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MEMORANDUM

January 10, 2008

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

This memorandum summarizes and evaluates information gathered at the Pike County Correctional Facility (“PCCF” or “the facility”) in Lords Valley, Pennsylvania, during the delegation’s July 31, 2007 visit to the facility. The information was gathered via observation of the facility by the delegation, discussions with PCCF staff and Immigration and Customs Enforcement (“ICE”) personnel, and review of materials provided by PCCF staff.

I. ICE DETENTION STANDARDS

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

The Detention Standards (the “Standards”) went into effect at ICE-operated detention facilities on January 1, 2001. ICE intended to phase in the Standards at all of its contract and IGSA facilities by December 31, 2002. The Standards constitute a floor rather than 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-

¹ The delegation was comprised of attorneys and summer associates from the New York office of Latham & P, including [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

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

in-Charge has discretion to promulgate policies and practices affording ICE detainees more enhanced rights and protections, beyond those provided for by the Standards.

II. INTRODUCTION

A. The Delegation's Visit, July 31, 2007

On Tuesday, July 31, 2007, the members of our delegation met with several members of PCCF's staff and a representative from the ICE office in Lords Valley, Pennsylvania. Lieutenant [b6, b7C] a staff member at PCCF, and [b6, b7C] ICE Supervisory and Detention Deportation Officer, led our delegation on a tour of the facilities and participated in discussions. The delegation also met with other PCCF personnel along the tour: Lieutenant [b6, b7C] (intake officer), Nurse [b6, b7C] (medical staff), Mr. [b6, b7C] (food service director), Lieutenant [b6, b7C] (staff training), Sergeant [b6, b7C] (library point of contact, but not the librarian), Officer [b6, b7C] (guard in female unit), Warden [b6, b7C] and Assistant Warden [b6, b7C]. 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 PCCF and ICE employees, as well as our observations of the facility. All employees were extremely generous with their time and patiently answered all of our questions. The Warden of the facility demonstrated a sincere interest in providing a thorough tour, answered all of our questions, and was extremely helpful in accommodating many of our requests. While our general impression of the facility was overwhelmingly positive, there were instances where the Standards were not being met, and our delegation was unable to interview detainees to determine if the experiences of the detainees are consistent with the policies described by PCCF's staff and the PCCF Inmate Handbook.³

B. General Information About the Pike County Correctional Facility

The Pike County Correctional Facility houses federal immigration detainees according to an intergovernmental service agreement ("IGSA") with ICE.⁴ According to the PCCF personnel, the Facility has a current population of 270 inmates, 120 of whom are immigration detainees.⁵ PCCF houses mostly males.⁶ At the time of our visit, the facility personnel estimated that five to ten female immigration detainees were housed there.⁷ Officer [b6, b7C] and Lt. [b6, b7C] told the delegation that the facility housed immigration detainees from many different countries, but most detainees were Hispanic.⁸ The majority of the detainees housed were awaiting removal proceedings,⁹ and the average length of stay for a detainee was between thirty and ninety days.¹⁰

³ The delegation was unable to identify detainees who could meet with them during their visit.

⁴ Notes of delegation member [b6, b7C] based on conversation with Lt. [b6, b7C]

⁵ Notes of delegation member [b6] based on conversations with Officer [b6, b7C] and Lt. [b6, b7C]

⁶ Notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

⁷ Notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

⁸ Notes of delegation member [b6], based on conversation with Officer [b6, b7C] and Lt. [b6, b7C]

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

¹⁰ Notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

III. LEGAL ACCESS STANDARDS

A. Visitation

1. Visitation by Attorneys

The Standards require that facilities permit legal visitation seven days per week.¹¹ Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend.¹² The visits must be private, and should not be interrupted for head counts.¹³ Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.¹⁴ Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.¹⁵ Visitation hours must be provided in the handbook, and posted where detainees can easily see them.¹⁶ If standard operating procedures at the facility require strip searches after contact visits with a legal representative, then the facility must provide an option for confidential non-contact visits with legal representatives and a mechanism to exchange documents.¹⁷

PCCF meets this section of the Standards. Attorneys may visit the detainees seven days per week, twenty-four hours per day, in designated legal visitation rooms.¹⁸ Legal visitation is not impacted by a detainee’s classification.¹⁹ A meal is provided to the detainee in the visitation room if a meeting should continue through a meal.²⁰ Interpreters may accompany attorneys and meet with detainees through non-contact visitation.²¹ The “Pike County Correctional Facility Inmate Handbook” (the “PCCF Inmate Handbook”) only addresses regular visitation and contains no information on legal visitation.²²

Attorneys are required to present bar I.D. cards, but the facility will search an online database for bar verification if a state does not issue bar cards or an attorney’s card is expired.²³ There are approximately three attorney visitation rooms.²⁴ Legal visits are contact (but can be conducted non-contact at a detainee’s request), and detainees are subject to a pat down search

¹¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

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

¹³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

¹⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

¹⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

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

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

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

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

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

²¹ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²² The PCCF Inmate Handbook is not specific to immigration detainees and does not reflect any policies or procedures that the facility may have implemented which are specific to detainees and different from those for the general inmate population. See PCCF Inmate Handbook.

²³ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁴ Observations of delegation member [REDACTED]

after a contact legal visit.²⁵ Attorneys may call Pike County to determine whether their client is being housed at the facility.²⁶

2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the Standards encourage visits from family and friends.²⁷ The Standards require that facilities establish written visitation hours and procedures, post them where detainees can see them, and make them available to the public.²⁸ This includes procedures for handling incoming money for detainees.²⁹ The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”³⁰ 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.³¹ Visits should be at least thirty minutes long, and longer when possible.³² If a facility does not provide for visits from minors, ICE should arrange for visits with children or stepchildren within the detainee’s first thirty days at the facility, with continuing monthly visits.³³ 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.³⁴

It is unclear whether PCCF meets this section of the Standards; the Handbook may limit visits to fifteen minutes each. The visitation schedule is clearly posted at the entrance to the facility.³⁵ Visiting hours are five days per week, Monday through Wednesday, Saturday, and Sunday.³⁶ Visitation is allocated according to the detainee’s sex and classification.³⁷ The PCCF Inmate Handbook appears to cap regular visitation at fifteen minutes of visitation per visitor, with two visitors maximum, although it is unclear whether one visitor would receive thirty minutes. The provision states in full: “Half hour visits up to two (2) people (15 minutes for each, no exceptions).”³⁸ Although this provision indicates that there are no exceptions, the Handbook also states that visits may be extended at the discretion of the visitation officer.³⁹ The schedule ensures that each general population detainee may receive visitors on Saturday and Sunday.⁴⁰ All visits are non-contact.⁴¹ Money left by a visitor for a detainee will be placed in the detainee’s

²⁵ Notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED]

²⁶ Notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED]

²⁷ Detention Operations Manual, Detainee Services, Standard 17, Section I.

²⁸ Detention Operations Manual, Detainee Services, Standard 17, Sections III.A & B.

²⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

³⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

³¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³² Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³³ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.

³⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5.

³⁵ Observations of delegation member [REDACTED]

³⁶ Pike County Inmate Visiting Schedule; PCCF Inmate Handbook, p. 19.

³⁷ Notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED]

³⁸ PCCF Inmate Handbook, p. 20.

³⁹ PCCF Inmate Handbook, p. 20.

⁴⁰ Pike County Inmate Visiting Schedule; PCCF Inmate Handbook, p. 19.

