

Facility Name: Berks County Prison, PA

Date of Tour: July 15, 2004

Tour participants:

(b)(6)

(b)(6)

ICE Standard	Tour Observation	Source	ICE Response
<p>Visitation</p> <ul style="list-style-type: none"> III.1.2 “In such cases [where legal visits continue through meals], the detainee shall receive a tray or sack meal after the visit” 	<ul style="list-style-type: none"> An interviewed detainee stated that when legal visits continue through meals, detainees are not provided with a meal after the visit - (b)(6), (b)(7)c stated that meals are provided (P5, line 5). 	<ul style="list-style-type: none"> According to delegation notes and conversation with Sgt (b)(6), (b)(7)c 	<p>Not noted as deficiency in 2004 review.</p>
<p>Telephone Access</p> <ul style="list-style-type: none"> III.K “If telephone calls are monitored...[the facility] shall place a notice at each monitored telephone stating that calls are subject to monitoring and [stating] the procedure for obtaining an unmonitored call” 	<ul style="list-style-type: none"> The delegation observed no postings that notify detainees that calls may be monitored, nor did they see any instructions on how to request that legal calls not be monitored (p7, line 26 and p9, line 7) 	<ul style="list-style-type: none"> According to delegation notes 	<p>Not noted as deficiency in 2004 review.</p>
<p>Correspondence and Other Mail</p> <ul style="list-style-type: none"> I “All facilities will ensure that detainees send and receive correspondence in a timely manner” and III.C “Incoming correspondence shall be distributed to detainees within 24 hours of receipt by the facility” 	<ul style="list-style-type: none"> It appeared to the delegation, that detainee correspondence is not delivered in a timely manner and detainees have missed court deadlines as a result (p11, line 19) 	<ul style="list-style-type: none"> According to interview notes with detainees 	<p>Rated as acceptable in 2004.</p>



Ballard Spahr Andrews & Ingersoll, LLP

MEMORANDUM

To: Victor Cerda, Acting Director, Office of Detention and Removal, Immigration Customs Enforcement

From: American Bar Association Detention Standards Implementation Initiative Delegation to Berks County Prison in Leesport, Pennsylvania¹

Date: September 28, 2008

Re: Report on Observations During a General Tour of the Berks County Prison in Leesport, Pennsylvania

Cc: [REDACTED] ABA Commission on Immigration

This memorandum summarizes and evaluates information gathered at the Berks County, Pennsylvania Prison (“Prison” or “Berks County Prison”) in Leesport, Pennsylvania during the delegation’s July 15, 2004 visit to the facility. The information was gathered via observations of the Prison by the delegation, interviews with immigration detainees, Prison employees, and Immigration and Customs Enforcement (“ICE”) personnel, and research on the Prison accessed through public sources.

I. Overview of ICE Detention Standards

In November 2000, the legendary Immigration and Naturalization Service² (“INS”) promulgated the *INS Detention Standards* (“*Detention Standards*” or “*Standards*”) to ensure the “safe, secure and humane treatment” of immigration detainees. The thirty-six standards contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies to grievance procedures to food service. These standards apply to ICE-operated detention centers and other facilities that house immigration detainees as part of a contract or intergovernmental service agreement (“IGSA”). The *Detention Standards* went

¹ The delegation was comprised of Ballard Spahr Andrews & Ingersoll, LLP attorneys [REDACTED] and summer associates [REDACTED].

² As of March 1, 2003, the legendary INS ceased to exist as an agency under the jurisdiction of the United States Department of Justice. The legendary INS’s immigration enforcement functions were transferred to ICE, a division of the United States Department of Homeland Security (“DHS”).

into effect at ICE-operated detention facilities on January 1, 2001. ICE intended to phase-in the standards into all of its contract and IGSA facilities by December 31, 2002.

The *Standards* are a floor and not a ceiling for the treatment of immigration detainees. In other words, the *Standards* set forth the minimum requirements ICE must adhere to in its facilities with regard to the housing and treatment of immigration detainees. Each Field Office or Officer in Charge ("OIC") may, in his discretion, promulgate policies and practices affording ICE detainees greater rights and protections than provided for by the *Detention Standards*.

