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## MEMORANDUM November 13, 2008

**To:** James T. Hayes, Jr., Director, Office of Detention and Removal, Immigration and Customs Enforcement

**From:** American Bar Association Delegation to the Hudson County Correctional Center in New Jersey<sup>1</sup>

**Copies to:** [REDACTED] Associate Director, ABA Commission on Immigration

**Subject:** Report on Observational Tour of the Hudson County Correctional Center, Kearny, New Jersey

### I. Introduction

This memorandum evaluates and summarizes our delegation's findings regarding the Hudson County Correctional Center ("HCCC")—an Intergovernmental Service Agreement facility in Kearny, New Jersey. The information contained in this report was gathered during our tour of the facility, and by way of interviews with facility staff and a federal inmate on October 7, 2008.<sup>2</sup>

The Immigration and Naturalization Service ("INS") promulgated the INS Detention Standards ("the Standards") in November 2000 to ensure the "safe, secure and humane treatment of individuals detained by the INS." The thirty-eight (38) standards contained in the Detention Operations Manual ("DOM") covered a broad spectrum of issues ranging from visitation policies to grievance procedures and food service. These Standards applied to Service Processing

<sup>1</sup> The delegation was comprised of Latham & Watkins LLP attorneys [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

<sup>2</sup> The delegation was unable to garner the names of any ICE detainees prior to its visit to HCCC. A former detainee who had recently been released from HCCC (who wishes to remain anonymous) provided us with the name of [REDACTED]. At the time of our visit, we believed that Ms. [REDACTED] was an ICE detainee; when we met Ms. [REDACTED] she informed us that she was a federal inmate who was only being detained alongside ICE detainees. However, not only did Ms. [REDACTED] share living accommodations; she is granted many of the same rights and privileges afforded to ICE detainees. Since her detention experience was similar, if not identical, to ICE detainees, we believe her experience is useful and have chosen to include on her statements this report.

Centers (“SPCs”), Contract Detention Facilities (“CDFs”), and state and local government facilities used through Intergovernmental Service Agreements (“IGSAs”). The Standards went into effect on January 1, 2001, and were to have been implemented at each facility by January 2003. In 2008 U.S. Immigration and Customs Enforcement (“ICE”) reissued the Standards in a performance-based format. The result of this redraft is the Performance Based National Detention Standards (“PBNDS”), which are to go into effect in January 2010.<sup>3</sup> We note that the Standards constitute a “floor” not a “ceiling” for treatment of detainees. In other words, they are meant to establish the minimal requirements that ICE must adhere to in the operation of its facilities. Each Field Office or Officer in Charge (“OIC”) of a facility may, in his or her discretion, promulgate policies and practices affording detainees more rights and protections than those provided for by the PBNDS.

At the time of our visit to HCCC, the PBNDS had not yet been put into effect, so our observations relied upon the Standards. Some observations that appear below discuss how the PBNDS would apply to the facility when implemented.

Overall, the delegation found that while the HCCC adequately demonstrates that it meets several of the Standards, many Standards are not adequately being met.

## II. General

After negotiations with Deputy Director [REDACTED], the delegation was granted a 45-minute tour of the facility with 60 minutes for detainee interviews.<sup>4</sup> Deputy Director [REDACTED] was reluctant to offer any additional time to the delegation as he felt the prior ABA delegation, in 2006, had conducted a full “inspection” of the facility and not just a “tour.”<sup>5</sup> The delegation felt that the nature of the visit was rushed, as we were quickly shepherded around the facility.<sup>6</sup>

On the date of our visit, October 7, 2008, ICE Deputy Field Office Director [REDACTED] (“Deputy Director Croteau”) and Lieutenant [REDACTED] (“Lt. Rivera”), a corrections officer, served as our guides. The facility had approximately 344 ICE detainees, including 304 males and 40 females.<sup>7</sup> The ICE detainee population is very diverse, with the largest groups being Mexicans (58 detainees), El Salvadorians (29 detainees), and Jamaicans (26 detainees).<sup>8</sup>

<sup>3</sup> Each standard in the PBNDS starts with a focus on the outcomes the required procedures are expected to accomplish; four new standards have been added to the 2001 Standards.

<sup>4</sup> Notes of delegation member [REDACTED], on conversation with Deputy Director [REDACTED].

<sup>5</sup> Notes of delegation member [REDACTED], on conversation with Deputy Director [REDACTED].

<sup>6</sup> Observation of delegation member [REDACTED].

<sup>7</sup> Current Detainee Report dated Monday, October 6, 2008; see also notes of delegation member [REDACTED], on conversation with Deputy Director [REDACTED].

<sup>8</sup> Current Detainee Report dated Monday, October 6, 2008; see also notes of delegation member [REDACTED], on conversation with Deputy Director [REDACTED].

A. Previous ABA Report on HCCC

In 2006, the ABA composed a similar report on HCCC.<sup>9</sup> A review this document shows that while some challenges still exist for the facility's full implementation of the Standards, HCCC has made substantial progress since 2006 in a number of areas. The persisting problems from the prior report are highlighted below.

- The 2006 ABA Report concluded that HCCC did not meet the Standards regarding Telephone Access to Legal Representatives.<sup>10</sup>
  - **This problem has not been resolved.** Improper time limits are placed on attorney telephone calls, legal calls may be monitored, and although private calls are available, the process is not explained or affirmatively offered to detainees.
- The 2006 ABA Report stated that HCCC did not meet the Standards regarding incoming calls and messages.<sup>11</sup>
  - **This problem has not been resolved.** Messages are not delivered to detainees.
- The 2006 ABA delegation reported that HCCC did not fully satisfy the Standards related to Library Access and Legal Materials.<sup>12</sup>
  - **Though substantial improvements have been made, not all problems have been resolved.** The Detainee Handbook does not include the policy for requesting additional time and materials from the law library, and a list of library holdings was not posted in the library.
- The 2006 ABA Report stated that it was unclear if HCCC allowed indigent detainees to send the requisite amount of correspondence free of charge.<sup>13</sup>
  - **This problem has not been resolved.** According to the Detainee Handbook, indigent detainees are not provided with any funds for special correspondence, or for all mail related to legal matters.

It is important to note that the 2006 ABA Report did not mention general visiting hours, but current HCCC policy violates the Standard regarding general visitation. HCCC does not allow visits on weekends, and the Detainee Handbook does not detail non-legal visitation hours or procedures. Further, HCCC disciplinary policy is not consistent with the Standards, and

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<sup>9</sup> ABA 2006 Report on Observational Tour of Hudson County Jail, Kearny, NJ, August 11, 2006.

<sup>10</sup> ABA 2006 Report on Observational Tour of Hudson County Jail, Kearny, NJ, August 11, 2006, p. 7.

<sup>11</sup> ABA 2006 Report on Observational Tour of Hudson County Jail, Kearny, NJ, August 11, 2006, p. 8.

<sup>12</sup> ABA 2006 Report on Observational Tour of Hudson County Jail, Kearny, NJ, August 11, 2006, pp. 8-11.

<sup>13</sup> ABA 2006 Report on Observational Tour of Hudson County Jail, Kearny, NJ, August 11, 2006, p. 13.

whether HCCC meets the Standards relating to detainee classification and medical care remains unclear.

A detailed analysis of the Standards and the delegation's observations at HCCC are detailed below.

### III. Visitation

#### A. Visitation by Attorneys

The Standards require that facilities permit legal visitation seven days per week for a minimum of eight hours on weekdays and four hours on the weekends and holidays.<sup>14</sup> The visits must be private, should not be interrupted for head counts, and may proceed through meals on regular business days.<sup>15</sup> Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility; this may include either speaking to an on-site ICE officer, or calling an off-site ICE officer with jurisdiction over the facility.<sup>16</sup> Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.<sup>17</sup> The Standards mandate that the visitation hours must be provided in the Detainee Handbook, and posted where detainees can easily see them.<sup>18</sup> If the facility requires strip searches after contact visits with a legal representative, then the facility must provide an option for confidential non-contact visits with legal representatives and a mechanism to exchange documents.<sup>19</sup>

**HCCC meets this section of the Standards.** Legal visitation is permitted fourteen hours per day, which is more than the Standards require. However, information from officers and Handbook differed on the specific amount of time allowed. According to officers at the facility, attorneys may visit their clients “seven days a week, twenty-four hours a day.”<sup>20</sup> This is inconsistent with the Hudson County Correctional Center ICE Detainee Handbook (“Detainee Handbook”) which states that attorney-visiting hours are from 6:00 a.m. – 10:00 p.m., seven days a week.<sup>21</sup> According to the ICE Detainee Handbook, visiting days are posted in each housing unit.<sup>22</sup>

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<sup>14</sup> DOM Detainee Services, Visitation, Section III.I.2.

<sup>15</sup> DOM Detainee Services, Visitation, Sections III.I.2 & 9.

<sup>16</sup> DOM Detainee Services, Visitation, Section III.I.6.

<sup>17</sup> DOM Detainee Services, Visitation, Section III.I.3.

<sup>18</sup> DOM Detainee Services, Visitation, Section III.B.

<sup>19</sup> DOM Detainee Services, Visitation, Section III.I.11.

<sup>20</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Lt. [REDACTED].

<sup>21</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 17.

<sup>22</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 15.

Attorneys may not call the Hudson County Correctional Center to determine the location of a particular detainee.<sup>23</sup> However, an attorney can call the ICE office with jurisdiction over the facility and speak with a deportation officer to determine whether a particular detainee is housed at the facility.<sup>24</sup> To do so, the attorney must provide a signed Form G-28 Notice of Entry of Appearance of Attorney or Representative.<sup>25</sup> Attorney bar cards are required for admittance into the facility, but if an attorney's state does not issue such cards, he/she can obtain prior approval for the visitation by contacting ICE.<sup>26</sup> Other legal representatives, such as paralegals and law students, will only be allowed to visit if an attorney is also present, or if the attorney alerts the facility of the legal representative's visit, prior to their arrival at the facility.<sup>27</sup> Attorneys do not need to call the jail prior to visiting.<sup>28</sup>

HCCC has seven attorney rooms available for attorney visits.<sup>29</sup> All visitation rooms are equipped with televisions and most include VCRs.<sup>30</sup> Attorney visitation rooms are observed visually by the guards, but the guards cannot hear the conversations.<sup>31</sup> Attorney visitations may be interrupted for emergency head counts,<sup>32</sup> however, the delegation did not determine whether visits are interrupted for routine head counts.

Detainees or attorneys are permitted to request a non-contact visit in order to avoid the possible requirement of a strip-search after a contact visit.<sup>33</sup> Furthermore, in most cases, strip searches do not occur after attorney contact visits.<sup>34</sup> Only specific attorneys with a record of misconduct place their clients at risk of being strip-searched after a contact visit.<sup>35</sup>

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<sup>23</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Deputy Director [REDACTED] b6, b7C

<sup>24</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Deputy Director [REDACTED] b6, b7C

<sup>25</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Deputy Director [REDACTED] b6, b7C

<sup>26</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Deputy Director [REDACTED] b6, b7C

<sup>27</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6 on conversation with Lt. [REDACTED] b6, b7C

<sup>28</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6 on conversation with Deputy Director [REDACTED] b6, b7C

<sup>29</sup> Observations of delegation member [REDACTED] b6

<sup>30</sup> Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C

<sup>31</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C

<sup>32</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 16.

<sup>33</sup> Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C

<sup>34</sup> Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C

<sup>35</sup> Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C

B. Visitation by Family and Friends

In order to maintain detainee morale and family relationships, the Standards encourage visits from family and friends.<sup>36</sup> The Standards require that facilities establish written visitation hours and procedures, post them where detainees can see them, include them in the detainee handbook, and make them available to the public.<sup>37</sup> This includes procedures for handling money for detainees.<sup>38</sup> The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”<sup>39</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>40</sup> Visits should be at least thirty minutes long and longer when possible.<sup>41</sup> If a facility does not provide for visits from minors, ICE should arrange for visits with children or step children within the detainee’s first thirty days at the facility, with continuing monthly visits.<sup>42</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>43</sup>

**HCCC does not meet this section of the Standards: no visits are allowed on weekends and the Detainee Handbook does not detail non-legal visitation hours or procedures.** Visitation hours for non-legal visits are Monday through Thursday 7:00 a.m. – 1:00 p.m. and 3:30 p.m. – 10:00 p.m.<sup>44</sup> Non-legal visits are not allowed on Friday, Saturday or Sunday, in violation of the Standards.<sup>45</sup> Notably, the Detainee Handbook does not detail visitation hours or procedures.<sup>46</sup> Visits may not exceed sixty minutes and visiting periods can be shortened because of security risks, emergency head counts, or other unanticipated events.<sup>47</sup> The visitation days are posted in each housing unit; however, it was unclear whether the hours and/or visitation policies were posted in the visitation rooms.<sup>48</sup> There are two visitation rooms; one for

<sup>36</sup> DOM Detainee Services, Visitation, Section I.

<sup>37</sup> DOM Detainee Services, Visitation, Sections III.A & B.

<sup>38</sup> DOM Detainee Services, Visitation, Section III.D.

<sup>39</sup> DOM Detainee Services, Visitation, Section III.G.

<sup>40</sup> DOM Detainee Services, Visitation, Section III.H.1.

<sup>41</sup> DOM Detainee Services, Visitation, Section III.H.1.

<sup>42</sup> DOM Detainee Services, Visitation, Section III.H.2.

<sup>43</sup> DOM Detainee Services, Visitation, Section III.H.5.

<sup>44</sup> Notes of delegation members [redacted] and [redacted], on conversation with Lt. [redacted]

<sup>45</sup> Notes of delegation members [redacted] and [redacted], on conversation with Lt. [redacted]

<sup>46</sup> Hudson County Correctional Center ICE Detainee Handbook, pp. 16-17.

<sup>47</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 16.

<sup>48</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 15; observation of delegation member [redacted]

contact visits, the other for non-contact visits.<sup>49</sup> Inmate [b6, b7C] confirmed that contact visits are allowed.<sup>50</sup>

Visitors must bring a picture ID in order to visit detainees.<sup>51</sup> Visitors may bring U.S. postal money orders and cash to be deposited in a detainee's account.<sup>52</sup> Checks will be placed in the personal property of a detainee or will be given back to the visitor.<sup>53</sup>

The provision of the Detainee Handbook that details disciplinary procedures does not list the revocation of visitation rights as a punishment for detainees.<sup>54</sup>

Members of the media are not allowed to visit without prior approval by ICE.<sup>55</sup>

#### IV. Legal Access: Telephones

##### A. General Requirements

The Standards require that facilities provide detainees with reasonable and equitable access to telephone services during established facility waking hours.<sup>56</sup> To meet this requirement, facilities must provide at least one telephone for every twenty-five detainees.<sup>57</sup> The Standards also mandate that telephone access rules be provided to each detainee upon admission and posted where detainees may easily see them.<sup>58</sup> The facility staff must maintain telephones in proper working order and inspect them regularly.<sup>59</sup>

**HCCC meets this section of the Standards.** Each housing unit has five to six telephones, which amounts to at least one telephone per thirteen detainees.<sup>60</sup> The telephones are turned on and accessible to detainees every day from 7:00 a.m. until 9:00 p.m., except during counts.<sup>61</sup> Telephone access rules are posted above the telephones and are included in the

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<sup>49</sup> Observations of delegation member [b6]

<sup>50</sup> Notes of delegation member [b6], on conversation with Inmate [b6, b7C].

<sup>51</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 16; notes of delegation member [b6], on conversation with Lt. [b6, b7C].

<sup>52</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 12.

<sup>53</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 13.

<sup>54</sup> Hudson County Correctional Center ICE Detainee Handbook, pp. 28-29.

<sup>55</sup> Notes of delegation member Christopher Owens, on conversation with Lt. Rivera.

<sup>56</sup> DOM Detainee Services, Telephone Access, Sections I & III.A.

<sup>57</sup> DOM Detainee Services, Telephone Access, Section III.C.

<sup>58</sup> DOM Detainee Services, Telephone Access, Section III.B.

<sup>59</sup> DOM Detainee Services, Telephone Access, Section III.D.

<sup>60</sup> Notes of delegation members [b6] and [b6], on conversation with Lt. [b6, b7C].

<sup>61</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C].

Detainee Handbook.<sup>62</sup> Facility staff inspect the telephones daily to confirm that they are operational.<sup>63</sup>

B. Direct Calls and Free Calls

The Standards allow facilities to generally limit calls to collect calls.<sup>64</sup> However, the facility must permit detainees to make direct calls to the local immigration court and Board of Immigration Appeals, federal and state courts, consular officials, legal service providers, government officials, and family members in cases of emergency.<sup>65</sup> The facility shall not require indigent detainees to pay for these types of calls if local or for non-local calls if there is a compelling need.<sup>66</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>67</sup>

**HCCC meets this section of the Standards.** The facility allows detainees to place collect calls to numbers within the United States.<sup>68</sup> In addition, detainees may place free calls to consular offices, immigration courts, the Board of Immigration Appeals, and an extensive list of other organizations and offices.<sup>69</sup> One inmate noted, however, that some detainees have had trouble calling certain consulates because the pre-programmed numbers on the phone list did not work.<sup>70</sup>

Indigent detainees are permitted to make calls to attorneys or organizations verified by Hudson staff at no charge.<sup>71</sup> Detainees are also allowed to make free calls to the ICE-provided list of free legal service providers.<sup>72</sup>

C. Telephone Access to Legal Representatives

The Standards provide that the facility shall neither restrict the number of calls a detainee places to his or her legal representatives, nor limit the duration of such calls by automatic cutoff,

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<sup>62</sup> Observations of delegation members [REDACTED] and [REDACTED]; Hudson County Correctional Center ICE Detainee Handbook, p. 5.

