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Lw.MEMORANDUM
August 11, 2006

To: John P. Torres, Acting Director, Office of Detention and Removal, Immigration and Customs Enforcement
From: American Bar Association Delegation to the San Pedro Service Processing Center¹
Copies to: [REDACTED] Associate Director, ABA Commission on Immigration
Subject: Report on Observational Tour of the San Pedro Processing Center, Los Angeles, California

This memorandum summarizes and evaluates information gathered at the San Pedro Service Processing Center (the "Center") in Los Angeles, California, during the delegation's July 11, 2006 visit to the Center. The information was gathered via observation of the Center by the delegation, interviews with detainees, and discussions with Center and Immigration and Customs Enforcement ("ICE") personnel.

I. ICE DETENTION STANDARDS

In November 2000, the Immigration and Naturalization Service ("INS"),² promulgated the "*INS Detention Standards*" to ensure the "safe, secure and humane treatment" of immigration detainees. The 38 standards contained in the Detention Operations Manual cover a broad spectrum of issues ranging from visitation policies to grievance procedures and food service. These standards apply to ICE-operated detention centers and other facilities that house immigration detainees pursuant to a contract or intergovernmental service agreement ("IGSA").

The *Detention Standards* (the "*Standards*") went into effect at ICE-operated detention facilities on January 1, 2001. The *Standards* constitute a "floor" rather than a "ceiling" for the treatment of immigration detainees; in other words, they are designed to establish the minimum requirements to which ICE must adhere in its facilities. Each Field Office or Officer-

¹ The delegation was comprised of attorneys and summer associates from the Los Angeles office of Latham & Watkins LLP, including [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

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

in-Charge (the “OIC”) has discretion to promulgate policies and practices affording ICE detainees more enhanced rights and protections beyond those provided for by the *Standards*.

II. INTRODUCTION

A. The Delegation’s July 11th Visit

On Tuesday, July 11th, 2006, the members of our delegation met with several members of the Center’s staff. Officer-in-Charge [REDACTED] b6, b7C led our delegation on a tour of the facilities. The delegation also met with other personnel, ICE employees and contractors throughout the course of the tour including Detention Operations Supervisor [REDACTED] b6, b7C and Health Services Administrator Dr. [REDACTED] b6. In addition, the delegation conducted private interviews with four detainees, two men and two women.

Our report is based on the discussions we had with Center and ICE employees, as well as observations of the Center, and interviews with immigration detainees. In many instances, the detainees’ reports were compatible with statements made by Center personnel and/or our observations. In such cases, the delegation was able to more accurately determine whether Center policy and procedures successfully meet the *Standards*. However, in certain instances, the detainees’ reports conflicted with statements made by other detainees and Center personnel. Where we were unable to verify the conflicting reports, the delegation was unable to conclusively determine how the *Standards* are being implemented.

B. General Information About the San Pedro Service Processing Center

The San Pedro Service Processing Center houses federal immigration detainees. According to the personnel, the Center has the capacity to hold over 400 individuals with a current population between 384 and 420 persons.³

The Center houses mostly males. At the time of our visit, the population at the Center was 80 to 85% male.⁴ Out of the total detainee population, approximately 67 were women at the time of the delegation visit.⁵ Two of the seven housing “pods” (a pod houses approximately 50 detainees) are reserved for female detainees.⁶ There is a wide variety of countries of origin represented by detainees from regions including Asia, Africa and Latin America.⁷

The average stay for a detainee is 20 to 30 days.⁸ However, some detainees may stay considerably longer depending on the appeals process. Two detainees that were interviewed indicated that they had been in the Center for two and three years.⁹ OIC [REDACTED] b6, b7C noted,

³ Notes of delegation member [REDACTED] b6, b7C, on conversation with OIC [REDACTED] b6, b7C.

⁴ Notes of delegation member [REDACTED] b6, b7C, on conversation with OIC [REDACTED] b6, b7C.

⁵ Notes of delegation member [REDACTED] b6, b7C, on conversation with OIC [REDACTED] b6, b7C.

⁶ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.

⁷ Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.

⁸ Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.

⁹ Notes of delegation member [REDACTED] b6, b7C, on interview with detainees [REDACTED] b6, b7C (2 years in the Center) and [REDACTED] b6, b7C (3 years in the Center).

however, that the facility has a “quick deport” calendar which is frequently used for detainees from Mexico, and the turnaround time is seven to ten days.¹⁰ Central Americans generally stay longer, averaging three to six weeks at the Center.¹¹ OIC [REDACTED] noted that it was difficult to determine an average length of stay because each detainee’s case could vary considerably depending on the facts of his or her case, whether the detainee chooses to fight his or her case, and the length of time it takes to get the detainee’s travel documents in order.¹² The Center has two on-site courtrooms operated by the Department of Justice.¹³

III. ALIGNMENT WITH LEGAL ACCESS STANDARDS

A. Legal Access/Visitation

1. Visitation by Attorneys

The *Standards* require that facilities permit legal visitation seven days per week.¹⁴ Attorneys should have access to their clients a minimum of eight hours per day during the week and four hours per day during the weekend and on holidays.¹⁵ The visits must be private and should not be interrupted for head counts.¹⁶ Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility.¹⁷ Detention centers should permit visits from other legal representatives, legal assistants, and interpreters.¹⁸ The current ICE-provided list of pro bono legal organizations must be “promptly and prominently” posted in detainee housing units and other appropriate areas.¹⁹

The Center appears to meet this section of the *Standards*. The Center’s Detainee Handbook (the “Handbook”) indicates that attorney visits are permitted at the Center seven days a week for a total of nine hours per day, including holidays.²⁰ Conversations with OIC [REDACTED] and at least one detainee confirmed that legal visitation is allowed at the facility in accordance with the *Standards* and often in excess of the times provided in the Handbook.²¹ Detainees may visit with their attorneys through meal times and a box lunch will be provided to the detainee if he or she chooses.²²

¹⁰ Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

¹¹ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

¹² Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

¹³ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

¹⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

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

¹⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

¹⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.14.

²⁰ San Pedro Processing Center Detainee Handbook (“Detainee Handbook”) at 11-12.

²¹ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED] and detainee [REDACTED].

²² Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] and detainee [REDACTED].

On the basement level of the Center, there are three visitation rooms that can be used for attorney visitation.²³ Each room is sufficiently lit and is furnished with a table and several chairs.²⁴ Detainees are not subject to strip searches after meeting with their attorneys.²⁵

2. Visitation by Family and Friends

The *Standards* require that written procedures governing visitation should be given to each detainee upon admittance and should be available to the public in both written form and telephonically.²⁶ Facilities should allow visits from family and friends during set hours on Saturdays, Sundays, and holidays²⁷ to “maintain detainee morale and family relationships.”²⁸ When the established visiting hours pose a hardship for particular visitors, the facility should accommodate visitors’ scheduling needs when possible.²⁹ Additionally evening visiting hours may be established to the extent permitted by staff resources.³⁰ The visitor area should be “as comfortable and pleasant as practicable.”³¹ The *Standards* recommend that visitation be allowed for those adult visitors providing adequate identification,³² and who are in compliance with the dress code.³³

Visits should be at least thirty minutes and longer when possible.³⁴ At facilities that allow visitation by minors, a supervisor may approve a minor’s admission upon verification of his/her identity by the accompanying adult visitor.³⁵ According to the facility’s written procedures, property or money should not be allowed to be given directly to the detainee, and any such items for detainees must be approved by the shift supervisor.³⁶

The Center substantially meets this section of the *Standards*, although visitors may be required to wait under uncomfortable conditions. The Detainee Handbook contains a written copy of the visiting schedule. Non-contact visitation is allowed for nine hours on Saturdays, Sundays, and holidays and for three evening hours on Tuesdays and Thursdays.³⁷ While the Handbook does not indicate the length of each visit, one detainee indicated that visits are generally permitted up to thirty minutes.³⁸ However, the same detainee indicated that

²³ Observation of delegation member [REDACTED]

²⁴ Observation of delegation member [REDACTED]

²⁵ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] and detainee [REDACTED]

²⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

²⁷ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

²⁸ Detention Operations Manual, Detainee Services, Standard 17, Section I.

²⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

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

³² Detention Operations Manual, Detainee Services, Standard 17, Section III.H.3.

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

³⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.d.

³⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

³⁷ Detainee Handbook at 11.

³⁸ Notes of delegation member [REDACTED], on interview with detainee [REDACTED]

occasionally visits from friends and family are limited to fifteen minutes due to security or medical emergencies.³⁹ The detainee also remarked that her family has had to arrive very early in the morning (usually around 5 a.m.) in order to get in line.⁴⁰ The detainee indicated that visitors endure long waits in uncomfortable conditions, typically outside the facility in the sun, before being allowed inside.⁴¹ Another detainee indicated that the Center limited the number of visitors, and if there were too many visitors in the morning, they would be told to come back in the afternoon.⁴²

B. Telephone Access

1. General Requirements

The *Standards* suggest that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.⁴³ In order to meet this requirement, facilities must provide at least one telephone for every twenty-five detainees.⁴⁴ The duration and frequency of telephone calls other than calls to legal representatives may be restricted only for reasons of availability, orderly operation of the facility, and emergencies.⁴⁵

The Center meets this section of the *Standards*. Each pod, housing approximately fifty people, contains seven telephones.⁴⁶ Detainees are able to freely use the phones in their pod, either by making a collect call or using a calling card bought from the Center.⁴⁷ There is no time limit to the detainees’ use of the phones.⁴⁸

2. Direct vs. Collect Calls

The *Standards* allow facilities to generally limit telephone service to collect calls; however, the facility must permit detainees to make direct calls to the local immigration court and the Board of Immigration Appeals, federal and local courts, consular officials, legal service providers, government offices, and to family members in case of emergency.⁴⁹ “In SPCs/CDFs, [ICE] has required its telephone service provider to program the telephone system to permit detainees free calls to numbers on the official pro bono legal representation list and to consulates ...”⁵⁰ The facility shall not require indigent detainees to pay for these types of calls if local, nor for non-local calls if there is a compelling need.⁵¹ In addition, the facility should allow all

³⁹ Notes of delegation member [REDACTED], on interview with detainee [REDACTED].
⁴⁰ Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C.
⁴¹ Notes of delegation member [REDACTED], on interview with detainee [REDACTED].
⁴² Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C.
⁴³ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.
⁴⁴ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.
⁴⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.
⁴⁶ Observation of delegation member [REDACTED] b6.
⁴⁷ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.
⁴⁸ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.
⁴⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.
⁵⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.
⁵¹ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

detainees to make calls to the ICE-listed free legal service providers and consulates at no charge to the detainee or the receiving party.⁵²

The Center does not meet this section of the *Standards*: the telephones do not permit any free calls; the delegation was unable to reach the three consulates it attempted to call by dialing the listed numbers; and dialing instructions were not posted in Spanish in the pod. The current phone system used at the Center prompts detainees to choose to make either a paid call or a collect call.⁵³ Paid calls can only be completed using a calling card, which can be purchased starting at five dollars.⁵⁴

Phones are not preprogrammed to make free calls, not even to call consulates or pro-bono legal offices as required by the *Standards*.⁵⁵ Detainees must call collect or use a phone card to make those calls.⁵⁶ The numbers for consulates and pro bono legal offices are posted near the phones in the pod.⁵⁷ However, when one delegation member attempted to dial a listed number for the Mexican consulate, the call did not go through.⁵⁸ Another delegation member attempted to dial the listed numbers for the Ghanaian and Ethiopian consulates, and those calls did not go through, either.⁵⁹

One detainee indicated that she has had problems contacting her attorney using the phones.⁶⁰ She indicated that whereas she was previously able to call her attorney collect, she now has to use a phone card in order to reach his office because the collect calls do not connect.⁶¹ Another detainee found it difficult to get in contact with an attorney without using a calling card, and he found that option to be cost prohibitive.⁶² In pod 5, one delegation member observed that dialing instructions were provided in English and Chinese, but not in Spanish.⁶³

3. Telephone Usage Restrictions

The *Standards* provide that the facility shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones.⁶⁴ If time limits are necessary, they shall be no shorter than 20 minutes.⁶⁵

⁵² Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁵³ Observation of delegation member [REDACTED] b6

⁵⁴ Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6

⁵⁵ Observation of delegation members [REDACTED] b6 and [REDACTED] b6; Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁵⁶ Observation of delegation members [REDACTED] b6 and [REDACTED] b6.

⁵⁷ Observation of delegation member [REDACTED] b6.

⁵⁸ Observation of delegation member [REDACTED] b6.

⁵⁹ Observation of delegation member [REDACTED] b6.

⁶⁰ Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C

⁶¹ Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C

⁶² Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C

⁶³ Observation of delegation member [REDACTED] b6.

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

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

The Center meets this section of the *Standards*. Detainees are not restricted in their number of phone calls, or in the duration of their calls.⁶⁶ The Handbook indicates that a 20-minute limit may be placed on calls when telephone demand is high, but that did not appear to be a problem⁶⁷ The Center’s policy is that telephones may be turned off to ensure the orderly operation of the facility, and when necessary for security purposes or emergencies.⁶⁸

4. **Privacy for Telephone Calls on Legal Matters**

The *Standards* provide that a facility should provide a reasonable number of phones that afford detainees privacy in which to discuss legal matters without being overheard by officers, facility staff, or fellow detainees.⁶⁹

The Center does not fully meet this section of the *Standards*: there is apparently one office phone where detainees may make private calls, but detainees were not aware that it is available. Telephones at the Center are located in public dayrooms with no privacy safeguards.⁷⁰ According to Officer [REDACTED] detainees can request to make private phone calls on the office phone.⁷¹ However, one detainee indicated that she and other detainees generally did not know about this option, and felt as though they never had privacy when making their phone calls.⁷²

5. **Incoming Calls and Messages**

The *Standards* suggest that facilities take and deliver messages from attorneys and emergency incoming telephone calls to detainees as promptly as possible.⁷³ At Service Processing Centers, this is to occur no less than three times per day.⁷⁴ Moreover, detainees are to be allowed to return emergency telephone messages, which are to include the caller’s name and telephone number, “as soon as reasonably possible within the constraints of security and safety.”⁷⁵

The Center meets this section of the *Standards*. The facility delivers phone messages from attorneys to detainees throughout the day.⁷⁶ Detainees were pleased with the promptness of the message delivery system.⁷⁷ Emergency phone calls are handled based on what

