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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 the Northwest Detention Center<sup>1</sup>  
**Copies to:** (b)(6) ABA Commission on Immigration  
**Subject:** Report on Observational Tour of the Northwest Detention Center, Tacoma, Washington

This memorandum summarizes and evaluates information gathered at the Northwest Detention Center Facility ("NWDC" or the "Facility") in Tacoma, Washington during the delegation's July 26, 2006 visit to the Facility. The information was gathered via observation of the Facility by the delegation, interviews with detainees, and discussions with NWDC 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" (the "Standards") to ensure the "safe, secure and humane treatment" of immigration detainees. The thirty-eight standards contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies to grievance procedures and food service. These standards apply to ICE-operated detention centers and other facilities that house immigration detainees pursuant to a contract or intergovernmental service agreement ("IGSA").

The 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.

<sup>1</sup> The delegation consisted of Latham & Watkins LLP associates (b)(6) and summer associates (b)(6).

<sup>2</sup> Effective March 1, 2003, the INS ceased to exist as an agency of the Department of Justice. The INS' immigration enforcement functions were transferred to ICE, a division of the Department of Homeland Security.

## II. INTRODUCTION

### A. The Delegation's Visit, July 26, 2006

On Wednesday, July 26, 2006, the members of our delegation met with several members of NWDC's staff and representatives from ICE. ICE Supervisory Detention and Deportation Officer (b)(6), (b)(7)c and ICE Field Office Director (b)(6), (b)(7)c led our delegation on a tour of the Facility and participated in pre-tour discussions. The delegation also met with other personnel before and during the tour: Warden (b)(6), (b)(7)c, Lieutenant Commander (b)(6), (b)(7)c and Law Librarian (b)(6). (b)(6) 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 NWDC and ICE employees, as well as observations of the Facility and interviews with six immigration detainees. In many instances, the detainees' reports were compatible with statements made by Facility personnel and/or our observations. In such cases, the delegation was able to more accurately determine whether NWDC policy and procedures successfully meet the Standards. However, in certain instances, the detainees' reports were not consistent with statements made by Facility personnel. Where we were unable to verify the conflicting reports, the delegation was unable to conclusively determine whether the Standards are met.

### B. General Information About the Northwest Detention Center

The Northwest Detention Center is located in Tacoma, Washington, east of the central downtown district. The Facility is a contract detention facility run by the GEO Group, Inc. ("GEO"), a private company which builds and operates correctional facilities internationally and contracts with ICE to house and maintain ICE immigration detainees for a per diem fee.<sup>3</sup> The population on the day of our visit was 745, with a capacity of 800. NWDC houses no minors, and at the time of the visit, eighty-one of the 745 detainees were female.<sup>4</sup> Officer (b)(6), (b)(7)c told the delegation that the Facility housed immigration detainees from many different countries, but predominantly Mexico and other Central American countries.<sup>5</sup> Approximately 70-80% of the detainees have criminal records, and all are immigration detainees.<sup>6</sup> The average length of stay varies; at the time of our visit it was twenty-five to thirty days, which is usually due to detainees waiting to appear before a judge for finalization of such detainee's deportation order.<sup>7</sup> Only very rarely are detainees transferred from the Facility; the vast majority arrive after completing a criminal sentence and depart directly to their country of origin.<sup>8</sup>

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<sup>3</sup> In a pre-tour conversation, Warden (b)(6), (b)(7)c stated that the per diem fee is based on the number of detainees in the facility: \$173 for detainees 1-250, \$169 for detainees 251-350, \$25.50 for detainees 351-500, and \$30 for detainees 501-800.

<sup>4</sup> Notes of delegation member (b)(6) on conversation with Warden (b)(6), (b)(7)c

<sup>5</sup> Officer (b)(6), (b)(7)c estimated the nationality of the detainees as follows: 85% from Mexico, 2-3% from each of the other Central American countries, and the rest from other countries in the world. Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>6</sup> Notes of delegation member (b)(6), on conversation with Officer (b)(6), (b)(7)c. The delegation was not provided the precise number of criminal detainees.

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

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

The NWDC opened in April 2004.<sup>9</sup> The housing is organized into four units, each of which contains three pods (except for one unit with two pods), of which two pods are double bunked open rooms and one pod contains double occupancy cells.<sup>10</sup> Within the pods, detainees are housed on two floors.<sup>11</sup> The first floor beds open directly into a main room which contains a TV (and in some instances two TVs), telephones, and a general seating area.<sup>12</sup> The second floor cells open onto a balcony that overlooks the main room.<sup>13</sup> Detainees have access to this area from 5:30 a.m. to 11:30 p.m. daily and eat all meals in the main area of the pod.<sup>14</sup> Each pod has an intercom through which detainees may communicate with the unit control officer.<sup>15</sup> The Facility is designed for keyless operation, and most of the security doors are electronically opened by the unit control officer above.<sup>16</sup> The unit control officer is separated from the detainees by electric doors and shatter proof glass.<sup>17</sup> During waking hours, an officer is situated on the ground level inside each pod to supervise the detainees.<sup>18</sup>

### III. LEGAL ACCESS STANDARDS

#### A. Legal Access/Visitation

##### 1. Visitation by Attorneys

The Standards require that facilities permit legal visitation seven days per week.<sup>19</sup> Attorneys should have access to their clients at least eight hours per day during the week and four hours per day during the weekend.<sup>20</sup> The visits must be private and should not be interrupted for meals or head counts.<sup>21</sup> In contract detention facilities such as NWDC, detainees receiving legal visitation should be pat-searched after the visit, unless the detainee is reasonably suspected of concealing contraband, in which case a strip-search may be used.<sup>22</sup> Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.<sup>23</sup> Detention centers should permit visits from

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

<sup>10</sup> Observations of delegation member (b)(6) notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>11</sup> Observations of delegation member (b)(6)

<sup>12</sup> Observations of delegation member (b)(6) The telephones are outgoing only and do not accept incoming calls. Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>13</sup> Observations of delegation member (b)(6)

<sup>14</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>15</sup> Observations of delegation member (b)(6)

<sup>16</sup> Observations of delegation member (b)(6)

<sup>17</sup> Observations of delegation member (b)(6)

<sup>18</sup> Observations of delegation member (b)(6)

<sup>19</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

<sup>20</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

<sup>21</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

<sup>22</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.11.

<sup>23</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

attorneys, other legal representatives, legal assistants, and interpreters.<sup>24</sup> Legal documents given from the attorney to the detainee may be inspected but not read.<sup>25</sup>

**NWDC substantially meets this section of the Standards, although detainees are generally not aware that they may request a non-contact visit, and there may be delays in bringing detainees to meet attorneys.** According to the Northwest Detention Center Detainee Handbook (the “Handbook”), “Attorneys and/or paralegals may visit detainees seven days a week from 6:00 a.m. until 11:00 p.m.” Officer (b)(6), (b)(7)c confirmed this schedule.<sup>26</sup> This attorney visitation schedule is posted in the visitors’ waiting area.<sup>27</sup>

Under these attorney visitation rules, detainees may receive the following visitors for a law-related purpose: lawyers who present a bar I.D. card; law students and legal assistants, if they present corroboration of their affiliation with a law firm, such as a letter from the law firm; and interpreters, if approved by the Facility following a background check.<sup>28</sup>

Officer (b)(6), (b)(7)c stated that attorneys are able to continue visiting with detainees through headcounts and meals, and that if a visit continues through a meal, detainees have the option to receive a meal after the visit.<sup>29</sup> One detainee noted, though, that when there is a change in the supervising officers’ shift in the time between the detainee’s visit and when he/she should receive a late meal, the detainee’s meal may be overlooked.<sup>30</sup> If an attorney arrives for a visit while a detainee is at a meal, the attorney must wait until the meal ends before meeting with the detainee.<sup>31</sup> Director (b)(6), (b)(7)c stated that attorneys can call the Facility in advance of visits to ensure that a detainee is at the Facility.<sup>32</sup> One detainee stated that sometimes the Facility would take so much time bringing the detainee to the visiting area that the attorney or other visitor, if his/her schedule were busy, would have left already to keep another appointment.<sup>33</sup> Two other detainees, however, stated that they had not had problems of delay, nor any other difficulties in meeting with their attorneys.<sup>34</sup>

There are four attorney visitation rooms available for attorney visits.<sup>35</sup> The rooms are not subject to audio or video surveillance.<sup>36</sup> However, a small window in the room’s door enables guards to maintain visual surveillance of the meetings.<sup>37</sup>

<sup>24</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

<sup>25</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.10.

<sup>26</sup> Officer (b)(6), (b)(7)c told the delegation that attorney visits are permitted during all hours except 2 a.m. - 3 a.m. Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>27</sup> Observations of delegation member (b)(6)

<sup>28</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>29</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>30</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>31</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>32</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7)c

<sup>33</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>34</sup> Notes of delegation 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

<sup>35</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

These attorney visitation rooms are contact rooms, but in theory the detainee may request a non-contact room.<sup>38</sup> In practice, it appears that detainees are typically not aware of this option.<sup>39</sup> Every detainee is subject to a pat down search after an attorney visit in a contact room, but if there is reason to believe that the detainee may have received contraband, then the detainee will undergo a strip-search.<sup>40</sup> Some of the detainees our delegation interviewed stated that there was a limited period of time of approximately two weeks during which strip searches were performed after all attorney visits.<sup>41</sup> Three of the detainees interviewed experienced a strip-search after an attorney visit.<sup>42</sup> One of the detainees believed the reason for this was an incident in which an attorney passed tobacco to a detainee.<sup>43</sup> One detainee indicated in his interview that he would like to avoid being strip-searched, and he was not aware of the option of a non-contact visit in order to avoid a strip search.<sup>44</sup> However, he indicated that he did not believe the Facility was currently performing strip-searches after attorney visits.<sup>45</sup>

When legal documents are provided to detainees by their attorneys, the guard will look briefly at those documents without reading them.<sup>46</sup>

## 2. Visitation by Family and Friends

The Standards suggest that facilities establish written visitation hours and procedures, and make them available to the public.<sup>47</sup> The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”<sup>48</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>49</sup> Visits should be at least thirty minutes long, and longer when possible.<sup>50</sup> If a facility does not provide for visits from minors, ICE should arrange for visits with children or

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<sup>36</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>37</sup> Delegation observations.

<sup>38</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>39</sup> Five detainees indicated that they were not aware of this option. Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c; notes of delegation member (b)(6), on conversations with detainees (b)(6), (b)(7)c; notes of delegation member (b)(6) on conversations with detainees (b)(6), (b)(7)c

<sup>40</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>41</sup> Notes of delegation member (b)(6) on conversations with detainees (b)(6), (b)(7)c (b)(6), (b)(7)c

<sup>42</sup> 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

<sup>43</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c

<sup>44</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>45</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>46</sup> Notes of delegation member (b)(6), on conversation with Officer (b)(7)c

<sup>47</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

<sup>48</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

<sup>49</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>50</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

stepchildren within the detainee's first thirty days at the facility, with continuing monthly visits.<sup>51</sup> Visits should be granted to detainees in both disciplinary and administrative segregation unless a detainee violates the visitation rules or threatens the security of the visitation room.<sup>52</sup>

**The Facility appears to substantially meet this section of the Standards, although two detainees indicated that visits can be shorter than 30 minutes.** The Handbook establishes visiting hours from 8:00 a.m. to 11:00 a.m. and from 1:00 p.m. to 3:30 p.m., Thursday through Monday and on holidays.<sup>53</sup> According to the Handbook, "Every effort will be made to allow [detainees] to receive visitors. Sessions will normally be for one hour, with a thirty minute minimum dependent upon the number of visitors and staff availability. More time may be authorized . . . for family members traveling significant distances. A maximum of two adults and two children may visit at any one time."<sup>54</sup> Two detainees stated that visits typically last one hour.<sup>55</sup> However, another detainee stated that visiting hours should be longer because there is often a queue for visits, which can result in the length of the visits being cut down to twenty or thirty minutes.<sup>56</sup> This detainee stated that his family lives in Oregon, and he felt that a twenty or thirty minute visit was insufficient for such a long trip.<sup>57</sup> Another detainee had a large group of family members visiting, but he was only allowed to visit them from 10:37 a.m. to 11:00 a.m.<sup>58</sup> The detainee said this occurred in spite of the fact that he had filed a special request for visitation with family three weeks prior to the visit.<sup>59</sup> On the other hand, another detainee stated that the Facility accommodated her family's irregular schedule by allowing her to visit with family after regular visiting hours.<sup>60</sup>

### 3. Consular Visits

The Standards require that detainees be provided with notice of their right to contact their consulate and receive visits from consular officials.<sup>61</sup>

**The Facility appears to meet this section of the Standards.** According to the Handbook, "[Detainees] have a right to contact [their] consular representative and receive visits from [their] consulate officer. These visits may take place during normal attorney visiting hours or with special permission from the Warden. These visits are also private, like meeting with a legal representative."<sup>62</sup>

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<sup>51</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.

<sup>52</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5.

<sup>53</sup> NWDC Detainee Handbook, p. 10-11.

<sup>54</sup> NWDC Detainee Handbook, p. 11.

<sup>55</sup> Notes of delegation 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

<sup>56</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>57</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>58</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>59</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>60</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>61</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.K.

<sup>62</sup> NWDC Detainee Handbook, p. 12.

