

November 5, 2007

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

This memorandum summarizes and evaluates information gathered at the Wakulla County Detention Facility (“the facility”) in Crawfordville, Florida, during the delegation’s July 24, 2007 visit to the facility. The information was gathered via observation of the facility by the delegation, interviews with three detainees, and discussions with Wakulla County Detention Facility and Immigration and Customs Enforcement (“ICE”) personnel.

I. ICE DETENTION STANDARDS

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

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

¹ The delegation was comprised of attorney [REDACTED] and [REDACTED] partner associates from the Jacksonville, Florida office of Holland & Knight LLP, including [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

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

II. INTRODUCTION

A. The Delegation's Visit, July 24, 2007

On Tuesday, July 24, 2007, the members of our delegation met with several members of Wakulla County Detention Facility's staff and a representative from the ICE office in Miami, Florida. ICE Deportation Officer [redacted] delegation into the facility and, thereafter, Jail Administrator and Lieutenant [redacted] led our delegation on a tour of the facilities and participated in post-tour follow-up discussions. The delegation also met with other Wakulla County Detention Facility personnel along the tour: Lieutenant [redacted] (Security Lieutenant for all of Wakulla County Detention Facility), [redacted] (Immigration Enforcement Agent from Krome in Miami, Florida), and [redacted] from Pay Tel Communications. The delegation appreciates the cooperation [redacted] s. The facility staff was direct and accommodating during our tour of the facility.

Our report is based on the discussions we had with these facility and ICE employees, as well as observations of the facility and interviews with three immigration detainees. In many instances, the detainees' reports were inconsistent with statements made by facility personnel and our observations. Where we were unable to reconcile the conflicting reports, the delegation was unable to conclusively determine whether all of the Standards were being met.

B. General Information About the Wakulla County Detention Facility

The Wakulla County Detention Facility houses federal immigration detainees according to an intergovernmental service agreement ("IGSA") with ICE.³ According to Lt. [redacted] the facility has a current population of 100 immigration detainees.⁴ The detainees are all males.⁵ The facility receives a per diem of \$56.30 per detainee.⁶ Lt. [redacted] informed the delegation that the facility housed immigration detainees from many different countries (predominantly Mexico, but also Jamaica, Cuba, the Bahamas, and the United Kingdom).⁷ Officer [redacted] stated that the detainees' average length of stay in Wakulla is thirty (30) days.⁸

Detainees are housed in "pods" according to objective classifications of violent or aggressive tendencies (most often based on the detainee's prior criminal record).⁹ A summary of the detainee-pod classification system is discussed below. At the time of the delegation's visit, none of the pods were at maximum capacity.¹⁰

II. PREVIOUS ABA REPORT ON WAKULLA COUNTY DETENTION FACILITY

A review of the 2006 ABA report on Wakulla County Detention Facility shows that problems persist with regard to Telephone Access, Access to Legal Materials, Group Presentations on Legal Rights,

³ Notes of delegation member [redacted] on conversation with Lt. [redacted]
⁴ Notes of delegation member [redacted] on conversation with Lt. [redacted]
⁵ Notes of delegation member [redacted] on conversation with Lt. [redacted] b6, b7C
⁶ Notes of delegation member [redacted] b6 on conversation with Lt. [redacted]
⁷ Notes of delegation member [redacted] on conversation with Lt. [redacted]
⁸ Notes of delegation member [redacted] on conversation with Officer [redacted] b6, b7C
⁹ Notes of delegation member [redacted] on conversation with Lt. [redacted]
¹⁰ Notes of delegation member [redacted] b6 on conversation with Lt. [redacted] b6, b7C

Detainee Handbook, and Medical Care detention standards.¹¹ The 2006 ABA report indicated that all telephone calls were monitored without a court order, as they were in 2007.¹² As in 2006, the library in 2007 still did not have the Florence Project's "Know Your Rights" packets.¹³ The facility did not show the Florence Project's "Know Your Rights" video in 2006, and still does not show the video.¹⁴ The detainee handbook was lacking important information regarding special correspondence, how to obtain writing supplies and envelopes, and how indigent detainees may obtain free postage.¹⁵ Detainees did not receive the required initial dental screening in 2006, and still did not in 2007.¹⁶

IV. Legal Access Standards

A. Visitation

1. Visitation by Attorneys

The Standards require that facilities permit legal visitation seven days per week.¹⁷ Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend.¹⁸ The visits must be private, and should not be interrupted for head counts.¹⁹ Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.²⁰ Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.²¹

The facility meets this section of the Standards. The information provided by detainee [REDACTED] b6, b7C indicates Wakulla County Detention Facility complies with attorney visitation standards. Mr. [REDACTED] b6, b7C is aware of the visitation hours and has had contact with an attorney without encountering any problems.²² Law students, legal assistants, law graduates, and interpreters may meet with detainees after providing proper identification:²³ for example, a valid driver's license.²⁴

Attorney-client visits are not interrupted.²⁵ If an attorney-client visit is taking place and the detainee misses lunch as a result, the detainee will be provided with the missed meal following the visit.²⁶ The attorney-client visits, however, are not permitted during the nightly

¹¹ The ABA delegation previously visited Wakulla County Detention Facility on September 26, 2006.

¹² 2006 ABA report at 6.

¹³ 2006 ABA report at 8.

¹⁴ 2006 ABA report at 10.

¹⁵ 2006 ABA report at 11, 12.

¹⁶ 2006 ABA report at 12.

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

¹⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

²⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

²¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

²² Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C [REDACTED] b6, b7C

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

²⁴ Notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED] b6, b7C

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

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

lock down head count at 11 p.m.²⁷ Wakulla County Detention Facility has one attorney booth for attorney-client visits.²⁸ However, if more than one attorney-client visitation is happening at the same time, the law library will be open to facilitate one of these visits.²⁹ Generally, all visits in the attorney booth are non-contact.³⁰ Plexiglas divides the detainee and the attorney in the attorney booth.³¹ Visits occurring in the law library are contact visits.³² Attorneys are not searched, but detainees are subject to a strip search after a contact legal visit.³³

Finally, attorneys may call the facility to determine whether their client is being housed there.³⁴ Also, detainees may contact their attorneys via phone or mail.³⁵ Detainees [redacted] and [redacted] indicated that they have not encountered any problems contacting their respec³⁶

