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**To:** John P. Torres, Acting Director, Office of Detention and Removal, Immigration and Customs Enforcement  
**From:** American Bar Association Delegation to the Wakulla County Detention Facility<sup>1</sup>  
**Copies to:** [REDACTED], ABA Commission on Immigration  
**Subject:** Report on Observational Tour of the Wakulla County Detention Facility, Crawfordville, Florida

This memorandum summarizes and evaluates information gathered at the Wakulla County Detention Facility (“the Jail” or “the facility”) in Crawfordville, Florida, during the delegation’s September 26, 2006 visit to the facility. The information was gathered via observation of the facility by the delegation, interviews with three detainees, and discussions with Wakulla County Jail and Immigration and Customs Enforcement (“ICE”) personnel.

## I. ICE DETENTION STANDARDS

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

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

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<sup>1</sup> The delegation was comprised of attorneys from the Tallahassee office of Holland & Knight LLP, including [REDACTED] b6 [REDACTED] b6 [REDACTED] b6 and [REDACTED] b6 [REDACTED].

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

in-Charge has discretion to promulgate policies and practices affording ICE detainees more enhanced rights and protections, beyond those provided for by the Standards.

## II. INTRODUCTION

### A. The Delegation's Visit, September 26, 2006

On Tuesday, September 26, 2006, the members of our delegation met with several members of Wakulla County Jail's staff and a representative from the ICE office in Miami, Florida. ICE Deportation Officer [REDACTED] b6, b7C escorted the delegation into the facility and, thereafter, Jail Administrators Captain [REDACTED] b6, b7C and Lieutenant [REDACTED] b6, b7C led our delegation on a tour of the facilities and participated in post-tour follow-up discussions. The delegation also met with Wakulla County Jail Lieutenant [REDACTED] b6, b7C and ICE Deportation Officer [REDACTED] b6, b7C along the tour. The delegation appreciates the cooperation of these individuals; they were direct and accommodating during our tour of the facility.

Our report is based on the discussions we had with these Jail and ICE employees, as well as observations of the facility and interviews with three immigration detainees. In some instances, the detainees' reports were consistent with statements made by facility personnel and our observations. In such cases, the delegation was able to determine whether Jail policy and procedures successfully meets the Standards. Where we were unable to reconcile the conflicting reports, the delegation was unable to determine conclusively whether the Standards are being met.

**One serious issue identified by Jail personnel is their regular use of Tasers on detainees.**<sup>3</sup> This and other issues are addressed below.

### B. General Information About the Wakulla County Detention Facility

The Wakulla County Detention Facility houses federal immigration detainees according to an intergovernmental service agreement ("IGSA") with ICE. According to the Jail personnel, the facility has a current population of 270 inmates, 65 of whom are immigration detainees. The Jail houses mostly males. At the time of our visit, the facility personnel estimated that 30 women were housed there. The Jail receives a per diem of \$56.30 per detainee per day. Lt. [REDACTED] b6, b7C and Lt. [REDACTED] b6, b7C informed the delegation that the facility housed immigration detainees from many different countries, including Jamaica, Cuba, and the Bahamas.

## III. LEGAL ACCESS STANDARDS

### A. Visitation

#### 1. Visitation by Attorneys

The Standards require that facilities permit legal visitation seven days per week.<sup>4</sup> Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend.<sup>5</sup> The visits must be private, and should not be interrupted for head counts.<sup>6</sup> Facilities should establish a procedure by which attorneys may call to determine

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<sup>3</sup> See *infra*, Section IV.F.

<sup>4</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

<sup>5</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

<sup>6</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

whether a detainee is housed in a particular facility.<sup>7</sup> Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.<sup>8</sup>

**The Jail substantially meets this section of the Standards.** Attorneys may visit the detainees seven days per week, and are also offered the option of telephone conferences with their clients.<sup>9</sup> Law students and interpreters may meet with detainees as long as the individuals provide proper identification.<sup>10</sup>

The information given in the “Wakulla County Sheriff’s Office Detention Center INS Detainee Handbook” (the “Wakulla County Jail Inmate Handbook”) is consistent with the information that the facility staff provided during the tour. According to the Handbook, attorney visits during mealtime are not permitted. However, if necessary, according to the Handbook the detainee will be given the option to meet with his attorney or legal representative during meal hours and will be provided with a menu tray.<sup>11</sup> The attorney-client visits, however, are not permitted during lock down/head count at 11 p.m.<sup>12</sup>