#### 4. Visits for Detainees Subject to Expedited Removal

The Standards suggest that “detainees subject to expedited removal who have been referred to an Asylum Officer are entitled . . . to consult with any person of the detainee’s choosing, both prior to the interview and while the Asylum Officer’s decision is under review.”<sup>63</sup>

**The Facility appears to meet this section of the Standards.** According to the Handbook, “If [detainees] are subject to expedited removal and have been referred to any asylum officer, [they] are entitled to consult with anyone [they] choose before the interview while the officer’s decision is under review. This includes family, friends, legal representatives, members of nongovernmental organizations (NGO’s), etc. These consultations are to be private, just like meetings with attorneys. [Detainees] may also have these persons with [them] during the asylum officer’s interview and during an immigration judge’s review of a negative credible fear determination if the judge allows it.”<sup>64</sup>

##### A. Telephone Access

###### 1. General Requirements

The Standards require that detention facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.<sup>65</sup> In order to meet this requirement, facilities must provide at least one telephone for every twenty-five detainees.<sup>66</sup> “The facility shall maintain detainee telephones in proper working order.”<sup>67</sup> “If time limits are necessary for [legal] calls, they shall be no shorter than twenty minutes, and the detainee shall be allowed to continue the call if desired, at the first available opportunity.”<sup>68</sup> Direct and/or free calls to courts, consular officials, government immigration offices, and calls in personal or family emergencies may have “reasonable restrictions” placed upon them limiting their duration, frequency, and schedule.<sup>69</sup> Other calls may be restricted only in order to allow telephone availability for other detainees, to ensure orderly operation of the facility, and to respond to emergency situations.<sup>70</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>71</sup>

**The Facility substantially meets this section of the Standards, although telephone access rules were not posted.** Each of the three men’s housing units contains two small pods with three phones per pod and one larger pod with four phones, providing a total of thirty phones in the three men’s units.<sup>72</sup> The two-pod women’s unit has three phones per pod.<sup>73</sup> Thus, there are thirty-six phones provided for

<sup>63</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.J.1.

<sup>64</sup> NWDC Detainee Handbook, p. 12.

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

<sup>66</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

<sup>67</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.D.

<sup>68</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

<sup>69</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E & F.

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

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

<sup>72</sup> Observations of delegation member (b)(6)

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

detainees in the housing units which have a combined maximum capacity of 800 detainees, yielding a ratio of 22.2 detainees per phone. According to Officer (b)(6), (b)(7)c several other phones in the intake holding cells may also be made available to detainees for private phone calls.<sup>74</sup> PCS is the telephone service provider.<sup>75</sup> The telephones are turned on following detainees' completion of their sanitation duties and remain on until the lights are turned off at 11:30 p.m.<sup>76</sup> According to a detainee, calls made from the telephones in the pods are automatically terminated after twenty minutes; it was unclear whether this comment applied to legal calls also.<sup>77</sup> The delegation did not find telephone usage rules posted for the detainees.<sup>78</sup>

All detainee phones are set up for three types of calls: collect calls, debit calls using a calling card that can be purchased at the Facility's Commissary, and free direct calls to certain numbers that are pre-programmed in the system.<sup>79</sup> Most of the detainees whom the delegation interviewed indicated that they know how to use the phone system and have used it to call their family and attorneys.<sup>80</sup> One detainee interviewed said that detainees who did not understand how to use the phone system would seek help from other detainees who spoke the same language.<sup>81</sup>

Calls may be restricted for disciplinary reasons or when other detainees are waiting to use the phone.<sup>82</sup> According to the Handbook, when other detainees are waiting, detainee calls may be limited to twenty minutes.<sup>83</sup> Detainees gave a wide range of estimates for a typical length of the wait to use the phone, from one hour in one of the women's pods<sup>84</sup> to five to ten minutes in one of the men's pods,<sup>85</sup> to much longer in the evening when a line may form in another men's pod.<sup>86</sup>

Other general issues may arise when using the phone system. One detainee interviewed indicated that when outgoing calls are answered, a loud recorded voice states on the detainee's end, "Thank you for using Evercom," while the telephone call recipient hears silence while this message plays.<sup>87</sup> As attested

<sup>74</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>75</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>76</sup> NWDC Detainee Handbook, p. 9.

<sup>77</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>78</sup> Observations of delegation member (b)(6)

<sup>79</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c One detainee stated that the debit cards for purchase provide 20 to 30 minutes of phone time for \$5. Notes of delegation member (b)(6) on conversation with (b)(6), (b)(7)c

<sup>80</sup> Notes of delegation member (b)(6) on conversations with detainees (b)(6), (b)(7)c (b)(6), (b)(7)c notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c notes of delegation member (b)(6) on conversation with (b)(6), (b)(7)c

<sup>81</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>82</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>83</sup> NWDC Detainee Handbook, p. 9.

<sup>84</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>85</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>86</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>87</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c A test of one the phones confirmed that the caller would hear this automated statement as soon as the call was connected; observations of delegation member (b)(6)



to by this detainee, this silence on the recipient's end can cause confusion and has sometimes led the recipient to hang up before the detainee can explain the nature of his/her call.<sup>88</sup>

Phones in the housing units are out in the open along the concrete wall of the housing pod in which up to approximately seventy detainees may live; there is little privacy.<sup>89</sup> Officer (b)(6), (b)(7)c indicated, however, that detainees can ask the supervising officer to allow them to make private phone calls from the intake holding cells.<sup>90</sup>

One detainee noted that when he arrived at the Facility he was denied his request to make a personal call to his family; in order to make such a call, he began the voluntary work program, accumulating \$1 per day until he had enough money to buy a calling card to make the call.<sup>91</sup>

## 2. Direct Calls and Free Calls

The Standards require that facilities "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>92</sup> The Standards allow facilities generally to restrict calls to collect calls;<sup>93</sup> however, the facility must permit detainees to make direct calls to the local immigration court and the Board of Immigration Appeals, federal and local courts, consular officials, legal service providers, government offices, and to family members in case of emergency.<sup>94</sup> The facility shall not require indigent detainees to pay for these types of calls if local, nor for non-local calls if there is a compelling need.<sup>95</sup> The facility's rules of telephone access should be posted "where detainees may easily see them."<sup>96</sup>

**The Facility substantially meets this section of the Standards, although detainees appear unaware of their right to or are unable to make free local calls when indigent.** In the pod visited, the delegation observed that telephone numbers are posted for about seventy consulates and for two free legal providers, the Northwest Immigrant Rights Project ("NWIRP") and Volunteer Advocates for Immigrant Justice.<sup>97</sup> Detainees can make direct, free calls to these organizations by dialing the numbers posted next to the phones in the detainee pods.<sup>98</sup> It appears that detainees typically are not able to make free, direct

<sup>88</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>89</sup> Officer (b)(6), (b)(7)c indicated that approximately seventy detainees could live in a pod like the one our delegation visited; notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>90</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>91</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>92</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>93</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>94</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>95</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>96</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

<sup>97</sup> Observations of delegation member (b)(6) As the Handbook says, "a list of free legal services is posted at each housing unit, and is updated quarterly." NWDC Detainee Handbook, p. 12. Free Zone, another free legal provider used by some immigrant detainees, is not included on the list posted by the phones. Observations of delegation member (b)(6) notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>98</sup> In a test call, one member of the delegation dialed a number for NWIRP from a detainee phone; the call was direct and free and reached the automated answering menu for NWIRP; observations of delegation member (b)(6)

calls either to lawyers and consular officials aside from those on the posted list or to government offices and courts aside from those located inside the Facility.<sup>99</sup> The delegation did not observe in the pod visited any indication that other numbers are pre-programmed or that detainees may dial other numbers directly if there is a compelling need.<sup>100</sup> Instead, as attested to by multiple detainees, many detainees call lawyers, courts, or other important legal numbers using purchased phone cards or collect calls.<sup>101</sup>

Detainees are considered “indigent” if they have maintained an account balance of \$12 or less for the last thirty consecutive days.<sup>102</sup> Indigent detainees may make free calls by asking an officer.<sup>103</sup> In practice, some detainees may be unaware that indigent detainees can make free calls; one detainee interviewed indicated that she was not aware of this policy.<sup>104</sup> Another detainee, when asked whether he had had “any trouble making legal calls,” replied that he had no money, so he could not make any calls.<sup>105</sup>

### 3. Telephone Access to Legal Representatives

The Standards provide that facilities shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones.<sup>106</sup> If time limits are necessary, they shall be no shorter than twenty minutes.<sup>107</sup> The Standards require that the facility ensure privacy for detainees’ telephone calls regarding legal matters.<sup>108</sup> Also, as noted above, “even if telephone service is generally limited to collect calls, the facility shall permit the detainee to make direct calls . . . to legal service providers,” and indigent detainees shall not be required to pay for such local calls, or for such non-local calls if there is compelling need.<sup>109</sup>

**It is unclear whether the Facility meets this section of the Standards; some calls are cut off because telephones disconnect when a certain number of digits is entered.** According to the Handbook, “All calls to consular officials or free legal services are provided at no cost to [the detainee] on the unit phones.”<sup>110</sup> Two detainees the delegation interviewed stated that they had no difficulty making legal calls, however these detainees had not used the Facility’s free, pre-programmed numbers

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In addition to the numbers posted by the phones, the Handbook also provides an immigration court informational number. NWDC Detainee Handbook, p. 12.

<sup>99</sup> The Facility contains two immigration courts. Observations of delegation member (b)(6)

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

<sup>101</sup> Notes of delegation 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

<sup>102</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c NWDC Detainee Handbook, p. 15.

<sup>103</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>104</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>105</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>106</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

<sup>107</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

<sup>108</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

<sup>109</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>110</sup> NWDC Detainee Handbook, p. 9.

for free legal providers.<sup>111</sup> Instead, they had either worked in the voluntary work program and earned money which they used to purchase calling cards, or they had made collect calls.<sup>112</sup>

Another difficulty in making legal calls is that the Facility's phone system is set up to hang up on calls when more than a certain number of digits are entered.<sup>113</sup> Consulates and legal organizations often use a touch-tone answering system to answer calls, which requires the caller to navigate through an answering menu by pressing more numbers.<sup>114</sup> In a call by one delegation member to NWIRP, the call was answered by a touch-tone system rather than a person.<sup>115</sup> The Facility's limitation in the number of digits that may be entered during one call may hinder detainees' access to certain legal organizations and consulates. One detainee stated that as a result of this limitation, he was not able to get through to NWIRP, one of two free legal service providers listed in the pods for the detainees.<sup>116</sup> When Director (b)(6), (b)(7)c became aware of this, he implied that steps should be taken to remedy it.<sup>117</sup>

#### 4. Incoming Calls and Messages

The Standards require that facilities take and deliver messages from attorneys and emergency incoming telephone calls to detainees as promptly as possible.<sup>118</sup> If the facility receives an emergency telephone call for a detainee, the Standards require that the facility obtain the caller's name and number and permit the detainee to return the emergency call as soon as possible.<sup>119</sup>

**It is unclear whether the Facility fully meets this section of the Standards; detainees indicated they had not received messages.** Phone messages for detainees are taken down and delivered as soon as possible, according to Officer (b)(6), (b)(7)c usually within a few hours or within the next shift.<sup>120</sup> However, two detainees who were interviewed separately said that all messages, including messages from morning calls, are given once per day at some time between 6 p.m. and 9 p.m.<sup>121</sup> According to Officer (b)(6), (b)(7)c emergency messages are delivered in the same way as other messages, with due regard to their urgency.<sup>122</sup> Detainees do not receive incoming calls.<sup>123</sup>

<sup>111</sup> Notes of delegation member (b)(6), on conversations with detainees (b)(6), (b)(7)c (b)(6), (b)(7)c

<sup>112</sup> Notes of delegation member (b)(6) on conversations with detainees (b)(6), (b)(7)c (b)(6), (b)(7)c

<sup>113</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>114</sup> Notes of delegation 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

<sup>115</sup> Observations of delegation member (b)(6)

<sup>116</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>117</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7)c

<sup>118</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I & L.

<sup>119</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

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

<sup>121</sup> Notes of delegation member (b)(6) on conversations with detainees (b)(6), (b)(7)c (b)(6), (b)(7)c

<sup>122</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>123</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

One detainee said that friends of his had left messages for him, which he had never received.<sup>124</sup> Another detainee said that her attorney had left several messages, but that they were never delivered to her.<sup>125</sup> A third detainee said that at one point he believed his attorney had been unable to contact him by calling the Facility.<sup>126</sup> It is unclear whether the detainee was referring to an inability to receive an incoming call or a message. A fourth detainee stated that it was difficult to know which NWDC phone number to give someone whose phone call/message he wanted to receive.<sup>127</sup>

### 5. Monitoring of Detainee Telephone Calls

The Standards require that if telephone calls are monitored, the facility shall notify detainees in the detainee handbook.<sup>128</sup> It shall also place a notice at each monitored telephone stating that detainee calls are subject to monitoring and stating the procedure for obtaining an unmonitored call to a court or legal representative.<sup>129</sup> Calls to courts and legal representatives should not be monitored.<sup>130</sup>

**It is unclear whether NWDC meets this section of the Standards; it is unclear whether telephones are monitored.** The detainee phones in the housing units and intake holding cells are labeled as being “Subject to Monitoring and Recording.”<sup>131</sup> Yet, although the detainee phones are set up to record and monitor calls, according to Officer (b)(6), (b)(7)c these functions are not used.<sup>132</sup> The Handbook does not state whether calls from detainee phones are monitored, as required by the Standards (if the phones are in fact monitored).<sup>133</sup> According to Officer (b)(6), (b)(7)c detainees are not informed that they may request to have their calls removed from the monitoring system, and no detainees have ever requested that their calls be removed from the monitoring system.<sup>134</sup> The procedure for removing calls from the monitoring system is not posted next to the telephones in the pod or intake holding cell which our delegation visited.<sup>135</sup>

If the calls are not monitored, then detainees may be misled by the labels next to the phones.<sup>136</sup> If calls are monitored, then the Standard is not fully met because of the absence of notice to the detainees regarding how to make an unmonitored call to legal representatives and courts.

<sup>124</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c

<sup>125</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c

<sup>126</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c, (b)(6), (b)(7)c (b)(6), (b)(7)c stated that Officer (b)(6), (b)(7)c had given him the main line number (777-6000), which (b)(6), (b)(7)c had given to his attorney, but (b)(6), (b)(7)c had not received a message from the attorney when she believed she had called.

<sup>127</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c

<sup>128</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.K.

<sup>129</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.K.

<sup>130</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.K.

<sup>131</sup> Observations of delegation member (b)(6)

<sup>132</sup> Notes of delegation member (b)(6), on conversation with Officer (b)(6), (b)(7)c

<sup>133</sup> NWDC Detainee Handbook; Detention Operations Manual, Detainee Services, Standard 16, Section III.K.