⁶⁶ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].
⁶⁷ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED]; Detainee Handbook at 9.
⁶⁸ Detainee Handbook at 9.
⁶⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.J.
⁷⁰ Observation of delegation member [REDACTED].
⁷¹ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED].
⁷² Notes of delegation member [REDACTED] on interview with detainee [REDACTED].
⁷³ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.
⁷⁴ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.
⁷⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.
⁷⁶ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED] and Officer [REDACTED].
⁷⁷ Notes of delegation member [REDACTED] on interviews with detainees [REDACTED] and [REDACTED].

the nature of the emergency is; for example, if a relative has died, the facility will contact the chaplain to deliver the message accompanied by an officer.⁷⁸

C. Access to Legal Materials

The *Standards* state that facilities holding ICE detainees “shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.”⁷⁹

1. Access to the Library

The *Standards* suggest that each facility shall have a flexible schedule for law library use that permits all detainees, regardless of housing or classification, to use the law library on a regular basis.⁸⁰ Additionally, each detainee shall be permitted to use the law library for a minimum of five hours per week.⁸¹

The Center meets this section of the *Standards*. Each detainee is permitted an hour of library access per day.⁸² Once a week, each detainee is given an extra hour of library time.⁸³ In addition, detainees may request additional library time.⁸⁴ Additional library time is typically provided to those detainees with approaching court dates.⁸⁵ Detainees never have to forego recreation time in order to visit the library.⁸⁶ The schedule is organized on a sign-up basis and coordinated to not conflict with other scheduled activities.⁸⁷ Only ten detainees from each housing unit are allowed to visit the library each day.⁸⁸ However, the officer responsible for scheduling, Recreation Specialist [REDACTED] b6 ensures that each detainee receives his or her library time each day.⁸⁹

2. Library Conditions

The *Standards* recommend that a facility’s library occupy a space sufficient to allow “reasonable access” to those detainees wishing to perform legal research and writing. The room should be well-lit, reasonably isolated from noisy areas of the facility, and shall contain ample chairs and tables.⁹⁰

⁷⁸ Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C.

⁷⁹ Detention Operations Manual, Detainee Services, Standard 1, Section I.

⁸⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁸¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁸² Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.

⁸³ Notes of delegation member [REDACTED] b6, on interviews with detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C.

⁸⁴ Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C.

⁸⁵ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.

⁸⁶ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.

⁸⁷ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.

⁸⁸ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.

⁸⁹ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C.

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

The Center meets this section of the *Standards*. The library is a large, quiet room with three square tables, each with four chairs.⁹¹ It appears that the library could comfortably accommodate between ten and twelve people at a time.⁹²

3. **Library Supplies and Materials Identified in the *Standards***

The *Standards* suggest that each facility’s law library shall provide “an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.”⁹³ The law library should also offer the materials listed in Attachment A to the chapter on Access to Legal Materials.⁹⁴ The facility should post a list of its holdings.⁹⁵

The Center substantially meets this section of the *Standards*: it appears that only two of the required materials are missing from the library. The Center maintains a list of available legal materials in the library; the lists are updated regularly.⁹⁶ At the time of our visit, the “Daily Law Material Inventory Sheet” indicated that the list had been updated on June 23, 2006.⁹⁷ ICE staff confirmed that the materials are updated as soon as new editions are available and the list is updated as soon as new materials come in.⁹⁸ The delegation confirmed that materials available in the library were current.⁹⁹ There are forty-six sources listed in the Center’s list of legal materials; only two of the materials cited in the *Standards* were not available¹⁰⁰:

- *Administrative Decisions Under Immigration and Nationality Laws*
- *Immigration and Naturalization Service Basic Law Manual*

The library provides four computers, two typewriters, writing tools, paper, and other supplies necessary for conducting legal research.¹⁰¹ The computers operate on a stand-alone system without internet access.¹⁰² Detainees are given free access to LexisNexis to perform legal research, in addition to the written materials in the library.¹⁰³ Detainees are permitted to retain their legal research materials in their pods.¹⁰⁴

⁹¹ Observation of delegation member [REDACTED]

⁹² Observation of delegation member [REDACTED] b6

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

⁹⁴ Detention Operations Manual, Detainee Services, Standard 1, Attachment A.

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

⁹⁶ Notes of delegation member [REDACTED] b6, on conversations with Officers [REDACTED] b6, b7C and [REDACTED] b6, b7C

⁹⁷ SPSPC Daily Law Material Inventory Sheet.

⁹⁸ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C

⁹⁹ Observation of delegation member [REDACTED] b6, b7C

¹⁰⁰ Observation of delegation member [REDACTED] b6, b7C

¹⁰¹ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C

¹⁰² Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C

¹⁰³ Notes of delegation member [REDACTED] b6, on conversation with Officer [REDACTED] b6, b7C

¹⁰⁴ Notes of delegation member [REDACTED] b6, on interviews with detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C

4. **Requests for Additional Legal Material**

The *Standards* suggest that detainees who require legal material not available at the facility may make a written request for the material, and the facility shall inform the ICE contact person of the request to answer in a timely manner.¹⁰⁵

The Center appears to meet this section of the *Standards*. Detainees may request the acquisition of new materials from the Recreation Specialist, [REDACTED] b6 and he does what he can to obtain those materials.¹⁰⁶

5. **Assistance from Other Detainees**

The *Standards* state that the facility “shall permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.”¹⁰⁷

The Center meets this section of the *Standards*. Detainees may obtain the help of other detainees during their scheduled library time to assist in explaining or interpreting legal materials.¹⁰⁸ Two detainees indicated that fellow detainees had come to them with questions, and they were providing them assistance in explaining legal matters.¹⁰⁹

6. **Photocopies**

The *Standards* suggest that detainees should be able to obtain photocopies of legal materials when “reasonable and necessary for a legal proceeding involving the detainee.”¹¹⁰ The detainee must be permitted to make enough copies to file with the court and retain a personal copy, and requests can be denied only for security reasons, violations of law, or if the request is excessive or abusive.¹¹¹

The Center appears to meet this section of the *Standards*. Conversations with facility employees indicated that the Center provides legal document photocopies as long as the detainee requests a reasonable amount.¹¹² The detainee must request copies from an officer.¹¹³ Copies are made in a timely manner.¹¹⁴

¹⁰⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.I.

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

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

¹⁰⁸ Notes of delegation member [REDACTED] b6, on interview with detainee [REDACTED] b6, b7C.

¹⁰⁹ Notes of delegation member [REDACTED] b6 on conversation with detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C.