<sup>63</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>64</sup> DOM Detainee Services, Telephone Access, Section III.E.

<sup>65</sup> DOM Detainee Services, Telephone Access, Section III.E.

<sup>66</sup> DOM Detainee Services, Telephone Access, Section III.E.

<sup>67</sup> DOM Detainee Services, Telephone Access, Section III.E.

<sup>68</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>69</sup> Observations and notes of delegation member [REDACTED] on conversation with Lt. [REDACTED].

<sup>70</sup> Notes of delegation member [REDACTED], on conversation with Inmate [REDACTED].

<sup>71</sup> Observations of delegation members [REDACTED] and [REDACTED]; Hudson County Correctional Center ICE Detainee Handbook, p. 5.

<sup>72</sup> Observations and notes of delegation member [REDACTED] on conversation with Lt. [REDACTED].



unless necessary for security purposes or to maintain orderly and fair access to telephones.<sup>73</sup> Time limits, if necessary, shall be no shorter than twenty minutes.<sup>74</sup> The facility must ensure privacy for detainees' telephone calls regarding legal matters by providing a reasonable number of phones for detainees to make calls without being overheard by facility staff or detainees, and that calls shall not be electronically monitored absent a court order.<sup>75</sup>

**HCCC does not meet this section of the Standards: improper time limits are placed on attorney telephone calls according to the Handbook, legal calls may be monitored, and although private calls are available, the process is not explained or affirmatively offered to detainees.** It is unknown if the facility places any restrictions on the number of calls a detainee may make to his or her legal representatives.<sup>76</sup> However, according to the Detainee Handbook, all telephone calls are monitored for their duration, and calls are terminated automatically after fifteen minutes.<sup>77</sup> Only calls to consulates are exempt from the fifteen-minute rule.<sup>78</sup>

The arrangement of the telephones within each housing unit does not provide any privacy for telephone calls regarding legal matters.<sup>79</sup> Six telephones are lined up close together along a single wall, with no partitions between them, and with no barrier between the telephone area and the rest of the housing unit.<sup>80</sup> In addition, all telephone conversations are monitored and subject to recording, including conversations between a detainee and his or her attorney.<sup>81</sup> When the telephone receiver is picked up, a pre-recorded message in English and Spanish discloses that the call is subject to monitoring.<sup>82</sup> The Detainee Handbook notes that "all non-legal phone calls are subject to monitoring and/or recording," which implies that legal calls are not monitored or recorded.<sup>83</sup> However, that is simply not the case, as all calls made from the telephones in the housing units are subject to monitoring.<sup>84</sup>

Detainees may make requests to social workers to have private, unmonitored telephone calls with their attorneys and, if the request is granted, the calls can be placed from the social

<sup>73</sup> DOM Detainee Services, Telephone Access, Section III.F.

<sup>74</sup> DOM Detainee Services, Telephone Access, Section III.F.

<sup>75</sup> DOM Detainee Services, Telephone Access, Section III.J.

<sup>76</sup> Observation of delegation member [REDACTED] b6

<sup>77</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 5.

<sup>78</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 5.

<sup>79</sup> Observation of delegation member [REDACTED] b6

<sup>80</sup> Observation of delegation member [REDACTED]

<sup>81</sup> Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C and Deputy Director [REDACTED] b6, b7C

<sup>82</sup> Observations of delegation members [REDACTED] b6 and [REDACTED] b6

<sup>83</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 5; observations of delegation member [REDACTED] b6

<sup>84</sup> Observations of delegation members [REDACTED] b6 and [REDACTED] b6; notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED] b6, b7C and Deputy Director [REDACTED] b6, b7C

workers' office.<sup>85</sup> However, detainees are not informed of this option unless they inquire with an ICE officer who is available in the facility on weekdays to answer detainees' questions.<sup>86</sup> Deputy Director [b6, b7C] stated that detainees are not affirmatively informed of the private telephone call option because there are so many procedures and technicalities that it would be burdensome to explain this process to the detainees.<sup>87</sup>

#### D. Incoming Calls and Messages

The Standards require that facilities take and deliver telephone messages to detainees as promptly as possible.<sup>88</sup> If the facility receives an emergency telephone call for a detainee, the Standards require that the facility obtain the caller's name, number, and permit the detainee to return the emergency call as soon as possible.<sup>89</sup>

**HCCC does not meet this section of the Standards: messages are not delivered to detainees.** The facility does not routinely take and deliver phone messages for detainees, even messages from their legal representatives.<sup>90</sup> Attorneys can normally only initiate communication with detained clients by sending letters.<sup>91</sup> For urgent matters, attorneys can contact ICE headquarters and the communication will be delivered to the detainee.<sup>92</sup>

It is not common practice for the facility to take and deliver telephone messages from detainees' family members, and the facility does not require that its officers do so.<sup>93</sup> However, messages from family members are sometimes delivered to detainees, if officers are familiar with a detainee's family members.<sup>94</sup>

### V. **Legal Access: Legal Materials**

#### A. Library Access

The Standards provide that facilities shall permit detainees access to a law library for at least five hours per week.<sup>95</sup> The Standards also state that detainees housed in administrative or

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<sup>85</sup> Notes of delegation members [b6] and [b6], on conversation with Deputy Director [b6, b7C]

<sup>86</sup> Notes of delegation members [b6] on conversation with Deputy Director [b6, b7C]

<sup>87</sup> Notes of delegation members [b6] on conversation with Deputy Director [b6, b7C]

<sup>88</sup> DOM Detainee Services, Telephone Access, Section III.I.

<sup>89</sup> DOM Detainee Services, Telephone Access, Section III.I.

<sup>90</sup> Notes of delegation members [b6] and [b6], on conversation with Deputy Director [b6, b7C] and Lt. [b6, b7C]

<sup>91</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C]

<sup>92</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C]

<sup>93</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C]

<sup>94</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C]

<sup>95</sup> DOM Detainee Services Standard 1, Section III.G.

disciplinary segregation shall have the same law library access as detainees in the general population, absent compelling security concerns.<sup>96</sup> Facilities may supervise the library use by a detainee housed in disciplinary or administrative segregation as warranted, may be required to use the law library separately or, if feasible, have legal material brought to them.<sup>97</sup> The Standards provide that the Detainee Handbook shall outline the rules and procedures governing access to legal materials, including the scheduled hours of visitation to the library, procedure for requesting access to the materials, as well as the procedure for requesting additional time and additional legal resource materials.<sup>98</sup>

**HCCC does not fully meet this section of the Standards: the Detainee Handbook does not include the policy for requesting additional time and materials from the law library.** Lt. [b6, b7C] told the delegation that detainees were provided with five hours of library access per week, one hour per day on each weekday.<sup>99</sup> Inmate [b6, b7C] stated that detainees can go to the library every day.<sup>100</sup>

Lt. [b6, b7C] told the delegation that detainees in the disciplinary unit are not permitted to go to the library.<sup>101</sup> Those detainees are allowed to request library materials in writing, and an officer will bring the requested materials from the library to the detainee.<sup>102</sup>

The Detainee Handbook indicates hours of library operation, but it does not indicate the scheduled hours of detainee access to the library, or the procedure for requesting additional time and additional materials.<sup>103</sup> Further, there is no information in the Detainee Handbook about how to notify a designated employee that library material is missing or damaged.<sup>104</sup> The Detainee Handbook states:

The Law Library will operate from 14:30 hrs.-20:30 hrs. with all ICE Units guaranteed five hours per week. The facility offers a library/law library for your reading pleasure and legal reference. Legal material cannot be taken out of the library. Sign-up sheets for the law library are posted in each dorm daily. You will be called from the list. Hours of operation for both the Library and the Law Library are posted in each dorm. Computers with legal material are available in law library (ICE labeled computers only).<sup>105</sup>

<sup>96</sup> DOM Security and Control Standard 13, Section III.D.18, and Standard 14, Section III.D.15, Section III.M.

<sup>97</sup> DOM Security and Control Standard 13, Section III.M.

<sup>98</sup> DOM Detainee Services Standard 1, Section III.Q.

<sup>99</sup> Notes of delegation member [b6] on conversation with Lt. [b6, b7C].

<sup>100</sup> Notes of delegation member [b6], on conversation with Inmate [b6, b7C].

<sup>101</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C].

<sup>102</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C].

<sup>103</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 9.

<sup>104</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 9.

<sup>105</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 8.

Although the Detainee Handbook states that sign-up sheets are posted in each dorm, the delegation did not observe any sign-up sheets posted in the housing unit, and Inmate [REDACTED] did not indicate that this procedure was used.<sup>106</sup> In addition, Lt. [REDACTED] stated that the library hours of operation are from 2:00 p.m. to 9:00 p.m., which differs from the hours listed in the Detainee Handbook.<sup>107</sup> Detainees are also permitted to use the library on Saturday by request if necessary, such as to meet court deadlines.<sup>108</sup>

### B. Library Conditions

The Standards provide that the law library be in a designated room with sufficient space to facilitate detainees' legal research and writing.<sup>109</sup> The Standards also provide that the library should be well-lit and reasonably isolated, as well as contain a sufficient number of chairs and tables to accommodate access to all detainees who request its use.<sup>110</sup>

**HCCC meets this section of the Standards.** The Hudson County facility provided a law library in a separate, designated room.<sup>111</sup> The library contained six tables, with approximately four to five chairs at each table.<sup>112</sup> The room was well-lit for reading purposes.<sup>113</sup> The room was reasonably isolated from noisy areas.<sup>114</sup>

The law library contained two computers designated for use by detainees only.<sup>115</sup> Both computers were functional and contained the LexisNexis software.<sup>116</sup> In addition, the library contained two typewriters.<sup>117</sup>

### C. Legal Materials

The Standards provide that each facility library shall contain a designated list of materials found in Attachment A of the Standard "Access to Legal Materials."<sup>118</sup> Additionally, the

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<sup>106</sup> Observation of delegation member [REDACTED]; notes of delegation member [REDACTED] on conversation with Inmate [REDACTED].

<sup>107</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>108</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>109</sup> DOM Detainee Services Standard 1, Section III.A.

<sup>110</sup> DOM Detainee Services Standard 1, Section III.A.

<sup>111</sup> Observation of delegation member [REDACTED].

<sup>112</sup> Observation of delegation member [REDACTED].

<sup>113</sup> Observation of delegation member [REDACTED].

<sup>114</sup> Observation of delegation member [REDACTED].

<sup>115</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>116</sup> Observation of delegation member [REDACTED].

<sup>117</sup> Observation of delegation member [REDACTED].

<sup>118</sup> DOM Detainee Services Standard 1, Section III.C.

Standards provide that the library post a listing of its holdings.<sup>119</sup> Detainees may make requests for additional legal materials, which shall be passed along to ICE; requests for copies of court decisions will normally be available within three business days.<sup>120</sup> Finally, the Standards require that the facility permit detainees to retain all personal legal materials, unless such materials create a safety, security, or sanitation hazard.<sup>121</sup>

**HCCC does not fully meet this section of the Standards: a list of library holdings was not posted.** The library at the Hudson County Jail did not have a list of its law library holdings posted.<sup>122</sup> When asked for a list of the law library holdings, Lt. [b6, b7C] stated that such a list did not exist.<sup>123</sup> Due to the rushed nature of the visit, the delegation was unable to confirm whether all of the materials from the list of materials in Attachment A of the Standard were present. Notably, Administrative Decisions under Immigration and Nationality Laws was in the library.<sup>124</sup>

The law library is staffed by three civilian paralegals that can assist the detainees.<sup>125</sup> Lt. [b6, b7C] stated that the LexisNexis materials on the two computers designated for detainees were updated every three to four months.<sup>126</sup> Lt. [b6, b7C] informed the delegation that library staff will train detainees who are not computer literate to use the computers.<sup>127</sup>

Lt. [b)(6), (b)(7)] stated that detainees are permitted to retain their paper legal materials, unless it becomes a fire hazard, in which case the materials would be stored in another location.<sup>128</sup> Detainees are also permitted to retain materials on a floppy disk, which they can keep.<sup>129</sup>

#### D. Photocopies and Mail Supplies

The Standards provide that facilities must make copies of detainees' legal documents when such copies are reasonable and necessary for a legal proceeding involving the detainee.<sup>130</sup> The Standards also indicate that facilities must provide detainees with envelopes and stamps for mail related to legal matters.<sup>131</sup>

<sup>119</sup> DOM Detainee Services Standard 1, Section III.C.

<sup>120</sup> DOM Detainee Services Standard 1, Section III.I.

<sup>121</sup> DOM Detainee Services Standard 1, Section III.K.

<sup>122</sup> Observation of delegation member [b6]

<sup>123</sup> Notes of delegation member [b6] on conversation with Lt. [b6, b7C]

<sup>124</sup> Observation of delegation member [b6]

<sup>125</sup> Observation of delegation member [b6]

<sup>126</sup> Notes of delegation member [b6], on conversation with Lt. [b6]

<sup>127</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>128</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>129</sup> Notes of delegation member [b6], on conversation with Lt. [b6]

<sup>130</sup> DOM Detainee Services Standard 1, Section III.J.

<sup>131</sup> DOM Detainee Services Standard 1, Section III.N.

**It is unclear whether HCCC fully meets this Standard: an inmate indicated that indigent correspondence for detainees is not properly funded.** A copy machine in working order was located in the law library.<sup>132</sup> Lt. [b6, b7C] informed the delegation that detainees are permitted to make free copies of materials within reasonable limits.<sup>133</sup>

Indigent detainees are provided with envelopes and stamps for mail related to legal matters.<sup>134</sup> Envelopes, paper and writing implements are available for detainees in the library.<sup>135</sup> Inmate [b6, b7C] confirmed that envelopes and paper are available in the library.<sup>136</sup> Inmate [b6, b7C] stated that correspondence from a detainee with no funds in her account will be mailed out, but the cost of the stamps will be deducted from her account, and the account will reflect a negative balance.<sup>137</sup> It is not clear if this policy applied to “indigent” detainees—defined as detainees with less than \$3.00 in their account for over 30 days<sup>138</sup>—or only to “non-indigent” detainees with an account balance of zero. Regardless, this definition of indigence is problematic, as it would require a detainee to wait 30 days—the entire length of time available to file an appeal of their immigration case—before being declared “indigent” and provided with access to free stamps.<sup>139</sup>

#### E. Detainee Assistance

The Standards provide that detainees may assist one another in researching and preparing legal documents; however, no detainee shall be allowed to charge a fee or accept anything of value for assistance.<sup>140</sup> The Standards provide that a facility shall establish procedures to assist unrepresented, illiterate, or non-English speaking detainees who wish to pursue a legal claim related to their immigration proceedings or detention, and must provide them with more than access to a set of English-language law books.<sup>141</sup> The Standards suggest two procedures to meet this obligation: 1) helping the detainee obtain assistance in using the library and drafting legal documents with appropriate language and reading-writing abilities; and 2) assisting detainees in contacting *pro bono* legal assistance organizations.<sup>142</sup>

<sup>132</sup> Observation of delegation member [b6]

<sup>133</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>134</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>135</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>136</sup> Notes of delegation member [b6], on conversation with Inmate [b6, b7C]

<sup>137</sup> Notes of delegation member [b6], on conversation with Inmate [b6, b7C]

<sup>138</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 18.

<sup>139</sup> The Performance Based National Detention Standards (PBNDS), Section 43, Definitions, defines “indigent” as “ordinarily, a detainee with less than \$15.00 in his or her account.”

<sup>140</sup> DOM Detainee Services Standard 1, Section III.K.

<sup>141</sup> DOM Detainee Services Standard 1, Section III.L.

<sup>142</sup> DOM Detainee Services Standard 1, Section III.L.

