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MEMORANDUM

August 11, 2006

To: John P. Torres, Director, Office of Detention and Removal, Immigration and Customs Enforcement
From: American Bar Association Delegation to Hudson County Jail (IGSA) in New Jersey¹
File no: 502130-0027
Copy to: (b)(6), American Bar Association Commission on Immigration
Subject: Report on Observational Tour of the Hudson County Jail, Kearny, N.J.

I. Introduction

This memorandum evaluates and summarizes our delegation's findings regarding the Hudson County Jail—an Intergovernmental Service Agreement facility in Kearny, New Jersey. The information contained in this report was gathered during our tour of the facility, and by way of interviews with detainees and facility staff on July 26, 2006.

The Immigration and Naturalization Service (INS) promulgated the “*INS Detention Standards*” (“*Standards*”) in November 2000 to ensure the “safe, secure and humane treatment of individuals detained by the INS.” The 38 *Standards* contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies to grievance procedures and food service. These standards apply to Service Processing Centers (“SPCs”), Contract Detention Facilities (“CDF”), and state and local government facilities used through Intergovernmental Service Agreements (“IGSA”). The Detention Standards went into effect on January 1, 2001, and were to have been implemented at each facility by January 2003. The *Standards* constitute a “floor” not a “ceiling” for treatment of detainees. In other words, they are meant to establish the minimal requirements that ICE must adhere to in the operation of its facilities. Each Field Office or Officer in Charge (“OIC”) of a facility may, in his or her discretion, promulgate policies and practices affording detainees more rights and protections than those provided for by the *Standards*.

¹ The delegation was comprised of Latham & Watkins LLP attorney (b)(6), and summer associates (b)(6)

Overall, the delegation found that the Hudson County Jail failed to adequately demonstrate that it meets the *Standards*.

II. General

On the date of our visit, the facility had approximately 1,912 inmates. Officer [REDACTED] served as our guide and informed us that there were approximately 210-250 ICE detainees.² Of these ICE detainees, fewer than 30 were women.³ ICE pays the facility either \$78 or \$80 per detainee per day.⁴ When asked about the dominant detainee country of origin, Officer [REDACTED] indicated there was no dominant country, but rather a “big mix.”⁵ The average length of stay for detainees is three months or less, but Officer [REDACTED] explained that some stay longer due to pending court matters such as appeals.⁶

III. Legal Access: Visitation by Attorneys

A. Hours of Access

According to the *Standards*, legal visitation should be allowed seven days a week for a minimum of eight hours on weekdays and four hours on the weekends.⁷ The facility must provide notice of visitation rules in the detainee handbook, and post the rules and hours where detainees may easily see them.⁸

HCJ does not appear to meet this section of the *Standards*: attorney visitation hours during the week fall short of the required eight hours; attorney access during the weekends may be denied; and two detainees stated they had not received a handbook or notice of the attorney visitation policy. Lieutenant [REDACTED] informed the delegation that attorney visitation hours are as follows: Monday – Friday 9 a.m. - 1 p.m. and 6 p.m. – 9 p.m.; Saturdays and Sundays 9 a.m. – 12 p.m., 1 p.m. – 2 p.m., and 6 p.m. – 9 p.m.⁹ Based on this information, legal visitation is only permitted for seven hours a day on weekdays, which falls one hour short of the *Standards*, whereas on weekends the attorney visitation policy allows for seven hours of visitation per day, which exceeds the *Standards*. However, one detainee informed the delegation that an officer at the facility told him attorney visitation on the weekends

² Notes of delegation member [REDACTED] on conversation with Officer C [REDACTED]
³ Notes of delegation member [REDACTED] on conversation with Officer C [REDACTED]
⁴ Notes of delegation member [REDACTED] on conversation with Officer C [REDACTED]
⁵ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]
⁶ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]
⁷ Detention Operations Manual (DOM) Detainee Services Standard 17, Section III.I.2.
⁸ DOM Detainee Services Standard 17, Section III.B.
⁹ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]

was not permitted.¹⁰ This detainee, along with another detainee in a separate interview, had both heard about an attorney who came to the facility on a Sunday to meet with a client for a Monday court hearing, but was not permitted access.¹¹

All detainees apparently do not receive the detainee handbook: two detainees stated that they had never received the detainee handbook or a document explaining the attorney visitation policy.¹² However, a third detainee indicated that he did receive a detainee handbook.¹³

B. Access to Attorneys and Legal Representatives

According to the *Standards*, attorneys without Bar cards must be granted access if they show other available documentation.¹⁴ Additionally, the *Standards* allow an unaccompanied legal assistant to meet with the detainee during legal visitation hours upon presentation of a letter of authorization from the legal representative under whose supervision he or she is working.¹⁵

Hudson County Jail appears to meet this section of the *Standards*. Officer (b)(6), (b)(7)c stated that Bar cards are required for admittance, but if a visitor's state does not issue them, he can obtain prior approval for the visitor.¹⁶ He also indicated that attorneys do not need to call the jail prior to their visit.¹⁷ Paralegals may visit detainees, as well as any interpreters, when accompanied by an attorney or legal assistant.¹⁸

C. Privacy

According to the *Standards*, an attorney or legal representative must be provided with a private room to conduct a meeting with possible visual, but no audio, observation.¹⁹ Attorneys, legal representatives, law students and legal assistants should be able to provide the detainee with paper documents, and the detainee should have the right to retain or have reasonable access to them.²⁰

¹⁰ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹¹ Notes of delegation member (b)(6), on conversation with Detainee (b)(6), (b)(7)c
("Detainee (b)(6), (b)(7)c).

¹² gation member (b)(6), on conversation with Detainee (b)(6), (b)(7)c notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹³ Notes of delegation member (b)(6), on conversation with Detainee (b)(6), (b)(7)c

¹⁴ DOM Detainee Services Standard 17, Section III.I.4.

¹⁵ DOM Detainee Services Standard 17, Section III.I.3.

¹⁶ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

¹⁷ Notes of delegation member (b)(6), on conversation with Office (b)(6), (b)(7)c

¹⁸ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

¹⁹ DOM Detainee Services Standard 17, Section III.I.9.

²⁰ DOM Detainee Services Standard 17, Section III.I.10.