¹¹⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹¹¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹¹² Notes of delegation member [REDACTED] b6 on conversation with Officers [REDACTED] and [REDACTED]

¹¹³ Notes of delegation member [REDACTED] b6 on conversation with Officers [REDACTED] b6, b7C and [REDACTED] b6, b7C

¹¹⁴ Notes of delegation member [REDACTED] on conversation with Officers [REDACTED] and [REDACTED]

7. **Computers and Typewriters**

The *Standards* require that facilities provide an adequate number of typewriters and/or computers, as well as office supplies to enable detainees to prepare for legal proceedings.¹¹⁵

The Center meets this section of the *Standards*. There are four computers in the law library as well as two typewriters.¹¹⁶ Detainees reported that they were supplied with office materials.¹¹⁷ There was also a good deal of office supplies visible and available in the library.¹¹⁸ The computers are equipped with immigration law materials: one has extensive case law that is updated quarterly, another has access to Lexis-Nexis, and a third is equipped with a Matthew Bender series on immigration.¹¹⁹ However, there are no instructions about how to utilize either Lexis-Nexis or Matthew Bender.¹²⁰ The computers are not equipped with CD-ROM drives, and the detainees are unable to save material to disks.¹²¹

8. **Personal Legal Materials**

The *Standards* state that each facility shall permit detainees to retain all personal material unless it creates a safety, security or sanitization hazard.¹²²

The Center meets this section of the *Standards*. Detainees have personal space in which to store legal materials and personal artifacts.¹²³ Only if the amount of materials becomes burdensome will staff limit the materials the detainee is allowed to keep in his or her personal space.¹²⁴ If necessary, detainees are allowed to keep items in storage facilities that they can access at minimum on a weekly basis.¹²⁵

D. Group Rights Presentations

The *Standards* provide that facilities holding ICE detainees, through IGSA, “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.”¹²⁶ Attorneys and legal representatives (including paralegals and legal assistants, with the proper supervision or written notice thereof) must submit written requests to

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

¹¹⁶ Observation of delegation member [REDACTED].

¹¹⁷ Notes of delegation member [REDACTED], on conversation with detainees [REDACTED] and [REDACTED].

¹¹⁸ Observation of delegation member [REDACTED].

¹¹⁹ Observation of delegation member [REDACTED].

¹²⁰ Observation of delegation member [REDACTED].

¹²¹ Notes of delegation member [REDACTED], on conversation with Officers [REDACTED] and [REDACTED].

¹²² Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

¹²³ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

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

¹²⁵ Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

¹²⁶ Detention Operations Manual, Detainee Services, Standard 9, Section I.

ICE to conduct such presentations.¹²⁷ Presentations should be scheduled during normal legal visiting hours, excluding weekends and holidays.¹²⁸ At least 48 hours before a scheduled presentation, informational posters are to be prominently displayed in the housing units.¹²⁹ Presentations are open to all detainees, and alternative arrangements should be made if a detainee cannot attend for security or segregation reasons.¹³⁰ Additionally, the facility “may limit the number of detainees at a single session.”¹³¹ The facility should select and provide an environment conducive to the presentation and allow at least one hour for a presentation and question-and-answer session.¹³² Presenters may distribute ICE-approved materials.¹³³ Individual counseling should be permitted following a group presentation.¹³⁴ Finally, the facility should provide regular opportunities for detainees to view ICE-approved videotaped presentations on legal rights.¹³⁵

The Center meets this section of the *Standards*. According to OIC [REDACTED] b6, b7C there are no restrictions on group rights presentations.¹³⁶ The Detainee Handbook states that notifications for presentations will be posted in advance, and that all detainees are permitted to attend; if a detainee presents a security risk, alternative arrangements will be made.¹³⁷ However, there are currently no regular group presentations being given because the government is in the process of selecting a specific group to make the presentations; to this end, three groups have already visited the facility and one more is scheduled to visit in the near future.¹³⁸ The frequency of presentations will be determined once the selection process is over, and will also depend upon the size of the detainee population at that time.¹³⁹

Two of the detainees who were interviewed stated that they had never heard about any group rights presentations being held in the facility.¹⁴⁰ They did say, however, that the ICE-distributed “Know Your Rights” video is shown daily in each housing unit.¹⁴¹ Officer [REDACTED] b6, b7C further noted that the video is shown to each detainee upon initial entry into the facility.¹⁴²

IV. OTHER PROVISIONS OF THE ICE DETENTION STANDARDS

¹²⁷ Detention Operations Manual, Detainee Services, Standard 9, Section III.A.

¹²⁸ Detention Operations Manual, Detainee Services, Standard 9, Section III.B.

¹²⁹ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹³⁰ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹³¹ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹³² Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹³³ Detention Operations Manual, Detainee Services, Standard 9, Section III.F.

¹³⁴ Detention Operations Manual, Detainee Services, Standard 9, Section III.G.

¹³⁵ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹³⁶ Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.

¹³⁷ Detainee Handbook at 12.

¹³⁸ Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.

¹³⁹ Notes of delegation member [REDACTED] b6, on conversation with OIC [REDACTED] b6, b7C.

¹⁴⁰ Notes of delegation members [REDACTED] b6 and [REDACTED] b6 on interviews with detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C.

¹⁴¹ Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on interviews with detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C.

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

A. Correspondence and Other Mail

The *Standards* require that detainees be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility.¹⁴³ General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and even read outside the presence of the detainee if security reasons exist for doing so.¹⁴⁴ Special correspondence – which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media – is treated differently.¹⁴⁵ Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹⁴⁶ Outgoing special correspondence cannot be opened, inspected, or read.¹⁴⁷ The *Standards* also require that the facility provide free stamps and envelopes for indigent detainees wishing to engage in legal correspondence, including correspondence with a current or potential legal representative or with any court.¹⁴⁸

The Center meets or exceeds the requirements of this section of the *Standards*. Facility staff open all incoming correspondence in the detainee’s presence, and inspect it for contraband, but do not read it.¹⁴⁹ Facility staff mail all outgoing detainee mail, and do not read it.¹⁵⁰

All detainees are provided with an unlimited number of free envelopes and free mailing related to legal matters upon submitting their request to a guard.¹⁵¹ For other materials, mailing is generally provided free of charge as well.¹⁵² The facility does not publish rules for providing indigent and other detainees free postage.¹⁵³ The facility also does not provide written instructions on how to obtain writing implements, paper and envelopes, but most detainees seemed to know that simply requesting them from an officer was enough to get supplies.¹⁵⁴

B. Access to Medical Care

¹⁴³ Detention Operations Manual, Detainee Services, Standard 3, Section III.A.

¹⁴⁴ Detention Operations Manual, Detainee Services, Standard 3, Section III.B & E.

¹⁴⁵ Detention Operations Manual, Detainee Services, Standard 3, Section III.B, E, & F.

¹⁴⁶ Detention Operations Manual, Detainee Services, Standard 3, Section III.B & E.

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

¹⁴⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

¹⁴⁹ Notes of delegation members [b6] and [b6], on conversation with OIC [b6, b7C] and Officer [b6, b7C].

¹⁵⁰ Notes of delegation member [b6], on conversation with Officers [b6, b7C] and [b6, b7C] and with OIC [b6, b7C].

¹⁵¹ Notes of delegation member [b6], on conversation with OIC [b6, b7C]; notes of delegation member [b6] on interview with detainee [b6, b7C].

¹⁵² Notes of delegation member [b6], on interview with detainee [b6, b7C].

¹⁵³ Notes of delegation member [b6], on conversation with OIC [b6, b7C], Officers [b6, b7C] and [b6, b7C] and detainees [b6, b7C] and [b6, b7C].

¹⁵⁴ Notes of delegation members [b6] and [b6], on interviews with detainees [b6, b7C], [b6, b7C], [b6, b7C] and [b6, b7C].