**HCCC substantially meets this section of the Standards: however, there are no non-English language legal materials in the library.** Lt. [b6, b7C] stated that detainees can, and do, assist each other in legal research and the preparation of legal materials.<sup>143</sup> Inmate [b6, b7C] stated that she assists detainees with the preparation of legal materials.<sup>144</sup> In addition, a list of pro bono legal assistance organizations was posted in the library.<sup>145</sup>

However, it is important to note that the delegation did not observe any non-English legal materials in the library.<sup>146</sup> Inmate [b6, b7C] stated that there were no non-English materials in library.<sup>147</sup>

## VI. Group Presentations on Legal Rights

The Standards provide that facilities housing ICE detainees “shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of each facility.”<sup>148</sup> Informational posters are to be displayed prominently in the housing units at least forty-eight hours in advance of a scheduled presentation.<sup>149</sup> “The facility shall select and provide an environment conducive to the presentation, consistent with security.”<sup>150</sup> Detainees also must have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”<sup>151</sup>

**HCCC meets this section of the Standards.** According to Lt. [b6, b7C], agencies seeking to hold a group rights presentation must notify HCCC staff, which will then accommodate the agency.<sup>152</sup> Legal Services of New Jersey (“LSNJ”) provides group rights presentations in HCCC’s gymnasium each week, on Tuesdays and Thursdays.<sup>153</sup> Those presentations include a “Know Your Rights” video.<sup>154</sup> The procedure for detainees to attend presentations as indicated by Lt. [b6, b7C] includes LSNJ informing HCCC staff of particular detainees that it would like to attend a presentation including all new arrivals at HCCC.<sup>155</sup> Lt. [b6, b7C] noted that information about upcoming presentations is posted in the housing units and that detainees can request to

<sup>143</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>144</sup> Notes of delegation member [b6] on conversation with Inmate [b6, b7C]

<sup>145</sup> Observation of delegation member [b6]

<sup>146</sup> Observation of delegation member [b6]

<sup>147</sup> Notes of delegation member [b6], on conversation with Inmate [b6, b7C]

<sup>148</sup> DOM Detainee Services, Group Presentations on Legal Rights, Section I.

<sup>149</sup> DOM Detainee Services, Group Presentations on Legal Rights, Section III.C.

<sup>150</sup> DOM Detainee Services, Group Presentations on Legal Rights, Section III.E.

<sup>151</sup> DOM Detainee Services, Group Presentations on Legal Rights, Section III.I.

<sup>152</sup> Notes of delegation member [b6] on conversation with Lt. [b6, b7C]

<sup>153</sup> Notes of delegation member [b6] on conversation with Lt. [b6, b7C]

<sup>154</sup> Notes of delegation member [b6] on conversation with Lt. [b6, b7C]

<sup>155</sup> Notes of delegation member [b6] on conversation with Lt. [b6, b7C]

attend presentations.<sup>156</sup> A schedule of presentations was not observed by the delegation.<sup>157</sup> Prior to, and following, presentations, detainees are permitted to meet with presenters.<sup>158</sup> However, detainee-presenter interaction must focus only on the presentation, and not on a detainee's particular case.<sup>159</sup> Case-specific questions to a presenter are permissible only if the detainee's attorney expressly approved that interaction.<sup>160</sup>

## VII. Conditions Regarding Other Provisions of the Standards

### A. Detainee Handbook

The Standards require that every facility develop a site-specific handbook to serve as an overview of, and guide to, the detention policies, rules and procedures in effect at the facility.<sup>161</sup> A copy of the detainee handbook shall be provided to detainees upon their arrival.<sup>162</sup>

**HCCC meets this section of the Standards.** ICE detainees are provided with a copy of the Detainee Handbook upon arrival and must sign to acknowledge their receipt.<sup>163</sup> A record exists of all detainees who have signed for their handbooks.<sup>164</sup> HCCC is currently in the process of translating the Detainee Handbook into Spanish, and HCCC has translators on staff who can translate the policies contained in the Detainee Handbook into several other languages.<sup>165</sup>

### B. Classification of Detainees

The Standards require that detention facilities use a classification system and physically separate detainees into different categories.<sup>166</sup> High-level twos and level threes may be housed together, but under no circumstances will level two detainees with a history of assaultive behavior be housed with level one detainees.<sup>167</sup>

**It is unclear whether HCCC meets this Standard: the delegation did not determine whether female detainees are separated based on classification.** Inmates at HCCC are classified by a numerical system: each inmate is classified as a one, two or three, with one being

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<sup>156</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>157</sup> Observation of delegation member [REDACTED].

<sup>158</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>159</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>160</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>161</sup> DOM Detainee Services Standard 6, Section I.

<sup>162</sup> DOM Detainee Services Standard 6, Section I.

<sup>163</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>164</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>165</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>166</sup> DOM Detainee Services Standard 4, Section I.

<sup>167</sup> DOM Detainee Services Standard 4, Section III.F.



the least violent and three being the most violent.<sup>168</sup> Detainees can appeal their classification if they believe they have been misclassified.<sup>169</sup> Twos and threes are reviewed every six months to determine whether their classification should be altered.<sup>170</sup>

According to Lt. [b6, b7C] ones are never housed with threes, but twos can be mixed with either ones or threes.<sup>171</sup> The Detainee Handbook states that level one detainees cannot be mixed with any detainee with a violent felony conviction or aggravated felony conviction.<sup>172</sup> However, all new arrivals are housed in the intake ward pre-classification.<sup>173</sup> It is unclear how or whether female ones and threes are segregated because there is only one unit of female detainees.<sup>174</sup>

C. Detainee Transfer

The Standards require ICE to notify a detainee’s counsel of record that the detainee is being transferred.<sup>175</sup> Detainees may make telephone calls upon arrival at their final destination; indigent detainees may make one domestic call at government expense.<sup>176</sup> A detainee’s legal materials must accompany the detainee to the new facility.<sup>177</sup>

**HCCC meets this section of the Standards.** Both the detainee and his or her attorney are notified promptly of each transfer, and all legal materials are sent with the detainee to the transfer facility.<sup>178</sup> Indigent transferees are entitled to one domestic call at the government’s expense.<sup>179</sup>

D. Correspondence

The Standards state that incoming general correspondence shall be inspected for contraband in the presence of detainees. Incoming legal mail can be opened and inspected for contraband in the presence of detainees, but officials are not permitted to read or copy the correspondence.<sup>180</sup> The Standards require that indigent detainees be permitted to send at least

<sup>168</sup> Notes of delegation member [b6], on conversations with Lt. [b6, b7C] and Deputy Director [b6, b7C]

<sup>169</sup> Notes of delegation member [b6], on conversation with Lt. [b6]

<sup>170</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>171</sup> Notes of delegation member [b6], on conversation with Lt. [b6]

<sup>172</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 32.

<sup>173</sup> Notes of delegation member [b6], on conversation with Lt. [b6]

<sup>174</sup> Notes of delegation member [b6], on conversation with Lt. [b6]

<sup>175</sup> DOM Security and Control Standard 4, Section III.A.

<sup>176</sup> DOM Security and Control Standard 4, Section III.G.

<sup>177</sup> DOM Security and Control Standard 4, Section III.E.

<sup>178</sup> Notes of delegation member [b6], on conversation with Lt. [b6]

<sup>179</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>180</sup> DOM Detainee Services Standard 3, Sections III. B, E, & F.

three pieces of general correspondence and five pieces of special correspondence per week, free of charge.<sup>181</sup>

**HCCC does not appear to meet this Standard: according to the Detainee Handbook, indigent detainees are not provided with any funds for special correspondence, or for all mail related to legal matters.** According to Lt. [b6, b7C] incoming general and legal correspondence are inspected in accordance with the Standards.<sup>182</sup> Facility staff stated that indigent detainees (defined as those with less than \$3.00 in their account for over 30 days<sup>183</sup>) are provided with envelopes and stamps for mail related to legal matters.<sup>184</sup> However, the Detainee Handbook states that indigent detainees will receive postage and stationery to send up to three first class letters per week, but there is no mention of postage for special correspondence, or correspondence related to legal matters.<sup>185</sup> If the Detainee Handbook is accurate, and HCCC does not permit indigent detainees to send at least five pieces of special correspondence a week, free of charge, this policy does not meet the Standards.

Envelopes, paper and writing implements are available for detainees in the library.<sup>186</sup> In addition, the social worker can provide correspondence materials when in her unit on Monday, Wednesday and Friday.<sup>187</sup>

According to inmate [b6, b7C], the library workers bring legal mail to the unit and detainees are asked to sign for such mail.<sup>188</sup> Regular mail is opened outside the unit and then brought to the detainees between 2:30 and 8:30 p.m.<sup>189</sup> The inmate indicated that correspondence from a detainee with no funds in their account will be sent, but their account will then register a negative balance.<sup>190</sup>

#### F. Disciplinary Policy

The Standards indicate that facility authorities “will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures” in order “[t]o provide a safe and orderly living environment.”<sup>191</sup> Each facility must have a detainee disciplinary system that has “progressive levels of reviews, appeals, procedures, and

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<sup>181</sup> DOM Detainee Services Standard 4, Sections III I, and Standard 1, Section III.N.

<sup>182</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C].

<sup>183</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 18.

<sup>184</sup> Notes of delegation member [b6] on conversation with Lt. [b6, b7C].

<sup>185</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 18

<sup>186</sup> Notes of delegation member [b6] on conversation with Lt. [b6, b7C].

<sup>187</sup> Notes of delegation members [b6] and [b6], on conversation with Inmate [b6, b7C].

<sup>188</sup> Notes of delegation members [b6] and [b6], on conversation with Inmate [b6, b7C].

<sup>189</sup> Notes of delegation members [b6] and [b6], on conversation with Inmate [b6, b7C].

<sup>190</sup> Notes of delegation members [b6] and [b6], on conversation with Inmate [b6, b7C].

<sup>191</sup> DOM Security and Control, Disciplinary Policy, Section I.

documentation procedures.”<sup>192</sup> The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.<sup>193</sup>

Officers who witness a prohibited act must prepare and submit an incident report that “must state the facts clearly, precisely, and concisely, omitting no details that could prove significant.”<sup>194</sup> All incident reports filed by officers must be investigated within twenty-four hours of the incident.<sup>195</sup> A disciplinary panel may impose appropriate sanctions upon determining that a detainee committed a disciplinary infraction,<sup>196</sup> but 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>197</sup> Only a disciplinary panel may impose a segregation sanction,<sup>198</sup> and “[t]ime in segregation after a hearing will generally not exceed 60 days.”<sup>199</sup>

The Detainee Handbook must “provide notice of the facility’s rules of conduct, and of the sanctions imposed for violations of the rules.”<sup>200</sup> The Detainee 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>201</sup>

**HCCC does not meet these sections of the Standards: some incidents are not detailed in a report, and aside from the pre-hearing process, the Detainee Handbook neither expressly mentions the disciplinary process nor clearly differentiates minor offenses from major offenses.** Lt. [b6, b7C] stated that if an officer deems an observed disciplinary violation to be minor, the officer may implement an informal, minor punishment.<sup>202</sup> This policy does not follow the Standard on Discipline, which requires an incident report for minor and major offenses at ISGAs.<sup>203</sup> Lt. [b6, b7C] provided the following example of how an incident deemed to be minor, would be handled: if a detainee refused to follow an order, such as an order to clean up his or her area, the officer may punish that minor infraction by requiring the detainee

<sup>192</sup> DOM Security and Control, Disciplinary Policy, Section III.A.1.

<sup>193</sup> DOM Security and Control, Disciplinary Policy, Sections III.A.1 & A.2.

<sup>194</sup> DOM Security and Control, Disciplinary Policy, Section III.B.

<sup>195</sup> DOM Security and Control, Disciplinary Policy, Sections III.B. & C.

<sup>196</sup> DOM Security and Control, Disciplinary Policy, Section III.F.

<sup>197</sup> DOM Security and Control, Disciplinary Policy, Section III.A.3.

<sup>198</sup> DOM Security and Control, Disciplinary Policy, Section III.F.

<sup>199</sup> DOM Security and Control, Disciplinary Policy, Section III.H.1.

<sup>200</sup> DOM Security and Control, Disciplinary Policy, Section III.A.5.

<sup>201</sup> DOM Security and Control, Disciplinary Policy, Section III.A.5.

<sup>202</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>203</sup> DOM Security and Control, Disciplinary Policy, Section III.B.

to sit separately from the rest of the population for a few hours.<sup>204</sup> When an officer observes a disciplinary infraction that cannot be handled informally, an incident report will be filed and an investigation will take place within twenty-four hours of the incident.<sup>205</sup> If no report is filed within that temporal window, the detainee is found innocent of any charges stemming from the incident, and actions against the officer for failure to file a report may be pursued.<sup>206</sup> Each incident report must contain the name and number of the detainee who committed the prohibited act, the location and time of the incident, any immediate action taken, witnesses to the incident, physical evidence, if any, and the facts underlying the incident.<sup>207</sup> Once prepared, the detainee must receive a copy of the report and must provide a written acknowledgement that he or she was informed of his or her pertinent rights and served with a copy of the report.<sup>208</sup>

Serious violations generally result in pre-hearing segregation.<sup>209</sup> Usually, Deputy Director [b6, b7C] is notified of the incident within one hour.<sup>210</sup> The initial report is filed, an investigation is undertaken, and a hearing generally is conducted within twenty-four hours of the incident, although the hearing always occurs within seventy-two hours.<sup>211</sup> Interpreters are provided, and, should no interpreter be able to communicate with a detainee, HCCC uses the AT&T translation service.<sup>212</sup> The final decision of the hearing panel may be appealed to HCCC's Director or Deputy Director, and that appeal is usually heard no later than seven days after the initial decision.<sup>213</sup> The time between the initial complaint and the appeal hearing largely depends on how long it takes a detainee to complete required forms to pursue an appeal.<sup>214</sup>

Determinations of guilt by the panel for major disciplinary violations usually result in segregation, although Lt. [b6, b7C] indicated that there is a range of punishments depending on the nature of the violation.<sup>215</sup> According to Deputy Director [b6, b7C], segregation usually lasts no longer than five days but has lasted as long as twenty days.<sup>216</sup> Deputy Director [b6, b7C] noted that a detainee will not be segregated for more than thirty days.<sup>217</sup>

<sup>204</sup> Notes of delegation member [redacted], on conversation with Lt. [redacted].

<sup>205</sup> Notes of delegation member [redacted] b6, on conversation with Lt. [redacted] b6, b7C.

<sup>206</sup> Notes of delegation member [redacted], on conversation with Lt. [redacted].

<sup>207</sup> Details taken from "Inmate Disciplinary Report," a form copy of which was provided by the facility.

<sup>208</sup> Details taken from "Inmate Disciplinary Report," a form copy of which was provided by the facility.

<sup>209</sup> Notes of delegation member [redacted], on conversation with Lt. [redacted] b6, b7C.

<sup>210</sup> Notes of delegation member [redacted], on conversation with Deputy Director [redacted] b6, b7C.

<sup>211</sup> Notes of delegation member [redacted], on conversation with Lt. [redacted].

<sup>212</sup> Notes of delegation member [redacted], on conversation with Lt. [redacted] b6, b7C.

<sup>213</sup> Notes of delegation member [redacted] b6, on conversation with Lt. [redacted].

<sup>214</sup> Notes of delegation member [redacted], on conversation with Lt. [redacted].

<sup>215</sup> Notes of delegation member [redacted], on conversation with Lt. [redacted] b6, b7C and Deputy Director [redacted] b6, b7C.

<sup>216</sup> Notes of delegation member [redacted], on conversation with Deputy Director [redacted] b6, b7C.

<sup>217</sup> Notes of delegation member [redacted], on conversation with Deputy Director [redacted].

The Detainee Handbook lists a number of offenses that subject a detainee to discipline.<sup>218</sup> It designates penalties for “Minor Offenses,” which may warrant punishments such as verbal or written reprimands and institutes a living area restriction for no more than 15 days,<sup>219</sup> as well as penalties for “Major Offenses,” which may result in the initiation of criminal proceedings and segregation.<sup>220</sup> While offenses are categorized into the two groups for punishment, the Detainee Handbook lists what constitutes offenses in categories C, D, E, F, and G.<sup>221</sup> The Detainee Handbook provides no indication of which groups of offenses will be considered minor, as compared to major. Further, although the Detainee Handbook sets forth pre-hearing segregation procedures, it does not indicate the process followed by the disciplinary panel when initially ruling on a disciplinary infraction or the process by which that determination may be appealed.<sup>222</sup>

#### G. Staff-Detainee Communication

The Standards require that procedures be in place “to allow for formal and informal contact between key facility staff, ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.”<sup>223</sup> Scheduled weekly visits must be conducted by ICE personnel, and “regular unannounced (not scheduled) visits” must be conducted by the ICE OIC, the Assistant OIC, and designated department heads.<sup>224</sup> The unannounced visits must occur regularly.<sup>225</sup> The visits permit ICE staff to monitor housing conditions, interview detainees, review records, and answer questions for detainees who do not comprehend the immigration removal process.<sup>226</sup> The Standards also provide that detainees “have the opportunity to submit written questions, requests, or concerns to ICE staff,” which “shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay.”<sup>227</sup> All facilities must have “written procedures to route detainee requests to the appropriate ICE official” and must assist detainees “who are disabled, illiterate, or know little or no English.”<sup>228</sup> The Standards suggest that detainee requests be forwarded to the appropriate ICE office within seventy-two hours and “answered as soon as possible or practicable, but not later than seventy-two hours from receiving the request.”<sup>229</sup>

<sup>218</sup> Hudson County Correctional Center ICE Detainee Handbook, pp. 22-28.

<sup>219</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 28.

<sup>220</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 28.

<sup>221</sup> Hudson County Correctional Center ICE Detainee Handbook, pp. 22-28.

<sup>222</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 21.