<sup>134</sup> Notes of delegation member (b)(6), on conversation with Officer (b)(6), (b)(7)c

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

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

### 6. 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>137</sup>

**The Facility appears to meet this section of the Standards.** Detainees in the SMU who request to make emergency and legal phone calls are brought a cordless phone for such purposes.<sup>138</sup> If they are not restricted for disciplinary reasons, they may also make other phone calls with the cordless phone.<sup>139</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>140</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>141</sup> Each detainee shall be permitted to use the law library for a minimum of five hours per week.<sup>142</sup> Detainees may not be “forced to forego their minimal recreation time, as provided in ‘Detainee Recreation,’ standard to use the law library.”<sup>143</sup> In addition, the library schedule should take into account “any rules and regulations that prohibit or regulate the intermingling of differently classified detainees.”<sup>144</sup>

**NWDC substantially meets this section of the Standards, although detainees are unable to use the library at times due to crowding, and one detainee indicated that she missed her library time because it conflicted with recreation time.** Ordinarily, library visits are scheduled in one hour increments, Monday through Friday, as follows: 8:50 a.m. to 9:50 a.m., 9:50 a.m. to 10:50 a.m., 10:50 a.m. to 11:50 a.m.; 1:50 p.m. to 2:50 p.m.; and 2:50 p.m. to 3:50 p.m.<sup>145</sup> Detainees are permitted to use the library for a minimum of one hour per day, five days per week.<sup>146</sup> Library time is requested through a detainee written request referred to as a “chit.”<sup>147</sup> Detainees may receive additional library time, and

<sup>137</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

<sup>138</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>139</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>140</sup> Detention Operations Manual, Detainee Services, Standard 1, Section I.

<sup>141</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>142</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>143</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>144</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>145</sup> NWDC Detainee Handbook, p. 10; notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c

<sup>146</sup> Notes of delegation member (b)(6), on conversation with Librarian (b)(6)

<sup>147</sup> Notes of delegation member (b)(6), on conversation with Librarian (b)(6) notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

NWDC staff schedule detainees for library use as time and space permit.<sup>148</sup> A detainee interviewed by the delegation stated that he is often able to go to the library more than one hour per day; he and another detainee said one of the two librarians is helpful and the other is not.<sup>149</sup> The demand for library access may at times be greater than the library can support. One of the detainees whom the delegation interviewed stated that he had requested access to the library three days earlier, but was waiting because the library was too crowded.<sup>150</sup> He also stated that he had submitted a written grievance about it.<sup>151</sup>

Detainees may also occasionally access the library outside the normal operating hours, including the time period between the morning and afternoon sessions.<sup>152</sup> The Handbook states that “[r]equests to access the law library after normal operating hours, to include Saturday and Sunday, are also to be submitted on a request form, and arrangements may be made as time and resources permit.”<sup>153</sup>

NWDC Warden (b)(6), (b)(7)c stated that detainees do not have to choose between library and recreation time.<sup>154</sup> One detainee stated that she had made a request to access the library three days prior to the delegation’s interview and had been scheduled for a time that conflicted with her recreation time.<sup>155</sup> As a result, she was unable to use the library at that time.<sup>156</sup> Another detainee stated that choosing between the library and recreation time used to be a problem, although it is not anymore.<sup>157</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>158</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>159</sup>

**NWDC substantially meets this section of the Standards, although the library may not be large enough to timely accommodate detainees’ needs.** Although the library is large enough to accommodate eight detainees,<sup>160</sup> one of the detainees whom the delegation interviewed stated he was

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<sup>148</sup> NWDC Detainee Handbook, p. 10; notes of delegation member (b)(6) on conversation with Librarian (b)(6).

<sup>149</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c (who identified (b)(6) as unhelpful); notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c (who stated that he visits the library only on certain days of the week because one of the librarians is not helpful and he does not like to go to the library on days when that librarian is working).

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

<sup>151</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>152</sup> Notes of delegation member (b)(6) on conversation with Librarian (b)(6)

<sup>153</sup> NWDC Detainee Handbook, p. 10.

<sup>154</sup> Notes of delegation member (b)(6) on conversation with Warden (b)(6), (b)(7)c

<sup>155</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>156</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>157</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>158</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

<sup>159</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

<sup>160</sup> Notes of delegation member (b)(6) on conversation with Librarian (b)(6)

delayed from using the library because it was too crowded.<sup>161</sup> The room is well-lit and is isolated from noisy areas.<sup>162</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>163</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>164</sup> Damaged or stolen materials must be promptly replaced.<sup>165</sup> ICE shall reply to written requests by detainees for additional legal material in a timely manner.<sup>166</sup>

**NWDC does not fully meet this section of the Standards: the library lacks some materials, and requests for additional legal materials appear to go unanswered.** NWDC's library does not contain all of the materials required by the Standards. The library does not have a copy of the *Directory of Nonprofit Agencies that Assist Persons in Immigration Matters*, *UNHCR Handbook on Procedures and Criteria for Determining Refugee Status*, and *Rights of Prisoners*.<sup>167</sup> In addition, eleven of the thirty legal reference materials listed on Attachment A are out of date or missing pocket parts updates.<sup>168</sup> Many of the legal reference materials that are present in the library are damaged and have torn pages.<sup>169</sup> According to Librarian (b)(6), hard copy legal materials are updated only sporadically.<sup>170</sup> The library also provides detainees with access to Lexis-Nexis on CD-ROM,<sup>171</sup> which is updated quarterly.<sup>172</sup> However, the CD-ROM contains a limited database and does not link to all of the cases cited.<sup>173</sup>

One detainee indicated that requests for additional materials are also not answered in a timely manner.<sup>174</sup> He stated that he had submitted a written request eight months ago for a list of cases that he could not access on the Lexis Nexis CD-ROM.<sup>175</sup> He submitted the request to former Assistant Field

<sup>161</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>162</sup> Observations of delegation member (b)(6)

<sup>163</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

<sup>164</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

<sup>165</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

<sup>166</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.I.

<sup>167</sup> Observations of delegation members (b)(6)

<sup>168</sup> Observations of delegation members (b)(6)

<sup>169</sup> Observation of delegation member (b)(6)

<sup>170</sup> Notes of delegation member (b)(6) on conversation with Librarian (b)(6)

<sup>171</sup> Notes of delegation member (b)(6) on conversation with Librarian (b)(6) observation of delegation member (b)(6)

<sup>172</sup> Notes of delegation member (b)(6) on conversation with Librarian (b)(6)

<sup>173</sup> Conversation with detainee (b)(6), (b)(7)c observation of delegation member (b)(6)

<sup>174</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>175</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c (b)(6), (b)(7)c showed the delegation member a copy of the written request and also showed how the cases requested were not available on the Lexis-Nexis CD.

Office Director (b)(6), (b)(7)c and Warden (b)(6), (b)(7)c and has not received any response.<sup>176</sup> The detainee also stated that there are no legal forms available in the library, which made it difficult for him to make filings in his case.<sup>177</sup>

#### 4. Computer Access, Equipment and Holdings

The Standards require that facility law libraries provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.<sup>178</sup>

**NWDC appears to meet this section of the Standards, although one detainee expressed concern that there are not enough computers or materials to meet detainees' needs.** NWDC's library contains four computers, one typewriter, and a well-stocked supply of office supplies.<sup>179</sup> Detainees are issued a disk on which they may save their work,<sup>180</sup> and disks are kept in a locked drawer in the library.<sup>181</sup> Detainees may also print, at no cost to themselves, from a library printer.<sup>182</sup> However, a detainee whom the delegation interviewed stated that he did not think that there are enough books, materials, or computers in the library given the number of detainees who use the library.<sup>183</sup>

#### 5. Assistance from Other Detainees

The Standards require that each facility permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.<sup>184</sup>

**NWDC meets this section of the Standards.** NWDC permits detainees to assist each other in researching and preparing documents. A detainee whom the delegation interviewed stated that he has helped other detainees<sup>185</sup> and this was confirmed by one of the detainee whom he assisted.<sup>186</sup> Another detainee interviewed by the delegation stated that detainees can help each other out, but they must submit their request for library access at the same time in order to be given library time together.<sup>187</sup>

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<sup>176</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>177</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>178</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>179</sup> Observations of delegation member (b)(6)

<sup>180</sup> NWDC Detainee Handbook, p. 10, Notes of delegation member (b)(6) on conversation with Librarian (b)(6)

<sup>181</sup> Notes of delegation member (b)(6) on conversation with Librarian (b)(6)

<sup>182</sup> Notes of delegation member (b)(6) on conversation with Librarian (b)(6)

<sup>183</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>184</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

<sup>185</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c

<sup>186</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c

<sup>187</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c



## 6. Photocopies

The Standards provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.<sup>188</sup> Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.<sup>189</sup> Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.<sup>190</sup>

**NWDC appears to meet this section of the Standards; one detainee expressed concern with privacy of documents to be photocopied.** There are no photocopy machines inside the library; however, the Facility makes photocopies upon request.<sup>191</sup> If detainees wish to photocopy a document, they can drop off the document in the library by 3:30 p.m. and pick up their photocopies the next morning at 8:50 a.m.<sup>192</sup> A detainee interviewed by the delegation confirmed that there is no limitation on the number of copies allowed.<sup>193</sup> He also stated that it takes up to 72 hours for a request for photocopies to be processed, but sometimes they are available the next day.<sup>194</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>195</sup> Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.<sup>196</sup> While the presentations are open to all detainees, the facility “may limit the number of detainees at a single session.”<sup>197</sup> “The facility shall select and provide an environment conducive to the presentation, consistent with security.”<sup>198</sup> In addition, detainees shall have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”<sup>199</sup>

**NWDC substantially meets this section of the Standards; however, detainees are not notified in advance of group legal rights presentations and some detainees are unaware that the presentations and the Know Your Rights video are available.** The Handbook states that “[g]roup legal rights presentations are presented weekly.”<sup>200</sup> NWDC has received a request to conduct a

<sup>188</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>189</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

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

<sup>191</sup> Notes of delegation member (b)(6), on conversation with Librarian (b)(6), (b)(7)c

<sup>192</sup> Notes of delegation member (b)(6), on conversation with Librarian (b)(6), (b)(7)c

<sup>193</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>194</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>195</sup> Detention Operations Manual, Detainee Services, Standard 9, Section I.

<sup>196</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

<sup>197</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

<sup>198</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

<sup>199</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

<sup>200</sup> NWDC Detainee Handbook, p. 12.

presentation from only one legal organization, NWIRP, and as a result, it is currently the only legal organization conducting presentations at NWDC.<sup>201</sup> Detainees are not notified in advance of the group legal rights presentations, but all detainees have an opportunity to attend a NWIRP presentation immediately before their removal proceedings.<sup>202</sup> Two detainees whom the delegation interviewed stated that they attended a presentation by NWIRP before their first court date.<sup>203</sup> One detainee stated that he was not aware of any group rights presentations conducted at the Facility.<sup>204</sup>

The “Know Your Rights” video created by the Florence Project is aired on televisions inside the Facility.<sup>205</sup> It is unclear how often the video is shown. According to Director [b6, b7a] the video is shown daily at 8:00 a.m.<sup>206</sup> However, detainees interviewed indicated it is shown less often: one of the detainees whom the delegation interviewed stated that the video was shown once a week, and another detainee stated that it was not shown at all.<sup>207</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>208</sup> General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and read outside the presence of the detainee if security reasons exist for doing so.<sup>209</sup> Detainees must receive a receipt for any withheld items.<sup>210</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>211</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>212</sup> Outgoing special correspondence cannot be opened, inspected, or read.<sup>213</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.<sup>214</sup> Finally, the

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<sup>201</sup> Notes of delegation member [b(6)] on conversation with Officer [b(6), (b)(7)c]  
<sup>202</sup> Notes of delegation member [b(6)] on conversation with Officer [b(6), (b)(7)c]  
<sup>203</sup> Notes of delegation 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]  
<sup>204</sup> Notes of delegation member [b(6)] on conversation with detainee [b(6), (b)(7)c]  
<sup>205</sup> Notes of delegation member [b(6)] on conversation with Director [b(6), (b)(7)c]  
<sup>206</sup> Notes of delegation member [b(6)] on conversation with Director [b(6), (b)(7)c]  
<sup>207</sup> Notes of delegation member [b(6)] on conversations with detainees [b(6), (b)(7)c] and [b(6), (b)(7)c] notes of delegation member [b(6)] on conversations with detainees [b(6), (b)(7)c] and [b(6), (b)(7)c]

<sup>208</sup> Detention Operations Manual, Detainee Services, Standard 3, Section I.

<sup>209</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

<sup>210</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.G.

<sup>211</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.

<sup>212</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

<sup>213</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

<sup>214</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.I.

Standards require that facilities notify detainees of specific information regarding correspondence policies.<sup>215</sup>

**NWDC substantially meets this section of the Standards, although indigent detainees sending mail at “no cost” may incur a debt, and some outgoing mail may not be delivered.** NWDC’s policies regarding correspondence are outlined in the Handbook and appear to be well-known among detainees whom the delegation interviewed.<sup>216</sup> Incoming general and special correspondence is opened in the presence of the detainee recipient and inspected for contraband; neither type of mail is read.<sup>217</sup> Outgoing general and special correspondence is not inspected.<sup>218</sup> NWDC does not permit detainees to send or receive packages unless they are pre-approved by the administration.<sup>219</sup>

Indigent detainees “may send up to three personal letters per week, weighing no more than two ounces each, at no cost” and “a reasonable number of special correspondence may also be sent out at no cost.”<sup>220</sup> A detainee interviewed by the delegation confirmed that indigent detainees are able to send mail without charge,<sup>221</sup> but another detainee stated that this creates a debt.<sup>222</sup>

A detainee whom the delegation interviewed stated that she receives her mail in a timely manner and that the Facility has never limited the amount of mail she could send or receive at her own expense.<sup>223</sup> Another detainee also stated that regular mail is opened by staff but not read, and legal mail is opened by detainees.<sup>224</sup> Another detainee stated that special correspondence is not opened.<sup>225</sup> Another detainee interviewed stated that mail is opened and read in front of the detainee.<sup>226</sup> He also stated that a detainee’s Alien Registration number must be on incoming mail for it to be delivered, and that when contraband is sent back, detainees do not receive a form telling them it was rejected until later.<sup>227</sup>

Two detainees interviewed by the delegation reported problems with the sending of legal correspondence. The first detainee stated that he tried to send two envelopes of special correspondence, by submitting a chit and asking the librarian to mail it.<sup>228</sup> He stated that neither envelope arrived as

<sup>215</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B.