2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the Standards encourage visits from family and friends.³⁷ The Standards require that facilities establish written visitation hours and procedures, and make them available to the public.³⁸ This includes procedures for handling incoming money for detainees.³⁹ The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”⁴⁰ The Standards require visiting hours for family and friends on Saturdays, Sundays, and holidays. Further, the facilities should accommodate visitors at other times when the detainees are facing a particular hardship.⁴¹ Visits should be at least thirty (30) minutes long, and longer when possible.⁴² If a facility does not provide for visits from minors, ICE should arrange for visits with children or stepchildren within the detainee’s first thirty (30) days at the facility, with continuing monthly visits.⁴³ 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.⁴⁴

²⁷ Notes of delegation member [redacted] on conversation with Lt. [redacted]
²⁸ Notes of delegation member [redacted] on conversation with Lt. [redacted]
²⁹ Notes of delegation member [redacted] on conversation with Lt. [redacted]
³⁰ Notes of delegation member [redacted] on conversation with Lt. [redacted]
³¹ Observations of delegation members.
³² Notes of delegation member [redacted] on conversation with Lt. [redacted]
³³ Notes of delegation member [redacted] on conversation with Lt. [redacted]
³⁴ Notes of delegation member [redacted] on conversation with Lt. [redacted]
³⁵ Notes of delegation member [redacted] on conversations with Lt. [redacted] and detainee [redacted]
[redacted]
³⁶ Notes of dele [redacted] er [redacted] on conversations with detainees [redacted]
[redacted] and [redacted]

³⁷ Detention Operations Manual, Detainee Services, Standard 17, Section I.
³⁸ Detention Operations Manual, Detainee Services, Standard 17, Sections III.A & B.
³⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.
⁴⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.G.
⁴¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.
⁴² Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.
⁴³ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.
⁴⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5.

The facility appears to substantially meet this section of the Standards; however, the facility does not accommodate hardship visits. Visiting hours are seven days per week, from 1:00 p.m. until 4:00 p.m. for detainees.⁴⁵ Visitation with family and friends is limited to a maximum of two hours per week.⁴⁶ The facility does not accommodate hardship visits as suggested by the Standards.⁴⁷ All visits are non-contact.⁴⁸

Anyone may visit the detainee, but visitors must appear on the detainee's visitation list.⁴⁹ Also, picture identification is required of all visitors; visitation will be denied to persons who do not present identification.⁵⁰ Visitation of family and friends is denied to any detainee in disciplinary segregation.⁵¹ Children under the age of 12 are not allowed to visit.⁵² If a detainee would like to meet with regularly with children under the age of twelve, then ICE should be notified so the detainee may be moved to another facility which allows for such visits.⁵³

B. Telephone Access

1. General Requirements

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during established facility working hours.⁵⁴ In order to meet this requirement, facilities must provide at least one telephone for every twenty-five (25) detainees.⁵⁵ 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.⁵⁶

The facility meets this section of the Standards. Each housing unit has at least two telephones.⁵⁷ The facility also has one telephone located in the front office that is available to the detainees on Tuesdays and Thursdays.⁵⁸ The telephone provider is Pay Tel Communications,

⁴⁵ Wakulla County Detention Facility Visitation Rules and Regulations, point 4.

⁴⁶ Wakulla County Detention Facility Visitation Rules and Regulations, point 1.

⁴⁷ Notes of delegation member [redacted] b6 on conversations with Lt. [redacted] b6, b7C detainees [redacted] b6, b7C and [redacted] b6, b7C

⁴⁸ Notes of delegation member [redacted] b6 on conversation with Lt. [redacted] b6, b7C Wakulla County Jail Detainee Handbook, p. 14.

⁴⁹ [redacted] b6 delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

⁵⁰ Wakulla County Detainee Handbook, p. 13.

⁵¹ Wakulla County Detainee Handbook, p. 14.

⁵² Notes of delegation member [redacted] b6, on conversation with Lt. [redacted] b6, b7C ; Wakulla County Detainee Handbook, p. 14.

⁵³ Notes of delegation member [redacted] b6, on conversation with Lt. [redacted] b6, b7C ; Wakulla County Detainee Handbook, p. 14.

⁵⁴ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

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

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

⁵⁷ Observations of delegation member [redacted] b6

⁵⁸ Notes of delegation member [redacted] b6, on conversation with Lt. [redacted] b6, b7C

Inc. and the phone system is collect and preprogrammed.⁵⁹ The telephones are accessible from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 11:00 p.m.⁶⁰ The telephones are unavailable during all meals.⁶¹

The instructions for telephone usage are provided via an automated telephone program.⁶² When a detainee picks up the receiver, an automated voice provides assistance to the detainee.⁶³ Additionally, the phone numbers of local consulates are posted by each phone or bank of phones in the facility.⁶⁴

2. Direct Calls and Free Calls

The Standards allow facilities to restrict telephones to only outbound collect calls;⁶⁵ however, the facility must permit detainees to make direct, free 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.⁶⁶ 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."⁶⁷

The facility meets this section of the Standards. Detainees are able to make calls to legal service providers and to consulates at no charge.⁶⁸ The detainees may make direct calls to consulates and pro bono legal service providers, such as the Florida Immigrant Advocacy Center ("FIAC"), using the preprogrammed telephones.⁶⁹ In addition, the detainees may use the additional telephone located in the front office to contact legal service providers on Tuesdays and Thursdays.⁷⁰

3. Telephone Access to Legal Representatives

The Standards provide that the facility shall not restrict the number of calls a detainee places to his or 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.⁷¹ If

⁵⁹ Notes of delegation member [REDACTED] b6 on conversation with [REDACTED] b6 of Pay Tel Communications, Inc.