While the *Detention Standards* cover a wide range of topics, this memorandum focuses on the delegation's observations regarding ICE's implementation of the *Standards* at the Berks County Prison, with particular emphasis on the following groups of *Standards*: (1) Legal Access; (2) Visitation; (3) Legal Materials; (4) Telephone Access; and (5) Group Rights Presentations.

II. Introduction

A. The Delegation's July 15, 2004 Visit

On Thursday, July 15, 2004, the delegation met with several members of the Berks County Prison's staff and a representative from ICE, [REDACTED] b6 [REDACTED] b6 accompanied our delegation on the tour of the facilities led by Sergeant [REDACTED] b6, b7c a member of the Prison's staff. We also had a chance to speak with [REDACTED] b6 a Prison employee who is in charge of the Prison's law library. The delegation appreciated the cooperation of these individuals, especially [REDACTED] b6 who was instrumental in facilitating our access to the Berks County Prison. Everyone we spoke with was direct and accommodating during our tour of the facility and in response to post-tour requests for additional information.

Our report is based on the discussions we had with these Prison and ICE employees, as well as our observations of the facility and interviews with four immigration detainees. In many instances, detainee reports were compatible with statements made by facility personnel and/or our observations. However, in certain instances, detainee reports conflicted with statements made by facility personnel. In other instances, Berks County Prison employee reports conflicted with statements made by other Prison employees.

B. General Information about the Berks County Prison

The Berks County Prison is located in Leesport, Pennsylvania, an hour and a half from Philadelphia and only a quarter-hour from Reading. The prison operates as a municipal division of Berks County and is under the immediate direction of Warden [REDACTED] b6, b7c who is himself overseen by the Berks County Prison Board.³ As a county prison facility, the Prison is subject to supervision by the Pennsylvania Department of Corrections, Office of

³ See Pennsylvania Department of Corrections, *County Operations* (Apr. 12, 2004), available at, <http://www.cor.state.pa.us/portal/lib/county/countyoperations.pdf>.

County Inspection & Services, which conducts annual audits and inspections to ensure compliance with Commonwealth and Federal rules and standards.⁴

The Prison was constructed in 1933, and most recently underwent a major renovation in 1993.⁵ It can accommodate 1,473 inmates and the male inmate population is approximately 1,294.⁶ However, reports in the past year and a half have indicated that the Berks County Prison is experiencing overcrowding and difficulty with housing ICE immigration detainees.⁷ ICE's own calculations estimate that the Prison has a capacity to house up to 200 detainees, plus eleven ICE staff members and officers.⁸ ICE also has a separate low-security facility nearby the Berks County Prison where it holds detained immigrant families and youths.⁹

As of July 15, 2004, there were roughly sixty-five male detainees housed at the Prison and no female detainees.¹⁰ Most immigration detainees were from Jamaica, Trinidad, Vietnam, Cuba, and Cambodia. The average stay of detainees at Berks County Prison is anywhere from three weeks to three years. As of two years ago, the per diem fee paid by ICE to the Prison is \$55.00.¹¹ The ICE detainees are kept in the "B Pod", away from the general prison population and wear green uniforms.

⁴ See Pennsylvania Department of Corrections, *County Prisons* (2004), available at, <http://www.cor.state.pa.us/county/site/default.asp>.

⁵ See *County Operations*, *supra*, note 3.

⁶ See Pennsylvania Department of Corrections, *County Statistics* (Apr. 27, 2004), available at, <http://www.cor.state.pa.us/portal/lib/county/countystatistics.pdf>.

⁷ See Associated Press, *News in brief from central Pennsylvania* (Dec. 25, 2002).

⁸ United States Citizenship Immigration Service, *INS Detention Facilities in the Philadelphia District* (2004), available at <http://uscis.gov/graphics/fieldoffices/Philadelphia/detention.htm>.

⁹ Timothy D. May, *Detention center for immigrant families opens near Reading*, Associated Press Newswires, Mar. 15, 2001.

¹⁰ According to [b6] and Sergeant [b6, b7c] female detainees are rarely housed at the Berks County Prison. The only situation in which a female would be detained in the Prison is if she is being transported to another location and has to stay in the Prison overnight or for a short time. If a female detainee is brought into the Prison, she is kept in quarantine so as not to be commingled with the female criminal population. See [b6] notes.