⁴¹ Notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED]

inmate account.⁴² If a detainee has minor family in another facility, PCCF will request that the detainee be transferred to a family facility.⁴³

B. Telephone Access

1. General Requirements

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.⁴⁴ In order to meet this requirement, facilities must provide at least one telephone for every twenty-five detainees.⁴⁵ 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.⁴⁶

PCCF substantially meets this Standard; however, telephone access rules were not properly posted in one male and one female housing unit. Each housing unit has its own set of phones and the number was approximately one phone per ten to fifteen detainees.⁴⁷ The telephones are accessible from after cleanup and daily unit inspection until five minutes before lockdown.⁴⁸

Telephone usage rules and instructions regarding usage of the phones are contained in the PCCF Inmate Handbook and posted next to the phones.⁴⁹ The delegation tested five phones for functionality—all of them had a dial tone.⁵⁰ The phone numbers of local consulates are posted by most phones or banks of phones that the delegation observed.⁵¹

The delegation observed one female unit where detainees are housed that did not have the telephone access rules posted.⁵² Officer [b6, b7C] indicated that two new bulletin boards had been hung for this purpose; however the unit guard, Officer [b6, b7C] did not seem aware of this.⁵³ The delegation was also steered away from a male unit housing detainees that apparently did not yet have the rules properly posted; apparently the unit had only recently started housing immigration detainees, and previously had housed general population inmates.⁵⁴

2. Direct Calls and Free Calls

The Standards allow facilities to generally restrict calls to collect calls;⁵⁵ however, the facility must permit detainees to make direct calls to the local immigration court and the Board

⁴² Notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

⁴³ Notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

⁴⁴ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

⁴⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

⁴⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

⁴⁷ Observations of delegation member [b6]

⁴⁸ PCCF Inmate Handbook, p. 18.

⁴⁹ Observations of delegation member [b6]

⁵⁰ Observations of delegation.

⁵¹ Observations of delegation member [b6]

⁵² Observations of delegation.

⁵³ Notes of delegation member [b6] based on conversation with and between Lt. [b6, b7C] and Officer [b6, b7C].

⁵⁴ Notes of delegation member [b6] based on conversation between Lt. [b6, b7C] and Officer [b6, b7C]

⁵⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

of Immigration Appeals, federal and local courts, consular officials, legal service providers, government offices, and to family members in case of emergency.⁵⁶ 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.⁵⁷ In addition, the facility “shall enable all detainees to make calls to the [ICE]-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.”⁵⁸

PCCF meets this section of the Standards; detainees are apparently able to make calls to legal service providers and to consulates at no charge. Detainees are issued a telephone ID number (PIN) during intake processing that they are to use to make telephone calls through a debit system.⁵⁹ Detainees may dial 4 for special services including reaching Pro Bono legal services and consulates.⁶⁰ The delegation observed signage posted near some of the phones that advised of the ability to place direct calls.⁶¹ The delegation did not attempt to make any free telephone calls.

3. Telephone Access to Legal Representatives

The Standards provide that the facility shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones.⁶² If time limits are necessary, they shall be no shorter than twenty minutes.⁶³ The Standards require that the facility ensure privacy for detainees’ telephone calls regarding legal matters by providing a reasonable number of telephones for detainees to make calls without being overheard by facility staff or detainees, and that calls shall not be electronically monitored absent a court order.⁶⁴

PCCF does not fully meet this section of the Standards: there are no privacy safeguards on the telephones. Lt. [REDACTED] b6, b7C informed us that detainees may use the phone for as long as they like so long as no other detainee is waiting;⁶⁵ however, both the PCCF Inmate Handbook and postings in the housing units indicate that the telephone may be used for a maximum of twenty minutes.⁶⁶ There is a large sign posted that detainees may request that a legal call not be monitored.⁶⁷

⁵⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁵⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁵⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁵⁹ Notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED] b6, b7C .

⁶⁰ Observations of delegation member [REDACTED] b6

⁶¹ Observations of delegation member [REDACTED] b6

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

⁶³ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

⁶⁴ Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

⁶⁵ Notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED] b6, b7C .

⁶⁶ Observations of delegation member [REDACTED] b6

⁶⁷ Observations of delegation member [REDACTED] b6

Detainees are unable to make private telephone calls from the telephones where they make outgoing calls because the telephones are all located in the public dayrooms with no privacy safeguards.⁶⁸ The telephones are out in the open, and there are no partitions.⁶⁹

4. Incoming Calls and Messages

The Standards require that facilities take and deliver messages to detainees as promptly as possible.⁷⁰ 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.⁷¹

PCCF does not appear to fully meet this section of the Standards; according to the PCCF Inmate Handbook, incoming family emergency calls and messages are handled on a case-by-case basis by the Shift Commander, rather than always being delivered.⁷² However, messages from attorneys are taken and delivered to detainees.⁷³

5. Telephone Privileges in Special Management Unit

The Standards provide that detainees in the Special Management Unit ("SMU") for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions.⁷⁴

PCCF appears to meet this section of the Standards. Detainees at PCCF placed in Restricted Housing Units for disciplinary reasons have access to one telephone to call their attorneys.⁷⁵ We were unable to determine whether telephone privileges may otherwise be restricted.

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."⁷⁶

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

⁶⁸ Observations of delegation member [REDACTED] b6. The delegation is unaware whether special accommodations for private legal telephone calls may be made upon request.

⁶⁹ Observations of delegation member [REDACTED] b6.

⁷⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁷¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁷² PCCF Inmate Handbook, p. 18.

⁷³ PCCF Inmate Handbook, p. 18.

⁷⁴ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

⁷⁵ Notes of delegation member [REDACTED] b6, based on conversation with Lt. [REDACTED] b6, b7C

⁷⁶ Detention Operations Manual, Detainee Services, Standard 1, Section I.

regular basis.⁷⁷ Each detainee shall be permitted to use the law library for a minimum of five hours per week.⁷⁸

PCCF meets this section of the Standards. PCCF permits the general population detainees to use the library at any time other than scheduled lockdown.⁷⁹ The PCCF Inmate Handbook specifies that inmates can attend the library as per the posted schedules in the housing units, and may submit a written request to the Programs Department for extra library time.⁸⁰ Although the PCCF Inmate Handbook states that “[i]nmates in disciplinary status are authorized to receive legal information upon request, but cannot attend the law library,” the delegation was informed that Restricted Housing Unit detainees are permitted to use the library at night.⁸¹

2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees’ legal research and writing.⁸² 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.”⁸³

PCCF meets this section of the Standards. The law library at PCCF is well lit, has ample space, and is well-isolated from noise and foot traffic.⁸⁴ The library provides access to seven computers and contains another desk and chairs in addition to those housing the computers.⁸⁵

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*.⁸⁶ 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.⁸⁷ Damaged or stolen materials must be promptly replaced.⁸⁸

PCCF meets this section of the Standards. PCCF did not provide the delegation with a list of library holdings, but the computers with LexisNexis provide access to all of the legal

⁷⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁷⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁷⁹ Notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED].

⁸⁰ PCCF Inmate Handbook, p. 28.

⁸¹ PCCF Inmate Handbook, p. 28: notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED].

⁸² Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

⁸³ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

⁸⁴ Observations of delegation member [REDACTED].

⁸⁵ Observations of delegation members [REDACTED] and [REDACTED].