Generally, visits in the attorney booth are non-contact.<sup>13</sup> There is a Plexiglas divider between the detainee and the attorney in the attorney booth.<sup>14</sup> Visits occurring in the law library are contact visits.<sup>15</sup> Visits in the law library are available to anyone by request.<sup>16</sup> Attorneys are not searched; however, detainees are subject to a strip search after a contact legal visit.<sup>17</sup> Finally, attorneys may call the Jail to determine whether their client is being housed at the facility.<sup>18</sup>

## 2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the Standards encourage visits from family and friends.<sup>19</sup> The Standards suggest that facilities establish written visitation hours and procedures, and make them available to the public.<sup>20</sup> Visiting hours shall be set on Saturdays, Sundays, and holidays.<sup>21</sup> Visits should be at least 30 minutes long, and longer when possible.<sup>22</sup>

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<sup>7</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

<sup>8</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

<sup>9</sup> Wakulla County Jail Inmate Handbook, p. 8; notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>10</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>11</sup> Wakulla County Jail Inmate Handbook, p. 8.

<sup>12</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>13</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>14</sup> Observations of delegation members.

<sup>15</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>16</sup> Notes of delegation member [REDACTED], on conversation with Captain [REDACTED].

<sup>17</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>18</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>19</sup> Detention Operations Manual, Detainee Services, Standard 17, Section I.

<sup>20</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

<sup>21</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>22</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

**The Jail substantially meets this section of the Standards, although the family and friends visitation hours are limited to a maximum of 2 hours per week.**<sup>23</sup> The visitation schedule and rules are clearly posted at the entrance to the facility.<sup>24</sup> Visiting hours are seven days per week, from 8:00 a.m. until 11:00 a.m. for women, and from 1:00 p.m. until 4:00 p.m. for men.<sup>25</sup> The schedule ensures that each detainee may receive visitors either on Saturday or Sunday.<sup>26</sup> The visits are non-contact.<sup>27</sup>

The Jail restricts visitation to persons who appear on the detainee's visitation list.<sup>28</sup> Visitation will be denied to persons who do not present identification.<sup>29</sup> Minors may be included on this list, and may visit if accompanied by an adult.<sup>30</sup>

## **B. Telephone Access**

### **1. General Requirements**

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during established facility working hours.<sup>31</sup> In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees.<sup>32</sup> The Standards also require that telephone access rules be provided in writing to each detainee upon admittance, and that the rules be posted where detainees may easily see them.<sup>33</sup>

**The Jail meets this section of the Standards.** Each housing unit has its own set of phones: some units have a bank of 4 phones, and others have 2.<sup>34</sup> The Jail has a total of 34 phones (31 located in the pods and 3 located in the isolation rooms).<sup>35</sup> The telephone provider is Paytel Communications, and the phone system provided is collect and preprogrammed.<sup>36</sup> The telephones are accessible from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 11:00 p.m.<sup>37</sup> The telephones are turned off during all meals.<sup>38</sup>

The instructions for usage of the phones are provided via an automated telephone program.<sup>39</sup> Once a detainee picks up the receiver, an automated voice provides assistance to the

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<sup>23</sup> Wakulla County Jail Inmate Handbook, p. 7.

<sup>24</sup> Observations of delegation member [REDACTED] b6

<sup>25</sup> Wakulla County Jail Inmate Visiting Schedule; Wakulla County Jail Inmate Handbook, p. 8.

<sup>26</sup> Wakulla County Jail Inmate Visiting Schedule; Wakulla County Jail Inmate Handbook, p. 8.

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

<sup>28</sup> Wakulla County Jail Inmate Handbook, p. 8.

<sup>29</sup> Wakulla County Jail Inmate Handbook, p. 8.

<sup>30</sup> Wakulla County Jail Inmate Handbook, p. 8.

<sup>31</sup> Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

<sup>32</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

<sup>33</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

<sup>34</sup> Observations of delegation members.

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

<sup>36</sup> Notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED] b6, b7C and Lt. [REDACTED] b6, b7C

<sup>37</sup> Wakulla County Jail Inmate Handbook, p. 7.

<sup>38</sup> Wakulla County Jail Inmate Handbook, p. 7.