<sup>216</sup> NWDC Detainee Handbook, p. 15; notes of delegation members (b)(6) on conversations with detainees (b)(6), (b)(7)c

<sup>217</sup> NWDC Detainee Handbook, p.15; notes of delegation member (b)(6), on conversation with Officer (b)(6), (b)(7)c

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

<sup>219</sup> NWDC Detainee Handbook, p.15.

<sup>220</sup> NWDC Detainee Handbook, p.15.

<sup>221</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>222</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c

<sup>223</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c

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

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

<sup>226</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>227</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>228</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c

addressed, but he then paid to send envelopes via regular mail and they arrived as addressed.<sup>229</sup> Another detainee stated that his friend who sent mail to a radio station and newspaper believed that this mail was intercepted when he did not receive the standard response letter that he had received on numerous other occasions.<sup>230</sup>

### B. Detainee Handbook

The Standards require that every Officer in Charge develop a site-specific detainee handbook to serve as an overview of detention policies, rules, and procedures.<sup>231</sup> Every detainee should receive a copy of the handbook upon admission to the facility.<sup>232</sup> The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.<sup>233</sup> The Officer in Charge will provide a copy of the handbook to every staff member who has contact with detainees.<sup>234</sup>

**NWDC meets this section of the Standards.** NWDC detainees receive the Handbook upon admission to the Facility.<sup>235</sup> The Handbook is available in English and Spanish<sup>236</sup> and additional copies are provided in the library<sup>237</sup> and housing units.<sup>238</sup> Although one of the detainees whom we interviewed confirmed that the Handbook is available in English and Spanish,<sup>239</sup> another detainee stated that he had never seen one in Spanish.<sup>240</sup> The Handbook undergoes a yearly mandatory review,<sup>241</sup> and it is also revised and updated three to four times a year.<sup>242</sup>

### C. Recreation

The Standards require that detainees have the option to receive outdoor or indoor recreation at least one hour daily, five days a week.<sup>243</sup> In contract detention facilities such as NWDC, if practical considerations permit, detainees should have access to outdoor recreation every day, including weekends.<sup>244</sup> Exercise areas will offer a variety of fixed and movable equipment.<sup>245</sup> Detainees in the

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<sup>229</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>230</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>231</sup> Detention Operations Manual, Detainee Services, Standard 6, Section I.

<sup>232</sup> Detention Operations Manual, Detainee Services, Standard 6, Section I.

<sup>233</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

<sup>234</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.H.

<sup>235</sup> Notes of delegation member (b)(6), on conversation with Officer (b)(6), (b)(7)c

<sup>236</sup> NWDC Detainee Handbook, p.2; notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c observation of delegation member (b)(6)

<sup>237</sup> Observation of delegation member (b)(6)

<sup>238</sup> NWDC Detainee Handbook, p.2.

<sup>239</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>240</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>241</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>242</sup> Notes of delegation member (b)(6) on conversation with Warden (b)(6), (b)(7)c

<sup>243</sup> Detention Operations Manual, Detainee Services, Standard 13, Sections III.B.

<sup>244</sup> Detention Operations Manual, Detainee Services, Standard 13, Sections III.B.

<sup>245</sup> Detention Operations Manual, Detainee Services, Standard 13, Sections III.G.

SMU should have access to recreation apart from the general population and receive at least one hour of recreation per day, at least five days per week.<sup>246</sup>

**The Facility meets this section of the Standards.** Attached to each of the housing pods is a small concrete area with high walls, which is open to the sky and contains a basketball hoop.<sup>247</sup> This area can be used for basketball, soccer, etc. at any time from 8 a.m. to 8 p.m.<sup>248</sup>

In addition, detainees receive one hour of recreation in a large, outdoor, open area every other day.<sup>249</sup> According to one detainee, that hour of recreation is diminished to thirty-five to forty minutes of activity due to the administrative requirements associated with rounding up and moving all the detainees to enter and exit the recreation area.<sup>250</sup> The area includes two half-court concrete basketball courts, an area with workout bars for doing dips, pull-ups, etc., and a large lawn playing field.<sup>251</sup> According to Director (b)(6), (b)(7) the Facility has had trouble maintaining the lawn, and it appeared to be in poor condition.<sup>252</sup> In the seven months that one detainee has been at the Facility, he stated he has never been allowed to use the grass because he is told it is still "not ready yet."<sup>253</sup> There are soccer balls, a soccer goal, basketballs, and a football that detainees may use in the outdoor area.<sup>254</sup>

The recreation schedule is posted in the housing units in English and Spanish.<sup>255</sup> If the scheduled recreation time conflicts with a detainee's voluntary work program, the detainee may receive an alternate recreation time.<sup>256</sup>

According to the Handbook, free cards and games are provided to the detainees for use in their housing units.<sup>257</sup> The pod visited by the delegation also had two televisions that were available for entertainment from the completion detainee cleaning duties in the morning until 11:30 p.m.<sup>258</sup>

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<sup>246</sup> Detention Operations Manual, Detainee Services, Standard 13, Sections III.H.

<sup>247</sup> Observations of delegation member (b)(6)

<sup>248</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c NWDC Detainee Handbook, p. 20.

<sup>249</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7) Note: One detainee stated that she received outdoor recreation twice per week. Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c Recreation time is optional; one detainee stated that he has opted not to use outdoor recreation time because he would feel depressed upon returning indoors. Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>250</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>251</sup> Observations of delegation member (b)(6)

<sup>252</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7) observations of delegation member (b)(6)

<sup>253</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>254</sup> Observations of delegation member (b)(6)

<sup>255</sup> Observations of delegation member (b)(6)

<sup>256</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>257</sup> NWDC Detainee Handbook, p. 20.

<sup>258</sup> NWDC Detainee Handbook, p. 20; observations of delegation member (b)(6)

All detainees who are not in SMU are eligible for recreation time.<sup>259</sup> Those in SMU may not use the large recreation area; they may only use the small concrete area attached to their pod once a day for one hour.<sup>260</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>261</sup> Each facility is required to have regularly scheduled times when medical personnel are available to see detainees who have requested medical services.<sup>262</sup> For a facility of over 200 detainees, a minimum of five days per week is suggested.<sup>263</sup> Facilities must also have procedures in place to provide emergency medical care for detainees who require it.<sup>264</sup> With respect to emergency care, the Standards state that in a situation in which a detention officer is uncertain whether a detainee requires emergency medical care, the officer should immediately contact a health care provider or an on-duty supervisor.<sup>265</sup> If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the Officer in Charge in writing.<sup>266</sup>

**The Facility appears to meet this section of the Standards, although there may be delays in receiving care, and one detainee reported that he sometimes has to choose between picking up his prescriptions and getting clean laundry.** Onsite medical care is provided by the United States Public Health Service.<sup>267</sup> The Facility employs thirty medical and dental staff, including three “mid-levels” (i.e., nurse practitioners or physicians’ assistants), sixteen nurses (i.e., LPN’s and RN’s), a clinical director (i.e., a medical doctor), a dentist, a dental technician and a pharmacist.<sup>268</sup> There are always at least two nurses on duty.<sup>269</sup> A psychiatrist is currently available once a week and a social worker is available five days a week, eight hours a day.<sup>270</sup> The Facility is in the process of hiring an additional mental health counselor.<sup>271</sup> Blood drawn to check for HIV, tuberculosis, etc. is tested off-site through a contract with a

<sup>259</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>260</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7)

<sup>261</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

<sup>262</sup> Detention Operations Manual, Health Services, Standard 2, Section III.F.

<sup>263</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

<sup>264</sup> Detention Operations Manual, Health Services, Standard 2, Section III.A, D, & G.

<sup>265</sup> Detention Operations Manual, Health Services, Standard 2, Section III.H.

<sup>266</sup> Detention Operations Manual, Health Services, Standard 2, Section III.J.

<sup>267</sup> NWDC Detainee Handbook, p. 7.

<sup>268</sup> Notes of delegation member (b)(6) on conversation with Lieutenant Commander (b)(6)

<sup>269</sup> Notes of delegation member (b)(6) on conversation with Lieutenant Commander (b)(6)

<sup>270</sup> Notes of delegation member (b)(6) on conversation with Lieutenant Commander (b)(6), (b)(7)c

<sup>271</sup> Notes of delegation member (b)(6) on conversation with Lieutenant Commander (b)(6)

medical lab; results are received within a few hours.<sup>272</sup> Detainees who are dangerously contagious are placed in a special segregation room within the medical area of the Facility.<sup>273</sup>

Within twelve hours of admission to NWDC, detainees receive an initial screening.<sup>274</sup> In addition to standard physical and mental examinations, detainees receive a chest X-ray to test for tuberculosis.<sup>275</sup> NWDC contracts with the University of Maryland to have the X-rays read.<sup>276</sup>

In order to see a nurse, detainees can drop a chit in the Medical drop box in their housing unit, either in English or Spanish; illiterate detainees can seek the help of the supervising officer or other detainees.<sup>277</sup> One detainee said that it takes about a week to receive medical attention for non-emergencies by using the chit system,<sup>278</sup> while another said it takes about two days.<sup>279</sup> Alternatively, detainees can ask the supervising officer to call a doctor for them.<sup>280</sup>

One detainee had received medical care from the Facility five times, each time to refill a prescription.<sup>281</sup> She experienced no delay in receiving all her necessary prescriptions.<sup>282</sup> Another detainee stated that he requested additional prescription pills and was denied them by the medical staff.<sup>283</sup> That detainee also said that to pick up pills which have been assigned to him, he must wait for one of the periods during the day when he may move from his pod to another part of the facility.<sup>284</sup> Because these periods are limited, though, he sometimes does not have enough time both to pick up his laundry and to wait in line for his pills.<sup>285</sup> The same detainee reported that he requested a new seat cushion and new tires for his wheelchair a month ago and has received no response.<sup>286</sup>

#### E. Access to Dental Care

The Standards suggest that detainees should have an initial dental screening exam within fourteen days of the detainee's arrival and require the facility to provide a number of services, including emergency dental treatment and repair of prosthetic appliances.<sup>287</sup> For detainees who are held in detention for over six months, routine dental treatment may be provided, including amalgam and

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<sup>272</sup> Notes of delegation member [redacted], on conversation with Lieutenant Commander [redacted].

<sup>273</sup> Notes of delegation member [redacted], on conversation with Lieutenant Commander [redacted] observations of delegation member (b)(6).

<sup>274</sup> Notes of delegation member (b)(6), on conversation with Lieutenant Commander (b)(6), (b)(7)c.

<sup>275</sup> Notes of delegation member [redacted], on conversation with Lieutenant Commander [redacted].

<sup>276</sup> Notes of delegation member [redacted], on conversation with Lieutenant Commander [redacted].

<sup>277</sup> Notes of delegation member [redacted], on conversation with Lieutenant Commander [redacted].

<sup>278</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c.

<sup>279</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c.

<sup>280</sup> Notes of delegation member (b)(6), on conversation with Lieutenant Commander (b)(6), (b)(7)c.

<sup>281</sup> Notes of delegation member [redacted], on conversation with detainee [redacted].

<sup>282</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c.

<sup>283</sup> Notes of delegation member [redacted], on conversation with detainee [redacted].

<sup>284</sup> Notes of delegation member (b)(6), on conversation with detainee (b)(6), (b)(7)c.

<sup>285</sup> Notes of delegation member [redacted], on conversation with detainee [redacted].

<sup>286</sup> Notes of delegation member [redacted], on conversation with detainee [redacted].

<sup>287</sup> Detention Operations Manual, Health Services, Standard 2, Section III.E.

composite restorations, prophylaxis, root canals, extractions, X-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee's health.<sup>288</sup>

**The Facility appears to meet this section of the Standards, although tooth extraction is apparently used to treat pain for detainees who have been at the Facility less than one year.** The Facility has a dentist and dental technician on staff who provide dental care in a room within the medical portion of the Facility that contains two dentist's chairs in partitioned spaces.<sup>289</sup> Detainees receive an initial dental screening exam as part of their initial medical screening.<sup>290</sup> Those in dire need of dental care receive it.<sup>291</sup> Cleanings, permanent fillings, false teeth, and other "routine dental care" are deferred until detainees have been in ICE custody for ten months.<sup>292</sup> One detainee stated that he had tooth pain, and the dentist offered to pull the tooth but not fix it because he had not spent twelve months in the Facility.<sup>293</sup> Basic oral health education regarding periodontal disease and oral hygiene is provided in the Handbook.<sup>294</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>295</sup> Facilities must do everything within their means to monitor and protect the health and welfare of the hunger-striking detainee and must make every effort to obtain the hunger striker's informed consent for treatment.<sup>296</sup>

**The Facility appears to meet this section of the Standards.** Whenever a detainee does not eat a meal, officers document the incident.<sup>297</sup> After the ninth consecutive skipped meal, the behavior is considered a hunger strike.<sup>298</sup> The officers and medical staff then try to convince the detainee to eat.<sup>299</sup> Failing that, they seek a court order to force feed the detainee.<sup>300</sup> There have been three or four hunger strikes in the past two years; in those cases, court orders were obtained to permit force feeding.<sup>301</sup>

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<sup>288</sup> Detention Operations Manual, Health Services, Standard 2, Section III.E.

<sup>289</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant Commander [REDACTED]

<sup>290</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant Commander [REDACTED]

<sup>291</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant Commander [REDACTED]

<sup>292</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant Commander [REDACTED] NWDC Detainee Handbook, p. 23.

<sup>293</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]

<sup>294</sup> NWDC Detainee Handbook, pp. 23-24.

<sup>295</sup> Detention Operations Manual, Health Services, Standard 1, Section I.

