to Florence SPC outlines the progressive levels of review, appeals, procedures and documentation procedures of the disciplinary system, as well as the rules of conduct and sanctions that can be imposed for violations of such rules.<sup>310</sup> Florence SPC's disciplinary system does not employ any of the forbidden sanctions listed above, and the two privileges that a detainee can lose due to a disciplinary sanction in response to a non-serious infraction are television viewing and access to the vending machine, or detainees may be placed

<sup>301</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

<sup>302</sup> Notes of delegation member [REDACTED] b6 on conversation with OIC [REDACTED] b6, b7C.

<sup>303</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

<sup>304</sup> Notes of delegation member [REDACTED] b6 on interview with detainee [REDACTED] b6, b7C.

<sup>305</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.

<sup>306</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.

<sup>307</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.

<sup>308</sup> Detention Operations Manual, Security and Control, Standard 5, Sections III.A & L.

<sup>309</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.

<sup>310</sup> Detainee Handbook, pp. 21-27.

in segregation for up to sixty days.<sup>311</sup> Lists of detainees' rights and responsibilities and tables of prohibited acts and disciplinary consequences are posted in English and Spanish in the Housing Units.<sup>312</sup>

## 2. Incident Reports, Investigations, and Staff Representations

The Standards require officers who witness or suspect commission of a prohibited act prepare and submit an incident report, and an investigating officer with no prior involvement in the incident commence an investigation within twenty-four hours of the incident report.<sup>313</sup> The investigating officer should inform the detainee of the right to an initial hearing before the Unit Disciplinary Committee (UDC) within twenty-four hours of notification of the charges, if the charges are low or moderate offenses.<sup>314</sup> Detainees should be advised of the following rights in UDC Proceedings: (a) the right to remain silent at any stage of the disciplinary process; (b) the right to due process, including a UDC hearing within twenty-four hours of the end of the investigation, and to attend the entire hearing (excluding committee deliberations) or to waive the right to appear; (c) the right to present statements and evidence; and (d) the right to appeal the UDC's determination.<sup>315</sup> Detainees should also be able to request assistance from a staff representative to prepare a defense.<sup>316</sup> Such assistance should be automatically provided for illiterate detainees, detainees with limited English-language skills, detainees without means of collecting and presenting essential evidence and detainees in administrative or disciplinary segregation.<sup>317</sup> Lastly, the Standards require all facilities that house detainees to have a disciplinary panel to adjudicate detainee incident reports.<sup>318</sup>

**Florence SPC meets this section of the Standards.** All incident reports are investigated within twenty-four hours of the incident report, and the UDC convenes before investigations have ended if the charges are in the 300 to 400 code range (moderate and low moderate offenses).<sup>319</sup> Charges in the more serious 100 to 200 code range are referred to the Institution Disciplinary Panel (IDP) and an IDP hearing is scheduled within seventy-two hours of the incident (barring any emergencies).<sup>320</sup> The Detainee Handbook outlines the disciplinary process in the section entitled, "Prohibited Acts and Consequences" and notifies detainees of their rights

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<sup>311</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

<sup>312</sup> Observations of delegation members [REDACTED] and [REDACTED].

<sup>313</sup> Detention Operations Manual, Security and Control, Standard 5, Sections III.B & C.

<sup>314</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.C.

<sup>315</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.C.

<sup>316</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.E.

<sup>317</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.E.

<sup>318</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.F.

<sup>319</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

<sup>320</sup> Detainee Handbook, p. 21.

to remain silent, to call witnesses, present evidence, have a staff member as a representative, and to appeal the UDC's verdict to the IDP.<sup>321</sup> At Florence SPC, a staff representative is provided if a detainee requests assistance in preparing his defense.<sup>322</sup>

### 3. Duration of Punishment and the Disciplinary Severity Scale and Prohibited Acts

The Standards forbid the UDC, IDP, and the Officer-in-Charge from imposing arbitrary sanctions beyond the withholding of privileges and segregation, which generally does not exceed sixty days.<sup>323</sup> In addition, all facilities must have graduated scales of offenses and disciplinary consequences as outlined in the Standards.<sup>324</sup>

**Florence SPC meets this section of the Standards.** Florence SPC does not impose disciplinary segregation as a sanction for longer than sixty days, and the only privileges that may be withheld for sanctioning purposes are television viewing and vending machine access.<sup>325</sup> Lastly, the Detainee Handbook's graduated scales of "Prohibited Acts" and the attendant "Consequences" conform with those listed in the Standards.<sup>326</sup>

### J. Special Management Unit

The Standards state that each facility shall establish a Special Management Unit ("SMU") to isolate certain detainees from the general population.<sup>327</sup> The Standards for Administrative and 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.<sup>328</sup> A maximum sanction of sixty days in disciplinary segregation shall apply to violations associated with a single incident.<sup>329</sup> The disciplinary committee may order placement in disciplinary segregation only when alternative dispositions would inadequately regulate the detainee's behavior.<sup>330</sup> In SPCs, a detainee may be placed in administrative segregation when his/her continued presence in the general population poses a

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<sup>321</sup> Detainee Handbook, p. 21.

<sup>322</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED]

<sup>323</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.H.

<sup>324</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.I.

<sup>325</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED]

<sup>326</sup> Detainee Handbook, pp. 22-27.

<sup>327</sup> Detention Operations Manual, Security and Control, Standard 14, Section I.

<sup>328</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

<sup>329</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

<sup>330</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

threat to life, property, self, staff or other detainees; for the secure or orderly operation of the facility; for medical reasons, etc.<sup>331</sup>

Cells in the SMU must be well ventilated, adequately lit, appropriately heated and maintained in a sanitary condition.<sup>332</sup> Segregated detainees in both disciplinary and administrative segregation shall have the opportunity to maintain a normal level of personal hygiene.<sup>333</sup> Both types of segregated detainees shall also be provided recreation in accordance with the "Recreation" standard.<sup>334</sup> Detainees should generally be granted access to the law library.<sup>335</sup> Detainees generally retain visiting privileges while in disciplinary segregation, and may not be denied legal visitation.<sup>336</sup> Detainees in segregation shall have the same correspondence privileges as detainees in the general population.<sup>337</sup>

Detainees in administrative segregation generally have the same telephone privileges as other detainees,<sup>338</sup> while detainees in disciplinary segregation shall be restricted to telephone calls relating to their immigration cases or other legal matters, calls to consular/embassy officials, and family emergencies.<sup>339</sup> Detainees in disciplinary segregation generally have fewer privileges than those housed in administrative segregation, and are subject to more stringent personal property control, restricted reading material, and limitations imposed on television viewing, commissary/vending machine privileges, etc.<sup>340</sup>

**Florence SPC does not fully meet this section of the Standards: the facility places detainees who are on suicide watch into disciplinary segregation, which the Standards state should only be used for detainees who have committed a prohibited act.** The facility uses administrative segregation for detainees in protective custody or medical observation (except for

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<sup>331</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.A.3.

<sup>332</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.2, and Standard 14, Section III.D.6.

<sup>333</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.6, and Standard 14, Section III.D.11.

<sup>334</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.8, and Standard 14, Section III.D.13.

<sup>335</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.18, and Standard 14, Section III.D.15.e.

<sup>336</sup> Detention Operations Manual, Security and Control, Standard 13, Sections III.D.13 & 14, and Standard 14, Section III.D.17.

<sup>337</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.20, and Standard 14, Section III.D.18.

<sup>338</sup> Detention Operations Manual, Security and Control, Standard 12, Section III.D.16.

<sup>339</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

<sup>340</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.2.

suicide watch, which is addressed below).<sup>341</sup> They are permitted recreation by themselves.<sup>342</sup> Detainees in administrative segregation do not lose any privileges besides group recreation.<sup>343</sup> The segregated recreation area (for administrative and disciplinary segregation) is outdoors with a small, shaded area and three trapezoidal, empty, paved and fenced areas about thirty feet long and ten feet wide.<sup>344</sup> It does not contain any exercise equipment or other sport-related items.<sup>345</sup>

Disciplinary segregation is imposed for up to sixty days.<sup>346</sup> It is used for detainees with disciplinary violations, as well as for detainees on suicide watch.<sup>347</sup> Detainees in disciplinary segregation keep phone and legal visitation privileges.<sup>348</sup> They lose some privileges for intermediate disciplinary violations and higher.<sup>349</sup> They may lose vending machine privileges<sup>350</sup> or television privileges.<sup>351</sup> They are permitted segregated recreation like detainees in administrative segregation.<sup>352</sup>

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

The Standards state that all detainees shall receive the opportunity to have informal access to and interaction with key facility staff members on a regular basis.<sup>353</sup> Procedures should dictate that the Officer-in-Charge, the Assistant Officer-in-Charge, and designated department heads conduct weekly unannounced visits to the SPC's living and activity areas, including but not limited to, the housing units, food service area, recreation area, Special Management Units, and infirmary rooms.<sup>354</sup> In addition to these unannounced visits, the

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<sup>341</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].  
<sup>342</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.  
<sup>343</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].  
<sup>344</sup> Observations of delegation member [REDACTED].  
<sup>345</sup> Observations of delegation member [REDACTED] b6.  
<sup>346</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.  
<sup>347</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].  
<sup>348</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].  
<sup>349</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.  
<sup>350</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].  
<sup>351</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED].  
<sup>352</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.

<sup>353</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

<sup>354</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.



Officer-in-Charge should conduct weekly scheduled visits pursuant to a written schedule which should be posted in the SPC detainee living areas and other areas with detainee access.<sup>355</sup>

The Standards require that all detainees have the opportunity to submit written questions, requests, or concerns to ICE staff on an informal basis.<sup>356</sup> This process is to be distinguished from detainee submission of grievances.<sup>357</sup> The detainee request form must be delivered to ICE staff by authorized personnel without review, alteration, or delay.<sup>358</sup> Detainees with special requirements should be able to obtain assistance from another detainee, housing officer, or other facility staff in preparing a request form.<sup>359</sup> The ICE officer receiving the request shall normally respond within seventy-two hours of receipt, and all requests must be recorded in a logbook.<sup>360</sup> The Standards require that detainees shall have notice of this informal request process through the detainee handbook.<sup>361</sup>

**Florence SPC substantially meets this section of the Standards; however, the Officer in Charge does not conduct weekly scheduled visits.** Officer-in-Charge [b6, b7C] conducts unannounced tours of the entire Florence SPC at least three times per week.<sup>362</sup> Assistant Officer-in-Charge [b6, b7C] also makes unannounced weekly rounds covering the entire facility.<sup>363</sup> Although a notice is posted in the housing units indicating that the Officer-in-Charge makes scheduled visits from 1:00 p.m. to 3:00 p.m. every Wednesday,<sup>364</sup> Officer-in-Charge [b6, b7C] stated that he does not conduct weekly scheduled visits because he is always on-site and his unannounced visits are so frequent.<sup>365</sup>

Officer-in-Charge [b6, b7C] indicated that detainees can obtain the Detainee Grievance Form for written requests and deliver it to ICE staff by dropping it in the outgoing mail box.<sup>366</sup> All completed forms are recorded in the logbook and a response is issued within seventy-two hours.<sup>367</sup> However, the Detainee Grievance Form is a part of the grievance process,

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<sup>355</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

<sup>356</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

<sup>357</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

<sup>358</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

<sup>359</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

<sup>360</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

<sup>361</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

<sup>362</sup> Notes of delegation member [b6], on conversation with OIC [b6, b7C].

<sup>363</sup> Notes of delegation member [b6], on conversation with OIC [b6, b7C].

<sup>364</sup> Observations of delegation member [b6].

<sup>365</sup> Notes of delegation member [b6], on conversation with OIC [b6, b7C].

<sup>366</sup> Notes of delegation member [b6], on conversation with OIC [b6, b7C].

<sup>367</sup> Notes of delegation member [b6], on conversation with OIC [b6, b7C].

to be distinguished under the Standards from informal written request communications to ICE staff by detainees.<sup>368</sup> The Detainee Handbook states that detainees can obtain a Detainee Request Form from the Unit Housing Officer, who will provide the detainee with assistance if necessary.<sup>369</sup> Detainees are to give the completed form to the Unit Housing Officer, who will forward it to the appropriate office.<sup>370</sup>

#### 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.<sup>371</sup> According to the Standards, these “opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is ‘mainstream,’ whether the religion is ‘Western’ or ‘Eastern,’ or other such factors. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”<sup>372</sup> Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.<sup>373</sup> Detainees in special housing confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.<sup>374</sup>

**Florence SPC meets this section of the Standards.** Florence SPC accommodates the religious practice of detainees to the extent the on-site religious service provider can verify requests with official representatives of the religion and doing so is consistent with the safety and orderly operation of the facility.<sup>375</sup> Florence SPC provides Catholic, Seventh Day Adventist, Presbyterian, Jumah and Koran religious services.<sup>376</sup> Services are available in English, Spanish and Arabic.<sup>377</sup> At the request of detainees, external groups come to the facility to provide

<sup>368</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

<sup>369</sup> Detainee Handbook, p.12.