<sup>39</sup> Notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED] b6, b7C and Lt. [REDACTED] b6, b7C observations of delegation members.

detainee.<sup>40</sup> Additionally, the phone numbers of local consulates are posted by each phone or bank of phones in the facility.<sup>41</sup>

## 2. Direct Calls and Free Calls

The Standards allow facilities to generally restrict calls to collect calls;<sup>42</sup> however, the facility must permit detainees to make direct calls to the local immigration court and the Board of Immigration Appeals, federal and local courts, consular officials, legal service providers, government offices, and to family members in case of emergency.<sup>43</sup> In addition, the facility “shall enable all detainees to make calls to the [ICE]-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.”<sup>44</sup>

**The Jail substantially meets this section of the Standards; however, one detainee stated that sometimes the phones do not work properly and he is unable to contact his consulate or the Florida Immigrant Advocacy Center.**<sup>45</sup> Detainees are able to make calls to legal service providers and to consulates at no charge.<sup>46</sup> The detainees may make direct calls to consulates and pro bono legal service providers, such as the Florida Immigrant Advocacy Center (“FIAC”), using the preprogrammed telephones.<sup>47</sup> In addition, the detainees may request to use additional phones located in the processing area of the facility to contact legal service providers.<sup>48</sup> Free legal service provider phone calls are not subject to charge.<sup>49</sup>

## 3. Telephone Access to Legal Representatives

The Standards require that the facility ensure privacy for detainees’ telephone calls regarding legal matters.<sup>50</sup> 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. In addition, telephone calls on legal matters may not be electronically monitored absent a court order.<sup>51</sup>

**The Jail appears to meet this section of the Standards: there are no privacy safeguards for the telephones in the housing units, and all calls are monitored. However, detainees may request to make unmonitored calls in the processing area.** Detainees are

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<sup>40</sup> Notes of delegation member [REDACTED], [REDACTED], [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>41</sup> Observations of delegation members.

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

<sup>43</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>44</sup> Detention Operations Manual, Detainee Services, Standard 16.

<sup>45</sup> Notes of delegation member [REDACTED] on conversation with Detainee [REDACTED].

<sup>46</sup> Observations of delegation members and notes of delegation members [REDACTED] and [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>47</sup> Observations of delegation members and notes of delegation members [REDACTED] and [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>48</sup> Observations of delegation members and notes of delegation members [REDACTED] and [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>49</sup> Observations of delegation members and notes of delegation members [REDACTED] and [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>50</sup> Detention Operations Manual, Detainee Services, Standard 16, Section J.

<sup>51</sup> Detention Operations Manual, Detainee Services, Standard 16, Section J.

normally unable to make private telephone calls, because the phones where detainees make outgoing calls are all located in the housing units with no privacy safeguards.<sup>52</sup> The telephones are out in the open, and there are no partitions.<sup>53</sup> All phone conversations made on the phones located in the housing units are automatically recorded and monitored.<sup>54</sup> However, Jail staff informed the delegation that the detainees could request to make outgoing calls on telephones in the processing area that are not monitored.<sup>55</sup>

#### 4. Incoming Calls and Messages

The Standards require that facilities take and deliver messages from attorneys and emergency incoming telephone calls to detainees as promptly as possible.<sup>56</sup>

**The Jail meets this section of the Standards.** The facility delivers messages from attorneys and emergency incoming telephone calls to detainees.<sup>57</sup> Staff officers will assist detainees in making emergency telephone calls when access to telephone would not normally be available.<sup>58</sup>

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

The Standards provide that detainees in the Special Management Unit (“SMU”) for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions,<sup>59</sup> for calls regarding legal matters, calls to consular officials, and family emergencies.<sup>60</sup>

**The Jail does not fully meet this section of the Standards.** Detainees at the Jail placed in the SMU for disciplinary reasons only have access to the telephones for calls to attorneys upon request.<sup>61</sup>

### C. Access to Library and Legal Material

All facilities with detainees “shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents.”<sup>62</sup>

#### 1. Library Access

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<sup>52</sup> Observations of delegation members.

<sup>53</sup> Observations of delegation members.

<sup>54</sup> Notes of delegation members [REDACTED], and [REDACTED], on conversation with detainees [REDACTED] and [REDACTED], and conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>55</sup> Notes of delegation members [REDACTED] and [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

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

<sup>57</sup> Notes of delegation members [REDACTED] and [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>58</sup> Wakulla County Jail Inmate Handbook, p. 7.

<sup>59</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

<sup>60</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

<sup>61</sup> Notes of delegation member [REDACTED] on conversation with Captain [REDACTED].

<sup>62</sup> Detention Operations Manual, Detainee Services, Standard 1, Section I.