HCJ meets this section of the *Standards*. The facility has six attorney rooms and an additional “large room” available for attorney visits.²¹ Lt. (b)(6), (b)(7)c told us that the attorney visitation rooms are observed visually by the guards, but that the guards cannot hear the conversations.²² One detainee had an attorney visit and indicated that it was held in a private room with no one else present.²³ This same detainee was able to retain documents that were provided by his attorney.²⁴

IV. Legal Access: Telephones

A. General Requirements

The *Standards* provide that facilities shall permit detainees to have reasonable and equitable access to telephones.²⁵ Facilities must provide at least one telephone for every 25 detainees.²⁶ The *Standards* provide that the facility shall maintain detainee telephones in proper working order and that staff shall inspect the telephones regularly.²⁷ The *Standards* also state that the facility must post the telephone access rules where detainees can easily see them and provide the detainees a written copy of the telephone access rules upon arrival.²⁸

HDJ does not fully meet this section of the *Standards*: there are no telephone access rules posted. The telephone service provider at the Hudson County facility is GTL.²⁹ There are six phones in each housing unit or “pod,” in a public area.³⁰ There are an additional two phones in the hallway,³¹ but it is unclear whether the detainees can use the phones in the hall. Of the six phones in the housing unit, five were functional.³² The maximum capacity in a housing unit is approximately sixty people; therefore, the one telephone per twenty-five detainees requirement under the *Standards* is met.

²¹ Notes of delegation member (b)(6), on conversation with Officer (b)(6), (b)(7)c

²² Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

²³ Notes of delegation member (b)(6), on conversation with Detainee (b)(6), (b)(7)c

²⁴ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

²⁵ DOM Detainee Services Standard 16, Sections I & III.A.

²⁶ DOM Detainee Services Standard 16, Section III.C.

²⁷ DOM Detainee Services Standard 16, Section III.D.

²⁸ DOM Detainee Services Standard 16, Section III.B.

²⁹ Observation of delegation leader (b)(6)

³⁰ Observations of delegation member (b)(6)

³¹ Observations of delegation member (b)(6) The new facility also contained six phones in each housing unit.

³² Observation of delegation member (b)(6)

Lt. (b)(6), (b)(7)c seemed unsure of the procedure for fixing a non-functional phone, but he did state that the staff responds to complaints as they arise.³³ According to Detainees (b)(6), (b)(7)c (“Detainee (b)(6), (b)(7)c”) the phones are usually in working order and they do not have problems.³⁴

The delegation observed that there were no postings regarding the telephone access rules in English or any other language.³⁵ Detainee (b)(6), (b)(7)c stated that he had never received a handbook or any other written rules regarding telephone access.³⁶ He stated that to use the phone he sought assistance from another detainee.³⁷

B. Direct Calls and Free Calls

The *Standards* provide that detainees should be able to make free calls to consular offices and to the ICE-provided list of free legal service providers; they should be able to make direct calls to local courts and government offices, and to family members in personal emergencies.³⁸ In addition, the facility shall Detainees in the Special Management Unit for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions.³⁹

HCJ does not meet this section of the *Standards*: detainees apparently do not have access to the list of free legal service providers; one detainee reported difficulties reaching consulates; and one detainee reported that he was denied telephone access for 11 days while he was in disciplinary segregation. When using the phone, detainees can make collect calls or purchase a phone card.⁴⁰ According to Lt. (b)(6), (b)(7)c phone cards are generally used to place international phone calls.⁴¹ The estimated cost of a phone card is \$27.50 for 15 “units.”⁴²

The delegation observed that a consulate list was posted near the phones, and it appeared that the phones were pre-programmed to allow free phones calls to consular offices.⁴³ Detainee

³³ Notes of delegation member (b)(6) on conversation with (b)(6), (b)(7)c

³⁴ Notes of delegation member (b)(6) on conversations with Detainee (b)(6), (b)(7)c
P (b)(6), (b)(7)c notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c and Detainee (b)(6), (b)(7)c

³⁵ Observation of delegation member (b)(6)

³⁶ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

³⁷ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

³⁸ DOM Detainee Services Standard 16, Section III.E.

³⁹ DOM Detainee Services Standard 16, Section III.G.

⁴⁰ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

⁴¹ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

⁴² Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c did not know how much time a “unit” is. Detainee (b)(6), (b)(7)c informed the delegation that he had been unable to speak with his family in Nigeria because Nigeria did not accept collect calls, and he could not afford to purchase a phone card. Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

⁴³ Observation of delegation member (b)(6)

(b)(6), (b)(7)c stated that consulate calls are free.⁴⁴ Detainee (b)(6), (b)(7)c stated that it was difficult to connect to certain consulates, and told the delegation that he had complained about calls to consulates not working approximately three months prior to our visit, but to date the problem had not been fixed.⁴⁵ Detainee (b)(6), (b)(7)c said he was successful at calling the consulate in Trinidad.⁴⁶

Outside of this provision for consulates, however, there was no procedure posted for detainees to make phone calls with no charge.⁴⁷ There was also no list of free (pro-bono) legal service providers posted near the phones.⁴⁸ Lt. (b)(6), (b)(7)c stated that for a detainee to contact any legal representative, the detainee must request permission from the on-site social worker.⁴⁹ Lt. (b)(6), (b)(7)c explained that the social worker would dial the number to ensure that call was in fact to an attorney or legal representative.⁵⁰ The detainee would then be permitted to speak with the legal representative.⁵¹ Detainee (b)(6), (b)(7)c reported that he had tried to place a call to an attorney but was unsuccessful because the social worker required the name and number of the attorney, and Detainee (b)(6), (b)(7)c did not have this information.⁵² This is to be anticipated given that Detainee (b)(6), (b)(7)c was never provided with a list of pro-bono attorneys.⁵³

Lt. (b)(6), (b)(7)c stated that detainees in disciplinary segregation are allowed the same phone privileges as other detainees.⁵⁴ However, Detainee (b)(6), (b)(7)c stated that during his first 11 days in the facility he was kept in disciplinary segregation and denied telephone access altogether.⁵⁵

C. Telephone Access to Legal Representatives

The *Standards* provide that the facility shall not limit the number of calls that detainees place to their legal representatives.⁵⁶ If time limits are necessary, they must be no shorter than 20 minutes.⁵⁷ 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

⁴⁴ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

⁴⁵ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

⁴⁶ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

⁴⁷ Observation of delegation member (b)(6)

⁴⁸ Observation of delegation member (b)(6)

⁴⁹ Notes of delegation member (b)(6) on conversation with (b)(6), (b)(7)c

⁵⁰ Notes of delegation member (b)(6) on conversation with (b)(6), (b)(7)c

⁵¹ Notes of delegation member (b)(6) on conversation with (b)(6), (b)(7)c

⁵² Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

⁵³ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

⁵⁴ Notes of delegation member (b)(6) on conversation with (b)(6), (b)(7)c

⁵⁵ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

⁵⁶ DOM Detainee Services Standard 16, Section III.F.