¹¹ The delegation was unable to learn the current per diem fee per immigration detainee paid to the Berks County Prison.

Though much attention has been paid to the neighboring York County Prison, a virtual “who’s who” of humanitarian watchdog organizations have visited the Berks County Prison over the past several years and issued a series of reports documenting the poor quality of treatment afforded ICE immigration detainees. However, most of these reports predate the enactment of the *Detention Standards*.

III. Observations of Implementation of Legal Access Standards

A. Legal Access/Visitation

1. Visitation by Attorneys

The *Detention Standards* require that legal visitation be allowed “seven days a week, for a minimum of eight hours on weekdays and four hours on weekends.”¹² However, the Berks County Prison allows regular visits by attorneys on weekdays, while weekend visits are by pre-arrangement only. Further, although the *Detention Standards* provide that detainees “shall retain their visitation privileges while in administrative or disciplinary segregation,”¹³ and that “detainees in disciplinary segregation may not be denied legal visitation,”¹⁴ one detainee noted that while in segregation, he was limited to one half-hour visit per week, social or legal, and thus chose not to meet with his attorney during that time.¹⁵ Visits are not interrupted for routine head counts.

The Berks County Prison allows attorney access for legal representatives with bar cards or other credible documentation. Also, the Prison permits attorneys to bring with them paralegals and law students into the Prison, provided they present proper identification sufficient to establish they are working with the attorneys.¹⁶ Attorneys are not required to produce signed G-28s for pre-representation meetings.

The *Detention Standards* require that information regarding a detainee’s whereabouts should be available through the ICE district office twenty-four hours a day.¹⁷ According to an ICE official, this information is only available during business hours.¹⁸ Likewise, the Berks County Prison only will provide information regarding an immigration

¹² Detention Operations Manual (hereinafter “DOM”), Legal Visitation, Section A

¹³ DOM, Visitation, Section (H)(5)

¹⁴ DOM, Disciplinary Segregation, Section (D)(17).

¹⁵ [REDACTED] notes.

¹⁶ [REDACTED] notes.

¹⁷ DOM, Legal Visitation, Section E

¹⁸ [REDACTED] notes.

detainee's whereabouts during regular business hours. This presents obvious problems for efficient representation, as immigration detainees are often temporarily transferred to other facilities for immigration proceedings.

The *Standards* instruct that procedures "should be in place to permit the detainee to receive a meal or recreation after the interview."¹⁹ A detainee reported, despite Sergeant [REDACTED] claim to the contrary, that no food is saved for detainees whose legal visitations run through scheduled mealtimes.²⁰

The delegation observed that the areas designated for visits by legal representatives do not appear to provide the privacy necessary for conducting privileged communications. Under the *Detention Standards*, detainees must meet their legal representatives in a private setting that allows visual, but not aural, observation by officers or other detainees.²¹ However, legal visits at the Berks County Prison are held in the gymnasium, where four folding tables are arranged in close proximity to one another. The tables are fifteen to twenty feet away from the entranceway, which has no door. The gymnasium is under constant visual observation by a guard in a glass booth in the adjacent hallway. While this guard cannot overhear the visits, they may be overheard by those at other tables in the gymnasium or by anyone standing in the surrounding hallways, which are major thoroughfares through the Prison.

Sergeant [REDACTED] stated that a single, sound-proof hearing room is available for attorney visits, but it must be requested in advance and is only provided to immigration detainees if no other prison functions require its use.²² However, it is a small room and can only accommodate one meeting at a time. Many of the immigration detainees the delegation spoke with were not aware that this private hearing room existed for meetings with their attorneys.²³

All attorney visits are contact visits and detainees are subject only to pat-down searches, if any, afterwards.

2. Visits by Friends and Family

To maintain detainee morale and familial relationships, the *Detention Standards* require all facilities to allow visitation and establish written visitation procedures.²⁴ There must

¹⁹ DOM, Legal Visitation, Section A.

²⁰ [REDACTED] b6

²¹ DOM, Legal Visitation, Section C

²² [REDACTED] b6

²³ [REDACTED] b6 notes.