⁶⁰ Notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED]

⁶¹ Notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED] b6, b7C

⁶² Observations of delegation member [REDACTED]

⁶³ Observations of delegation member [REDACTED] b6

⁶⁴ Observations of delegation member [REDACTED]

⁶⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶⁸ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED]

⁶⁹ Notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED] b6, b7C

⁷⁰ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED]

⁷¹ Detention Operations Manual, Detainee Services, Standard 16, Section F.

time limits are necessary, they shall be no shorter than twenty minutes.⁷² The Standards require that the facility ensure privacy for detainees' telephone calls regarding legal matters.⁷³

The facility does not fully meet this section of the Standards: detainees are generally unable to make private telephone calls because the telephones where detainees make outgoing calls are all located in the pods,⁷⁴ out in the open. On Tuesdays and Thursdays detainees may request access to a more private telephone in the office, but it is unclear whether that phone is monitored. The telephones in the pods are out in the open, and there are no partitions.⁷⁵ All phone conversations made on the phones located in the pods are automatically recorded and monitored.⁷⁶ According to Lt. [REDACTED], the detainees can request to make outgoing calls from the telephone located in the front office (for use only on Tuesdays and Thursdays), and the phone is not monitored.⁷⁷

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.⁷⁸ 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 the detainee to return the emergency call as soon as possible.⁷⁹

The facility meets this section of the Standards. The facility delivers messages from attorneys and emergency incoming telephone calls to detainees.⁸⁰ Staff officers will assist detainees in making emergency telephone calls when access to the telephone would not otherwise be available.⁸¹

5. Telephone Privileges in Special Management Unit

The Standards provide that detainees in the Special Management Unit ("SMU") for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions.⁸²

The facility appears to meet this section of the Standards. Detainees placed in the SMU for disciplinary reasons have access to the telephones for calls relating to the detainee's

⁷² Detention Operations Manual, Detainee Services, Standard 16, Section F.

⁷³ Detention Operations Manual, Detainee Services, Standard 16, Section J.

⁷⁴ Observations of delegation members; delegation conversation with [REDACTED] of Pay Tel and Lt. [REDACTED]

⁷⁵ Observations of delegation members.

⁷⁶ Notes of delegation member [REDACTED] on conversations with detainees [REDACTED] and [REDACTED] and on conversations with [REDACTED] of Pay Tel and Lt. [REDACTED]

⁷⁷ Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED]

⁷⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁷⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁸⁰ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED]

⁸¹ Wakulla County Detainee Handbook, p. 16.

⁸² Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

immigration case, calls relating to a family emergency, and calls to consular and embassy officials.⁸³

C. Access to Library and Legal Material

1. Library Access

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.”⁸⁴ The Standards recommend 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.⁸⁵ Each detainee shall be permitted to use the law library for a minimum of five hours per week.⁸⁶

The facility does not fully meet this section of the Standards; at times the library and recreation schedules conflict, so detainees may not receive the minimum library time unless they forego recreation. The Handbook provides that a detainee may use the library at the times posted in the housing area.⁸⁷ A posting in the housing area indicated two hour blocks on Fridays, Saturdays and Sundays that each pod could visit the library, for a total of six available library hours.⁸⁸ However, the library and recreation schedules conflict at times, and detainees must choose between the two activities.⁸⁹

2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees’ legal research and writing.⁹⁰ 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.”⁹¹

The facility meets this section of the Standards. While the facility's law library is small, it is well lit and is well-isolated from noise and foot traffic.⁹² The library provides access to two computers and one typewriter, and contains at least two other tables and several chairs in addition to those housing the computers and the typewriter.⁹³ Additionally, the library is located in an enclosed room that is free of distractions and noise.⁹⁴

⁸³ Wakulla County Detainee Handbook, p. 16.

⁸⁴ Detention Operations Manual, Detainee Services, Standard 1, Section I.

⁸⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

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

⁸⁷ Wakulla County Jail Inmate Handbook, p. 7.

⁸⁸ Observations of delegation members.

⁸⁹ Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversations with detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C.

⁹⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

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

⁹² Observations of delegation members.

⁹³ Observations of delegation members.

⁹⁴ Observations of delegation members.

3. Materials Identified in the Detention Standards

The Standards require that all facility law libraries contain the materials listed in Attachment A to the chapter on *Access to Legal Materials*.⁹⁵ 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.⁹⁶ Damaged or stolen materials must be promptly replaced.⁹⁷

The facility does not fully meet this section of the Standards; the library does not contain all of the required materials, and hardbound copies are not up to date. The facility provides its immigration detainees with computer and internet access to LexisNexis and Westlaw⁹⁸ In addition, the detainees have access to some hardbound legal resources.⁹⁹ While LexisNexis and Westlaw provide access to numerous legal materials, as well as current statutory and regulatory information, most of the hardbound materials located in the library are not up to date.¹⁰⁰ In addition, the library does not contain all of the materials listed in Attachment A to the chapter on *Access to Legal Materials*: the Florence Project's "Know Your Rights" packets are not available in the library.¹⁰¹

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.¹⁰² Staff must inspect at least weekly to ensure equipment is in working order and to stock sufficient supplies.¹⁰³

The facility meets this section of the Standards. The facility has two computers and one typewriter available in its law library.¹⁰⁴ The facility provides detainees with paper and office supplies to enable detainees to prepare documents for legal proceedings.¹⁰⁵ The facility does not provide diskettes for storage of electronic materials, but does allow detainees to save materials to the hard drive of the computer.¹⁰⁶

5. Photocopies

⁹⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

⁹⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

⁹⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

⁹⁸ Observation of delegation member [REDACTED] b6 [REDACTED].

⁹⁹ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Lt. [REDACTED] b6, b7C [REDACTED].

¹⁰⁰ Observations of delegation members; notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Lt. [REDACTED] b6, b7C [REDACTED].

¹⁰¹ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Lt. [REDACTED] b6, b7C [REDACTED]; observations of delegation members.

¹⁰² Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

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

¹⁰⁴ Observations of delegation members.

¹⁰⁵ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Lt. [REDACTED] b6, b7C [REDACTED].

¹⁰⁶ Notes of delegation member [REDACTED] b6 [REDACTED] on conversation with Lt. [REDACTED] b6, b7C [REDACTED].

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.¹⁰⁷ Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.¹⁰⁸ Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.¹⁰⁹

The facility meets this section of the Standards. Detainees at the facility may make copies, at no charge, upon request to the staff.¹¹⁰ There is no limitation on copies made.¹¹¹

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.¹¹²

The facility meets this section of the Standards. Detainees are permitted to assist other detainees with research and writing.¹¹³

7. Notice to Detainees

The Standards require that the detainee Handbook provide detainees with the rules and procedures governing access to legal materials.¹¹⁴ The Standards require that the detainee Handbook provide detainees with the rules and procedures for requesting legal reference materials not located in the library, and for notifying a designated employee that library material is missing or damaged.¹¹⁵ The Standards also require that the facility post these policies and procedures in the library along with a list of the law library's holdings.¹¹⁶

The facility meets this section of the Standards. The Handbook specifies that detainees may use the library during the hours posted for their individual pod.¹¹⁷ Also, the library does contain a posting of the notice policies and a listing of the library's holdings.¹¹⁸

D. Group Rights Presentations

The Standards requires that facilities holding ICE detainees “shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of United States immigration law and procedures, consistent with the security and orderly operation

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

¹⁰⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹⁰⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹¹⁰ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED]

¹¹¹ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED]

¹¹² Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

¹¹³ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED]

¹¹⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

¹¹⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

¹¹⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

¹¹⁷ Wakulla County Detainee Handbook.

