

---

**Commission on Immigration****MEMORANDUM**

**TO:** John P. Torres, Director, Office of Detention and Removal, Immigration and Customs Enforcement  
**FROM:** (b)(6) Associate Director, ABA Commission on Immigration  
**RE:** Report on Observational Tour of the Regional Correctional Center, Albuquerque, NM  
**DATE:** August 1, 2007

---

The attached Report on the Observational Tour of the Regional Correctional Center, Albuquerque, NM was prepared for the ABA Commission on Immigration's Detention Standards Implementation Initiative. The report raises serious concerns regarding detainee transfers that I bring to your attention, as they reach beyond the particular facility of concern.

Specifically, two women reported to delegation members that they had gone for more than two days without food or drink during a transfer from California to the Regional Correctional Center (RCC). The trip took about two days, during which they were not fed, and they were only fed at RCC after all of the transferred men had been cleared and they were processed, which took about half a day. The two women stated that officers gave them ice but no other liquid during the transfer and processing at RCC. In addition, they were housed in extremely cold conditions without blankets during the transfer, during a stop that may have taken place in Arizona.

There were additional concerns with the Detainee Transfers Detention Standard and several others, according to reports by facility staff and detainees, which are summarized in the attached chart. We look forward to hearing what steps are being taken to address these serious concerns.

740 Fifteenth Street, NW  
Washington, DC 20005-1022  
202 (b)(6) direct  
Fax: 202-638-3844  
(b)(6) staff.abanet.org

**MEMORANDUM**

May 10, 2007

**To:** John P. Torres, Director, Office of Detention and Removal,  
Immigration and Customs Enforcement

**From:** American Bar Association Delegation to the Regional Correctional Center<sup>1</sup>

**Copies To:** (b)(6) ABA Commission on Immigration

**Subject:** Report on Observational Tour of the Regional Correctional Center,  
Albuquerque, New Mexico

This memorandum summarizes and evaluates information gathered at the Regional Correctional Center ("RCC") in Albuquerque, New Mexico during the delegation's April 12, 2007 visit to the facility. The information was gathered via observation of the facility by the delegation, interviews with six detainees, and discussions with RCC and Immigration and Customs Enforcement ("ICE") personnel.

**I. ICE DETENTION STANDARDS**

In November 2000, the Immigration and Naturalization Service ("INS"),<sup>2</sup> promulgated the "INS Detention Standards" to ensure the "safe, secure and humane treatment" of immigration detainees. The 38 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-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, April 12, 2007**

On Thursday, April 12, 2007, the members of our delegation met with several members of RCC's staff and a representative from ICE in Albuquerque, New Mexico. Warden (b)(6), (b)(7), Deputy Warden (b)(6), (b)(7)c, Compliance/Quality Assurance Officer (b)(6), (b)(7)c, Programs Manager (b)(6) and ICE Acting Officer in Charge (b)(6), (b)(7)c led our delegation on a tour of the facilities and participated in a pre-tour discussion. The delegation also met with the Health Services Administrator, (b)(6) Food Service Supervisor (b)(6) and RCC staff members (b)(6), (b)(7)c during the tour. The

<sup>1</sup> The delegation was comprised of attorneys and law students from Santa Fe and Albuquerque, NM, including (b)(6)

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

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 RCC and ICE employees, as well as observations of the facility and interviews with six immigration detainees. Where the detainees' reports were compatible with statements made by facility personnel and our observations, the delegation was most accurately able to determine whether RCC policy and procedures successfully meets the Standards. However, in most instances, the detainees' reports conflicted with statements made by facility personnel. Where we were unable to reconcile the conflicting reports, the delegation was unable to determine conclusively whether the Standards are being met.

### B. General Information About the RCC

The RCC houses federal immigration detainees according to an IGSA with ICE (although we note some confusion on this point among the RCC leadership team). According to RCC personnel, the IGSA provides that the maximum ICE population is 800.<sup>3</sup> On April 12, 2007, RCC had a population of 960 inmates, 727 of whom were immigration detainees.<sup>4</sup> RCC houses mostly males, although at the time of our visit, the facility personnel estimated that 110 women were housed there.<sup>5</sup> Warden (b)(6), (b)(7) and Programs Manager (b)(6) told the delegation that the facility housed immigration detainees from many different countries, including primarily, Guatemala, Honduras, El Salvador and Mexico.<sup>6</sup>

## III. LEGAL ACCESS STANDARDS

### A. Visitation

#### I. Visitation by Attorneys

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

**RCC meets this section of the Standards.** Attorneys may visit the detainees seven days per week, and are also offered the option of telephone conferences with their clients.<sup>12</sup> Law

<sup>3</sup> Notes of delegation member (b)(6) on introductory information provided by Compliance/Quality Assurance Officer (b)(6)

<sup>4</sup> Notes of delegation member (b)(6) on introductory information provided by Compliance/Quality Assurance Officer (b)(6), (b)(7)c Warden (b)(6), (b)(7) and OIC (b)(6), (b)(7)c

<sup>5</sup> Notes of delegation member (b)(6) on introductory information provided by Compliance/Quality Assurance Officer (b)(6), (b)(7)c

<sup>6</sup> Notes of delegation member (b)(6) on introductory information provided by Compliance/Quality Assurance Officer (b)(6), (b)(7)c

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

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

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

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

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

<sup>12</sup> Notes of delegation member (b)(6) on conversation with Compliance/Quality Assurance Officer

(b)(6), (b)(7)c

students and interpreters, or other legal assistants, may meet with detainees as long as RCC has advance knowledge of their visit.<sup>13</sup>

The information given in the RCC Detainee Handbook (the "RCC Detainee Handbook" or "Handbook") is consistent with the information that the facility staff provided during the tour.<sup>14</sup> According to the Handbook, attorney visits are permitted during mealtime.<sup>15</sup> Attorney visits during lockdown are not addressed in the Detainee Handbook. The facility staff also stated that attorney-client visits are permitted during head counts.<sup>16</sup>

Each Pod visited by the delegation had approximately two attorney visitation rooms.<sup>17</sup> Attorney visits are contact visits.<sup>18</sup> Attorneys are not searched, and detainees are only subject to a pat down search after a legal visit.<sup>19</sup>

Attorneys may call RCC to determine whether their client is being housed at the facility.<sup>20</sup> RCC has the capability to search for detainees by name, although they are not permitted to disclose information beyond whether the detainee is at the facility.<sup>21</sup>

## 2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the Standards encourage visits from family and friends.<sup>22</sup> The Standards suggest that facilities establish written visitation hours and procedures, and make them available to the public.<sup>23</sup> This includes procedures for handling incoming money for detainees.<sup>24</sup> The visiting area is to be "appropriately furnished and arranged, and as comfortable and pleasant as practicable."<sup>25</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>26</sup> Visits should be at least 30 minutes long, and longer when possible.<sup>27</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>28</sup>

<sup>13</sup> Notes of delegation members (b)(6) on conversation with Programs Manager (b)(6), (b)(7) and interview with detainee (b)(6)

<sup>14</sup> Observations of delegation members (b)(6)

<sup>15</sup> RCC Detainee Handbook, p. 8.

<sup>16</sup> Notes of delegation member (b)(6) from interview with Programs Manager (b)(6)

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

<sup>18</sup> Notes of delegation members (b)(6) on interview with Programs Manager (b)(6)

<sup>19</sup> Notes of delegation members (b)(6) on interview with Programs Manager (b)(6)

<sup>20</sup> Notes of delegation members (b)(6) on conversation with Compliance/Quality Assurance Office (b)(6), (b)(7)c and Programs Manager (b)(6)

<sup>21</sup> Notes of delegation member Damian Lara, on conversation with Programs Manager (b)(6) and Compliance/Quality Assurance Officer (b)(6), (b)(7)c

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

<sup>23</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

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

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

<sup>26</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>27</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>28</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5.

**RCC appears to meet this section of the Standards, although detainees expressed concern that RCC did not provide accommodations for visitors traveling long distances.** Visiting hours are set on Wednesdays, Thursdays, Saturdays, and Sundays from 8:00 a.m. to 2:30 p.m.<sup>29</sup> The schedule ensures that each detainee may receive visitors either on Saturday or Sunday.<sup>30</sup> Visits should be at least 1 hour long, and inmates are permitted 2 visits per week.<sup>31</sup> The Detainee Handbook caps the number of visits at one per day.<sup>32</sup> RCC generally confines visits to these hours, but supervisors may adjust the schedule if a detainee's visitors face a particular hardship.<sup>33</sup> Visitation with family is non-contact; visits with minors are permitted.<sup>34</sup> For detainees in Administrative Segregation, they are permitted 1 visit of 1 hour per week on Fridays.<sup>35</sup> The visitation schedule is not posted at the entrance to the facility.<sup>36</sup>

There were inconsistencies between what staff members and the RCC Detainee Handbook said and information from one detainee. According to this detainee, visitation was not always permitted 2 times a week, for 1 hour each visit.<sup>37</sup> In addition, there were no special accommodation made for a family member traveling from out of town (from New Jersey to New Mexico).<sup>38</sup> The detainee was permitted only 2 short visits of 30 minutes each with this family member.<sup>39</sup>

## B. Telephone Access

### 1. General Requirements

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.<sup>40</sup> In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees.<sup>41</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>42</sup>

**RCC does not meet this Standard: telephones do not work and rules and instructions are not posted.** Each housing unit has its own set of phones and the number was approximately one phone per 15 detainees; however, the phones that were tested were inoperable.<sup>43</sup> Detainee (b)(6), (b)(7)c explained that the telephones often do not work for up to three (3) days in a row at the facility. (b)(6), (b)(7)c had a family emergency in which she needed to find her missing teenage son but she was unable to use the phones for days at a time.<sup>44</sup>

<sup>29</sup> RCC Detainee Handbook, Visitation, p. 7.

<sup>30</sup> RCC Detainee Visiting Schedule; RCC Detainee Handbook, p. 8.

<sup>31</sup> RCC Detainee Handbook, Visitation, pp. 7-8

<sup>32</sup> RCC Detainee Handbook, p. 8. Also, noted of delegation member of (b)(6) with conversation with Programs Manager (b)(6), (b)(7)c

<sup>33</sup> Notes of delegation member (b)(6) on conversation with Compliance/Quality Assurance Officer

(b)(6), (b)(7)c

<sup>34</sup> RCC Detainee Handbook, Visitation, pp 7-8; notes of delegation member (b)(6) on conversation with Programs Manager (b)(6), (b)(7)c

<sup>35</sup> RCC Detainee Handbook, Visitation, pp. 7-8.

<sup>36</sup> Observations of delegation members (b)(6)

<sup>37</sup> Notes of delegation members on conversation with detainee

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

<sup>39</sup> Notes of delegation members on conversation with detainee

<sup>40</sup> Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

<sup>41</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

<sup>42</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

<sup>43</sup> Observations of delegation member (b)(6)

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

Telephone usage rules and instructions regarding usage of the phones were not posted next to the phones.<sup>45</sup>

## 2. Direct Calls and Free Calls

The Standards allow facilities to generally restrict calls to collect calls;<sup>46</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>47</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>48</sup> In addition, the facility “shall enable all detainees to make calls to the [ICE]-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.”<sup>49</sup>

**RCC does not fully meet this section of the Standards: detainees are not able to make calls to legal service providers or to consulates at no charge.** The delegation did not observe any notification near the phones of the ability to place direct calls.<sup>50</sup> The telephone numbers of legal service providers and a list of detention officers were posted next to the phones.<sup>51</sup> The phone numbers of local consulates are in a notebook by each phone or bank of phones in the facility.<sup>52</sup> In the Special Management Unit at RCC, there are no notebooks of consular numbers available to detainees.<sup>53</sup> The delegation attempted to call the Mexican Consulate, the El Paso Immigration Court, and legal service provider Las Americas but the calls did not connect.<sup>54</sup> Detainees [REDACTED] (b)(6), (b)(7)(c) stated that they are unable to make free telephone calls.<sup>55</sup>

## 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.<sup>56</sup> If time limits are necessary, they shall be no shorter than 20 minutes.<sup>57</sup> The Standards require that the facility ensure privacy for detainees’ telephone calls regarding legal matters, and that calls shall not be electronically monitored absent a court order.<sup>58</sup>

**RCC does not meet this section of the Standards: calls are apparently disconnected arbitrarily.** Detainee [REDACTED] (b)(6), (b)(7)(c) stated that all telephone calls she tried to make had been

<sup>45</sup> Observations of delegation member [REDACTED] (b)(6)

<sup>46</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>47</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>48</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

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

<sup>50</sup> Observations of delegation member [REDACTED]

<sup>51</sup> Observations of delegation member [REDACTED]

<sup>52</sup> Observations of delegation member [REDACTED] (b)(6)

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

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

<sup>55</sup> Notes of delegation member [REDACTED] (b)(6) on conversation with detainees [REDACTED] (b)(6), (b)(7)(c)

[REDACTED] (b)(6), (b)(7)(c) notes of delegation member [REDACTED] (b)(6) on conversation with detainees [REDACTED] (b)(6), (b)(7)(c)

[REDACTED] (b)(6), (b)(7)(c)

<sup>56</sup> Detention Operations Manual, Detainee Services, Standard 16, Section F.