²⁴ DOM, Detainee Services, Section III.A.

be a minimum of thirty minutes per visitation and the *Standards* encourage facilities to provide more generous limits where possible.²⁵

The Berks County Prison does post a written visitation schedule and general hours of operation in its lobby area. There also is a pamphlet entitled "Friends and Family Guidelines" which visitors may request and outlines the visitation policy at the Prison. However, this pamphlet is not on display.

The visitations are no contact and there are four corrals for detainees to visit with their family and friends. The corrals are contained in one large room. Detainees and their visitors speak through plexi-glass. There is little privacy during these visits.

The visitation hours are reasonably tailored to the immigration detainee population. On Mondays, Wednesdays, and Fridays, visiting hours are from 8:00 am to 8:30 pm. On Tuesdays and Thursdays, visiting hours are from 12:00 pm to 8:30 pm. Visiting hours on Saturday and Sunday depend upon availability of Prison staff to facilitate the visits. For holiday visits, the Prison follows the schedule for the day of the week the holiday falls upon. Many detainees stated that they are permitted to continue their visits as long as they want, provided other detainees are not waiting to use the visitors' room or it is time for them to return to their cells.²⁶

Detainees are not made aware of the visitation schedule because detainees do not receive a copy of the detainee handbook when they arrive at the Prison. Detainees learn about visitation rules and procedures through talking with other detainees.²⁷

Detainees are permitted to put up to eight to ten names on their approved visitors' list.²⁸ The list can be amended approximately every thirty days.

The *Detention Standards* require that minors be permitted to visit detainees.²⁹ The Berks County Prison does permit anyone under eighteen who is a son, daughter, or step-child to visit. Also, if the immigration detainee has a spouse who is under the age of eighteen, his/her spouse is permitted to visit him/her.³⁰ Unless the minor fits into one of these classifications, the minor is not permitted to visit immigration detainees held in the Prison.

²⁵ DOM, Detainee Services, Section III.H.

²⁶  b6

²⁹ DOM, Detainee Services, Section III.H.

³⁰  b6

All visitors must produce identification. The Prison accepts various forms of identification, including drivers' licenses. While visitors are not searched, they are required to pass through a metal detector and are visually inspected by Berks County Prison security before being permitted to access the visitors' area.

B. Telephone Access

The *Detention Standards* provide that all facilities shall permit detainees to have reasonable and equitable access to telephones during the facility's established waking hours.³¹ In addition, the *Standards* require the facility to provide telephone access rules in writing to each detainee upon admittance, and to post these rules where immigration detainees may easily see them.³²

At the Berks County Prison, immigration detainees have access to telephone use between: 8:00 a.m. – 11:05 a.m.; 1:00 p.m. – 4:30 p.m.; and 6:30 p.m. – 9:00 p.m.³³ There are five telephones available in the B Pod, where ICE detainees are housed. With the present count of roughly sixty-five detainees, the Prison provides one telephone for every thirteen detainees. According to one of the detainees interviewed, there is a twenty minute time limit on telephone calls, and while there is generally no wait to use the telephone, he at times had to wait up to forty minutes for access to a telephone.³⁴

During a detainee's first four days at Berks County Prison, he or she will be placed in quarantine. While in quarantine, a detainee is restricted from telephone access and is only permitted to make one free call.³⁵

Upon admittance to the Berks County Prison, the detainees are not provided with an inmate rulebook or detainee handbook informing them of telephone access rules and procedures.³⁶ Detainees will be provided with the handbook or rulebook upon request, and can check out one of three copies held by the Prison guards.

The Berks County Prison monitors telephone calls at its discretion. The delegation did not observe any procedure by which an immigrant detainee may request an unmonitored telephone call with an attorney, or alert officers that a telephone call he is about to

³¹ DOM, Telephone Access, Sections I and III.A.

³² DOM, Telephone Access, Section III.B.

³³ [REDACTED] notes.

³⁴ [REDACTED] notes.

³⁵ [REDACTED] notes.