<sup>370</sup> Detainee Handbook, p.12.

<sup>371</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>372</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>373</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

<sup>374</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

<sup>375</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversations with OIC [REDACTED] b6, b7C and Assistant OIC [REDACTED] b6, b7C.

<sup>376</sup> Notes of delegation member [REDACTED] b6, on examination of religious services schedules posted in the detainee housing units. Catholic services are available on Saturdays from 8:45 a.m. to 10:00 a.m.; Seventh Day Adventists, Sundays from 9:00 a.m. to 10:00 a.m.; Prayer Service, Tuesdays from 9:00 a.m. to 10:00 a.m.; Presbyterian, Thursdays from 2:00 p.m. to 3:00 p.m.; Jumah, Fridays from 12:30 p.m. to 1:30 p.m.; Koran, Sundays from 12:30 p.m. to 2:00 p.m.

<sup>377</sup> Notes of delegation member [REDACTED] b6 on examination of religious services schedules posted in the detainee housing units.

otherwise unavailable religious services.<sup>378</sup> For example, the facility provided Russian Orthodox services to a detainee through an external group.<sup>379</sup>

Florence SPC accommodates religious holy days after verifying the religious requirements and confirming they are consistent with the safety and orderly operation of the facility.<sup>380</sup> For example, the facility will provide meals or prayer sessions at unusual times and limit a detainee's activities in accord with holy day rituals.<sup>381</sup> Florence SPC generally prohibits headgear or any other garments unless verified by an official representative of the religion and consistent with the safety and orderly operation at the facility.<sup>382</sup> The facility stores religious property for the detainees.<sup>383</sup> Detainees may keep religious property after the facility verifies its religious significance and screens items for safety.<sup>384</sup> For example, detainees may keep a small Bible and other soft-bound religious reading material,<sup>385</sup> and religious medallions, rosaries or prayer beads.<sup>386</sup>

The facility accommodates religious and other dietary restrictions by preparing kosher meals and following the Bureau of Prisons' common fare diet, which is mostly vegetarian and does not include pork products.<sup>387</sup> In addition, the facility will accommodate unusual meal times and other reasonable dietary requests when religious practice dictates such as during Ramadan.<sup>388</sup>

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<sup>378</sup> Notes of delegation member [REDACTED], on conversations with OIC [REDACTED] and Assistant OIC [REDACTED].

<sup>379</sup> Notes of delegation member [REDACTED], on conversation with Assistant OIC [REDACTED].

<sup>380</sup> Notes of delegation member [REDACTED], on conversations with OIC [REDACTED] and Assistant OIC [REDACTED].

<sup>381</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

<sup>382</sup> Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

<sup>383</sup> Observations of delegation member [REDACTED]; notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

<sup>384</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

<sup>385</sup> Detainee Handbook, p. 4.

<sup>386</sup> Notes of delegation member [REDACTED], on conversation with Assistant OIC [REDACTED].

<sup>387</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with OIC [REDACTED].

<sup>388</sup> Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

Detainees in Special Management Units may practice their religion, but must do so in isolation from the general detainee population.<sup>389</sup>

M. Voluntary Work Program

The Standards require that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”<sup>390</sup> Participation must be voluntary, and detainees may not work more than eight hours per day, and forty hours per week.<sup>391</sup>

**Florence SPC meets this section of the Standards.** Detainees may volunteer to work at the facility.<sup>392</sup> For example, detainees work in the laundry room and the kitchen, or provide other janitorial services.<sup>393</sup> Detainees receive a \$1.00 daily stipend as compensation for their work.<sup>394</sup> Detainees work a maximum of eight hours each day and forty hours per week.<sup>395</sup> Additionally, detainees do not work more than one job per day.<sup>396</sup> Detainees must sign a voluntary work program contract and receive proper work training prior to beginning their work detail.<sup>397</sup> Unexcused absences or unsatisfactory work will result in removal from the voluntary work program.<sup>398</sup>

The facility screens detainee-volunteers to determine if they are appropriate for a particular job.<sup>399</sup> Although a detainee’s classification level is a factor in determining a detainee’s work placement, the administration considers a detainee’s individual circumstances such as his behavior, attitude, or criminal history before assigning a detainee to a work detail.<sup>400</sup> Consequently, a detainee’s classification level will not automatically disqualify a detainee for a particular position.<sup>401</sup> However, Level 1 detainees are eligible for any work detail, while Level 2

<sup>389</sup> Notes of delegation member [redacted] on conversation with Assistant OIC [redacted].  
[redacted]

<sup>390</sup> Detention Operations Manual, Detainee Services, Standard 37, Sections I & III.A.

<sup>391</sup> Detention Operations Manual, Detainee Services, Standard 37, Sections III.A & H.

<sup>392</sup> Notes of delegation member [redacted] on conversation with OIC [redacted].

<sup>393</sup> Notes of delegation member [redacted] on conversation with OIC [redacted].

<sup>394</sup> Notes of delegation member [redacted] on conversation with OIC [redacted].

<sup>395</sup> Notes of delegation member [redacted] on conversation with OIC [redacted].

<sup>396</sup> Detainee Handbook, p. 9.

<sup>397</sup> Detainee Handbook, p. 9.

<sup>398</sup> Detainee Handbook, p. 9.

<sup>399</sup> Notes of delegation member [redacted], on conversation with OIC [redacted].

<sup>400</sup> Notes of delegation member [redacted], on conversation with OIC [redacted].

<sup>401</sup> Notes of delegation member [redacted], on conversation with OIC [redacted].

detainees cannot work on outside facility work crews.<sup>402</sup> Level 3 detainees are eligible for cleaning details inside the facility, dormitory work details, lawn care, and kitchen work after proper screening.<sup>403</sup> Any work detail involving food service will require a review of the detainee's health, criminal history, and behavior.<sup>404</sup>

#### N. Detainee Transfer

The Standards state that indigent detainees should be permitted to make a single domestic telephone call at government expense upon arrival at their final destination, and non-indigent detainees must have access to make telephone calls at their own expense.<sup>405</sup>

**Florence SPC may not meet this section of the Standards because one detainee interviewed by the delegation stated that he was not allowed to make a telephone call upon arrival at the facility.** Three of the detainees who met with the delegation acknowledged being given permission to make a telephone call upon their arrival at Florence SPC.<sup>406</sup> However, Detainee [REDACTED] b6, b7C said he was not allowed to make a telephone call upon his arrival at Florence SPC.<sup>407</sup>

#### V. CONCLUSION

The Florence Service Processing Center meets the requirements of several of the ICE Detention Standards but fails to meet a number of others.

To ensure confidentiality during telephone access to legal representatives, Florence SPC should partition or separate telephones. Currently, telephones are in open dayroom areas where others may overhear a detainee's private conversation.

In addition, Florence SPC should review how it handles correspondence and other mail to ensure special legal correspondence, if opened, is opened in the presence of the detainee and not read. Furthermore, the staff should investigate whether there is a pattern of missing mail or just a few incidental cases. If there is a pattern, Florence SPC should evaluate its mail handling system and personnel and make appropriate changes to ensure correspondence and other mail reach intended recipients.

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<sup>402</sup> Detainee Handbook, p. 9.

<sup>403</sup> Detainee Handbook, p. 9.

<sup>404</sup> Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.

<sup>405</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.G.

<sup>406</sup> Notes of delegation member [REDACTED] b6 on interview with detainee [REDACTED] b6, b7C notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C; notes of delegation member [REDACTED] b6, on interview with detainee X.

<sup>407</sup> Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C.

Florence SPC should confirm that detainees are aware of their legal library privileges. To provide a conducive research environment, Florence SPC should regularly review the condition of facilities and materials. Officers or appropriate individuals should also complete repairs or improvements as soon as possible. In addition, the staff should provide adequate supplies so detainees may fully utilize the typewriter, computer, and other research equipment and materials. Officers should review the library titles to ensure materials are current and complete. If there is confusion regarding photocopying policies, then officers should review the rules with the detainees.

Florence SPC should continue to facilitate group rights presentations by organizations such as FIRRP. The facility should notify detainees of the facility's willingness to facilitate future presentation opportunities. Furthermore, officers should post notices in the housing units in advance of any future presentations so detainees can plan to attend.

With regard to providing medical care to detainees, Florence SPC should use PPD as the primary screening method for tuberculosis instead of chest x-rays. Florence SPC should also continue to verify detainees receive adequate translation services when seeking medical care. Additionally, Florence SPC should review its over the counter medication policy so that detainees receive the medication they need.

Florence SPC should review how it classifies detainees and how it makes housing assignments so non-violent detainees are not housed with violent detainees.

To support the detainees' ability to file formal written grievances, Florence SPC should review its grievance intake and review procedures to ensure all grievances receive timely review and response in accordance with the Standards. Florence SPC should verify that all staff are familiar with the formal written grievance procedure.

To operate the Special Management Units, Florence SPC should only place detainees who commit a prohibited act in disciplinary segregation. The facility should make the necessary restrictions to properly monitor suicide watch detainees, but they should not be considered part of the disciplinary segregated population. Furthermore, Florence SPC should allow detainees in disciplinary segregation to recreate alone in the outdoor recreation yard where they can use the exercise equipment and athletic facilities to the extent it does not compromise the safe, orderly, and feasible operation of the facility.

Finally, Florence SPC should ensure all transferred detainees receive permission to make a telephone call upon their arrival at the facility. The call should be free if the detainee is indigent.

American Bar Association Delegation to the Florence Service Processing Center  
Florence, AZ

**Attachments**

Attachment A: Declaration of [REDACTED] b6, b7C, dated August 30, 2007.

Attachment B: Sample grievance form.

Attachment C: Declaration of [REDACTED] b6, b7C, dated August 20, 2007.

Attachment D: Grievance form of [REDACTED] b6, b7C (copy), dated July 27, 2007.

Attachment E: Florence Processing Center Detainee Handbook (revised March 2005).

**ATTACHMENT A**



PROBLEMS/EIGHTH AMENDMENT VIOLATIONS IN THE FLORENCE DETENTION CENTER

THE FIRST AND MOST OBVIOUS PROBLEM AT THIS FACILITY IS THE GENERAL WAY THINGS ARE RUN HERE. NOTHING IS DONE IN A TIMELY FASHION AND AS DETAINEES WE GET THE RUN-AROUND QUITE OFTEN. I BELIEVE THIS IS ALL DONE THIS WAY IN ORDER TO PUT PRESSURE ON A DETAINEE TO SIMPLY GIVE UP ON FIGHTING TO STAY IN THE U.S.. THIS FACILITY IS ALSO RUN IN A FASHION THAT IS GEARED FOR DETAINEES WHO WILL ONLY BE HERE FOR A SHORT AMOUNT OF TIME. SOME DETAINEES HAVE BEEN HERE FOR MORE THAN FOUR YEARS.

-THERE IS NO KIND OF PROGRAMMING AVAILABLE TO DETAINEES WHO WANT TO BETTER THEMSELVES. AN EXAMPLE WOULD BE TO SET UP AN ENGLISH CLASS WHERE OTHER DETAINEES CAN TEACH OTHERS.

-HYGIENE. WE ARE EXPECTED TO SHOWER WITH ONLY INDUSTRIAL HAND SOAP. WE ARE NOT PERMITTED TO RECEIVE ANY HYGIENE PRODUCTS FROM FAMILY MEMBERS UNLESS WE HAVE A SPECIAL MEDICAL WAIVER WHICH IS RARELY GIVEN.

WE ARE ALL EXPECTED TO USE THE SAME TOENAIL CLIPPERS WHICH ARE NOT DISINFECTED PROPERLY BEFORE OR AFTER EACH USE ALLOWING FOR THE SPREAD OF SERIOUS INFECTIONS.

-I WOULD GUESS THAT NINETY PERCENT OF DETAINEES WHO WIN THEIR CASE AT THIS COURT HAS THEIR DECISION APPEALED WHICH MEANS THEY REMAIN IN CUSTODY FOR UP TO AN ADDITIONAL SIX MONTHS.

-SINCE I HAVE BEEN HERE (MAY 2007) I HAVE NOTICED AN IMMENSE AMOUNT OF MAIL GONE MISSING FROM OTHER DETAINEES AS WELL AS MYSELF. WE SOMETIMES GET OUR MAIL ALREADY OPEN EVEN IF IT SAYS LEGAL MAIL ON IT. I HAVE FILED FORMAL COMPLAINTS WITH AN I.A. OFFICE OF DHS AND MAIL STILL COMES UP MISSING, ESPECIALLY WHEN MONEY IS SENT.