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

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

automatically disconnected in the middle of a conversation of no more than 15 minutes.<sup>59</sup> Detainee (b)(6), (b)(7)c stated that she was unable to make a call for longer than 10 minutes without being disconnected.<sup>60</sup> Detainees are unable to make private telephone calls, because the phones where detainees make outgoing calls are all located in the public dayrooms with no privacy safeguards.<sup>61</sup> The telephones are out in the open, and there are no partitions.<sup>62</sup> Detainee (b)(6), (b)(7)c stated that each time she would talk about the conditions at RCC, her calls were disconnected.<sup>63</sup> Also, detainee (b)(6), (b)(7)c explained how her calls are cut off if she says anything about the conditions of the facility.<sup>64</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>65</sup> If the facility receives an emergency telephone call for a detainee, the Standards suggest that the facility obtain the caller's name and number and permit said detainee to return the emergency call as soon as possible.<sup>66</sup>

**RCC meets this section of the Standards.** Incoming phone calls and messages are accepted at RCC.<sup>67</sup> The procedure for making emergency calls is to refer them to the Shift Commander on a case-by-case basis.<sup>68</sup>

#### 5. Telephone Privileges in Special Management Unit

The Standards provide that detainees in the Special Management Unit ("SMU") for disciplinary reasons shall be permitted to make direct and/or free calls, including calls to consular officials, except under compelling security conditions.<sup>69</sup>

**RCC appears to meet this section of the Standards, although it is unclear how detainees obtain consular telephone numbers since a list is not posted.** Detainees at RCC placed in the SMU for disciplinary reasons have access to the telephones, but only via a shift supervisor who will make a phone available to the detainee.<sup>70</sup> The telephone is placed on a platform and is wheeled to the detainee's individual cell.<sup>71</sup> The phone receiver is placed through a small opening in the detainee's door for the detainee to hold the telephone receiver and speak.<sup>72</sup>

<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> Notes of delegation member (b)(6) on conversation with detainees (b)(6), (b)(7)c  
ar (b)(6), (b)(7)c  
<sup>62</sup> Observations of delegation member (b)(6)  
<sup>63</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c  
<sup>64</sup> Notes of delegation member (b)(6) on conversation with detainee J (b)(6), (b)(7)c  
<sup>65</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.  
<sup>66</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.  
<sup>67</sup> Notes of delegation member (b)(6) on conversation with Compliance/Quality Assurance Officer (b)(6), (b)(7)c  
<sup>68</sup> RCC Detainee Handbook, p. 6 and notes of delegation member (b)(6) with Programs Manager (b)(6)  
<sup>69</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.G; Security and Control, Standard 14, Section III.D.19.  
<sup>70</sup> Notes of Delegation member (b)(6) on conversations with Compliance/Quality Assurance Officer (b)(6)  
<sup>71</sup> Observations of delegation member (b)(6)  
<sup>72</sup> Observations of delegation member (b)(6)

Also, as mentioned above, there are no notebooks of consular numbers available to detainees in the Special Management Unit.<sup>73</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>74</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>75</sup> Each detainee shall be permitted to use the law library for a minimum of five hours per week.<sup>76</sup>

**RCC does not appear to meet this section of the Standards: detainees reported that they could only access the library for a couple of hours per week.** RCC does not have a regular law library; rather, the facility has a mobile library on a cart which is rotated among Pods.<sup>77</sup> The library consists of a computer with a disk provided by ICE;<sup>78</sup> the computer is not internet accessible for the immigrant detainees.<sup>79</sup> Detainees reported that they could only access the library for a couple of hours per week, or had never seen the library.<sup>80</sup>

#### 2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees’ legal research and writing.<sup>81</sup> Furthermore, it must be large enough “to provide reasonable access to all detainees who request its use. It shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.”<sup>82</sup>

**RCC does not meet this section of the Standards because there is no library room, no tables or chairs are provided for use of the library cart, and access to the library cart may be limited.** RCC does not have a regular law library, but rather has a mobile library which consists of a computer on a cart.<sup>83</sup> The Pods do not have any tables or chairs on which to work during the time that the library cart is in their Pod.<sup>84</sup>

#### 3. Materials Identified in the Detention Standards

<sup>73</sup> Observations of delegation member [REDACTED] (b)(6)

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

<sup>75</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>76</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>77</sup> Notes of delegation member [REDACTED] (b)(6) on observation and conversation with Programs Manager

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

<sup>79</sup> Notes of delegation member [REDACTED] (b)(6) on conversation with Programs Manager [REDACTED] (b)(6), (b)(7)(c)

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

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

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

<sup>83</sup> Notes of delegation member [REDACTED] (b)(6) on observation and conversation with Programs Manager

[REDACTED] (b)(6) <sup>84</sup> Observations of delegation member [REDACTED] (b)(6)



The Standards require that all facility law libraries contain the materials listed in Attachment A to the chapter on *Access to Legal Materials*.<sup>85</sup> These materials must be updated regularly, and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner.<sup>86</sup> Damaged or stolen materials must be promptly replaced.<sup>87</sup> Non-English speaking detainees who indicate difficulty with the legal materials must be provided with more than access to a set of English-language legal materials.<sup>88</sup>

**RCC does not fully meet this section of the Standards: RCC provides its immigration detainees with computer access to LexisNexis, however, materials on the CD-ROM may not be accessible, and are not available for non-English speakers as required by the Standards.**<sup>89</sup> While LexisNexis provides access to numerous legal materials, as well as current statutory and regulatory information, one detainee reported that when she clicked on the immigration file in the CD-ROM it would not open, so the materials may not be accessible.<sup>90</sup> In addition, another detainee stated that materials were only available in English.<sup>91</sup>

#### 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.<sup>92</sup> Staff must inspect at least weekly to ensure equipment is in working order and to stock sufficient supplies.<sup>93</sup> In addition, indigent detainees must be provided free envelopes and stamps for legal mail.<sup>94</sup>

**RCC does not meet this section of the Standards: supplies are not provided.** RCC has one computer available in its mobile law library cart.<sup>95</sup> Aside from the computer, the library cart has no other supplies.<sup>96</sup> The RCC Detainee Handbook states that a housing officer will provide writing material, pencils, and envelopes for personal use.<sup>97</sup> However, one detainee stated that paper and envelopes are not supplied free of charge, but must be purchased.<sup>98</sup>

#### 5. Photocopies

The Standards provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.<sup>99</sup> Enough copies must be provided so that a detainee can

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

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

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

<sup>88</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.L.

<sup>89</sup> Notes of delegation member [REDACTED] on conversation with Programs Manager [REDACTED] (b)(6)

<sup>90</sup> Notes of delegation member [REDACTED] (b)(6) on conversation with detainee [REDACTED] (b)(6), (b)(7)c

<sup>91</sup> Notes of delegation member [REDACTED] with detainee [REDACTED] (b)(6), (b)(7)c

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

<sup>93</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>94</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

<sup>95</sup> Notes of delegation member [REDACTED] (b)(6) on conversations with Programs Manager [REDACTED] (b)(6) detainees

[REDACTED] (b)(6), (b)(7)c

<sup>96</sup> Observations of delegation member [REDACTED] (b)(6)

<sup>97</sup> RCC Detainee Handbook, p.3.

<sup>98</sup> Notes of delegation member [REDACTED] (b)(6) on conversation with detainee [REDACTED] (b)(6), (b)(7)c

<sup>99</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

fulfill court procedural rules and retain a copy for his records.<sup>100</sup> Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.<sup>101</sup>

**RCC appears to meet this section of the Standards.** According to facility personnel, if a detainee wants to print material from the law library cart, the detainee must copy the material onto a disk and request that it be printed by facility staff.<sup>102</sup>

#### 6. Assistance From Other Detainees

The Standards require that each facility permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.<sup>103</sup>

**RCC does not meet this section of the Standards: detainees are specifically prohibited from using the law library cart to assist other detainees.**<sup>104</sup>

#### 7. Notice to Detainees

The Standards require that the detainee handbook provide detainees with the rules and procedures governing access to legal materials, including procedures for requesting additional time in the library.<sup>105</sup>

**RCC does not meet this section of the Standards: the Handbook does not provide the required information.** The RCC Detainee Handbook does not specify the procedures for requesting additional time in the library.<sup>106</sup>

#### D. Group Legal 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 orderly operation of each facility.”<sup>107</sup> At least 48 hours prior to a scheduled presentation, “information posters shall be prominently displayed in the housing units...”<sup>108</sup> Housing control officers maintain a sign up sheet for interested detainees.<sup>109</sup> “The facility shall select and provide an environment conducive to the presentation consistent with security.”<sup>110</sup> In addition the facility “shall play INS-approved videotaped presentations on legal rights” and provide detainees “regular opportunities” to view this videotape.<sup>111</sup>

**The RCC may not fully meet this section of the Standards: informational posters are not employed, and detainees do not have an opportunity to sign up for a rights**

<sup>100</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>101</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>102</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6)

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

<sup>104</sup> RCC Detainee Handbook, p. 7; notes of delegation member (b)(6) on conversation with Programs Manager (b)(6) and detainees (b)(6); (b)(7):

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

<sup>106</sup> RCC Detainee Handbook, p. 7.

<sup>107</sup> Detention Operations Manual, Detainee Services, Standard 9, Section I.

<sup>108</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

<sup>109</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

<sup>110</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

<sup>111</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

presentation, although personnel indicated they do not have enough advance notice to make that possible. In addition, the RCC does not have a videotaped legal rights presentation. According to RCC personnel, the facility places no restrictions on rights presentations.<sup>112</sup> Diocesan Migrant and Refugee Services, Inc., from El Paso Texas, conducts presentations approximately once a month.<sup>113</sup> Sister (b)(6) who is affiliated with this group and awaiting her DHS accreditation, provides such presentations under the supervision of a DMRS attorney.<sup>114</sup> Presentations are given in the housing areas,<sup>115</sup> which are not necessarily conducive to the presentations because they lack seating areas.<sup>116</sup> RCC personnel direct Sister (b)(6) to those units housing the most recent detainees, as opposed to providing a space for all who want to attend.<sup>117</sup> The facility does not display informational posters prior to the presentations, nor do detainees have the opportunity to sign up for the presentations.<sup>118</sup> According to RCC personnel, the presenters provide insufficient notice to RCC to make that possible.<sup>119</sup> Detainees do not have any opportunity to view a videotaped version of a “know your rights” presentation because the facility has not yet obtained an ICE-approved videotaped presentation.<sup>120</sup>

None of detainees (b)(6), (b)(7)(c) lano reported being advised of or attending a “know your rights” presentation.<sup>121</sup> Detainee (b)(6), (b)(7)(c) did say that Sister (b)(6) came to speak to detainees in the housing unit.<sup>122</sup> Detainee (b)(6), (b)(7)(c) similarly confirmed that she had spoken with Sister (b)(6) in the housing unit but had not heard or viewed a presentation on legal rights.<sup>123</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>124</sup> General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and even read outside the presence of the detainee if security reasons exist for doing so.<sup>125</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>126</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>127</sup> Outgoing special correspondence cannot be opened, inspected, or read.<sup>128</sup> The detainee handbook

<sup>112</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6)  
<sup>113</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6)  
<sup>114</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6)  
<sup>115</sup> Notes of delegation member (b)(6) on conversation with delegation member (b)(6), who attended a rights presentation in January or February of 2007.  
<sup>116</sup> Notes of delegation member (b)(6) on observation of housing area.  
<sup>117</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6)  
<sup>118</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6)  
<sup>119</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6)  
<sup>120</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6)  
<sup>121</sup> Notes delegation member (b)(6) on conversation with detainees (b)(6)  
<sup>122</sup> Notes delegation member (b)(6) on conversation with detainee (b)(6)  
<sup>123</sup> Notes delegation member (b)(6) on conversation with (b)(6)  
<sup>124</sup> Detention Operations Manual, Detainee Services, Standard 3, Section I.  
<sup>125</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.  
<sup>126</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.  
<sup>127</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.  
<sup>128</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

must specify how to address correspondence, the definition of special correspondence and how it should be labeled, and the procedure for purchasing postage and rules for providing indigent detainees free postage.<sup>129</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>130</sup> Finally, the Standards require that facilities notify detainees of specific information regarding correspondence policies.<sup>131</sup>

**RCC does not fully meet this section of the Standards; the detainee handbook does not include required information, and mail delivery is severely delayed.** RCC does not provide all detainees with the RCC Detainee Handbook.<sup>132</sup> The RCC Detainee Handbook notification does not provide the following information as required: 1) “the definition of special correspondence, including instructions on the proper labeling for special correspondence ... [and a] state[ment] that it is the detainee’s responsibility to inform senders of special mail of the labeling requirement”; 2) the fact that identity documents, such as passports and birth certificates, are contraband and may be rejected by the facility; 3) instructions about “how to obtain writing implements, paper, and envelopes”; and 4) “the procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage.”<sup>133</sup> Without providing information regarding the foregoing matters, RCC fails to meet the notification requirements of this section the Standards. Further, the handbook states that outgoing packages will be inspected for contraband, without addressing any separate procedures for outgoing legal mail,<sup>134</sup> which may not be inspected under the Standards.

The delivery of mail from the detainees to family members is severely delayed and can take up to two (2) weeks or more.<sup>135</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>136</sup> Every detainee should receive a copy of the handbook upon admission to the facility.<sup>137</sup> The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.<sup>138</sup> The handbook must include visitation hours and rules.<sup>139</sup> The handbook must notify detainees of the facility correspondence policy.<sup>140</sup> 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.<sup>141</sup> The classification section of the handbook must include an

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

<sup>130</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.I, and Standard 1, Section III.N.

<sup>131</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

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

and (b)(6), (b)(7)c

<sup>133</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.B; RCC Detainee Handbook, pp. 9, 12-13.