<sup>223</sup> DOM Detainee Services, Staff-Detainee Communication, Section I.

<sup>224</sup> DOM Detainee Services, Staff-Detainee Communication, Section III.A.

<sup>225</sup> DOM Detainee Services, Staff-Detainee Communication, Section III.A.1.

<sup>226</sup> DOM Detainee Services, Staff-Detainee Communication, Section III.A.

<sup>227</sup> DOM Detainee Services, Staff-Detainee Communication, Section III.B.

<sup>228</sup> DOM Detainee Services, Staff-Detainee Communication, Section III.B.

<sup>229</sup> DOM Detainee Services, Staff-Detainee Communication, Section III.B.1.

**HCCC meets these requirements in the Standards.** Both the male and female housing units at HCCC contain a lock box with the English description: “ICE Grievance/Complaint Box.”<sup>230</sup> The lock box contains a slot in which detainees may place written complaints.<sup>231</sup> Only ICE staff members have a key to the lock box.<sup>232</sup> A sign above the lock box indicates that an ICE staff member will empty the lock box every Monday, Wednesday, and Friday,<sup>233</sup> but Lt. [b6, b7C] and Deputy Director [b6, b7C] stated that an ICE staff member empties the lock box daily.<sup>234</sup>

ICE conducts scheduled visits to HCCC.<sup>235</sup> ICE provided the delegation with an example of a list posted in HCCC of ICE officers scheduled to visit and meet with detainees.<sup>236</sup> A female detainee approached Deputy Director [b6, b7C] during the delegation’s visit to ask a question informally.<sup>237</sup>

HCCC staff takes steps to encourage staff-detainee communication where language is an issue; Lt. [b6, b7C] cited one instance in which the AT&T translation service was utilized to aid in communication with a detainee who spoke Chinese.<sup>238</sup>

The Detainee Handbook also sets forth a formal grievance procedure and provides the address where detainees may send complaints about officer misconduct.<sup>239</sup> A posted flyer provides detainees with an address and phone number for the DHS Office of the Inspector General (OIG) Hotline that detainees may use to “[r]eport suspected criminal violations, misconduct, wasteful activities, and allegations of civil rights or civil liberties abuse.”<sup>240</sup>

#### H. Religious Practices

The Standards require that detainees of different religious beliefs be provided with “reasonable and equitable opportunities” to practice their respective faiths.<sup>241</sup> Facilities must “designate space for religious activities.”<sup>242</sup> Opportunities to practice must “exist for all equally,

<sup>230</sup> Observation of delegation member [b6]

<sup>231</sup> Observation of delegation member [b6]

<sup>232</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C] and Deputy Director [b6, b7C]

<sup>233</sup> Observation of delegation member [b6]

<sup>234</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C] and Deputy Director [b6, b7C]

<sup>235</sup> Notes of delegation member [b6], on conversation with Deputy Director Croteau.

<sup>236</sup> Observation of delegation member [b6]; “Office of Detention and Removal Operation Newark Field Office: ICE Deputy’s Visit Scheduled,” provided by Deputy Director [b6, b7C]

<sup>237</sup> Observation of delegation member [b6]

<sup>238</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>239</sup> Hudson County Correctional Center ICE Detainee Handbook, pp. 30-33.

<sup>240</sup> Observation of delegation member [b6]; flyer from Office of Homeland Security, Office of Inspector General provided by Deputy Director [b6, b7C]

<sup>241</sup> DOM Detainee Services, Religious Practices, Section I.

<sup>242</sup> DOM Detainee Services, Religious Practices, Section III.E.

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.<sup>243</sup> Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”<sup>244</sup> Unless a valid security concern exists, detainees should have reasonable access to religious property and are permitted to wear religious headwear in all areas of the facility.<sup>245</sup> Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.<sup>246</sup> Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.<sup>247</sup>

**HCCC appears to meet this section of the Standards.** According to Deputy Director [b6, b7C], HCCC attempts to provide reasonable opportunities for individuals to engage in religious practices.<sup>248</sup> HCCC contains a chapel that is used to hold religious services.<sup>249</sup> Inmate [b6, b7C] noted that up to eight people are permitted to gather at once to pray in a common room.<sup>250</sup> She also stated that Catholic services are held on Thursdays, and a rabbi routinely visits HCCC to officiate Jewish services.<sup>251</sup> Given the number of individuals of Muslim faith at HCCC, Muslim services are held in the gymnasium,<sup>252</sup> and Inmate [b6, b7C] acknowledged that “Muslims are treated well.”<sup>253</sup> HCCC relies heavily on outside volunteers to officiate religious services.<sup>254</sup> However, according to Deputy Director [b6, b7C] a detainee who practices a religion that is not common or for which no volunteer arrives to officiate services can make a request that HCCC seek out an officiant.<sup>255</sup> If no security threat is posed, HCCC will make an effort to accommodate the request.<sup>256</sup> In addition, HCCC provides certain religious articles, including, but not limited to, crucifixes and rosary beads.<sup>257</sup> Should a detainee require additional religious paraphernalia that HCCC does not provide on site, the detainee can make a request for the item, and HCCC staff will attempt to fulfill that request if no security threat is perceived.<sup>258</sup> Finally,

<sup>243</sup> DOM Detainee Services, Religious Practices, Section III.E.

<sup>244</sup> DOM Detainee Services, Religious Practices, Section I.

<sup>245</sup> DOM Detainee Services, Religious Practices, Section III.K.

<sup>246</sup> DOM Detainee Services, Religious Practices, Section III.M.

<sup>247</sup> DOM Detainee Services, Religious Practices, Section III.O.

<sup>248</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C].

<sup>249</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C].

<sup>250</sup> Notes of delegation members [b6] and [b6], on conversation with Inmate [b6, b7C].

<sup>251</sup> Notes of delegation members [b6] and [b6], on conversation with Inmate [b6, b7C].

<sup>252</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C] and Deputy Director [b6, b7C].

<sup>253</sup> Notes of delegation members [b6] and [b6], on conversation with Inmate [b6, b7C].

<sup>254</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C] and Deputy Director [b6, b7C].

<sup>255</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C].

<sup>256</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C].

<sup>257</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C].

<sup>258</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C].

detainees are permitted to wear religious headwear and possess other religious items if those items are not deemed to create a security risk.<sup>259</sup> During the delegation's visit, a male detainee was seen wearing a headscarf, and a female detainee was observed wearing rosary beads around her neck.<sup>260</sup> This is consistent with the Detainee Handbook, which notes that detainees may wear religious items "that do not pose a threat to safety/security."<sup>261</sup>

The Detainee Handbook informs detainees that "[s]pecial diets based on religious requirements will be arranged through ICE."<sup>262</sup> Inmate [b6, b7C] noted "no pork is ever served" at HCCC to avoid inconsistencies with faith-based dietary restrictions.<sup>263</sup> Detainees with other faith-based dietary restrictions can address HCCC staff with dietary requests.<sup>264</sup> For example, Inmate [b6, b7C] remarked that to accommodate detainees of Muslim faith during Ramadan HCCC serves food at night and at four o'clock in the morning, and the practicing Muslim detainees receive the same amount of food served during the course of the day to other detainees.<sup>265</sup> Specific faith-based meals are often brought into HCCC by outside volunteers.<sup>266</sup> Lt. [b6, b7C] cited one example of a rabbi who brought faith-based meals into HCCC to be served to detainees of Jewish faith.<sup>267</sup> Lt. [b6, b7C] acknowledged that, given the large number of individuals of Muslim faith at HCCC, it is impractical for HCCC to itself satisfy some specific Muslim faith-based meal requests.<sup>268</sup> He noted, however, that HCCC would receive a volunteer willing to supply specific faith-based meals to HCCC's large Muslim population.<sup>269</sup>

#### I. Medical Care

The Standards require that all detainees have their medical, dental and mental health care needs met in a timely and efficient manner.<sup>270</sup>

**HCCC meets this section of the Standards.** Upon arrival at HCCC, detainees are subjected to a medical examination and, until they receive medical clearance, are housed in a

<sup>259</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C].

<sup>260</sup> Observation of delegation member [b6].

<sup>261</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 20.

<sup>262</sup> Hudson County Correctional Center ICE Detainee Handbook, p. 8.

<sup>263</sup> Notes of delegation members [b6] and [b6], on conversation with Inmate [b6, b7C].

<sup>264</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C].

<sup>265</sup> Notes of delegation members [b6] and [b6], on conversation with Inmate [b6, b7C].

<sup>266</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C].

<sup>267</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C].

<sup>268</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C].

<sup>269</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C].

<sup>270</sup> DOM Detainee Services Standard, Medical Care, Part IV, Section 22.



separate intake unit.<sup>271</sup> Medical clearance, including results from x-rays and tuberculoses testing, can take anywhere from three days to two weeks.<sup>272</sup>

HCCC employs twenty registered nurses or nursing assistants, who are all county employees.<sup>273</sup> In addition, there are seven doctors working at the hospital, through a vendor, Correctional Health Services (“CHS”).<sup>274</sup> An eighth doctor works as the medical administrator for the prison.<sup>275</sup> HCCC employs two psychiatrists and two psychologists.<sup>276</sup> In addition to the medical center, a “satellite” medical office is located just outside the entrance to the housing pods.<sup>277</sup>

Detainees have one dedicated nurse practitioner who is assigned to their care and is the primary contact for detainees’ medical issues.<sup>278</sup> Medical staff is on call twenty-four hours a day, seven days a week.<sup>279</sup> The nurse practitioner is available for sick calls on weekdays from 8:00 a.m. to 4:30 p.m.<sup>280</sup> Medical emergencies are sent to the hospital for evaluation.<sup>281</sup>

A posted flyer, written in English and Spanish, encourages detainees to “talk to a staff member or the medical staff” if the detainee feels that he or she is suffering from the listed symptoms, which were indicative of suicidal impulses.<sup>282</sup>

Non-emergent dental care is addressed at HCCC by county-employed dentists.<sup>283</sup> More serious or emergency services are provided by contract vendors.<sup>284</sup>

For non-emergent medical needs, sick call is held every day.<sup>285</sup> HCCC provides a form which detainees can fill out to receive medical attention.<sup>286</sup> The forms are placed in a clearly

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<sup>271</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>272</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>273</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>274</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>275</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>276</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>277</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>278</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>279</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

<sup>280</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

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

<sup>282</sup> Observation of delegation member [REDACTED]; Suicide Prevention Flyer prepared by ICE, provided by Deputy Director [REDACTED].

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

<sup>284</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED].

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

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

marked box near the telephones in each housing unit and are collected, daily, by the medical staff.<sup>287</sup>

The inmate we spoke with was critical of the response time for receiving medical care.<sup>288</sup> The inmate also complained that she had painful swelling of the gums but was initially denied access to a dentist and forced to treat her symptoms with painkillers.<sup>289</sup> The inmate noted however, that when the problem returned six months later, she was provided with access to a dentist.<sup>290</sup>

J. Recreation

The Standards require that all detainees have access to recreational programs and activities under conditions of security and safety.<sup>291</sup> Detainees should be housed in facilities with outdoor recreation and be provided with access one hour per day, five days per week.<sup>292</sup> If a facility provides only indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.<sup>293</sup> Detainees should have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise, and games and television in dayrooms.<sup>294</sup> Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.<sup>295</sup>

**HCCC meets this section of the Standards.** Each housing unit has a triangular-shaped recreation room approximately 40’ x 30’ x 30’ that has one wall of chain link fencing allowing open air and sunlight to enter.<sup>296</sup> The recreation area is open to detainees seven days a week from 7:00 a.m. until 9:00 p.m., and detainees may remain in the room as long as they want.<sup>297</sup> There are two pieces of “equipment” in each recreation room: a metal bar for doing pull-ups, and a folded-up ping-pong table.<sup>298</sup> Each housing unit also has two television sets.<sup>299</sup> Since

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<sup>287</sup> Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C.

<sup>288</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Inmate [REDACTED].

<sup>289</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Inmate [REDACTED] b6, b7C.

<sup>290</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Inmate [REDACTED].

<sup>291</sup> DOM Detainee Services, Recreation, Section I.

<sup>292</sup> DOM Detainee Services, Recreation, Sections III.A. & B.

<sup>293</sup> DOM Detainee Services, Recreation, Section III.B.

<sup>294</sup> DOM Detainee Services, Recreation, Section III.G.

<sup>295</sup> DOM Detainee Services, Recreation, Section III.B.

<sup>296</sup> Observations of delegation members [REDACTED] b6 and [REDACTED] b6.

<sup>297</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C.

<sup>298</sup> Observations of delegation member [REDACTED] b6.

<sup>299</sup> Observations of delegation member [REDACTED] b6.

recreation is available to detainees throughout the day, law library privileges do not interfere with recreation privileges.<sup>300</sup>

K. Voluntary Work Program

The Standards require that every facility with a work program will provide detainees who are physically and mentally able to work the opportunity to work and earn money.<sup>301</sup>

**HCCC appears to meet this section of the Standards.** HCCC offers detainees the ability to voluntarily participate in several work details for which compensation is provided.<sup>302</sup> According to Lt. [b6, b7C], however, few detainees desire to participate in such work details because many duties require detainees to intermingle or work alongside the prison's general population inmates, and the vast majority of ICE detainees choose to avoid conflict entirely by not participating in the voluntary work program.<sup>303</sup> According to Lt. [b6, b7C], the general population inmates resent the ICE detainees because of the additional rights they are afforded, and there is tension and animosity that exists between these two groups.<sup>304</sup>

L. Hunger Strikes

The Standards require that detainees be monitored, counseled and provided appropriate treatment while on a hunger strike.<sup>305</sup> Any detainee who does not eat for 72 hours must be referred to the medical department for evaluation and possible treatment.<sup>306</sup>

**HCCC meets this section of the Standards.** As soon as any detainee alerts HCCC officials that he or she is on a hunger strike, or officials become otherwise aware, Lt. [b6, b7C] practice is to immediately contact ICE Field Office Director [b6, b7C].<sup>307</sup> Any detainee on a hunger strike is transferred to the medical center for monitoring and oversight.<sup>308</sup> Often, Officer [b6, b7C] or his staff will contact a hunger-striking detainee to determine if they can reach an agreeable resolution.<sup>309</sup> Lt. [b6, b7C] receives regular updates regarding a hunger strike and he

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<sup>300</sup> Observations of delegation member [b6]; notes of delegation members [b6] and [b6] [b6], on conversation with Lt. [b6, b7C].

<sup>301</sup> DOM Detainee Services Standard 18, Sections I & III.A.

<sup>302</sup> Notes of delegation member [b6], on conversation with Lt. [b6].

<sup>303</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C].

<sup>304</sup> Notes of delegation member [b6], on conversation with Lt. [b6].

<sup>305</sup> DOM Detainee Services Standard 19, Section I.

<sup>306</sup> DOM Detainee Services Standard 19, Section III.A.1.

<sup>307</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C] and Deputy Director [b6, b7C].

<sup>308</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C] and Deputy Director [b6, b7C].

<sup>309</sup> Notes of delegation member [b6], on conversation with Deputy Director [b6, b7C].

immediately provides all information to Officer [b6, b7C].<sup>310</sup> HCCC has not had a large number of hunger strikes; Lt. [b6, b7C] estimated an average of one per year for the last few years.<sup>311</sup>

M. Staff Training<sup>312</sup>

To ensure “that facility staff, contractors, and volunteers are competent in their assigned duties,” the PBNDS require that those individuals “receive initial and ongoing training.”<sup>313</sup> Prior to assuming their duties at an ICE facility, new employees, contractors, and volunteers must “be provided an appropriate orientation to the facility and the ICE/DRO National Detention Standards.”<sup>314</sup> Training programs should be commensurate with the responsibilities to be imposed on the individual being trained.<sup>315</sup> Both initial orientation and annual training programs should include “self-defense and use-of-force procedures,”<sup>316</sup> testing for “competency in firearms use,”<sup>317</sup> “information on the facility’s written code of ethics,”<sup>318</sup> and “information on drug-free workplace requirements and procedures.”<sup>319</sup>

**HCCC appears to meet this section of the PBNDS.** According to Lt. [b6, b7C], all officers receive eighteen weeks of “Academy Training,” one of which is spent in a detention facility, before they are commissioned to oversee detainees.<sup>320</sup> Upon arrival at HCCC, new officers receive two weeks of in-house training conducted by the HCCC in-house training unit.<sup>321</sup> That training covers, among other things, officer interaction with ICE detainees, the Standards, use-of-force procedures, and firearms use.<sup>322</sup> Additionally, it is mandated that all officers annually undertake between thirty-two and forty hours of additional training, which focuses on topics similar to those covered during the initial orientation period.<sup>323</sup>

**VIII. Conclusion**

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<sup>310</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>311</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>312</sup> A staff-training Standard is included only in the Performance Based National Detention Standards (PBNDS). No corresponding standard exists under the Standards presently in effect.

<sup>313</sup> Performance Based National Detention Standards (PBNDS), Training Standard, Section I.

<sup>314</sup> PBNDS, Staff Training Standard, Section II.1.

<sup>315</sup> PBNDS, Staff Training Standard, Sections II.2, 4–8.