<sup>296</sup> Detention Operations Manual, Health Services, Standard 1, Section I.

<sup>297</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant Commander [REDACTED]

<sup>298</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant Commander [REDACTED]

<sup>299</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant Commander [REDACTED]

<sup>300</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant Commander [REDACTED]

<sup>301</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant Commander [REDACTED] When faced with the imminent prospect of forced feeding, the detainees immediately complied and resumed eating. Notes of delegation member [REDACTED] on conversation with Director [REDACTED]



### G. Detainee Classification System

The Standards require that detention facilities use a classification system and physically separate detainees in different categories.<sup>302</sup> Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.<sup>303</sup> A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.<sup>304</sup> Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.<sup>305</sup> Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.<sup>306</sup> Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees.<sup>307</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>308</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>309</sup>

**NWDC appears to meet this section of the Standards, although it appears that level two detainees are housed with level three detainees, who may be violent.** Detainees are classified upon their arrival at NWDC, before being admitted into the general population.<sup>310</sup> According to the Handbook, classification is based on "[m]edical and criminal history information provided by the committing officer."<sup>311</sup> Warden (b)(6), (b)(7) stated that detainees are classified based on criminal history.<sup>312</sup> A detainee whom the delegation interviewed confirmed that he was classified when he was first admitted to NWDC, and that his classification was based on his record.<sup>313</sup>

Detainees are classified into one of three classification levels.<sup>314</sup> Level one detainees are the lowest risk detainees in the Facility.<sup>315</sup> Level one may include detainees with minor criminal records and nonviolent felonies, but it does not include detainees with felony convictions that include an act of

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<sup>302</sup> Detention Operations Manual, Detainee Services, Standard 4, Section I.

<sup>303</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

<sup>304</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

<sup>305</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

<sup>306</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & E.

<sup>307</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

<sup>308</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

<sup>309</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

<sup>310</sup> NWDC Detainee Handbook, p. 5; notes of delegation member (b)(6) on conversation with Warden (b)(6), (b)(7)

<sup>311</sup> NWDC Detainee Handbook, p. 5.

<sup>312</sup> Notes of delegation member (b)(6) on conversation with Warden (b)(6), (b)(7)

<sup>313</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>314</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>315</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7)

physical violence or aggravated felony convictions.<sup>316</sup> Level three detainees are the highest risk detainees in the Facility.<sup>317</sup> Level three includes detainees “reclassified from levels one and two due to institutional incidents or changes in classification information.”<sup>318</sup> Level three detainees require medium to maximum-security housing, and they are “always monitored and escorted.”<sup>319</sup> Level two includes detainees who fall between levels one and three.<sup>320</sup>

Detainees are outfitted in uniforms that correspond to their classification level. Level one detainees wear blue uniforms, level two detainees wear orange uniforms, and level three detainees wear red uniforms.<sup>321</sup> Detainees from levels one and three are not housed together and are not left to commingle without guard supervision.<sup>322</sup> Two of the detainees the delegation interviewed confirmed the classification system. One detainee stated that detainees wearing red and blue uniforms are kept separated, and that detainees wearing orange may be housed with “violent people.”<sup>323</sup> Another detainee stated that non-violent detainees were not housed with violent detainees.<sup>324</sup> A third detainee whom the delegation interviewed commented that he has seen fights break out among detainees with blue uniforms, however.<sup>325</sup>

Detainee classifications are periodically assessed, and classification levels may be adjusted based on institutional behavior, institutional incidents, or changes in classification information.<sup>326</sup> The Handbook states that “[t]he first reassessment will be completed 45 to 60 days after the date of the original assessment. Subsequent reassessments will be completed every 60 to 90 days thereafter, and before any release from administrative or disciplinary segregation.”<sup>327</sup> Warden (b)(6), (b)(7) also stated that reclassification may occur sooner if an incident occurs which warrants reclassification.<sup>328</sup>

Two detainees whom the delegation interviewed stated that they had been reclassified. One of the detainees was reclassified from level two (orange) to level one (blue) after six weeks.<sup>329</sup> The other detainee was reclassified from level one (blue) to level two (orange) after communicating with female

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<sup>316</sup> NWDC Detainee Handbook, p. 5.

<sup>317</sup> NWDC Detainee Handbook, p. 5.

<sup>318</sup> NWDC Detainee Handbook, p. 5.

<sup>319</sup> NWDC Detainee Handbook, p. 5.

<sup>320</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>321</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>322</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c. However, in the library the delegation observed detainees from Levels one and three together with no guard. *See supra* Section III.C.

<sup>323</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>324</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>325</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>326</sup> NWDC Detainee Handbook, p. 5.

<sup>327</sup> NWDC Detainee Handbook, p. 5.

<sup>328</sup> Notes of delegation member (b)(6) on conversation with Warden (b)(6), (b)(7)c

<sup>329</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

detainees.<sup>330</sup> This detainee stated that he was aware that if a detainee does not have an infraction for 90 days, he or she will drop one classification level.<sup>331</sup>

According to the Handbook, detainees may appeal their classification by submitting a Detainee Acknowledgement of (Classification) Decision / Appeal form or a chit addressed to the Classification Officer.<sup>332</sup> The Handbook states that “[h]e/she will review the request and make a recommendation to the Associate Warden for a decision.<sup>333</sup> The Associate Warden’s decision may be appealed to the Warden via the same process.<sup>334</sup> The Warden’s decision will be final.”<sup>335</sup> Warden (b)(6), (b)(7) stated that detainees receive responses to their appeals within fifteen days.<sup>336</sup>

The Handbook contains an explanation of the NWDC’s three Classification Levels and their accompanying conditions and restrictions.<sup>337</sup> In addition, it explains the procedures by which detainees may appeal their classifications.<sup>338</sup>

#### H. Detainee Grievance Procedures

The Standards require that every facility develop and apply standard procedures for handling detainee grievances and encourage that the facility initially seek to resolve grievances informally before having to engage in a more formalized procedure.<sup>339</sup> Translating assistance for both formal and informal grievances must be provided upon request.<sup>340</sup> The Standards also require that each facility establish a reasonable time limit for: (1) “processing, investigating, and responding to grievances;” (2) “convening a grievance committee to review formal complaints;” and (3) “providing written responses to detainees who filed formal grievances, including the basis for the decision.”<sup>341</sup> All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.<sup>342</sup>

**It is unclear whether NWDC meets this section of the Standards; detainees indicated that there may be delays in waiting for responses to grievances.** NWDC has established informal and formal grievance procedures. According to the Handbook, “informal resolution of problems is encouraged.”<sup>343</sup> When filing a grievance, detainees must choose whether or not to file a formal or

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<sup>330</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>331</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>332</sup> NWDC Detainee Handbook, p. 5.

<sup>333</sup> NWDC Detainee Handbook, p. 5.

<sup>334</sup> NWDC Detainee Handbook, p. 5.

<sup>335</sup> NWDC Detainee Handbook, p. 5.

<sup>336</sup> Notes of delegation member (b)(6), on conversation with Warden (b)(6), (b)(7)

<sup>337</sup> NWDC Detainee Handbook, p. 5.

<sup>338</sup> NWDC Detainee Handbook, p. 5.

<sup>339</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I and III.A.

<sup>340</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.1 & 2.

<sup>341</sup> Detention Operations Manual, Detainee Services, Standard 5, Section I.

<sup>342</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

<sup>343</sup> NWDC Detainee Handbook, p. 19.

informal grievance.<sup>344</sup> There are four levels of grievance procedures within GEO Group: Informal, Formal, Detainee Grievance Committee, and Warden.<sup>345</sup> If a detainee is dissatisfied with the resolution of the grievance, he or she may submit the grievance to ICE, which also has four levels of grievance procedures.<sup>346</sup>

Officer (b)(6), (b)(7)c stated that detainees are contacted about the grievance and receive notification back of its resolution within three to five days.<sup>347</sup> However, a detainee interviewed by the delegation filed a grievance regarding the length of time permitted for his family visitation two weeks prior to our interview and had not received a response back.<sup>348</sup> Another detainee stated that he has not submitted any grievances (written forms filed in boxes located in the housing units) because he has a friend who submitted many grievances without receiving a response.<sup>349</sup>

### I. Staff-Detainee Communications

The Standards require that procedures be in place “to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.”<sup>350</sup> The Standards suggest that both weekly visits be conducted by ICE personnel and that “regular unannounced (not scheduled) visits” be conducted by the ICE Officer in Charge (OIC), the Assistant OIC, and designated department heads.<sup>351</sup> Unannounced visits to the facility’s housing areas must be conducted on a weekly basis at contract detention facilities such as NWDC.<sup>352</sup> The purpose of such visits is to monitor housing conditions, interview detainees, review records, and answer questions for detainees who do not comprehend the immigration removal process.<sup>353</sup> The Standards also require that detainees “have the opportunity to submit written questions, requests, or concerns to ICE staff,” which “shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay.”<sup>354</sup> All facilities that house ICE detainees must have “written procedures to route detainee requests to the appropriate ICE official” and must assist detainees “who are disabled, illiterate, or know little or no English.”<sup>355</sup> Moreover, the Standards suggest that detainee requests be forwarded to the appropriate ICE office within 72 hours and “answered as soon as possible or practicable, but not later than 72 hours from receiving the request.”<sup>356</sup>

<sup>344</sup> NWDC Detainee Handbook, p. 19.

<sup>345</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>346</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>347</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>348</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>349</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>350</sup> Detention Operations Manual, Detainee Services, Standard 15, Section I.

<sup>351</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

<sup>352</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.1.

<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.B.

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

<sup>356</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.1.

**The Facility appears to meet this section of the Standards.** The facility has an onsite ICE presence: a number of other ICE staff have offices at the facility.<sup>357</sup> ICE staff have scheduled visits to each of the housing units three times per week.<sup>358</sup> The schedule for these visits is posted in each of the housing units.<sup>359</sup> Additionally, ICE staff typically make unscheduled visits to the housing units every day.<sup>360</sup> Aside from these visits, detainees can contact ICE via a “Detainee Request Form” drop-box located in each of the housing units.<sup>361</sup> These options for communication with ICE are specified in the Handbook.<sup>362</sup>

Officer (b)(6), (b)(7)c spends enough time with some of the detainees that they refer to him as (b)(6), (b)(7)(c).<sup>363</sup> It appears that ICE staff try to interact and communicate frequently with detainees in order to maintain positive morale.

### J. 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>364</sup> 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>365</sup> Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.<sup>366</sup> Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.<sup>367</sup>

**The Facility appears to meet this section of the Standards.** The Facility provides one weekly service each for Muslims, Christians, Catholics, and Jehovah’s Witnesses.<sup>368</sup> Other types of services are allowed if they are requested and there is enough demand for them among detainees to bring in an outside religious group to lead the services.<sup>369</sup> However, according to the form used for requesting other components for the religious program, “the process may require up to 120 days for completion.”<sup>370</sup> If an outside group cannot be brought in to conduct the services, detainees may volunteer to conduct the services themselves.<sup>371</sup> Detainees can wear religious headwear if requested and approved.<sup>372</sup> According

<sup>357</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c observations of delegation member (b)(6)

<sup>358</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>359</sup> Observations of delegation member (b)(6)

<sup>360</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>361</sup> Observations of delegation member (b)(6)

<sup>362</sup> NWDC Detainee Handbook, p. 2.

<sup>363</sup> Observations of delegation member (b)(6)

<sup>364</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>365</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>366</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

<sup>367</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

<sup>368</sup> Notes of delegation member (b)(6) on conversation with Librarian (b)(6)

<sup>369</sup> Notes of delegation member (b)(6) on conversation with Librarian (b)(6)

<sup>370</sup> “Questionnaire Regarding New or Unfamiliar Religious Components,” provided to detainees.

<sup>371</sup> Notes of delegation member (b)(6) on conversation with Librarian (b)(6)

to one detainee, one limitation is that no more than six detainees from each pod can attend a religious service simultaneously.<sup>373</sup> This might be due to “concerns about safety, security, [or] the orderly operation of the facility” that are mentioned in the Standards.<sup>374</sup> The Facility tries to accommodate special religious dietary needs when necessary.<sup>375</sup>

**K. Voluntary Work Program**

The Standards suggest that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”<sup>376</sup> Participation must be voluntary, and detainees may not work more than eight hours per day, and forty hours per week.<sup>377</sup>

**The Facility substantially meets this section of the Standards; however, it is unclear whether it is appropriate to deny work to one detainee who is in a wheelchair.** The Facility has a work program that allows capable detainees to work, for example assisting with laundry or food services.<sup>378</sup> According to the Handbook, “Ordinarily [the detainee] will not be permitted to work more than eight hours per day or forty hours per week.”<sup>379</sup> One handicapped detainee who uses a wheelchair stated he has tried to obtain a job since entering the Facility in March 2006 but has been denied placement in the work program because there are no jobs for handicapped individuals.<sup>380</sup> As a result, he has no money.<sup>381</sup>

**L. Special Management Unit**

The Standards suggest that each facility establish a Special Management Unit (“SMU”) that will isolate certain detainees from the general population.<sup>382</sup> 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>383</sup> The disciplinary committee may order placement in disciplinary segregation only when alternative dispositions would inadequately regulate the detainee’s behavior.<sup>384</sup> A detainee may also be placed in the SMU for administrative segregation when the detainee may pose a threat to the facility or requires protection.<sup>385</sup>

<sup>372</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7)

<sup>373</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

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

<sup>375</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>376</sup> Detention Operations Manual, Detainee Services, Standard 18, Sections I & III.A.

<sup>377</sup> Detention Operations Manual, Detainee Services, Standard 18, Sections III.A. & H.

<sup>378</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c observations of delegation member (b)(6)

<sup>379</sup> NWDC Detainee Handbook, p. 9.

<sup>380</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>381</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>382</sup> Detention Operations Manual, Security and Control, Standard 14, Section I.

<sup>383</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

<sup>384</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

<sup>385</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.A.