⁸⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

⁸⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

⁸⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

materials listed in Attachment A.⁸⁹ LexisNexis automatically provides PCCF with updated legal materials every three to four months.⁹⁰

4. Library Equipment and Supplies

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.⁹¹ Staff must inspect at least weekly to ensure equipment is in working order and to stock sufficient supplies.⁹² In addition, indigent detainees must be provided free envelopes and stamps for legal mail.⁹³

PCCF appears to meet this section of the Standards. PCCF law library contains seven computers for use by the detainees, although one of them was not plugged in.⁹⁴ In addition, there is a computer located in every housing unit.⁹⁵ PCCF staff did not mention having weekly equipment inspections, but the library is staffed by an inmate who will report any problems to the program staff.⁹⁶ The delegation did not observe any writing implements or office supplies in the law library, but the staff reported that detainees are provided with pens upon request.⁹⁷ Indigent detainees are provided with unlimited envelopes and postage for legal correspondence.⁹⁸ However, the PCCF Inmate Handbook states that indigent inmates are only eligible to receive three stamped envelopes twice a month.⁹⁹

5. Photocopies

The Standards provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.¹⁰⁰ Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.¹⁰¹

PCCF meets this section of the Standards. Detainees at PCCF may make unlimited copies of legal documents.¹⁰²

6. Assistance From Other Detainees

⁸⁹ Observations of delegation member [REDACTED] b6

⁹⁰ Notes of delegation member [REDACTED] b6, based on conversation with Lt. [REDACTED] b6, b7C

⁹¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

⁹² Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

⁹³ Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

⁹⁴ Observations of delegation member [REDACTED] b6

⁹⁵ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

⁹⁶ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

⁹⁷ Notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED] b6, b7C

⁹⁸ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

⁹⁹ PCCF Inmate Handbook, p. 42.

¹⁰⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹⁰¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹⁰² Notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED] b6, b7C

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.¹⁰³

PCCF meets this section of the Standards. PCCF law library is staffed by an inmate who can assist users of the library.¹⁰⁴ If that inmate is unable to help with a specific problem, the detainee can put in a request to the program staff.¹⁰⁵ The detainees can also ask other detainees to assist them in researching, preparing legal documents, and translation.¹⁰⁶

7. Notice to Detainees

The Standards require that the detainee handbook provide detainees with the rules and procedures governing access to legal materials.¹⁰⁷

PCCF meets this section of the Standards. The PCCF Inmate Handbook specifies the procedure for using the library, requesting additional time and photocopying of legal materials.¹⁰⁸

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.”¹⁰⁹ In addition, detainees shall have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”¹¹⁰

PCCF appears to meet this section of the Standards. According to PCCF personnel, there are no restrictions on group rights presentations.¹¹¹ The facility has received few requests from presenters, but has honored all requests received.¹¹² These presentations have been held in the programs rooms.¹¹³

All inmates and detainees are shown the same video when they arrive at PCCF.¹¹⁴ The video contains sections that pertain specifically to the detainees.¹¹⁵ We could not verify whether any of the sections discuss legal rights.

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

¹⁰⁴ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

¹⁰⁵ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

¹⁰⁶ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

¹⁰⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

¹⁰⁸ PCCF Inmate Handbook, p. 28.

¹⁰⁹ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹¹⁰ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹¹¹ Notes of delegation member [REDACTED], based on conversation with Officer [REDACTED], Lt. [REDACTED] and Lt. [REDACTED].

¹¹² Notes of delegation member [REDACTED] based on conversation with Officer [REDACTED], Lt. [REDACTED] and Lt. [REDACTED].

¹¹³ Notes of delegation member [REDACTED] based on conversation with Officer [REDACTED], Lt. [REDACTED] and Lt. [REDACTED].

¹¹⁴ Notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED].

¹¹⁵ Notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED].

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.¹¹⁶ General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and even read outside the presence of the detainee if security reasons exist for doing so.¹¹⁷ Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.¹¹⁸ Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹¹⁹ Outgoing special correspondence may not be opened, inspected, or read.¹²⁰ The Standards also require that facilities provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential representative, or any court; indigent detainees must be permitted to mail at least five pieces of special correspondence and three pieces of general mail per week.¹²¹ Finally, the Standards require that facilities notify detainees of specific information regarding correspondence policies.¹²²

PCCF appears to substantially meet this section of the Standards; however, the Handbook states that PCCF limits the number of free stamped envelopes that indigent inmates may request to six per month, and states that indigence is only determined after thirty days. PCCF detainees are able to send and receive correspondence daily.¹²³ PCCF staff open general correspondence without the detainee being present; they remove the stamp for security reasons.¹²⁴ The detainees are notified if any contraband is removed from incoming mail.¹²⁵ Special correspondence is opened only in the presence of the detainee.¹²⁶ While PCCF staff stated that indigent detainees receive unlimited postage for legal correspondence, the PCCF Inmate Handbook states that indigent inmates may only request three stamped envelopes twice a month, without making any reference to legal correspondence.¹²⁷ In addition, the Handbook states that there is a thirty-day waiting period before inmates may qualify as indigent.¹²⁸ If this time period is required for detainees before they may receive free postage, the delay may seriously compromise their legal cases and appeals.

¹¹⁶ Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹¹⁷ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹¹⁸ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.

¹¹⁹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹²⁰ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

¹²¹ Detention Operations Manual, Detainee Services, Standard 3, Section III.I, and Standard 1, Section III.N.

¹²² Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹²³ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

¹²⁴ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

¹²⁵ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

¹²⁶ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

¹²⁷ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]; PCCF Inmate Handbook

¹²⁸ PCCF Inmate Handbook, p. 42.

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.¹²⁹ Every detainee should receive a copy of the handbook upon admission to the facility.¹³⁰ The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.¹³¹ The handbook must include visitation hours and rules.¹³² The handbook must notify detainees of the facility correspondence policy.¹³³ The grievance section of the handbook must provide notice of the opportunity to file both formal and informal grievances and the procedures for filing grievances and appeals.¹³⁴ The handbook must provide notice of the facility's rules of conduct and the sanctions imposed.¹³⁵ It must advise detainees of rights including the right to protection from abuse, right to freedom from discrimination, and right to pursue a grievance.¹³⁶ The handbook must also state that detainees have the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so.¹³⁷ The Officer in Charge will provide a copy of the handbook to every staff member who has contact with detainees.¹³⁸

PCCF appears to substantially meet this section of the Standards. The policy on indigent postage in the Handbook, which does not meet the Standards, is discussed in Section IV.A above; and deficiencies regarding classification, grievance procedures, and disciplinary policy are discussed in Sections IV.G through IV.I below. The facility distributes the PCCF Inmate Handbook to all inmates and detainees, regardless of their classification.¹³⁹ The Handbook is not specific to immigration detainees, and therefore does not reflect any policies or procedures that the facility may have implemented which are specific to detainees and different from those for the general inmate population. The handbook is written in English and translated into Spanish, but not into other languages.¹⁴⁰ The most current edition is the seventh revision, last modified in August 2005. Overall, the handbook is quite comprehensive, covering in detail almost all of the items listed in the Standards, especially with regard to the grievance processes and avenues for appeal.¹⁴¹ However, some notable omissions are sections on attorney visitation hours and pro bono legal organizations. The facility is in the process of revising the inmate handbook to incorporate more detainee-specific information.¹⁴² Because we did not interview any detainees, we are unable to verify whether the handbook is distributed to the detainees upon arrival at PCCF, and moreover cannot evaluate how useful and accessible they find the material.

¹²⁹ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹³⁰ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹³¹ Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

¹³² Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

¹³³ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹³⁴ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

¹³⁵ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

¹³⁶ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

¹³⁷ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

¹³⁸ Detention Operations Manual, Detainee Services, Standard 6, Section III.H.

¹³⁹ Notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED]

¹⁴⁰ Notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED]

¹⁴¹ PCCF Inmate Handbook, pp. 31-34.