¹¹⁸ Observation of delegation member [REDACTED]

of each facility.”¹¹⁹ Informational posters are to be prominently displayed in the pods at least forty-eight hours in advance of a scheduled presentation.¹²⁰ While the presentations are open to all detainees, the facility “may limit the number of detainees at a single session.”¹²¹ “The facility shall select and provide an environment conducive to the presentation, consistent with security.”¹²² In addition, detainees should have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”¹²³

The facility substantially meets this section of the Standards; however, the facility does not have a copy of the “Know Your Rights” video. According to the facility personnel, there are no restrictions on group rights presentations.¹²⁴ The facility will post flyers for groups' rights presentations in the pods two days prior to the presentation, to notify the detainees of the presentation.¹²⁵ However, group rights presentations do not regularly occur at the facility.¹²⁶ The facility does not have a copy of the “Know Your Rights” video created by the Florence Project and distributed by ICE.¹²⁷

V. 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.¹²⁸ General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and read outside the presence of the detainee if security reasons exist for doing so.¹²⁹ Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—should be treated differently.¹³⁰ Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹³¹ Outgoing special correspondence cannot be opened, inspected, or read.¹³² The detainee Handbook 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

¹¹⁹ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹²⁰ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹²¹ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹²² Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹²³ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹²⁴ Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C

¹²⁵ Wakulla County Detainee Handbook, p. 19.

¹²⁶ Notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED]

¹²⁷ Notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED] b6, b7C and conversations with detainees [REDACTED] b6, b7C [REDACTED] b6, b7C and [REDACTED] b6, b7C.

¹²⁸ Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹²⁹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹³⁰ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.

¹³¹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹³² Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

for providing indigent detainees free postage.¹³³ The Standards also require that facilities provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential representative, or any court; indigent detainees must be permitted to send at least five pieces of special correspondence and three pieces of regular correspondence per week.¹³⁴ Finally, the Standards require that facilities notify detainees of specific information regarding correspondence policies.¹³⁵

The facility does not fully meet this section of the Standards; indigent detainees are not provided with enough stamps per week, and the Handbook does not contain information related to correspondence. The facility provides all detainees with the Handbook, which informs them of the facility's correspondence policies.¹³⁶ Incoming regular mail will be opened and inspected for contraband, while legal mail will be opened in the presence of the detainee.¹³⁷ However, the Handbook 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) 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."¹³⁸ The Handbook states that indigent detainees will receive stamps and envelopes free of charge, though it does not state that there is a limit to the quantity.¹³⁹ Lt. [REDACTED] b6, b7C informed the delegation that indigent detainees are provided with three stamped envelopes and supplies per week by noting on their commissary card their desire to receive the indigent packet.¹⁴⁰ The Handbook advises detainees to seal all outgoing mail before giving it to the housing officer.¹⁴¹ This information is consistent with information provided by detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C; however, Lt. [REDACTED] b6, b7C informed the delegation that general mail is searched.¹⁴²

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.¹⁴³ Every detainee

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

¹³⁴ Detention Operations Manual, Detainee Services, Standard 3, Section III.I, and Standard 1, Section III.N.

¹³⁵ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹³⁶ Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C; Wakulla County Detainee Handbook, pp. 14-15.

¹³⁷ Wakulla County Detainee Handbook, p. 15.

¹³⁸ Detention Operations Manual, Detainee Services, Standard 3, Section III.B; Wakulla County Detainee Handbook.

¹³⁹ Wakulla County Detainee Handbook, p. 14.

¹⁴⁰ Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C

¹⁴¹ Wakulla County Detainee Handbook, p. 14.

¹⁴² Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C

¹⁴³ Detention Operations Manual, Detainee Services, Standard 6, Section I.

should receive a copy of the Handbook upon admission to the facility.¹⁴⁴ The Handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.¹⁴⁵ The Handbook must include visitation hours and rules.¹⁴⁶ Further, the Handbook must notify detainees of the facility correspondence policy.¹⁴⁷ 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.¹⁴⁸ The Handbook must provide notice of the facility's rules of conduct and the sanctions imposed.¹⁴⁹ It must also advise detainees of rights including the right to protection from abuse, right to freedom from discrimination, and right to pursue a grievance.¹⁵⁰ Finally, 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.¹⁵¹ The Officer in Charge will provide a copy of the Handbook to every staff member who has contact with detainees.¹⁵²

The facility substantially meets this section of the Standards, although detainees only received the Handbook after several months at the facility. The Handbook is written in English and Spanish.¹⁵³ The Handbook includes procedures for filing grievances, appealing grievance decisions, sanctions to be imposed for improper conduct, and provisions advising that the detainees have the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so.¹⁵⁴ Required provisions that are not included in the Handbook are described in other sections of this report regarding correspondence and disciplinary policy. The detainees only received the Handbook approximately one month before the delegation visit, and the detainees who mentioned this had been at the facility for more than six months.¹⁵⁵

C. Recreation

The Standards require that all detainees have access to recreational programs and activities, under conditions of security and safety.¹⁵⁶ Detainees should be housed in facilities with outdoor recreation.¹⁵⁷ If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.¹⁵⁸ Detainees should

¹⁴⁴ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹⁴⁵ Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

¹⁴⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

¹⁴⁷ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁴⁸ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

¹⁴⁹ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

¹⁵⁰ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

¹⁵¹ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

¹⁵² Detention Operations Manual, Detainee Services, Standard 6, Section III.G.

¹⁵³ Wakulla County Detainee Handbook, p. 18.

¹⁵⁴ Wakulla County Detainee Handbook, p. 18.

¹⁵⁵ Notes of delegation member [redacted] on conversation with detainees [redacted] and [redacted].

¹⁵⁶ Detention Operations Manual, Detainee Services, Standard 13, Section I.

¹⁵⁷ Detention Operations Manual, Detainee Services, Standard 13, Section III.A, which also provides that "all new or renegotiated contracts and IGSA's will stipulate that INS detainees have access to an outdoor recreation area."