Access to legal material shall remain open and requests for access shall be accommodated no more than twenty-four hours after receipt of the initial detainee request.<sup>386</sup> Similarly, access to the law library shall be granted to detainees in segregation.<sup>387</sup> Detainees retain visiting privileges while in disciplinary segregation, and may not be denied legal visitation.<sup>388</sup> Detainees in administrative segregation shall have telephone access similar to that of the general population.<sup>389</sup> Detainees in disciplinary segregation, however, shall be restricted to telephone calls relating to the detainee's immigration case or other matters, calls to consular/embassy officials, and family emergencies.<sup>390</sup> Detainees in administrative segregation must "receive the same general privileges as detainees in the general population, consistent with available resources and security considerations."<sup>391</sup> Detainees in segregation shall have the same correspondence privileges as detainees in the general population.<sup>392</sup>

Recreation must be provided to detainees in disciplinary segregation in accordance with the "Recreation" standard, absent compelling security reasons, and a written report must be prepared in every instance a detainee is denied recreation.<sup>393</sup> For detainees in administrative segregation, when space and resources are available, detainees must be able to participate in TV viewing, board games, socializing, work details, and an opportunity to spend time outside of their cell over and above recreation periods.<sup>394</sup> The recreation standard requires at least one hour a day, five days a week, of outdoor recreation.<sup>395</sup> Activities available in the recreation area shall include fixed and movable equipment, cardiovascular exercise, and other recreational activities including limited-contact sports with the approval of the Officer in Charge.<sup>396</sup>

**NWDC appears to substantially meet this section of the Standards.** At the NWDC, a special pod for detainee segregation contains individual cells with disciplinary detainees housed on the bottom floor and administrative detainees on the balcony above.<sup>397</sup> The Facility uses administrative segregation for detainees' protection, pending investigations, mental health issues, medical problems, pending transfers and releases, and security risks.<sup>398</sup> One detainee stated that there was a homosexual detainee who was placed in the SMU because "they didn't know where to put him."<sup>399</sup> Another detainee said that his friend spent four months in the SMU when he "flipped out" because he did not receive

<sup>386</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.11; Standard 14, Section III.D.15.

<sup>387</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.18; Standard 14, Section III.D.15.e.

<sup>388</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.17.

<sup>389</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.16.

<sup>390</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

<sup>391</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.1.

<sup>392</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.15; Standard 14, Section III.D.18.

<sup>393</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.8, Standard 14, Section III.D.13.

<sup>394</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.8.

<sup>395</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.B.1.

<sup>396</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.G.3.

<sup>397</sup> Observations of delegation member (b)(6) notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>398</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7) and Lieutenant Commander (b)(6), (b)(7)c NWDC Detainee Handbook, p. 6.

<sup>399</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

prescription pills treating a mental condition.<sup>400</sup> These SMU assignments could have been necessitated by the security and protection of these detainees and others.

According to Officer (b)(6), (b)(7)c, access to legal material and the law library is similar for detainees in the SMU.<sup>401</sup> They can request time in the law library and are accommodated separately from the other detainees in the Facility.<sup>402</sup> The detainees are permitted to retain a limited amount of legal materials in their cells, and the rest is stored for them in a locker in the SMU pod, to which they can request access at any time.<sup>403</sup> They are also permitted to make legal and direct phone calls on a phone which is brought to them when they make a request, but detainees in disciplinary segregation are not permitted other types of phone calls.<sup>404</sup> A shift supervisor and medical professional make daily visits to detainees in the SMU.<sup>405</sup>

The segregation pod contains a small outdoor recreation area similar to that found in other pods: a small concrete area with high walls that is open to the sky and contains a basketball hoop.<sup>406</sup> The detainees in the SMU are permitted to use this recreation area for one hour a day (as noted above, the detainees in the general population have access to a similar area during daylight hours).<sup>407</sup> They are not permitted to visit the outdoor recreation yard where detainees can participate in a larger variety of activities, and they are not given access to socializing, dayrooms, or television.<sup>408</sup> NWDC does not permit detainees in administrative segregation time outside of their cells beyond the one hour per day in the recreation basketball court.<sup>409</sup> Detainees in administrative segregation also do not have the commissary privileges that are available to the general population.<sup>410</sup>

**M. Disciplinary Policy and Use of Force**

The Standards state that facility authorities “will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures” in order “to provide a safe and orderly living environment.”<sup>411</sup> Each facility holding ICE detainees must have a detainee disciplinary

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<sup>400</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>401</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>402</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c and Librarian (b)(6), (b)(7)c

<sup>403</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>404</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>405</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c NWDC Detainee Handbook, p. 6.

<sup>406</sup> Observations of delegation member (b)(6)

<sup>407</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c NWDC Detainee Handbook, p. 6.

<sup>408</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>409</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>410</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c The Handbook states that detainees in administrative segregation “will be afforded the same rights and opportunities as those in general housing with consideration given to the reason for their housing assignment.” NWDC Detainee Handbook, p. 6.

<sup>411</sup> Detention Operations Manual, Security and Control, Standard 5, Section I.



system which has “progressive levels of reviews, appeals, procedures, and documentation procedures.”<sup>412</sup> Any disciplinary action taken must not be capricious or retaliatory and the following sanctions may not be imposed: “corporal punishment; deviations from normal food services; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; or deprivation of physical exercise unless such activity creates an unsafe condition.”<sup>413</sup> In addition, the Standards provide that all incident reports filed by officers must be investigated within 24 hours of the incident.<sup>414</sup> An intermediate level of investigation or adjudication must be established to adjudicate low or moderate infractions.<sup>415</sup> The detainee handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appealing disciplinary findings.<sup>416</sup>

The use of force is only authorized after all reasonable efforts to resolve a situation have failed.<sup>417</sup> The Standards require the facility to videotape all calculated use of force.<sup>418</sup>

**NWDC does not appear to fully meet these sections of the Standards: there is a report of retaliatory discipline, and facility staff appear to have elected not to videotape a use of force, putting the camera they brought with them onto a shelf.** The rules of conduct and disciplinary sanctions are posted in English on the wall of the housing unit and printed in the Handbook.<sup>419</sup> Detainees are assigned to the disciplinary SMU only after a hearing before the Disciplinary Committee at which they are permitted to make statements, present evidence, receive assistance from a staff representative in their defense, and appeal the result within seven days.<sup>420</sup> However, one detainee said that his friend filled out a grievance form to request a special diet and as a result was placed into the SMU for an unknown length of time.<sup>421</sup> On its face, this would appear to be “capricious or retaliatory.”<sup>422</sup> However, the delegation members did not have the opportunity to ask ICE officials to confirm whether there was another reason for this detainee to be placed in the SMU.

The Handbook notifies the detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the right to appeal disciplinary findings.<sup>423</sup> In addition, the Handbook notifies detainees of the Facility’s rules of conduct and the sanctions imposed for the violation of these rules.<sup>424</sup>

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<sup>412</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

<sup>413</sup> Detention Operations Manual, Security and Control, Standard 5, Sections III.A.2 and III.A.3.

<sup>414</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.B. and III.C.

<sup>415</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.C.

<sup>416</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.L.

<sup>417</sup> Detention Operations Manual, Security and Control, Standard 17, Section I.

<sup>418</sup> Detention Operations Manual, Security and Control, Standard 17, Section III.A.2.b.

<sup>419</sup> Observations of delegation member (b)(6) NWDC Detainee Handbook, p. 16.

<sup>420</sup> Notes of delegation member (b)(6), on conversation with Director (b)(6), (b)(7) NWDC Detainee Handbook, p. 16. The Handbook elsewhere indicates that a decision of the Disciplinary Committee may be appealed within 15 days. NWDC Detainee Handbook, p. 19.

<sup>421</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>422</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.2.

<sup>423</sup> NWDC Detainee Handbook, pp. 16-19.

<sup>424</sup> NWDC Detainee Handbook, pp. 16-19.

One detainee described an incident in which force was used inappropriately, which apparently took place one to two months before the delegation’s visit.<sup>425</sup> The detainee said that he observed staff persons with a camera enter a pod to remove and subdue a detainee.<sup>426</sup> Before using force against the detainee, however, the staff placed the camera on a shelf such that the camera could not visually record the incident.<sup>427</sup>

**N. Detainee Transfers**

The Standards provide for detainee transfers for the following reasons: medical, change of venue, recreation, security, or other needs.<sup>428</sup> When a transfer occurs, a detainee’s medical and legal records shall accompany him or her on the transfer.<sup>429</sup> ICE has an obligation to notify the legal counsel of record for the detainee that a transfer has occurred.<sup>430</sup> When indigent detainees arrive at their final destination, they are entitled to one “single domestic phone call at the Government’s expense” and non-indigent detainees shall have access to the phones consistent with the Telephone Access Detention Standard.<sup>431</sup>

**NWDC does not fully meet this section of the Standards: a free domestic telephone call is not provided to indigent detainees.** Director (b)(6), (b)(7) explained to the delegation that transfers away from NWDC are extremely rare because all of the detainees are in detention awaiting deportation directly to their country of origin rather than to another facility.<sup>432</sup> He confirmed that attorneys are notified of any transfers that do occur.<sup>433</sup> For detainees who arrive at the Facility, there is access to collect phones in the hold rooms and living units, but for indigent detainees, there is no procedure for providing them with a free phone call.<sup>434</sup> Director (b)(6), (b)(7) specifically stated that there is no right to a phone call in this situation;<sup>435</sup> he appears to be unaware of the requirement under the Standards.

**O. Hold Rooms**

The Standards provide for hold rooms to be used for the temporary detention of individuals awaiting removal, transfer, medical treatment and other processing.<sup>436</sup> The rooms must contain thirty-seven square feet of unencumbered space, not including benches and tables, and an additional seven square feet of space for each additional detainee.<sup>437</sup> At least two lavatories shall be present in large hold

<sup>425</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>426</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>427</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>428</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.B.

<sup>429</sup> Detention Operations Manual, Security and Control, Standard 4, Sections III.D.6.2. and III.E.1.

<sup>430</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.A.1.

<sup>431</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.G.

<sup>432</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7)c

<sup>433</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7)c

<sup>434</sup> Notes of delegation 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

<sup>435</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7)c

<sup>436</sup> Detention Operations Manual, Security and Control, Standard 8, Section I.

<sup>437</sup> Detention Operations Manual, Security and Control, Standard 8, Section III.A.2.

rooms, those with a capacity in the range of 15 to 49 detainees.<sup>438</sup> No detainee may be placed in a hold room for longer than twelve hours, and males must be separated from females.<sup>439</sup>

**NWDC substantially meets this section of the Standards, although floor space and lavatories would be insufficient at times when the rooms contain their stated maximum capacity.** The delegation toured the NWDC holding facility and entered one of the larger holding rooms. A sign at the hold room our delegation visited stated that the room had a maximum capacity of 100.<sup>440</sup> It contained approximately 300 square feet of unencumbered space and two lavatories.<sup>441</sup> Given that the hold room has a higher maximum capacity than the range referenced in the Standards as a large hold room requiring two lavatories, this hold room would likely fall short of the Standards with respect to the number of lavatories.<sup>442</sup> In addition, the hold room would not meet the recommendation of the HDR Standards for seven or more lavatories for a hold room with a capacity of 100 detainees.<sup>443</sup> Further, if the room was at full capacity, it would also fall short of the 730 square feet of space required by the Standards for a hold room with a capacity of 100 people.<sup>444</sup> At the time of the delegation's tour, there were no detainees in the room that it entered.<sup>445</sup> There were several detainees in the other holding rooms.<sup>446</sup> Two phones were available on the wall for making collect phone calls.<sup>447</sup> The delegation requested permission to test the telephones, but was told that the telephones had to be switched on by facility staff at the intake desk.<sup>448</sup> Officer (b)(6), (b)(7)c told the delegation that detainees are separated by sex and never placed in hold rooms for longer than twelve hours.<sup>449</sup>

**P. Issuance and Exchange of Clothing, Bedding, and Towels**

The Standards require that the facility supply each detainee with clean clothing, linens, and towels upon arrival.<sup>450</sup> These items shall be exchanged as necessary to ensure cleanliness: daily for socks and undergarments, at least twice weekly for outer garments and sheets, and at least weekly for pillowcases, sheets, and towels.<sup>451</sup> Additional clothing should be issued as necessary and seasonally appropriate.<sup>452</sup>

<sup>438</sup> Detention Operations Manual, Security and Control, Standard 8, Section III.A.6.

<sup>439</sup> Detention Operations Manual, Security and Control, Standard 8, Section III.B.

<sup>440</sup> Observations of delegation member (b)(6)

<sup>441</sup> Observations of delegation member (b)(6)

<sup>442</sup> Detention Operations Manual, Security and Control, Standard 8, Section III.A.6.

<sup>443</sup> Detention Operations Manual, Security and Control, Standard 8, Section III.A.6.

<sup>444</sup> Detention Operations Manual, Security and Control, Standard 8, Section III.A.2.

<sup>445</sup> Observations of delegation member (b)(6)

<sup>446</sup> Observations of delegation member (b)(6)

<sup>447</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>448</sup> Notes of delegation, on conversation with Officer (b)(6), (b)(7)c (b)(6), (b)(7)c

<sup>449</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>450</sup> Detention Operations Manual, Detainee Services, Standard 10, Sections I.

<sup>451</sup> Detention Operations Manual, Detainee Services, Standard 10, Sections III.E.

<sup>452</sup> Detention Operations Manual, Detainee Services, Standard 10, Sections III.A.