<sup>134</sup> RCC Detainee Handbook, p. 9.

<sup>135</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>136</sup> Detention Operations Manual, Detainee Services, Standard 6, Section I.

<sup>137</sup> Detention Operations Manual, Detainee Services, Standard 6, Section I.

<sup>138</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

<sup>139</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

<sup>140</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

<sup>141</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

explanation of the classification levels and procedures for appealing a classification.<sup>142</sup> The handbook must provide notice of the facility's rules of conduct and the sanctions imposed.<sup>143</sup> It must advise detainees of rights including the right to protection from abuse, right to freedom from discrimination, and right to pursue a grievance.<sup>144</sup> 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.<sup>145</sup> The Officer in Charge will provide a copy of the handbook to every staff member who has contact with detainees.<sup>146</sup>

**RCC does not meet this section of the Standards: detainees indicated that they did not receive the Handbook when they arrived at RCC. The Handbook does not include required information; however, the delegation understands that the RCC is currently rewriting it.** The RCC Detainee Handbook does not include various required information: as detailed above, it does not include adequate information regarding correspondence; as detailed below, it does not include adequate information about the grievance process, the classification system, or disciplinary policy. In addition, the Handbook does not advise the detainees of their "right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment" or their "right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs,"<sup>147</sup> and it does not address procedures for communicating with ICE staff. The Handbook also provides references to pages that do not exist,<sup>148</sup> and sections indicate that more material is to be inserted, but this is likely a function of the fact that it is being revised.<sup>149</sup>

Several procedures outlined in the RCC Detainee Handbook do not appear to reflect the procedures that occur in the facility.<sup>150</sup> For example, the Handbook provides that a copy will be issued to each detainee upon intake,<sup>151</sup> but detainees indicated that they did not receive the Handbook when they arrived at the facility.<sup>152</sup> As indicated above, the Handbook also states that staff will provide writing supplies to detainees,<sup>153</sup> but one detainee indicated that supplies were only available for purchase.<sup>154</sup>

### C. Recreation

The Standards require that all detainees have access to recreational programs and activities, under conditions of security and safety.<sup>155</sup> Detainees should be housed in facilities with outdoor recreation; and "all new or renegotiated contracts and IGSA's will stipulate that [ICE]

<sup>142</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

<sup>143</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

<sup>144</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

<sup>145</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

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

<sup>147</sup> RCC Detainee Handbook, "Rights and Responsibilities," pp. 13-14.

<sup>148</sup> RCC Detainee Handbook, pp. 5, 6, 7, 9, and 10.

<sup>149</sup> Notes of delegation member (b)(6) on conversation with Compliance/Quality Assurance Officer

(b)(6), (b)(7)c  
<sup>150</sup> Notes of delegation member (b)(6) on conversations with Programs Manager (b)(6) and detainee (b)(6), (b)(7)c

<sup>151</sup> RCC Detainee Handbook, p. 2.

<sup>152</sup> Notes of delegation members (b)(6) on interviews with detainees (b)(6), (b)(7)c  
(b)(6), (b)(7)c notes of delegation member (b)(6) on interviews with detainee (b)(6), (b)(7)c

<sup>153</sup> RCC Detainee Handbook, p. 5.

<sup>154</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6)

<sup>155</sup> Detention Operations Manual, Detainee Services, Standard 13, Section I.

detainees have access to an outdoor recreation area.”<sup>156</sup> If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.<sup>157</sup> Detainees should have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise, and games and television in dayrooms.<sup>158</sup> Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.<sup>159</sup>

**RCC does not fully meet this section of the Standards: detainees only have access to a recreation room with natural light for one hour every other day.** RCC has two types of indoor recreation rooms, but no outdoor recreation is provided.<sup>160</sup> One of the indoor recreation rooms is an indoor room with no exposure to natural sunlight.<sup>161</sup> Detainees are only permitted to play handball and there is no exercise equipment.<sup>162</sup> The set schedule for use of this recreation room is one hour every other day for each pod or unit.<sup>163</sup> The other indoor recreation has exposure to natural sunlight;<sup>164</sup> however, detainees are only given one hour of recreation every other day in the recreation room with exposure to natural sunlight.<sup>165</sup> The dayrooms that the delegation saw did not have natural sunlight.<sup>166</sup>

Detainees are also provided with a recreation room referred to as a dayroom.<sup>167</sup> Dayrooms are common rooms for the detainees where they are able to socialize, watch television, and play board games.<sup>168</sup> The size and amenities of the dayrooms depend on the classification of the detainees housed in a given Pod.<sup>169</sup> None of the recreation rooms provide equipment for muscular or cardiovascular exercise.<sup>170</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>171</sup> 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.<sup>172</sup> Facilities must also have procedures in place to provide emergency medical care for detainees who require it.<sup>173</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>174</sup> If a detainee is diagnosed as having a medical or psychiatric condition

<sup>156</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.A.

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

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

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

<sup>160</sup> Notes of delegation member (b)(6) on conversation with Warden (b)(6), (b)(7)(C).

<sup>161</sup> Observations of delegation member (b)(6).

<sup>162</sup> Notes of delegation member (b)(6) on conversation with Warden (b)(6), (b)(7)(C).

<sup>163</sup> Notes of delegation member (b)(6) on conversation with Warden (b)(6), (b)(7)(C).

<sup>164</sup> Observations of delegation member (b)(6).

<sup>165</sup> Notes of delegation member (b)(6) on conversation with Warden (b)(6), (b)(7)(C).

<sup>166</sup> Observations of delegation member (b)(6).

<sup>167</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6).

<sup>168</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6).

<sup>169</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6).

<sup>170</sup> Observations of delegation member (b)(6).

<sup>171</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

<sup>172</sup> Detention Operations Manual, Health Services, Standard 2, Section III.F.

<sup>173</sup> Detention Operations Manual, Health Services, Standard 2, Section III.A, D, and G.

<sup>174</sup> Detention Operations Manual, Health Services, Standard 2, Section III.H.

requiring special attention (e.g., special diet), the medical care provider is required to notify the Officer in Charge in writing.<sup>175</sup>

**It is unclear whether RCC fully meets this section of the Standards; according to detainees, requests for treatment are not answered or requested care is delayed.** The facility has 16 nurses on staff available 24 hours a day; a physician assistant is available in the clinic Monday through Friday; a doctor is on-site on Tuesdays and Thursdays; a psychiatrist is available one day a week; and a mental health therapist is available fifteen hours a week.<sup>176</sup> If there is a need for an outside medical visit, officials at RCC first clear it with the staff doctor, and then the contract health care provider will take the detainee to an outside medical provider.<sup>177</sup> The nearest hospital is approximately 2 miles away.<sup>178</sup> For mental health needs, the County Mental Health Association has psychiatrists on call and a therapist is available 15 hours per week.<sup>179</sup>

According to the Health Service Administrator (b)(6) all detainees at RCC are screened for medical issues upon their initial processing.<sup>180</sup> Each detainee is questioned regarding prior health history, current health, medical history, suicide risk, mental health, drug and/or alcohol dependence, TB, dental health, and STD/communicable diseases.<sup>181</sup> If flags are raised the individual is referred to medical for attention.<sup>182</sup> HIV is not routinely checked.<sup>183</sup> However, according to detainees, at their arrival they are not given a health or dental screening; they are asked a couple of questions and no more.<sup>184</sup>

For non-English speaking detainees, there is staff to provide assistance.<sup>185</sup> The facility also has access to the AT&T Language Line, to provide translation services.<sup>186</sup> According to detainees, oftentimes they use other detainees to assist with medical requests.<sup>187</sup>

According to facility personnel, detainees submit a Request for Health Care form and are visited on their floor by a physician assistant the following day.<sup>188</sup> However, detainees reported

<sup>175</sup> Detention Operations Manual, Health Services, Standard 2, Section III.J.

<sup>176</sup> Notes of delegation members (b)(6) and (b)(6) on conversation with Health Service Administrator (b)(6)

<sup>177</sup> Notes of delegation member (b)(6) on conversation with Health Service Administrator (b)(6)

<sup>178</sup> Notes of delegation member (b)(6) on conversation with Health Service Administrator (b)(6)

<sup>179</sup> Notes of delegation member (b)(6) and (b)(6) on conversation with Health Service Administrator (b)(6)

<sup>180</sup> Notes of delegation member (b)(6) and (b)(6) on conversation with Health Service Administrator (b)(6)

<sup>181</sup> Notes of delegation members (b)(6) and (b)(6) on conversation with Health Service Administrator (b)(6)

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

<sup>183</sup> Notes of delegation members (b)(6) and (b)(6) on conversation with Health Service Administrator (b)(6)

<sup>184</sup> Notes of delegation members (b)(6) and (b)(6) on conversation with detainees (b)(6)

<sup>185</sup> Notes of delegation members (b)(6) and (b)(6) on conversation with Health Service Administrator (b)(6)

<sup>186</sup> Notes of delegation member (b)(6) on conversation with Health Service Administrator (b)(6)

<sup>187</sup> Notes of delegation member (b)(6) and (b)(6) on conversations with detainees (b)(6)

<sup>188</sup> Notes of delegation members (b)(6) and (b)(6) on conversation with Health Service Administrator (b)(6)

that the response time can in fact take days, or even weeks.<sup>189</sup> One detainee, (b)(6); (b)(7)c reported that it took four weeks to be seen by a doctor for pain and bleeding, and whenever she had a medical complaint, the physician's assistant did not examine her, but merely told her that she did not look sick.<sup>190</sup> Another detainee (b)(6); (b)(7)c suffered from a fall from a top bunk bed, and was taken to UNM Emergency hospital to get stitches above her eye.<sup>191</sup> However, although she has submitted request forms, she has been unable to get treatment for her back and shoulders which have been causing her pain since the fall.<sup>192</sup> In addition, a breast implant also began to leak and she did not receive care for that injury for 3 days.<sup>193</sup>

The request slips are processed by the Pod officer at the time they are submitted.<sup>194</sup> In addition, each Pod Officer's station has a general first aid kit.<sup>195</sup> There is no charge for the services, and all requests are initially screened by a nurse.<sup>196</sup> Finally, with regard to detainee medical records, HPL, as the service provider, handles, owns, and maintains all the detainee medical records on site.<sup>197</sup> When a detainee is transferred to or from RCC, RCC medical staff provide a medical summary that the detainee will take with them.<sup>198</sup>

#### E. Access to Dental Care

The Standards suggest that detainees have an initial dental screening exam within 14 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>199</sup> 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.<sup>200</sup>

**RCC does not fully meet this section of the Standards: the detainees do not receive the initial dental screening exam as suggested under the Standards.**<sup>201</sup> If dental care is

<sup>189</sup> Notes of delegation members (b)(6) and (b)(7)c on conversations with detainees (b)(6); (b)(7)c (b)(6); (b)(7)c notes of delegation member (b)(6) on conversations with detainee (b)(6); (b)(7)c

<sup>190</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6); (b)(7)c

<sup>191</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6); (b)(7)c Half of (b)(6); (b)(7)c face was paralyzed at the time of the delegation's visit.

<sup>192</sup> Notes of delegation member (b)(6) and (b)(6) on conversation with detainee (b)(6); (b)(7)c

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

<sup>194</sup> Notes of delegation member (b)(6) on conversation with Health Service Administrator (b)(6); (b)(7)c

<sup>195</sup> Notes of delegation member (b)(6) on conversation with Health Service Administrator (b)(6); (b)(7)c

<sup>196</sup> Notes of delegation member (b)(6) and (b)(6) on conversation with Health Service Administrator (b)(6)

<sup>197</sup> Notes of delegation member (b)(6) and (b)(6) on conversation with Health Service Administrator (b)(6)

<sup>198</sup> Notes of delegation member (b)(6) and (b)(6) on conversation with Health Service Administrator (b)(6)

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

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

<sup>201</sup> Notes of delegation members (b)(6) on conversations with detainees (b)(6); (b)(7)c (b)(6); (b)(7)c



needed, the RCC has detainees submit a request.<sup>202</sup> According to facility personnel, a dentist is available on-site three days a week.<sup>203</sup>

#### F. Detainee Classification System

The Standards require that detention facilities use a classification system and physically separate detainees into different categories.<sup>204</sup> Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.<sup>205</sup> A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.<sup>206</sup> Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.<sup>207</sup> Classification is required in order to separate detainees with no or minimal criminal records from detainees with serious criminal records.<sup>208</sup> Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees.<sup>209</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>210</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>211</sup>

**RCC does not fully meet this Section of the Standards: the Handbook does not include the information required by the Standards, and RCC staff representation of the manner in which detainees are classified differed substantially from the classification information provided by one detainee, who said all classification levels are housed together.** All detainees are classified when they first arrive at the facility, as quickly and efficiently as possible given the manpower and resources that RCC has available at the time.<sup>212</sup> RCC classifies detainees into three categories, minimum security (detainee is given a blue band), medium security (detainee is given an orange band), and maximum security (detainee is given a red band).<sup>213</sup> RCC policy apparently does not allow minimum security and maximum security detainees to be housed together.<sup>214</sup> However, according to one detainee, in actuality all three categories of detainees are housed together.<sup>215</sup> However, in her experience there have not been any problems as a result of the mixing of the categories.<sup>216</sup> RCC does allow a detainee to appeal their classification, and according to facility staff detainees are told how to make an appeal.<sup>217</sup>

<sup>202</sup> Notes of delegation member [REDACTED] (b)(6) on conversations with detainees [REDACTED] (b)(6), (b)(7)

<sup>203</sup> Notes of delegation member [REDACTED] (b)(6) on conversation with conversation with Health Service Administrator [REDACTED] (b)(6), (b)(7)c

<sup>204</sup> Detention Operations Manual, Detainee Services. Standard 4, Section I.