-AN INCIDENT OCCURED A LITTLE OVER A MONTH AGO WHERE EXCESSIVE FORCE WAS USED BY AN AKAL OFFICER AGAINST A DETAINEE WHEN THE DETAINEE WAS SLAMMED AGAINST A WALL, THROWN TO THE GROUND AND REPEATEDLY PUNCHED FOR THE REASON THAT HE PASSED AN OFFICER WHO WANTED TO PAT HIM DOWN FOR A SECOND TIME EVENTHOUGH THE OFFICER WHO HAD ALREADY PATTED HIM DOWN SAID THAT HE WAS CLEAR. I HELPED THIS DETAINEE GO THROUGH THE CHAINS OF COMMAND TO REPORT THIS MATTER AND HAVE SOMETHING DONE AND NOTHING HAS BEEN DONE UP TO TODAY. A FORMAL GRIEVANCE WAS TURNED IN AND NOTHING WAS HEARD OF FROM IT EVENTHOUGH IT STATES ON THE DOCUMENT THAT IT SHOULD BE ADRESSED IN FIVE DAYS. WE DID KEEP A COPY OF THE SIGNED GRIEVANCE AND COPIES OF MEDICAL DOCUMENTS STATING THE DETAINEES' SERIOUS INJURIES.

-AN I.C.E. OFFICIAL MAJOR [REDACTED] b6, b7C WAS INFORMED ON WHAT HAPPENED AND HE TOLD US THAT HE WOULD COME BACK AND TALK TO THE DETAINEE ABOUT IT AND HE NEVER SHOWED UP AGAIN. THIS IS THE KIND OF RUN-AROUND WE GET DAILY ON ANY SERIOUS MATTER.

-I GUESS IN GENERAL, THIS PLACE IS DESIGNED TO KEEP US IN HERE AS LONG AS POSSIBLE UNTIL WE GIVE UP OR THEY HAVE EXHAUSTED ALL WAYS OF KEEPING US HERE WHICH UNFORTUNATLEY CAN TAKE A VERY LONG TIME.

- HOWEVER THERE ARE SOME POSITIVE THINGS TO SAY ABOUT THIS FACILITY. ONE VERY IMPORTANT THING IS THAT WE ARE GIVEN THE RIGHT TO A LEGAL LIBRARY WITH SOME VERY HELPFUL AND CURRENT BOOKS. IT IS UNFORTUNATE THOUGH THAT MOST OF US DO NOT KNOW HOW TO USE THEM TO OUR ADVANTAGE BECAUSE OF EITHER LANGUAGE BARRIERS OR SIMPLE IGNORANCE. ANOTHER POSITIVE THING TO SAY IS THAT WE ARE GIVEN RECREATION TIME EVERY DAY.

[REDACTED] b6, b7C

[REDACTED] b6, b7C

30 AUG 2007

**ATTACHMENT B**

Grievance # \_\_\_\_\_

Department of Homeland Security  
Immigration and Customs Enforcement

**DETAINEE GRIEVANCE FORM**

*(A grievance must be filed within 5 days of original incident or issue)*

Detainee Name: \_\_\_\_\_ A# \_\_\_\_\_ Housing Unit: \_\_\_\_\_

Complaint / Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Action requested by detainee: \_\_\_\_\_  
\_\_\_\_\_

Detainee Signature: \_\_\_\_\_ Date / time: \_\_\_\_\_

**SDEO:**  Resolution is accepted:  Resolution is NOT accepted (annotate reason then forward to CDEO)

Comments/resolution: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Detainee Signature, if resolution accepted: \_\_\_\_\_ Date / time: \_\_\_\_\_

SDEO Signature: \_\_\_\_\_ Date / time: \_\_\_\_\_

**CDEO:** This grievance has been assigned to the following department for resolution.  
 Detention  Deportation  Food Service  Maintenance  Medical

Departmental Findings/Actions Taken: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*If more space is needed, attach additional sheets*

Signature of Department Head: \_\_\_\_\_ Date: \_\_\_\_\_  
*(This form must be returned to the CDEO within 3 business days)*

Personally served on detainee by: \_\_\_\_\_ Date: \_\_\_\_\_

I would like this matter:

- Referred to the Detainee Grievance Committee (DGC)
- I agree with the resolution

Detainee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Original: Detainee

## ATTACHMENT C

# LEGAL DOCUMENT

ON JULY 20th 2007 AT ABOUT 1530 AFTER WE WERE GIVEN AFTERNOON RECREATION I WAS BEING WALKED INTO THE JAIL HOUSING UNIT ALONG WITH THE REST OF THE DETAINEES WHO ATTENDED THE YARD THAT DAY. I WAS ABOUT IN THE MIDDLE OF THE RETURNING GROUP. AT THE FRONT OF THE JAIL UNIT WERE AKAL OFFICERS WHO WERE PERFORMING THEIR USUAL PAT-DOWN SEARCHES ON ALL THE DETAINEES. THE OFFICERS PATTING DOWN THIS DAY WERE, [REDACTED], [REDACTED], [REDACTED], AND ONE OTHER WHO'S NAME I DID NOT GET. INSIDE THE UNIT WAS OFFICER BLACKWELL AND THE CONTROL ROOM WAS MANNED BY MRS. [REDACTED]. AS I WENT TO ENTER THE UNIT I STOPPED TO GET PATTED DOWN BY OFFICER [REDACTED]. HE COMPLETED HIS PATDOWN AND I WALKED IN ONLY TO BE STOPPED BY OFFICER [REDACTED] WHO TOLD ME HE WANTED TO PAT ME DOWN. I EXPLAINED TO HIM THAT I HAD ALREADY BEEN PATTED DOWN BY OFFICER [REDACTED]. OFFICER [REDACTED] REMAINED INSISTENT ON PATTING ME DOWN AGAIN AND OFFICER [REDACTED] THEN TOLD [REDACTED] THAT YES INDEED HE HAD ALREADY PATTED ME DOWN. I TRIED TO WALK ON INTO THE UNIT AND [REDACTED] GRABBED ME BY BOTH ARMS FROM BEHIND AND SLAMMED ME ON THE WALL HITTING MY FACE AND CAUSING THE ABRASIONS ON MY FACE AND THE CONSTANT PAIN IN MY SHOULDERS, HEAD, AND FACE. (I HAVE SEEN MEDICAL FOR THESE ISSUES AFTER THE INCIDENT AND HAVE COPIES OF THE DOCUMENTATION DONE BY THE MEDICAL STAFF) AFTER I WAS SLAMMED TO THE WALL BY [REDACTED] HE TURNED ME AROUND, GRABBED ME BY THE NECK AND SLAMMED ME ON THE GROUND. WHEN I WAS ON THE GROUND OFFICER [REDACTED] HAD ARRIVED TO BRING SITUATION TO AN END. OFFICER [REDACTED] BEGAN TO CHOKE ME. HE THEN BEGAN THROWING PUNCHES. ONE OF THEM HIT OFFICER [REDACTED] IN THE BACK OF HIS NECK (which he told me) AND ONE HIT ME IN THE HEAD. [REDACTED] CONTINUED TO CHOKE ME, THEN TWO I.C.E. OFFICERS GRABBED ONE OF MY LEGS EACH AND PULLED ME INTO WHAT IS KNOWN AS THE FLO HOLDING AREA. I WAS THEN HANDCUFFED BEHIND MY BACK IN FRONT OF I.C.E. MAJOR [REDACTED]. [REDACTED] THEN ASKED ME WHAT HAPPENED AND I TOLD HIM. I WAS NEVER FORMALLY INTERVIEWED ON THE OCCURENCE BY ANY AGENCY AFTER THE MATTER. THE HANDCUFFS WERE THEN REMOVED IN THE HOLDING TANK I WAS PUT IN. OFFICER [REDACTED] AND MEDICAL STAFF INCLUDING LT. [REDACTED] --- ASKED ME WHAT HAPPENED AND WHAT MY PAIN COMPLAINTS WERE. IN THE PRESENCE OF THE MEDICAL STAFF OFFICER [REDACTED] STATED TO LT. [REDACTED] THAT HE HAD TOLD [REDACTED] THAT I HAD ALREADY BEEN PATTED DOWN. I REMAINED IN THIS TANK UNTIL ABOUT 2200 HRS. I WAS THEN TRANSFERRED INTO THE SPECIAL HOUSING UNIT.

THE EYEWITNESSES OF THIS OCCURENCE WERE ALL THE DETAINEES BEHIND ME WAITING TO GO INTO THE UNIT AND SEVERAL AKAL OFFICERS INCLUDING OFFICER, [REDACTED], [REDACTED], [REDACTED], AND ONE OTHER UNIDENTIFIED OFFICER. SINCE THE INCIDENT I CANNOT EXERCISE ANYMORE DUE TO THE PAIN IN MY SHOULDERS.

I TURNED IN AN OFFICIAL GRIEVANCE FORM THAT WAS SIGNED BY AKAL OFFICER [REDACTED] ON 28 JULY 2007. IT EXPLICITLY STATES ON THE GRIEVANCE FORM THAT I MUST RECEIVE A RESPONSE WITHIN FIVE DAYS. TODAY IS AUGUST 20th 2007.

**ATTACHMENT D**

(A grievance must be filed within 5 days of original incident or issue)

Grievance = \_\_\_\_\_

Detainee Name: [redacted] A# [redacted] Housing Unit: JAIL-1

Complaint / Comments: THIS GRIEVANCE IS HAVING TO DO WITH THE INCIDENT IN WHICH I WAS UNJUSTLY AND MALICIOUSLY ATTACKED BY AN AKAL OFFICER. THIS OCCURED ON THE TWENTIETH OF JULY 2007 AND I HAVE NOT HAD ACCESS TO HELP IN FILING THIS FORM UNTIL NOW BEING THAT I WAS IN THE LOCKDOWN UNIT AND ENGLISH IS NOT MY FIRST LANGUAGE.

Action requested by detainee: I AM REQUESTING THAT THE OFFICERS INVOLVED IN THE INCIDENT SHOW THEY HAVE DIGNITY AND ARE OF GOOD MORAL CHARACTER BY TELLING THE TRUTH ABOUT WHAT THEY SAW AND NOT PRETENDING THEY SAW NOTHING TO PROTECT THE ATTACKER. OR FOR ANY OTHER REASON.

Detainee Signature: [redacted] Date / time: 7-28-07

Housing Unit Officer: [redacted] Date / time: 7-27-07 2051 Hours

INFORMAL [ ] Resolution is accepted by detainee: (to be completed within 24 hours and only if resolved prior to hearing)

This grievance has been informally resolved as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Detainee Signature: \_\_\_\_\_ Date / time: \_\_\_\_\_  
Staff Member: \_\_\_\_\_ Date / time: \_\_\_\_\_  
Supervisory Review: \_\_\_\_\_ Date / time: \_\_\_\_\_

FORMAL [ ] Informal Resolution is not accepted by detainee and the grievance has been assigned to the following Department for formal resolution: [ ] Deportation [ ] Detention [ ] Administration  
(Response to detainee within five (5) business days is required)

Departmental Findings/Actions Taken: \_\_\_\_\_

Dep. Head: \_\_\_\_\_

Dep. Staff: \_\_\_\_\_ Dep. Staff \_\_\_\_\_

Date of Findings: \_\_\_\_\_ Date Returned to Detainee: \_\_\_\_\_

(Detainee return within five days of receipt and check the appropriate box)

I would like this matter:

- Referred to the Detainee Grievance Committee (DGC).
- I agree with the resolution.

Detainee Signature: \_\_\_\_\_ Date / time: \_\_\_\_\_  
Housing Unit Officer: \_\_\_\_\_ Date / time: \_\_\_\_\_





**ATTACHMENT E**

# ***Florence Processing Center***



## **Detainee Handbook**

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## **Detainee Rights and Responsibilities**

It is the policy of the Service Processing Center, Florence, to treat **ALL** detainees with dignity and respect while maintaining a safe, secure and sanitary detention facility. In return, it is expected of you to give the staff your full cooperation during your stay here. While in our custody, and in the custody of ICE, you have certain basic rights and we expect you to recognize the responsibilities attached to these rights.

- You have the right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs.

**You have the responsibility to report any such incident immediately to any available Officer.**

- You have the right to be informed of the rules and procedures at this facility.

**You have the responsibility to learn the rules and obey them.**

- You have the right to health care that includes nutritious meals, adequate bedding, proper clothing, a laundry exchange schedule, and an opportunity to maintain personal hygiene, a regular exercise period and necessary medical treatment.

**It is your responsibility not to waste food, to follow the laundry and shower schedules, to maintain neat and clean living quarters and seek medical care as needed.**

- You have the right to have family members and friends visit you according to facility rules and schedules.

**Your conduct and your visitor's conduct is your responsibility. You are to conduct yourself properly and not infringe upon the visitation rights of others.**

- You have the right to religious freedom.

**It is your responsibility to respect the religious rights of others.**

- You have the right to reading materials for educational purposes and for your own enjoyment.

**It is your responsibility to use reading materials for your personal benefit and return library materials when they are due.**

- You have the right to an administrative hearing before an Immigration Judge to determine your legality in the United States.

**You have the responsibility to provide evidence for your defense.**

- You have the right to request a voluntary departure before a hearing, which means you waive your right to a hearing.