**It is unclear whether the Facility substantially meets this section of the Standards; two detainees reported that underwear and sheets were not replaced or exchanged sufficiently.** Upon admission to the Facility, detainees receive one detainee uniform, two pairs of socks, three pairs of underwear, one pair of shower sandals, one pair of shoes, one mattress, one pair of sweatpants, one sweatshirt, one pillow, two blankets, one pillowcase, two sheets, one towel, and two t-shirts.<sup>453</sup> Because the Facility is climate controlled, these garments are sufficient for year-round living in the Facility.<sup>454</sup>

Socks, underwear, and t-shirts are exchanged and cleaned daily, Monday through Friday.<sup>455</sup> Other clothing is exchanged and cleaned every other day, three times per week.<sup>456</sup> Detainees put soiled items in a bag tagged with their identification; the contents of the bag are washed, dried, and returned to them.<sup>457</sup> According to the Handbook, sheets, pillowcases, and towels are exchanged and cleaned twice weekly in the same manner.<sup>458</sup> However, one detainee said that his sheets were exchanged only once a month.<sup>459</sup> Another detainee reported that his underwear was lost in the laundry and he spent a month without underwear before it was replaced.<sup>460</sup>

### Q. Marriage Requests

The Standards require that the facility have in place policies and procedures enabling eligible detainees to marry.<sup>461</sup> When a detainee submits a marriage request, ICE shall be notified and consulted regarding the decision.<sup>462</sup> A detainee should receive in writing reasons for any denials of marriage requests.<sup>463</sup>

**The Facility appears to meet this section of the Standards.** Detainees must submit marriage requests to Officer (b)(6), (b)(7)c via the Warden or a supervising officer.<sup>464</sup> Director (b)(6), (b)(7) stated that although Officer (b)(6), (b)(7)c may review the facts of the situation and render a decision, he often chooses to pass the request on to Director (b)(6), (b)(7) for approval.<sup>465</sup> Director (b)(6), (b)(7) said that he has denied one marriage request where the female detainee involved was underage and, he believed, marrying for the wrong reasons.<sup>466</sup>

<sup>453</sup> NWDC Detainee Handbook, p. 4; notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>454</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>455</sup> NWDC Detainee Handbook, p. 8

<sup>456</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c NWDC Detainee Handbook, p. 7.

<sup>457</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>458</sup> NWDC Detainee Handbook, p. 8.

<sup>459</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>460</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>461</sup> Detention Operations Manual, Detainee Services, Standard 11, Sections III.A.

<sup>462</sup> Detention Operations Manual, Detainee Services, Standard 11, Sections III.A.

<sup>463</sup> Detention Operations Manual, Detainee Services, Standard 11, Sections III.A.

<sup>464</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7)c

<sup>465</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7)c

<sup>466</sup> Notes of delegation member (b)(6) on conversation with Director (b)(6), (b)(7)c

**R. Non-Medical Emergency Escorted Trips**

The Standards provide that a detainee may be allowed staff-escorted trips into the community for the purposes of visiting critically ill members of the detainee’s immediate family, or for attending their funerals.<sup>467</sup> ICE will assume the cost of any trip that is “local,” which is defined as not involving more than 10 hours’ absence from the facility.<sup>468</sup>

**The Facility appears to meet this section of the Standards.** In order to obtain a non-medical emergency escorted trip, detainees submit a written request and the facts of their situations are reviewed by Facility staff.<sup>469</sup> Decisions are made within twenty-four hours or as soon as necessary to accommodate the situation.<sup>470</sup> The detainee or his/her family must pay the costs of travel if the trip is not local.<sup>471</sup> One detainee stated he was not aware that this privilege is available, and it is not disclosed in the Handbook.<sup>472</sup> Another detainee said that his friend’s request to see his mother, who had a fatal case of cervical cancer, was denied.<sup>473</sup> The detainee said his friend was told that he was a “flight risk.”<sup>474</sup>

**S. Suicide Prevention and Intervention**

The Standards require that all staff working with ICE detainees be trained to recognize signs indicating suicide risk.<sup>475</sup> Where there is a risk of suicide, the medical staff has the authority, with written documentation, to segregate the detainee from the general population, where the detainee should be observed at least every fifteen minutes.<sup>476</sup>

**The Facility appears to meet this section of the Standards.** NWDC staff are trained to watch for suicidal behavior.<sup>477</sup> When such behavior is identified, the detainee is removed to one of three cells designed for suicidal detainees.<sup>478</sup> The cells contain no potentially dangerous objects, aside from their concrete walls and metal bars, and the detainee can be visually monitored.<sup>479</sup> No detainees have committed suicide at NWDC.<sup>480</sup> Some detainees interviewed indicated that they believe a small number of detainees have tried.<sup>481</sup> One detainee stated that he saw blood on a detainee’s wall and called for

<sup>467</sup> Detention Operations Manual, Detainee Services, Standard 12, Sections I.

<sup>468</sup> Detention Operations Manual, Detainee Services, Standard 12, Sections III.A.

<sup>469</sup> Notes of delegation member [redacted] on conversation with Director [redacted]

<sup>470</sup> Notes of delegation member [redacted] on conversation with Director (b)(6), (b)(7)

<sup>471</sup> Notes of delegation member (b)(6) on conversation with Director [redacted]

<sup>472</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]

<sup>473</sup> Notes of delegation member [redacted] on conversation with detainee (b)(6), (b)(7)c

<sup>474</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]

<sup>475</sup> Detention Operations Manual, Health Services, Standard 3, Sections I.

<sup>476</sup> Detention Operations Manual, Health Services, Standard 3, Sections III.C.

<sup>477</sup> Notes of delegation member (b)(6) on conversation with Lieutenant Commander [redacted]

<sup>478</sup> Notes of delegation member [redacted] on conversation with Lieutenant Commander (b)(6), (b)(7)c

<sup>479</sup> Observations of delegation member (b)(6)

<sup>480</sup> Notes of delegation member (b)(6) on conversation with Lieutenant Commander [redacted]

<sup>481</sup> Notes of delegation member (b)(6) on conversations with detainees (b)(6), (b)(7)c  
(b)(6), (b)(7)c

medical help.<sup>482</sup> He felt that the medical staff was slow to respond and lacked urgency, despite the fact that the detainee had slit his wrists and was in grave danger.<sup>483</sup>

**T. Terminal Illness, Advanced Directives and Death**

The Standards require that chronically, critically, or terminally ill detainees be transferred to appropriate off-site medical facilities.<sup>484</sup> The facility should have policies and procedures ensuring that family and ICE are notified of issues related to terminal illnesses, advance directives, and death.<sup>485</sup>

**The Facility appears to meet this section of the Standards.** For certain severe or life-threatening ailments and injuries, detainees are transferred off-site for medical care.<sup>486</sup> These include cardiac problems, broken limbs, pregnancies, dialysis treatments, etc.<sup>487</sup> After the doctor or nurse recognizes that a medical transfer is necessary, he/she seeks the approval of managed care, and the detainee is then transferred.<sup>488</sup> The off-site medical facilities used for detainees are Franciscan Health Care, Harborview Medical Center, and a local mental health facility.<sup>489</sup>

**U. Funds and Personal Property**

The Standards require that every facility provide for the safekeeping of detainee’s funds and personal property.<sup>490</sup> Detainee property must be accounted for and safeguarded at the time of admission.<sup>491</sup> In addition, each facility must have a written procedure for inventory and audit of detainee funds, valuables, and personal property as well as a written procedure for returning funds and personal property to detainees after their transfer or release.<sup>492</sup>

**NWDC meets this section of the Standards.** Detainee clothes, personal property, valuables and funds are inventoried by GEO staff during processing.<sup>493</sup> Detainees are given an itemized receipt which is used to reclaim property upon the detainee’s release.<sup>494</sup> Detainees may keep in their possession items including legal documents, photographs, and religious books or authorized materials.<sup>495</sup> In NWDC dormitories, detainees must store these personal items on a shelf under their bunks.<sup>496</sup> In the segregation

<sup>482</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]

<sup>483</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]

<sup>484</sup> Detention Operations Manual, Health Services, Standard 4, Section III.A.

<sup>485</sup> Detention Operations Manual, Health Services, Standard 4, Section I.

<sup>486</sup> Notes of delegation member [redacted], on conversation with Lieutenant Commander [redacted]

<sup>487</sup> Notes of delegation member [redacted], on conversation with Lieutenant Commander [redacted]

<sup>488</sup> Notes of delegation member [redacted], on conversation with Lieutenant Commander [redacted]

<sup>489</sup> Notes of delegation member [redacted], on conversation with Lieutenant Commander [redacted]

<sup>490</sup> Detention Operations Manual, Detainee Services, Standard 7, Section I.

<sup>491</sup> Detention Operations Manual, Detainee Services, Standard 7, Section III.C.

<sup>492</sup> Detention Operations Manual, Detainee Services, Standard 7, Section III.F; Detention Operations Manual, Detainee Services, Standard 7, Section III.G.

<sup>493</sup> Notes of delegation member [redacted] on conversation with Officer [redacted]

<sup>494</sup> NWDC Detainee Handbook, p. 4. [redacted]

<sup>495</sup> Notes of delegation member [redacted] on conversation with Officer [redacted]

<sup>496</sup> Observation of delegation member [redacted]

units, these items are stored in a locker outside the cell.<sup>497</sup> To access personal property and legal materials, detainees in segregation must make a request to a guard for a specific item.<sup>498</sup> According to Officer (b)(6), (b)(7)c, detainee funds and personal property are returned to detainees upon their release by the processing officer.<sup>499</sup> At the time of release, detainees submit the itemized receipt received during the admission process and are given a bag filled with their belongings.<sup>500</sup>

## V. Food Service

The Standards state that the “overall goal of a quality food service program is to provide nutritious and appetizing meals, efficiently and within the budgetary restrictions, manpower resources, equipment, and physical layout,” and recognize that nutritional needs are diverse because of differences in age, medical condition, etc.<sup>501</sup> The ICE standard menu cycle is thirty-five days, and facility menus must be certified by a dietitian before employed to ensure nutritional adequacy.<sup>502</sup> In addition, facilities must provide detainees who request a religious diet with “a reasonable and equitable opportunity to observe their religious dietary practice within the constraints of budget limitations and the security and orderly running of the facility through a common fare menu.”<sup>503</sup>

**It is unclear whether NWDC meets this section of the Standards: staff and detainees provided conflicting information regarding whether NWDC provides sufficient food.** NWDC’s meals are provided by Canteen, GEO’s food service contractor. A dietitian from Canteen approves NWDC’s menu and the menu is rotated every five weeks.<sup>504</sup> Meals are served at approximately 5:30 a.m., 12:00 p.m., and 5:00 p.m..<sup>505</sup> Facility staff stated that NWDC’s meals provide 2900 calories per day.<sup>506</sup> However, a detainee interviewed by the delegation stated that “each kernel of corn is counted, [he] is hungry all of the time, and extra food is thrown away rather than given out.”<sup>507</sup> Another detainee stated that there was not enough food, and that the meals are “awful.”<sup>508</sup>

Canteen provides special diets for medical/dental or religious reasons upon request and authorization.<sup>509</sup> Detainees with religious or medical dietary requirements must notify a NWDC staff member so that arrangements can be made to accommodate their needs.<sup>510</sup> One detainee stated that he

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<sup>497</sup> Observation of delegation member (b)(6) notes of delegation member (b)(6), on conversation with Officer (b)(6), (b)(7)c

<sup>498</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6)

<sup>499</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>500</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6)

<sup>501</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.D.1.

<sup>502</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.D.1; Detention Operations Manual, Detainee Services, Standard 6, Section III.D.2.

<sup>503</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.E.1.

<sup>504</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6)

<sup>505</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6), (b)(7)c

<sup>506</sup> Notes of delegation member (b)(6) on conversation with Officer (b)(6)

<sup>507</sup> Notes of delegation member (b)(6) on conversation with (b)(6), (b)(7)c

<sup>508</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>509</sup> NWDC Detainee Handbook, p. 7.

<sup>510</sup> NWDC Detainee Handbook, p. 7.

requested sack lunches so that he could eat at a time when his stomach was not disturbed from his medication, but his request was denied.<sup>511</sup>

## V. CONCLUSION

The Northwest Detention Center Facility meets many of the ICE Detention Standards but does not fully meet a number of sections. A few important areas in which the Facility could improve are noted below.

To provide adequate telephone access to detainees, NWDC should ensure that detainees are informed of the rules regarding direct and free calls to legal service providers, consulates, and immigration courts, and it should ensure that such calls are not hindered by problems such as early termination due to entering excess digits. NWDC should deliver messages, especially legal messages, as promptly as possible, at least three times daily. NWDC should provide a free call to indigent detainees who are transferred to the facility.

To provide an adequate and fair grievance procedure, NWDC should provide written responses to all detainee grievances in a timely manner with the reasons for denial if appropriate.

To support the detainees' access to legal materials and legal representation, NWDC should provide access to up-to-date versions of all of the legal materials listed in the Standards and update any damaged volumes in its law library. Further, NWDC should provide additional hours of library usage to ensure that all detainees who request library time receive five hours per week. ICE should reply to written requests by detainees for additional legal material in a timely manner.

NWDC should ensure that any calculated uses of force are videotaped, as required by the Standards.

Finally, it appears that high demand may result in family visits sometimes being shorter than 30 minutes. Perhaps visiting hours could be expanded to accommodate this demand, particularly in cases of family members who drive long distances.

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<sup>511</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c



Facility Name: Northwest Detention Center, TACOMA, WASHINGTON

Date of Tour: July 26, 2006

Tour Participants: Latham & Watkins LLP attorneys (b)(6) and summer associates (b)(6)

\*Standards are Detainee Services Standards unless indicated. Standards excerpts are verbatim. Issues are generally in the same order as in the Report.