<sup>316</sup> PBNDS, Staff Training Standard, Section II.11.

<sup>317</sup> PBNDS, Staff Training Standard, Section II.9.

<sup>318</sup> PBNDS, Staff Training Standard, Section II.14.

<sup>319</sup> PBNDS, Staff Training Standard, Section II.13.

<sup>320</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>321</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>322</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

<sup>323</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C]

Overall, HCCC has made many improvements to their facility since the last delegation visited in August 2006. This delegation found that while the HCCC adequately met some of the Standards that were reviewed, the facility fell short of satisfying certain significant provisions promulgated by the Standards. The major areas where problems that remain are:

- **General Visitation.** HCCC does not allow visits on weekends, and the Detainee Handbook does not detail non-legal visitation hours or procedures.
- **Telephone Access to Legal Representatives.** Improper time limits are placed on attorney telephone calls, legal calls may be monitored, and private calls to attorneys are not readily available or offered.
- **Incoming Calls and Messages.** Messages are not delivered to detainees.
- **Library Access and Legal Materials.** The Detainee Handbook does not include the policy for requesting additional time and materials from the law library, and a list of library holdings was not posted in the library.
- **Indigent Legal Correspondence.** The Detainee Handbook states that indigent detainees are only given funding for three letters a week, and does not mention any funding for special correspondence, or the payment of all postage for mail related to legal matters at the government expense.
- **Disciplinary Policy.** Certain incidents are not detailed in a report, and aside from the pre-hearing process, the Detainee Handbook neither expressly mentions the disciplinary process nor clearly differentiates minor offenses from major offenses.

Whether HCCC meets the following Standard remains unclear.

- **Classification of Detainees.** It is unclear whether HCCC meets this Standard, because it is unclear how female detainees are separated.

This facility should continue to take steps to improve in all the categories listed above.

Facility Name: HUDSON COUNTY CORRECTIONAL CENTER

Date of Tour: October 7, 2008

Tour Participants: Latham & Watkins LLP attorneys [redacted], [redacted], [redacted], [redacted], and [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. | <p><b>Standard 16, Telephone Access</b><br/> <b>III.J. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order.</b></p> <p><b>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.</b></p> <p><b>III.F. If time limits are necessary for such calls, they shall be no shorter than 20 minutes ....</b></p> | <ul style="list-style-type: none"> <li><b>The Hudson County Correctional ICE Detainee Handbook (HCCC Detainee Handbook) States that all telephone calls are monitored for their duration, this includes all legal calls. (p.9 ¶2)</b></li> <li><b>A method for private calls is available in the social workers' office, but the process is not explained to detainees. Facility staff stated that it would be too burdensome to explain. (p.10 ¶1)</b></li> <li><b>All phone calls are automatically disconnected after 15 minutes. (p.9 ¶2)</b></li> </ul> | <p><b>HCCC Detainee Handbook p.5, and Lt. [redacted] and Deputy Director [redacted]</b></p> <p><b>Deputy Director [redacted]</b></p> <p><b>HCCC Detainee Handbook p.5.</b></p> |              |
| 2. | <p><b>Standard 16, Telephone Access</b><br/> <b>III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible.</b></p>   | <ul style="list-style-type: none"> <li><b>The facility does not routinely take and deliver phone messages for detainees, even messages from legal representatives. (p.10 ¶3)</b></li> </ul>  | <p><b>Delegation observations; Deputy Director [redacted] and Lt. [redacted].</b></p>  |              |
| 3. | <p><b>Standard 17, Visitation</b><br/> <b>III.H.1. Visits shall be permitted during set hours on Saturdays, Sundays, and holidays.</b></p> <p><b>III.B. The facility shall provide written notification of visitation rules and hours in the detainee handbook, or equivalent, given each detainee upon admittance. The facility shall also post these rules and hours where detainees can easily see them.</b></p>   | <ul style="list-style-type: none"> <li><b>Non-legal visits are not allowed on Friday, Saturday or Sunday. (p.6 ¶2)</b></li> <li><b>HCCC Detainee Handbook does not detail visitation hours or procedures. (p.6 ¶2)</b></li> </ul>  | <p><b>Delegation observations; Lt. [redacted].</b></p> <p><b>HCCC Detainee Handbook, pp.16-17.</b></p>   |              |

|    |   |   |                                    |  |
|----|---|---|------------------------------------|--|
| 4. | <p>Standard 1, Access to Legal Material<br/>         III.Q. The detainee handbook or equivalent, shall provide detainees with the rules and procedures governing access to legal materials, including the following information:</p> <ol style="list-style-type: none"> <li>1. that a law library is available for detainee use;</li> <li>2. the scheduled hours of access to the law library;</li> <li>3. the procedure for requesting access to the law library;</li> <li>4. the procedure for requesting additional time in the law library (beyond the 5 hours per week minimum);</li> <li>5. the procedure for requesting legal reference materials not maintained in the law library; and</li> <li>6. the procedure for notifying a designated employee that library material is missing or damaged.</li> </ol> <p>These policies and procedures shall also be posted in the law library along with a list of the law library's holdings.</p> | <ul style="list-style-type: none"> <li>• The HCCC Detainee Handbook does not indicate the scheduled hours of detainee access to the library, the procedure for requesting additional time/materials, or how to notify a designated employee that material is missing or damaged. (p.11 ¶4)</li> </ul> | <p>HCCC Detainee Handbook p.9.</p> |  |
| 5. | <p>Standard 4, Detainee Classification System<br/>         III.F. When it becomes necessary to house detainees of different classification levels the following guidelines shall be followed:</p> <ol style="list-style-type: none"> <li>1. Level three detainees will not be housed with level one detainees.</li> <li>2. Levels one and two may be mixed, and high level twos and level threes may be mixed, when a facility is at or above full capacity.</li> <li>3. Under no circumstance will a level two detainee with a history of assaultive or combative behavior be placed in a level one housing unit.</li> <li>4. In facilities that have single cell living arrangements, detainees that pose an immediate and serious threat of violence to staff or other detainees shall be housed there.</li> </ol>   | <ul style="list-style-type: none"> <li>• It is unclear how or whether female ones and threes are segregated because there is only one unit of housing for female detainees. (p.17 ¶2)</li> </ul>  | <p>Delegation observations.</p>    |  |

|    |  |   |  |  |
|----|--|---|--|--|
| 6. | <p>Standard 5, Security and Control</p> <p>III.B. Officers who witness a prohibited act or have reason to suspect one has been committed shall prepare and submit an incident report.</p> <p>III.L. The detainee handbook, or equivalent, shall notify detainees of the following:</p> <ol style="list-style-type: none"> <li>1. The disciplinary process.</li> <li>2. The prohibited acts and disciplinary severity scale:</li> <li>3. The procedure for appealing disciplinary findings.</li> </ol>  | <ul style="list-style-type: none"> <li>• Minor incidents are not always detailed in a report. (p.19 ¶3)</li> <li>• The HCCC Detainee Handbook neither expressly mentions the disciplinary process nor clearly differentiates minor offenses from major offenses. (p. 21 ¶1)</li> </ul>                                      | <p>Lt. [REDACTED]</p> <p>HCCC Detainee Handbook, pp.22-28.</p> |  |
| 7. | <p>Standard 3, Correspondence and Other Mail</p> <p>III.I. 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.</p> <p>Indigent detainees will be permitted to mail the following at government expense:</p> <ol style="list-style-type: none"> <li>1. All correspondence related to a legal matter, including correspondence to a legal representative, potential legal representative, and any court,</li> <li>2. Packages containing personal property, when the OIC determines that storage space is limited and that mailing the property is in the government's best interest (see the "Control and Disposition of Contraband" standard).</li> </ol> | <ul style="list-style-type: none"> <li>• The HCCC Detainee Handbook states that indigent detainees will receive postage and stationery to send up to three first class letters per week; however, there is no mention of postage for special correspondence or for all mail related to legal matters. (p. 18 ¶1)</li> </ul> | <p>HCCC Detainee Handbook, p.18.</p>                           |  |



**Hudson County  
Department of Corrections**

**ENGLISH  
HANDBOOK  
I.C.E. DETAINEE**

**Issued 06/05  
Update 07/08  
Reissued 07/08**

YOU ARE CURRENTLY IN THE TEMPORARY CUSTODY OF THE DEPARTMENT OF HOMELAND SECURITY, UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT, 30-35 HACKENSACK AVE, KEARNY, NEW JERSEY 07032. THE HUDSON COUNTY DEPT OF CORRECTIONS FACILITY IS UNDER CONTRACT WITH IMMIGRATION DEPARTMENT.

YOUR STATUS IN ADMINISTRATIVE CUSTODY IS PENDING A DETERMINATION OF YOUR IMMIGRATION STATUS IN A HEARING BEFORE AN IMMIGRATION JUDGE. THIS HANDBOOK CONTAINS ESSENTIAL INFORMATION RELATING TO THE VARIOUS ASPECTS OF YOUR RESPONSIBILITIES, RIGHTS AND PRIVILEGES. THEREFORE, YOU SHOULD READ THIS HANDBOOK IN ITS ENTIRETY. IT IS RECOMMENDED THAT YOU CONTACT AN IMMIGRATION OFFICER TO RESOLVE QUESTIONS CONCERNING INFORMATION DISCUSSED IN THIS HANDBOOK. ALL DETAINEES ARE RESPONSIBLE TO KNOW AND ABIDE BY THE INFORMATION IN THIS HANDBOOK.

THE MAJORITY OF YOUR DAILY CONTACT WILL BE WITH HUDSON COUNTY CORRECTIONS CORRECTIONAL OFFICERS. ORDERS AND VERBAL DIRECTIONS BY THE CORRECTIONAL OFFICERS WILL BE COMPLIED WITH IMMEDIATELY AND WITHOUT DEMONSTRATIVE OR DISRUPTIVE BEHAVIOR. FAILURE TO COMPLY WITH ORDERS OR DIRECTIVES MAY RESULT IN DISCIPLINARY SANCTIONS BEING IMPOSED UPON YOU.

THE MATERIAL CONTAINED IN THIS HANDBOOK HAS BEEN REVIEWED AND APPROVED BY:

b6, b7C

DIRECTOR

b6, b7C

ICE – FIELD OFFICE DIRECTOR

LOCATION/ EMERGENCY CONTACT:

The following is the address where you are located and where mail can be sent to you:

Your name: \_\_\_\_\_ A# \_\_\_\_\_ Jail# \_\_\_\_\_

Location: \_\_\_\_\_

Hudson County Dept. of Corrections  
30-35 Hackensack Ave  
Kearny, New Jersey 07032

Directions are available to visitors and attorneys by calling (973) 491-5511. Only phone calls of an emergency nature will be passed on to detainees. Information of a non-emergency nature shall be referred to ICE at (973) 645-3666. Otherwise, family, friends, and attorneys may write/visit to detainees at the above address.

ADMITTANCE TO THIS FACILITY

This is a temporary detention center for individuals who are waiting for their immigration status to be determined or who are assigned here by ICE. The operations of this facility are administered by HCDOC. HCDOC is not a branch of the Homeland Security, US Immigration and Customs Enforcement (ICE) or a Federal Government agency. While we are responsible for your care, we have no authority regarding matters which determine the length of your stay or the date of your release.

We realize your present situation may produce many questions. Therefore, we have prepared information which summarizes operations, functions, and expectations. The material contained in this handbook may not be all inclusive. However, if you have questions, please ask the employees stationed at posts located near your living quarters or send a written request for information form to the, INS LIASION, DIRECTOR or ICE Officer-in-Charge (OIC).

Upon entering the facility, we must obtain specific information to ensure records of your entry are adequately documented. This information will also be utilized for ICE to classify you to a living area most suited to your individual needs. Such information will include questions related to: name, present residence, nationality, race, sex, medical history and criminal history, if any. Additionally, all personal property/monies and valuables you bring with you to this facility will be inventoried and accounted for on the Personal Property Form/Commissary money form. Those items that you cannot take with you to your living quarters will be placed in an appropriate bag assigned to you and locked in the property room. A receipt will be issued for all items taken during intake.

After obtaining information and accounting for your property, you will be requested to take a shower and change into a clean uniform. You will be issued clothing and supplies and then be assigned to your living quarters. After intake you will process through medical.

### LIVING QUARTERS

The housing units include sufficient areas for: showers, toilet facilities, dining and passive recreation. Because of this type of living arrangement, we expect your cooperation with other detainees. You are also asked to respect the need to share common equipment, such as: telephones, chairs, tables, televisions, recreational games and equipment. The following guidelines should be followed:

#### **A. GENERAL INFORMATION:**

1. Lights in the dormitories/Pods are turned on at 7:00 AM every morning. All detainees will rise at this time, make up their beds and prepare themselves.
2. Breakfast will be served between 6:00am and 8:00a.m.
3. Each detainee is responsible for maintaining the area surrounding his/her bed in a clean and debris free condition as well as assisting with cleaning all areas of the dorm on a rotating basis. Each detainee will make up his/her bed every morning. Detainees will be responsible for cleaning all areas in dorms on a rotating basis.

4. All personal hygiene items and other materials will be stored in the locker provided. Items are not to be kept between the mattress and bed frame. Pictures will not be placed on the wall and there will be no clothing, newspapers, sheets or other items hanging from the bed, divider material, or on walls.
5. Disposable safety razors will be given out by the officer on scheduled days between 8:30 a.m. - 10:30 a.m. They will be returned to the officer after being used. The detainee ID will be used to verify the identity of the detainee who was issued the razor. You will be required to give your Id to the Officer until you return razor to Officer.
6. The televisions in each dormitory are controlled by the Correctional Officer. Television programming will be determined by the majority rule. If detainees can not decide, we will select channels. Televisions will be turned off during count and when cleaning is being done. All televisions will be turned off at 9:00pm until 7:00 am
7. Board games will be given out to the Units after Unit dorms are cleaned.  
Board games shall be provided by I.C.E.
8. If a detainee hears his or her name called, he or she will report to the officer at the desk for further instructions.
9. The detainee is responsible for the prevention of loss or theft of his/her personal property not locked in the facility's property room.
10. All detainees will comply with the dress code while in the units and when exiting the unit. Detainees are expected to wear shirt tucked in the pants and pants rolled down with shoes on feet. Identification cards are to be carried at ALL TIMES.

11. Lights are turned off at 9:30 PM until 7:30 AM; the units are in a locked down status. Any movement outside of the unit area will require an escort. This movement is considered "limited movement" and is permitted until 9:45pm when all movement and conversation will cease.

**B. TELEPHONE USAGE:**

1. Detainees may purchase a phone card for international calls through their commissary.
2. The units are equipped with telephones. These telephones are provided so you can conduct essential business and contact friends and/or relatives. In order to use the telephones, you will have to utilize collect calls or purchase telephone calling cards from the Commissary. This system allows you to submit a request and purchase international long distance time. No incoming calls will be received on these phones. Three way calls are not available. In the case of emergencies or indigent detainees, the situation will be verified with ICE. If it is a verifiable call, the call will be allowed at the expense of HCDOC and ICE.
3. To ensure each person in the unit has the opportunity to place telephone calls, please limit your calls to fifteen (15) minutes. Time limits will be monitored and your call will be terminated automatically if you exceed the time limit. To respect those detainees who wish to rest, use of the telephone will discontinue at lights out until wake up.
4. IN CASE OF EMERGENCY, such as a death in the family, the staff can assist you in making telephone calls when access to telephones would not normally be available. Telephone calls to attorneys are not considered to be emergencies.
5. Phone calls to consulates utilizing PCS Pro Bono system are free of charge and may exceed the fifteen (15) minute limit.
6. To respect the privacy of others, we ask that you quietly wait your turn as the telephone will be used on a first-come-first serve basis. If you need assistance, ask the staff member assigned to your unit area.
7. All non-legal phone calls are subject to monitoring and/or recording.
8. PCS phones system is in each unit to contact consulates etc. Directions for use are located on bulletin board.

**C. TELEVISION**

The following rules apply to television viewing

1. Television sets will be turned off during Official Counts, cleaning of the housing areas and when it is deemed necessary by staff.
2. All televisions will be turned off at 9:00 PM.
3. Detainees will choose television programs by majority vote.
4. Detainees should talk at a low level so they do not disturb those who are watching television.
5. Detainees will not take blankets, pillows or linens in the day room area.
6. Detainees will be properly dressed while in the day room (i.e. shirt, pants, socks and shoes).
7. Televisions will be turned off during all meal service.

**D. SMOKING:**

This is a non-smoking facility - No cigarettes, tobacco, or smoking paraphernalia is allowed.

**E. LEISURE TIME ACTIVITIES:**

1. This facility provides leisure time activities in the units for your entertainment, as well as for physical and mental development. Leisure time activities include table games, cards, television, etc. You are asked to handle these items with care and to be considerate of others who may wish to use them. Persons that have been discovered abusing these items may be disciplined in accordance with specific guidelines established by this facility.
2. The use of these leisure time items will be handled on a first-come-first serve basis to ensure that each person has an equal opportunity to use them.
3. To obtain additional recreational supplies, ask the staff member assigned to your unit area or the Recreation Officer.