³⁶ [REDACTED] notes.

place is of a legal, not personal nature.³⁷ Nor did the delegation observe notices regarding the monitoring of telephone conversations posted at the telephones. Detainee telephones are located in the common room for the B Pod, and this does not afford immigrant detainees the opportunity to make legal calls without being overheard by officers, staff, or other detainees. The delegation did observe that one telephone in the B Pod is equipped with privacy panels, but these panels do not extend outward for the requisite eighteen inches.³⁸

There are no rules or guidelines with regard to telephone use posted near the telephones. The only posted material by the telephones in the Prison is a list of telephone numbers for embassies and courts with pre-programmed numbers for detainee reference. Also, posted on the common area bulletin board are lists of public interest organizations which provide free legal advice to immigration detainees and the organizations' telephone numbers.³⁹ All telephone calls to courts, embassies, or organizations providing legal representation are free for the detainees. The telephones were all in working order, and according to one of the detainees interviewed, the pre-programmed numbers all appear to work. This detainee did report, however, that calls made to the "court of appeals" using the pre-programmed number have been unsuccessful, and that the courts' telephones block calls from the Prison.⁴⁰

According to Sgt. [REDACTED] b6, b7c officers responsible for the B Pod regularly check the telephones to ensure they are operating properly.⁴¹ If telephones are broken, complaints or requests for repair can be put in the INS communications box. One of the detainees interviewed said that it takes about one week to repair a broken telephone.⁴²

The delegation was unable to verify if the telephones worked because an A# was required to be entered before each telephone call was made. Also, the delegation was informed that all of the telephones had been broken, but they were fixed prior to our arrival.⁴³

There is no privacy when using the telephones in the detainee housing unit, and these are the only telephones available to detainees. The telephones are mounted on the walls in the common area and there are no privacy partitions in place to ensure confidentiality. An associated problem to lack of privacy is difficulty in hearing the party on the other end of one's

³⁷ DOM, Telephone Access, Section (2)(J)

³⁸ [REDACTED] b6 notes.

³⁹ The delegation did not request copies of these documents.

⁴⁰ [REDACTED] b6 notes. The detainee did not specify which appellate court blocked his phone call. Nor did he specify as to how many courts had blocked his phone calls.

⁴¹ [REDACTED] notes.

⁴² [REDACTED] b6 notes.

⁴³ [REDACTED] b6 notes.

call due to the noise level in the common area due to its small size and the presence of a television and exercise equipment. Neither ICE nor the Berks County Prison provides cellular telephones for confidential calls, which is suggested by the *Detention Standards* as an alternative way to permit immigration detainees to place confidential calls.

The telephone calls are monitored through a recording device in the telephone. The *Detention Standards* require that if calls are monitored, a notice to that effect be placed at each telephone.⁴⁴ The delegation did not observe any such notice at any of the telephones used by the immigration detainees. Additionally, the delegation did not observe any information posted describing the procedures for obtaining an unmonitored call to a court, legal representative, or to an attorney or organization for the purpose of obtaining legal representation.⁴⁵

Detainees are not permitted to receive incoming telephone calls or messages of any kind. Sergeant [b6, b7c] stated that emergency messages will not be given to detainees, due to a fear that the “emergencies” are not real emergencies but instead are coded messages regarding prison breaks or other illegal activities.⁴⁶ The cost of telephone calls is a common complaint and the cost is a burden to many detainees. Several detainees complained that calling their families was extremely expensive. Specifically, one detainee interviewed complained that it cost him sixteen dollars to talk to his family in California for ten minutes.⁴⁷

C. Access to Legal Materials

The *Detention Standards* provide that all facilities shall permit detainees access to a law library, and provide legal materials, facilities, equipment, and document copying privileges, and the opportunity to prepare legal documents.⁴⁸

1. Materials Identified in the *Detention Standards*

The *Detention Standards* require all law libraries to contain the materials listed in Attachment A to the chapter on *Access to Legal Material*.⁴⁹ These materials must be updated regularly and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner.⁵⁰ Damaged or stolen materials

⁴⁴ DOM, Telephone Access, Section III.K.

⁴⁵ DOM, Telephone Access, Section III.K.

⁴⁶ [b6] notes.

⁴⁷ [b6] notes.

⁴⁸ DOM, Standard 4.

⁴⁹ DOM, Access to Legal Materials, Section III.C.