⁵⁷ DOM Detainee Services Standard 16, Section III.F.

order.⁵⁸ If calls are monitored, notification shall be given to detainees in the handbook and also at each monitored telephone.⁵⁹ The facility must also notify detainees of the procedure for obtaining an unmonitored call to a court or legal representative.⁶⁰

HCJ does not meet this section of the *Standards*: telephone calls are generally limited to 15 minutes per call; and it is unclear whether calls are monitored. Although no time limit was posted, Lt. (b)(6), (b)(7)c stated that generally phones calls are limited to fifteen minutes per call.⁶¹ The detainee handbook states that “[t]ime limits will be monitored and [the] call will be terminated automatically if [the detainee] exceed[s] the time limit.”⁶² There is no limit on the amount of calls a detainee may place in a day.⁶³ Detainee (b)(6), (b)(7)c confirmed that phones could be used during the times when detainees are not in lock down (i.e., 8:30 a.m. to 2:30 p.m., or 4:30 p.m. to 10:30 p.m.)⁶⁴

Generally phone calls are made from the pay phones located within the housing unit, in a large, open area that is noisy and not conducive to private calls.⁶⁵ Detainee (b)(6), (b)(7)c stated that he is discouraged from making phone calls because it is difficult to hear the party on the other line due to the noise of the housing unit.⁶⁶ As indicated above, a social worker will place calls to a legal representative in a private area, though it is unclear whether the social worker remains present during the phone call.⁶⁷

Lt. (b)(6), (b)(7)c stated that the facility does not monitor phone calls.⁶⁸ However, Detainee (b)(6), (b)(7)c stated that when making a phone call, an announcement is made to the receiving party that the conversation may be monitored or recorded.⁶⁹ There is no notice regarding monitoring posted near the telephones.⁷⁰

D. Incoming Calls and Messages

⁵⁸ DOM Detainee Services Standard 16, Section III.J.

⁵⁹ DOM Detainee Services Standard 16, Section III.K.

⁶⁰ DOM Detainee Services Standard 16, Section III.K.

⁶¹ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

⁶² Hudson County Department of Corrections: English I.C.E. Detainee Handbook (issued 06/05), at page 3.

⁶³ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

⁶⁴ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

⁶⁵ Observation of delegation member (b)(6) (b)(6), (b)(7)c

⁶⁶ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

⁶⁷ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

⁶⁸ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

⁶⁹ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

⁷⁰ Observation of delegation member (b)(6)

The *Standards* state that a facility shall take and deliver telephone messages to detainees as promptly as possible.⁷¹

H CJ does not meet this section of the *Standards*: there are no non-emergency messages taken by the facility. According to Lt. (b)(6), (b)(7)c no messages from attorneys are taken or delivered to detainees.⁷² Lt. (b)(6), (b)(7)c stated that detainees cannot take incoming calls and that there is no system for delivering messages, unless the message is an emergency.⁷³ Lt. (b)(6), (b)(7)c explained that an emergency constituted a death or serious health issue of a family member.⁷⁴ Detainee (b)(6), (b)(7)c also stated that detainees never receive messages unless there is an emergency.⁷⁵

V. Access to Legal Material

A. Library Access

The *Standards* provide that facilities shall permit detainees access to a law library for at least five hours per week.⁷⁶ The *Standards* also state that detainees housed in administrative or disciplinary segregation shall have law library access.⁷⁷ The *Standards* provide that the Detainee Handbook shall outline for the detainees with the rules and procedures governing access to legal materials, including the scheduled hours of visitation to the library and procedure for requesting access.⁷⁸

H CJ does not fully meet this section of the *Standard*: the Detainee Handbook does not include hours of visitation. In addition, staff and detainee reports differed on other requirements: although staff indicated that detainees may access the library for five hours per week, one detainee stated that detainees have only two hours of library access per week, and that his request for additional time was denied. This detainee also stated that he did not have access to the law library for 11 days while he was in segregation. Lt. (b)(6), (b)(7)c told the delegation that the detainees were provided with at least five hours of access per week, consistent with the Detainee Handbook; however, Lt. (b)(6), (b)(7)c did not know the days or times of detainee visitation to the law library.⁷⁹ Library personnel were also unaware of designated library access times for the detainees.⁸⁰ Detainee (b)(6), (b)(7)c stated that detainees could visit the

⁷¹ DOM Detainee Services Standard 16, Section III.I.

⁷² Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

⁷³ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

⁷⁴ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

⁷⁵ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

⁷⁶ DOM Detainee Services Standard 1, Section III.G.

⁷⁷ DOM Security and Control Standard 13, Section III.D.18, and Standard 14, Section III.D.15.

⁷⁸ DOM Detainee Services Standard 1, Section III.Q.

⁷⁹ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c Detainee Handbook at 6.

⁸⁰ Notes of delegation member (b)(6) on conversation with library personnel.

library on Wednesdays and Fridays, however he was unaware of the visitation times.⁸¹ Detainee (b)(6), (b)(7)c also stated that detainees were permitted in the library on Wednesdays and Fridays, and noted that the library hours were from 1:30 p.m. to 2:30 p.m.⁸² Thus, according to Detainee (b)(6), (b)(7)c there are only two hours of detainee library time per week.⁸³ Detainee (b)(6), (b)(7)c indicated he had requested additional library time and his request was denied without justification.⁸⁴

Detainee (b)(6), (b)(7)c stated upon arrival to Hudson County, he was placed in disciplinary segregation for 11 days.⁸⁵ During this time, he was not permitted to use the law library.⁸⁶ Deportation Officer (b)(6), (b)(7)c indicated that detainees are not restricted in their access to the law library.

The Detainee Handbook indicates hours of library operation, but it does not indicate the scheduled hours of detainee access to the library.⁸⁸ The Detainee Handbook states:

The Law Library will operate from 0830 hrs – 1530 hrs with all ICE Units guaranteed five hours per week. The facility offers a library/law library for your reading pleasure and legal reference. Legal material cannot be taken out of the library. Sign-up sheets are posted in each dorm daily. You will be called from the list. Any book not in the facility library can be requested through Info Link Library Services (hours of operation for both Library/Law Library is posted in each dorm).⁸⁹

Although the handbook states that sign-up sheets are posted in each dorm, the delegation did not observe any sign-up sheets posted in the housing unit, and detainees did not indicate that this procedure was used.⁹⁰

B. Library Conditions

The *Standards* provide that the law library be in a designated room with sufficient space to facilitate detainees’ legal research and writing.⁹¹ The *Standards* also provide that the library

⁸¹ Notes of delegation member (b)(6), (b)(7)c on conversation with Detainee (b)(6), (b)(7)c
⁸² Notes of delegation member (b)(6), (b)(7)c on conversation with Detainee (b)(6), (b)(7)c
⁸³ Notes of delegation member (b)(6), (b)(7)c on conversation with Detainee (b)(6), (b)(7)c
⁸⁴ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c
⁸⁵ Notes of delegation member (b)(6), (b)(7)c on conversation with Detainee (b)(6), (b)(7)c
⁸⁶ Notes of delegation member (b)(6), (b)(7)c on conversation with Detainee (b)(6), (b)(7)c
⁸⁷ Notes of delegation member (b)(6), (b)(7)c on conversation with Deportation Officer (b)(6), (b)(7)c

⁸⁸ Hudson County Department of Corrections: English ICE Detainee Handbook (issued 06/05, “Detainee Handbook”), at 6.