<sup>205</sup> Detention Operations Manual, Detainee Services. Standard 4, Section III.F.

<sup>206</sup> Detention Operations Manual, Detainee Services. Standard 4, Section III.D.

<sup>207</sup> Detention Operations Manual, Detainee Services. Standard 4, Section III.D.

<sup>208</sup> Detention Operations Manual, Detainee Services. Standard 4, Section III.A & III.E.

<sup>209</sup> Detention Operations Manual, Detainee Services. Standard 4, Section III.F.

<sup>210</sup> Detention Operations Manual, Detainee Services. Standard 4, Section III.G & III.H.

<sup>211</sup> Detention Operations Manual, Detainee Services. Standard 4, Section III.I.

<sup>212</sup> Notes of delegation member [REDACTED] on conversation with Programs Manager [REDACTED] (b)(6), (b)(7)c

<sup>213</sup> Notes of delegation member [REDACTED] (b)(6) on conversation with Compliance/Quality Assurance

Office [REDACTED] (b)(6), (b)(7)c

<sup>214</sup> Notes of delegation member [REDACTED] (b)(6) on conversations with Compliance/Quality Assurance

Office [REDACTED] (b)(6), (b)(7)c

<sup>215</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED] (b)(6), (b)(7)c

<sup>216</sup> Notes of delegation member [REDACTED] (b)(6) on conversation with detainee [REDACTED] (b)(6), (b)(7)c

<sup>217</sup> Notes of delegation member [REDACTED] on conversation with Programs manager [REDACTED] (b)(6), (b)(7)c

However, this information is not in the RCC Detainee Handbook, as required by the Standard.<sup>218</sup> According to facility staff, RCC has never had anyone contest their classification.<sup>219</sup> However, one detainee, who was classified as a maximum security risk based on a criminal offense of possession of drug paraphernalia, did voice her concern to the correctional officers; was told not to worry about it, that no attention is given to detainee classifications, and therefore it doesn't really matter how a detainee is classified.<sup>220</sup> According to this detainee, other detainees who had criminal records consisting of violent crimes were classified as a minimum security risk.<sup>221</sup>

The RCC Detainee Handbook does not provide any explanation of the classification levels, with the conditions or restrictions applicable to each level, or include the procedures for appealing a classification, in violation of the Standards.<sup>222</sup>

### G. 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.<sup>223</sup> Translating assistance for both formal and informal grievances must be provided upon request.<sup>224</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>225</sup> All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.<sup>226</sup> The detainee handbook must provide information regarding the grievance policy and process.<sup>227</sup>

**RCC does not fully meet this section of the Standards: there is no grievance committee and the detainee handbook description of the grievance process is inadequate.** RCC does not have a grievance committee, but instead has one officer assigned to be the grievance officer, among other duties.<sup>228</sup> That officer investigates each grievance and responds to the detainee as soon as possible.<sup>229</sup> Detainees can appeal that officer's decision to the programs manager, and then appeal her decision to the warden.<sup>230</sup> The RCC Detainee Handbook mentions informal resolution of a grievance,<sup>231</sup> but staff are not trained regarding any informal grievance

<sup>218</sup> RCC Detainee Handbook, p. 2.

<sup>219</sup> Notes of delegation member (b)(6) on conversations with Compliance/Quality Assurance Office (b)(6), (b)(7)c

<sup>220</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

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

<sup>222</sup> RCC Detainee Handbook, p. 3.

<sup>223</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

<sup>224</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1 & 2.

<sup>225</sup> Detention Operations Manual, Detainee Services, Standard 5, Section I.

<sup>226</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

<sup>227</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections III.G.

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

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

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

<sup>231</sup> RCC Detainee Handbook, p. 10.

process; instead staff are told to refer detainees to a supervisor if they have a complaint.<sup>232</sup> Detainees are provided with forms to fill out to file a written grievance.<sup>233</sup>

The RCC Detainee Handbook outlines the grievance policy and describes subjects that are not grievable, but it does not provide any information about the procedure for filing a grievance or appeal, or any information about a right to appeal.<sup>234</sup> Instead, it refers to the “initial intake orientation packet.”<sup>235</sup> One detainee reported that she did not know that there was a grievance procedure available.<sup>236</sup> Other detainees reported that it takes about two to three weeks for grievances to be addressed.<sup>237</sup>

## H. 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.”<sup>238</sup> Each facility holding ICE detainees must have a detainee disciplinary system which has “progressive levels of reviews, appeals, procedures, and documentation procedures.”<sup>239</sup> The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.<sup>240</sup> 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>241</sup> Officers who witness a prohibited act must prepare and submit an incident report.<sup>242</sup> The Standards provide that all incident reports filed by officers must be investigated within twenty-four hours of the incident.<sup>243</sup> The Detainee Handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.<sup>244</sup> 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.<sup>245</sup>

**RCC does not meet this section of the Standards: the Handbook does not include required information.** the Handbook does not notify the detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the appeal procedure of disciplinary findings.<sup>246</sup> It only refers the reader to pages that currently do not exist.<sup>247</sup> In addition, the

<sup>232</sup> Notes of delegation member (b)(6) on conversation with Warden (b)(6), (b)(7)c

<sup>233</sup> Notes of delegation member (b)(6) on conversations with detainees (b)(6), (b)(7)c and (b)(6), (b)(7)c

<sup>234</sup> RCC Detainee Handbook, p. 10.

<sup>235</sup> RCC Detainee Handbook, p. 10.

<sup>236</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>237</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 conversation with detainee (b)(6), (b)(7)c

(b)(6), (b)(7)c

<sup>238</sup> Detention Operations Manual, Security and Control, Standard 5, Section I.

<sup>239</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

<sup>240</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.1 & 2.

<sup>241</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

<sup>242</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.B.

<sup>243</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.B & C.

<sup>244</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.L.

<sup>245</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

<sup>246</sup> RCC Detainee Handbook, p. 9.

<sup>247</sup> RCC Detainee Handbook, p. 9.

Handbook does not notify detainees of the facility's rules of conduct and the sanctions imposed for the violation of these rules.<sup>248</sup>

### I. 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>249</sup> The Standards for Administrative and for Disciplinary Segregation differ somewhat from one another, but both provide for legal access and other protections. A detainee may be placed in disciplinary segregation only by order of the Institutional Disciplinary Committee, after a hearing in which the detainee has been found to have committed a prohibited act.<sup>250</sup> Recreation shall be provided to detainees in segregation in accordance with the "Recreation" standard.<sup>251</sup> Access to the law library shall generally be granted to detainees in segregation.<sup>252</sup> Detainees generally retain visiting privileges while in disciplinary segregation, and may not be denied legal visitation.<sup>253</sup> Detainees in administrative segregation generally have the same telephone privileges as other detainees,<sup>254</sup> 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.<sup>255</sup> Detainees in segregation shall have the same correspondence privileges as detainees in the general population.<sup>256</sup>

**RCC appears to meet this section of the Standards.** According to facility staff, all efforts are made to comply with the standards for detainees in SMU.<sup>257</sup> Detainees in administrative segregation are generally allowed the same privileges as those in general population: telephone privileges, recreation privileges, personal hygiene privileges.<sup>258</sup> However, no detainees in administrative segregation were interviewed. Detainees who are placed in disciplinary segregation first receive a hearing; the Deputy Warden then reviews the disciplinary decision of the disciplinary hearing officer and notes his non-concurrence, concurrence, or concurrence with modifications.<sup>259</sup>

### J. Religious Practices

The Standard require that detainees "of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths."<sup>260</sup> "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

<sup>248</sup> RCC Detainee Handbook, p. 9.

<sup>249</sup> Detention Operations Manual, Security and Control, Standard 14, Section I.

<sup>250</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

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

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

<sup>253</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.13 & 14, and Standard 14, Section III.D.17.

<sup>254</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.16.

<sup>255</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

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

<sup>257</sup> Notes of delegation member (b)(6) on conversations with Compliance/Quality Assurance Officer

(b)(6), (b)(7) Notes of delegation member (b)(6) on conversation with Deputy Warden (b)(6), (b)(7)

<sup>258</sup> Notes of delegation member (b)(6) on conversation with Deputy Warden (b)(6), (b)(7)

<sup>260</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

other such factors.”<sup>261</sup> Opportunities will be constrained only by concerns about safety, security, the facility’s orderly operation, or extraordinary costs associated with a specific practice.<sup>262</sup> Moreover, the facility “will implement procedures for accommodating, within reason, detainees’ religious dietary requirements.”<sup>263</sup> Detainees in segregation must also be permitted to participate in religious practices, consistent with safety, security and orderly operation of the facility.<sup>264</sup>

**It is unclear if RCC meets this section of the Standards; facility staff stated they make religious accommodations, but a detainee indicated that she has been unable to practice her religion.** Specifically, RCC Compliance/Quality Assurance Officer (b)(6), (b)(7)c stated to the delegation in a general briefing that the facility “excelled” in providing a diversity of religious practices.<sup>265</sup> According to Officer (b)(6), (b)(7)c the facility’s chaplain has recruited numerous volunteers from the community to provide “Jewish, Mormon, Muslim and Native American services.”<sup>266</sup> He also stated that there have been no complaints.<sup>267</sup> Detainees stated that the facility provides access to Catholic services and an English-language Bible.<sup>268</sup> However, one detainee from Israel stated that she had no access to a Rabbi or to a Bible in her native Hebrew language.<sup>269</sup>

Food Service Supervisor (b)(6) stated that the facility accommodates dietary restrictions, and, specifically, that at time of the delegation’s visit, seven detainees had requested and were being provided Kosher meals.<sup>270</sup> RCC officials stated that the facility permitted detainees to keep their religious artifacts and had approved requests to maintain rosaries, prayer rugs, and prayer beads in the housing units.<sup>271</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>272</sup> Participation must be voluntary, and detainees may not work more than eight hours per day, and 40 hours per week.<sup>273</sup>

**RCC does not fully meet this section of the Standards: not all detainees are provided an opportunity to work in the facility should they choose to do so.**<sup>274</sup> Those detainees who are permitted to work may only work up to 5 hours per week, because the type of

<sup>261</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>262</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>263</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III. M.

<sup>264</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III. O.

<sup>265</sup> Notes of delegation member (b)(6) on conversation with Compliance/Quality Assurance Office (b)(6), (b)(7)c

<sup>266</sup> Notes of delegation member (b)(6) on conversation with Compliance/Quality Assurance Office (b)(6), (b)(7)c

<sup>267</sup> Notes of delegation member (b)(6) on conversation with Compliance/Quality Assurance Office (b)(6), (b)(7)c

<sup>268</sup> Notes of delegation member (b)(6) on conversations with detainees I (b)(6), (b)(7)c and (b)(6), (b)(7)c

<sup>269</sup> Notes of delegation member (b)(6) on conversation with detainee (b)(6), (b)(7)c

<sup>270</sup> Notes of delegation member (b)(6) on conversation with Food Service Supervisor (b)(6)

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

<sup>272</sup> Detention Operations Manual, Detainee Services, Standard 37, Sections I & III.A.

<sup>273</sup> Detention Operations Manual, Detainee Services, Standard 37, Sections III.A & H.

<sup>274</sup> Notes of delegation member (b)(6) on conversation with Programs Manager (b)(6)

work available is limited.<sup>275</sup> Detainees may work in custodial work.<sup>276</sup> Detainees are compensated for their work at the rate of one dollar per day.<sup>277</sup>

#### L. Detainee Transfer

When transferring a detainee, the Standards require ICE to consider whether a detainee is represented before the immigration court, location of the attorney and the court.<sup>278</sup> ICE "shall notify a detainee's legal representative of record that the detainee is being transferred."<sup>279</sup> Indigent detainees are permitted one domestic telephone call at government expense upon arrival at their final destination; non-indigent detainees make telephone calls at their own expense.<sup>280</sup> Records including the detainee's Alien file and health records (or transfer summary for IGSAAs) must accompany the detainee.<sup>281</sup> Prior to transfer, medical personnel must provide transporting officers with instructions and any applicable medications for detainee's care; medications must be turned over to an officer at the receiving office.<sup>282</sup> A detainee's legal materials, cash, and small valuables shall always accompany the detainee to the receiving facility; larger items may be shipped.<sup>283</sup> Transferring officers must provide meals and snacks during any long-distance transfer that exceeds six hours.<sup>284</sup>

**The RCC does not meet this Standard: RCC does not advise attorneys of detainee transfers, and indigent detainees are not permitted one free domestic phone call on arrival at the facility. In addition, two detainees did not receive food or drinks for more than two days during their transfer and lengthy processing at the facility.** RCC does not advise detainee attorneys of transfer, but instead expects the detainee to do so upon arrival at the subsequent facility.<sup>285</sup> Indigent detainees are not permitted a domestic phone call upon arrival at RCC.<sup>286</sup> Two non-indigent detainees stated that they had no access to telephones upon arrival; when they were allowed to use the phones on the following day, the phone system malfunctioned, and lines were constantly busy, such that these detainees were unable to advise family members of transfer in a timely manner.<sup>287</sup> RCC personnel confirmed that a medical summary accompanies the transferee to and from the facility, along with three days of medical prescriptions.<sup>288</sup>

Two women told the delegation members that they had gone for more than two days without food or drinks during a transfer from California to RCC; the trip took about two days, during which they were not fed, and they were only fed at RCC after all of the transferred men

<sup>275</sup> Notes of delegation member [redacted] conversation with Programs Manager

[redacted] (b)(6) Notes of delegation member [redacted] (b)(6) conversation with Programs Manager

[redacted] (b)(6) Notes of delegation member [redacted] conversation with Programs Manager

[redacted] (b)(6) Notes of delegation member [redacted] conversation with Programs Manager

[redacted] Detention Operations Manual, Security and Control, Standard 4, Section I.