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

	ICE Standard*	Delegation Report	Source	ICE Response
1.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> <li>▪ I. To maintain detainee morale and family relationships, INS encourages visits from family and friends.</li> <li>▪ III.H. The facility's written rules shall specify time limits for visits: 30 minutes minimum, under normal conditions. [ICE] encourages more generous limits when possible, especially for family members traveling significant distances to visit.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The detainee handbook states that visits will normally be one hour, with a 30-minute minimum depending on staff and number of visitors, and that more time can be authorized for families traveling significant distance. (p.6 ¶2)</li> <li>▪ One detainee said he was only allowed to visit with a large group of family members from 10:37 a.m. to 11:00 a.m., in spite of the fact that he had filed a special request for visitation three weeks prior to the visit. (p.6 ¶2)</li> <li>▪ Another detainee stated that there is often a queue for visits, which can result in the length of the visits being cut down from one hour to 20 or 30 minutes. This detainee stated that his family lives in Oregon, and he felt that a 20 or 30 minute visit was insufficient for such a long trip. (p.6 ¶2)</li> <li>▪ One detainee stated that the Facility accommodated her family's irregular schedule by allowing her to visit with family after regular visiting hours. (p.6 ¶2)</li> </ul>	<p>Detainee Handbook</p> <p>Detainee (b)(6)</p> <p>Detainee (b)(6)</p> <p>Detainee (b)(6)</p>	
2.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> <li>▪ III.I. [E]ach detainee may meet privately with current or prospective legal representatives and their legal assistants.</li> <li>▪ III.I.11. If standard operating procedures require strip searches after every contact visit with a legal representative, the facility must provide an option for non-contact visits with legal representatives ....</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee stated that sometimes the Facility would take so much time bringing him to the visiting area that the attorney or other visitor would have left already to keep another appointment. Two other detainees, however, stated that they had not had problems of delay. (p.4 ¶4)</li> <li>▪ Detainees may request a non-contact room, but five detainees indicated that they were not aware of this option. (p.5 ¶1)</li> </ul>	<p>Detainee (b)(6), (b)(7)(c)</p> <p>detainees (b)(6), (b)(7)(c) and (b)(6), (b)(7)(c)</p> <p>Officer (b)(6), (b)(7)(c)</p> <p>detainees (b)(6), (b)(7)(c)</p>	

3.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>▪ I. Facilities holding INS detainees shall permit them to have reasonable and equitable access to telephones.</li> <li>▪ III.A. The facility shall provide detainees with reasonable access to telephones during established facility waking hours ....</li> <li>▪ 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.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Telephone usage rules are not posted for the detainees. (p.8 ¶1)</li> <li>▪ When one detainee arrived he was denied a personal call to his family. In order to make the call he began the voluntary work program until he had enough money to buy a calling card to make the call. (p.9 ¶3)</li> <li>▪ The Facility's phone system is set up to hang up on calls when more than a certain number of digits are entered. (p.11 ¶2) One detainee stated that as a result of this limitation, he was not able to get through to NWIRP, one of two free legal service providers listed in the pods for the detainees. (p.11 ¶2)</li> </ul>	<p>Delegation Observation</p> <p>Detainee (b) (6)</p> <p>Detainee (b) (6)</p> <p>Officer (b) (6)</p> <p>Detainee (b) (6)</p>	
4.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>▪ 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.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Indigent detainees apparently may request a free call through an officer. However, one detainee said she was not aware that indigent detainees could make free calls. Another detainee said he had no money, so he could not make any legal calls. (p.10 ¶2)</li> </ul>	<p>Officer (b) (6)</p> <p>Detainee (b) (6)</p> <p>Detainee (b) (6)</p>	
5.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>▪ <b>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.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee said that friends of his had left messages for him, which he had never received. (p.12 ¶1)</li> <li>▪ <b>Another detainee said that her attorney had left several messages, but that they were never delivered to her. (p.12 ¶1)</b></li> </ul>	<p>Detainee (b) (6)</p> <p>Detainee (b) (6)</p>	
6.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> <li>▪ III.J. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order.</li> </ul>	<ul style="list-style-type: none"> <li>▪ It is unclear whether telephone calls are monitored. Telephones in housing units are labeled: "Subject to Monitoring and Recording"; no procedure for removing calls from the monitoring system is posted. However, according to Officer (b) (6) those functions are not used. (p.12 ¶3)</li> </ul>	<p>Delegation Observations; Officer (b) (6)</p>	
7.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>▪ III.A. The facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing. The law library shall be large enough to provide reasonable access to all detainees who request its use.</li> <li>▪ III.B. Equipment. The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper and office supplies to enable detainees to prepare documents for legal proceedings.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee stated he had requested access to the library three days earlier, but was still waiting because the library was too crowded. (p.14 ¶1)</li> <li>▪ One detainee said there are not enough books, materials, or computers in the library to accommodate the number of detainees who use it. (p.16 ¶3)</li> </ul>	<p>Detainee (b) (6)</p> <p>Detainee (b) (6)</p>	

8.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>▪ III.C. The law library shall contain the materials listed in Attachment A.</li> <li>▪ III.E. The facility shall designate an employee with responsibility for updating legal materials, inspecting them weekly, maintaining them in good condition, and replacing them promptly as needed.</li> <li>▪ III.I. [ICE] will ... answer all requests [for additional legal material not available in the facility law library] in a timely manner.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The library does not have a copy of the <i>Directory of Nonprofit Agencies that Assist Persons in Immigration Matters, UNHCR Handbook on Procedures and Criteria for Determining Refugee Status, and Rights of Prisoners</i>. (p.15 ¶3)</li> <li>▪ Eleven of the thirty legal reference materials are out of date or missing pocket parts updates. Many of the legal reference materials that are present in the library are damaged and have torn pages. (p.15 ¶3)</li> <li>▪ Hard copy legal materials are updated only sporadically. The library provides detainees with access to Lexis-Nexis on CD-ROM, but it contains only a limited database and does not link to all of the cases cited. (p.15 ¶3)</li> <li>▪ One detainee stated he submitted a written request eight months ago for a list of cases that he could not access on the Lexis Nexis CD-ROM to former Assistant Field Office Director [redacted] and Warden [redacted] and has not received any response. (p.15 ¶4)</li> </ul>	<p>Delegation Observations</p> <p>Delegation Observations</p> <p>Librarian [redacted] delegation Observations; detainee [redacted]</p> <p>Detainee [redacted]</p>	
9.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> <li>▪ III.G. The facility shall...permit all detainees, regardless of housing or classification, to use the law library on a regular basis. Detainees may not be forced to forgo their minimal recreation time, as provided in "Detainee Recreation," standard to use the law library.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee stated that she had made a request to access the library three days prior to the delegation's interview and had been scheduled for a time that conflicted with her recreation time. As a result, she was unable to use the library at that time. (p.14 ¶3)</li> </ul>	<p>Detainee [redacted]</p>	
10.	<p>Standard 9, Group Presentations on Legal Rights</p> <ul style="list-style-type: none"> <li>▪ III.C. At least 48 hours before a scheduled presentation, informational posters ... shall be prominently displayed in housing units, and each housing unit control officer will hold a sign-up sheet.</li> <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>▪ The handbook states that group legal rights presentations are provided weekly. Detainees are not notified in advance of the presentations. All detainees have an opportunity to attend a presentation before their removal proceedings. (p.17 ¶4)</li> <li>▪ One detainee stated that he was not aware of any group rights presentations conducted at the Facility. (p.18 ¶1)</li> <li>▪ Director Clark stated that the "Know Your Rights" video is aired daily at 8:00 a.m. Two detainees stated that the video was shown once a week, and two others stated that it was not shown at all. (p.18 ¶2)</li> </ul>	<p>Detainee Handbook; Officer [redacted]</p> <p>Detainee [redacted]</p> <p>Director detainees [redacted] and [redacted]</p>	

11.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> <li>I. All facilities will ensure that detainees send and receive correspondence in a timely manner.</li> </ul>	<ul style="list-style-type: none"> <li>One detainee stated that he tried to send two envelopes of special correspondence by submitting a chit and asking the librarian to mail them, but neither envelope arrived. He then paid to send them via regular mail and they arrived as addressed. (p.19 ¶5)</li> <li>Another detainee stated that his friend who sent mail to a radio station and newspaper believed that this mail was intercepted when he did not receive the standard response letter that he had received on numerous other occasions. (p.20 ¶1)</li> </ul>	<p>Detainee (b)(6), (b)(7)(C)</p> <p>Detainee (b)(6), (b)(7)(C)</p>	
12.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> <li>III.I. Postage Allowance. The OIC shall establish procedures to provide indigent detainees the postage allowance that is available at government expense. Indigent detainees will be permitted to mail a reasonable amount of mail each week, including at least five pieces of special correspondence and three pieces of general correspondence.</li> </ul>	<ul style="list-style-type: none"> <li>One detainee said indigent detainees are able to send mail without charge, but another detainee stated that this creates a debt. (p.19 ¶3)</li> </ul>	<p>Detainees (b)(6), (b)(7)(C)</p>	
13.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> <li>I. All detainees shall have access to medical services that promote detainee health and general well-being.</li> <li>III.A. Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care.</li> <li>III.E. Dental Treatment. An initial dental screening exam should be performed within 14 days of the detainee's arrival. Routine dental treatment may be provided to detainees for whom dental treatment is inaccessible for prolonged periods because of detention for over six months.</li> </ul>	<ul style="list-style-type: none"> <li>One detainee said that it takes about a week to receive medical attention for non-emergencies by using the chit system, while another said it takes about two days. (p.23 ¶3)</li> <li>One detainee said he sometimes must choose between receiving pills and getting clean laundry because he must wait for one of the periods during the day when he may move from his pod to another part of the facility and there is not enough time to do both. (p.23 ¶4)</li> <li>According to Lieutenant Commander (b)(6), routine dental work is deferred until the detainee has been in the facility for 10 months. However, one detainee stated that he had tooth pain, and the dentist offered to pull the tooth but not fix it because he had not spent twelve months in the Facility. (p.24 ¶2)</li> </ul>	<p>Detainee (b)(6), (b)(7)(C)</p> <p>Detainee (b)(6), (b)(7)(C)</p> <p>Lieutenant Commander (b)(6), (b)(7)(C) detainee</p>	
14.	<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>According to Officer (b)(6) detainees receive notification about resolution of grievances within three to five days. However, one detainee filed a grievance two weeks prior to the visit and had not received a response. (p.28 ¶2)</li> </ul>	<p>Officer (b)(6), (b)(7)(C) detainee</p>	

15.	<p>Standard 18, Voluntary Work Program</p> <ul style="list-style-type: none"> <li>▪ I. Every facility with a work program will provide detainees the opportunity to work and earn money.</li> <li>▪ III.G. [T]hose [detainees] with less severe disabilities will have the opportunity to participate in the voluntary work program, in appropriate work projects.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee who uses a wheelchair stated he has tried to obtain a job since entering the Facility in March 2006 but has been denied placement in the work program because there are no jobs for handicapped individuals. As a result, he has no money. (p.30 ¶3)</li> </ul>	<p>Detainee [redacted]</p>	
16.	<p>Security and Control Standard 5, Disciplinary Policy: Use of Force</p> <ul style="list-style-type: none"> <li>▪ III.A.2. Disciplinary action may not be capricious or retaliatory.</li> </ul> <p>Security and Control Standard 17, Use of Force</p> <ul style="list-style-type: none"> <li>▪ III.A.2.b. The videotaping of all calculated use of force is required.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee said that he observed staff persons with a camera enter a pod to remove and subdue a detainee. Before using force against the detainee, the staff placed the camera on a shelf such that the camera could not visually record the incident. (p.34 ¶1)</li> </ul>	<p>Detainee [redacted]</p>	
17.	<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 single domestic phone call at the Government's expense 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>▪ For detainees who arrive at the Facility, there is access to collect phones in the hold rooms and living units, but for indigent detainees, there is no procedure for providing them with a free phone call. Director [redacted] specifically stated that there is no right to a phone call in this situation; he is apparently unaware of the requirement in the Standards. (p.34 ¶3)</li> </ul>	<p>Detainee [redacted] Director [redacted]</p>	
18.	<p>Detainee Services Standard 10, Issuance and Exchange of Clothing, Bedding, and Towels</p> <ul style="list-style-type: none"> <li>▪ III.E. Detainees shall be provided with clean clothing, linen and towels on a regular basis to ensure proper hygiene. Socks and undergarments will be exchanged daily, outer garments at least twice weekly and sheets, towels, and pillowcases at least weekly.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee said that his sheets were exchanged only once a month. Another detainee reported that his underwear was lost in the laundry and he spent a month without underwear before it was replaced. (p.36 ¶2)</li> </ul>	<p>Detainees [redacted]</p>	
19.	<p>Detainee Services Standard 12, Non-Medical Emergency Escorted Trips</p> <ul style="list-style-type: none"> <li>▪ I. [ICE] provides detainees with approved staff-escorted trips into the community for the purpose of visiting critically ill members of the detainee's immediate family, or for attending their funerals.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee stated he was not aware that this privilege is available, and it is not disclosed in the Handbook. Another detainee said that his friend's request to see his mother, who had a fatal case of cervical cancer, was denied. The detainee said his friend was told that he was a "flight risk." (p.37 ¶2)</li> </ul>	<p>Detainees [redacted]</p>	
20.	<p>Health Services Standard 3, Suicide Prevention and Intervention</p> <ul style="list-style-type: none"> <li>▪ I. All staff working with [ICE] detainees will be trained to recognize signs ... potentially indicating a suicide risk. Staff will act to prevent suicides with appropriate sensitivity, supervision, and referrals.</li> <li>▪ III.C. Observation of imminently suicidal detainees by medical or detention staff shall occur no less than every 15 minutes.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee stated that he saw blood on a detainee's wall and called for medical help. He indicated that the medical staff was slow to respond and lacked urgency, despite the fact that the detainee had slit his wrists and appeared to be in grave danger. (p.37 ¶4)</li> </ul>	<p>Detainee [redacted]</p>	

21.	<p><b>Detainee Services Standard 7, Food Service</b></p> <ul style="list-style-type: none"> <li>▪ III.D.1. The overall goal of a quality food service program is to provide nutritious and appetizing meals, efficiently and within the budgetary restrictions, manpower resources, equipment, and physical layout. Nutritional needs are diverse because of differences in ... medical considerations.</li> <li>▪ III.D.2. A registered dietitian shall conduct a complete nutritional analysis of every master cycle menu ....</li> </ul>	<ul style="list-style-type: none"> <li>▪ Facility staff stated that NWDC's meals provide 2900 calories per day and are inspected by a dietitian. However, a detainee interviewed by the delegation stated that he "is hungry all of the time, and extra food is thrown away rather than given out." Another detainee stated that there was not enough food, and that the meals are "awful." (p.39 ¶3)</li> <li>▪ One detainee stated that he requested sack lunches so that he could eat at a time when his stomach was not disturbed from his medication, but his request was denied. (p.39 ¶4)</li> </ul>	<p>Officer [REDACTED] detainees [REDACTED]</p> <p>[REDACTED]</p> <p>Detainee [REDACTED]</p>	
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