The *Standards* suggest that all detainees have access to medical services that promote detainee health and general well-being.¹⁵⁵ Each facility is suggested to have regularly scheduled times, known as sick call, when medical personnel are available to see detainees who have requested medical services.¹⁵⁶ For a facility of over 200 detainees, a minimum of five days per week is suggested.¹⁵⁷ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.¹⁵⁸ With respect to emergency care, the *Standards* state that in a situation in which a detention officer is uncertain whether a detainee requires emergency medical care, the officer should immediately contact a health care provider or an on-duty supervisor.¹⁵⁹ If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the Officer-in-Charge in writing.¹⁶⁰

The *Standards* recommend that Service Processing Centers possess adequate space and equipment such that detainees may obtain basic health examinations and treatment in private, within an area restricted from general detainee access.¹⁶¹

The Center appears to meet this section of the *Standards*, although detainees disagreed about the level of care. The Center boasts an ambulatory clinic run by the U.S. Public Health Service. The clinic’s staff includes one doctor, four physician’s assistants, and three nurses.¹⁶² In addition, there is one psychiatrist that provides mental health services.¹⁶³ Several members of the staff are conversant in Spanish, and a phone service is available to provide interpretation of other languages.¹⁶⁴ One detainee, however, stated that she was not aware of the phone service, and had heard of situations in which other detainees had difficulty understanding what the medical personnel were telling them.¹⁶⁵

Each detainee receives a medical pre-screening before arriving at the Center, and upon arrival, goes through a thorough screening process to identify any major medical issues, such as chronic illness.¹⁶⁶ In addition, each detainee receives a physical within two weeks of his arrival.¹⁶⁷ The Center has contracts with local hospitals to provide service when the clinic is unable to handle an emergency or other serious medical problem.¹⁶⁸

¹⁵⁵ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁵⁶ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁵⁷ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁵⁸ Detention Operations Manual, Health Services, Standard 2, Section III.A, D, & G.

¹⁵⁹ Detention Operations Manual, Health Services, Standard 2, Section III.H.

¹⁶⁰ Detention Operations Manual, Health Services, Standard 2, Section III.J.

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

¹⁶² Notes of delegation member [redacted], on conversation with OIC [redacted] b6, b7C

¹⁶³ Notes of delegation member [redacted], on conversation with OIC [redacted] b6, b7C

¹⁶⁴ Notes of delegation member [redacted], on conversation with Dr. [redacted] b6, b7C

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

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

¹⁶⁷ Notes of delegation member [redacted], on conversation with Dr. [redacted] b6

¹⁶⁸ Notes of delegation member [redacted], on conversation with OIC [redacted] b6, b7C

Detainees may obtain medical attention by submitting a request known as a “sick call.”¹⁶⁹ Non-emergency medical requests are generally accommodated as time permits, but the more serious the problem, the sooner the detainee will be seen at the clinic.¹⁷⁰ One detainee noted that there was no doctor available on weekends, and that when detainees felt ill over a weekend, they were generally only offered Tylenol or other basic medications.¹⁷¹ Detainees did not agree as to the responsiveness of the medical unit. One female detainee said that medical help was immediate upon request.¹⁷² A male detainee claimed that medical attention could take a week unless the detainee “laid on the ground in pain.”¹⁷³ The female detainee noted, however, that medical access seems to be more readily available to detainees in the lower security pods.¹⁷⁴

The Center provides suppressive medication to individuals diagnosed with HIV.¹⁷⁵ The Center has housed detainees on dialysis, detainees who are pregnant and detainees with a number of other medical conditions.¹⁷⁶

C. Access to Dental Care

The *Standards* suggest that detainees have an initial dental screening exam within fourteen days of the detainee’s arrival and require the facility to provide a number of services, including emergency dental treatment and repair of prosthetic appliances.¹⁷⁷ For detainees who are held in detention for over six months, routine dental treatment may be provided, including amalgam and composite restorations, prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee’s health.¹⁷⁸

The Center does not appear to meet this section of the *Standards*, because it generally does not provide dental care. The Center does not currently have a dentist employed at the facility, and according to OIC [REDACTED], dental care is generally unavailable for detainees unless there is a severe problem.¹⁷⁹ There was no mention of an initial dental screening exam.¹⁸⁰

D. Detainee Classification

The *Standards* suggest that detention facilities use a classification system and physically separate detainees in different categories.¹⁸¹ A detainee’s classification is to be

¹⁶⁹ Notes of delegation member [REDACTED], on interviews with detainees [REDACTED] and [REDACTED].

¹⁷⁰ Detainee Handbook at 6.

¹⁷¹ Notes of delegation member [REDACTED], on interview with detainee [REDACTED], and notes of delegation member [REDACTED], on interview with detainee [REDACTED].

¹⁷² Notes of delegation Member [REDACTED], on interview with detainee [REDACTED].

¹⁷³ Notes of delegation member [REDACTED], on interview with detainee [REDACTED].

¹⁷⁴ Notes of delegation member [REDACTED], on interview with detainee [REDACTED].

¹⁷⁵ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] and OIC [REDACTED].

¹⁷⁶ Notes of delegation member [REDACTED] on conversation with Officer [REDACTED] and OIC [REDACTED].

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

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

¹⁷⁹ Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

¹⁸⁰ Observation of delegation member [REDACTED].

¹⁸¹ Detention Operations Manual, Detainee Services, Standard 4, Section I.

determined on “objective” criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.¹⁸² Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.¹⁸³ Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.¹⁸⁴

Additionally, all facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.¹⁸⁵ Finally, the detainee handbook’s section on classification must include “(1) an explanation of the classification levels, with the conditions and restrictions applicable to each, and (2) the procedures by which a detainee may appeal his classification.”¹⁸⁶

The Center appears to meet this Standard. The Center classifies detainees according to security risk.¹⁸⁷ Upon arrival, detainees are classified as Level 1, 2, or 3 based on their criminal history, with 1 being the least serious and 3 being the most serious.¹⁸⁸ Level 1 detainees reside separately from Level 2 and Level 3 detainees, who are housed together.¹⁸⁹ The different levels are marked by color; Level 1 detainees wear navy blue, Level 2 detainees wear orange, and Level 3 detainees wear red.¹⁹⁰

The facility does not segregate gay, lesbian, or transgender detainees unless segregation is requested by a detainee.¹⁹¹ Any detainee can request to be placed in protective custody, and can also choose when to be released back into the general population.¹⁹² If a detainee is separated from the general population by request or because of a violent act, he still retains all privileges.¹⁹³

Detainees have the opportunity to appeal their classifications.¹⁹⁴ However, one detainee who is currently classified as Level 3 was not aware that she had the right to appeal her classification.¹⁹⁵ In order to contest a classification, a detainee should write his appeal on a “Detainee Request Form” and direct it to the reviewing officer, who will then forward a recommendation to the Chief Immigration Enforcement Agent (CIEA).¹⁹⁶ Appeals are resolved

¹⁸² Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

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

¹⁸⁴ Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & E.

¹⁸⁵ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

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

¹⁸⁷ Notes of delegation member [redacted], on conversation with Officer [redacted].

¹⁸⁸ Notes of delegation member [redacted], on conversation with Officer [redacted]. See also Detainee Classification System – Primary Assessment Form.

¹⁸⁹ Notes of delegation member [redacted] on conversation with Officer [redacted].

¹⁹⁰ Notes of delegation member [redacted] on conversation with Officer [redacted].

¹⁹¹ Notes of delegation member [redacted] on conversation with Officer [redacted].