<sup>279</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.A.

<sup>280</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.G.

<sup>281</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.D.1 and III.D.6.

<sup>282</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.D.6.3.D [sic].

<sup>283</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.E.

<sup>284</sup> Detention Operations Manual, Security and Control, Standard 4, Section III.H.

<sup>285</sup> Notes of delegation member [redacted] in conversation with OIC [redacted] (b)(6), (b)(7)(c)

<sup>286</sup> Notes of delegation member [redacted] (b)(6) in conversation with detainee [redacted]

<sup>287</sup> Notes of delegation member [redacted] in conversation with detainees [redacted] (b)(6), (b)(7)(c) and [redacted]

[redacted] (b)(6), (b)(7)(c) Notes of delegation member [redacted] (b)(6) on briefing by Health Service Administrator [redacted] (b)(6)

had been cleared and they were processed, which took about half a day.<sup>289</sup> RCC should provide food and drinks upon arrival, particularly for detainees who have been in transit for long periods. These two women also stated that officers gave them ice but no other liquid during the transfer and processing at RCC; in addition, they were housed in extremely cold conditions without blankets during the transfer (they believe this stop took place in Arizona).<sup>290</sup> Another woman told the delegation that she waited about a day to be processed upon her arrival at RCC, because approximately 60–100 men were processed first.<sup>291</sup>

## V. CONCLUSION

RCC does not fully meet many of the ICE Detention Standards that the delegation reviewed.

The delegation understands that the RCC is currently rewriting its detainee handbook<sup>292</sup> and, if the new handbook conforms to the Standards, this will address some of the areas in which ICE fails to meet Standards. As noted above, there are currently deficiencies in areas including correspondence, grievances, classification, disciplinary policy, rights, and communication with ICE staff.

To provide adequate telephone access to detainees, RCC must ensure that detainees can place free, direct calls to pro bono legal services providers and consulates. All telephones should be in working order and telephone calls should not be arbitrarily cut off after 10 or 15 minutes. RCC should provide privacy for legal calls. Detainees in segregation should be given appropriate telephone access.

To support detainees' access to legal materials and legal representation, RCC must acquire the required legal materials and provide detainees with supplies and a place to work on legal matters. Detainees must be allowed to assist each other with legal research. In addition, RCC should ensure that all detainees with access to group legal rights presentations and to a videotaped rights presentation.

RCC should ensure greater access to recreational facilities and to natural light.

RCC should ensure that appropriate medical screenings and dental screening exams are performed during intake.

RCC must establish a grievance policy that conforms with the ICE Detention Standards, including establishing an informal grievance process and timetables for responding to grievances, and articulating the procedures in the Handbook.

RCC must put in place appropriate classification procedures and notify detainees of the classification system and their right to appeal their classification.

<sup>289</sup> Notes of delegation member [REDACTED] on conversation with detainees [REDACTED] and [REDACTED].

<sup>290</sup> Notes of delegation member [REDACTED] on conversation with detainees [REDACTED] and [REDACTED].

<sup>291</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

<sup>292</sup> Notes of delegation member [REDACTED] on conversation with Compliance/Quality Assurance Officer [REDACTED].

RCC must notify legal representatives when they transfer detainees, and provide one free domestic telephone call to indigent detainees who are transferred to the facility.

RCC should ensure that transferred detainees are provided with food and water upon their arrival at the facility, particularly if they have been traveling long distances.



Facility Name: **REGIONAL CORRECTIONAL CENTER, Albuquerque, NM**


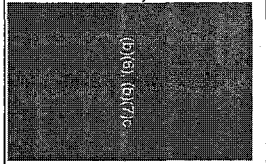
Date of Tour: April 12, 2007

Tour Participants: Attorneys and law students including [REDACTED]

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

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

	ICE Standard*	Delegation Report	Source	ICE Response
1.	<b>Standard 17, Visitation</b> <ul style="list-style-type: none"> <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>▪ A detainee was permitted 2 visits of 30 minutes each with a family member who traveled from New Jersey to New Mexico. No special accommodation was made. (p.4 ¶2)</li> </ul>	Detainee [REDACTED]	
2.	<b>Standard 16, Telephone Access</b> <ul style="list-style-type: none"> <li>▪ I. Facilities holding [ICE] 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.D. The facility shall maintain detainee telephones in proper working order. Appropriate facility staff shall inspect the telephones regularly...promptly report out-of-order telephones to the repair service, and ensure that required repairs are completed quickly.</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>▪ <b>The telephones that were tested were inoperable. A detainee explained that the telephones often do not work for up to 3 days in a row. The detainee had a family emergency and needed to find her missing teenage son but couldn't use the phone for days. (p.4 ¶4)</b></li> <li>▪ Telephone usage rules and instructions are not posted next to the phones. (p.5 ¶1)</li> </ul>	<b>Delegation observations; Detainee [REDACTED]</b>  Delegation observations	
3.	<b>Standard 16, Telephone Access</b> <ul style="list-style-type: none"> <li>▪ III.E. ...[T]he facility shall permit the detainee to make direct calls: 1. to the local immigration court and the Board of Immigration Appeals; ...3. to consular officials; 4. to legal service providers...The facility shall not require indigent detainees to pay for [legal, court-related, consular, emergency calls] if they are local calls, nor for non-local calls if there is a compelling need. The facility shall enable all detainees to make calls to the [ICE]-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The delegation attempted to call the Mexican Consulate, the El Paso Immigration Court, and legal service provider Las Americas but the calls did not connect. (p.5 ¶3)</b></li> <li>▪ Detainees stated that they are unable to make free telephone calls. (p.5 ¶3)</li> </ul>	<b>Delegation observations</b>  <b>Detainees Ramirez, [REDACTED]</b>	

4.	<p><b>Standard 16, Telephone Access</b></p> <ul style="list-style-type: none"> <li>III.F. The facility shall not restrict the number of calls a detainee places to his/her legal representative, nor limit the duration of such calls by rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones. If time limits are necessary for such calls, they shall be no shorter than 20 minutes, and the detainee shall be allowed to continue the call if desired, at the first available opportunity. The facility may place reasonable restrictions on the hours, frequency and duration of the other direct and/or free calls listed above [i.e., "other" than calls to detainee's legal representatives].</li> </ul>	<ul style="list-style-type: none"> <li>One detainee stated that all telephone calls she tried to make had been automatically disconnected in the middle of a conversation of no more than 15 minutes; another detainee stated that she was unable to make a call for longer than 10 minutes without being disconnected. (p.5 ¶5)</li> </ul>		
5.	<p><b>Standard 16, Telephone Access</b></p> <ul style="list-style-type: none"> <li>III.J. The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order.</li> </ul>	<ul style="list-style-type: none"> <li>Detainees are not able to make private telephone calls because the phones where detainees make outgoing calls are all located in the public dayrooms with no privacy safeguards. Telephones are out in the open and there are no partitions. (p.6 ¶1)</li> <li>Two detainees stated that their calls are disconnected when they talk about the conditions at the facility. (p.6 ¶1)</li> </ul>	<p>Delegation observations; Detainees</p> 	
6.	<p><b>Standard 16, Telephone Access</b></p> <ul style="list-style-type: none"> <li>III.G. Staff shall permit detainees in the Special Management Unit for disciplinary reasons to make direct and/or free calls.... Staff shall permit detainees in Special Management Unit for other than disciplinary reasons...to have telephone access similar to detainees in the general population ....</li> </ul> <p><b>Security and Control Standard 14 (Disciplinary Segregation)</b></p> <ul style="list-style-type: none"> <li>III.D.19. [D]etainees in disciplinary segregation shall be restricted to telephone calls for the following purposes: a. calls relating to the detainee's immigration case or other legal matters ...; b. calls to consular/embassy officials; and c. family emergencies ....</li> </ul>	<ul style="list-style-type: none"> <li>The phone numbers of local consulates are in a notebook by each phone or bank of phones in the facility, but in the special management unit there are no notebooks of consular numbers available to detainees. (p.5 ¶3, p.7 ¶1)</li> </ul>	<p>Delegation observations</p>	

7.	<p><b>Standard 1, Access to Legal Material</b></p> <ul style="list-style-type: none"> <li>▪ I. Facilities holding [ICE] 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.</li> <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. It shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.</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. The facility shall designate an employee with responsibility to inspect the equipment at least weekly and ensure that it is in good working order, and to stock sufficient supplies.</li> <li>▪ III.N. The facility will provide indigent detainees with free envelopes and stamps for mail related to a legal matter...</li> </ul>	<ul style="list-style-type: none"> <li>▪ The facility does not have a regular law library; rather, it has a mobile library on a cart which is rotated among Pods. (p.7 ¶6)</li> <li>▪ The Pods don't have any tables or chairs on which to work. (p.7 ¶6)</li> <li>▪ The mobile library consists of one computer with a CD-ROM of legal materials. (p.7 ¶6, p.8 ¶2)</li> <li>▪ Aside from the computer, the library cart has no other supplies. (p.8 ¶4)</li> </ul>	<p>Delegation observations; Programs Manager [REDACTED]</p> <p>Delegation observations</p> <p>Delegation observations; Programs Manager [REDACTED]</p> <p>Delegation observations</p>	
8.	<p><b>Standard 1, Access to Legal Material</b></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. Each detainee shall be permitted to use the law library for a minimum of five (5) hours per week....</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee reported that she could only access the library for a couple of hours per week. (p.7 ¶4)</li> </ul>	<p>Detainee [REDACTED]</p>	
9.	<p><b>Standard 1, Access to Legal Material</b></p> <ul style="list-style-type: none"> <li>▪ III.C. The law library shall contain the materials listed in Attachment A.</li> <li>▪ III.L. ...[d]etainees who wish to pursue a legal claim related to their immigration proceedings or detention and indicate difficulty with the legal materials must be provided with more than access to a set of English-language law books.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee reported that when she attempted to use the LexisNexis CD-ROM and clicked on the computer link, the CD-ROM would not open. (p.8 ¶2)</li> <li>▪ Materials are only available in English. (p.8 ¶2)</li> </ul>	<p>Detainee [REDACTED]</p> <p>Detainee [REDACTED]</p>	

10.	<b>Standard 1, Access to Legal Material</b> ■ III.K. The facility shall permit detainees to assist other detainees in researching and preparing legal documents upon request ....	■ Detainees are specifically prohibited from using the law library cart to assist other detainees. (p.9 ¶4)	<b>Detainee Handbook; Programs Manager</b> [REDACTED]	
11.	<b>Standard 1, Access to Legal Material</b> ■ III.Q. The detainee handbook ... shall provide detainees with the rules and procedures governing access to legal materials, including ... 4. the procedure fore requesting additional time in the law library (beyond the 5 hours per week minimum) ....	■ The RCC detainee handbook does not specify the procedures for requesting additional time using the library cart. (p.9 ¶6)	<b>Detainee Handbook</b>	
12.	<b>Standard 9, Group Presentations on Legal Rights</b> ■ 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. ... Presentations are open to all detainees ... except when a particular detainee's attendance would pose a security risk. ... The OIC may limit the number of detainees at a single session. ■ 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.	■ The facility does not display informational posters prior to the presentations, and detainees do not have the opportunity to sign up for the presentations. According to RCC personnel, the presenters do not provide enough notice to RCC to make that possible. (p.10 ¶1) ■ Detainees do not have an opportunity to view a videotaped legal rights presentation because the facility has not yet obtained the ICE-approved videotaped presentation. (p.10 ¶1)	<b>Programs Manager</b> [REDACTED]  <b>Programs Manager</b> [REDACTED]	
13.	<b>Standard 3, Correspondence and Other Mail</b> ■ I. All facilities will ensure that detainees send and receive correspondence in a timely manner.	■ The delivery of mail to family members is severely delayed and can take up to two weeks or more. (p.11 ¶3)	[REDACTED]	