⁵⁰ DOM, Access to Legal Materials, Sections III.D-F.

must be promptly replaced.⁵¹ The *Standards* require that the Prison post a list of holdings in the law library and designate an employee with responsibility for updating materials, inspecting them weekly, and maintaining them in good working order.⁵² Finally, the *Standards* require that additional legal materials be made available to detainees upon written request.⁵³

The delegation observed that the Berks County Prison law library only had some of the materials required by the *Detention Standards*. These required titles observed by the delegation included: Bender's Immigration Case Reporter; Immigration Regulations Service; LEXIS Immigration Law and Procedure; Federal Habeas Corpus Practice and Procedure; and Federal Rules of Civil Procedure.⁵⁴ Several of the titles were outdated.⁵⁵ The library did not have posted or available a list of the library's immigration holdings.

[REDACTED] informed the delegation that she has someone responsible at ICE for updating all of the immigration holding at the Berks County Prison. In addition, through INS Comment Card/Request Drop Boxes, [REDACTED] is able to respond to detainees' requests for additional materials. [REDACTED] advised that she has a CD-ROM containing the required publications and is working to acquire a computer that can be used for this purpose.⁵⁶

The Berks County Prison has its own Education Coordinator, [REDACTED]. While [REDACTED] is in charge of keeping the Prison library updated, she advised the delegation that she does not update the immigration materials. [REDACTED] stated that was the responsibility of ICE. However, she will retrieve published cases upon an immigration detainee's request.⁵⁷

2. Library Conditions

The *Detention Standards* provide that each facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing. The library shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.⁵⁸ The Prison library is well-lit and reasonably isolated from high-

⁵¹ DOM, Access to Legal Materials, Section III.F.

⁵² DOM, Access to Legal Materials, Section III.E.

⁵³ DOM, Access to Legal Materials, Section III.I.

⁵⁴ [REDACTED] notes.

⁵⁵ [REDACTED] notes.

⁵⁶ [REDACTED] notes.

⁵⁷ [REDACTED] notes.

⁵⁸ DOM, Access to Legal Materials, Section III.A.

traffic or noisy areas that might interfere with research and writing. The library is large enough to accommodate two large tables and sixteen chairs.

The Prison has implemented a procedure to prevent destruction of the law library materials by placing a guard in the library at all times when immigration detainees are present. There was no indication that the presence of the guard would prevent the detainees from assisting each other in legal research and writing.

3. Photocopies and Mail

The *Detention Standards* provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.⁵⁹ Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.⁶⁰ Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.⁶¹

In order to obtain copies of their legal documents, detainees must fill out a form. According to [REDACTED] detainees are not charged for their photocopies. However, during an interview, one detainee reported that he must provide the paper necessary for the copies, but the copies themselves were free.⁶²

There were conflicting reports about the handling of legal mail by Berks County Prison employees. The delegation was told that legal mail is opened by the detainees in an officer's presence, and outgoing mail is postmarked by ICE free of charge. However, some immigrant detainees alleged that their legal mail is opened outside of their presence and that legal mail has been held by Berks County Prison employees for some time before they receive it, causing them to miss court deadlines.⁶³

4. Computer Access, Equipment, and Holdings

The *Detention Standards* require that the law library provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.⁶⁴

⁵⁹ DOM, Access to Legal Materials, Section III.J.

⁶⁰ DOM, Access to Legal Materials, Section III.J.

⁶¹ DOM, Access to Legal Materials, Section III.J.

⁶² [REDACTED] notes.

⁶³ [REDACTED] notes.

⁶⁴ DOM, Access to Legal Materials, Section III.B.

The Berks County Prison has one typewriter in the B Pod. Detainees can check it out to use it as needed. [REDACTED] b6 advised that there were computers at one time, but they were damaged beyond operation and have been removed. However, the delegation received conflicting reports as to how long ago the computer had been removed from the Prison, with Prison employees telling delegation members that there has been no computer for anywhere from one to three years.

Typing paper is distributed every Wednesday. The Berks County facility makes available non-dangerous writing instruments upon request.