**F. SANITATION:**

1. Everyone is expected to maintain the bed area and common areas of their units in the cleanest possible manner at all times. Detainees are expected to clean all areas they use. While we realize your stay at this facility is temporary, it is your home during this time and we expect your cooperation to keep it clean and safe.
2. The units are to be cleaned at least three (3) times per day, including after each meal, to ensure proper sanitation and safety. All equipment, supplies and instructions will be issued by a staff member.
3. All beds must be made when you are not in them. Linens shall not be used for cleaning or altered. It will be your responsibility to ensure the area around your bed is clean and personal property is secured.
4. Showers will be permitted between the hours of:  
  
7:00 a.m. - 1:30 p.m.  
2:30 p.m. – 8:30 p.m.

**G. SAFETY:**

The staff of HCDOC will make every effort to help ensure your safety while you are here. Signs are available to mark wet spots where they occur. You must assume some responsibility for helping to make this facility safe. If you spill, clean it up. If you encounter a possible hazard, tell a Correctional Officer. Do not assume that problems have been reported. Pay attention to warning signs and use reasonable care in potentially hazardous situations such as wet floors.



## **Basic Detainee Responsibilities**

It is the policy of this facility to treat detainees with dignity and respect while maintaining a safe and secure environment. It is expected that staff will receive your full cooperation while you are in this facility:

1. Obey all safety, security and sanitation rules, policies and procedures.
2. Obey all orders as given by staff members.
3. Respect staff and other detainees at all times.
4. Keep yourself, your clothing and living area clean at all times.

## **H. MEALS**

The facility will provide you with three (3) meals per day; breakfast, lunch and dinner. Meals are prepared and served in accordance with established health standards and meet daily nutritional requirements. Meals are served in each unit in addition to a beverage, which may be coffee, milk, juice or a combination of each.

### **1. Special Diets**

For those detainees who cannot eat certain items due to medical problems, special diets may be requested through the Medical Department. To be considered for a special diet, notify medical by written request on the sick call form. They will then make an appointment for you to see the facility physician, who will evaluate your request. Special diets based on religious requirements will be arranged through ICE.

- a. Detainees may decline certain food items, but will not receive larger portions of others or substitutes.
- b. Arrangements are available for vegetarians and all meals are free of pork.
- c. Unless otherwise posted, detainees are permitted one full cup of the offered beverage.
- d. Detainees employed as kitchen workers are not to be harassed in any manner. Requests for favors or extra items are not permitted.

**2. MEALS ARE NOT TO BE EATEN IN THE SLEEPING/LAVATORY AREAS OF THE UNITS.**

- a. No kitchen food or food trays will be permitted in the sleeping area. Juice and milk are not allowed in the sleeping area.
- b. All food must be eaten at the tables provided.
- c. Food must be consumed at the designated time.
- d. No outside food will be permitted in the unit other than that provided through the kitchen and commissary facilities.

**I. RECREATIONAL ACTIVITIES**

Activities for inside and outside recreation have been provided as a means to release built up energies and to keep in good physical condition. There will be a minimum of one hour of recreation daily. If possible both indoor and outdoor recreation will occur. Such activities may include basketball, handball.

Recreation will start in the morning with dorms/Pods scheduled for recreation. Recreation will be held, weather permitting. Detainees are accountable for their behavior during recreation. While the equipment has been furnished for the detainee population, it is each detainee's responsibility not to abuse the equipment.

You are encouraged to participate in the leisure and recreational activities that are available daily within the dayroom and the recreation area. An outdoor recreation schedule is posted in each housing area. Recreational activities include, but are not limited to, numerous table games and viewing television. Games and activities are scheduled periodically. Recreational items are used by all and are not to be stored with the detainee living area.

**J. LIBRARY/LAW LIBRARY**

The Law Library will operate from 1430 hrs. – 2030 hrs with all ICE Units guaranteed five hours per week. The facility offers a library/law library for your reading pleasure and legal reference. Legal material cannot be taken out of the library. Sign-up sheets for the law library are posted in each dorm daily. You will be called from the list. Hours of operation for both the Library and the Law Library are posted in each dorm. Computers with legal material are available in law library (ICE labeled computers only).

## **K. MEDICAL**

Medical services are provided by CHS. The function of the medical staff is to ensure that your health is adequately maintained and problems which occur during your stay at this facility are resolved. After completion of processing, you will be seen by the clinical staff in the medical department. During your stay, should you experience a medical problem, ask a staff member for permission to see the nurse immediately.

### **1. ENTRY LEVEL APPRAISAL:**

- A. You will be interviewed and medically screened by a Medical Provider for initial health evaluations within 24 hours. The nurse will ask you questions regarding both your past and present health status. If you have any special medical or emotional problems, please be sure to inform the nurse of your problem.
- B. At the time of the screening you will be checked for tuberculosis and other communicable or chronic diseases.
  - 1. Test for tuberculosis - a PPD test will be given on your forearm to determine past exposure to tuberculosis.
  - 2. Following the entry evaluations, you will be seen by a Medical Provider for a general physical examination. The purpose of the physical examination is to identify medical problems. You will be informed by the Medical Provider whether you need immediate treatment or need to return to the clinic for follow-up care.

### **2. SICK CALL**

- a. If you become ill during your detention and want to be seen by the health care professionals, you must obtain a sick call slip from a correctional officer and you must completely fill out the slip. Please drop the request into the sick call box marked with a red cross located in the dormitory area. Sick call session is conducted daily. Weekend and after hours sick call is limited to the conditions of emergency and acute illness.

- b. If you have an emergency or an acute medical condition, please inform a correctional officer immediately. He/she will contact the Medical Unit to take care of your problem.

3. CLINIC VISITS/RETURN APPOINTMENTS

If the clinical staff feels that you need further medical attention, you will be called to the medical clinic at the appropriate time.

4. DISTRIBUTION OF MEDICATION

- a. If you are prescribed medications at the time of your clinic visit, the pharmacist or designee will give you the appropriate amount of medications at that time. You are responsible to keep it and take it as directed. You are also responsible to bring your medication bottle for renewal before the medication runs out.
  - b. Certain medications will be dispensed individually by the Medical Provider and you will be called to the clinic. No exception is made at any other time for medication distribution unless you have been specifically notified otherwise.
- \* Retaining large amounts of medication is not allowed and you may be disciplined for it.
- \*\* If you refuse to take a prescribed medication you will be responsible for your own action and you are required to sign the HCDOC Refusal Form.

5. INFIRMARY ADMISSION

Only those persons with serious medical conditions who need close observation will be admitted to medical observation.

6. LIVING WILL

In accordance with state and national standards, a "Living Will Form" is available to any detainee wishing to complete it. Make your request known during "Sick Call" or any visit to the medical clinic.

## 7. SPECIAL INFORMATION

- a. **NO SMOKING POLICY:** To ensure a safe, smoke free environment for the sick as well as healthy individuals, smoking is prohibited.
- b. **EXERCISE:** Exercise opportunities are available in the recreation areas. You are encouraged to use the exercise areas at least three times weekly in order to better manage your physical and mental health needs.
- c. For the sake of all concerned, all individuals are encouraged to maintain a high degree of personal cleanliness throughout your stay. Please help keep your personal toilet and bathing areas clean. Also, please deposit trash in the proper receptacles.

## L. COMMISSARY

Commissary orders will be accepted from all detainees once weekly. Commissary request forms can be obtained from the Housing Officer. These forms must be completed and returned to the Housing Officer. The Commissary will collect all commissary request forms. The Commissary then verifies that the detainee has the appropriate funds available in his/her account for the purchases he/she is requesting (the amount of purchases will be limited). After the funds have been verified, the order will be placed with the commissary vendor for delivery on the following day. Barring unforeseen circumstances, the commissary orders will then be delivered to each detainee. If this is not possible (delivery is dependent on an outside vendor), the orders will be delivered to the detainees on the next possible day.

Phone cards are issued **through** the commissary.

## M. MONEY

U.S. currency and money orders that you have in your possession upon admittance to the facility will be deposited to your account. Visitors may bring US Postal Money orders for use only to be credited to your account. Only US Postal money orders will be accepted through the mail. All funds received (cash or money orders) for credit to your account will be processed into your account on the following business day. Any checks received will

be placed in your personal property or sent back. If you are found with money in your possession, it will be considered contraband.

Should you wish to release money to your family or your attorney, you must complete a "Release of Funds" form which your Social Worker will process.

**N. CLOTHING/DRESS CODE:**

1. All detainees will be issued underclothing. Uniforms are required and are issued to all incoming inmates.
2. You will be issued a pair of sneakers.
3. Each detainee must wear full clothing (uniforms) while outside the dorm. Outside of business hours, T-shirts may be worn in the day room. Uniform pants must be worn at all times in the dayroom.
  - a. Pants
  - b. Shirt
  - c. Shoes or sandals
  - d. Thermal top and bottom (only in the wintertime)
4. No towels, sheets or blankets will be permitted as clothing.
5. Damage to HCDOC property will result in disciplinary measures and restitution.

**O. BEDDING**

Upon admission you will be issued sheets, pillow case and blanket. Mattress and pillow will available at your assigned bed.

**P. PERSONAL HYGIENE ITEMS**

Upon your admission you will receive

- Towels
- Wash cloth
- Toothpaste
- Toothbrush
- Deodorant
- Hair comb
- Shampoo
- Soap

**Q. WORK PROGRAM:**

Detainees can volunteer to perform tasks associated with the operation of the facility. Such tasks may include general sanitation, working in food service, and other tasks. All work outside the unit is on a voluntary basis. Eligibility will be determined by ICE who will prepare a volunteer worker list of detainees who have medical clearance. ICE will refer these detainees to HCDOC for work. All volunteer detainee workers will be paid \$1.00 per day for their services. Detainees may sign up at any time by submitting a request to ICE. You may be subject to relocation should you be approved for work.

If you desire to be placed on a work program, write a request to the ICE staff who will determine if you are qualified to be a volunteer worker. Please remember there are not enough job assignments for each person in the building, therefore, we ask for your patience and cooperation.

#### **R. SPECIAL ACTIVITIES:**

Special activities are also provided at the facility and are considered a privilege and not mandatory to attend. Such activities may include religious services (such as Juma prayer, Catholic Services, and meetings with the Rabbi), and recreational activities. Special activity schedules will be posted in each unit with sufficient notice to inform you of the time, place, and date of the event.

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 consideration.

#### **S. HAIRCUTS**

Haircuts will be provided by the detainee barber in each housing unit. Supplies and training will be provided by the County Barber on staff.  
Hours of operations 7am-9pm excluding counts/emergencies

#### **T. LAUNDRY**

Clean Linens are provided for each person entering the facility to include 2 sheets, 1 towel, 1 hand towel, 1 pillow case, and 1 blanket.

1. Laundry

Laundry workers will pick up items to be laundered from the units. Your laundry will be returned to you the same day.

Laundry will be done according to the schedule which is posted in the housing unit.

Upon your discharge from this facility, you are required to turn in all HCDOC property issued to you to the Officer assigned to the Receiving and Discharge area. After you have confirmation that all items have been accounted for, the release process will continue. Any items missing will be charged to your account.

### **IMMIGRATION SERVICES:**

The officers from ICE are scheduled on Mondays, Wednesday and Fridays to answer questions regarding the status of travel and/or immigration documentation. HCDOC is not a part of that service and has no control over your present situation related to court appearances, deportation matters, etc. You may fill out a Detainee Request Form, address it to ICE and place it in the box located in your unit. Please remember there are many persons desiring to ask questions or obtain information, therefore, we ask that you be patient and cooperative.

A. ICE Information Request:

1. We will provide you with Detainee Request Forms and forward them to the appropriate Immigration official. You may obtain these forms in your housing unit. Place these forms in the ICE box located in your unit. It is their responsibility to assure a response is prepared for you.

### **VISITING PROCEDURES:**

Visiting days are posted in Each Pod. Legal Visits are permitted seven (7) days a week when authorized. You will need to notify the people visiting you that they must bring a picture ID in order to be allowed to visit.



Individuals who are on active probation, parole, furlough, work release, and those on bond must have the permission from the Director of Corrections and ICE to visit. Visits shall not exceed 60 minutes and visiting periods can be shortened because of security risks, emergency count, or other unanticipated events. No property or clothing will be accepted at visiting. All visitors must be properly dressed. No short shorts, mini skirts, short dresses above the thigh, no tank tops, sleeveless shirts or see through clothing is allowed to be worn during visitation.

### **EMERGENCY EVACUATION AND EMERGENCIES**

Per local, state, and federal laws, the facility is required to perform at least one (1) practice evacuation drill per month, per shift for every department of the facility. 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 or other dangers. Fire exits are posted throughout the building and are not to be tampered with.

### **MAIL CALL**

Outgoing mail is to be placed in the box which is marked "Mail" in your dorm. The mail will be picked up and delivered daily Monday - Friday (excluding holidays). Incoming mail will be received by the Mail Officer and opened for contraband. All correspondence will be distributed within twenty four hours of its receipt when applicable. Remember, if you receive any type of money, it is your responsibility to notify the staff at the Post. Money is contraband and will be confiscated. Foreign and personal checks are not accepted.

All documents that are important to your court case should be sent directly to your attorney and should not be sent to the detention facility. These documents may include such items as birth certificates, marriage certificates, death certificates, organizational identification cards, medical records, legal documents, photographs, affidavits, and other documents that would be beneficial to your court case. Please advise your family and friends that these documents should not be sent directly to you at the facility and should be sent directly to your attorney. If the documents are sent directly to your attorney, your attorney will then be able to properly submit them to the Immigration Judge.

## **LEGAL REPRESENTATION**

There is a list of lawyers posted on the bulletin board in each pod/dormitory. You may contact them by mail or phone to request their assistance. Phone calls to attorneys from the posted list are free. HCCD provides mailing services for those detainees who are indigent and have no funds. If you have questions concerning representation or your status, fill out an ICE Information Request Form. The attorney's visiting hours are from 6:00 a.m. to 10:00 p.m., seven days a week. Legal documents such as passports, birth certificates, etc., should be sent to your attorney rather than the Hudson County Corrections Center.

## **GROUP LEGAL PRESENTATION:**

Attorneys shall be allowed to make presentations to groups of detainees. Requests for such presentations shall come from the attorney or Law Firm to ICE.

## **MISCELLANEOUS:**

Dormitory/Pod rules, disciplinary procedures, contraband lists, attorney lists are posted in the pods/dormitories. If you have any questions concerning procedures or services, ask the Correctional Officer in your Pod/dormitory.

## **COMPLAINTS, SUGGESTIONS, CONCERNS, ETC. REGARDING AREAS GOVERNED BY HCCD (INFORMAL PROCESS)**

Forms are available for you which will insure notification of the proper HCCD official. The form is the Inmate Request Form. These are available in your dorm/pod. Once you have completed the form, give it to any Officer/Social Worker or drop in box located outside your tier. Response will be made on the bottom of the form and the form returned to you as soon as possible.

## **GRIEVANCES (FORMAL PROCESS):**

The policy for grievances is posted on the general inmate handbook.

## **NOTARY, CERTIFIED MAIL, AND COPIES:**

All detainees who are in the need of notary assistance will write a request to the Social Worker. Requests for certified mail should be forwarded to the Library Officer. Request for copies of legal material should be forwarded to Law Library. Copies will be made at no charge for legal documents. If certified mail is needed, stamps can be purchased at the commissary. Mail will be weighed by the facility Mail Officer. There will not be any packages accepted by the HCCD for detainees.

### **INDIGENT DETAINEES:**

To qualify as indigent you must have a balance of \$3.00 or less on your money ledger for the past 30 days. Indigent detainees will receive enough postage and stationary to send up to 3 first class letters per week. Indigent mail supplies are distributed to those detainees who submit a request for supplies.

### **SEARCHES:**

#### TYPES OF SEARCHES PERFORMED AT THIS FACILITY:

- A. Frisk or Pat Search - A search conducted by placement of hands on the detainee's clothing to feel for contraband. A thorough search is done of all pockets, collar on shirts, jackets and shoes. Shoes are removed to check socks and bottom of feet.
- B. Shakedown - A physical or visual search of a specific area of the facility.
- C. Strip Search - A search of a detainee which requires that all clothing be removed during the search.
- D. Body Cavity Search - A search of a detainee which includes the visual and physical inspection of the body cavities including the rectum. Body cavity searches shall be conducted by Medical Staff personnel and only when there is "Reasonable Suspicion."
- E. Visual inspection - A search of a detainee or an area for contraband without physical contact.

Frequent unannounced searches of detainees, cells and other areas of the facility are conducted as often as necessary to ensure the safety and security

of the facility. Searches are conducted to detect and prevent the introduction of contraband, to recover missing or stolen property and to prevent escapes and other disturbances. Searches will be conducted in a manner which avoids unnecessary force, embarrassment, or indignity to the detainee. However, all detainees will cooperate during the search. After the search, any complaints or problems may be filed in accordance with policy and procedures.