¹⁵⁸ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise, and games and television in dayrooms.¹⁵⁹ Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.¹⁶⁰

The facility does not fully meet this section of the Standards; at times detainees must forego either law library privileges or recreation privileges. The facility has an outdoor recreation area.¹⁶¹ The detainees are provided access to outside recreation one hour per day.¹⁶² The Handbook contains an error as it provides that “detainees, weather permitting, will be provided three (3) hours of recreation per week.”¹⁶³ The detainees are at times required to forego law library privileges or recreation privileges, when the rotating schedules for these activities conflict.¹⁶⁴

The facility has fixed pull-up bars located in the outside recreation area.¹⁶⁵ The delegation was informed that the facility does not provide movable equipment, such as bar bells and free weights, for safety purposes.¹⁶⁶ Detainees noted that they have repeatedly requested sporting equipment such as soccer balls and basketballs, yet no such equipment has been provided to date.¹⁶⁷

D. Access to Medical Care

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.¹⁶⁸ 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.¹⁶⁹ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.¹⁷⁰ If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the Officer in Charge in writing.¹⁷¹

The facility appears to meet this section of the Standards. A nurse is present at the facility and makes rounds twice per day.¹⁷² Contract doctors are available as are contract mental

¹⁵⁹ Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

¹⁶⁰ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

¹⁶¹ Observation of delegation members [redacted] b6 and [redacted] b6

¹⁶² Notes of delegation member [redacted] b6, on conversations with Lt. [redacted] b6, b7C and detainee [redacted] b6, b7C [redacted] b6, b7C

¹⁶³ Wakulla County Jail Inmate Handbook, p. 10.

¹⁶⁴ [redacted] n members [redacted] b6 and [redacted] b6, on conversation with detainees [redacted] b6, b7C and [redacted] b6, b7C

¹⁶⁵ Notes of delegation member [redacted] b6 on conversation with detainee [redacted] b6, b7C

¹⁶⁶ Notes of delegation member [redacted] b6, on conversation with Lt. [redacted] b6, b7C

¹⁶⁷ Not [redacted] ion member [redacted] b6 on conversations with detainees [redacted] b6, b7C and [redacted] b6, b7C

¹⁶⁸ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁶⁹ Detention Operations Manual, Health Services, Standard 2, Section III.F.

¹⁷⁰ Detention Operations Manual, Health Services, Standard 2, Sections III.A, D, and G.

¹⁷¹ Detention Operations Manual, Health Services, Standard 2, Section III.J.

¹⁷² Notes of delegation member [redacted] b6, on conversation with Nurse [redacted] b6, b7C and Lt. [redacted] b6, b7C

health providers.¹⁷³ Independent medical service providers and experts are allowed to visit if the nurse or doctor indicates it is necessary.¹⁷⁴ For non-English-speaking detainees, the facility may use other detainees to interpret for medical screening and other medical issues.¹⁷⁵ If there is a medical emergency the detainee will be taken to the emergency room at the local hospital.¹⁷⁶ The facility does not have mental health care on site, but detainees have access to Wakulla Health Facility for mental health screenings, and those who require more than outpatient care are promptly transferred to a different facility better equipped to care for the detainee.¹⁷⁷

E. Access to Dental Care

The Standards require that detainees have an initial dental screening exam within fourteen days of the detainee's arrival and require the facility to provide a number of services, including emergency dental treatment and repair of prosthetic appliances.¹⁷⁸ 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.¹⁷⁹

The facility does not fully meet this section of the Standards; the detainees do not receive the required initial dental screening.¹⁸⁰ If dental care is needed, the facility will make arrangements with a local dentist to provide the necessary dental care, either in the facility or at his local office.¹⁸¹

F. Detainee Classification System

The Standards require that detention facilities use a classification system and physically separate detainees in different categories according to prior history of aggressive or criminal behavior.¹⁸² Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.¹⁸³ A detainee's classification is to be determined using objective criteria, including criminal offenses, escape attempts, institutional disciplinary history, and violent incidents.¹⁸⁴ Classification is required to separate detainees with minimal criminal records from detainees with serious criminal records.¹⁸⁵ Detainees with a history of assault or

¹⁷³ Notes of delegation member [redacted] on conversation with Nurse [redacted] and Lt. [redacted]

¹⁷⁴ Notes of delegation member [redacted] on conversation with Nurse [redacted] and Lt. [redacted]

¹⁷⁵ Notes of delegation member [redacted] on conversation with Nurse [redacted] and Lt. [redacted]

¹⁷⁶ Notes of delegation member [redacted] on conversation with Nurse [redacted] and Lt. [redacted]

¹⁷⁷ Notes of delegation member [redacted] on conversation with Lt. Bradford.

¹⁷⁸ Detention Operations Manual, Health Services, Standard 2, Section III.E.

¹⁷⁹ Detention Operations Manual, Health Services, Standard 2, Section III.E.

¹⁸⁰ Notes of delegation member [redacted] on conversation with detainees [redacted]
[redacted], and [redacted]

Notes of delegation member [redacted] on conversation with Lt. [redacted]

¹⁸² Detention Operations Manual, Detainee Services, Standard 4, Section I.

¹⁸³ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

¹⁸⁴ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

¹⁸⁵ Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & E.

combative behavior are not to be housed with non-assaultive detainees.¹⁸⁶ All facility classification systems shall allow classification levels to be reevaluated and include procedures by which new arrivals can appeal their classification levels.¹⁸⁷ 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.¹⁸⁸

The facility meets this section of the Standards. All detainees and inmates are classified when they first arrive at the facility.¹⁸⁹ The classification system is to ensure that a detainee is placed in the appropriate category and physically separated from detainees in other categories.¹⁹⁰ A detainee will be housed, recreated, and fed with other detainees in his or her classification.¹⁹¹ Detainees are classified within the facility generally in accordance with their risk.¹⁹² There are four levels of classification: Level one, Level two-low, Level two-high, and Level three.¹⁹³

Level one consists of detainees with an immigration violation, but no criminal history or a mere misdemeanor.¹⁹⁴ Level two-low consists of detainees with some criminal history but nothing in their records to indicate aggressive crimes or behavior.¹⁹⁵ The Level two-high classification consists of detainees who have some criminal history that contains aggressive crimes or behavior.¹⁹⁶ Finally, Level three contains detainees with serious or violent criminal histories.¹⁹⁷

Detainees of differing classifications may be housed together according to a regulated housing procedure.¹⁹⁸ Level one and Level two-low detainees may be housed together. Detainees classified as Level two-low or Level two-high may be housed together.¹⁹⁹ Similarly, Level two-high and Level three detainees may be housed together.²⁰⁰ However, Level one and Level three

¹⁸⁶ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

¹⁸⁷ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

¹⁸⁸ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

¹⁸⁹ Wakulla County Detainee Handbook, p. 6; notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

¹⁹⁰ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

¹⁹¹ Wakulla County Detainee Handbook, pp. 6-7.