The Standards suggest that each facility shall have a flexible schedule for law library use that permits all detainees, regardless of housing or classification, to use the law library on a regular basis.<sup>63</sup> Each detainee shall be permitted to use the law library for a minimum of five hours per week.<sup>64</sup>

**The Jail meets this section of the Standards.** The Handbook provides that a detainee may use the library after approval of his or her written request.<sup>65</sup> The Jail staff indicated that there was no limitation on how often a detainee can use the library per week,<sup>66</sup> but the Handbook is silent on this issue. The Handbook states that detainees may use the law library for one hour per visit.<sup>67</sup> However, the log presented for review by the staff officials indicated that the detainees were allowed to use the library for periods longer than one hour per visit.<sup>68</sup>

## 2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees' legal research and writing.<sup>69</sup> Furthermore, it must be large enough "to provide reasonable access to all detainees who request its use. It shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas."<sup>70</sup>

**The Jail meets this section of the Standards.** While the Jail's law library is small, it is well lit and is well-isolated from noise and foot traffic.<sup>71</sup> The library provides access to one computer and one typewriter, and contains at least two other tables and several chairs in addition to those housing the computer and the typewriter.<sup>72</sup> Additionally, the library is located in an enclosed room that is free of distractions and noise.<sup>73</sup>

## 3. Materials Identified in the Detention Standards

The Standards require that all facility law libraries contain the materials listed in Attachment A to the chapter on Access to Legal Materials.<sup>74</sup> These materials must be updated regularly, and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner.<sup>75</sup> Damaged or stolen materials must be promptly replaced.<sup>76</sup>

**The Jail does not fully meet this section of the Standards: it does not contain the required materials.** The Jail provides its immigration detainees with computer/internet access

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<sup>63</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>64</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>65</sup> Wakulla County Jail Inmate Handbook, p. 7.

<sup>66</sup> Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C and Lt. [REDACTED] b6, b7C

<sup>67</sup> Wakulla County Jail Inmate Handbook, p. 7.

<sup>68</sup> Observations of delegation members [REDACTED] b6, [REDACTED] b6, and [REDACTED] b6

<sup>69</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

<sup>70</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

<sup>71</sup> Observations of delegation members.

<sup>72</sup> Observations of delegation members.

<sup>73</sup> Observations of delegation members.

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

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

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

to LexisNexis.<sup>77</sup> In addition, the detainees have access to hardbound legal resources.<sup>78</sup> While LexisNexis provide access to numerous legal materials, as well as current statutory and regulatory information, most of the hardbound materials located in the library are not up to date.<sup>79</sup> In addition, the library does not contain all of the materials listed in Attachment A to the chapter on Access to Legal Materials.<sup>80</sup> The Florence Project's "Know Your Rights" packets are not available in the library.<sup>81</sup>

#### 4. Library Equipment and Supplies

The Standards require that facility law libraries provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.<sup>82</sup> Staff must inspect regularly to ensure equipment is in working order and to stock sufficient supplies.<sup>83</sup> In addition, indigent detainees must be provided free envelopes and stamps for legal mail.<sup>84</sup>

**The Jail substantially meets this section of the Standards; however, the LexisNexis research computer may not be operational for extended periods of time.** The Jail has one computer for typing documents, one LexisNexis research computer, and one typewriter available in its law library, for use by all inmates and detainees at the Jail.<sup>85</sup> However, detainees Mario Rivera Perez and O'Neil Smith indicated that the LexisNexis computer may not be operational for extended periods of time.<sup>86</sup> The Jail provides detainees with paper and office supplies to enable detainees to prepare documents for legal proceedings.<sup>87</sup> If a detainee is indigent, the facility will provide the detainee with two stamped envelopes, a pencil and paper as part of an indigent packet.<sup>88</sup>

#### 5. Photocopies

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<sup>77</sup> Observations of delegation members and notes of delegation members [b6], [b6], and [b6] [b6], on conversation with Lt. [b6, b7C] Lt. [b6, b7C], and ICE Deportation Officer [b6, b7C].

<sup>78</sup> Notes of delegation members [b6], [b6] and [b6], on conversation with Lt. [b6, b7C], Lt. [b6, b7C] and ICE Deportation Officer [b6, b7C].

<sup>79</sup> Observations of delegation members; notes of [b6] and [b6], on conversation with ICE Deportation Officer [b6, b7C].

<sup>80</sup> Notes of delegation member [b6], on conversation with ICE Deportation Officer [b6, b7C]; Detention Operations Manual, Detainee Services, Standard 1, Attachment A.

<sup>81</sup> Notes of delegation member [b6] on conversation with ICE Deportation Officer [b6, b7C]; observations of delegation members.

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

<sup>83</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>84</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

<sup>85</sup> Observations of delegation members.

<sup>86</sup> Notes of delegation member [b6] on conversation with Detainees [b6, b7C] and [b6, b7C] [b6, b7C].

<sup>87</sup> Notes of delegation member [b6] on conversation with Lt. [b6, b7C] and Lt. [b6, b7C].

<sup>88</sup> Notes of delegation member [b6] on conversation with Lt. [b6, b7C] and Lt. [b6, b7C].