¹⁹² Notes of delegation member [redacted] on conversation with Officer [redacted].

¹⁹³ Notes of delegation member [redacted] on conversation with Officer [redacted].

¹⁹⁴ Notes of delegation member [redacted] on conversation with Officer [redacted].

¹⁹⁵ Notes of delegation member [redacted] on interview with detainee [redacted].

¹⁹⁶ Detainee Handbook at 5.

within five business days, and the detainee will be notified within ten business days of the outcome.¹⁹⁷ The detainee has the right to appeal the CIEA's decision to the Officer in Charge (OIC), who then issues a decision that cannot be appealed.¹⁹⁸ In addition, every 45 to 90 days, there is a review of classifications, and based on detainees' history in the facility, classification levels can be lowered or raised.¹⁹⁹

E. Voluntary Work Program

The *Standards* suggest that all facilities with work programs provide an opportunity for physically and mentally capable detainees to "work and earn money."²⁰⁰ Participation must be voluntary, and detainees are required to work according to a fixed schedule.²⁰¹ Detainees shall "receive monetary compensation for work completed in accordance with the facility's standard policy."²⁰²

The Center meets this Standard. There is a voluntary work program for detainees. Male detainees are permitted to work in the kitchen, while female detainees are permitted to work in the laundry.²⁰³ Detainees can also work by cleaning the pods and restroom area.²⁰⁴ According to OIC [REDACTED], the per day wage is \$1, as set by the U.S. Congress.²⁰⁵ Detainees can work seven days a week but are not permitted to work more than eight hours per day.²⁰⁶

F. Detainee Grievance Procedures

The *Standards* suggest that every facility "develop and implement standard operating procedures ("SOP") that address detainee grievances" and make every effort to resolve a detainee's complaint or grievance informally before following more formalized procedures.²⁰⁷ If a more formal procedure is necessary, the Officer-in-Charge must allow detainees to submit formal, written grievances to the facility's grievance committee.²⁰⁸ Each SOP should, among other things, "establish a reasonable time limit for: (i) processing, investigating, and responding to grievances; (ii) convening a grievance committee to review formal complaints; and (iii) providing written responses to detainees who filed formal grievances, including the basis for the decision."²⁰⁹

¹⁹⁷ Detainee Handbook at 5.

¹⁹⁸ Detainee Handbook at 5.

¹⁹⁹ Detainee Handbook at 5. *See also* Detainee File Reclassification/Review Form.

²⁰⁰ Detention Operations Manual, Detainee Services, Standard 18, Sections I & III.A.

²⁰¹ Detention Operations Manual, Detainee Services, Standard 18, Sections III.A & H.

²⁰² Detention Operations Manual, Detainee Services, Standard 18, Sections III.K.

²⁰³ Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

²⁰⁴ Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

²⁰⁵ Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

²⁰⁶ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

²⁰⁷ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.1.

²⁰⁸ Detention Operations Manual, Detainee Services, Standard 5, Section III.A.2.

²⁰⁹ Detention Operations Manual, Detainee Services, Standard 5, Section I.

The *Standards* also provide that an appeals process should be in place if a detainee does not accept the grievance committee's decision.²¹⁰ The facility should also provide each detainee, upon admittance, a copy of the detainee handbook or equivalent, detailing the procedures for filing and resolving a grievance and appeal.²¹¹ The detainee handbook should also notify detainees of procedures for contacting ICE to appeal the decision of the OIC of the facility, and of the opportunity to file a complaint about officer misconduct directly with the Department of Justice.²¹²

The Center appears to meet this Standard. The Handbook contains all of the elements suggested in the *Standard*, and the address provided for the Department of Justice appears to be an update from that listed in the *Standard*.²¹³ Detainees were generally aware of the grievance and disciplinary procedures.²¹⁴

The Handbook states that informal or oral grievances will be resolved by staff informally.²¹⁵ If the grievance is beyond the scope of the staff's authority, the staff will notify the Supervisory Immigration Enforcement Agent (SIEA) or contract equivalent.²¹⁶ The SIEA may try to resolve the matter or can choose to have the detainee initiate a formal grievance.²¹⁷

According to the Handbook, detainees have the option to bypass or terminate the informal grievance process, and proceed directly to the formal grievance stage.²¹⁸ Formal grievances are delivered by authorized personnel directly to the OIC.²¹⁹ The first-line supervisor will meet with the detainee to attempt to resolve the issue, but if that is not successful, the supervisor will refer the grievance to the next level of supervision or the appropriate department head. If the detainee does not accept the department head's solution, a Detainee Grievance Committee (DGC) will convene, and if the detainee does not accept the DGC decision, he can appeal it to the OIC, whose decision is final.²²⁰ One detainee had just filed a grievance with several members of her pod the day before the delegation's visit and was waiting for follow-up.²²¹ She indicated that she had never heard of anyone encountering problems with the grievance process.²²²

G. Religious Practices

²¹⁰ Detention Operations Manual, Detainee Services, Standard 5, Section III.C.

²¹¹ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

²¹² Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

²¹³ Detainee Handbook at 20-21.

²¹⁴ Notes of delegation member [REDACTED] on interviews with detainees [REDACTED] and [REDACTED].

²¹⁵ Detainee Handbook at 20.

²¹⁶ Detainee Handbook at 20.

²¹⁷ Detainee Handbook at 20.

²¹⁸ Detainee Handbook at 20.

²¹⁹ Detainee Handbook at 20.

²²⁰ Detainee Handbook at 20-21.

²²¹ Notes of delegation member [REDACTED] on interview with detainee [REDACTED].

²²² Notes of delegation member [REDACTED] on interview with detainee [REDACTED].

The *Standards* provide that detainees “will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths.”²²³ Practices will be constrained only by “concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”²²⁴ A detainee should be allowed to wear or use personal religious items during religious services and to wear religious headwear around the facility, consistent with considerations of security, safety, or good order.²²⁵ The facility should also, within reason, accommodate detainee’s religious dietary requirements.²²⁶

The Center appears to meet this Standard. The facility provides a room for a variety of religious practices.²²⁷ The multi-denominational chapel is located on the second floor, and the Center will hire chaplains or other religious figures as the need arises.²²⁸ The specific denominations will depend on the needs and requests of the detainee population.²²⁹ These denominations currently include Christians, Jews, and Muslims.²³⁰ Prayer mats are provided to Muslims to keep within their pods.²³¹ The Center will also make accommodations for religious dietary needs.²³²

H. Disciplinary Policy

The *Standards* state that in order to provide a safe and orderly living environment, “facility authorities will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures.”²³³ Facilities holding ICE detainees should have a detainee disciplinary system with “progressive levels of reviews, appeals, procedures, and documentation procedures.”²³⁴ The disciplinary policy and procedures should clearly define detainee rights and responsibilities.²³⁵ Disciplinary action may not be capricious or retaliatory, and may not impose any of the following sanctions: “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.”²³⁶ The detainee handbook or equivalent handbook, issued to detainees upon admittance, should provide notice of all of the facility’s rules of conduct and advise detainees of their rights to protection from personal abuse, discrimination, and their other rights.²³⁷ Officers who witness rule violations must submit an incident report, which must be investigated within

²²³ Detention Operations Manual, Detainee Services, Standard 14, Section I.

²²⁴ Detention Operations Manual, Detainee Services, Standard 14, Section I.