5. Access to the Library

The *Detention Standards* require that the Berks County Prison devise a flexible schedule to permit all immigrant detainees, regardless of housing or classification, to use the law library on a regular basis for a minimum of five hours per week,⁶⁵ with procedures that effectively prevent detainees from damaging, destroying, or removing equipment, materials, or supplies from the law library.⁶⁶ The *Standards* also require that the facility permit detainees to assist each other in researching and preparing legal documents.⁶⁷ Finally, the *Standards* provide that the rules and procedures governing access to legal materials should be published in a handbook or equivalent, including: that a law library is available for detainee use; the scheduled hours of access to the law library; the procedure for requesting access to the law library; the procedure for requesting additional time in the law library; the procedure for requesting additional legal materials; and the procedure for notifying a designated employee that library materials are missing or damaged.⁶⁸

The Prison permits the ICE detainees to use the library two times per week. The library is open three times per day as follows: 8:15 a.m.-10:30 a.m.; 1:00 p.m. – 3:00 p.m.; and 6:30 p.m. – 9:00 p.m. In the event a detainee is in a Special Management Unit, the Prison provides for legal materials to be checked out of the library, one at a time. The immigration detainees are not required to choose between library time and recreation time.

The Berks County Prison does not provide detainees with a handbook that contains the library policies. However, the hours of the library and the procedure for requesting access to the library are posted on a bulletin board in the common area of the B Pod.

⁶⁵ DOM, Access to Legal Materials, Sections III.G, M.

⁶⁶ DOM, Access to Legal Materials, Section III.H.

⁶⁷ DOM, Access to Legal Materials, Section III.K.

⁶⁸ DOM, Access to Legal Materials, Section III.Q.

6. Notaries, Certified Mail, and Miscellaneous Needs Associated with Legal Matters

The *Detention Standards* require that the facility provide assistance to any unrepresented detainee who requests a notary public, certified mail, or other such services to pursue a legal matter if the detainee is unable to meet the need through family members or community organizations.⁶⁹ In addition, the *Standards* require that a detainee be able to retain his personal legal materials,⁷⁰ and that envelopes and stamps be provided to indigent detainees for correspondence related to a legal matter.⁷¹

During interviews, the detainees did not report having many issues regarding these *Standards*. Detainees stated that they are able to retain their personal legal materials, and that envelopes and stamps were provided for legal correspondence.⁷² However, some detainees did complain about having to keep their legal documents in the same box where they were forced to keep their wet shower flip flops and other personal items.⁷³

D. Group Legal Rights Presentations

The delegation did not speak with any detainee who saw a Group Legal Rights presentation. Sergeant [b6, b7c] stated that he could not remember the last time an organization came into the Berks County Prison to provide a Group Legal Rights presentation to the detainees.⁷⁴ The delegation was referred to Sergeant [b6, b7c] an employee at the Prison, who the delegation was told would have information regarding Group Legal Rights presentations. Despite numerous attempts to contact Sergeant [b6, b7c] the delegation was unable to speak with him either in person or via telephone.

IV. Other General Observations Unrelated to the Legal Access Standards

A. Detainee Handbooks

Contrary to the *Detention Standards*, immigration detainees are not provided with a copy of a detainee handbook upon their arrival at the Berks County Prison. According to Prison officials, there are three handbooks available for detainees to check out to review, but

⁶⁹ DOM, Access to Legal Materials, Section III.P.

⁷⁰ DOM, Access to Legal Materials, Section K.

⁷¹ DOM, Access to Legal Materials, Section III.N.

⁷² [b6] notes.

⁷³ [b6] notes.

⁷⁴ [b6] notes.

they are not permitted to keep individual copies of the handbook.⁷⁵ The delegation did receive a copy of the handbook.

B. Recreation

There was a television and weights in the recreation area in the B Pod. However, many pieces of the weights equipment were broken.⁷⁶ Outdoor recreation is available.

C. Voluntary Work Program

There is a Voluntary Work Program at place at the Prison, but there are only four positions available in the B Pod. Detainees are paid \$1.00 a day.

D. Grievance Boxes

Grievances boxes for ICE detainees were located in the common room of the B Pod and in the medical facilities. The grievances go right to ICE. Berks County Prison employees do not see any of the grievances.⁷⁷

V. Conclusion

As noted *supra*, the Berks County Prison has implemented many of the *Detention Standards*. However, there are many concerns, especially with regard to legal access and attorney visitation that need to be addressed.

Attachments

75 [REDACTED] notes.

76 [REDACTED] notes.

77 [REDACTED] notes.