The Standards provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.<sup>89</sup>

**The Jail meets this section of the Standards.** Detainees at the Jail may make copies, at no charge, upon request to the staff.<sup>90</sup> There is no limitation on copies made.<sup>91</sup>

## 6. Assistance From Other Detainees

The Standards require that each facility permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.<sup>92</sup>

**The Jail meets this section of the Standards.** Detainees are permitted to assist other detainees with research and writing.<sup>93</sup>

## 7. Notice to Detainees

The Standards require that the detainee handbook provide detainees with the rules and procedures governing access to legal materials,<sup>94</sup> including: procedures for requesting access to the law library; procedures for requesting legal reference materials not located in the library; and procedures for notifying a designated employee that library material is missing or damaged.<sup>95</sup> The Standards also require that the facility post these policies and procedures in the library along with a list of the law library's holdings.<sup>96</sup>

**The Jail does not fully meet this section of the Standards: the Handbook does not include required information, and information is not posted.** The Handbook specifies that detainees may use the library after approval of a written request.<sup>97</sup> However, the Handbook does not specify the procedures for requesting legal reference materials not located in the library or for notifying a designated employee that library material is missing or damaged. In addition, the library does not contain a posting of the notice policies or a listing of the library's holdings.<sup>98</sup>

## D. Group Rights Presentations

The Standards provide that facilities holding ICE detainees “shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of each facility.”<sup>99</sup> Informational posters are to be prominently displayed in the housing units at least

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<sup>89</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>90</sup> Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>91</sup> Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

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

<sup>93</sup> Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

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

<sup>95</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

<sup>96</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

<sup>97</sup> Wakulla County Jail Inmate Handbook, p. 7.

<sup>98</sup> Observation of delegation member [REDACTED].

<sup>99</sup> Detention Operations Manual, Detainee Services, Standard 9, Section I.

forty-eight hours in advance of a scheduled presentation.<sup>100</sup> In addition, detainees shall have regular opportunities to view an “INS-approved videotaped presentation on legal rights.”<sup>101</sup>

**The Jail substantially meets this section of the Standards; however, it does not show the “Know Your Rights” video.** According to the Jail personnel, there are no restrictions on group rights presentations.<sup>102</sup> The Jail officials informed us that the Florida Immigrant Advocacy Center (“FIAC”) makes a group rights presentation at the facility approximately once per year.<sup>103</sup> Prior to a scheduled presentation, the Jail posts flyers in the housing units to make the detainees aware of the presentation.<sup>104</sup> The presentation takes place in the Jail’s law library.<sup>105</sup> However, the Jail does not currently show the “Know Your Rights” video created by the Florence Project and distributed by ICE.<sup>106</sup>

#### IV. OTHER PROVISIONS OF THE ICE DETENTION STANDARDS

##### A. Correspondence and Other Mail

The Standards require that detainees be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility.<sup>107</sup> General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and read outside the presence of the detainee if security reasons exist for doing so.<sup>108</sup> Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.<sup>109</sup> Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.<sup>110</sup> Outgoing special correspondence cannot be opened, inspected, or read.<sup>111</sup> The detainee handbook must specify how to address correspondence, the definition of special correspondence and how it should be labeled, the procedure for purchasing postage and rules for providing indigent detainees free postage, and other specific information.<sup>112</sup> The Standards also require that facilities provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential representative, or any court.<sup>113</sup>

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<sup>100</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

<sup>101</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

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

<sup>103</sup> Notes of delegation member [REDACTED] and [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>104</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>105</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>106</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] ICE Deportation Officer [REDACTED] and Lt. [REDACTED].

<sup>107</sup> Detention Operations Manual, Detainee Services, Standard 3, Section I.

<sup>108</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

<sup>109</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.

<sup>110</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

<sup>111</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

<sup>112</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B.

<sup>113</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.I, and Standard 1, Section III.N.

**The Jail does not fully meet this section of the Standards; the Handbook does not include all of the required information.** The Jail provides all detainees with the Wakulla County Jail Inmate Handbook which informs them of the facility's correspondence policies.<sup>114</sup> Incoming regular mail will be opened and inspected for contraband, while legal mail will be opened in the presence of the detainee.<sup>115</sup> However, the Handbook does not provide the following information as required: 1) "the definition of special correspondence, including instructions on the proper labeling for special correspondence . . . [and a] statement that it is the detainee's responsibility to inform senders of special mail of the labeling requirement."; 2) the information that identity documents, such as passports and birth certificates, are contraband and may be rejected by the facility; 3) instructions about "how to obtain writing implements, paper, and envelopes"; and 4) "the procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage."<sup>116</sup> The Jail personnel informed the delegation that indigent detainees are provided with two stamped envelopes and supplies by notating on their commissary card their desire to receive the indigent packet.<sup>117</sup> This information was consistent with the information provided in the Handbook and by detainee [REDACTED] b6, b7C