⁸⁹ Detainee Handbook, at 6.

⁹⁰ Observations of delegation members (b)(6)

⁹¹ DOM Detainee Services Standard 1, Section III.A.

should be in a well-lit and reasonably isolated room and contain a sufficient number of chairs and tables to accommodate access to all detainees who request its use.⁹²

HCJ appears to meet this section of the *Standards*. The Hudson County facility provided a law library in a separate, designated room.⁹³ The library contained six tables, with approximately four to five chairs at each table.⁹⁴ The room was well-lit for reading purposes.⁹⁵ The room was reasonably isolated from noisy areas.⁹⁶

The law library contained five computers.⁹⁷ However, due to the rushed nature of the library visit, the delegation was unable to confirm the functionality of each unit. Officer (b)(6), (b)(7)c indicated that LexisNexis software was to be installed on the library computers.⁹⁸ Additionally, the recreation area contained two computers accessible by detainees that contained the LexisNexis software.⁹⁹ The delegation observed detainees using the computers, therefore indicating their functionality.¹⁰⁰ Detainee (b)(6), (b)(7)c stated that there is only one typewriter for detainees to use.¹⁰¹

C. *Legal Materials*

The *Standards* provide that each facility library shall contain a designated list of materials found in Attachment A of the *Standard* “Access to Legal Materials.”¹⁰² Additionally, the *Standards* provide that the library post a listing of its holdings.¹⁰³ Detainees may make requests for additional legal materials, which shall be passed along to ICE; requests for copies of court decisions will normally be available within three business days.¹⁰⁴ The *Standards* provide that the facility shall designate an employee with the responsibility for updating legal materials.¹⁰⁵ The designated employee should make weekly inspections and maintain the library in good working condition.¹⁰⁶ Finally, the *Standards* require that the facility permit detainees to

⁹² DOM Detainee Services Standard 1, Section III.A.

⁹³ Observation of delegation member [REDACTED]

⁹⁴ Observation of delegation member [REDACTED]

⁹⁵ Observation of delegation member [REDACTED] (b)(6)

⁹⁶ Observation of delegation member [REDACTED]

⁹⁷ Observation of delegation member [REDACTED]

⁹⁸ Notes of delegation member [REDACTED] (b)(6) on conversation with Officer [REDACTED] (b)(6), (b)(7)c

⁹⁹ Observation of delegation member [REDACTED] (b)(6)

¹⁰⁰ Observation of delegation member [REDACTED]

¹⁰¹ Notes of delegation member [REDACTED] (b)(6) on conversation with Detainee [REDACTED] (b)(6), (b)(7)c

¹⁰² DOM Detainee Services Standard 1, Section III.C.

¹⁰³ DOM Detainee Services Standard 1, Section III.C.

¹⁰⁴ DOM Detainee Services Standard 1, Section III.I.

¹⁰⁵ DOM Detainee Services Standard 1, Section III.E.

¹⁰⁶ DOM Detainee Services Standard 1, Section III.E.

retain all personal legal material, unless such material creates a safety, security, or sanitation hazard.¹⁰⁷

HCJ does not fully meet this section of the *Standard*: although legal materials appear to be available at least on some of the computers, detainees who are not computer literate are unable to make use of them, and the library was missing hard copies of several materials. In addition, a list of library holdings was not posted, and detainees do not appear to be able to request additional materials. The library at the Hudson County Jail did not have a list of its law library holdings posted, and upon request by the delegation was unable to produce a list.¹⁰⁸ Furthermore, the delegation’s first attempt to confirm the list of materials in Attachment A was met with resistance by Lt. [REDACTED (b)(6), (b)(7)c] who stated that going through the list of materials was too time-consuming.¹⁰⁹ The delegates were, however, permitted to return to the library after jail personnel prepared a display of immigration-related materials.¹¹⁰ Additionally, only the first page of Attachment A is included in the Handbook; the remaining five pages were omitted.¹¹¹

The following are the materials visually confirmed by the delegation as being in the library;¹¹² the materials were located behind the librarian’s desk or in an anteroom accessible only by library personnel:

- US Constitution;
- United States Code, Title 8;
- Code of Federal Regulations, Title 8;
- Bender’s Immigration and Nationality Act Service;
- Bender’s INS Regulations Service;
- Black’s Law Dictionary.¹¹³

The following is a list of materials library staff indicated the library contained, although these were not visually confirmed by the delegation:

- Spanish-English Law Dictionary;
- Other Translation Dictionaries (French, Arabic);
- Administrative Decisions Under Immigration and Nationality Laws;
- Rights of Prisoners;
- Federal Civil Judicial Procedure and Rules;

¹⁰⁷ DOM Detainee Services Standard 1, Section III.K.

¹⁰⁸ Observation of delegation member [REDACTED (b)(6)]

¹⁰⁹ Notes of delegation member [REDACTED (b)(6)] on conversation with Lt. [REDACTED (b)(6), (b)(7)c]

¹¹⁰ Observation of delegation member [REDACTED (b)(6)]

¹¹¹ Detainee Handbook.

¹¹² Observation of delegation member [REDACTED (b)(6)]

¹¹³ Observation of delegation member [REDACTED (b)(6)]

- Federal Habeas Corpus, Practice and Procedure;
- Federal Criminal Code and Rules;
- Criminal Procedure Handbook.¹¹⁴

The following materials from Attachment A were confirmed as absent from the library:

- Detainee Handbook and Detainee Orientation Materials;
- Immigration Law and Defense, by the National Lawyers Guild;
- Immigration Law and Crimes, by the National Immigration Project of the National Lawyers Guild;
- Guide for Immigration Advocates;
- Country Reports on Human Rights Practices;
- Human Rights Watch-World Report;
- UNHCR Handbook on Procedures and Criteria for Determining Refugee Status;
- Considerations for Asylum Officers Adjudicating Asylum Claims from Women;
- Immigration and Naturalization Service Basic Law Manual;
- Lawyer’s Committee Handbook on Representing Asylum Applicants ;
- Legal Research in a Nutshell;
- Legal Research & Writing: Some Starting Points;
- Directory of Nonprofit Agencies that Assist Persons in Immigration Matters;
- Self-Help Materials.¹¹⁵

The delegation observed that there was no designated employee to review and update legal materials.¹¹⁶ Officer (b)(6), (b)(7)c stated that all the materials were up to date; he seemed to rely on the periodic Lexis disk updates as evidence of this.¹¹⁷ Officer (b)(6), (b)(7)c informed the delegation that Lexis provided the facility with updates every few months.¹¹⁸ Officer (b)(6), (b)(7)c noted that the Lexis software provided all materials that detainees would need that were not in hard copy in the library;¹¹⁹ however, the Lexis materials would not include the HCJ Detainee Handbook.