**It is your responsibility to inform the Immigration Court that you request Voluntary Departure.**

- You have the right to apply for Political Asylum if you believe that, upon your return to your country of origin, you will be persecuted because of your race, religion, nationality, political opinion or membership in a group.

**It is your responsibility to accurately prepare and submit the proper forms to the court, to include proper number of copies.**

- If you are eligible, you have the right to be released on bond until your scheduled administrative hearing.

**It is your responsibility to produce any bond that may be set in your case.**

- You have the right to legal counsel of your choice, by means of interviews and correspondence, at no cost to the U.S. Government.

**It is your responsibility to arrange for your own legal representation.**

- You have the right to use the law library reference materials to help you resolve legal problems, and to receive help through a legal assistance program.

**It is your responsibility to use these resources according to established procedures and schedules, and to respect the rights of others to use these resources.**

- You have the right to unrestricted and confidential access to the courts through correspondence.

**You have the responsibility to present your petitions to the court, with all necessary documentation, in a timely manner.**

## **I. Arrival**

### **Purpose of this Book**

You are being detained at the Service Processing Center (SPC), Florence because you are under removal proceedings for one or more violations of the U.S. Immigration Law(s). We realize that being detained in a foreign country can be a confusing experience. The purpose of this handbook is to explain the specific rules, regulations, policies and procedures that must be followed while detained at this facility. The handbook will also give you a general overview of the programs and services offered to you by the Immigration and Customs Enforcement (ICE) during your stay at this facility.

While here, you are responsible and held accountable for your actions. Therefore, it is your responsibility to become familiar with the contents of this handbook. Our goal is to create a safe and orderly environment where we can quickly help you settle your immigration matters. To that end, it is important that you know the rules and are prepared to follow them to help us and yourself complete your immigration proceedings as quickly as possible. Please become familiar with the information in this handbook and direct any questions you may have to the Facility Staff.

### **Admission Process:**

All persons and property arriving at this facility will be searched. As part of the intake procedure, the Processing Officer will retain your clothes, personal property and money for safekeeping with a limited amount of cash allowed to be retained by you (up to \$60.00 U.S. currency). You will be given itemized receipts for all of your belongings. Your money and property will be returned to you upon your release from custody.

Identity documents, such as passports, birth certificates, driver's license, etc., will be confiscated and turned over to the appropriate Deportation Officer for placement into your A-File. Upon request, ICE will provide a copy to you.

During the intake procedure, you will be issued a full set of clothing, and bedding. Personal hygiene items and a copy of the rules, regulations and guidelines governing your behavior while in custody (Detainee Handbook) will be issued upon entering your housing unit.

You will receive the following personal hygiene items:

- One comb
- One tube of toothpaste
- One toothbrush
- Body shampoo/lotion are available in the housing unit.
- Deodorant

Bulk wall mounted shampoo/ body soap dispensers may be used instead of individual issue items.

You are required to shower before entering your assigned unit and will be given the opportunity to do so. While at this facility, you are allowed to keep the following items of personal property, if the particular item does not pose a threat to the security or good order of the Facility and keeping in mind that personal storage space is limited to what will fit in your housing unit locker:

- Bible
- Limited amount of soft-bound religious reading materials
- Small religious items (for example, a religious medallion)
- Legal documents
- Personal correspondence
- Personal photos (not more than ten, no larger than 5" x 7")
- Small address book
- Prescription glasses
- Dentures
- Other items specifically approved by the Chief Immigration Enforcement Agent

You will also be issued the following clothing and bedding items:

- One pair of socks
- One pair of underwear
- One pair facility issued footwear
- One uniform; pants and shirt
- Blanket
- Two sheets/ one pillowcase
- One towel
- One pair of shower shoes

Additional clothing, blankets may be issued, in accordance with weather/ seasonal conditions.

### **Property**

If you arrive at this facility with excess baggage, ICE will send your property to an address of your choice.

If you depart the facility without claiming all of your property, notification will be sent by certified mail to your last known address, advising you that the property has been declared abandoned, and that you have 30 days during which to contact the Facility to arrange to claim the property. If you do not respond or express no interest in claiming the property, the OIC may have the property destroyed.

If you arrive at this facility and are missing property, you must let the Processing Officer know immediately as to what is missing. Upon arrival in your assigned Housing Unit, you must also submit a Detainee Request Form to the ICE SIEA (On duty Supervisor), informing him of what you are missing and the last known location (The last time YOU saw your property) and the receipt number, if available.

Identity documents, such as passports, birth certificates, driver's license, etc., will be confiscated and turned over to the appropriate Deportation Officer for placement into your A-File. Upon request, ICE will provide a copy for you.

All other unauthorized items will be considered contraband and surrendered to the Processing Officer for securing. Contraband can also consist of any approved item, but in excess of the quantity allowed for retention. This type of contraband will be secured in your property. All hazardous contraband will be confiscated, and turned into the On Duty ICE Supervisor (SIEA) with Disciplinary reports, if appropriate.

## Classification

All detainees will be classified upon their arrival at this facility. The classification system will ensure that each detainee is placed in the appropriate category and physically separated from detainees in other, higher categories. The Processing Officer will use the following information to learn the appropriate classification level to place you:

- Past offenses/ Severity of charges
- Escapes/ Escape attempts
- Institutional Disciplinary history
- Violent episodes/ incidents
- Other pertinent facts relevant to your behavior while in custody and or criminal past.

A point system is used in assigning a number of points for certain offenses. The points are then tallied, which in turn decides your classification level.

The classification system is used to assign the least restrictive housing unit consistent with facility safety and security. Detainees will be housed according to the following classification levels:

- **Level 1 Classification**
  - A. Indicated by Blue Uniforms/ Wristband
  - B. Will not be housed with Level 3 detainees
  - C. Will not include any detainee with a felony conviction that included an act of physical violence.
  - D. Will not include any detainee with an aggravated felony conviction.
  - E. May include detainees with minor criminal records and nonviolent felonies.
- **Level 2 Classification**
  - A. Indicated by Orange Uniforms/ Wristbands
  - B. Will not include any detainee whose most recent conviction was for any offense listed under the “Highest” section of the Severity of Offense guideline.
  - C. Will not include any detainee with a pattern or history of violent assaults, whether convicted or not. A pattern is considered established when the arrest record indicates two or more arrests in a five-year period for assault where force was used with the intent to commit bodily harm.
  - D. Will not include any detainee convicted of assault on a Correctional Officer or where a previous institutional record suggests a pattern of assaults while in custody.
  - E. Can be housed with either Level 1 or Level 3 detainees, depending upon record.
- **Level 3 Classification**
  - A. Indicated by Red Uniform/ Wristband
  - B. May include those detainees reclassified from Level 1 or 2 due to institutional incidents or changes in classification information.
  - C. May be reclassified to Level 1 or 2 based on institutional behavior, provided none of the restrictive codes listed above apply.
  - D. Will be housed only with a “high score” Level 2.

All Level 2 and 3 detainees have the right to appeal their classification level. To appeal your classification, forward a Detainee Request Form to the On Duty ICE Supervisor (SIEA), who in turn, will forward a recommendation to the Chief Immigration Enforcement Agent (CIEA). The CIEA has the authority to reduce a classification level on appeal and every effort will be made to ensure all appeals will be resolved within five business days (with respect to the safe, secure and orderly running of the facility). You will receive written notification of the outcome of your appeal within 10 business days. The notification will include the date and time of the review, reason(s) for granting or denying the appeal, and will note your right to appeal an unfavorable decision to the Officer in Charge (OIC). The OIC’s decision is final. The classification system is also used to determine what work assignments you are eligible for. For further information, please refer to the “Detainee Voluntary Work Program” section. The following is the “Severity of Offense” Scale guideline that is used in helping the Processing Officer determine proper placement and Level indication:

## **HIGHEST**

Aiding Escape  
Aggravated Battery with a Deadly Weapon  
Armed Robbery (Multiple with injury)  
Burglary with Assault  
Escape (Secure Facility)  
Inciting A Riot  
Kidnapping  
Murder (1<sup>st</sup>, 2<sup>nd</sup> Degree)  
Sexual Battery (with violence upon a minor)

## **HIGH**

Aggravated Assault  
Aggravated Battery  
Aggravated Child Abuse  
Arson  
Battery Law Enforcement Officer  
Burglary (Armed)  
Extortion  
False Imprisonment  
False report of Bombing  
Controlled Substance Violations (Transportation, Trafficking)  
Introduction of Contraband into Detention facility  
Manufacture of Explosives  
Robbery (Armed, Strong Armed)  
Sexual Battery (Other than capital or life felony)

## **Moderate**

Armed Trespass  
Burglary  
Carrying Concealed Weapon  
Forgery  
Grand Theft  
Manslaughter  
Sale, Delivery, Possession of Controlled Substance  
Tampering with Witness  
Worthless Check (Felony)  
Welfare Fraud (Felony)  
Escape (non-secure facility)

## **LOW**

Driving Under the Influence  
Leaving the Scene of an Accident  
Battery (Simple Assault)  
Carrying Concealed Weapon (Other than firearm)  
Disorderly Conduct  
Gambling  
Offering to Commit Prostitution  
Possession of Marijuana (Misdemeanor)  
Possession of Drug Paraphernalia  
Petty Theft  
Trespass  
Worthless Check (Misdemeanor)



## **II. Facility Operations**

### **Standards of Behavior**

While detained at the Service Processing Center, Florence, you will be treated with dignity and respect within the environment of a safe, secure, and sanitary detention facility. To make this possible, you are expected to give staff your full cooperation while you wait the processing of your case. In simple terms, you are expected to do the following:

- Follow and obey rules, laws, polices and procedures.
- Follow **ALL** instructions given by staff members.
- Respect staff and other detainees at all times.
- Respect government property and the property of others.
- Keep yourself, your clothing and your living area clean at all times.

Also, do not refer to staff members by their first names. Refer to uniformed staff by rank and last name (for example- Officer Smith, Captain Jones). Refer to non-uniformed staff by Mr., Mrs., or Ms., followed by the last name. Staff members will address you in the same manner. If you follow the above guidelines, you should encounter no problems while at this facility while awaiting the outcome of your Immigration case.

### **Tobacco Policy**

The Florence Processing Center is a tobacco free facility. Therefore, the use of any type of tobacco is strictly prohibited.

### **Living Conditions**

The general population housing units at this facility are open-dorm style and intended for those detainees without special housing needs. Each housing unit sleeping area has an adjacent dayroom that can be used for reading, letter writing, watching television, making telephone calls, and for playing a variety of table games.

Please remember that it is in your best interest to maintain a clean and orderly living area. The following rules apply to the general population housing units:

- Lights are turned on each morning at 5:15 A.M. Lights are turned off at 10:30 P.M. during the week and 1:00 A.M. on weekends and days preceding a Federal Holiday. Dayrooms are open from 6:00 A.M. until lights-out, at which time all detainees will be confined to the sleeping area.
- Please keep your assigned living area clean at all times. Upon getting up for the morning meal, you are to make your bed and leave it made during the day. If you choose not to attend the morning meal, your bed will be made by 8:00 A.M. and remain made during the day. Keep your bed and immediate area clean and neat through out the day. If you desire to return to bed during the day, you are permitted to do so, lying upon the top blanket only. After the evening meal you are permitted to sleep under the blanket.
- Your shoes are the only items allowed to be stored under your bed; all other items must be placed in your assigned locker.
- For security and fire prevention guidelines, no sheets, blankets, pictures, newspapers or other items are to be hung from the bars, bed-frames, air-vents or walls. Special considerations can be made for wet towels.
- For sanitation and pest control reasons, no food is allowed in the sleeping areas.
- Be certain to secure your property and medicine in your assigned locker so that it is not lost or stolen. It is advised to keep your money on you at all times or secured in your locker.
- To avoid possible conflicts among detainees, Housing Unit Officers will control the television sets in the living areas in accordance with a pre-set viewing schedule. Concerns over the viewing schedule should be addressed to the Recreation Department.

- If you hear your name being called by an Officer, answer as quickly as you can to obtain further instructions.

Remember, personal effects, to include hygiene items and medicine, are to be stored in your locker. Do not place items on windowsills, windows, bunks, lockers, under a mattress, etc. These items will be confiscated and removed when left in unauthorized areas. It will be your responsibility to identify and reclaim the items through the appropriate shift supervisor.

While most persons detained at this facility live in the general population units described above, this Facility also has a segregation unit to house detainees with special housing needs.

The Administration Detention section of the Special Housing Unit is for detainees who are:

- Under investigation or awaiting a hearing concerning a rules violation
- Under medical observation
- Pending a special circumstance transfer or release
- Determined to be a security risk
- In Protective Custody

The Disciplinary Segregation section of the Special Housing Unit is for detainees who are:

- Disruptive or assaultive towards staff or other detainees
- Serving a sanction imposed for a facility rules violation

While detainees housed in the Facility Segregation Units are fed and clothed the same as detainees in the general population, other facility services, such as recreation, visitation and telephone privileges, are subject to restrictions depending on sanctions imposed and each particular detainee's behavior.