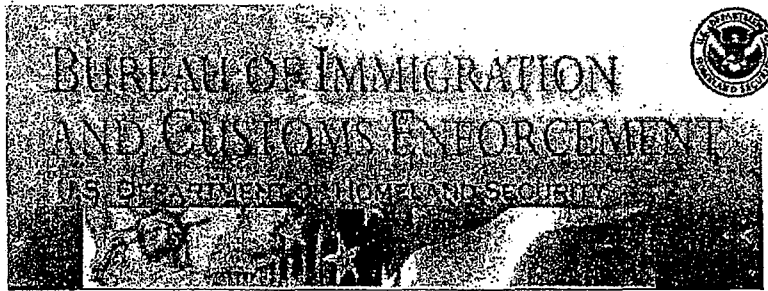


16.	<p>[Detainee Handbook, continued]  <b>Security and Control Standard 5, Disciplinary Policy</b></p> <ul style="list-style-type: none"> <li>▪ III.A.5. ...[T]he handbook shall advise detainees of the following: a. The right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment; b. The right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs; c. The right to pursue a grievance in accordance with written procedures (provided in the handbook).</li> </ul>	<ul style="list-style-type: none"> <li>▪ The handbook does not advise detainees of their “right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment, or their right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs. (p.12 ¶2)</li> </ul>	<p>RCC Detainee Handbook, “Rights and Responsibilities”</p>	
17.	<p>[Detainee Handbook, continued]  <b>Standard 15, Staff-Detainee Communication.</b></p> <ul style="list-style-type: none"> <li>▪ III.B. ... The handbook shall state that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so, including the availability of assistance in preparing the request.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The handbook does not address procedures for communicating with ICE staff. (p.12 ¶2)</li> </ul>	<p>Detainee Handbook</p>	
18.	<p>Standard 13, Recreation</p> <ul style="list-style-type: none"> <li>▪ III.A.3. All new or renegotiated contracts and IGSA's will stipulate that [ICE] detainees have access to an outdoor recreation area.</li> <li>▪ III.B.2. If only indoor recreation is available, detainees shall have access for at least one hour each day and shall have access to natural light.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No outdoor recreation is provided. (p.13 ¶2)</li> <li>▪ Detainees are only given 1 hour of recreation every other day in the recreation room with exposure to natural sunlight. (p.13 ¶2) The other indoor recreation rooms has no exposure to natural sunlight, and the set schedule for using this room is 1 hour every other day for each pod or unit. (p.13 ¶2)</li> <li>▪ The dayrooms the delegation saw did not have natural sunlight. (p.13 ¶2)</li> </ul>	<p>Warden [REDACTED]</p> <p>Delegation observations; Warden [REDACTED]</p> <p>Delegation observations</p>	

19.	<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.D. All new arrivals shall receive initial medical and mental health screening immediately upon their arrival...</li> <li>▪ III.E. Dental Treatment. An initial dental screening exam should be performed within 14 days of the detainee's arrival.</li> <li>▪ III.F. Each facility will have a mechanism that allows detainees the opportunity to request health care services provided by a physician or other qualified medical officers in a clinical setting. All facilities must have a procedure in place to ensure that all request slips are received by the medical facility in a timely manner....</li> </ul>	<ul style="list-style-type: none"> <li>▪ The detainees reported that they do not receive an initial medical screening or dental screening exam, but rather were simply asked a couple of questions. (p.14 ¶3; p.15 ¶4)</li> <li>▪ Detainees reported that the response time to a request for health care can take days or weeks. (p.14 ¶5). Detainee Andrade reported that it took 4 weeks to be seen by a doctor for pain and bleeding. In addition, whenever she had a medical complaint, the physician's assistant did not examine her, but merely told her that she did not look sick. Detainee Flores reported that although she submitted request forms, she was unable to get treatment for pain from her back and shoulders caused by falling from her top bunk bed. In addition, a breast implant began to leak and she did not receive care for that injury for 3 days. (p.15 ¶1)</li> </ul>	<div style="background-color: black; color: white; padding: 2px; text-align: center;">(b) (6), (b) (7)(C)</div>	
20.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> <li>▪ III.I. The detainee handbook's section on classification will include...1. [a]n 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.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The detainee handbook does not explain the classification levels, or the conditions or restrictions applicable to each level, or include the procedures for appealing a classification. (p.17 ¶2)</li> <li>▪ One detainee who was classified as a maximum security risk based on possession of paraphernalia voiced her concern to correctional officers about her classification, but was told that no attention is given to detainee classification. (p.17 ¶1)</li> </ul>	<p>Detainee Handbook</p> <p>Detainee <div style="background-color: black; color: white; padding: 2px; text-align: center;">(b) (6), (b) (7)(C)</div></p>	
21.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> <li>▪ III.E. All facilities shall ensure that detainees are housed according to their classification level.</li> <li>▪ III.E.1. Level 1 Classification. a. May not be housed with Level 3 Detainees. b. May not include any detainee with a felony conviction that included an act of physical violence.</li> </ul>	<ul style="list-style-type: none"> <li>▪ According to one detainee all three categories of detainees are housed together (p.16 ¶3), and detainees who had criminal records consisting of violent crimes were classified as a minimum security risk. (p.17 ¶1)</li> </ul>	<p>Detainee <div style="background-color: black; color: white; padding: 2px; text-align: center;">(b) (6), (b) (7)(C)</div></p>	
22.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> <li>▪ I. Every facility will develop and implement standard operating procedures (SOP) that address detainee grievances.</li> <li>▪ III.G. Detainee Handbook. ... The grievance section of the detainee handbook will provide notice of the following: ... 2. the procedures for filing a grievance and appeal ...</li> </ul>	<ul style="list-style-type: none"> <li>▪ The facility does not have a grievance committee, but instead has one officer assigned to be the grievance officer, among other duties. (p.17 ¶4)</li> <li>▪ The handbook outlines the grievance policy and describes subjects that are not grievable, but it does not provide any information about procedures for filing a grievance or appeal. (p.18 ¶2)</li> </ul>	<div style="background-color: black; color: white; padding: 2px; text-align: center;">(b) (6), (b) (7)(C)</div> <p>Detainee Handbook</p>	

23.	<p><b>Security and Control Standard 5, Disciplinary Policy</b></p> <ul style="list-style-type: none"> <li>▪ III.A.5. The detainee handbook or equivalent, issued to each detainee upon admittance, shall provide notice of the facility's rules of conduct, and of the sanctions imposed for violations of the rules.</li> <li>▪ III.L. The detainee handbook ... shall notify detainees of the following: 1. The disciplinary process; 2. The prohibited acts and disciplinary severity scale; 3. The procedure for appealing disciplinary findings.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The handbook does not notify detainees of the facility's rules of conduct and the sanctions imposed for violation of the rules. (p.19 ¶1)</li> <li>▪ The handbook does not notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the appeal procedure of disciplinary findings. (p.18 ¶4)</li> </ul>	<p>Detainee Handbook</p> <p>Detainee Handbook</p>	
24.	<p><b>Standard 14, Religious Practices</b></p> <ul style="list-style-type: none"> <li>▪ I. Detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths.</li> <li>▪ III.K. Detainees shall have access to personal religious property, consistent with facility security.</li> </ul>	<ul style="list-style-type: none"> <li>▪ One detainee from Israel stated that she had no access to a Rabbi or to a Bible in her native Hebrew language. (p.20 ¶2)</li> </ul>	<p>Detainee (b)(6)</p>	
25.	<p><b>Standard 18, Voluntary Work Program</b></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. Detainees who are physically and mentally able to work will be provided the opportunity to participate in any voluntary work program.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not all detainees are provided an opportunity to work in the facility should they choose to do so. (p.20 ¶5)</li> </ul>	<p>Programs Manager (b)(6)</p>	
26.	<p><b>Security and Control Standard 4, Detainee Transfers</b></p> <ul style="list-style-type: none"> <li>▪ I. In deciding whether to transfer a detainee, ICE will take into consideration whether the detainee is represented before the immigration court.</li> <li>▪ III.A.1. ICE shall notify the detainee's representative of record that the detainee is being transferred ....</li> <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> <li>▪ III.H.2. Food During Transfer. During transfers, ... the transporting officers will provide meals and snacks during any long-distance transfer that exceeds six hours.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The facility does not advise detainees' attorneys of their transfer. (p.21 ¶3)</li> <li>▪ Indigent detainees are not permitted a domestic phone call upon arrival at the facility. (p.21 ¶3)</li> <li>▪ Two non-indigent detainees stated they had no access to telephones when they arrived. When they did have access on the next day the phone system malfunctioned, the lines were busy, and they were unable to advise family members of transfer in a timely manner. (p.21 ¶3)</li> <li>▪ Two women went for more than two days without food or drinks during a transfer from California to RCC; the trip took about two days, during which they were not fed, and they were only fed at RCC after an additional half a day, once all of the transferred men had been processed. (p.21 ¶4)</li> </ul>	<p>Officer in Charge (b)(6)</p> <p>Detainee (b)(6)</p> <p>(b)(6)</p> <p>(b)(6)</p>	





**Regional Correctional Center**  
Albuquerque, New Mexico

**Detainee Handbook**

*This book is the property of a U.S. Government Contract Detention Facility and must be returned upon release from this facility*

RCC  
Issued: 08-19-05  
Revised: 00-00-00

**REGIONAL CORRECTIONAL CENTER  
(Cornell Companies, Inc.)  
U.S. IMMIGRATION AND CUSTOM ENFORCEMENT  
CONTRACT DETENTION FACILITY**

**DETAINEE HANDBOOK  
TABLE OF CONTENTS**

Introduction/Mission/Purpose  
Mailing Address  
Basic Detainee Responsibilities  
Initial Admission  
Classification  
Living Conditions  
Evacuation Drills  
Official Counts  
Meals  
Smoking Policy  
Medical Care  
Clothing Exchange  
Personal Hygiene  
Barbering Services  
Sleeping Area/Sanitation  
Finances  
Telephones Access  
Religious Services  
Vending Machines  
Detainee Work Program (Voluntary)  
Library  
Law Library  
Typewriter and/or Computers  
Visitation  
Attorney Visitation  
Group Legal Presentations  
Inspection of Persons and Property  
(Shakedowns)  
Correspondence (Mail)  
Detainee Discipline/Prohibited Acts  
Grievance Procedures  
Sick Call  
Recreation  
Dress Code  
Clothing  
Notice To Those Persons Under Exclusion  
Or Removal Proceedings  
Contraband  
Unauthorized Property  
A-File  
Detainee Detention File

## Detainee Rights and Responsibilities

### INTRODUCTION

#### MISSION

The Regional Correctional Center (RCC) is a contract U.S. Immigration and Custom Enforcement (ICE) detention facility. The mission of RCC is to provide a facility that is safe, clean, and sanitary for detainees waiting processing of their administrative hearing.

#### PURPOSE

The purpose of this handbook is to explain to detainees the specific rules, regulations, policies and procedures that must be followed while in custody at this facility. The handbook will also help provide you with a general overview of the programs, rules and regulations and services of the Facility. You will be held accountable for your actions while in custody at this facility. Therefore, it is each detainee's responsibility to become familiar with the contents of this handbook.

A copy of this handbook will be issued to each detainee upon intake and certain sections are posted on the bulletin boards in each housing unit and other bulletin boards throughout the facility. All detainees are required to acknowledge, by signature, receipt of the handbook.

#### MAILING ADDRESS

Your name: \_\_\_\_\_

Your A-No.: \_\_\_\_\_

415 Roma NW

Albuquerque, NM 87102

#### BASIC DETAINEE RESPONSIBILITIES

It is the policy of Immigration & Customs Enforcement to treat detainees with dignity and respect while maintaining a safe, secure, and sanitary detention facility. It is expected that staff will receive your full cooperation while you are waiting the processing of your case. In the simplest terms, you are expected to:

1. Follow and obey rules, laws, policies, and procedures.
2. Obey all orders as given by staff members and contract security personnel.
3. Respect staff and other detainees at all times.
4. Respect government property and the property of others.
5. Keep yourself, your clothing, and living area clean at all times.
6. Obey all safety, security, and sanitation rules, policies, and procedures.

If you observe and comply with the above guidelines, you should have no problems while living at this facility awaiting the outcome of your hearing. When addressing staff, you should not refer to them by first name, or a nickname created by others, refer to uniformed staff by their rank and last name (i.e., Officer Mendoza, Lt. Perez, etc.).

Refer to non-uniformed staff by title and last name (i.e., Dr. Jones, Nurse Clark) or by Mr., Mrs., Ms., followed by their last name. Staff members will address you in the same manner if they know your name. It is unreasonable to expect an officer to know all detainees within a facility by name. However, the officer or staff member will address you in an appropriate manner.

#### INITIAL ADMISSION

A. Upon arrival, your clothes, personal property, valuables and funds will be retained by the processing officer for safekeeping. Itemized receipts will be issued to you for all clothing, personal property, valuables and funds. It is important that you retain these

receipts to claim your property, funds and valuables, when you are released. Identity documents, such as passports, birth certificates, etc., will be inventoried, then given to a deportation officer for placement in your A-file.

B. While at this facility you are permitted to retain:

*See RCC Detainee Handbook pg 23*

The personal items retained must be stored in your locker. No item is to be attached to the bunk, wall, windows or left on windowsills. Detainees are responsible for the loss of personal items not safeguarded or stored by the Service.

C. Your initial issue of clothes shall be limited to:

- 2 sets browns*
- 2 t-shirts*
- 2 pair underwear*
- 2 pair socks*
- 1 pair blue shoes*
- 1 pair sandals*

E. Your issue of personal hygiene items are:

- Toilet paper*
- Deodorant*
- Toothpaste*
- Toothbrush*
- Comb*
- Shampoo*
- Soap*

F. Your housing officer will provide writing material, pencils and envelopes for your personal use. Ink pens are not authorized.

G. Ordinarily, a medical examination will be conducted by a member of the US Public Health Service, within 14 days of your arrival.

H. To have service issued personal hygiene items replaced, you must request replacement items from your housing officer.

## **CLASSIFICATION**

All detainees are classified upon arrival, before being admitted into the general population. . The classification system will ensure that you are placed in the appropriate category and physically separated from detainees in other categories. You will be housed, recreated and fed according to other detainees in your classification.

*[Insert Classification Process and Appeal Procedures]*

## **LIVING CONDITIONS**

Detainees are required to keep their assigned living areas clean at all times. Your bed must be made immediately upon waking and remain made when not in use. You are not permitted to lie on you bunk with shoes on or while fully clothed. It is in your best interest to maintain a clean living area and avoid many of the problems associated with unsanitary living conditions.