²²⁵ Detention Operations Manual, Detainee Services, Standard 14, Section III.K.

²²⁶ Detention Operations Manual, Detainee Services, Standard 14, Section I.M.

²²⁷ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED] and on personal observation.

²²⁸ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED] and on personal observation.

²²⁹ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED] and on personal observation.

²³⁰ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED] and on personal observation.

²³¹ Notes of delegation member [REDACTED], on conversation with Officer [REDACTED] and on personal observation.

²³² Notes of delegation member [REDACTED], on conversation with Officer [REDACTED] and on personal observation.

²³³ Detention Operations Manual, Security and Control, Standard 5, Section I.

²³⁴ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

²³⁵ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

²³⁶ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.2 & 3.

²³⁷ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

twenty-four hours.²³⁸ Facilities should have a disciplinary panel in place to adjudicate detainee incident reports.²³⁹ Only the disciplinary panel can place a detainee in disciplinary segregation.²⁴⁰

The Center does not fully meet this section of the *Standards*; the Detainee Handbook does not notify detainees of their right to protection from abuse, excessive use of force, harassment, or discrimination. According to OIC [REDACTED], problems with violent detainees are generally rare because of constant supervision by officers and security cameras.²⁴¹ If a detainee commits a prohibited act, he may be placed in administrative segregation based on the seriousness of the incident.²⁴² While segregated, a detainee generally retains all privileges.²⁴³ Within one day of the incident, an ICE Agent conducts an investigation and forwards a report to the Unit Disciplinary Committee (the “UDC”), who determines the validity of the report and decides whether the incident is serious enough to refer it to the Institution Disciplinary Panel (the “IDP”).²⁴⁴ Sanctions range from a warning to initiation of criminal proceedings.²⁴⁵

The detainee has the right to appeal the decision of the UDC or the IDP to the OIC, and if he or she wishes to pursue an appeal beyond that level, the detainee can file an appeal with the Department of Homeland Security, Office of Internal Audit.²⁴⁶ A list of prohibited acts is provided in the Handbook, along with a list of the rights of detainees prior to appearing before the IDP.²⁴⁷ Although the Handbook states that corporal punishment will never be used as a form of discipline,²⁴⁸ it does not advise detainees of their right to protection from abuse, excessive use of force, and harassment, or the right to be free from discrimination.²⁴⁹

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

1. Scheduled Contact with Detainees

The *Detention Standards* suggest procedures be in place “to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.”²⁵⁰ The *Standards* suggest that both weekly visits be conducted by ICE personnel and that “regular unannounced (not scheduled) visits” be conducted by the ICE OIC, the Assistant

²³⁸ Detention Operations Manual, Security and Control, Standard 5, Sections III.B & C.

²³⁹ Detention Operations Manual, Security and Control, Standard 5, Section III.F.

²⁴⁰ Detention Operations Manual, Security and Control, Standard 5, Section III.F.

²⁴¹ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

²⁴² Detainee Handbook at 13.

²⁴³ Notes of delegation member [REDACTED], on conversation with OIC [REDACTED].

²⁴⁴ Detainee Handbook at 14.

²⁴⁵ Detainee Handbook at 19.

²⁴⁶ Detainee Handbook at 14.

²⁴⁷ Detainee Handbook at 14-19.

²⁴⁸ Detainee Handbook at 13.

²⁴⁹ Detainee Handbook; Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

²⁵⁰ Detention Operations Manual, Detainee Services, Standard 15, Section I.

OIC, and designated department heads.²⁵¹ The purpose of such visits is to monitor housing conditions, interview detainees, review records, and answer questions for detainees who do not comprehend the immigration removal process.²⁵²

The *Standards* suggest that detainees “have the opportunity to submit written questions, requests, or concerns to ICE staff.”²⁵³ All facilities that house ICE detainees must have “written procedures to route detainee requests to the appropriate ICE official” and must assist detainees “who are disabled, illiterate, or know little or no English.”²⁵⁴ Moreover, 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.”²⁵⁵

The Center meets this section of the *Standards*. The Center has numerous ICE officials onsite. Detainees can contact ICE staff using request forms. These forms can be sealed and addressed to the deportation officer or other officers in charge.²⁵⁶ Written requests to ICE officials are delivered to ICE staff without being read, altered, or delayed by facility staff.²⁵⁷

2. Record Keeping and File Maintenance

The *Standards* suggest that facilities record all requests in a logbook specifically designed for that purpose and that log should contain: “date the detainee request was received, detainee’s name, A-number, nationality, officer logging the request, the date that the request, with staff response and action, is returned to the detainee, and any other pertinent site-specific information.”²⁵⁸ The *Standards* also suggest that the date the request was forwarded to ICE as well as the date it was returned need to be recorded and the requests must remain in the detainee’s detention file for at least three years.²⁵⁹

The Center meets this section of the *Standards*. A log of detainee requests is kept.²⁶⁰ In addition, during the inventory process, there is a log of all property belonging to a detainee.²⁶¹ Three receipts are kept for the inventory of all detainee personal belongings.²⁶² One is given to the detainee and the other two are kept in the Center in separate locations.²⁶³

²⁵¹ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²⁵² Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

²⁵³ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

²⁵⁴ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

²⁵⁵ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.1.

²⁵⁶ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

²⁵⁷ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

²⁵⁸ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.2.

²⁵⁹ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.2.

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

²⁶¹ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

²⁶² Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

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

J. Detainee Handbook

The *Standards* suggest that the facility must provide each detainee, upon admittance, a copy of the detainee handbook or equivalent.²⁶⁴ The handbook also must state “that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so, including the availability of assistance in preparing the request.”²⁶⁵

The Center does not fully meet this section of the *Standards*: the Handbook does not advise detainees of certain rights.²⁶⁶ OIC [b6, b7C] provided a copy of the Center’s Detainee Handbook, revised in May 2006. The detainees are given the Handbook upon arrival, available both in English and Spanish.²⁶⁷ Most of the areas specified in the *Standards* are covered, including the detainee’s basic responsibilities, visiting hours, mail procedures, telephone access, clothing procedures, and medical care.²⁶⁸ However, as indicated above, the Detainee Handbook does not advise detainees of their right to protection from abuse, excessive use of force, harassment, or discrimination.²⁶⁹

K. Detainee Transfer

When transferring a detainee, the *Standards* require ICE to take into consideration whether a detainee is represented before the immigration court, and the location of the attorney and the court.²⁷⁰ The *Standards* require ICE to notify a detainee’s legal representative of record that the detainee is being transferred.²⁷¹ Indigent detainees will be permitted to make a single domestic phone call at the government’s expense upon arrival at their final destination; non-indigent detainees will be permitted to make telephone calls at their own expense.²⁷² Records including the detainee’s Alien File (“A-file”) and health records must accompany the detainee.²⁷³ Prior to transfer, medical personnel must provide the transporting officers with instructions and any applicable medications for the detainee’s care; medications must be turned over to an officer at the receiving field office.²⁷⁴ A detainee’s legal materials, cash and small valuables shall always accompany the detainee to the receiving facility; larger items may be shipped.²⁷⁵

The Center appears to substantially meet this section of the *Standards*, although it is unclear whether indigent detainees are informed of their right to make a free phone call when they arrive at the Center. The Center contacts a detainee’s attorney when

²⁶⁴ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

²⁶⁵ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

²⁶⁶ See *supra* Section IV.H.