Detainee (b)(6), (b)(7)c stated that he has not requested any additional legal materials because he found the Lexis disks were adequate for his purposes,¹²⁰ and Detainee (b)(6), (b)(7)c felt that the library was useful for researching immigration cases.¹²¹ Detainee (b)(6), (b)(7)c noted that the library

¹¹⁴ Observation of delegation member (b)(6)

¹¹⁵ Observation of delegation member (b)(6)

¹¹⁶ Observation of delegation member (b)(6)

¹¹⁷ Notes of delegation member (b)(6) on observation and conversation with Officer (b)(6), (b)(7)c

¹¹⁸ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

¹¹⁹ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

¹²⁰ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹²¹ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

did not provide many immigration sources.¹²² Detainee (b)(6), (b)(7)c used the books in the library, but stated that it did not contain all of the Board of Immigration Appeals decisions.¹²³ Only computer literate detainees are able to access information on the computers.¹²⁴ Detainee (b)(6), (b)(7)c stated that many of the detainees do not know how to use the computers.¹²⁵ Additionally, there is no training or staff member to provide instruction and/or assistance on computer usage.¹²⁶

Detainee (b)(6), (b)(7)c stated that he was able to retain his personal legal materials.¹²⁷ In addition, the delegation noted that during Detainee (b)(6), (b)(7)c interview, he had possession of his personal legal material.¹²⁸ This *Standard* is met.

D. Photocopies & Mail Supplies

The *Standards* provide that facilities must make copies of detainees' legal documents when such copies are reasonable and necessary for a legal proceeding involving the detainee.¹²⁹ The *Standards* also indicate that facilities must provide detainees with envelopes and stamps for mail related to legal matters.¹³⁰

HCJ substantially meets this section of the *Standard*; however, the copy machine is apparently often broken. A copy machine in working order was located in the law library.¹³¹ A code is required to use the copy machine,¹³² and jail personnel make copies on behalf of the detainees.¹³³ Detainee (b)(6), (b)(7)c stated that he was able to obtain copies of legal material free of charge.¹³⁴ In addition, he noted that he could print for free from the computers with Lexis.¹³⁵ Detainee (b)(6), (b)(7)c said that he had no problems with obtaining copies.¹³⁶ However, Detainees (b)(6), (b)(7)c stated that the machine is usually broken.¹³⁷

¹²² Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹²³ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹²⁴ Notes of delegation member (b)(6) on conversations with detainees.

¹²⁵ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹²⁶ Notes of delegation member (b)(6) on observation and conversation with Detainee (b)(6), (b)(7)c

¹²⁷ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹²⁸ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹²⁹ DOM Detainee Services Standard 1, Section III.J.

¹³⁰ DOM Detainee Services Standard 1, Section III.N.

¹³¹ Observation of delegation member (b)(6)

¹³² Observation of delegation member (b)(6)

¹³³ Notes of delegation member (b)(6) on conversation with officer and library personnel.

¹³⁴ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹³⁵ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹³⁶ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹³⁷ Notes of delegation member (b)(6), on conversation with Detainee (b)(6), (b)(7)c notes of delegation member (b)(6) on conversations with Detainee (b)(6), (b)(7)c

Lt. (b)(6), (b)(7)c stated that the Hudson County facility provides the necessary stamps and envelopes to indigent detainees free of charge.¹³⁸ Detainee (b)(6), (b)(7)c stated that detainees could send legal materials for free if they were without funds to do so.¹³⁹ Detainee (b)(6), (b)(7)c stated that a lot of detainees go to the library to get free envelopes and that he has never had a problem getting stamps.¹⁴⁰

E. Detainee Assistance

The *Standards* provide that detainees may assist one another in researching and preparing legal documents; however, no detainee shall be allowed to charge a fee or accept anything of value for assistance.¹⁴¹ The *Standards* provide that a facility shall establish procedures to assist unrepresented, illiterate, or non-English speaking detainees who wish to pursue a legal claim related to their immigration proceedings or detention, and must provide them with more than access to a set of English-language law books.¹⁴² The *Standards* suggest two procedures to meet this obligation: 1) helping the detainee obtain assistance in using the library and drafting legal documents with appropriate language and reading-writing abilities; and 2) assisting detainees in contacting *pro bono* legal assistance organizations.¹⁴³

HCJ does not fully meet this section of the *Standard*: there do not appear to be legal materials in languages other than English, and non-English speaking detainees have difficulty. Lt. (b)(6), (b)(7)c stated that detainees frequently assist each other in legal research and preparation of legal materials.¹⁴⁴ He also stated that detainees were not permitted to charge for such assistance.¹⁴⁵ Detainee (b)(6), (b)(7)c informed the delegation that he assists other detainees free of charge.¹⁴⁶ Detainee (b)(6), (b)(7)c also helps some of the other detainees do research on Lexis.¹⁴⁷ Detainee (b)(6), (b)(7)c stated that he did research in the library and that a fellow detainee helped him translate the material.¹⁴⁸ Detainee (b)(6), (b)(7)c had never been assisted by a fellow detainee, nor was he aware that detainees were permitted to provide assistance to each other.¹⁴⁹

¹³⁸ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

¹³⁹ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁴⁰ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁴¹ DOM Detainee Services Standard 1, Section III.K.

¹⁴² DOM Detainee Services Standard 1, Section III.L.

¹⁴³ DOM Detainee Services Standard 1, Section III.L.

¹⁴⁴ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

¹⁴⁵ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

¹⁴⁶ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁴⁷ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁴⁸ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁴⁹ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

The delegation observed that the law library did not contain any non-English legal material.¹⁵⁰ However, library personnel stated they had a Spanish-English Dictionary.¹⁵¹ Detainee (b)(6) noted that it is particularly difficult for non-English speaking detainees because little or no resources are provided in other languages.¹⁵²

VI. Group Presentations on Legal Rights

According to the *Standards*, attorneys and accredited representatives have the right to conduct group legal rights presentations in detention facilities.¹⁵³ The facility must post informational posters in the housing units 48 hours in advance of a presentation.¹⁵⁴

It is unclear whether HCJ meets this Standard: two detainees interviewed were not aware of any of the presentations at HCJ. Lt. (b)(6), (b)(7)c indicated to us that the ACLU had been conducting such presentations approximately once a month since last April, but that the presentations had previously not been as frequent.¹⁵⁵ A sign-up list is posted in a common area for detainees.¹⁵⁶ Paralegals and other legal staff are permitted to give presentations, and detainees are permitted to speak privately with presenters after the meeting.¹⁵⁷ Interpreters are permitted to assist attorneys and their staff in communicating with non-English speaking detainees.¹⁵⁸ Lt. (b)(6), (b)(7)c explained that the only reason a detainee would be denied the right to attend a group rights presentation would be for disciplinary reasons or if they were in protective custody.¹⁵⁹

Only one of the seven detainees that were asked had attended a group rights presentation at the Hudson County Jail.¹⁶⁰ Two of the detainees had seen group rights presentations at the Middlesex County Jail but stated they had not heard of any such presentations at Hudson County Jail.¹⁶¹

¹⁵⁰ Observation of delegation member (b)(6)

¹⁵¹ Notes of delegation member (b)(6) on conversation with library personnel.