Each segregated detainee shall be given the opportunity to maintain a normal level of personal hygiene. You will have the opportunity to shower and shave at least three times a week, unless the procedures would present an undue security hazard.

To request barbering services, you must send a written request to the Recreation Specialist who will schedule you for an appointment.

### **Personal Hygiene**

Because you will be living in a dormitory with many other detainees, personal hygiene is essential. You are expected to bathe regularly and keep your hair clean.

Detainees are allowed to grow facial hair and wear any hairstyle, with the exception of those detainees who volunteer to work in the kitchen. Kitchen workers will be restricted from growing facial hair and wearing hairstyles that create a safety or sanitation concern in the food service environment. Barbering services are available to you at no cost in the Recreation Department during your recreation times. Haircuts, which are used as identifiers for members of groups or gangs, are prohibited. No detainee is allowed to shave his or her head.

Disposable razors are available from your Unit Housing Officer on a daily basis, issued on an as needed basis, and returned when you have finished shaving. Due to health and safety reasons meant to protect staff and detainees, disposable razors will not be used by more than one detainee.

Razors will be made available by the Unit Control Officer each morning and evening, personal hygiene items will be exchanged by the Unit Housing Officer at these times also on a one-for-one basis. The times are posted in your housing unit.

Detainees attending court will be afforded the opportunity to shave before reporting to court. However, keep in mind that time is limited. Effort should be made to shave the night before your scheduled court date.

## **Detainee Voluntary Work Program**

Every effort will be made to provide you an opportunity to participate in the facility's voluntary work program. Wages are \$1.00 a day, paid the same day. You are not permitted to earn more than \$1.00 a day nor have more than one job per day. Most jobs involve cleaning assignments in your housing unit. If you are interested in one of these jobs, contact your Unit Housing Officer, who will place you on the want to work roster. Other jobs involve working in the Facility's kitchen or laundry. If you are interested in one of these jobs, you must submit a Detainee Request to the appropriate department, stating your desire to work there. Other jobs include various clean-up and compound details. Inform your Unit Housing Officer, and they will place you on the appropriate list.

This is a voluntary program and you will be required to sign a voluntary work program contract. Detainees that participate are required to work according to an assigned work schedule, with appropriate training provided. Unexcused absences from work or unsatisfactory work performance will result in removal from the program. Your classification level is also restrictive in which jobs you are allowed to work and is at the discretion of the department head.

**Level 1** detainees are eligible for any work detail on the facility to include outside the facility work crews.

**Level 2** detainees are eligible for any work detail on the facility **EXCEPT** outside facility work crews.

**Level 3** detainees are eligible for inside facility cleaning details; dormitory works details, lawn care, and, if properly screened, work details in the Kitchen.

## **Evacuation Drills**

Due to local, state, and federal laws, we perform regular evacuation drills throughout the facility. These drills are not meant to inconvenience you, but rather to ensure you can evacuate your building safely in event of a fire or other emergency. Each unit has a diagram showing where the emergency exits are located and which ones to use. Study this diagram carefully and follow the instructions of the Officers during the evacuation drills, your life may depend on it.

## **Searches**

Searches of people and property are a routine occurrence in any detention facility to control the introduction of weapons and other contraband, and to ensure the safe and orderly operation of the facility. Any attempt to disrupt or avoid a search will result in disciplinary action against you.

Any property in your possession at the time you are admitted to the facility will be searched and inventoried and you will be strip searched before leaving the Processing area. During your stay here, you will be subjected to a pat-search each time you enter your housing unit and at other times such as before and after a lawyer visit and at the end of a work assignment. Strip searches are required at other times such as after a personal visit, upon returning to the facility from an off-site detail, or upon admission to one of the segregation units. Additionally, you will be subjected to a pat-down or a strip-search, depending on the circumstances, any time there is reasonable cause to believe that you may have contraband concealed on your person. All strip-searches of detainees at this facility will be conducted by Officers of the same gender as the detainee.

Searches of housing units, work areas and personal property retained by detainees, will be conducted on a daily basis. Any property not issued by this facility or allowed as an approved item, will be taken from you during a search. Any property taken from you that involves illegal activity may be given to the appropriate law enforcement agency for criminal prosecution and disciplinary action.

## Official Counts

In order to maintain proper accountability of detainees at this facility, official counts are conducted at set times. These are called Formal Counts. Formal Counts will be conducted at 12:00 am, 3:30 am, 8:00 am, 4:00pm, 8:00 pm. During all Formal Counts, you are required to be on your bed. No movement or talking is permitted during the count, and you must remain on your bed until the Unit Housing Officer tells you that the count has been cleared. In addition, informal counts are conducted any time there is mass movement, (to the Rec-yard or the Kitchen, etc.). A face to photo count will be conducted at 10:30pm. It is equally important that you follow instructions from the Unit Housing Officer during these counts also. Emergency Counts are also conducted, upon the direction of the management staff, by the Unit Housing Officers. Following these rules will help us conduct the counts as efficiently and accurately as possible, so that you may return to your regular activities.

### III. Facility Services

#### Meals

Meals are provided three times daily in the Facility Dining Room for detainees in the general population. Breakfast is served between 6:00 A.M. and 7:30 A.M. Lunch is served between 11:00 A.M. and 12:30 P.M. Dinner is served between 4:30 P.M. and 6:00 P.M. Your Unit Housing Officer will notify you when it is time for your Dormitory to go.

We try to provide healthy meals and enough time for you to enjoy them. The difficult task of preparing and serving to such a large number of people requires that you follow certain rules, so that everyone has a chance to enjoy their meals.

- When mealtime is announced in your housing unit, line up at the door quickly, but in an orderly fashion. Meal times and menus are posted on the bulletin board in your housing unit.
- You must be fully clothed each time you leave your housing unit, to include meal times.
- In the Dining Room, you will be given a food tray, drinking glass, fork, spoon and napkin at the serving line. When finished eating, you must carry your tray to the dishwashing area where you will throw away your trash and turn in the other items.
- You do not have to eat the food items you do not like. However, you will not receive bigger portions of other foods to make up for items that you do not eat.
- Because we need to feed a large number of detainees at each meal, we must limit the amount of time that detainees can spend in the Dining Room. However, each detainee, including the last ones through the serving line, will be given a reasonable amount of time to eat his meal.
- If you require a Special Diet for medical reasons, you can request it by sending a Detainee Request Form to the Medical Department.
- If you require a Special Diet for religious reasons, you can request it by sending a Detainee Request Form to the chaplain.

#### Clothing/ Dress Code

While detained at this facility, you may only wear the clothing that is issued to you. The following rules and procedures pertain to the wearing of your issued uniform:

- You will wear a complete uniform (shirt, pants, shoes) at all times while in the Dining Room, Medical, Court, during Religious services, and visitation.
- Shower shoes are to be worn only inside the Housing Units.
- The wearing of mixed colors is not authorized for outer garments.
- Other than Religious headwear that has been approved by the chaplain, all other head coverings are prohibited. A hairnet shall be issued to kitchen workers and hats may be temporarily issued to certain detainees on outside work details. These items are not permitted inside the Housing Unit.
- Undergarments may be worn without outer garments **ONLY** while inside the sleeping quarters or the restrooms. **NO EXCEPTIONS!**
- Uniform pants and shorts will be worn at a point above the waist that prevents the crease of the buttocks from showing.
- Detainees are not to walk about the facility with their hands inside the waistbands of the pants regardless of weather conditions.
- No article of clothing will be worn in a manner not intended for that item (using a shirt as a headband or head cover, etc.).
- **Detainees are not permitted to wash clothing, bedding, linens, tennis shoes or other items in the restroom sinks or showers.**

Clothing will be exchanged on a one-for-one basis. Laundry exchanges for the general population will occur in the Housing Units and be announced by the Unit Housing Officer. Socks, towels and underwear will be exchanged daily. Uniform shirts and pants will be exchanged a minimum of twice a week. Bed linens will be exchanged a minimum of once per week, and blankets exchanged once per month. Food Service workers are required to exchange shirts and pants every day. Other detainee workers will exchange clothing more often than scheduled when determined to be necessary.

### **Laundering of Personal Clothing**

You may wish to have your personal clothing washed prior to your departure from the facility. If you do, you must submit a detainee request to the SIEA stating such. Requests will be approved or denied at the discretion of the SIEA. Approvals will be made based upon the availability of the Laundry to accommodate the request. If approved the SIEA will have an officer escort you to your property to choose which of your clothes will be washed. The government will not be responsible for damage to clothing caused by laundering it.

### **Medical Services**

Upon arrival at this facility, you will receive an initial medical and mental health screening by a health care provider. To provide the best medical service possible, it is important that you are honest concerning your use of or dependence on mood and mind altering substances- alcohol, opiates hypnotics, sedatives, etc. Staff members of the U.S. Public Health Service, Division of Immigration Health Services, provide medical services for persons detained at this facility. While here, if you are sick and feel that you need medical attention, our medical staff can see you by requesting a Sick Call slip from your Unit Housing Officer. Fill out the Sick Call slip and place it in the Medical Request Box in the Kitchen Dining Room. You will be scheduled to be seen during routine Sick Call. Sick Call is conducted Monday thru Friday (except Federal Holidays) from 7:30 A.M. to 11:30 A.M. and then again from 1:00 P.M. to 4:00 P.M. If you feel you have a medical problem of an emergency nature, notify your Unit Housing Officer and you will be evaluated by the medical staff for more immediate treatment.

Sick Call for detainees housed in the facility segregation units will be conducted daily during regular Sick Call hours.

Your medical records are confidential; release of this information to anyone (including an attorney representing you) requires your written authorization. The health care provider, upon receipt of your request has up to twenty working days to process it. If expedited processing is needed, you must demonstrate and justify a compelling need. The written request must contain your full name, alien number, date of birth and nationality; purpose or need for the information to be released; nature of the information to be released; and your signature and date.

## **IV. Detainee Services**

### **Detainee Request Forms**

If you need information or assistance other than that provided to you by this handbook or your Unit Housing Officer, you must fill out a Detainee Request Form. Your Unit Housing Officer will provide you with the form and assist you with filling it out, if necessary. Be sure to provide all the information requested at the top of the form (as it appears on your wrist band) and write your request simply and clearly. Give the completed form back to the Unit Housing Officer, who will forward it to the appropriate office.

These forms are also used to contact your assigned Deportation Officer and other services such as the Chaplain, request special visits and various property issues. Deportation Officers are the Officers in charge of your case. To identify your assigned Deportation Officer, use the very last digit (number) in your Alien Registration Number (A number). In your Housing Unit Dayroom, is a list of Deportation Officers and the corresponding number that is assigned to them. All questions concerning the status of your case should be addressed to the appropriate Deportation Officer.

## **Visitation**

The ICE encourages you to receive visits from your family, friends and attorneys. You are also permitted visits from consular officials, special interest groups and the news media. Visiting hours for each type of visit have been established. The Chief Immigration Enforcement Agent must first approve special visits.

### **A. Visiting Hours**

We have established visiting times for the following categories:

- General visitation (including visits from children)
- Legal visitation
- Consultation visitation for expedited removal
- Consular visit
- Special family visits

The hours for each type of visit are posted in your Housing Unit and the visitor waiting room. A written copy of the visiting hours and rules is also available to the public. This facility also has visiting hours for those detainees in Administrative/ Disciplinary Segregation.

### **B. Legal Visitation**

You have the opportunity to meet privately with legal representatives, prospective legal representatives and legal assistants. These visits are confidential no facility staff will be at these meetings or listen in on them. Any materials you get during legal visits for your personal use will be inspected, not read. Legal visitation is available daily from 8:00 am to 4:30pm.

### **C. PRO BONO List and Detainee Sign-up**

The current list of pro bono legal organizations and individuals is posted in the housing area. This list contains names of people and organizations that can offer you legal help, some at reduced rates or, in some cases, no charge. Sometimes, these individuals or organizations ask us to post a sign-up sheet for you to request to see a representative from that organization. You, as an individual or with a small group of detainees, may also have the opportunity to meet privately with these legal representatives, consistent with security concerns.

### **D. Consultation Visitation for Detainees Subject to Expedited Removal**

If you are subject to expedited removal and have been referred to an Asylum Officer, you are entitled to consult with anyone you choose before the interview while the Officer's decision is under review. This includes family, friends, legal representatives, members of non-governmental organizations, etc. These consultations are to be private, just like meeting with attorneys. You may also have these persons with you during the Asylum Officer's interview and during an Immigration Judge's review of a negative credible fear determination, if the judge allows it.

### **E. Consular Visitors**

You have a right to contact your consular representatives and receive visits from your consulate officers. These visits may take place during normal attorney visiting hours or with special permission from the Officer in Charge. These visits are also private, like meeting with legal representatives.