¹⁴² Notes of delegation member [REDACTED] based on conversation with Warden [REDACTED]

C. Recreation

The Standards require that all detainees have access to recreational programs and activities, under conditions of security and safety.¹⁴³ Detainees should be housed in facilities with outdoor recreation.¹⁴⁴ If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.¹⁴⁵ Detainees should have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise, and games and television in dayrooms.¹⁴⁶ Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.¹⁴⁷

PCCF substantially meets this section of the Standards; however PCCF does not appear to provide fixed exercise equipment for detainees’ use. All detainees that are housed within the general prison population are permitted two hours of outdoor recreation, weather permitting, seven days per week.¹⁴⁸ Detainees housed within the Restricted Housing Unit or the Maximum Security Housing Unit are entitled to one hour of outdoor recreation, five days per week.¹⁴⁹ Detainees are not required to sacrifice their recreation time in order to spend time in the library.¹⁵⁰

Outdoor recreation areas permit detainees to play sports such as handball and basketball.¹⁵¹ PCCF also has several indoor recreation areas that can accommodate up to thirty-five people at any time,¹⁵² and is equipped with basketball hoops, pull-up bars, and foosball tables.¹⁵³ A variety of board games are available in each housing unit for detainees to use during most hours of the day.¹⁵⁴ Approved television programming is also available in the housing units.¹⁵⁵ However, the detainees did not appear to have access to any stationary exercise equipment.¹⁵⁶

PCCF also offers over ninety recreation, rehabilitation, and vocation programs per week to all inmates and apparently also to all detainees in the general population.¹⁵⁷ Recreational programs include crafts, choir, meditation and relaxation classes, and creative writing, among

¹⁴³ Detention Operations Manual, Detainee Services, Standard 13, Section I.

¹⁴⁴ Detention Operations Manual, Detainee Services, Standard 13, Section III.A, which also provides that “all new or renegotiated contracts and IGSA’s will stipulate that INS detainees have access to an outdoor recreation area.”

¹⁴⁵ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

¹⁴⁶ Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

¹⁴⁷ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

¹⁴⁸ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED] and Lt. [REDACTED].

¹⁴⁹ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED] and Lt. [REDACTED].

¹⁵⁰ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED].

¹⁵¹ Observations of delegation member [REDACTED].

¹⁵² Notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED].

¹⁵³ Observations of delegation member [REDACTED].

¹⁵⁴ Observations of delegation member [REDACTED].

¹⁵⁵ Observations of delegation member [REDACTED] notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED].

¹⁵⁶ Observations of delegation members [REDACTED] and [REDACTED].

¹⁵⁷ Pike County Recidivism Reduction Programs brochure; notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED].

others.¹⁵⁸ Detainees can also enroll in a variety of other programs that help develop the detainee's personal life skills.¹⁵⁹

D. Access to Medical Care

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.¹⁶⁰ Each facility is required to have regularly scheduled times, known as sick call, when medical personnel are available to see detainees who have requested medical services.¹⁶¹ 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.¹⁶²

PCCF meets this section of the Standards. All detainees at PCCF are screened for medical issues upon their arrival at the facility.¹⁶³ The medical staff is extremely concerned about identifying tuberculosis early, and ensures all detainees receive a tuberculosis screening.¹⁶⁴ Sick call hours are provided seven days per week.¹⁶⁵ The medical department is staffed with nurses twenty-four hours per day, seven days per week, in order to respond to medical emergencies.¹⁶⁶ First aid kits are positioned in every area of the prison and are consistent with the American Correctional Association requirements.¹⁶⁷

Routine, non-emergency medical care is available to all detainees.¹⁶⁸ To receive care, detainees must first complete a medical request form.¹⁶⁹ If a detainee has a medical concern that cannot be addressed by the in-house medical facility, outside care is available if the treatment is authorized by ICE.¹⁷⁰ For example, pregnant detainees are sent to an outside facility for maternal care, and a family facility is available to house detainees with children if the child cannot be left in the custody of another family member.¹⁷¹

All detainees are provided medication, prescription or otherwise, as needed.¹⁷² Written records are maintained for all medications given to detainees.¹⁷³ PCCF also has mental health providers, two psychologists to observe detainees' mental health, and an extensive suicide

¹⁵⁸ Pike County Recidivism Reduction Programs brochure; notes of delegation member [redacted] based on conversation with Lt. [redacted]

¹⁵⁹ Pike County Recidivism Reduction Programs brochure.

¹⁶⁰ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁶¹ Detention Operations Manual, Health Services, Standard 2, Section III.F.

¹⁶² Detention Operations Manual, Health Services, Standard 2, Section III.J.

¹⁶³ Notes of delegation member [redacted] based on conversation with Nurse [redacted]

¹⁶⁴ Notes of delegation member [redacted] based on conversation with Nurse [redacted]

¹⁶⁵ Notes of delegation member [redacted] based on conversation with Nurse [redacted]

¹⁶⁶ Notes of delegation member [redacted] based on conversation with Nurse [redacted]

¹⁶⁷ Notes of delegation member [redacted] based on conversation with Nurse [redacted]

¹⁶⁸ PCCF Inmate Handbook, p. 24.

¹⁶⁹ PCCF Inmate Handbook, p. 24.

¹⁷⁰ Notes of delegation member [redacted] based on conversation with Nurse [redacted]

¹⁷¹ Notes of delegation member [redacted] based on conversation with Nurse [redacted]

¹⁷² Notes of delegation member [redacted] based on conversation with Nurse [redacted]

¹⁷³ Notes of delegation member [redacted] based on conversation with Nurse [redacted]

prevention program.¹⁷⁴ Finally, PCCF has procedures in place to identify and treat patients that are HIV positive.¹⁷⁵

E. Access to Dental Care

The Standards require that detainees have an initial dental screening exam within fourteen days of the detainee's arrival, and require the facility to provide emergency dental treatment and repair of prosthetic appliances.¹⁷⁶ For detainees who are held in detention for over six months, routine dental treatment may be provided, including amalgam and composite restorations, prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee's health.¹⁷⁷

PCCF meets this section of the Standards. Detainees are screened by the dental staff during their initial processing.¹⁷⁸ All detainees may request and receive routine dental treatment at any time by completing a medical request form.¹⁷⁹ Dental counseling is available to all detainees and outside consultants are available for specialty dental consultation in unusual cases.¹⁸⁰

Detainees are not entitled to receive dental cleanings unless they have been in custody at PCCF for at least one year.¹⁸¹ The ICE Detention Standards state that "routine dental treatment" should be provided for detainees who have been detained for more than six months.¹⁸² The Standards do not expressly state that dental cleanings are part of routine dental treatment, but do state that routine dental treatment includes "other procedures required to maintain the detainee's health."¹⁸³ Accordingly, detainees should be provided access to dental cleanings after six months of detention if dental cleanings are considered a procedure required to maintain the detainee's health.

F. Hunger Strikes

The Standards require that all facilities follow accepted standards of care in the medical and administrative management of hunger-striking detainees.¹⁸⁴ 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.¹⁸⁵

PCCF meets this section of the Standards. The medical staff will consider any detainee that refuses food for seventy-two hours (i.e., nine consecutive meals) to be on a hunger

¹⁷⁴ Notes of delegation member [REDACTED], based on conversation with Lt. [REDACTED].

¹⁷⁵ Notes of delegation member [REDACTED], based on conversation with Nurse [REDACTED] PCCF Inmate Handbook, p. 26.

¹⁷⁶ Detention Operations Manual, Health Services, Standard 2, Section III.E.

¹⁷⁷ Detention Operations Manual, Health Services, Standard 2, Section III.E.

¹⁷⁸ Notes of delegation member [REDACTED], based on conversation with Nurse [REDACTED].

¹⁷⁹ PCCF Inmate Handbook, p. 25

¹⁸⁰ PCCF Inmate Handbook, p. 25.

¹⁸¹ Notes of delegation member [REDACTED] based on conversation with Nurse [REDACTED].

¹⁸² Detention Operations Manual, Health Services, Standard 2, Section III.E.

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

¹⁸⁴ Detention Operations Manual, Health Services, Standard 1, Section I.