¹⁵² Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁵³ DOM Detainee Services Standard 9, Sections I, III.A.

¹⁵⁴ DOM Detainee Services Standard 9, Section III.C.

¹⁵⁵ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

¹⁵⁶ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

¹⁵⁷ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

¹⁵⁸ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

¹⁵⁹ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

¹⁶⁰ Notes of delegation member (b)(6), (b)(7)c on conversation with Detainee (b)(6), (b)(7)c

¹⁶¹ Notes of delegation member (b)(6), (b)(7)c on conversation with Detainees (b)(6), (b)(7)c (“Detainee (b)(6), (b)(7)c”).

VII. Conditions Regarding Other Provisions of the Standards

A. Correspondence

The *Standards* state that incoming general correspondence shall be inspected for contraband in the presence of detainees. Incoming legal mail can be opened and inspected for contraband in the presence of detainees, but officials are not permitted to read or copy the correspondence.¹⁶² The *Standards* require that indigent detainees be permitted to send at least three pieces of general correspondence and five pieces of special correspondence per week, free of charge.¹⁶³

It is unclear whether HCJ fully meets this Standard, because it is unclear whether indigent detainees are permitted to send the required amount of mail free of charge. One detainee stated that officials only opened personal mail, and only in the presence of the detainee.¹⁶⁴ Another detainee stated that officials had opened his legal mail, but that it was in his presence.¹⁶⁵ He also stated that the mail takes a long time.¹⁶⁶ Another detainee stated that Hudson County Jail sells stamps for more than the United States Postal Service rate of \$0.39 per stamp.¹⁶⁷

According to Officer (b)(6), (b)(7)c, Hudson County Jail permits indigent detainees (defined as those with less than \$3 in their accounts) to send three pieces of mail per week.¹⁶⁸ It was unclear whether this was the allowance for general correspondence, legal correspondence, or both.

B. Medical Care

The *Standards* require that all detainees have access to medical services that promote detainee health and general well-being.¹⁶⁹ For detainees who are held in detention for over six months, routine dental care may be provided.¹⁷⁰

It is unclear whether HCJ fully meets this Standard: detainees indicated that medical and dental care are not adequate. Hudson County Jail provides forms for detainees

¹⁶² DOM Detainee Services Standard 3, Sections III.B, E, & F.

¹⁶³ DOM Detainee Services Standard 3, Sections III.I, and Standard 1, Section III.N.

¹⁶⁴ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁶⁵ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁶⁶ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c noted that he had sent a legal letter d after two weeks with a notice that there was not enough postage.

¹⁶⁷ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁶⁸ Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

¹⁶⁹ DOM Health Services Standard 2, Section I.

¹⁷⁰ DOM Health Services Standard 2, Section III.E.

which they can fill out to receive medical attention.¹⁷¹ Emergency situations receive an immediate response, with no form required.¹⁷² Medical services are provided by Hudson County and Correctional Health Services (CHS).¹⁷³ The facility has approximately six to eight doctors, 25-30 nurses, and four mental health professionals on site.¹⁷⁴

Only one of the detainees we spoke to had required medical (non-dental) attention while at Hudson County Jail; he required treatment for a fungus and sought medical advice on his diet, as he is a strict non-dairy vegetarian.¹⁷⁵ He stated that he received satisfactory treatment for the fungus but did not satisfy with the assistance he received with his nutritional concerns.¹⁷⁶ He stated that he has not received sufficient greens, iron, or protein; nor has he received any supplements to compensate for these deficiencies. He also stated he was told that vegetarianism was a privilege, not a right.¹⁷⁷

Two detainees indicated that the dental policy was “extraction only,” and as a result, they had lost numerous teeth.¹⁷⁸ A third detainee had seen the dentist about a toothache.¹⁷⁹ He indicated that he was suspicious of the dentistry at the facility, however, and therefore did not have the cavity filled, and that ICE would not take him to see an outside dentist.¹⁸⁰

C. *Detainee Classification*

The *Standards* require that detention facilities use a classification system and physically separate detainees into different categories.¹⁸¹ High level twos and level threes may be housed together, but under no circumstances will level two detainees with a history of assaultive behavior be housed with level one detainees.¹⁸²

It is unclear whether HCJ meets this Standard, because it is unclear whether high and low level twos are appropriately housed. Some inmates from the county jail are commingled with ICE detainees.¹⁸³ Inmates at Hudson County Jail are classified by a numerical

¹⁷¹ Notes of delegation member [redacted] on conversation with Lt. [redacted]
¹⁷² Notes of delegation member [redacted] on conversation with Lt. [redacted] (b)(6), (b)(7)c
¹⁷³ Notes of delegation member [redacted] on conversation with Lt. [redacted]
¹⁷⁴ Notes of delegation member [redacted] (b)(6) on conversation with Lt. [redacted]
¹⁷⁵ Notes of delegation member [redacted] on conversation with Detainee [redacted]
¹⁷⁶ Notes of delegation member [redacted] on conversation with Detainee [redacted] (b)(6), (b)(7)c
¹⁷⁷ Notes of delegation member [redacted] on conversation with Detainee [redacted]
¹⁷⁸ Notes of delegation member [redacted] (b)(6) on conversation with Detainee [redacted] (b)(6), (b)(7)c
¹⁷⁹ Notes of delegation member [redacted] (b)(6) on conversation with Detainee [redacted] (b)(6), (b)(7)c
¹⁸⁰ Notes of delegation member [redacted] on conversation with Detainee [redacted] (b)(6), (b)(7)c
¹⁸¹ DOM Detainee Services Standard 4, Section I.
¹⁸² DOM Detainee Services Standard 4, Section III.F.
¹⁸³ Notes of delegation member [redacted] (b)(6) on conversation with Lt. [redacted] (b)(6), (b)(7)c

system: each inmate is classified as a one, two, or three, with one being the least violent and three being the most violent.¹⁸⁴ Ones are never housed with threes, but twos can be mixed with either ones or threes.¹⁸⁵

D. Detainee Transfer

The *Standards* require ICE to notify a detainee’s counsel of record that the detainee is being transferred.¹⁸⁶ Detainees may make telephone calls upon arrival at their final destination; indigent detainees may make one domestic call at government expense.¹⁸⁷ A detainee’s legal materials must accompany the detainee to the new facility.¹⁸⁸

It is unclear whether HCJ fully meets this Standard: one detainee was not informed he could make a telephone call upon arrival at the facility. Three detainees we spoke with had been transferred to Hudson County Jail from other detention centers. One of these detainees made a telephone call to his lawyer.¹⁸⁹ Another was not told that he could make a phone call upon his arrival at Hudson County Jail, and did not ask to do so.¹⁹⁰ He stated that he knew his legal materials had been transferred with him.¹⁹¹

E. Detainee Handbook

The *Standards* state that every facility will develop a site-specific detainee handbook to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility.¹⁹² A copy of the detainee handbook shall be provided to detainees upon their arrival.¹⁹³

It is unclear whether HCJ meets this Standard; two detainees stated that they did not receive a copy of the handbook upon their arrival at the facility. Lt. (b)(6), (b)(7)c informed the delegation that every detainee was provided with a handbook upon arrival.¹⁹⁴ Although Detainee (b)(6), (b)(7)c confirmed that he received a copy of the handbook upon admission,¹⁹⁵ Detainee (b)(6), (b)(7)c

¹⁸⁴ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

¹⁸⁵ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

¹⁸⁶ DOM Security and Control Standard 4, Section III.A.