¹⁹² Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

¹⁹³ Wakulla County Detainee Handbook, p. 6.

¹⁹⁴ Wakulla County Detainee Handbook, p. 6.

¹⁹⁵ Wakulla County Detainee Handbook, p. 6; notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

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

¹⁹⁷ Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

¹⁹⁸ Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

¹⁹⁹ Wakulla County Detainee Handbook, p. 6; notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

²⁰⁰ Wakulla County Detainee Handbook, p. 6; notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

detainees may never be housed together and may never interact with each other.²⁰¹ Level three detainees must be escorted by a guard whenever they are outside the housing unit.²⁰² The Handbook includes the classification criteria as well as classification appeals procedure.²⁰³

G. 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.”²⁰⁴ Each facility holding ICE detainees must have a detainee disciplinary system which has “progressive levels of reviews, appeals, procedures, and documentation procedures.”²⁰⁵ The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.²⁰⁶ 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.”²⁰⁷ Officers who witness a prohibited act must prepare and submit an incident report.²⁰⁸ The Standards provide that all incident reports filed by officers must be investigated within twenty-four hours of the incident.²⁰⁹ The Detainee Handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.²¹⁰ 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.²¹¹

The facility substantially meets this section of the Standards; however, the Handbook does not notify detainees of their right to protection from abuse and discrimination. The Handbook contains a "Rights and Responsibilities" section as well as a "Prohibited Acts and Sanctions" section which provides detainees with a list of prohibited acts and related sanctions.²¹² The Handbook also contains provisions notifying the detainees of the disciplinary process and the procedure for appeals.²¹³ However, the handbook does not notify detainees of their right to protection from abuse, harassment, and discrimination.²¹⁴

²⁰¹ Wakulla County Detainee Handbook, p. 6; notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED] b6, b7C and Lt. [REDACTED] b6, b7C

²⁰² Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C.

²⁰³ Wakulla County Detainee Handbook, pp. 6-7.

²⁰⁴ Detention Operations Manual, Security and Control, Standard 5, Section I.

²⁰⁵ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

²⁰⁶ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.1 & 2.

²⁰⁷ Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

²⁰⁸ Detention Operations Manual, Security and Control, Standard 5, Section III.B.

²⁰⁹ Detention Operations Manual, Security and Control, Standard 5, Section III.B & C.

²¹⁰ Detention Operations Manual, Security and Control, Standard 5, Section III.L.

²¹¹ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

²¹² Wakulla County Detainee Handbook, pp. 3-4, 20-29.

²¹³ Wakulla County Detainee Handbook, p.29.

²¹⁴ Wakulla County Detainee Handbook.

According to information provided by Lt. [b6, b7C] and detainees [b6, b7C] [b6, b7C] and [b6, b7C] the facility does not take any disciplinary action that is capricious or retaliatory. The facility takes action such as using segregation or hands-on force when necessary.²¹⁶ The facility does not use Tasers on detainees; rather, the facility is currently awaiting authorization to use mace in situations where all reasonable efforts to resolve a situation have failed.²¹⁷

A. Special Management Unit

The Standards suggest that each facility establish a Special Management Unit (“SMU”) that will isolate certain detainees from the general population.²¹⁸ The Standards for Administrative and Disciplinary Segregation differ somewhat from one another, but both provide for legal access and other protections. All cells in the SMU must be well ventilated, appropriately heated, and sanitary, and must be equipped with beds.²¹⁹ Recreation shall be provided to detainees in segregation in accordance with the “Recreation” standard.²²⁰ Access to the law library shall generally be granted to detainees in segregation.²²¹ Detainees generally retain visiting privileges while in disciplinary segregation, and may not be denied legal visitation.²²² Detainees in administrative segregation generally have the same telephone privileges as other detainees,²²³ 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.²²⁴

The delegation was unable to determine whether the facility fully meets the SMU Standards, because delegation members did not observe the segregated pod for SMU detainees. Facility staff indicated that detainees in the SMU may receive visits from attorneys and recreation time, and are allowed to make phone calls to their attorney and consulate (although there is no phone in the SMU pod similar to other facility pods).²²⁵ The detainees in the SMU have limited store privileges and can only buy hygiene items.²²⁶

²¹⁵ Notes of delegation member [b6] [b6, b7C] and detainees [b6, b7C] [b6, b7C] and [b6, b7C]

²¹⁶ Notes of delegation member [b6] [b6, b7C] and detainees [b6, b7C] [b6, b7C] and [b6, b7C]

²¹⁷ Notes of delegation member [b6] [b6, b7C] and detainees [b6, b7C] [b6, b7C] and [b6, b7C]

²¹⁸ Detention Operations Manual, Security and Control, Standard 14, Section I.

²¹⁹ Detention Operations Manual, Security and Control, Standard 13, Section III.D.2, and Standard 14, Section III.D.6.

²²⁰ Detention Operations Manual, Security and Control, Standard 13, Section III.D.8, and Standard 14, Section III.D.13.

²²¹ Detention Operations Manual, Security and Control, Standard 13, Section III.D.18, and Standard 14, Section III.D.15.e.

²²² Detention Operations Manual, Security and Control, Standard 13, Section III.D.13 & 14, and Standard 14, Section III.D.17.

²²³ Detention Operations Manual, Security and Control, Standard 13, Section III.D.16.