¹⁸⁵ Detention Operations Manual, Health Services, Standard 1, Section I.

strike.¹⁸⁶ Once an inmate is determined to be on a hunger strike, the detainee is segregated from the rest of the general population so that the medical staff can assess the mental state of the patient and regularly monitor the patient, including his or her food intake, liquid intake, weight, vital signs, etc.¹⁸⁷ Scheduled meals continue to be provided to any detainee on a hunger strike.¹⁸⁸

G. Detainee Classification System

The Standards require that detention facilities use a classification system and physically separate detainees into different categories.¹⁸⁹ Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.¹⁹⁰ A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.¹⁹¹ Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.¹⁹² Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees.¹⁹³

All facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.¹⁹⁴ 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.¹⁹⁵

PCCF substantially meets this section of the Standards; however, the PCCF Inmate Handbook does not explain the classification levels, or the conditions and restrictions associated with each. All detainees and inmates are classified within fourteen to thirty days of arriving at the facility.¹⁹⁶ Classification is an "objective means of identifying and categorizing [the detainee's] various traits, behavioral characteristics, and potential risks."¹⁹⁷ However, the PCCF Inmate Handbook does not explain the classification levels or the conditions and restrictions associated with each. The PCCF Inmate Handbook states that an inmate may appeal a classification within five days.¹⁹⁸ The delegation was informed that the detainees' classifications may be re-evaluated once a week.¹⁹⁹

¹⁸⁶ Notes of delegation member [REDACTED] based on conversation with Nurse [REDACTED]

¹⁸⁷ Notes of delegation member [REDACTED] based on conversation with Nurse [REDACTED]

¹⁸⁸ Notes of delegation member [REDACTED] based on conversation with Nurse [REDACTED]

¹⁸⁹ Detention Operations Manual, Detainee Services, Standard 4, Section I.

¹⁹⁰ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

¹⁹¹ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

¹⁹² Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & E.

¹⁹³ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

¹⁹⁴ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

¹⁹⁵ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

¹⁹⁶ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

¹⁹⁷ PCCF Inmate Handbook, p. 13.

¹⁹⁸ PCCF Inmate Handbook, p. 14.

¹⁹⁹ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

According to PCCF staff, detainees are classified based on their behavior in the prison, although criminal records are also taken into account.²⁰⁰ The detainees are classified as either Restrictive Housing Unit or General Population.²⁰¹ The classifications represent the amount of freedom the detainee is given in the facility and the different housing units where the detainees are placed.²⁰² Restricted Housing Unit inmates wear orange jumpsuits and must be accompanied by a PCCF staff member, while General Population, in blue jumpsuits, may move about the facility on their own.²⁰³

H. Detainee Grievance Procedures

The Standards require that every facility develop and implement standard procedures for handling detainee grievances and encourage that the facility initially seek to resolve grievances informally before having to engage in a more formalized procedure.²⁰⁴ Translating assistance for both formal and informal grievances must be provided upon request.²⁰⁵ 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.”²⁰⁶ All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.²⁰⁷ The detainee handbook must provide notice of the opportunity to file informal and formal grievances, the procedures for filing a grievance and appeal, the right to have the grievance referred to higher levels if the detainee is not satisfied, and the policy prohibiting staff from harassing, disciplining, punishing, or otherwise retaliating against any detainee for filing a grievance.²⁰⁸

PCCF substantially meets this section of the Standards, but the Handbook requires informal process before a formal grievance may be filed, and concerns remain about the practical applicability of the grievance procedures to detainees. The PCCF Inmate Handbook contains procedures for resolving informal grievances and formal/written grievances.²⁰⁹ It also discusses the avenues for appeal and details the formation of Grievance Committees to resolve ongoing problems.²¹⁰ However, the PCCF Inmate Handbook does not contain a section on Emergency Grievances. Moreover, Lt. [REDACTED] indicated he was unable to think of even a hypothetical situation requiring an emergency grievance which could not be resolved informally at the guard level.²¹¹

²⁰⁰ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁰¹ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁰² Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁰³ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁰⁴ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

²⁰⁵ Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1 & 2.

²⁰⁶ Detention Operations Manual, Detainee Services, Standard 5, Section I.

²⁰⁷ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

²⁰⁸ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

²⁰⁹ PCCF Inmate Handbook, p. 32.

²¹⁰ PCCF Inmate Handbook, p. 33.

²¹¹ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

Lt. [b6, b7C] went to great lengths to stress that virtually all grievances raised could be resolved immediately and informally by the detainee's direct supervisors.²¹² The PCCF Inmate Handbook's grievance section, Section 31(c), emphasizes in bold print that "an inmate must first attempt informal resolution before filing a formal grievance."²¹³ Although the PCCF Inmate Handbook also contains substantial material regarding the formal grievance procedures and appeal processes,²¹⁴ conversations with facility staff raised some concerns regarding the availability of these formal procedures. In emphasizing that the overwhelming majority of grievances were resolved in the informal manner, Lt. [b6, b7C] could not recall any grievance that proceeded beyond informal resolution and required a formal written grievance.²¹⁵ He indicated he would need to consult the grievance logbook in order to do so.²¹⁶ As no detainees were interviewed during our visit, the statements made by Lt. [b6, b7C] raise some serious concerns as to whether the option for a written grievance which exists formally in the PCCF Inmate Handbook is in fact available to detainees in practice.

I. Disciplinary Policy

The Standards state that facility authorities "will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures" in order "to provide a safe and orderly living environment."²¹⁷ Each facility holding ICE detainees must have a detainee disciplinary system which has "progressive levels of reviews, appeals, procedures, and documentation procedures."²¹⁸ The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.²¹⁹

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."²²⁰ Officers who witness a prohibited act must prepare and submit an incident report.²²¹

The Detainee Handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.²²² The handbook must also notify detainees of specific rights, including the right to protection from abuse, harassment, and discrimination, the right to pursue a grievance, and the right to due process, including prompt resolution of a disciplinary matter.²²³

²¹² Notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

²¹³ PCCF Inmate Handbook, p. 32.

²¹⁴ PCCF Inmate Handbook, pp. 31-34.

²¹⁵ Notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

²¹⁶ Notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

²¹⁷ Detention Operations Manual, Security and Control, Standard 5, Section I.

²¹⁸ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

²¹⁹ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.1 & 2.

²²⁰ Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

²²¹ Detention Operations Manual, Security and Control, Standard 5, Section III.B.

²²² Detention Operations Manual, Security and Control, Standard 5, Section III.L.

²²³ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

PCCF substantially meets this section of the Standards, but the PCCF Inmate Handbook does not fully advise detainees of their right to protection from discrimination. When a rules violation comes to the attention of a staff member, the staff may choose to counsel or verbally reprimand the detainee or initiate a written report.²²⁴ For minor violations, such as failure to follow cleaning procedures, possession of excess issue, or failure to wear proper attire, the resulting punishment will likely be a verbal or written reprimand, the loss of privileges, and/or up to twenty-four hours confinement in the detainee’s cell.²²⁵ For mid-level violations, such as possession of contraband, use of abusive language or insolent behavior toward a staff member, the resulting punishment will likely be “up to 7 days in the Restricted Housing Unit for each offense, and/or the loss of privileges, as determined by the Disciplinary Board.”²²⁶ For major violations, such as assault of any person, possession of illegal narcotics or theft,²²⁷ the resulting punishment will likely be “up to 14 days in the Restricted Housing Unit for each offense, and/or the loss of privileges, as determined by the Disciplinary Board.”²²⁸ Placement in the Restricted Housing Unit is limited to not more than fourteen days for a single sanction or sixty days for aggregate violations arising out of the same incident.²²⁹

Lt. [b6, b7C] and the PCCF Inmate Handbook outlined the due process procedures for disciplinary sanctions. If the staff member chooses to write a written report regarding a rules violation, the report is forwarded to the Shift Commander and a copy is provided to the detainee.²³⁰ An investigation is conducted into each formally reported incident.²³¹ If the Shift Commander has a reasonable belief that an infraction has occurred and that a formal disciplinary action is warranted, a hearing is scheduled within five business days.²³² The detainee will be notified not less than twenty-four hours before the hearing, but may waive the notice and request an immediate hearing instead.²³³ The detainee may also request a special representative from among the staff to represent his interests before the Disciplinary Board.²³⁴ The hearing is conducted as soon as practicable, and within five business days after finalization of the investigation.²³⁵ The Disciplinary Board may not include any staff member involved in the alleged violations or charges.²³⁶ The detainee will have the opportunity “to be present, make a statement, present documentary evidence, and call witnesses in his or her behalf” when deemed reasonable by the Disciplinary Board.²³⁷ The detainee will be notified by the Disciplinary Board

²²⁴ PCCF Inmate Handbook, p.10.