¹⁸⁷ DOM Security and Control Standard 4, Section III.G.

¹⁸⁸ DOM Security and Control Standard 4, Section III.E.

¹⁸⁹ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁹⁰ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁹¹ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁹² DOM Detainee Services Standard 6, Section I.

¹⁹³ DOM Detainee Services Standard 6, Section I.

¹⁹⁴ Notes of delegation member (b)(6) on conversation with Lt. (b)(6), (b)(7)c

¹⁹⁵ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

did not receive a handbook and was unaware of its existence.¹⁹⁶ As noted above, Detainee (b)(6), (b)(7)c also indicated he did not receive a handbook.¹⁹⁷ The delegation initially requested to see a copy of the handbook on file at the library.¹⁹⁸ However, as noted above, the library did not contain the handbook.¹⁹⁹ The delegation requested a copy of the handbook for the delegation, as well as a copy for Detainee (b)(6), (b)(7)c.²⁰⁰ Copies were provided. However, Officer (b)(6), (b)(7)c interrupted the delegation's interview with Detainee (b)(6), (b)(7)c to question him as to whether he was being truthful about not receiving a handbook.²⁰¹ Detainee (b)(6), (b)(7)c adamantly stated that he was being truthful.²⁰²

IX. Conclusion

Overall, the delegation found that the Hudson County Jail failed to adequately demonstrate that it meets the *Standards*. The facility and ICE should take steps to ensure that detainees' rights under the *Standards* are being met.

To facilitate access to legal representatives, Hudson County Jail should ensure that attorney visitation hours are adequate and that weekend visits are accommodated. HCJ should also ensure that indigent detainees are able to send the required amount of legal mail, free of charge.

Detainees should be provided access to the list of free legal service providers. Detainees should be able to place legal telephone calls in private. Telephone calls should be not be cut off after 15 minutes. HCJ must take telephone messages from legal representatives; without this access, attorneys are only able to contact their clients by mail, which is not sufficient and does not meet the *Standards*.

To facilitate access to legal materials, Hudson County Jail should ensure that materials are updated and available in the library, and that detainees who are not computer literate or who do not speak English receive assistance.

Detainees in disciplinary segregation should be provided with access to telephones and to the law library.

Hudson County Jail should ensure that all detainees receive a copy of the handbook upon admission, and a copy should be available at the library.

¹⁹⁶ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁹⁷ Notes of delegation member (b)(6) on conversation with Detainee (b)(6), (b)(7)c

¹⁹⁸ Observation of delegation member (b)(6)

¹⁹⁹ Observation of delegation member (b)(6)

²⁰⁰ Observation of delegation member (b)(6)

²⁰¹ Observation of delegation member (b)(6) during interview with Detainee (b)(6), (b)(7)c

²⁰² Observation of delegation member (b)(6) during interview with Detainee (b)(6), (b)(7)c

Facility Name: HUDSON COUNTY JAIL, Kearny, New Jersey
 Date of Tour: July 26, 2006
 Tour Participants: Latham & Watkins LLP attorney and summer associates

(b)(7)(c)

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

	ICE Standard*	Delegation Report	Source	ICE Response
1.	Standard 17, Visitation III.B. Notification. The facility shall provide written notification of visitation rules and hours in the detainee handbook The facility shall also post these rules and hours where detainees can easily see them.	<ul style="list-style-type: none"> Two detainees stated that they did not receive a handbook or other notice of the attorney visitation policy. (p.3 ¶2) 	(b)(7)(c), (b)(7)(d)	
2.	Standard 17, Visitation III.I.2. Hours. The facility shall permit legal visitation seven days a week, including holidays. It shall permit legal visits for a minimum of eight hours per day on regular business days, and a minimum of four hours per day on weekends and holidays. ... III.I.14. Pro Bono List. [ICE] shall provide the facility with the official list of pro bono legal organizations, which is updated quarterly by the [EOIR]. The facility shall promptly and prominently post the current list in detainee housing units and other appropriate areas.	<ul style="list-style-type: none"> Legal visitation is only permitted for seven hours a day on weekdays (p.2 ¶4) One detainee stated that an officer at the facility told him attorney visitation on the weekends was not permitted. This detainee and another had heard that an attorney who came to the facility on a Sunday to meet with a client for a Monday court hearing was not permitted access. (p.2 ¶4; p.3 ¶1) There is no list of free legal organizations posted near the phones; and detainees apparently do not have access to the list, but must request a call through a social worker. (p.6 ¶2) 	(b)(7)(c), (b)(7)(d) Delegation observations; (b)(7)(c), (b)(7)(d)	

<p>3.</p>	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> ▪ I. Facilities holding [ICE] detainees shall permit them to have reasonable and equitable access to telephones. ▪ III.A. The facility shall provide detainees with reasonable access to telephones during established facility waking hours ▪ III.B. [T]he facility shall provide telephone access rules in writing to each detainee upon admittance, and also shall post these rules where detainees may easily see them. ▪ III.F. The facility shall not restrict the number of calls a detainee places to his/her legal representative, nor limit the duration of such calls by rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones. If time limits are necessary for such calls, they shall be no shorter than 20 minutes, The facility may place reasonable restrictions on the hours, frequency and duration of the other direct and/or free calls listed above [i.e., “other” than calls to detainee’s legal representatives]. 	<ul style="list-style-type: none"> ▪ There are no telephone access rules posted in English or any other language. In addition, one detainee stated that he had never received a handbook or any other written rules regarding telephone access, and that he had sought assistance from another detainee in order to use the phone. (p.5 ¶2) ▪ Lt. [REDACTED] stated that generally phones calls are limited to fifteen minutes per call. The detainee handbook states that “[t]ime limits will be monitored and [the] call will be terminated automatically if [the detainee] exceed[s] the time limit.” (p.7 ¶2) 	<p>Delegation observations; Detainee [REDACTED]</p> <p>Lt. [REDACTED] Detainee Handbook.</p>	
<p>4.</p>	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> ▪ III.E. The facility shall not require indigent detainees to pay for [legal, court-related, consular, emergency calls] if they are local calls, nor for non-local calls if there is a compelling need. 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. 	<ul style="list-style-type: none"> ▪ One detainee stated that it was difficult to connect to certain consulates, and that he had complained about calls to consulates not working approximately three months prior to our visit, but to date the problem had not been fixed. (p.6 ¶1) ▪ There is no procedure posted for detainees to make free calls to parties other than consulates. (p.6 ¶2) ▪ As noted above, there is no list of legal service providers posted near the phones, and one detainee stated that he was not provided with a list. Detainees request permission to place free calls to legal representatives, but they must first provide a social worker with the name and telephone number of the attorney. (p.6 ¶2) 	<p>Detainee [REDACTED]</p> <p>Delegation observations</p> <p>Delegation observations; Lt. [REDACTED]</p>	