If you have made an appointment to meet with an attorney, legal representative or paralegal from an organization, legal firm, or another association or company, it is your responsibility to cancel the appointment if you do not intend to keep it. Appointment cancellations will not be accomplished on your behalf by, or through facility staff.

### **F. Special Visitation**

To request a Special Visit, you must submit a Detainee Request Form to the Chief Immigration Enforcement Agent. The on Duty ICE Supervisor, (SIEA) has the authority to grant Special Visits for the following:

- Exceptionally large families so that all members may visit as a group with the detainee relative.
- Out-of-State visitors.
- Visitors who are unable to visit during the regular visitation hours.

## Visitation Rules

Normal detainee visitation is conducted on weekends and all Federal Holidays. The exact hours are posted on the bulletin board of your Housing Unit.

You will usually have 45 minutes for a visit. If there are more visitors than can fit in the visiting room, it may be necessary to shorten the visit. We have tried to make our visiting area as comfortable and pleasant as possible. We ask your help in making sure that visits are conducted in a quiet, orderly and dignified manner with respect to the other visitors. Rules prohibiting drugs, illegal and other unauthorized items and contraband are strictly enforced. Please follow the rules below so that visits are pleasant for everyone:

- The number of visitors is limited to no more than 3 visitors at a time unless **written authorization** has been received from the On Duty ICE Supervisor (SIEA)
- Visitors are to be in appropriate and socially acceptable attire. A copy of the dress code is available and given to all visitors.
- Visitors and any articles in their possession will be searched before and after entering the facility. You will be stripped searched after your visit for safety and security reasons.
- The ICE Supervisors must approve any items brought in by a visitor for you. Only the ICE Supervisor (SIEA) on Duty may give permission for items to be brought in and is limited to one complete set of clothing and a bag to carry them in, unless prior **written authorization** is received.
- Any unruly or socially inappropriate behavior by either party will end the visit and may have an adverse effect on future visitation.
- Visitors who bring children (17 or younger) must closely supervise them so as not to disturb others.
- Visitors are responsible for their own transportation to and from the facility.
- You should discourage your visitors from bringing large quantities of hand carried parcels and other items, to include packages.
- Physical contact shall be allowed, within the confines of common decency.
- Kissing and embracing shall be permitted **ONLY** at the beginning and end of each visit and shall not be prolonged.
- Visitors or detainees shall not place their hands inside the other's clothing.
- All clothing shall remain fastened; hands shall remain outside the clothing at all times and the touching of any genital area, breast, or buttocks, under or over the clothing, is strictly prohibited.
- The use of profanity, making loud noises, disturbing other detainees or visitors, creating a mess or otherwise being a nuisance in the visitation area is prohibited.
- No items/ property will be exchanged between the visitor and detainee during the visit. All transactions shall be initiated between the visitor and an Officer only, who in turn will inventory/ receive the item.

## Mail

Your address to receive mail at this facility is:

Your Name (as it appears on your wrist band)  
 Your Alien Number  
 U.S. Immigration and Customs Enforcement  
 3250 N. Pinal Parkway  
 Florence, Az. 85232

You may mail up to two letters per day, at ICE expense. Please write all of the return address information given above in the upper left-hand corner of the envelope. If you do not, your letter will be opened for identification and returned to you. Seal the envelopes on your outgoing letters and give them to your Unit Housing Officer. All



outgoing mail is then turned in to the evening ICE Supervisor. All outgoing mail is mailed out the next business day. Due to postal regulations, drawing on the outside of the envelope is prohibited.

You are advised, that the ICE defines mail as two types:

- General Correspondence and other mail.
- Special Correspondence

Special Correspondence is the term for your written communications to or from private attorneys and other legal representatives; government attorneys; judges, courts; embassies and consulates; the President or Vice-President of the United States, members of Congress, the Department of Justice (including ICE and Office of the Inspector General); the U.S. Public Health Service; administrators of grievance systems; and representatives of the news media. Correspondence will **NOT** be treated as special correspondence if the title and office of the sender (for incoming correspondence) is not identified on the envelope, clearly indicating that the correspondence is special. Out going correspondence will **NOT** be treated as special correspondence if the name, title and office of the recipient are not clearly identified on the envelope to provide clear indication that the mail is special.

Your incoming mail will generally be delivered to you on the same day that it arrives at this facility. Your mail, both general and special correspondence, is opened in your presence to be inspected for contraband. If you do not permit inspection, it will be returned to sender. Your mail will not be read; it will only be inspected for contraband items. The Officer in Charge may, for security reasons, authorize your general correspondence to be opened without you being present. Special incoming correspondence shall be inspected in your presence to detect any physical contraband and confirm that any enclosures qualify as special correspondence.

Identity documents, such as passports, birth certificates, driver's license, etc., will be confiscated and turned over to the appropriate Deportation Officer for placement into your A-File. Upon request, ICE will provide a copy to you.

You will **not** be allowed to receive or send packages without making advanced arrangements, through the CIEA. The postage for packages, oversized or overweight mail will be paid by you.

You are responsible for the contents of the letters that you send. If staff members have reason to believe that you are violating mail regulations (mailing threatening letters or engaging in some type of criminal activity through the mail) your mail privileges may be restricted. This can mean that you will only be allowed to send letters to individuals who have been specifically approved. It also means that facility staff may read and censor all of your incoming and outgoing general mail.

You are also advised that there are circumstances where incoming and outgoing general correspondence may be confiscated or withheld. If this happens, you will be given a receipt for the confiscated or withheld item(s). Correspondence and publications that may be rejected include, but are not limited to, items with the following contents:

- Material that depicts, describes, or encourages activities that could lead to physical violence or group disruption, including material dealing with self-defense or survival, weaponry, armaments, explosives, or incendiary devices.
- Information regarding escape plots plans to commit illegal activities or to violate ICE rules or facility guidelines.
- Information regarding the production of drugs or alcohol.
- Sexually explicit material.
- Threats, extortion, obscenity, or gratuitous profanity.
- In code;
- Other contraband. A package received without prior authorization is considered contraband.

Both sender and addressee will be provided written notice, with explanation, when the facility rejects incoming or outgoing mail; the authorizing official will sign it.

When you are released from this facility, any further mail received for you will be returned to sender.

## Marriage Request

To request permission to marry while detained by ICE, you must submit a Detainee Request Form to the Officer in Charge (OIC). The OIC will consider each request on a case-by-case basis. The following information must be included/ addressed in the request:

- That each person is legally eligible to be married.
- He/ She is mentally competent to be married, as determined by a qualified medical practitioner.
- The intended spouse has affirmed, in writing, his/ her intent to marry the detainee.

The OIC's decision to deny a request and the reason(s) for it shall be provided in writing to the detainee and his/ her legal representative, if applicable.

When a request is approved, you or your legal representative, or others acting on your behalf, must make all arrangements for the marriage. Arrangements include, but not limited to, taking a blood test, obtaining a marriage license, and retaining an official to perform the marriage ceremony. **ICE personnel shall not participate in making marriage arrangements.** The following conditions also apply:

- The OIC will provide the detainee with a time and place during which he/ she may make marriage arrangements and the arrangements will be accommodated consistent with the security and orderly operation of the facility. The OIC reserves the right of final approval concerning the time, place and manner of all arrangements.
- A detainee will not be allowed to leave the facility for the purpose of making marriage arrangements.
- You or person(s) acting on your behalf shall bear all expenses relating to the marriage.
- The marriage will take place inside the facility.
- Only individuals essential for the ceremony may attend.
- Marriage ceremonies will be private, with no media publicity.
- A marriage request will have no effect on regular or scheduled processing or action in your legal case. That is, the marriage request will neither interrupt nor stay any hearing, transfer to another facility, or removal from the United States.

The foregoing are internal guidelines for this facility. They are not to be constructed as creating rights for detainees or other persons, and they do not prevent the OIC from exercising discretion in conducting his/ her case-by-case review.

## Telephones

Telephones are located through out the facility in each Housing Unit Dayroom for use by detainees in the general population and segregation units. You may make collect calls or use of a pre-paid phone card, which can be purchased in the Recreation Yard. Housing Unit telephones are available for detainee use daily from the morning meal (6:00 A.M.) until lights out, **EXCEPT** during count times. Telephones are also located in the Facility's Dining Room for use by kitchen workers during their work breaks. Due to the number of detainees per Housing Unit versus the number of available phones, detainees are requested to limit their telephone calls to 20 minutes to allow the others to use the phones. Should you become aware of any phone problems, please notify your Unit Housing Officer.

If the facility telephone system or schedule does not meet your special needs for a particular situation, or if you need to make an emergency phone call, you should send a Detainee Request Form to the Chief Immigration Enforcement Agent who will evaluate your situation and may approve a special access call.

If you are having trouble making a confidential call about a legal matter, fill out a Detainee Request Form stating the problem. We can help you to make the call privately. While an Officer may visually monitor you on the phone, your legal calls will not be overheard.

We can also help you make direct (non-collect) calls in certain circumstances. To make these "special access calls", you should submit a Detainee Request Form to the Chief Immigration Enforcement Agent (CIEA) and include the person to be called, the purpose of the call, and the number to be dialed. Indigent detainees will not have to pay for

local special access calls or for non-local calls if they can demonstrate a compelling need. We will help you make the following direct calls:

- Calls to the local Immigration Court and the Board of Immigration Appeals
- Calls to Federal and State Courts where you are involved in a legal proceeding or may become involved in a legal proceeding
- Calls to consular officials
- Calls to legal service providers in an attempt to obtain legal representation or to have an expedited removal consultation
- Emergency and other calls where you can show a compelling need to make a direct call, as in the case of a personal or family emergency, or where you need to call a government office to obtain documents related to your immigration case. Routine telephone calls to attorneys are not considered emergencies.

You should let any one wishing to contact you know that there is a message line available. By dialing (520) 868-5862 ext. 8388, they are able to leave a message for you, provided they give your Alien Number, your name as it appears on your wristband, and the phone number they want you to call. Messages are checked three times daily (6:00 AM, 12:00 PM and 6:00PM) and are then delivered to the appropriate Housing Unit for delivery to you.

### **Recreational Facilities and Activities**

Weather and Security concerns permitting, each general population unit will be scheduled for at least one hour of recreation at least 5 days a week. The recreation schedule will be rotated so that each unit will receive both morning and afternoon recreation periods throughout the week. The recreation yard accommodates soccer, volleyball, basketball and other opportunities to workout or participate in organized sports. Pre-paid phone cards are also available for purchase from a vending machine located in the recreation yard. The facility employs two Recreation Specialists who organize athletic events and contests for the detainees.

Detainees in the Segregation Units will be offered at least one hour of recreation per day, at least five days per week, if it does not pose a safety or security risk or if it is not a privilege revoked thru imposition of a sanction for a facility rules violation.

### **Vending Machines**

Vending machines are located in each Housing Unit. You must eat or drink items purchased in the dayroom as **NO FOOD OR DRINKS ARE ALLOWED IN THE SLEEPING AREA**. A vending machine representative will be on site regularly to service the machines.

### **Financial Services**

While detained at this facility, you are allowed to retain up to \$60.00 in U.S. currency. Any other monies, checks, foreign currency, money orders or cash in excess of \$60.00, will be receipted and placed on the books in your name. Approximately twice a month, you will be given the opportunity to take up to \$60.00 out of your account. This is referred to as "Money Off the Books". You must be careful that you do not have any more than \$60.00 in your possession at any one time, as you would then be in violation of the Facility's rules and subject to a disciplinary write-up.

Approximately twice a month, a private vendor provides the opportunity for you to cash checks or money orders you may have. He does not, however, accept or cash personal checks. There is a charge for cashing each check; it is determined by the amount of the check. The amount charged will be explained to you before cashing your check. This is referred to as "Check Cashing".

The day before these events, the Unit Housing Officer will place a sign-up list for Money Off the Books or Check Cashing in the unit. If you want to take money out of your account or cash a check, you must place your name on the appropriate list. You must bring your money/check receipt with you the next day. When you are released from this facility, all your foreign money, U.S. money and any un-cashed checks or money orders will be returned to you.

## Religious Services

While at this facility, you will be afforded the opportunity to engage in practices of your religious faith that is deemed essential by the faiths judiciary, as long as it does not interfere with the safe, secure and orderly running of this facility.

A variety of religious services and religious reading materials are available at this facility. The schedule of religious services is posted on the bulletin board in your housing unit, and the Unit Housing Officer will announce turnouts for these services. Attendance at all religious services is voluntary and, unless otherwise noted, open to all. Religious books and reading materials are available through the Chaplain.

A Detainee Request Form should be submitted to the Chaplain for any particular religious need that you may have, which is not addressed in the normal schedule of religious services provided.

If a religious diet is needed, you must submit a Detainee Request to the Chaplain stating your dietary needs. Every effort will be made to accommodate your religious needs, with respect to the safe, secure, and orderly running of this facility.