²²⁴ Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

²²⁵ Notes of delegation member [b6] [b6, b7C]

²²⁶ Notes of delegation member [b6] [b6, b7C]

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

The Standards require that facility procedures “allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.”²²⁷ The Standards recommend that weekly visits be conducted by ICE personnel and that “regular unannounced (not scheduled) visits” are conducted by the ICE OIC, the Assistant OIC, and designated department chairs.²²⁸ Unannounced visits to the facility’s housing areas must be conducted on a regular basis.²²⁹ The purpose of such visits is to monitor housing conditions, interview detainees, review records, and answer questions for detainees who do not comprehend the immigration removal process.²³⁰ The Standards also require that detainees “have the opportunity to submit written questions, requests, or concerns to ICE staff,” which “shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay.”²³¹ All facilities that house ICE detainees must have “written procedures to route detainee requests to the appropriate ICE official” and must assist detainees “who are disabled, illiterate, or know little or no English.”²³² Moreover, the Standards suggest that detainee requests be forwarded to the appropriate ICE office within 72 hours and “answered as soon as possible or practicable, but not later than 72 hours from receiving the request.”²³³

The facility appears to meet this section of the Standards. The Handbook contains information setting forth the procedures for detainees to contact ICE staff.²³⁴ The ICE officers also visit the detainees pursuant to written requests.²³⁵ The ICE officers also have informal contact with the detainees due to their on-site presence at the facility.²³⁶

J. Religious Practices

The Standards require that detainees of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths.²³⁷ According to the Standards, these “opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is ‘mainstream,’ whether the religion is ‘Western’ or ‘Eastern,’ or other such factors. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”²³⁸ Moreover, a facility’s staff shall make “all reasonable

²²⁷ Detention Operations Manual, Detainee Services, Standard 15, Section I.

²²⁸ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²²⁹ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.1.

²³⁰ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²³¹ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

²³² Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

²³³ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.1.

²³⁴ Wakulla County Detainee Handbook, p. 18.

²³⁵ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED]

²³⁶ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED]

²³⁷ Detention Operations Manual, Detainee Services, Standard 14, Section I.

²³⁸ Detention Operations Manual, Detainee Services, Standard 14, Section I.

efforts to accommodate” special food services required by a detainee’s particular religion.²³⁹ Detainees in confinement must be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.²⁴⁰

The facility appears to meet this section of the Standards. The "Rights and Responsibilities" section states that detainees have the right to religious freedom, though the Religious Services section of the Handbook has been blacked out.²⁴¹ The facility provides reasonable and equitable opportunities to participate in the practices of their respective faiths.²⁴² The Handbook provides that detainees may keep small religious items in their pods, such as prayer rugs, headgear, and soft-covered Bibles.²⁴³ This is consistent with the information provided by Chaplain [b6] and detainees [b6, b7C] and [b6, b7C] [b6, b7C].²⁴⁴ The facility [b6, b7C] makes reasonable [b6, b7C] d services.⁵ Because so many detainees have requested a non-pork diet, the facility recently adopted a non-pork diet for all detainees.²⁴⁶ The facility also provides a kosher diet to Jewish detainees.²⁴⁷ The facility has not met the dietary requests of detainee [b6, b7C] who practices the Rastafarian religion.²⁴⁸

B. Detainee Transfer

When transferring a detainee, the Standards require ICE to consider whether a detainee is represented before a particular immigration court, and the location of the attorney and the court.²⁴⁹ The Standards require ICE to notify a detainee’s legal representative of record that the detainee is being transferred.²⁵⁰ Indigent detainees will be permitted to make a single domestic telephone call at government expense upon arrival at their final destination; non-indigent detainees will be permitted to make telephone calls at their own expense.²⁵¹ Records including the detainee’s Alien File (“A-file”) and health records (or transfer summary for IGSA) must accompany the detainee.²⁵² Prior to transfer, medical personnel must provide the transporting officers with instructions and any applicable medications for the detainee’s care; medications

²³⁹ Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

²⁴⁰ Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

²⁴¹ Wakulla County Detainee Handbook, p.p. 3, 17.

²⁴² Notes of delegation member [b6] on conversations with Chaplain [b6] and detainees [b6, b7C] [b6, b7C] and [b6, b7C]

²⁴³ Wakulla County Detainee Handbook, p. 5.

²⁴⁴ [b6, b7C] n member [b6] on conversations with Chaplain [b6] and detainees [b6, b7C] [b6, b7C] and [b6, b7C]

²⁴⁵ Notes of delegation member, [b6] on conversations with Chaplain [b6, b7C] Lt. [b6, b7C] and detainees [b6, b7C] [b6, b7C] and [b6, b7C]

²⁴⁶ Notes of delegation member [b6] on conversations with Chaplain [b6] and Lt. [b6, b7C]

²⁴⁷ Notes of delegation member [b6] on conversation with Chaplain [b6]

²⁴⁸ Notes of delegation member [b6] on conversation with detainee [b6, b7C]

²⁴⁹ Detention Operations Manual, Security and Control, Standard 4, Section I.

²⁵⁰ Detention Operations Manual, Security and Control, Standard 4, Section III.A.

²⁵¹ Detention Operations Manual, Security and Control, Standard 4, Sections III.G.

²⁵² Detention Operations Manual, Security and Control, Standard 4, Sections III.D.1 & 6.

must be turned over to an officer at the receiving field office.²⁵³ A detainee's legal materials, cash, and small valuables must accompany the detainee to the receiving facility; larger items may be shipped.²⁵⁴

The facility meets this section of the Standards. Although the detainees are not allowed to make telephone calls immediately after detention center processing, the detainees are allowed to make calls on the preprogrammed telephones located in the pods after the incoming detainee is processed.²⁵⁵ Indigent detainees can make one free call.²⁵⁶ When a detainee is transferred to another facility, the detainee's medical records and personal belongings are transferred along with the detainee to the receiving facility.²⁵⁷ The facility assumes no responsibility for notifying family or attorneys of a detainee's transfer.²⁵⁸ According to Lt. [REDACTED] such notification responsibilities lie with ICE.²⁵⁹ However, for security reasons, no one is notified that the detainee is being transferred prior to the actual move.²⁶⁰

VI. CONCLUSION

The Wakulla County Detention Facility meets most of the requirements of several of the ICE Detention Standards, but fails to meet a number of sections.

To provide appropriate telephone access to detainees, the facility should not record or monitor, in any matter whatsoever, legal phone calls (absent a court order).

To support the detainees' access to legal materials and legal representation, the facility should provide indigent detainees with sufficient stamps and supplies for five pieces of legal mail per week, as well as three pieces of general correspondence. The facility should obtain and provide access to all of the legal materials listed in the Standards in their law library, particularly updated and current law volumes. Detainees should not be required to choose between law library time and recreation time.

To provide sufficient guidance and information to the detainees, the Wakulla County Detainee Handbook needs to be expanded to include the required information and procedures required by the Standards, including, but not limited to the following:

- Information on special correspondence, how to obtain writing materials, and how to purchase postage;
- Detainees' right to protection from abuse, harassment, and discrimination.