[REDACTED] b6, b7C<sup>118</sup>

## B. Detainee Handbook

The Standards require that every Officer in Charge develop a site-specific detainee handbook to serve as an overview of detention policies, rules, and procedures.<sup>119</sup> Every detainee should receive a copy of the handbook upon admission to the facility.<sup>120</sup> The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.<sup>121</sup> The handbook must notify detainees of the facility correspondence policy.<sup>122</sup> The grievance section of the handbook must provide notice of the opportunity to file both formal and informal grievances and the procedures for filing grievances and appeals.<sup>123</sup> The handbook must provide notice of the facility's rules of conduct and the sanctions imposed.<sup>124</sup> The handbook must also state that detainees have the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so.<sup>125</sup>

**The Jail does not fully meet this section of the Standards; the Handbook lacks several required provisions.** In addition to the missing information noted above regarding correspondence, and noted below regarding classification and disciplinary policy, the Handbook also does not include procedures for filing an appeal of grievances; does not specify sanctions to

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<sup>114</sup> Notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED] b6, b7C and Lt. [REDACTED] b6, b7C; Wakulla County Jail Inmate Handbook, p. 9.

<sup>115</sup> Wakulla County Jail Inmate Handbook, p. 9.

<sup>116</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

<sup>117</sup> Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C and Lt. [REDACTED] b6, b7C

<sup>118</sup> Notes of delegation members [REDACTED] b6, [REDACTED] b6 and [REDACTED] b6, on conversations with Lt. [REDACTED] b6, b7C, Lt. [REDACTED] b6, b7C and detainee [REDACTED] b6, b7C; Wakulla County Jail Inmate Handbook, p. 4.

<sup>119</sup> Detention Operations Manual, Detainee Services, Standard 6, Section I.

<sup>120</sup> Detention Operations Manual, Detainee Services, Standard 6, Section I.

<sup>121</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

<sup>122</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

<sup>123</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

<sup>124</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

<sup>125</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

be imposed for rule violations; and does not include provisions advising that the detainees have the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so.<sup>126</sup> The Handbook is provided to all detainees,<sup>127</sup> and is written in English and Spanish.

### C. Access to Dental Care

The Standards suggest that detainees have an initial dental screening exam within 14 days of the detainee's arrival and require the facility to provide a number of services, including emergency dental treatment and repair of prosthetic appliances.<sup>128</sup>

**The Jail does not fully meet this section of the Standards; the detainees do not receive the initial dental screening.**<sup>129</sup> If dental care is needed, the Jail makes arrangements with a local dentist to provide the necessary dental care, either in the facility or at his local office.<sup>130</sup> Detainee [REDACTED] b6, b7C indicated that the Jail personnel do not respond in a timely manner to requests for dental care.<sup>131</sup> Detainee [REDACTED] b6, b7C indicated that he had not received a response for a request to see a dentist regarding a tooth ache.<sup>132</sup>

### D. Detainee Classification System

The Standards require that detention facilities use a classification system to physically separate detainees in different categories.<sup>133</sup> Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.<sup>134</sup> Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.<sup>135</sup> Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees.<sup>136</sup> Finally, the detainee handbook's section on classification must include (1) an explanation of the classification levels, with the conditions and restrictions applicable to each, and (2) the procedures by which a detainee may appeal his classification.<sup>137</sup>

**The Jail does not fully meet this section of the Standards; the Handbook does not explain the classification levels and the conditions and restrictions associated with each.**<sup>138</sup> All detainees and inmates are classified when they first arrive at the facility.<sup>139</sup> Detainees are

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<sup>126</sup> See Wakulla County Jail Detainee Handbook.

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

<sup>128</sup> Detention Operations Manual, Health Services, Standard 2, Section III.E.

<sup>129</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] b6, b7C and Lt. [REDACTED] b6, b7C

<sup>130</sup> Notes of delegation member [REDACTED] b6, on conversation with Lt. [REDACTED] b6, b7C and Lt. [REDACTED] b6, b7C

<sup>131</sup> Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C

<sup>132</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED] b6, b7C

<sup>133</sup> Detention Operations Manual, Detainee Services, Standard 4, Section I.

<sup>134</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

<sup>135</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & III.E.

<sup>136</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

<sup>137</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

<sup>138</sup> Wakulla County Jail Inmate Handbook, pp. 4-5.