<p>5. Standard 16, Telephone Access</p> <ul style="list-style-type: none"> III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible. When facility staff receives an emergency telephone call for a detainee, the caller's name and telephone number will be obtained and given to the detainee as soon as possible. 	<ul style="list-style-type: none"> Lt. (b) (6) stated that detainees cannot take incoming calls, and there is no system for delivering messages, except in an emergency. (p.8 ¶2) 	<p>(b)(7)(b), (b)(6)</p>	
<p>6. Standard 16, Telephone Access</p> <ul style="list-style-type: none"> III.J. ... Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order. 	<ul style="list-style-type: none"> Although Lt. (b) (6) stated that the facility does not monitor phone calls; however, one detainee stated that when making a phone call, an announcement is made to the receiving party that the conversation may be monitored or recorded. (p.7 ¶4) 	<ul style="list-style-type: none"> Lt. (b) (6) stated that detainees in disciplinary segregation are allowed the same phone privileges as other detainees. However, one detainee stated that during his first 11 days in the facility he was kept in disciplinary segregation and denied telephone access altogether. (p.6 ¶3) 	<p>(b)(6), (b)(7)c</p>
<p>7. Standard 16, Telephone Access</p> <ul style="list-style-type: none"> III.G. Staff shall permit detainees in the Special Management Unit for disciplinary reasons to make direct and/or free calls ... except under compelling security conditions. These conditions shall be documented. 			
<p>8. Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.C. The law library shall contain the materials listed in Attachment A. ... The facility shall post a list of its holdings in the law library. 	<ul style="list-style-type: none"> A list of library holdings is not posted. (p.11 ¶2) Several materials from Attachment A were missing from the library, including the Detainee Handbook, Immigration Law and Defense, and Immigration Law and Crimes. (p.12 ¶2) Officer (b) (6) indicated that all materials were available on Lexis disks on the computer. However, this would not include the Detainee Handbook. (p.12 ¶4) Many detainees do not know how to use the computers, and there is no training or staff member to provide instruction or assistance. (p.13 ¶1) 	<p>Delegation observations.</p> <p>Delegation observations; Officer (b) (6).</p> <p>(b) (6)</p>	

9.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.G. The facility shall...permit all detainees, regardless of housing or classification, to use the law library on a regular basis. Each detainee shall be permitted to use the law library for a minimum of five (5) hours per week. III.M. Detainees housed in ... Segregation units shall have the same law library access as the general population, unless compelling security concerns require limitations. <p>Security and Control Standard 14, Special Management Unit (Disciplinary Segregation)</p> <ul style="list-style-type: none"> III.D.15. When developing the schedule for law library-access, the OIC will set aside blocks of time for the detainees in disciplinary segregation. ... 	<ul style="list-style-type: none"> (b) (6), (b) (7)(c) stated that detainees were provided with at least 5 hours of library time per week. (p.8 ¶4) However, one detainee stated that only two hours are permitted per week: Wednesdays and Fridays from 1:30 to 2:30 p.m., and that his request for additional time was denied. (p.9 ¶1) One detainee did not have access to the library during the 11-day period that he spent in segregation upon his arrival at the facility. However, Officer (b) (6), (b) (7)(c) stated that library access is not restricted. (p.9 ¶2) 	<p>(b) (6), (b) (7)(c)</p>	
10.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.J. The facility shall ensure that detainees can obtain copies of legal material 	<ul style="list-style-type: none"> Although two detainees said they were able to obtain copies, three detainees stated that the copy machine is usually broken. (p.13 ¶4) 	<p>Detainees</p> <p>(b) (6)</p>	
11.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.Q. The detainee handbook ... shall provide detainees with the rules and procedures governing access to legal materials, including ... 2. the scheduled hours of access to the law library; 3. the procedure for requesting access to the law library; 	<ul style="list-style-type: none"> The Detainee Handbook includes hours of library operation, but it does not include the scheduled hours when detainees may access the library. (p.9 ¶3) Library personnel were also unaware of the access times for detainees. (p.8 ¶4) 	<p>Handbook; library personnel.</p>	
12.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.L. Unrepresented ... non-English speaking detainees who wish to pursue a legal claim related to their immigration proceedings or detention and indicate difficulty with the legal materials must be provided with more than access to a set of English-language law books. Facilities shall establish procedures to meet this obligation, such as: 1. helping the detainee obtain assistance in using the law library and drafting legal documents ... 2. assisting in contacting <i>pro bono</i> legal-assistance organizations from the [ICE]-provided list. 	<ul style="list-style-type: none"> Some detainees assist one another with legal research; however, one detainee had not received assistance and did not know that it was permitted. (p.14 ¶3) The library does not contain any non-English legal material, and one detainee stated that this makes it particularly difficult for non-English speaking detainees. (p.15 ¶1) 	<p>(b) (6), (b) (7)(c)</p> <p>Delegation observation, Detainee (b) (6)</p>	
13.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> I. All detainees shall have access to medical services that promote detainee health and general well-being. 	<ul style="list-style-type: none"> One detainee indicated that he had not been provided with adequate nutrition. (p.17 ¶2) Two detainees have lost numerous teeth due to the “extraction only” dental policy. (p.17 ¶3) 	<p>Detainee (b) (6), (b) (7)(c)</p>	

14.	<p>Standard 6, Detainee Handbook</p> <ul style="list-style-type: none"> ▪ I. Every OIC will develop a site-specific detainee handbook to serve as an overview of ... the detention policies, rules, and procedures in effect at the facility ... Every detainee will receive a copy of this handbook upon admission to the facility. 	<ul style="list-style-type: none"> ▪ [REDACTED] stated that all detainees receive a Detainee Handbook upon arrival. However, two detainees indicated they did not receive a Detainee Handbook when they arrived at the facility. (p.18 ¶5) 	<p>[REDACTED]</p>	
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