**URINALYSIS TESTING OF DETAINEES MAY BE CONDUCTED AS FOLLOWS:**

- A. When correctional staff have a reasonable suspicion that an inmate has used drugs or intoxicants.
- B. When the medical staff believe that a detainee may be under the influence of drugs or intoxicants or otherwise believe a urine test is medically appropriate.
- C. When the detainee is found to be in possession of suspected unauthorized drugs or intoxicants, or when suspected unauthorized drugs or intoxicants are detected or found in an area controlled, occupied or inhabited by the detainee.
- D. When the detainee is found to be in possession of or using unauthorized drugs or intoxicants, and the correctional staff is unable to obtain a sample of the substance.

**LIST OF APPROVED PERSONAL PROPERTY THAT DETAINEES MAY HAVE IN THE HOUSING UNIT**

- A. Legal documents, legal papers, and legal information. No excessive paperwork .
- B. Photographs of family, friends, associates (without frames/glass). No illegal activity in photos
- C. Medical prosthetics, e.g., eyeglasses, dentures, etc.
- D. Personal reference materials, e.g., address/telephone and/or lists of relatives, friends, and other correspondents.
- E. Uniforms, T-shirts, Pairs of Underwear, Pair Thermal Underwear, shoes/sneakers
- F. Radios must be used with earphones at all times. Limit (1) one per person. No plug in radios is permitted. No radios/earphones are allowed outside the pod/dormitory.  
(All Radios must be purchased thru Commissary)
- G. Newspapers and magazines, limited to ensure accumulations do not produce and/or effect fire safety standards. Total limit any combination up to three (3).
- H. Any items purchased from the commissary or provided by HCCD. All food items must be consumed upon being opened to ensure sanitation standards are met. All food served by HCDOC must be consumed by 9:00pm or discarded. (NO OVERNIGHT STORAGE OF FOOD)
- I. Religious items that are worn or in bed area that do not pose a threat to safety/security.

**PLEASE NOTE: No tobacco products or smoking paraphernalia is allowed.**

**ADDITIONAL PERSONAL PROPERTY ALLOWED TO BE RETAINED BY DETAINEES MUST BE APPROVED BY THE DIRECTOR OR DESIGNEE AND ICE PRIOR TO POSSESSION. TO ENSURE ACCEPTABLE SANITATION STANDARDS ARE APPROPRIATELY MAINTAINED, ALL ITEMS MUST BE STORED IN LOCKER PROVIDED FOR EACH DETAINEE.**

## **COUNTS**

Count is very important to the security of the institution. Should you delay or disrupt the count, you will be subject to disciplinary action. Staff has been trained to count living, breathing flesh. Therefore, to avoid disruptions to your sleep, ensure that you expose some portion of your body during the count. Delaying or interfering with a count is a serious offense and will be dealt with accordingly.

Official counts are taken about six (6) times each day. TV's will be off during counts and detainees must be on their beds during counts. During counts, all detainees will be on their bunks except the evening count when they will stand. TV's will be turned off during count. There will be NO talking during counts.

## **HCCD DETAINEE DISCIPLINE**

### **A. PRE-HEARING SEGREGATION:**

1. Following issuance of a written Disciplinary Report, the detainee is entitled to remain in their existing status until a disciplinary hearing is held unless they constitute a sufficient threat to themselves or the security of the facility to warrant confinement prior to the hearing.
2. Pre-hearing segregation may be ordered only by staff with the rank of Shift Supervisor or above.
3. The time the detainee is to remain in pre-hearing segregation will be no longer than is necessary to verify their safety or the security of the facility. The detainee's pre-hearing detention status will be reviewed by the Warden/Facility Administrator or designee within 72 hours of placement including weekends and holidays. The reviewer is to consider the need for continued segregation. If the need no longer exists, the detainee is to be released back to general population pending the hearing.
4. No detainee is to be placed and detained in pre-hearing segregation unless a Disciplinary Report is being prepared or and active investigation is being conducted to determine appropriate disciplinary charges.
5. Any time spent in pre-hearing segregation may be credited against any subsequent sentence imposed.

## B. NOTICE OF OFFENSES AND PENALTIES

A copy of offenses and penalties shall be given, in writing, and explained to each detainee upon admission to the facility during an orientation session. Any changes in the rules will be communicated to the detainees in writing. A copy of these offenses and penalties shall be posted in conspicuous locations throughout the facility.

## C. OFFENSES

1. DISORDERLY CONDUCT: Conduct which disrupts or interferes with the security or orderly running of the facility/interfering with a staff member in the performance of duties (conduct must be of the low moderate nature). This charge is to be used only when another charge of low moderate severity is not applicable.
2. FAILURE TO MAINTAIN PERSONAL HYGIENE: Being unsanitary or untidy, failing to keep one's person and one's quarters in accordance with posted standards.
3. POSSESSION OF MONEY/CURRENCY: Having in one's control, money or currency without having specific authorization.
4. OPERATING.UNAUTHORIZEDEQUIPMENT/MACHINERY.
5. OPERATING EQUIPMENT/MACHINERY CONTRARY TO POSTED SAFETY STANDARDS.
6. CONDUCTING A BUSINESS.
7. CONDUCT WITH A VISITOR IN VIOLATION OF RULES AND REGULATIONS: Sanction for such acts may often be restriction or loss of these privileges for a certain amount of time.

8. UNAUTHORIZED MAIL/TELEPHONE USE: Temporary loss or restriction of these privileges may often be sanction for this offense.
9. USE OF VULGAR, ABUSIVE OR OBSCENE LANGUAGE: The use of words or gestures that are offensive or meant to insult staff or other residents is not allowed.
10. SMOKING ON THE PREMISES: Smoking is prohibited throughout this facility.
11. TATTOOING OR SELF-MUTILATION.
12. MALINGERING, FEIGNING ILLNESS.
13. POSSESSION OF ANOTHER PERSON'S PROPERTY.
14. POSSESSION OF UNAUTHORIZED CLOTHING.

D. OFFENSES

Any combination of offenses within a 90 day period constitutes a high category.

1. COUNTERFEITING, FORGERY OR UNAUTHORIZED REPRODUCTION: Counterfeiting, forging, or reproducing without approval, any document, article, identification, money, security or official paper. This offense may be categorized in terms of greater severity according to the nature of the item reproduced (i.e.: counterfeiting release papers to effect escape).
2. UNAUTHORIZED MEETING OR GATHERING: Participating in such a grouping.
3. PRESENT IN AN UNAUTHORIZED AREA.
4. FAILURE TO STAND COUNT/INTERFERING WITH THE TAKING OF THE COUNT.
5. POSSESSION OR CONSUMPTION OF ALCOHOL: Having in one's control any alcoholic beverage within the facility.



6. REFUSAL TO SUBMIT TO A DRUG OR INTOXICANT TEST: Not giving a urine sample for use in testing for drug usage or refusing to submit to a breathalyzer.
7. GAMBLING/POSSESSION OF GAMBLING PARAPHERNALIA: Operating or acting in any game of chance involving betting or wagering of goods or other valuables, or possession of gambling paraphernalia.
8. UNAUTHORIZED CONTACT WITH THE PUBLIC.

E. OFFENSES

1. INDECENT EXPOSURE.
2. THEFT: Unauthorized taking of something that belongs to someone else.
3. MISUSE OF AUTHORIZED MEDICATION.
4. LOSS, MISPLACEMENT OR DAMAGE OF A TOOL.
5. LOANING OF PROPERTY/ANOTHER ITEM FOR PROFIT/INCREASED RETURN.
6. POSSESSION OF CONTRABAND: Having in one's control any item which has not been authorized for retention or receipt by the detainee and not issued through regular channels (not approved by the facility; this includes weapons or any item which has been altered for use as a weapon, intoxicants, drug paraphernalia).
7. REFUSAL TO WORK: When a person refuses to perform an assigned job (i.e.; cleaning living area/activity area). This does not include volunteer work, for which detainees are paid \$1.00 per day for work performed.
8. FAILURE TO FOLLOW VERBAL OR POSTED RULES AND/OR ORDERS: Not following specific rules and/or orders which have been designated for the clean, safe, orderly, operation of the facility of which the detainees have been told

of in advance through posting or verbally by an employee of the facility or person who has charge of the detainee at the time. This offense may be categorized and charged in terms of greater severity according to the nature of the order being disobeyed (i.e.; if failure to obey the order results in a riot or furthers a fight).

9. INSOLENCE TOWARDS A STAFF MEMBER.
10. LYING/PROVIDING FALSE STATEMENTS TO A STAFF MEMBER.

F. OFFENSES

1. SIGNING/PREPARING/CIRCULATING/SOLICITING SUPPORT FOR GROUP PETITIONS.
2. ANY ACTS WHICH MAY CAUSE ENDANGERMENT TO PEOPLE/PROPERTY.
3. INTERFERING WITH A STAFF MEMBER IN THE PERFORMANCE OF DUTIES: Conduct must be of a high severity of nature. This charge is to be used only when another charge of highest severity is not applicable.
4. DISORDERLY CONDUCT: Conduct must be of a high severity of nature. This charge is to be used only when another charge of highest severity is not applicable.
5. UNAUTHORIZED USE OF DRUGS OR INTOXICANTS: Use/introduction of any drug or intoxicants which has not been prescribed or approved for the detainee to use by Public Health Services. This charge also applies for possession of narcotic paraphernalia.
6. POSSESSION OF ANY OFFICER'S/STAFF MEMBER'S CLOTHING.
7. ENGAGING IN/SOLICITING GROUP DEMONSTRATION.

8. ENCOURAGING OTHERS TO REFUSE TO WORK/PARTICIPATE IN WORK STOPPAGE.
9. GIVING/OFFERING A BRIBE: The giving/offering any incentive, be it monetary or of any type of value, to an official or staff member.
10. GIVING/RECEIVING MONEY FOR PURPOSES OF INTRODUCING CONTRABAND OR ANY OTHER ILLEGAL OR PROHIBITED PURPOSES.
11. DESTRUCTION, ALTERATION OR DAMAGE TO PROPERTY: Destroying, changing or damaging property of the government, CCA or any other person (the value being in excess of \$100).
12. BEING FOUND GUILTY OF THREE (3) OR MORE OFFENSES OF HIGH OR LOW MODERATE DEGREE WITHIN A 90 DAY PERIOD.
13. ESCAPE: Leaving from unescorted activities, open facility and/or from a secure facility without violence.
14. FIGHTING: Engaging in any type of physical conflict (includes boxing, sparring, and any other type of horseplay which causes or could cause injury to another person) with another person. This charge does not apply if the action is part of an approved recreational or athletic activity.
15. POSSESSION/INTRODUCTION OF AN UNAUTHORIZED TOOL.
16. LOSS/MISPLACEMENT/DAMAGE OF A RESTRICTED TOOL.
17. THREATENING ANOTHER WITH HARM: Telling someone, through actions or words, that any type of harm will come to him.
18. EXTORTION/BLACKMAIL/PROTECTION: Demanding or receiving money or anything of value in return for protection

against others, to avoid bodily harm, or under threat of informing.

19. SEXUAL MISCONDUCT: This includes, but is not limited to, the following acts:
  - a. Taking part in sex act(s) where all parties agree to take part.
  - b. Making sexual proposals or threats.
20. WEARING A DISGUISE/MASK.
21. TAMPERING WITH/BLOCKING ANY LOCK DEVICE.
22. ADULTERATION OF ANY FOOD OR DRINK.

#### G. OFFENSES

1. DEATH OF ANY PERSON: Any act of which the end result is the death of any person including detainees, staff or civilians.
2. ASSAULT: An attack upon the body of another person. This includes rape.
3. ESCAPE: Escape from an escort or from a secure facility.
4. ARSON: Starting or causing to be started a fire which could or does cause damage to person(s) or property. This act is charged only when the act poses a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of greatest severity (i.e.; in furtherance of a riot/escape).
5. POSSESSION/INTRODUCTION OF FIREARMS: Possessing or introducing any type of gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive, escape tool or device or any ammunition.
6. RIOTING/INCITING OTHERS TO RIOT.
7. DETAINING A PERSON AGAINST HIS WILL: Keeping a person in or removing from an area without the agreement of

the person who is being kept or removed. Example: Taking of hostages.

8. ASSAULT OF A STAFF MEMBER/LAW ENFORCEMENT OFFICER.
9. THREATENING A STAFF MEMBER OR ANY LAW ENFORCEMENT OFFICER WITH BODILY HARM.
10. HINDERING AN EMPLOYEE IN THE PERFORMANCE OF HIS DUTIES: Acting in such a way to interrupt an employee during his work time such as causing delays, giving false information. Conduct must be of the greatest severity of nature. This charge is only to be used when another charge of greatest severity is not applicable.

#### H. PENALTIES/SANCTIONS

##### 1. MINOR OFFENSES:

- a. Reprimand, written or verbal.
- b. Living area restriction for a maximum of 15 days.
- c. Loss of one of the following privileges for a maximum of 30 days:
  - 1) Loss of commissary
  - 2) Loss of work program (where applicable)
  - 3) Loss of program/group activity
- d. Change of housing quarters.
- e. Impounding/storing personal items.
- f.. Confiscation of contraband (severity not applicable).
- g. Warning issued, written or verbal.

##### 2. MAJOR OFFENSES:

- a. Initiate criminal proceedings.
- b. Disciplinary transfer.
- c. Disciplinary segregation
- d. Loss of privileges (commissary, job, program or group activity)
- e. Impounding & storing detainee's personal property.
- f. Confiscation of contraband.
- g. Verbal or written reprimand or warning.
- h. Change of housing quarters

- i. Living area restriction.
3. **OFFENSES:**
- a. Initiate criminal proceedings.
  - b. Disciplinary transfer.
  - c. Disciplinary segregation.
  - d. Make monetary restitution.
  - e. Loss of privileges (commissary, job, program or group activity)
  - f. Impounding & storing detainee's personal property.
  - g. Confiscation of contraband.
4. **OFFENSES:**
- a. Initiate criminal proceedings.
  - b. Disciplinary transfer for a maximum of 15 days;
  - c. Disciplinary segregation (up to 60 days).
  - d. Monetary restitution.

### **DORMITORY/POD RULES AND REGULATIONS**

The following regulations pertain to specific expectations of each detainee to ensure the safety, health, and security of each person/s assigned to this facility. These regulations are not separate from the Posted Rules of Conduct; therefore, any violation/s may result in sanctions imposed against you. The purpose of separating these rules is to provide you with the opportunity to be aware of specific rules imposed relating to the activities, programs, and procedure related to living in the dormitory.

- A. **WAKE UP:** 7:00 a.m. daily
- B. **BED MAINTENANCE:** Each detainee will make up their bed when it is not occupied and keep the area around his bed clean at all times.
- C. **CLEANING:** All detainees will be assigned to clean Dormitory, Dayroom, Bathroom, and Shower, areas on a rotating basis. Detainees are not permitted to wash feet in the sinks. Floors will be cleaned and buffed daily.
- D. **TELEVISION:** No television or recreation activity before daily wake up. Television will be turned off at 9:00 p.m. daily.
- E. **THEFT:** No stealing of any kind within facility.

- F. CONTRABAND: No contraband, such as: cigarettes, tobacco or smoking paraphernalia, alcoholic beverages, cardboard boxes, and excessive magazines. No pictures of any kind on dormitory walls. All items must be purchased through the commissary only.
- G. FIGHTING: No fighting of any kind in facility.
- H. BED TIME: Regular lights out shall be 9:00 p.m. daily. All detainees must be at their bed at this time. Detainees will not be allowed to visit with each other after lights are out but must stay at their own beds. No one will be allowed in the day rooms after lights out.
- I. RESTRICTED AREAS: No detainee will be allowed to make physical contact with the glass window areas of the dormitories or the fence in the outside recreation areas. You will always remain behind the painted lines in the dorm and outside recreation.
- J. MEALS: Detainees must follow the instructions of the Officer on Post. No butting in lines, grabbing trays or glasses or taking trays to the dormitory bed area is permitted.
- K. GAMBLING: No gambling of any kind in facility.
- L. SELLING PERSONAL ARTICLES: No black-market activities shall take place within facility. (Selling candies, food, clothing etc.)
- M. VERBAL AND PHYSICAL ABUSE: There will be no Verbal or physical abuse toward staff.
- N. DESTRUCTION OF HCDOC PROPERTY: No destruction, alteration, unauthorized use, or wasting of property belonging to HCDOC or another person.
- O. SEXUAL ACTIVITIES: No engaging in, or pressuring others to engage in sexual activities.
- P. RULES AND REGULATIONS: Detainees shall follow all orders given by HCDOC staff.

### DETAINEE GRIEVANCE PROCEDURES

Any Detainee residing at HCCD has the opportunity to file a formal complaint which is considered a Grievance. The process will be explained below. It is important that the procedure listed be followed correctly in order to ensure adequate and appropriate resolutions. Grievances filed improperly will be returned without review.

#### POLICY:

It is the policy of HCCD to encourage resolution of complaints at the lowest possible level since grievances should be, whenever possible, resolved through direct contact with staff responsible for the particular problem area. However, all detainees shall have access to these formal grievance procedures any time the informal process has not provided successful resolution of the complaint. Neither employees nor detainees shall be subject to retaliation, reprisal, harassment, or discipline for use or participation in the Grievance Procedure. Any allegations of this nature will be thoroughly investigated by the Director/Designee and reviewed by the Director/Administrator.