<sup>139</sup> Wakulla County Jail Inmate Handbook, p. 4; notes of delegation member [REDACTED] b6 on conversation with Capt. [REDACTED] b6, b7C

classified within the facility generally in accordance with their risk.<sup>140</sup> Detainees are sometimes housed with criminal inmates due to overcrowding issues.<sup>141</sup> Detainees are housed, recreated, and fed according to other detainees in his or her classification.<sup>142</sup>

### E. Detainee Grievance Procedures

The Standards require that every facility develop and implement standard procedures for handling detainee grievances and encourage that the facility initially seek to resolve grievances informally before having to engage in a more formalized procedure.<sup>143</sup> The Standards also require that each facility establish a reasonable time limit for: (1) “processing, investigating, and responding to grievances;” (2) “convening a grievance committee to review formal complaints;” and (3) “providing written responses to detainees who filed formal grievances, including the basis for the decision.”<sup>144</sup> All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.<sup>145</sup>

**The Jail apparently does not meet this section of the Standards; detainees report that grievances are not answered.** According to Lt. [b6, b7C] and Lt. [b6, b7C] if a detainee has a grievance, he or she will ask an officer for a grievance form, which should be addressed to the on duty shift lieutenant.<sup>146</sup> Upon completing and signing the form, the detainee will give the form back to the officer, who then provides it to the shift lieutenant.<sup>147</sup> A copy of the grievance will be maintained in the detainee's file for the remainder of his or her detention.<sup>148</sup> However, detainees [b6, b7C] and [b6, b7C] stated that they sometimes do not receive any responses to grievances or other requests.

### F. Disciplinary Policy and Use of Force

The Standards state that facility authorities “will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures” in order “to provide a safe and orderly living environment.”<sup>150</sup> The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.<sup>151</sup> “Corporal punishment may not be imposed.”<sup>152</sup> Officers who witness a prohibited

<sup>140</sup> Notes of delegation members, [b6], [b6] and [b6], on conversation with Lt. [b6, b7C] and Lt. [b6, b7C]

<sup>141</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C] and Lt. [b6, b7C]

<sup>142</sup> Wakulla County Jail Inmate Handbook, pp. 4-5.

<sup>143</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

<sup>144</sup> Detention Operations Manual, Detainee Services, Standard 5, Section I.

<sup>145</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I, III.C & D.

<sup>146</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C] and Lt. [b6, b7C] Wakulla County Jail Inmate Handbook, p. 10.

<sup>147</sup> Notes of delegation member [b6], on conversation with Lt. [b6, b7C] and Lt. [b6, b7C]; Wakulla County Jail Inmate Handbook, p. 10.

<sup>148</sup> Wakulla County Jail Inmate Handbook, p. 10.

<sup>149</sup> Notes of delegation member [b6], on conversation with Detainees [b6, b7C] and [b6, b7C] [b6, b7C]

<sup>150</sup> Detention Operations Manual, Security and Control, Standard 5, Section I.

<sup>151</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.1 & A.2.

<sup>152</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

act must prepare and submit an incident report.<sup>153</sup> The Detainee Handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.<sup>154</sup> The handbook must also notify detainees of specific rights, including the right to protection from abuse, harassment, and discrimination, the right to pursue a grievance, and the right to due process, including prompt resolution of a disciplinary matter.<sup>155</sup>

The Use of Force section of the Standards states that use of force is only authorized after all reasonable efforts to resolve a situation have failed, and that as little force as necessary will be used to gain control of the detainee and protect and ensure safety.<sup>156</sup> This section also indicates that force may not be used to punish a detainee under any circumstances.<sup>157</sup> Non-lethal weapons may only be authorized for use if the detainee is armed and/or barricaded or cannot be approached without danger to self or others and “a delay in controlling the situation would seriously endanger the detainee or others.”<sup>158</sup> Finally, “Staff shall prepare detailed documentation of all incidents involving the use of force, chemical agents, or non-lethal weapons.”<sup>159</sup>

**It is unclear whether the Jail meets this section of the Standards with respect to Taser use; the Handbook does not meet the Standards. According to the Jail's personnel, Jail personnel use Tasers “as required” on the facility's entire population (i.e., detainees and jail inmates).**<sup>160</sup> The Wakulla County Jail Standard Operating Procedure 6.02 outlines when the M-26 Advanced Taser may be used.<sup>161</sup> Without further information regarding when Tasers are used on detainees, we would ask that ICE review the Jail's use of Tasers, as well as review the documentation that the Standards require jails to keep for all uses of force, to determine whether or not force is used in compliance with the Standards,<sup>162</sup> and to clarify if and under what circumstances ICE approves of using Tasers.