²²⁵ PCCF Inmate Handbook, p. 9.

²²⁶ PCCF Inmate Handbook, p. 8.

²²⁷ PCCF Inmate Handbook, pp. 6-8.

²²⁸ PCCF Inmate Handbook, p. 6.

²²⁹ PCCF Inmate Handbook, p. 11.

²³⁰ [b6, b7C] mate Handbook, p. 10; notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

²³¹ PCCF Inmate Handbook, p. 10.

²³² PCCF Inmate Handbook, p. 10; notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

²³³ PCCF Inmate Handbook, p. 10; notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

²³⁴ Notes of delegation member [b6] based on conversation with Lt. [b6, b7C]

²³⁵ PCCF Inmate Handbook, p. 10.

²³⁶ PCCF Inmate Handbook, p. 10.

²³⁷ PCCF Inmate Handbook, p. 11

of the right to appeal when the sanction is announced.²³⁸ The detainee may appeal the Disciplinary Board's decision to the Warden within five business days.²³⁹ The Warden must make a decision regarding the appeal within ten business days and provide a written copy of the decision to the detainee.²⁴⁰ The Warden also reviews all disciplinary sanctions, regardless of whether an appeal is taken.²⁴¹

The PCCF Inmate Handbook does notify the detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the appeal procedure of disciplinary findings.²⁴² In addition, the PCCF Inmate Handbook notifies detainees of the facility's rules of conduct and the sanctions imposed for the violation of these rules.²⁴³ The PCCF Inmate Handbook advises the detainees that they may expect to have "protection from abuse, corporal punishment, personal injury, disease, property damage and harassment," and freedom of religious choice.²⁴⁴ However, the PCCF Inmate Handbook does not advise detainees of their right of freedom from discrimination based on race, national origin, sex, handicap, or political beliefs.²⁴⁵

J. Special Management Unit

The Standards require that each facility establish a Special Management Unit ("SMU") that will isolate certain detainees from the general population.²⁴⁶ The Standards for Administrative and Disciplinary Segregation differ somewhat from one another, but both provide for legal access and other protections. A detainee may be placed in disciplinary segregation only by order of the Institutional Disciplinary Committee, after a hearing in which the detainee has been found to have committed a prohibited act.²⁴⁷ The disciplinary committee may order placement in disciplinary segregation only when alternative dispositions would inadequately regulate the detainee's behavior.²⁴⁸

All cells in the SMU must be well ventilated, appropriately heated, and sanitary, and must be equipped with beds.²⁴⁹ Segregated detainees shall have the opportunity to maintain a normal level of personal hygiene.²⁵⁰ Recreation shall be provided to detainees in segregation in accordance with the "Recreation" standard.²⁵¹ Access to the law library shall generally be

²³⁸ PCCF Inmate Handbook, p. 12.

²³⁹ PCCF Inmate Handbook, p. 11.

²⁴⁰ PCCF Inmate Handbook, p. 11.

²⁴¹ PCCF Inmate Handbook, p. 11.

²⁴² PCCF Inmate Handbook, pp. 6-12.

²⁴³ PCCF Inmate Handbook, pp. 2-6.

²⁴⁴ PCCF Inmate Handbook, pp. 16-17.

²⁴⁵ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.5.a & b; PCCF Inmate Handbook.

²⁴⁶ Detention Operations Manual, Security and Control, Standard 14, Section I.

²⁴⁷ Detention Operations Manual, Security and Control, Standard 14, Section III.A.

²⁴⁸ Detention Operations Manual, Security and Control, Standard 14, Section III.A.

²⁴⁹ Detention Operations Manual, Security and Control, Standard 13, Section III.D.2, and Standard 14, Section III.D.6.

²⁵⁰ Detention Operations Manual, Security and Control, Standard 14, Section III.D.11.

²⁵¹ Detention Operations Manual, Security and Control, Standard 13, Section III.D.8, and Standard 14, Section III.D.13.

granted to detainees in segregation.²⁵² Detainees generally retain visiting privileges while in disciplinary segregation, and may not be denied legal visitation.²⁵³

Detainees in administrative segregation generally have the same telephone privileges as other detainees,²⁵⁴ while detainees in disciplinary segregation shall be restricted to telephone calls for calls relating to the detainee's immigration case or other legal matters, calls to consular/embassy officials, and family emergencies.²⁵⁵ Detainees in segregation shall have the same correspondence privileges as detainees in the general population.²⁵⁶

PCCF appears to meet this section of the Standards. Detainees held in segregation at PCCF are held in Restricted Housing Units (RHUs).²⁵⁷ A detainees may be placed in the RHUs for disciplinary segregation at the discretion of the staff for the purpose of maintaining control and safety for both staff and inmates.²⁵⁸ A detainee may also be placed in the RHUs for protective custody reasons upon request by the detainee or if recommended by a staff member through the Shift Commander.²⁵⁹ The classification of all inmates, including detainees held in segregation, is reviewed weekly.²⁶⁰ Detainees held in segregation are provided with beds, sanitary facilities and meals on a regular schedule.²⁶¹ They are allowed one hour of recreation time per day, five days each week.²⁶² They also have access to showers seven days per week and are required to shower at least once every three days.²⁶³ Detainees in the RHUs may receive visitors during designated hours unless the privilege of visitation has been restricted as part of their sanctions.²⁶⁴ While the PCCF Inmate Handbook specifies that detainees "in disciplinary status are authorized to receive legal information upon request, but cannot attend the law library,"²⁶⁵ we were informed that such detainees are allowed to visit the law library at night when it is not in use by the general population.²⁶⁶

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

The Standards require that procedures be in place "to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to

²⁵² Detention Operations Manual, Security and Control, Standard 13, Section III.D.18, and Standard 14, Section III.D.15.e.

²⁵³ Detention Operations Manual, Security and Control, Standard 13, Sections III.D.13 & 14, and Standard 14, Section III.D.17.

²⁵⁴ Detention Operations Manual, Security and Control, Standard 13, Section III.D.16.

²⁵⁵ Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

²⁵⁶ Detention Operations Manual, Security and Control, Standard 13, Section III.D.20, and Standard 14, Section III.D.18.

²⁵⁷ Notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED] b6, b7C

²⁵⁸ PCCF Inmate Handbook, p. 16.

²⁵⁹ PCCF Inmate Handbook, p. 16; notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED] s.

²⁶⁰ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁶¹ Notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED] b6, b7C

²⁶² Notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED] b6, b7C

²⁶³ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁶⁴ PCCF Inmate Handbook, pp. 19-20.

²⁶⁵ PCCF Inmate Handbook, pp. 28.