*[Insert Description of the Facility to Include Housing Units/Day Rooms In-Dorm Activities, Special Management Units].*

**Administrative Detention** is intended for detainees with special housing requirements, such as:

1. Pending investigation/hearing of prohibited act(s);
2. Medical observation;
3. Pending a transfer or release within 24 hours;

4. Security risk; or,
5. Protective custody.

**Disciplinary Segregation** is a special housing unit for detainees who:

1. Is a serious disruption in general population;
2. Require additional physical confines; or,
3. Have received a sanction by the Institutional Disciplinary Panel.

*[See RCC Detainee Handbook]*

## **EVACUATION DRILLS**

Per local, state and federal laws, we are required to perform evacuation drills. At this facility, we perform no less than one drill per month. These drills are not designed to inconvenience you, but rather to insure that you know where the exits are located in case of an actual danger such as; a fire, gas leak, civil disaster or other dangers. In your housing unit is a diagram showing you the location of all fire exits and which exits to use. Study this diagram, located in your housing unit, carefully, your life may depend on it.

## **OFFICIAL COUNTS**

In order to maintain proper accountability of detainees at this facility, official counts are conducted at the following times:

- 0000 hrs.
- 0200 hrs.
- 0400 hrs.
- 0700 hrs.
- 1100 hrs.
- 1615 hrs.
- 2200 hrs.

During all formal counts no movement or talking is permitted. Disruptions during counts may result in a lock-down being initiated.

## **MEALS**

All meals are nutritionally balanced, dietician approved, properly prepared and attractively served in wholesome, clean and safe surroundings. The use of food, i.e., withholding of, or variation from the standard menu, as a disciplinary measure or reward is prohibited. Special diets as required for medical reasons or adherence to religious dietary law are provided by the Food Service Department upon receipt of a special diet card. You will be issued an appropriate eating utensil(s) and napkin. The utensil(s) must be accounted for at meals end. Meal times and menus are posted on the bulletin board in your unit.

## **MEAL SCHEDULE:**

**Meals will be served to the inmate population at the following times:**

- |                  |                           |
|------------------|---------------------------|
| <b>Breakfast</b> | <b>6:30AM to 7:30AM</b>   |
| <b>Lunch</b>     | <b>11:30AM to 12:30PM</b> |
| <b>Supper</b>    | <b>4:30PM to 5:30PM</b>   |

## **SMOKING POLICY**

Smoking is prohibited in all buildings, including detainee-housing units, at this facility. If permitted, the only designated smoking areas are outside of all buildings.

*[See RCC Detainee Handbook pg. 13]*

### **MEDICAL CARE**

The United States Public Health Service or contract medical staff provides medical care. If you are ill or in need of medical attention you must first sign up for Sick Call. (See Sick Call Section). If it is after Sick Call hours, you must notify your Housing Unit Officer, who will contact the on-call medical staff member.

### **CLOTHING EXCHANGE**

Clothing exchange, for male and female detainees, will be made on a one for one basis according to the following schedule:

1. Outer garments shall be exchanged twice a week, one for one with maximum time between changes being 72 hours.
2. Socks, underwear and towels shall be exchanged daily on a one for one basis.
3. Sheets and pillowcases shall be exchanged weekly.
4. All Food Service detainee volunteer workers shall be required to exchange outer garments (whites) daily.
5. All other volunteer workers may exchange outer garments when necessary.

In order to insure an adequate supply of clothing for all detainees, the hoarding of clothing is prohibited. Generally, detainees are not permitted to wash clothing, bedding or tennis shoes or other items in their living unit, unless washing machines and clothes dryers are available.

*[See RCC Detainee Handbook pg. 25]*

### **PERSONAL HYGIENE**

You will be living in a dormitory with other individuals, so personal hygiene is essential. You are expected to bathe regularly and to keep your hair clean. Personal hygiene items for both male and female detainees, such as, soap, toothpaste, toothbrushes, combs, hairbrushes, and other items will be issued to you upon admission. If you should run out of an item, see your housing officer. Special personal and hygienic items for female detainees will be available upon request to the housing officer.

Disposable razors will be provided on a daily basis. Razors will be checked out on an as needed basis and returned when you have finished shaving. Disposable razors will not be used by more than one (1) detainee; this is for health and safety reasons meant to protect the detainees and staff. Detainees attending court will be afforded the opportunity to shave before reporting to court.

### **BARBERING SERVICE**

Free barbering services will be located in specified designated area and will be available during the hours of operation of the Recreation Center. For sanitary reasons, the cutting of hair in the pods is strictly prohibited. It is also prohibited to possess cut hair or clippings, either your own or others.

*Barber Hours available Monday - Friday by sign up*

### **SLEEPING AREA/SANITATION**

You are required to keep your bed and immediate area clean and neat. You are also required to make your bed daily before reporting for your work assignment or when you begin your daily routine. When your bed is not in use it **must be made!** The hanging of sheets, towels, blankets or clothing from railing, overhead lights or beds is not permitted. Special considerations or devices will be made to provide for wet towels. Personal effects, to include hygiene items are to be stored in your property box. Do not place items on windowsills, windows, bunks, under a mattress, etc. These items will be confiscated and removed from the area when left in

unauthorized areas. It will be your responsibility to identify and reclaim the items through the appropriate shift supervisor.

## **FINANCES**

Occasionally you may wish to send money to your family. You are cautioned not to send cash through the mail. To send money; contact the Business Office and he/she will make arrangements to purchase a money order that you can send. If you receive monies or property in the mail, the officer, in your presence, will receipt the money or property for you and it will be placed in your account.

*[See RCC Detainee Handbook pg. 27, 28]*

## **ACCESS TO TELEPHONE**

*[See RCC Detainee Handbook pg. 35, 36]*

Telephones are provided in the following areas for your use:

*[All pods, South Tower and North Units]*

When telephone demand is high you are expected to limit your phone calls to 15 minutes to permit others the same telephone privileges. The telephones are available for your use all week with the exception of lockdown times.

*[See RCC Detainee Handbook pg. 35, 36]*

In case of an emergency, such as illness or death in your family, the Shift Supervisor or your Case Manager can assist you in making telephone calls when access to telephones would not normally be available. Routine telephone calls to attorneys are not considered to be emergencies.

## **RELIGIOUS SERVICES**

All detainees shall have access to religious resources, services, instruction and counseling on a voluntary basis. All detainees shall be extended the greatest amount of freedom and opportunity for pursuing any legitimate religious belief or practice within the constraints of security and safety considerations. The religious schedule is posted in your housing unit.

*[Chaplain R. Deckwerth; See Mr. Deckwerth for schedule of religious and educational programs]*

## **VENDING MACHINES OR COMMISSARY**

*[Commissary slips are to be completed and turned in Sunday evening. Commissary will be delivered on Wednesday]*

## **VOLUNTARY WORK PROGRAM**

Every effort will be made to provide you an opportunity to participate in the voluntary work program. Wages are \$1.00 per day, this does not mean per work assignment. Ordinarily you will not be permitted to work in excess of eight (8) hours daily, or 40 hours weekly unless a request is made to and approved by the Deputy Warden. In addition, you shall be required to sign a voluntary work program statement and receive necessary training. Detainees that participate in the volunteer work program are required to work according to an assigned work schedule and unexcused absences from work or unsatisfactory work performance could result in removal from the voluntary work program.

*[Requests for work may be submitted to your Case Manager.]*

## **LIBRARY**

The library at this facility is mobile with a limited library collection of paperback books and other approved publications. The needs, interests and abilities of the majority of detainees is carefully considered and the library collection developed accordingly. The designated RCC staff member or detainee librarian can assist you. It is important that you take care of the books and return them timely so other detainees have the opportunity to read and enjoy them.

*[Insert Library Location and Hours of Operation].*

## **LAW LIBRARY**

The schedule for use is posted in all housing units. Self-help material will be provided and made available to all detainees for their use for research or preparation of their defense. Due to the number of detainees housed here you are not permitted to use the Law Library for the purpose of assisting other detainees in their case. We have a designated Law Librarian who will assist with the research. The Law Library is mobile, pertinent research items are on CD ROM.

*[See RCC Detainee Handbook. The Law Library is mobile and available upon request for Special Management Units]*

## **TYPEWRITER AND COMPUTERS**

A word processing program will be made available on the mobile Law Library for preparation of legal documents **ONLY**. The program is **not to be used** for personal correspondence.

## **VISITATION**

Any disruptive conduct by either party will result in the termination of the visit and may have an adverse affect on future visits. If your visitor(s) bring children [17 years of age or under] they are expected to remain under the direct supervision of the adult visitor(s) so they will not disturb others who have visitor(s). Visitors must be in appropriate and socially accepted attire. If there are more visitors than can be accommodated in the visiting room, it may be necessary to limit visits to lesser periods of time. You are not allowed to accept any item from a visitor unless approved by appropriate supervisory personnel before hand. You should discourage your visitors from bringing large quantities of hand carried parcels or other items, to include packages. The visitor(s) may be required to leave such items in a locker or their vehicle. All of your visitors and any hand held item(s) are subject to a search.

**[THE FOLLOWING IS PROVIDED TO YOUR VISITORS. THIS INCLUDES THE VISITING HOURS]**

### ***VISITOR INFORMATION:***

Welcome to the Regional Correctional Center. The following information pertains to inmate visitation and is provided so that all visitors may be made aware of our policies regarding inmate visitation.

### **VISITATION SCHEDULE:**

<b>General Visitation Hours Wednesday, Thursday, Saturday and Sunday</b>	<b>8:00 AM – 2:30 PM</b>
<b>Segregation Inmates Visitation Hours Fridays</b>	<b>8:00 AM – 2:30PM</b>

Visitors must sign in prior to 2:30 PM in order to be permitted visitation. Visits will not be split into increments less than the one-hour. No more than two adults and two children are allowed to visit an inmate at any given time. Exceptions will require prior approval in writing by the Warden or Director of Programs.

Booking: Inmates who initially arrive to the Booking area are not permitted visitation until they are properly classified. The classification process may take up to 48 hours, at which time the inmate is assigned to a Housing Unit.

General Population: Inmates housed in General Population are permitted two one hour visits per week. An inmate may not receive more than one visit per day. A visitor may visit once per day.

Administrative Inmates: Inmates housed in Administrative Segregation are permitted one (1) hour visit per week. If it is deemed that the inmate poses a threat to the security of the facility, these visits may be suspended at the discretion of the Warden or Director of Programs.



**Medical: Inmates housed in the medical unit will not be permitted visitation due to observation requirements.**

#### **ENTRY INTO FACILITY:**

**Visitors entering the Regional Correctional Center are subject to search while on Cornell Companies, Inc. property. This search may be conducted at the discretion of the Warden, Director of Programs, Chief of Security, or Shift Captain if it is deemed that a visitor poses a threat to the safety and security of the facility by possibly introducing contraband into the facility. Visitors under the influence of alcohol or drugs will not be permitted to visit. It is a federal offense to introduce narcotics, weapons or contraband into a place of confinement. The proper Law Enforcement Agency will prosecute all violators.**

Visitors entering the facility will be required to clear the metal detector prior to entry. All visitors should leave all personal belongings in their vehicle, with the exception of their keys and identification. Hats, jackets, gloves, keys and any other items not approved by the Front Reception Officer will be secured in the visitor's lockers available in the lobby. Personal property will not be permitted into the visitation area. For security purposes, no personal property will be left unattended in the lobby areas. Visitors will be required to sign into the facility and again sign out upon departure. Visitors will not park in Official Parking or designated handicap without the handicap emblem. Visitors are not allowed to approach the facility windows. Visitors who are ex-inmates of the Regional Correctional Center will not be permitted visitation privileges for six months following their release from the RCC.

#### **VISITOR DRESS CODE:**

Visitors will not be permitted to enter the facility visiting areas wearing hats, jackets, shorts, tank tops, tops exposing the midriff area, extremely tight or short dresses or skirts, open sandals, clothing promoting gang activity, or drug paraphernalia, or any other clothing which the Shift Commander deems as inappropriate for visitation in a correctional facility. Failure to adhere to the Dress Code will result in cancellation of the visit.

**Small Children: Visitors with small children will be allowed to carry 2 diapers, one baby blanket and one plastic baby bottle to the visiting area. Infant carriers and diaper bags are not allowed. Visitors with small children are responsible for the actions of the children. Running and unruly behavior will not be permitted and could result in the termination of the visit.**

#### **MONEY ORDERS:**

Money Orders will be accepted Monday through Friday between the hours of 8:00 am and 4:00 pm. They must include:

**Name and Address of Sender**  
Inmate's Name and Detention Number  
Inmate's Housing Unit Assignment

#### **RULES OF CONDUCT:**

All visitors will adhere to the rules of conduct. There will be no smoking, eating or drinking in the visitation areas. Visitors are required to supervise their children. Those visitors who disrupt the regular visitation process may be subject to termination of visitation privileges at the discretion of the Warden, Director of Programs, Chief of Security, Shift Captain or Duty Officer. Visitors will treat staff with courtesy and respect when entering the facility. Visitors will observe all areas off limits. Visitors who engage in conduct, which is deemed inappropriate, will be subject to termination or indefinite suspension of visiting privileges at the discretion of the Warden, Director of Programs or Chief of Security.

#### **ATTORNEY VISITS**

Legal representatives or paralegals may visit detainees between the hours established by the Warden or Designee, seven (7) days a week. If necessary, you will be given the option to meet with your legal representative during meal hours and you will be provided with a menu tray or sack meal.

A list of *pro bono* (free) legal organizations will be posted in all detainee housing areas and other appropriate areas. This list shall be updated quarterly. If you wish to see a representative or paralegal from that organization, it is your responsibility to contact them for an appointment.