## Library

This facility has a library, which is maintained by the Recreation Specialist and contains standard books and periodicals that would normally be found in any community library. You are allowed to check out up to two books at any one time and keep them in your property to read. It is important that you take care of the books and return them on time so that other detainees have the opportunity to read and enjoy them.

## Law Library

While here, you will have access to legal materials and be provided with a reasonable opportunity to prepare legal documents. Access to the Law Library for detainees in segregation may be more restrictive.

This Facility Law Library is open from 0900 to 2100 hrs. Daily. It is equipped with legal reference materials, computers and other writing materials. If you want to use the law library, contact your Unit Housing Officer to reserve a time for you. If you require more then your allotted time in the Law Library, you must submit a Detainee Request Form explaining your need to the ICE SIEA (Supervisor on Duty).

You can obtain copies of your legal materials, when such copies are reasonable and necessary for a legal proceeding in which you are involved. This can be accomplished by contacting your Unit Housing Officer.

The number of copies to be filed with a particular court, combined with the number required for ICE records and at least one copy for your personal use will determine the number of photocopies required (usually one for the Judge, one for the Trial Attorney, one for you're A-File and one for your records). Requests of legal material shall be denied only if:

- The documents might pose a risk to the security and orderly operation of the facility.
- There are other legitimate security concerns.
- Copying would constitute a violation of law or regulation.
- The request is clearly abusive or excessive.

Staff members shall inspect documents offered for photocopying to ensure that they comply with these rules. However, staff shall not read a document that is clearly related to a legal proceeding you are involved in.

By submitting a Detainee Request Form to the Chief Immigration Enforcement Agent, you may be permitted to obtain assistance from other detainees in researching and preparing legal documents, except when such assistance may pose a security risk. Such assistance is voluntary; no detainee shall be allowed to charge a fee or accept anything of value for assistance. Illiterate unrepresented and non-English speaking detainees will be provided with access to more than English-language law books, assistance in using the Law Library, and contacting **PRO BONO** legal assistance organizations, upon request.

The Officer in Charge of this facility will not pay compensation to a detainee for researching or preparing legal documents on behalf of another detainee.

If you become aware that materials in the Law Library are missing or damaged, you should submit a Detainee Request Form to the CIEA, stating what is damaged or missing. The same procedure applies to request legal references not already maintained.

## **Grievances and Complaints**

When you have a complaint or grievance concerning some aspect of your detention at this facility, you should make every effort to resolve it informally, and at the lowest level possible. First, speak to your Unit Housing Officer about your complaint. If he/ she is unable to resolve the problem, please take the following Informal Grievance Procedure steps:

- Request to speak to an Immigration Enforcement Agent. If they are unable to resolve your complaint:
- Request to speak to a Supervisory Immigration Enforcement Agent. If they are unable to resolve your complaint:
- Submit a written grievance on a Detainee Grievance Form to the Chief Immigration Enforcement Agent. Include all-important information; such as what your complaint is about and which Officers you have spoken to. You will receive a response from the Chief Immigration Enforcement Agent within 5 days. If you are not satisfied with his response:
- You may appeal the response to the Officer in Charge by submitting another written Detainee Grievance Form. Again, include all-important information. You will receive a response from the Officer in Charge (or his designee) within 5 working days.

If you are unsatisfied with the outcome of the Informal Grievance Process, or you simply want to make a Formal Complaint, you are free to do so. You also have the opportunity to receive additional assistance preparing your grievance by writing a Detainee Request Form to the Chief Immigration Enforcement Agent, explaining your need. You may obtain assistance from staff members, other detainees or outside sources such as family members or legal representatives. You must file a Formal Grievance, no later than 5 days after the event or after the unsuccessful conclusion of an Informal Grievance. The steps to file a Formal Grievance are as follows:

- Submit a written Detainee Grievance Form (you can obtain one from your Unit Housing Officer) to the CIEA. Your complaint should cover only one subject (a single complaint or a cluster of closely related issues) or the form will be rejected without review.
- If you feel the issue is sensitive or your safety may be in jeopardy, you may put the grievance in a sealed envelope, mark it "Sensitive" and it will be submitted directly to the Officer in Charge.
- A Supervisory Immigration Enforcement Agent will attempt to resolve your complaint. If they are unable to do so, they will notate your Grievance Form and submit it to the next higher level or to the appropriate department head.
- The responsible department head will provide you with a written response consisting of both the decision and the reasons for that decision. If the outcome of this decision is unsatisfactory to you:
- You may appeal the decision to the Detainee Grievance Committee. They will convene to study your appeal within 5 working days. (No one named in the complaint, involved in earlier resolution attempts or with helping prepare the grievance may participate). You will be offered the opportunity to appear before the committee to present your case. Within 5 days of reaching a decision, you will be provided a written copy of the decision and the reasons for the decision. If you are not satisfied with the committee's decision:
- You may appeal to the Officer in Charge. The Officer in Charge's decision is final. You will be given a written copy of his decision and the reasons for it within 5 days of receiving the appeal.
- If your complaint involves Officer misconduct, you may contact the:

Office of the Inspector General  
245 Murray Drive, S.E., Building 410  
Washington, DC 20528  
1-800-323-8603

Staff will not **harass, discipline, punish, or otherwise retaliate** against you for lodging a complaint. **However, if you establish a pattern of filing nuisance complaints or otherwise abusing the grievance system, staff may refuse to process subsequent complaints.**

### **Group Legal Rights Presentation**

With respect given to safety concerns, ICE permits attorneys, accredited representatives, and their legal assistants to make presentations to detainees in ICE detention facilities to inform them of U.S. Immigration law and procedure. You will be notified before a planned presentation and given an opportunity to attend. Some group legal rights presentations may include confidential individual counseling. ICE will not provide interpreters for these presentations.

### **Legal Representation and Aid**

You have the right to legal representation in your immigration case. However, the attorney must be of your own choice and hired at your own expense. If you want an attorney, but cannot afford one, you may be able to obtain a representative from one of the organizations or individuals on the List of Free Legal Service Providers form that was given to you when you arrived at this facility and posted in your Housing Unit. These individuals or organizations may agree to represent you free of charge, or for a small fee. The Executive Office of Immigration Review (EOIR) updates the list every three months.

We can help you make direct (non-collect) calls in certain circumstances. To make these “special access calls”, you should submit a Detainee Request Form to the Chief Immigration Enforcement Agent (CIEA) and include the person to be called, the purpose of the call, and the number to be dialed. Indigent detainees will not have to pay for local special access calls or for non-local calls if they can demonstrate a compelling need. We will help you make the following direct calls:

- Calls to the local Immigration Court and the Board of Immigration Appeals
- Calls to Federal and State Courts where you are involved in a legal proceeding or may become involved in a legal proceeding
- Calls to consular officials
- Calls to legal service providers in an attempt to obtain legal representation or to have an expedited removal consultation
- Emergency and other calls where you can show a compelling need to make a direct call, as in the case of a personal or family emergency, or where you need to call a government office to obtain documents related to your immigration case. Routine telephone calls to attorneys are not considered emergencies.

### **Consulate and Court Services**

You have the right to request assistance from the consulate of your country of origin. If you are unable or are having trouble contacting your consulate, you may request assistance by sending a Detainee Request Form to the Deportation Department.

If you would like to find out your initial Court date, you may call the Immigration Court at 1-800-898-7180. You will need your Alien Registration Number. (Please be aware that it takes approximately five to ten working days after arrival at this facility for your case to be scheduled for an initial hearing).

## V. Prohibited Acts and Consequences

### Discipline

In a facility where many detainees live together in a small space, it is extremely important to maintain order and discipline. Discipline and order are not only for the staff's benefit, but also for your safety and welfare, and that of all other detainees. While some problems can be resolved informally, it is sometimes necessary to impose disciplinary measures.

Discipline will never be of a nature or administered in a way that will degrade or humiliate. The following actions will never be used as means of discipline or punishment:

- Unnecessary or Excessive Force
- Corporal Punishment
- Psychological Intimidation
- Property Damage
- Harassment
- Denial of Medical Care
- Denial of regular meals

The formal disciplinary procedures that are taken against a detainee that violates a facility rule are as follows:

- If you are accused of a rule violation, you will be given a copy of the Incident Report (charges) within 24 hours of the incident. If the incident is of a serious nature, you will be placed in Administrative Segregation.
- Within 24 hours of the incident, a Supervisory Immigration Enforcement Agent will conduct an investigation. First, he or she will advise you of your rights, to remain silent, to call witnesses, present evidence and to have a staff member as a representative.
- If the charges are in the 100 to 200-code range, the Investigating Officer will refer the incident Report to the Institution Disciplinary Panel (IDP). Before doing so, the Investigating Officer will inform you of your rights at this stage, both verbally and in writing. If you are found guilty of any charge, the IDP may impose certain sanctions. Barring emergencies your IDP hearing will be scheduled within 72 hours of the incident.
- If the charges are in the 300 to 400-code range, the Unit Disciplinary Committee (UDC) will hear your case and render a verdict. If you are found guilty of any charge, the UDC may impose certain sanctions. Barring emergencies, every effort will be made to schedule your UDC hearing within 24 hours of the incident. If you do not accept the UDC's verdict, your case will go to the IDP.
- At any time during the hearing, the Institution Disciplinary Panel, upon finding justifiable cause, may order further investigation of the incident. It may also delay the hearing to a future date.
- You may appeal the decisions or sanctions imposed by the Institution Disciplinary Panel (IDP). You must give your written appeal to the Officer in Charge within 15 calendar days from the time you receive the Panels decision. The Officer in Charge of the facility will provide a written response within 5 calendar days, or as fast as events and circumstances allow.
- All cases of detainees housed in the Facility's segregation units will be reviewed on a weekly basis.
- Rule violations that are also violations of law will be charged and tried in the appropriate local, state, or federal court. Filing charges in criminal court does not prevent ICE from also handling the same act as an internal disciplinary matter, or from taking disciplinary action.
- Attempting to commit a prohibited act, aiding another person in the commission of a prohibited act, or conspiring to commit a prohibited act will be considered the same as committing the act itself.

The following pages list the prohibited acts, listed by severity of the offense, and the range of sanctions for each category of offense.

**Level 1 – Greatest Category**

<b>CODE</b>	<b>PROHIBITED ACTS</b>	<b>CONSEQUENCES</b>
100	Killing.	<p><b>Note: Any of the Prohibited Acts in this series (100) can Result in one or more of the Following consequences:</b></p> <p>A. Criminal Proceedings</p> <p>B. Disciplinary Transfer (recommended)</p> <p>C. Disciplinary Segregation (up to 60 days)</p> <p>D. Monetary restitution</p>
101	Assaulting any person (includes Sexual assault)	
102	Escaping from escort or from A secure institution	
103	<p>Setting a fire (charged only )</p> <p>When it poses a threat to life or a threat of serious bodily harm or furthers a prohibited act of greatest severity.</p>	
104	Possessing or introducing a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive, or any ammunition.	
105	Rioting	
106	Encouraging others to riot	
107	Taking Hostage	
108	Assaulting a Staff Member or any Law Enforcement Officer.	
109	Threatening a Staff Member or any Law Enforcement Officer with bodily harm.	
198	Interfering with a Staff Member in the performance of duties (conduct must be of greatest severity)	
199	Engaging in conduct that disrupts or interferes with the security or orderly running of the facility (conduct must be of greatest severity).	



**Level 2 – High Category**

CODE	PROHIBITED ACTS	CONSEQUENCES
200	Escaping from unescorted activities, and/or a secure facility without violence.	<b>Note: Any of the Prohibited Acts in this series (200) can result in one or more of the following consequences:</b>
201	Fighting, boxing, wrestling, sparring, and any other form of physical encounter, including horseplay, that causes or could cause injury to another person, except as part of an approved recreational or athletic activity.	<ul style="list-style-type: none"> <li>A. Criminal Proceedings</li> <li>B. Disciplinary Transfer (recommended)</li> <li>C. Disciplinary Segregation (up to 60 days)</li> <li>D. Monetary restitution</li> <li>E. Loss of Privileges</li> <li>F. Change Housing Unit</li> <li>G. Remove from Program, and or group activity</li> <li>H. Loss of Job</li> <li>I. Impound and Store Detainees Property</li> <li>J. Confiscate contraband</li> <li>K. Restrict to Housing Unit</li> </ul>
202	Possessing or introducing an unauthorized tool.	
203	Losing, misplacing or damaging a restricted tool.	
204	Threatening another with bodily harm or other offense.	
205	Engaging in extortion, blackmail, protection, demanding or receiving money or anything of value in return for protection from others.	
206	Engaging in sexual acts	
207	Making sexual proposals or threats.	
208	Wearing a disguise or mask.	
209	Tampering with or blocking any lock device.	
210	Tampering or contaminating any food or drink.	
211	Possessing, introducing or using any narcotics, narcotic paraphernalia, or drugs not prescribed by the medical staff.	
212	Possessing any Officer or Staff clothing.	
213	Engaging in or encouraging a group demonstration.	
214	Encouraging others to refuse to work or to participate in a work stoppage.	
215	Refusing to provide a urine sample or to take part in other drug-abuse testing.	
216	Bringing alcohol in the facility.	
217	Giving or offering an Officer or Staff member a bribe or anything of value.	
218	Giving money to or receiving money from any person for purposes of introducing prohibited items or for any illegal purpose.	