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²⁵³ Detention Operations Manual, Security and Control, Standard 4, Section III.D.D [sic].

²⁵⁴ Detention Operations Manual, Security and Control, Standard 4, Section III.E.

²⁵⁵ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Agent [REDACTED]

²⁵⁶ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Agent [REDACTED] b6, b7C

²⁵⁷ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Agent [REDACTED]

²⁵⁸ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Agent [REDACTED]

²⁵⁹ Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Agent [REDACTED]

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

Facility Name: **WAKULLA COUNTY DETENTION FACILITY, Crawfordville, Florida**

Date of Tour: **July 24, 2007**

Tour Participants: Holland & Knight LLP attorneys and summer associates [redacted] b6 [redacted] b6 [redacted] b6 [redacted] b6 [redacted] b6 and [redacted] b6 [redacted] b6

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

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

	ICE Standard*	Delegation Report	Source	ICE Response
1.	<p>Standard 17, Visitation</p> <ul style="list-style-type: none"> ▪ III.H.1. To the extent practicable, the facility shall accommodate the scheduling needs of visitors for whom weekends and holidays pose a hardship. 	<ul style="list-style-type: none"> ▪ The facility does not accommodate hardship visits. (p.5 ¶1) 	<p>Lt. [redacted] b6, b7 deta [redacted] b6, b7 and [redacted] b6, b7</p>	
2.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> ▪ III.J. The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order. 	<ul style="list-style-type: none"> ▪ Telephones where detainees make outgoing calls are located out in the open, with no partitions. (p.7 ¶2) ▪ All phone conversations made on the phones located in the pods are automatically recorded and monitored. (p.7 ¶2) 	<p>Delegation observations.</p> <p>Mr. [redacted] b6 (Pay Tel); Lt. [redacted] b6, b7 detainees and [redacted] b6, b7</p>	
3.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.C. The law library shall contain the materials listed in Attachment A. ... The facility shall post a list of its holdings in the law library. 	<ul style="list-style-type: none"> ▪ Most of the hardbound materials located in the library are not up to date. (p.9 ¶2) ▪ The library does not contain all of the materials listed in Attachment A to the chapter on Access to Legal Materials: the Florence Project's "Know Your Rights" packets are not available in the library. (p.9 ¶2) 	<p>Delegation [redacted] b6, b7 ns; Lt.</p> <p>Delegation [redacted] b6, b7 ons; Lt.</p>	

4.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.G. The facility shall...permit all detainees, regardless of housing or classification, to use the law library on a regular basis. Each detainee shall be permitted to use the law library for a minimum of five (5) hours per week. Detainees may not be forced to forgo their minimal recreation time, as provided in “Detainee Recreation,” standard to use the law library. III.M. Detainees housed in ... Segregation units shall have the same law library access as the general population, unless compelling security concerns require limitations. 	<ul style="list-style-type: none"> The library and recreation schedules conflict at times, and detainees must choose between the two activities. (p.8 ¶3) 	<p>Detainees</p>	
5.	<p>Standard 9, Group Presentations on Legal Rights</p> <ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> The facility does not have a copy of the “Know Your Rights” video created by the Florence Project and distributed by ICE. (p.11 ¶2) 	<p>Lt. detainees</p>	
6.	<p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> III.B. The facility shall notify detainees of its policy in correspondence and other mail through the detainee handbook or equivalent ... [and] shall specify: ... 5. The definition of special correspondence, including instructions on the proper labeling for special correspondence, without which it will not be treated as special mail [and a] state[ment] that it is the detainee’s responsibility to inform senders of special mail of the labeling requirement ... 7. A description of mail which may be rejected by the facility ... The notification will state that identity documents, such as passports, birth certificates, etc., are contraband and may be used by the INS as evidence or as otherwise appropriate. 8. How to obtain writing implements, paper, and envelopes; and 9. The procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage 	<ul style="list-style-type: none"> The Handbook does not provide the following information as required: “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”; that identity documents, such as passports and birth certificates, are contraband and may be rejected by the facility; instructions about “how to obtain writing implements, paper, and envelopes”; and “the procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage.” (p.12 ¶2) 	<p>Wakulla County Detainee Handbook.</p>	

7.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.N. The facility will provide indigent detainees with free envelopes and stamps for mail related to a legal matter.... <p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> III.I. Postage Allowance. Indigent detainees will be permitted to mail a reasonable amount of mail each week, including at least five pieces of special correspondence and three pieces of general correspondence. III.J. The facility shall provide writing paper, writing implements, and envelopes at no cost to detainees. 	<ul style="list-style-type: none"> Lt. [REDACTED] informed the delegation that indigent detainees are provided with only three stamped envelopes and supplies per week. (p.12 ¶2) 	<p>Lt. [REDACTED]</p>	
8.	<p>Standard 6, Detainee Handbook</p> <ul style="list-style-type: none"> I. Every OIC will develop a site-specific detainee handbook to serve as an overview of ... the detention policies, rules, and procedures in effect at the facility. The handbook will also describe the services, programs, and opportunities available Every detainee will receive a copy of this handbook upon admission to the facility. III.B. The overview will briefly describe individual programs and services and associated rules ... includ[ing] ... telephone use III.D. The handbook will list detainee rights and responsibilities. III.E. The handbook will be written in English and translated into Spanish and, if appropriate, into the next most-prevalent language(s) among the facility's detainees. The OIC will provide translation assistance to detainees III.H. The OIC will provide a copy of the handbook to every staff member who has contact with detainees.... 	<ul style="list-style-type: none"> The detainees only received the Handbook approximately one month before the delegation visit, and the detainees who mentioned this had been at the facility for more than six months. (p.13 ¶2) 	<p>Detainees [REDACTED] and [REDACTED]</p>	
9.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> III.E. Dental Treatment. An initial dental screening exam should be performed within 14 days of the detainee's arrival. 	<ul style="list-style-type: none"> The detainees do not receive the initial required dental screening. (p.15 ¶3) 	<p>[REDACTED] e [REDACTED]</p>	

10.	<p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> ▪ III.A.5. The detainee handbook or equivalent, issued to each detainee upon admittance, shall provide notice of the facility's rules of conduct ... Among other things, the 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; 	<ul style="list-style-type: none"> ▪ The handbook does not notify detainees of their right to protection from abuse, harassment, and discrimination. (p.17 ¶3) 	<p>Wakulla County Detainee Handbook.</p>	
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