²⁶⁶ Notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED] b6, b7C

make written requests to ICE staff and receive an answer in an acceptable time frame.”²⁶⁷ The Standards suggest that both weekly visits be conducted by ICE personnel and that “regular unannounced (not scheduled) visits” be conducted by the ICE OIC, the Assistant OIC, and designated department heads.²⁶⁸ Unannounced visits to the facility’s housing areas must be conducted on a regular basis.²⁶⁹ 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.²⁷⁰ 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.”²⁷¹ 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.”²⁷² 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.”²⁷³

PCCF appears to substantially meet this section of the Standards; however, the ICE staff apparently only check for written communication once per week, rather than every seventy-two hours. In addition, the effectiveness of the communication could not be confirmed through actual interviews with detainees. [REDACTED] b6, b7C is an ICE Supervisory Detention and Deportation Officer working in a detached building on the same property as PCCF.²⁷⁴ He appears to work closely with the facility and is frequently present in the building.²⁷⁵ Detainees may communicate confidentially with ICE staff by leaving notes in grey drop-boxes that are located in each housing unit; however, the boxes are only checked once a week by ICE staff.²⁷⁶ This communication is kept separate from prison communication and is not open to regular inmates.²⁷⁷ This communication is described more fully in the Rules and Regulations section of the PCCF Inmate Handbook Section 1(e)(17).²⁷⁸

L. Religious Practices

The Standards require that detainees of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths.²⁷⁹ According to the Standards, these “opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is ‘mainstream,’ whether the religion is ‘Western’ or ‘Eastern,’ or other such factors. Opportunities will be constrained only

²⁶⁷ Detention Operations Manual, Detainee Services, Standard 15, Section I.

²⁶⁸ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²⁶⁹ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.1.

²⁷⁰ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²⁷¹ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

²⁷² Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

²⁷³ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.1.

²⁷⁴ Notes of delegation member [REDACTED] based on conversation with Officer [REDACTED]

²⁷⁵ Notes of delegation member [REDACTED] based on conversation with Officer [REDACTED] b6, b7C

²⁷⁶ Notes of delegation member [REDACTED] b6 based on conversation with Officer [REDACTED]

²⁷⁷ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED] b6, b7C

²⁷⁸ PCCF Inmate Handbook, p. 6.

²⁷⁹ Detention Operations Manual, Detainee Services, Standard 14, Section I.

by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”²⁸⁰ Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.²⁸¹ Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.²⁸²

PCCF appears to meet this section of the Standards. All detainees are allowed to engage in religious services and that space in the facility is provided for these purposes.²⁸³ The detainees are given the option to participate in holy day religious services and they are allowed to keep religious items in their immediate possessions.²⁸⁴ A dietician in the facility that makes sure the detainees are provided with special meals, consistent with dietary restrictions.²⁸⁵ Although the facility requires detainees to shower every three days, they honor the non-shower requirements of certain religions and they also honor the fasting requirements.²⁸⁶ Detainees do not usually conduct their own services as they have clergy members and volunteers assisting with the services, and detainees are prohibited from forcing their religious beliefs upon other detainees.²⁸⁷ If a detainee wants to convert to a religion, there is a chaplain who will confirm that the detainee is not lying or being coerced into conversion.²⁸⁸

M. Voluntary Work Program

The Standards suggest that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”²⁸⁹ Participation must be voluntary.²⁹⁰

PCCF meets this section of the Standards. PCCF provides a voluntary work program where detainees may volunteer to work if they are mentally and physically able.²⁹¹ The medical staff conducts physical and mental evaluations of the detainees to clear the detainees for work.²⁹² The facility maintains a written chart with work assignments and the corresponding classification levels as well as written procedures for detainees to follow when performing their respective assignments.²⁹³ [REDACTED] b6, b7C who is in charge of the kitchen staff, explained that the detainees work according to shifts and one shift is usually five to six hours per day.²⁹⁴ The detainees receive remuneration for their work in the form of a \$1/day stipend that is saved in each detainee’s account, which may be used to purchase miscellaneous items, such as postal

²⁸⁰ Detention Operations Manual, Detainee Services, Standard 14, Section I.

²⁸¹ Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

²⁸² Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

²⁸³ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁸⁴ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁸⁵ Notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED] b6, b7C

²⁸⁶ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁸⁷ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁸⁸ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁸⁹ Detention Operations Manual, Detainee Services, Standard 37, Sections I & III.A.

²⁹⁰ Detention Operations Manual, Detainee Services, Standard 37, Sections III.A & H.

²⁹¹ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

²⁹² Notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED] b6, b7C

²⁹³ Notes of delegation member [REDACTED] b6 based on conversation with [REDACTED]

²⁹⁴ Notes of delegation member [REDACTED] based on conversation with [REDACTED] b6, b7C

stamps.²⁹⁵ While at the facility, we witnessed detainees working in the kitchen area and the library, and cleaning the hallways.²⁹⁶ It appeared that these detainees were working voluntarily and were well informed of their responsibilities.²⁹⁷

N. Detainee Transfer

When transferring a detainee, the Standards require ICE to take into consideration whether a detainee is represented before the immigration court, and the location of the attorney and the court.²⁹⁸ The Standards require ICE to notify a detainee's legal representative of record that the detainee is being transferred.²⁹⁹ Indigent detainees will be permitted to make a single domestic telephone call at government expense upon arrival at their final destination; non-indigent detainees will be permitted to make telephone calls at their own expense.³⁰⁰ Records including the detainee's Alien File ("A-file") and health records (or transfer summary for IGSAs) must accompany the detainee.³⁰¹ Prior to transfer, medical personnel must provide the transporting officers with instructions and any applicable medications for the detainee's care; medications must be turned over to an officer at the receiving field office.³⁰² A detainee's legal materials, cash, and small valuables shall always accompany the detainee to the receiving facility; larger items may be shipped.³⁰³

PCCF appears to substantially meet this section of the Standards; however, PCCF does not appear to have an official policy allowing indigent detainees to make a free domestic call when they are transferred to PCCF.³⁰⁴ According to the Standards, all indigent detainees should be provided at least one single domestic phone call at government expense so they can alert someone that they have been transferred to a new facility.³⁰⁵ It was unclear from Lt. [b6, b7C] response whether a relevant policy exists.³⁰⁶ At first, he said it is difficult to determine whether a detainee is indigent when a new detainee arrives at the facility.³⁰⁷ However, he then implied that in exceptional circumstances, the facility may provide a detainee one phone call at government expense if the detainee has not told anyone he or she has been transferred to the facility.³⁰⁸ Thus, it appears that while PCCF may be willing to provide a free phone call to indigent detainees, there may not be adequate procedures to guarantee this right by making the decision of whether a detainee is indigent upon arrival and should be provided a free phone call.

All other procedures established by PCCF regarding detainee transfers meet the Standards. If a detainee has an attorney, the ICE representative notifies the attorney when the

²⁹⁵ Notes of delegation member [b6], based on conversation with [b6, b7C]

²⁹⁶ Observations of delegation.

²⁹⁷ Observations of delegation member [b6]

²⁹⁸ Detention Operations Manual, Security and Control, Standard 4, Section I.

²⁹⁹ Detention Operations Manual, Security and Control, Standard 4, Section III.A.

³⁰⁰ Detention Operations Manual, Security and Control, Standard 4, Sections III.G.

³⁰¹ Detention Operations Manual, Security and Control, Standard 4, Sections III.D.1 & 6.

³⁰² Detention Operations Manual, Security and Control, Standard 4, Section III.D.D [sic].

³⁰³ Detention Operations Manual, Security and Control, Standard 4, Sections III.E.

³⁰⁴ Notes of delegation member [b6], based on conversation with Lt. [b6, b7C]

³⁰⁵ Detention Operations Manual, Security and Control, Standard 4, Section III.G.

³⁰⁶ Notes of delegation member [b6], based on conversation with Lt. [b6, b7C]

³⁰⁷ Notes of delegation member [b6], based on conversation with Lt. [b6, b7C]

³⁰⁸ Notes of delegation member [b6], based on conversation with Lt. [b6, b7C]

detainee is being transferred.³⁰⁹ Transfer summary sheets are prepared for each detainee being transferred from PCCF, and this sheet includes information about the detainee’s medical history.³¹⁰ Required medications are transferred with detainees as necessary.³¹¹

Personal property is also transferred with detainees pursuant to the Standards.³¹² Small valuables and legal materials accompany the detainee during transport.³¹³ Large possessions are shipped from PCCF to an address of the detainee’s choosing.³¹⁴ If a detainee cannot afford to ship the large possessions, the possessions will be stored on site at PCCF so long as the number of possessions “is not excessive.”³¹⁵

V. CONCLUSION

The PCCF Detention Facility substantially meets the requirements of many of the ICE Detention Standards but fails to fully meet a number of sections.