#### PROCESS:

Once a detainee decides to file a Formal Complaint, a Grievance form must be obtained from the Correctional Officer working the post duty station where the detainee resides. This form must be completed and filed within seven (7) days of the alleged incident. The completed form must be placed in the box in the dormitory marked "Grievances". The Facility Grievance Officer shall, within five (5) days of receipt of the grievance, will conduct an investigation of the grievance and render a written response to the detainee. If the detainee wishes to appeal the response to the Facility Warden (the highest administrative authority), he/she has five (5) days to complete the section on the Grievance form described as "State Reasons(s) for Appeal", and place the form back into the Grievance mailbox. The Facility Warden shall make a written decision on the grievance appeal within fifteen days of receipt from the detainee. This decision is considered final to any grievance matter. Upon notice to the grievant, the time limitations may be extended for an additional 30 days to allow for a more complete investigation of the claims contained in the grievance.

#### EMERGENCY GRIEVANCE PROCEDURES:



If the Facility Grievance Officer, after reviewing the grievance determines that an emergency exists, ACTION shall be taken to resolve the grievance within 24 hours of receipt of the completed Grievance form. The Facility Grievance Officer shall render to the detainee filing such grievance a WRITTEN DECISION within 72 hours of receipt of the grievance. If the detainee appeals the decision, the Facility Warden will respond with a written decision within five (5) days.

### **Classification**

All detainees are classified upon arrival, before being admitted to general population.

### **Classification Levels**

#### Level 1

- a. May not be housed with Level 3 detainees
- b. May not include any detainee with a felony conviction that includes an act of physical violence
- c. May not include any detainee with aggravated felony conviction.
- d. May include detainees with minor criminal records and non violent felonies.

#### Level 2

- a. May not include any detainee whose most recent conviction was for any offense listed under HIGHEST section of the severity of offense guideline.
- b. May not include any detainee with a pattern or history of violent behavior whether convicted or not.
- c. May not include any detainee convicted for assault on a Correctional Officer while in custody or where previous institutional records suggest a pattern of assaults while in custody.

#### Level 3

- a. May include those detainees reclassified from level one to two due to incidents in facility or changes in classification information.

b. May be reclassified to Level 2 only based institutional behavior.

Level three detainees are considered a high risk category requiring medium to maximum security housing.

Level three detainees are always monitored and escorted.

### **Classification Appeal**

All new arrivals classified as level two and three may appeal there classification.

All appeals will be directed to the classification unit.

All appeals will be investigated and reconsidered by the classification committee.

All recommendations will be reviewed by the Director or designee.

A written response will be returned to detainee within 30 business days.

### **TO FILE A COMPLAINT ABOUT AN OFFICERS' MISCONDUCT:**

Staff is prohibited from harassing, disciplining, punishing or otherwise retaliating against any detainee for filing a grievance.

To file a complaint about officer misconduct, directly contact the following:

**Unit 5 Commander  
35- Hackensack ave  
Kearny, New Jersey 07032**

**Or**

**OFFICE OF THE INSPECTOR GENERAL  
245 MURRAY DR. S.E.  
BUILDING 410  
WASHINGTON, DC. 20528  
OR CALL 1-800-323-8603**

## HUDSON COUNTY JAIL

The following numbers are provided as free calls to all ICE detainees

To access the INS Pro Bono Platform, select a language, dial \*9001# , and follow the voice prompts.

Once connected to the platform:

- Select Language - English, Spanish
- Enter your 9-digit Alien Number
- Enter the Speed Dial number from the list below followed by the # Key.

Then stay on the line.

Los números siguientes se proporcionan libreta como las llamadas todo ICE a detenidos

Una vez que conectado a la plataforma:

- Seleccione el lenguaje- Ingles, Espanol, Vietnamise, Chino, Criolla
- Marque los 9 numeros de identificacion
- Marque uno de los numeros preprogramados en la lista abajo seguido pro el signo de numero. Despues espere en la linea

|      |   |      |   |
|------|---|------|---|
| 2150 | *American Bar Association   | 1885 | *American Friends Service Committee - NJ                        |
| 1891 | *Bhanu B Ilindra, Esq.  | 1890 | *Camden Center for Law and Social Justice, Inc. - Atlantic City |
| 1889 | *Camden Center for Law and Social Justice, Inc. - NJ                                    | 2057 | *Carmelia Taylor, Esq.  |
| 2047 | *Caribbean Women's Health Assoc.  | 1881 | *Catholic Community Services (Charities)                        |
| 1886 | *Catholic Family and Communit Serv. - NJ  | 2048 | *Central American Legal Assistance                              |
| 2049 | *City Bar Fund  | 2050 | *Comite Nuestra Senora de Loreto Sobre Asuntos de Inmigracion   |
| 2100 | *Deportation Officer C. Sobolewski  | 2136 | *Deportation Officer I. Salavaria                               |
| 2153 | *Deportation Officer K. Arline  | 2154 | *Deportation Officer M. Uhnat                                   |
| 2098 | *Deportation Officer R. Ortiz   | 2101 | *Deportation Officer T. Violano                                 |
| 518  | *Dept. of Homeland Security - Office of Inspector General Hotline                       | 2051 | *Gay Men's Health Crisis  |
| 1887 | *Hebrew Immigrant Aid Society (HIAS) - NY   | 2052 | *Human Rights First   |
| 111  | *Immigration Court Information System   | 1888 | *La Casa de Don Pedro   |
| 1884 | *Lutheran Social Ministries of New Jersey   | 2053 | *Nassau County Hispanic Foundation Inc.                         |
| 2054 | *New York Assoc. New Americans  | 2055 | *Northern Manhattan Coalition for Immigrant Rights              |
| 2056 | *Safe Horizon (Victim Svcs/Travelers Aid) Immigration Legal Services EXT. 129*          | 1690 | *Timothy Block -Legal Services of New Jersey, ext. 231          |
| 566  | *United Nations High Commissioner for Refugees (UNHCR) Asylum-seekers and Refugees only | 191  | Albania - Consulate in Washington DC                            |

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|------|--|------|---|
| 192  | Algeria - Consulate in Washington DC           | 193  | Andorra - Consulate in New York, NY                         |
| 747  | Angola - Consulate in New York NY              | 696  | Antigua and Barbuda - Consulate in Washington DC            |
| 1115 | Argentina - Consulate in New York              | 197  | Armenia - Consulate in Washington DC                        |
| 1442 | Australia - Consulate in New York              | 199  | Austria - Consulate in New York, NY                         |
| 1396 | Azerbaijan - Consulate in Los Angeles          | 201  | Bahamas - Consulate in New York City                        |
| 753  | Bahrain - Consulate in New York                | 852  | Bangladesh - Consulate in New York                          |
| 204  | Barbados - Consulate in New York City          | 205  | Belarus - Consulate in New York, NY                         |
| 206  | Belgium - Consulate in New York NY             | 207  | Belize - Consulate in Washington DC                         |
| 208  | Benin - Consulate in Washington DC             | 209  | Bhutan - Consulate in Washington DC                         |
| 210  | Bolivia - Consulate in New York City           | 1746 | Bosnia and Herzegovina - Consulate in Chicago, IL           |
| 213  | Brazil - Consulate in New York City            | 214  | Brunei - Consulate in Washington DC                         |
| 825  | Bulgaria - Consulate in New York               | 216  | Burkina Faso - Consulate in Washington DC                   |
| 217  | Burundi - Consulate in Washington DC           | 218  | Cambodia - Embassy in Washington, DC                        |
| 219  | Cameroon - Embassy in Washington DC            | 1207 | Canada - Consulate in New York                              |
| 221  | Cape Verde - Consulate in Washington DC        | 222  | Central African Republic - Consulate in Washington DC       |
| 224  | Chile - Consulate in New York City             | 225  | China - Consulate in New York City                          |
| 226  | Colombia - Consulate in New York City          | 228  | Congo, Democratic Republic of - Consulate in Washington, DC |
| 230  | Costa Rica - Consulate in New York City        | 231  | Cote Divoire - Embassy in Washington DC                     |
| 232  | Croatia - Consulate in New York City           | 521  | Cuba - Interest Section in Washington DC                    |
| 233  | Cyprus - Consulate in New York                 | 234  | Czech Republic - Consulate in New York, NY                  |
| 235  | Denmark - Consulate in New York City           | 236  | Djibouti - Consulate in Washington DC                       |
| 863  | Dominican Republic - Consulate in New York     | 1638 | Ecuador - Consulate in New Jersey                           |
| 239  | Ecuador - Consulate in New York City           | 240  | Egypt - Consulate in New York City                          |
| 1475 | Egypt - Consulate in Washington DC             | 1892 | El Salvador Consulate in *, NJ                              |
| 1806 | El Salvador Consulate in Elizabeth, NJ         | 241  | El Salvador Consulate in New York                           |
| 243  | Eritrea - Consulate in Washington DC           | 244  | Estonia - Consulate in New York City                        |
| 604  | Ethiopia - Embassy in Washington DC            | 246  | Fiji - Consulate in New York City                           |
| 247  | Finland - Consulate in New York, NY            | 1445 | France - Consulate in New York                              |
| 249  | Gabon - Consulate in New York City             | 250  | Gambia Consulate in Washington, DC                          |
| 251  | Georgia - Consulate in Washington, DC          | 252  | Germany - Consulate in New York City                        |
| 253  | Ghana Permanent Mission to the U.N.            | 254  | Greece - Consulate in New York City                         |
| 255  | Grenada - Consulate in New York City           | 256  | Guatemala Consulate in New York                             |
| 713  | Guinea - Embassy the Republic in Washington DC | 1446 | Guyana - Consulate in New York                              |
| 260  | Haiti Consulate in New York, NY                | 1789 | Honduras Consulate in New York, NY                          |
| 1212 | Hungary - Consulate in New York                | 869  | Iceland - Consulate in New York                             |

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| 264  | India - Consulate in New York, NY                            | 265  | Indonesia - Consulate in New York City                   |
| 266  | Iran - Consulate in Washington DC                            | 267  | Iraq - Consulate in Washington DC                        |
| 268  | Ireland - Consulate in New York City                         | 1213 | Israel - Consulate in New York                           |
| 270  | Italy - Consulate in Philadelphia                            | 1215 | Jamaica - Consulate in New York                          |
| 272  | Japan - Consulate in New York City                           | 721  | Jordan - Embassy in Washington DC                        |
| 274  | Kazakhstan - Consulate in New York City                      | 727  | Kenya - Consulate in Washington DC                       |
| 1431 | Kiribati - Consulate in Honolulu, HI                         | 904  | Korea - Consulate in Washington DC                       |
| 278  | Kuwait - Consulate in Washington DC                          | 639  | Kyrgyzstan - Consulate in Washington DC                  |
| 728  | Laos - Embassy in Washington DC                              | 281  | Latvia - Consulate in Washington DC                      |
| 282  | Lebanon - Consulate in New York City                         | 283  | Lesotho - Consulate in Washington DC                     |
| 284  | Liberia - Consulate in New York City                         | 522  | Libya - Mission in New York, NY                          |
| 285  | Lithuania - Consulate in New York City                       | 1447 | Luxembourg - Consulate in New York                       |
| 731  | Macedonia - Consulate General in New York                    | 288  | Madagascar - Consulate in Washington DC                  |
| 289  | Malawi - Consulate in Washington DC                          | 290  | Malaysia - Consulate in New York City                    |
| 291  | Maldives - Consulate in New York, NY                         | 292  | Mali - Consulate in Washington DC                        |
| 293  | Malta - Consulate in Washington DC                           | 294  | Marshall Islands - Consulate in Washington DC            |
| 295  | Mauritania - Consulate in Washington DC                      | 296  | Mauritius - Consulate in Washington DC                   |
| 1448 | Mexico - Consulate General in New York                       | 1503 | Mexico - Consulate in Washington DC                      |
| 298  | Micronesia, Federated States of - Consulate in Washington DC | 299  | Moldova - Consulate in Washington DC                     |
| 300  | Monaco - Consulate in New York, NY                           | 301  | Mongolia - Consulate in Washington DC                    |
| 302  | Morocco - Consulate in New York                              | 303  | Mozambique - Consulate in Washington DC                  |
| 305  | Namibia - Consulate in Washington DC                         | 306  | Nauru - Consulate in Honolulu                            |
| 307  | Nepal - Consulate in New York City                           | 308  | Netherlands - Consulate in New York City                 |
| 1218 | New Zealand - Consulate in New York                          | 310  | Nicaragua - Consulate in New York, NY                    |
| 741  | Nigeria - Consulate in New York, NY                          | 313  | Norway - Consulate in New York City                      |
| 314  | Oman- Consulate in Washington DC                             | 819  | Pakistan - Consulate in New York                         |
| 725  | Pakistan - Embassy in Washington DC                          | 316  | Palau - Consulate in Washington DC                       |
| 1094 | Panama - Consulate in New York                               | 318  | Papua New Guinea - Consulate in Washington DC            |
| 319  | Paraguay - Consulate in New York City                        | 320  | Peru - Consulate in New York City                        |
| 321  | Philippines - Consulate in New York, NY                      | 1788 | Poland Consulate in New York, NY                         |
| 1219 | Portugal - Consulate in New York                             | 324  | Qatar - Consulate in Washington DC                       |
| 325  | Romania - Consulate in New York City                         | 326  | Russia - Consulate in New York City                      |
| 327  | Rwanda - Consulate in Washington DC                          | 328  | Saint Kitts & Nevis - Consulate in Washington DC         |
| 329  | Saint Lucia - Consulate in New York City                     | 330  | Saint Vincent and the Grenadines - Consulate in New York |
| 670  | Samoa - Consulate in New York, NY                            | 1096 | San Marino - Consulate in New York                       |

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|------|---|------|--|
| 332  | Sao Tome & Principe - Consulate in New York, NY | 333  | Saudi Arabia - Consulate in New York City          |
| 334  | Senegal - Consulate in Washington DC            | 693  | Serbia and Yugoslavia - Consulate in Washington DC |
| 335  | Seychelles - Consulate in New York City         | 336  | Sierra Leone - Consulate in Washington DC          |
| 337  | Singapore - Consulate in New York City          | 677  | Slovak Republic - Consulate in Washington DC       |
| 1098 | Slovenia - Consulate in New York                | 1938 | Solomon Islands Consulate in New York City, NY     |
| 341  | Somalia - Consulate in New York, NY             | 342  | South Africa - Consulate in New York City          |
| 343  | Spain - Consulate in New York City              | 681  | Sri Lanka - Consulate in New York, NY              |
| 735  | Sudan - Consulate in New York                   | 346  | Suriname Consulate in Miami, FL                    |
| 348  | Sweden - Consulate in New York City             | 349  | Switzerland - Consulate in New York City           |
| 350  | Syria - Consulate in Washington DC              | 351  | Taiwan - Consulate in Washington DC                |
| 352  | Tajikistan - Consulate in Washington DC         | 353  | Tanzania - Embassy in Washington DC                |
| 354  | Thailand - Consulate in New York City           | 355  | Togo - Consulate in Washington DC                  |
| 687  | Tonga - Consulate in New York                   | 356  | Trinidad & Tobago - Consulate in New York, NY      |
| 357  | Tunisia - Consulate in Houston                  | 358  | Turkey - Consulate in New York City                |
| 359  | Turkmenistan - Consulate in Washington DC       | 360  | Uganda - Consulate in Washington DC                |
| 361  | Ukraine - Consulate in New York City            | 362  | United Arab Emirates - Consulate in Washington DC  |
| 363  | United Kingdom - Consulate in New York          | 364  | Uruguay - Consulate in New York City               |
| 365  | Uzbekistan - Consulate in New York City         | 366  | Vanuatu - Consulate in New York, NY                |
| 367  | Venezuela - Consulate in New York City          | 368  | Vietnam - Consulate in Washington DC               |
| 369  | Yemen - Consulate in Washington DC              | 371  | Zambia - Consulate in Washington DC                |
| 372  | Zimbabwe - Consulate in Washington DC           |      |  |

# Office of Detention and Removal Operation

## Newark Field Office

**TELEPHONE NUMBER:** (973) 645-3666 Press 9 Follow by the Extension Number;

This Number and Extensions only works with outside phone lines, provide this numbers to your family and Consulate for assistant on your case.

| <b>Deportation Officer</b> | <b>Cases Ending</b> | <b>ICE/DRO Extension Number</b> |
|----------------------------|---------------------|---------------------------------|
| Ortiz                      | 0 & 1               | 3292                            |
| Salavaria                  | 2 & 3               | 3344                            |
| Sobolewski                 | 4 & 5               | 3316                            |
| Uhniat                     | 6 & 7               | 3324                            |
| Violano                    | 8 & 9               | 3327                            |

### Deportation Officers Supervisor:

Nnamdi F.Aneke ICE/DRO Extension Number: 3227  
Robert J.Margist ICE/DRO Extension Number: 3233