CODES	PROHIBITED ACTS	CONSEQUENCES
219	Destroying/Altering or Damaging Property	
220	Being found guilty of three or more of any combination of moderate or low-moderate offenses within a 90 day period	<ul style="list-style-type: none"> <li>A. Criminal Proceedings</li> <li>B. Disciplinary Transfer (recommended)</li> <li>C. Disciplinary Segregation (up to 60 days)</li> <li>D. Monetary restitution</li> <li>E. Loss of Privileges</li> <li>F. Change Housing Unit</li> </ul>
221	Signing, preparing, circulating, or soliciting support for group demonstrations.	<ul style="list-style-type: none"> <li>G. Remove from Program, and or group activity</li> </ul>
222	Possessing or introducing any incendiary (Fire-causing) device, including matches, lighters, etc.	<ul style="list-style-type: none"> <li>H. Loss of Job</li> <li>I. Impound and Store Detainees Property</li> <li>J. Confiscate contraband</li> <li>K. Restrict to Housing Unit</li> </ul>
223	Doing anything that may endanger people and/ or property.	
298	Interfering with a Staff member in the performance of duties (conduct must be of a high severity).	
299	Engaging in conduct that disrupts or interferes with the secure and orderly running of the facility (conduct must be of a high severity).	

**Level 3 – Moderate Category**

CODE	PROHIBITED ACTS	CONSEQUENCES
300	Exposing your private body parts.	<p><b>Note: Any of the Prohibited Acts in this series (300) can result in one or more of the following consequences:</b></p> <p>A. Criminal Proceedings</p> <p>B. Disciplinary Transfer (Recommended)</p> <p>C. Disciplinary Segregation (up to 3 days)</p> <p>D. Monetary Restitution</p> <p>E. Loss of privileges: movies, recreation, etc.</p> <p>F. Change of Housing</p> <p>G. Removal from program and/or group activity</p> <p>H. Loss of job.</p> <p>I. Personal property impoundment and storage</p> <p>J. Confiscation of illegal items.</p> <p>K. Restriction to quarters.</p> <p>L. Reprimand.</p> <p>M. Warning.</p>
301	Stealing (theft)	
302	Misusing authorized medication.	
303	Losing, misplacing, or damaging a less restrictive tool.	
304	Loaning money or other items of value for profit or increased return.	
305	Possessing anything you are not allowed to keep or receive through regular channels.	
306	Refusing to clean assigned living quarters.	
307	Refusing to obey an order of a Staff Member or Security Officer (may be categorized as an act of greater severity, according to the order being disobeyed).	
308	Being insolent towards a Staff Member.	
309	Lying or providing false statement to a Staff Member or Security Officer.	

**Level 3 – Moderate Category continued**

CODE	PROHIBITED ACTS	CONSEQUENCES
310	Counterfeiting, forging, or reproducing any money, security/ official document, article, or identification paper (may be categorized as greater severity according to the item).	A. Criminal Proceedings B. Disciplinary Transfer (Recommended)
311	Participating in an unauthorized meeting or gathering.	C. Disciplinary Segregation (up to 3 days)
312	Being in an unauthorized area.	D. Monetary Restitution E. Loss of privileges: movies, recreation, etc.
313	Failing to stand count.	F. Change of Housing G. Removal from program and/or group activity
314	Interfering with the taking of count.	H. Loss of job. I. Personal property impoundment and storage
315	Making, possessing or using intoxicants.	J. Confiscation of illegal items. K. Restriction to quarters. L. Reprimand. M. Warning.
316	Refusing to breathe into a breathalyzer or other method of alcohol abuse testing.	
317	Gambling.	
318	Preparing or conducting a gambling pool.	
319	Possessing gambling paraphernalia.	
320	Making unauthorized contact with the public.	
321	Giving to or accepting from another person money or anything of value without staff permission.	
322	Destroying, altering or damaging property of \$100.00 or less that belongs to the government or another person.	
398	Interfering with a Staff Member in the performance of duties (conduct must be of modest severity).	
399	Engaging in conduct that disrupts or interferes with the security and orderly running of the facility.	

**Level 4 – Low Moderate Category**

CODE	PROHIBITED ACTS	CONSEQUENCES
400	Possessing property belonging to another person.	<b>Note: Any of the Prohibited Acts in this series (400) can result in one or more of the following consequences:</b> A. Criminal Proceedings B. Disciplinary Transfer (Recommended) C. Disciplinary Segregation (Up to 3 days) D. Monetary restitution E. Loss of Privileges; Movies, Recreation, etc. F. Change of housing G. Removal from program/ Or activity. H. Loss of job. I. Personal property impounded and storage J. Confiscation of illegal items. K. Restriction to quarters. L. Reprimand. M. Warning.
401	Possessing unauthorized clothing.	
402	Pretending to be sick.	
403	Smoking were prohibited	
404	Using abusive or obscene language.	
405	Tattooing or self-mutilation.	
406	Making unauthorized use of mail or telephone.	
407	Engaging in prohibited conduct with a visitor.	
408	Conducting a business.	
409	Possessing money or currency not authorized.	
410	Failing to follow safety or sanitation regulations.	
411	Using any unauthorized equipment or machinery.	
412	Using any equipment or machinery contrary to posted safety standards.	
413	Being unsanitary or untidy by failing to keep yourself or your quarters up to posted standards.	
498	Interfering with a Staff Member in the performance of duties (must be low-moderate severity).	
499	Engaging in conduct that interferes with the secure or orderly running of the facility (conduct must be low-moderate severity).	



APPROVED BY \_\_\_\_\_

TITLE \_\_\_\_\_

*OC*

DATE \_\_\_\_\_

*4/12/05*

Facility Name: **FLORENCE SERVICE PROCESSING CENTER, Florence, AZ**

Date of Tour: **August 30, 2007**

Tour Participants: Latham & Watkins LLP attorneys [b6] J [b6] [b6] [b6] and [b6]

*\*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.	<b>Standard 16, Telephone Access</b> <ul style="list-style-type: none"> <li>▪ <b>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.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Detainees are unable to make private telephone calls, because all the phones where detainees make outgoing calls are located in the public dayrooms with no privacy safeguards. (p.7 ¶2)</b></li> </ul>	<b>Delegation observations</b>	
2.	<b>Standard 1, Access to Legal Material</b> <ul style="list-style-type: none"> <li>▪ <b>III.A. The facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing. The law library shall be large enough to provide reasonable access to all detainees who request its use. It shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.</b></li> <li>▪ <b>III.B. Equipment. The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper and office supplies to enable detainees to prepare documents for legal proceedings.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>One detainee indicated that prolonged broken lights created a problem for library conditions. (p.9 ¶3)</b></li> <li>▪ <b>Detainees stated that sometime necessary supplies have been unavailable for long periods, and that the computer had been previously been broken for six months. (p.10 ¶3)</b></li> </ul>	<b>Detainee X</b>  <b>Detainees X,</b> [b6, b7C]	
3.	<b>Standard 1, Access to Legal Material</b> <ul style="list-style-type: none"> <li>▪ <b>III.C. The law library shall contain the materials listed in Attachment A. ... The facility shall post a list of its holdings in the law library.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Law library does not contain all of the required materials. (p.10 ¶1)</b></li> </ul>	<b>Delegation observations</b>	
4.	<b>Standard 1, Access to Legal Material</b> <ul style="list-style-type: none"> <li>▪ <b>III.J. The facility shall ensure that detainees can obtain copies of legal material ....</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>One detainee stated that his requests for photocopies are often ignored. (p.11 ¶4)</b></li> </ul>	<b>Detainee</b> [b6, b7C]	

5.	<b>Standard 9, Group Presentations on Legal Rights</b> <ul style="list-style-type: none"> <li>III.I. Videotaped presentations. The facility shall play [ICE]-approved videotaped presentations on legal rights, at the request of outside organizations. ... The facility shall provide regular opportunities for detainees in the general population to view the videotape.</li> </ul>	<ul style="list-style-type: none"> <li>Two detainees indicated that they had not seen a group rights presentation. (p.12 ¶2)</li> <li>Three detainees did not recall seeing the Know Your Rights video. (p.12 ¶3)</li> </ul>	Detainees [Redacted] Detainees [Redacted] and X	
6.	<b>Standard 3, Correspondence and Other Mail</b> <ul style="list-style-type: none"> <li>III.C. Incoming correspondence shall be distributed to detainees within 24 hours of receipt by the facility ....</li> </ul>	<ul style="list-style-type: none"> <li>Two detainees reported that incoming mail with currency often disappears. (p.14 ¶2)</li> </ul>	Detainees [Redacted] and	
7.	<b>Standard 3, Correspondence and Other Mail</b> <ul style="list-style-type: none"> <li>III.E. Inspection of Incoming Correspondence and Other Mail. Any such inspection [of incoming special mail] shall be in the presence of the detainee. Staff shall neither read nor copy special correspondence.</li> </ul>	<ul style="list-style-type: none"> <li>One detainee reported that special correspondence was opened outside his presence. (p.14 ¶2)</li> </ul>	Detainee [Redacted]	
8.	Standard 6, Detainee Handbook Standard 17, Visitation <ul style="list-style-type: none"> <li>III.B. Notification. The facility shall provide written notification of visitation rules and hours in the detainee handbook or equivalent, given each detainee upon admittance. The facility shall also post these rules and hours where detainees can easily see them.</li> </ul>	<ul style="list-style-type: none"> <li>The handbook does not include facility visiting hours. (p.15 ¶2)</li> </ul>	Detainee handbook	
9.	Health Services Standard 2, Medical Care <ul style="list-style-type: none"> <li>I. All detainees shall have access to medical services that promote detainee health and general well-being.</li> <li>III.D. Health screening should include tuberculosis screening by PPD (mantoux method) or chest x-ray, with PPD as the primary screening method unless it is contraindicated, in which case the chest x-ray should be administered.</li> <li>III.D. A translator should be available if necessary.</li> </ul>	<ul style="list-style-type: none"> <li>One detainee stated he has not been provided with over the counter medication. (p.21 ¶1)</li> <li>The facility uses chest x-ray as the primary method of tuberculosis screening instead of PPD. (p.19 ¶1)</li> <li>One detainee stated that an interpreter had not been made available to him during treatment. (p.20 ¶1)</li> </ul>	Detainee [Redacted] Physician's Assistant [Redacted] Detainee [Redacted]	
10.	Standard 4, Detainee Classification System <ul style="list-style-type: none"> <li>III.F. The classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security. ... 2. Levels one and two may be mixed, and high level twos and level threes may be mixed, when a facility is at or above full capacity. 3. Under no circumstances will a level two detainee with a history of assaultive or combative behavior be placed in a level one housing unit.</li> </ul>	<ul style="list-style-type: none"> <li>Some detainees stated that violent and non-violent detainees are housed together at the facility. (p.23 ¶2)</li> </ul>	Detainees [Redacted], and [Redacted]	

11.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> <li>▪ I. [S]tandard operating procedures (SOP) must establish a reasonable time limit for: ... (iii) providing written responses to detainees who filed formal grievances, including the basis for the decision.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Four detainees stated that some of their grievances are not responded to. (p.26 ¶2)</li> </ul>	<p>Detainees [REDACTED], and [REDACTED]</p>	
12.	<p>Security and Control Standard 14, Special Management Unit (Disciplinary Segregation)</p> <ul style="list-style-type: none"> <li>• III.A. 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.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The facility places detainees who are on suicide watch into disciplinary segregation, which the Standards state should only be used for detainees who have committed a prohibited act. (p.31 ¶4)</li> </ul>	<p>OIC [REDACTED]</p>	
13.	<p>Standard 15, Staff-Detainee Communication.</p> <ul style="list-style-type: none"> <li>• III.B. The Officer-in-Charge should conduct weekly scheduled visits pursuant to a written schedule which should be posted in the SPC detainee living areas and other areas with detainee access.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Officer in Charge does not conduct weekly scheduled visits. (p.33 ¶1)</li> </ul>	<p>OIC [REDACTED]</p>	
14.	<p>Security and Control Standard 4, Detainee Transfers</p> <ul style="list-style-type: none"> <li>▪ III.G. Indigent detainees being transferred will be authorized a <b>single domestic phone call at the Government's expense</b> upon arrival at their final destination. ... Non-indigent detainees shall have access to make calls at their own expense pursuant to the Telephone Access Detention Standard.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee stated that he was not allowed to make a telephone call upon arrival at the facility. (p.37 ¶1)</li> </ul>	<p>Detainee [REDACTED]</p>	