²⁶⁷ Notes of delegation member [b6], on conversation with OIC [b6, b7C]

²⁶⁸ Detainee Handbook.

²⁶⁹ Detainee Handbook.

²⁷⁰ Detention Operations Manual, Detainee Security and Control, Standard 4, Section I.

²⁷¹ Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.A.

²⁷² Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.G.

²⁷³ Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.D.1 & 6

²⁷⁴ Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.D.D.

²⁷⁵ Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.E.

that detainee is being transferred.²⁷⁶ Deportation officers are assigned the cases of individual detainees and they ensure that all relevant paper work will accompany the detainee when a detainee is being transferred.²⁷⁷ When a detainee arrives at the Center, there is one telephone in the processing center and indigent detainees are given one free domestic phone call.²⁷⁸ One detainee, however, noted that he was unaware that he was permitted one free call and did not receive such a privilege.²⁷⁹ The phone does work, however it is located in the middle of the processing room and affords little to no privacy.²⁸⁰ The Health Services Unit is responsible for shipping all relevant medical records to the final destination of the detainee.²⁸¹ It was unclear whether all medical records actually accompany the detainee but the delegation was assured that the medical records are sent to the Health Services Unit at the final destination.²⁸²

V. CONCLUSION

The San Pedro Service Processing Center meets most of the ICE *Detention Standards* and during our visit, the staff at the Center seemed genuinely concerned with the welfare of the detainees and the Center's compliance with the *Standards*. There are a few areas which could be improved, in some cases significantly, which would further the Center's compliance with the *Standards*.

Recommendations:

While the Center posts lists of free legal service providers and consulates, in many instances the numbers did not work. ICE or the Center should periodically review the list of consulates, and make sure that the numbers are operational. The Center should try to include legal service providers who will accept collect calls.

While detainees are allowed to make private phone calls if they so request, that option should be made clear to detainees. Offering more private phone areas, away from televisions and noise in the pods, would also be appropriate.

The Center allows detainees to purchase phone cards, but the cheapest card costs five dollars and offers fairly expensive per minute rates. Since many of the free legal service providers will not accept collect calls, a cheaper phone card should be offered, or detainees should at least be able to provide their own phone cards with cheaper rates.

The phones and dialing instructions can be fairly difficult to understand, and the instructions which our delegation saw in pod 5 were not posted in Spanish. The Center should make sure that each pod has telephone instructions posted in English and Spanish, as well as other languages as needed.

²⁷⁶ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

²⁷⁷ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

²⁷⁸ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED].

²⁷⁹ Notes of delegation member [REDACTED] on conversation with detainee [REDACTED].

²⁸⁰ Observation of delegation member [REDACTED].

²⁸¹ Notes of delegation member [REDACTED] on conversation with OIC [REDACTED] and Dr. [REDACTED].

²⁸² Notes of delegation member [REDACTED] on conversation with OIC [REDACTED] and Dr. [REDACTED].

The Center offers detainees use of Lexis-Nexis and other computer legal materials in the library. Some of these programs are quite confusing, however, and detainees would benefit greatly from either instructions or a training manual on their use.

The Center should revise its Detainee Handbook to inform detainees of their right to protection from abuse, excessive use of force, harassment, and discrimination.

Facility Name: **SAN PEDRO SERVICE PROCESSING CENTER, Los Angeles, California**

Date of Tour: **July 11, 2006**

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

*Standards are Detainee Services Standards unless otherwise indicated. Issues are generally listed in the order in which they appear in the Report.

Report comments in bold are priority issues for ICE-ABA discussion; others are issues of concern to discuss if time permits.

	ICE Standard*	Delegation Report	Source	ICE Response
1.	Standard 17, Visitation <ul style="list-style-type: none"> III.G. The facility's visiting area shall be appropriately furnished and arranged, and as comfortable and pleasant as practicable. 	<ul style="list-style-type: none"> A detainee indicated that visitors endure long waits in uncomfortable conditions, typically outside the facility in the sun. (p.5 ¶1) 	Detainee [REDACTED]	
2.	Standard 16, Telephone Access <ul style="list-style-type: none"> I. Facilities holding INS detainees shall permit them to have reasonable and equitable access to telephones. III.B. [T]he facility shall provide telephone access rules in writing to each detainee upon admittance, and also shall post these rules where detainees may easily see them. 	<ul style="list-style-type: none"> In pod 5, dialing instructions were posted in English and Chinese, but not in Spanish. (p.6 ¶4) 		
3.	Standard 16, Telephone Access <ul style="list-style-type: none"> III.E. The facility shall not require indigent detainees to pay for [legal, court-related, consular, emergency calls] if they are local calls, nor for non-local calls if there is a compelling need. The facility shall enable all detainees to make calls to the INS-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party. 	<ul style="list-style-type: none"> The telephones do not permit any free calls; detainees must call collect or use a phone card for calls to consulates and free legal service providers. (p.6 ¶3) Delegation calls to three consulates (Mexico, Ghana, and Ethiopia) did not go through. (p.6 ¶3) 	Delegation observations. Delegation observations.	
4.	Standard 16, Telephone Access <ul style="list-style-type: none"> III.J. The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order. 	<ul style="list-style-type: none"> Telephones are located in the public dayrooms, with no privacy safeguards. (p.7 ¶3) According to Officer [REDACTED], detainees can request to make private calls on the office; however, detainees may be unaware of this option. (p.7 ¶3) 	Delegation observations. Officer [REDACTED] detainee [REDACTED]	
5.	Standard 1, Access to Legal Material <ul style="list-style-type: none"> III.C. The law library shall contain the materials listed in Attachment A. 	<ul style="list-style-type: none"> San Pedro is only missing two of the legal materials: <i>Administrative Decisions Under Immigration and Nationality Laws</i>, and <i>Immigration and Naturalization Service Basic Law Manual</i>. (p.9 ¶3) 	Delegation observations.	

6.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> ▪ I. All detainees shall have access to medical services that promote detainee health and general well-being. ▪ III.E. Dental Treatment. An initial dental screening exam should be performed within 14 days of the detainee's arrival. 	<ul style="list-style-type: none"> ▪ Dental care is generally unavailable for detainees unless there is a severe problem. (p.15 ¶4) 	OIC [REDACTED]	
7.	<p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> ▪ III.A.5. The detainee handbook or equivalent shall ... advise detainees of the following: a. The right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment; b. The right of freedom from discrimination 	<ul style="list-style-type: none"> ▪ The Detainee Handbook does not advise detainees of their right to protection from abuse, excessive use of force, and harassment, or the right to be free from discrimination. (p.20 ¶3) 	Detainee Handbook.	
8.	<p>Security and Control Standard 4, Detainee Transfers</p> <ul style="list-style-type: none"> ▪ III.G. Indigent detainees being transferred will be authorized a single domestic phone call at the Government's expense upon arrival at their final destination.... Non-indigent detainees shall have access to make calls at their own expense 	<ul style="list-style-type: none"> ▪ San Pedro permits indigent detainees to make one free telephone call upon arrival. However, one detainee stated that he was not informed that he was permitted one free call, and did not receive this privilege. (p.23 ¶1) 	OIC [REDACTED] detainee [REDACTED]	