**[Located in all pods and in day room]**

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

### **GROUP LEGAL RIGHTS PRESENTATIONS**

At times, notifications will be posted to announce Group Legal Rights presentations. A sign-up sheet will be made available in each housing unit and you will be given the opportunity to attend. Presentations are open to all detainees, regardless of the presenter's intended audience, except when a particular detainee's attendance would pose a security risk. Detainees in segregation will be allowed to attend if security is not compromised. If it becomes necessary, presentations may be made to individuals in segregation, pending agreement with the presenter and security can be maintained. If a detainee in segregation cannot attend for this reason, and both he/she and the presenter(s) so request, alternative arrangements shall be made.

**[Insert Group Legal Rights Presentations Schedule and Sign up Procedures]**

### **INSPECTIONS OF PERSONS AND PROPERTY**

You are subject to a search upon admission into the facility and when there is reasonable cause to believe you may have contraband concealed on your person. Searches are routine requirements when entering the housing units or when leaving the visiting area after a visit. Routine unscheduled searches of the facility, detainee's persons and property will be conducted as deemed necessary. There are occasions when random searches will be conducted as they enter or leave a building or area. All searches are used as a means of interdicting contraband and ensuring safe and sanitary conditions exist within the facility. Searches are not punitive in nature.

**[See RCC Detainee Handbook pg. 26]**

### **CORRESPONDENCE**

You may send or receive mail to or from anyone you know personally. You may seal your outgoing letters and give them to your housing officer or place it in a provided receptacle. Drawing on the front of your outgoing envelopes is prohibited due to postal regulation. If you receive incoming social and legal mail it will be opened in your presence to inspect for contraband. If you do not accept the letter or permit the letter to be inspected, in your presence, it will be returned to the sender. **Your letter will not be read, it will only be inspected for contraband.**

You will not be allowed to receive or send packages without advance arrangements, approved by the Warden or his designee. The postage for sending packages and oversized or overweight mail will be paid by you. The contents of all incoming or outgoing packages will be inspected in the detainee's presence. When you depart the facility, your incoming mail will be sent to your forwarding address.

If you do not provide a forwarding address, your mail will be endorsed, "No Forwarding Address, Return to Sender". All such mail will be returned to the Post Office.

**[See RCC Detainee Handbook pg. 31-35]**

### **DETAINEE DISCIPLINE:**

In a facility where many individuals live together in a relatively small amount of space, it is extremely important that order and discipline be maintained. Discipline and order are not only for the benefit of the staff, but also for the safety and welfare of you and all other detainees. While many problems can be solved informally through counseling, disciplinary measures must occasionally be imposed.

**[See RCC Detainee Handbook pg. 9-22 and pg. 41-49]**

## **GRIEVANCE PROCEDURE**

No harassment, punishment, or disciplinary action will result to a detainee who seeks resolution of legitimate complaints in good faith. However, if you demonstrate a pattern of abuse of the grievance system, resulting in unnecessary burdens at the expense of legitimate complaints, such grievances will be returned unprocessed. Continued abuse may result in an adverse action initiated against you. A copy of your grievance will be maintained in your detention file for a period of three years.

## **GRIEVANCE POLICY:**

It is the policy of the Regional Correctional Center to resolve all grievances through an established grievance procedure in a timely and meaningful way. Inmates will be adequately informed of the grievance procedure, which will be available for their review. Grievances shall be thoroughly investigated and documented. Residents shall not be subject to retaliation, reprisal or disciplinary action for their use of the grievance procedure. Employees engaging in reprisals against inmates for good faith use of the grievance procedure shall be subject to disciplinary action.

Grievances shall be resolved at the lowest level, when at all possible.

## **GRIEVANCE PROCEDURE:**

Accessibility: Each inmate will be entitled to initiate the grievance process regardless of any disciplinary, classification, or other administrative or legislative decision to which the inmate may be subject to. This procedure will be made accessible to all inmates, to include those impaired and handicapped. Copies of the procedure will be included in the initial intake Orientation Packet and can also be located in the inmate law library.

Informal Resolution: It is the Regional Correctional Center's policy to resolve all grievances at the lowest level possible. All grievances will be processed through the steps that are identified through this procedure.

The following subjects are not grievable by detainees:

- a. Any matter for which RCC has no control, i.e., parole decisions, sentencing, tort claims, and state statute regulations regarding inmate compensation.
  - b. Matters involving loss of mail by the United States Postal Service.
  - c. Any matters involving Disciplinary Hearing findings. These findings will be appealed through the appropriate procedure.
  - d. Complaints on behalf of other inmates or group grievances.
  - e. The subject of any prior grievance in which a final determination has been made, or which is currently being reviewed in the grievance process.
3. If a grievance is found to be of a non-grievable subject matter, the decision may be appealed through the remaining levels of the grievance procedure. All grievances and appeals will be processed through the Grievance Officer/Coordinator.
  4. It is Regional Correctional Center's policy to process all grievances in a timely manner.

## **SICK CALL**

Sick call at this facility is provided to all detainees from the time of admission to the time of release in order to provide continuous medical care.

*[See RCC Detainee Handbook pg. 29]*

## **RECREATION FACILITIES**

**Insert rec schedule**

### **A. In-dorm recreational facilities**

The following rules apply for television viewing:

1. Channel selections are mandated and monitored according to a posted schedule. Television programming is the responsibility of the Recreation Specialist. To ensure fairness to all detainees, the Recreation Specialist will post a sports viewing and a special programming schedule on a
2. Televisions will be turned off during official counts, cleaning of housing areas and when it will interfere with other facility operations.
3. Volume of television shall be kept at a reasonable level so as to not disturb other detainees or other facility operations.

As previously stated, the schedule shall be strictly adhered to and no deviation is permitted unless authorized by the Recreation Specialist. Any requests for special scheduling shall be forwarded to the Recreation Specialist's office for consideration. Recording of special programming or programs may be accomplished by submitting a written request to the Recreation Specialist for consideration. You are cautioned not to begin viewing a program that will end after the designated viewing hours, because the television will be turned off at the designated time (usually 10:00 pm but will be established by the Chief Detention Enforcement Officer).

*[Insert description and hours of operation for recreational activities available in housing unit, i.e., day room.]*

### **B. Access To Outside Recreation**

All detainees, weather and physical layout permitting will be provided, at a minimum, one hour of outdoor recreation per day, five (5) days per week.

*[Insert procedures, schedule, activities and rules and regulations for outdoor recreation.]*

## **DETAINEE DRESS CODE**

Detainees are required to keep themselves clean, wear proper clothing/footwear during all activities. Detainees are reminded that poor hygiene, poor sanitation and not wearing proper clothing and footwear can cause potential conflict with your peers and others and can have negative impact upon the health and safety of yourself and others. Failure to comply with the dress code and grooming standards will ultimately become an issue that requires staff intervention in the form of appropriate disciplinary action to correct the situation. A. Ordinarily, detainees may wear any hairstyle with the following exceptions:

1. For safety and hygiene reasons, kitchen workers and detainee workers operating machinery will keep their hair in a neat, clean and commonly acceptable style.
2. The hairstyle will not interfere with the safety and hygiene requirements.
3. ALL kitchen workers will wear a hairnet when working in the kitchen.

B. Ordinarily, facial hair may be grown without restriction with the following exceptions;

1. For safety reasons detainee workers operating machinery may not be authorized to wear facial hair and are expected to be clean shaven at all times while performing the above described functions.

2. These restrictions are a requirement for employment in the above described work assignments and acceptance of the job denotes acceptance of the grooming standards for the above described work assignments.
3. **There will be no exceptions to this requirement including medical reasons.**

## **CLOTHING**

The basic uniform for detainees shall be distinctive in appearance as to identify the detainee according to his/her security level. In INS and contract facilities, the basic uniform is Blue, Red and Orange.

1. **Blue** uniforms and wristbands - Level 1 detainees.
2. **Orange** uniforms and wristbands - Level 2 detainees.
3. **Red** uniforms and wristbands - Level 3 detainees.
4. **White** uniforms will be the work uniform for kitchen workers only. In the housing units the kitchen workers will wear the appropriate color uniform.

All issued clothing shall be worn as specified in the following instructions and in no other manner. These requirements are essential to ensure compliance of Security, Hygiene, and Conduct within the realm of propriety for all people.

1. Clothing must be clean and not torn when worn.
2. Only kitchen workers will be authorized to wear white uniforms.
3. The wearing of mixed colors is not authorized for outer garments.

In addition:

1. Undergarments may be worn without outer garments only while inside the sleeping quarters or the restrooms. **NO EXCEPTIONS!**
2. Shower shoes may be worn only inside the housing unit.
3. Shoes will be worn at all times when outside the housing units.
4. Hats or other head covers will not be authorized for the general population. Workers will be issued the proper head cover when required and will be worn only while performing work related duties.
5. Detainees will wear a complete uniform (shirt, pants, shoes) at all times while in the dining hall, medical, court, and during religious services and all visitations.
6. Pants will be worn at a point about the waist that prevents the crease of the buttocks from showing, despite the length of the shirt.
7. Detainees are not to walk about the facility with their hands inside waistband of pants regardless of weather conditions.
8. No article of clothing will be worn in a manner not normally intended for that item (using a shirt as a head band or head cover, etc.).
9. Detainees may wear the T-shirts and sweatsuits in their respective pods only.

## **CONTRABAND**

Items, which are considered to be a detriment to the safe and orderly operation of the facility, are prohibited. Contraband items include but are not limited to:

- a. Any dangerous drug, narcotic drug, marijuana, intoxicating liquor of any kind, deadly weapons, dangerous instruments, explosives or any other article that, if used or possessed, would endanger the preservation of order in the facility.
- b. Any item which could be used as an aide to escape.
- c. Any item which could be used to disguise or alter the appearance of a detainee.
- d. Any article of clothing or item for personal use or consumption which has not been cleared first through the OIC or purchased by a detainee from the vending machines.

e. Cameras, video, audio, or related equipment that can be used to make unauthorized photographs or audio, or audio/video recordings of detainees, staff, or government property.

**SEE DETAINEE HADBOOK FOR ADDITIONAL CONTRABAND ITEMS.**

**UNAUTHORIZED PROPERTY**

Items not inherently illegal, which are considered contraband when, possessed by a detainee or visitor within the facility including but not limited to: Any approved item which, though approved, is in excess of the quantity allowed.

**LEGAL FILE**

An Immigration legal record commonly called an "A" file maintained by the Deportation Department for each individual. This "A" file contains your legal transactions and documentation pertaining to your case; including but not limited to identification cards, photos, passports and immigration history.

**DETENTION FILE**

A detention record is maintained for each individual. This detention record shall include no less than the following:

1. Facility Disciplinary Action
2. Behavior Reports
3. Funds, Valuables and Property Receipts
4. Detainee's Written Request, Complaints and Issues
5. Immigration Responses to the aforementioned
6. Special Housing Unit Records

**RIGHTS AND RESPONSIBILITIES**

1. You have the right to be informed of the rules, procedures and schedules concerning the operation of the facility.

*You have the responsibility to know and abide by them*

2. You have the right to freedom of religious affiliation, and voluntary religious worship.

*You have the responsibility to recognize and respect the rights of others in this regard.*

3. You have the right to health care which includes nutritious meals, proper bedding and clothing, a laundry schedule for cleanliness of the same, an opportunity to shower regularly, proper ventilation for warmth and fresh air, a regular exercise period, toilet articles and medical treatment.

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

4. You have the right to have family members and friends visit with you in keeping with the facility rules and schedules.

*It is your responsibility to conduct yourself properly during visits, and to not accept or pass contraband.*

5. You have the right to unrestricted and confidential access to the courts by correspondence.

*You have the responsibility to present honestly and fairly your petitions, questions, and problems to the court.*

6. You have the right to legal counsel from an attorney of your choice by means of interviews and correspondence at no cost to the United States Government.

*It is your responsibility to obtain the services of an attorney honestly and fairly.*

7. You have the right to have access to reading material for your own enjoyment. These materials may include approved magazines.

*It is your responsibility to seek and utilize such material for your personal benefit, without depriving others of the same benefit.*

8. You have the right to participate in the use of law library reference materials to assist you in resolving legal problems. You also have the right to receive help when it is available through a legal assistance program.

*It is your responsibility to use those resources in keeping with the procedures and schedule prescribed and to respect the rights of other detainees to the use of the material.*

9. You have the right to a wide range of reading material for educational purposes and for your own enjoyment. These materials may include magazines and newspapers sent from the publishers.

*It is your responsibility to seek and utilize such material for personal benefit, without depriving others of their equal rights to the use of this material.*

10. You have the right to participate in a work program, as far as resources are available, and in keeping with your interests, needs and abilities.

*You have the responsibility to take advantage of activities which may help you live a successful and abiding life within the Facility and in the community. You will be expected to abide by the regulations governing the use of such activities.*

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

*It is your responsibility to seek and provide evidence for your defense.*

12. If you are not an exclusion case and eligible, you have the right to be released on bond until your scheduled administrative hearing.

*It is your responsibility to seek methods of payment for your bond.*

13. You have the right to apply for political asylum if you believe that you will be persecuted because of your race, religion, nationality, membership in a social group or political opinion.

*It is your responsibility to prepare and submit the proper forms accurately.*

14. You have the right to request voluntary departure, if statutorily eligible, prior to a hearing but if you request voluntary departure you waive that right to a hearing.

*It is your responsibility to inform an INS Officer that you request voluntary departure.*