To provide adequate telephone access to detainees, PCCF should ensure that telephone access rules are posted in the units where detainees are housed. PCCF should also take steps to ensure that detainees may make private legal calls. PCCF should also make it a policy to notify detainees of family emergency phone calls or messages.

To support the needs of indigent detainees, PCCF should not wait thirty days before determining that a detainee qualifies as indigent (if PCCF follows the policy described in the Handbook). PCCF should clarify the policy that allows indigent detainees one free, domestic phone call upon arrival at PCCF so that indigent detainees may notify someone that they have been transferred as soon as possible.

To provide a range of recreational activities to detainees, PCCF should provide stationary exercise equipment for the detainees’ use.

To inform detainees of their rights and responsibilities, the PCCF Inmate Handbook should be revised. The Handbook should correct the information regarding postage allowance for indigent detainees. It should explain the levels of the detainee classification system and the conditions and restrictions associated with each. It should also notify detainees of their right to protection from discrimination. PCCF should also make sure that the formal grievance procedure is accessible to detainees.

Finally, ICE should review written requests within seventy-two hours rather than once per week.

³⁰⁹ Notes of delegation member [REDACTED] based on conversation with Officer [REDACTED] b6, b7C
³¹⁰ Notes of delegation member [REDACTED] based on conversation with Nurse [REDACTED] b6, b7C
³¹¹ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]
³¹² Notes of delegation member [REDACTED] b6 based on conversation with Lt. [REDACTED]
³¹³ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED] b6, b7C
³¹⁴ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]
³¹⁵ Notes of delegation member [REDACTED] based on conversation with Lt. [REDACTED]

Facility Name: **PIKE COUNTY CORRECTIONAL FACILITY, Pike County, Pennsylvania**

Date of Tour: **July 31, 2007**

Tour Participants: Latham & Watkins LLP attorneys and summer associates [b6], [b6], [b6], [b6], [b6] and [b6]

The delegation was unable to meet with detainees; the information contained in the report was obtained without detainee comments and observations.

**Standards are Detainee Services Standards unless otherwise indicated. Standards excerpts are typed verbatim. Issues are generally listed in their order from the Report.*

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

	ICE Standard*	Delegation Report	Source	ICE Response
1.	Standard 16, Telephone Access <ul style="list-style-type: none"> ▪ III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible. When facility staff receives an emergency telephone call for a detainee, the caller’s name and telephone number will be obtained and given to the detainee as soon as possible. 	<ul style="list-style-type: none"> ▪ According to the Handbook, incoming family emergency calls and messages are handled on a case-by-case basis by the Shift Commander, rather than always being delivered. (p.7 ¶3) 	PCCF Inmate Handbook	
2.	Standard 16, Telephone Access <ul style="list-style-type: none"> ▪ III.J. The facility shall ensure privacy for detainees’ telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. 	<ul style="list-style-type: none"> ▪ Detainees are unable to make private telephone calls from the telephones where they make outgoing calls because the telephones are all located in the public dayrooms with no privacy safeguards. (p.7 ¶1) 	Delegation observations	
3.	Standard 1, Access to Legal Material <ul style="list-style-type: none"> ▪ III.N. The facility will provide indigent detainees with free envelopes and stamps for mail related to a legal matter.... Standard 3, Correspondence and Other Mail <ul style="list-style-type: none"> ▪ III.I. Postage Allowance. Indigent detainees will be permitted to mail a reasonable amount of mail each week, including at least five pieces of special correspondence and three pieces of general correspondence. 	<ul style="list-style-type: none"> ▪ While PCCF staff stated that indigent detainees receive unlimited postage for legal correspondence, the PCCF Inmate Handbook states that indigent inmates may only request three stamped envelopes twice a month. (p.11 ¶2) ▪ The Handbook requires a thirty-day waiting period before inmates may qualify as indigent. If this time period is required for detainees before they may receive free postage, the delay may seriously compromise their legal cases and appeals. (p.11 ¶2) 	Lt. [b6, b7] PCCF Inmate Handbook PCCF Inmate Handbook	
4.	Standard 13, Recreation <ul style="list-style-type: none"> ▪ III.G. Exercise areas will offer a variety of fixed and movable equipment. 	<ul style="list-style-type: none"> ▪ The detainees did not appear to have access to any stationary exercise equipment. (p.13 ¶3) 	Delegation observations	

5.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> ▪ III.I. The detainee handbook’s section on classification will include the following: 1. An explanation of the classification levels with the conditions and restrictions applicable to each. 2. The procedures by which a detainee may appeal his/her classification. 	<ul style="list-style-type: none"> ▪ The PCCF Inmate Handbook does not explain the classification levels or the conditions and restrictions associated with each. (p.16 ¶4) 	PCCF Inmate Handbook	
6.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> ▪ III.A.1. Informal/Oral Grievance. ... The detainee is free to bypass or terminate the informal grievance process, and proceed directly to the formal grievance stage. ▪ III.G. Detainee Handbook. ... The grievance section of the detainee handbook will provide notice of the following: 1. The opportunity to file a grievance, both informal and formal. 	<ul style="list-style-type: none"> ▪ The PCCF Inmate Handbook’s grievance section emphasizes in bold print that “an inmate must first attempt informal resolution before filing a formal grievance.” (p.17 ¶3) Lt. [REDACTED] stated that the overwhelming majority of grievances were resolved in the informal manner, and could not recall any grievance that proceeded beyond informal resolution and required a formal written grievance. Since the delegation did not meet with detainees, it is not clear that the formal grievance procedure is in fact available. (p.18 ¶1) 	PCCF Inmate Handbook; Lt. [REDACTED]	
7.	<p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> ▪ III.L. The detainee handbook ... shall notify detainees of the following: ... 5.b. The right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs. 	<ul style="list-style-type: none"> ▪ The PCCF Inmate Handbook does not advise detainees of their right of freedom from discrimination based on race, national origin, sex, handicap, or political beliefs. (p.20 ¶2) 	PCCF Inmate Handbook	
8.	<p>Standard 15, Staff-Detainee Communication.</p> <ul style="list-style-type: none"> ▪ III.B. All detainees shall have the opportunity to submit written questions, requests, or concerns to ICE staff The detainee request form shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay. ▪ III.B.1.b. The detainee requests shall be forwarded to the ICE office of jurisdiction within 72 hours and answered as soon as possible and practicable, but not later than within 72 hours after receiving the request. 	<ul style="list-style-type: none"> ▪ Detainees communicate with ICE staff by leaving notes in drop-boxes that are located in each housing unit; however, the boxes are only checked once a week by ICE staff. (p.22 ¶2) 	Officer [REDACTED]	

9.	<p>Security and Control Standard 4, Detainee Transfers</p> <ul style="list-style-type: none"> ▪ 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. 	<ul style="list-style-type: none"> ▪ While PCCF may be willing to provide a free phone call to indigent detainees, there may not be adequate procedures to guarantee this right by making the decision of whether a detainee is indigent upon arrival and should be provided a free phone call. Lt. [REDACTED] said it is difficult to determine whether a detainee is indigent when he or she arrives at the facility. However, he added that in exceptional circumstances, the facility may provide a detainee one phone call at government expense if the detainee has not told anyone he or she has been transferred to the facility. (p.24 ¶3) 	<p>Lt. [REDACTED]</p>	
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