**In addition, the Handbook does not contain adequate information.** The Handbook contains a "Rights and Responsibilities" section,<sup>163</sup> but it does not contain provisions notifying the detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.<sup>164</sup>

### **G. Special Management Unit**

The Standards suggest that each facility establish a Special Management Unit (“SMU”) that will isolate certain detainees from the general population.<sup>165</sup> The Standards for Administrative and Disciplinary Segregation differ somewhat from one another, but both provide

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<sup>153</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.B.

<sup>154</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.L.

<sup>155</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

<sup>156</sup> Detention Operations Manual, Security and Control, Standard 17, Sections I, III.B

<sup>157</sup> Detention Operations Manual, Security and Control, Standard 17, Section III.B.1.

<sup>158</sup> Detention Operations Manual, Security and Control, Standard 17, Section III.H.

<sup>159</sup> Detention Operations Manual, Security and Control, Standard 17, Section III.J.

<sup>160</sup> Notes of delegation member [REDACTED] b6 on conversation with Lt. [REDACTED] b6, b7C and Lt. [REDACTED] b6, b7C

<sup>161</sup> Wakulla County Jail Standard Operating Procedure 6.02 Section H, p. 4.

<sup>162</sup> Detention Operations Manual, Security and Control, Standard 17, Section III.J.

<sup>163</sup> Wakulla County Jail Inmate Handbook, pp. 13-14.

<sup>164</sup> Wakulla County Jail Inmate Handbook, p. 9.

<sup>165</sup> Detention Operations Manual, Security and Control, Standard 14, Section I.

for legal access and other protections. All cells in the SMU must be well ventilated, appropriately heated, and sanitary, and must be equipped with beds.<sup>166</sup> Access to the law library shall generally be granted to detainees in segregation.<sup>167</sup> Detainees generally retain visiting privileges while in disciplinary segregation, and may not be denied legal visitation.<sup>168</sup> Detainees in administrative segregation generally have the same telephone privileges as other detainees,<sup>169</sup> while detainees in disciplinary segregation shall be restricted to telephone calls for calls relating to the detainee's immigration case or other legal matters, calls to consular/embassy officials, and family emergencies.<sup>170</sup>

**The Jail meets this section of the Standards.** The pods in the SMU have beds, have an open Plexiglas door, and are well lit.<sup>171</sup> Although the detainees in segregation do not have immediate access to the preprogrammed telephone systems located in the SMU housing units, such detainees may use such telephones upon having their request approved.<sup>172</sup> Detainees are allowed reading materials and are given access to the law library separately from the other detainees.<sup>173</sup>

#### **H. Staff-Detainee Communication/ICE Presence at the Facility**

The Standards require that 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.”<sup>174</sup> 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 OIC, and designated department heads.<sup>175</sup> Unannounced visits to the facility's housing areas must be conducted on a regular basis.<sup>176</sup> 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.<sup>177</sup> The Standards also require that detainees “have the opportunity to submit written questions, requests, or concerns to ICE staff,” which “shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay.”<sup>178</sup> All facilities that house ICE detainees must have “written procedures to route detainee

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<sup>166</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.2, and Standard 14, Section III.D.6.

<sup>167</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.18, and Standard 14, Section III.D.15.e.

<sup>168</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.13 & 14, and Standard 14, Section III.D.17.

<sup>169</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.16.

<sup>170</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

<sup>171</sup> Observation of delegation members [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

<sup>172</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

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

<sup>174</sup> Detention Operations Manual, Detainee Services, Standard 15, Section I.

<sup>175</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

<sup>176</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.1.

<sup>177</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

<sup>178</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

requests to the appropriate ICE official” and must assist detainees “who are disabled, illiterate, or know little or no English.”<sup>179</sup>

**The Jail appears to meet this section of the Standards; however the Handbook does not contain information setting forth the procedures for detainees to contact ICE staff.**

There are six (6) ICE officers present at the facility. An ICE officer makes weekly, unannounced visits with the detainees.<sup>180</sup> The ICE officers also visit the detainees pursuant to written requests.<sup>181</sup> The ICE officers also have a lot of informal contact with the detainees due to their on-site presence at the facility.<sup>182</sup>

### **I. Religious Practices**

The Standards require that detainees of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths.<sup>183</sup> According to the Standards, these “opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is ‘mainstream,’ whether the religion is ‘Western’ or ‘Eastern,’ or other such factors. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”<sup>184</sup> Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.<sup>185</sup> Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.<sup>186</sup>

It is unclear whether the Jail meets this section of the Standards; facility staff stated they make religious accommodations, but two detainees indicated the facility only allows religious/church services for select detainees or women.<sup>187</sup> It does not appear that the Jail is providing “reasonable and equitable opportunities to participate in the practices of their respective faiths.” The Jail does provide kosher meals to those who request them.<sup>188</sup>

### **J. 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.<sup>189</sup> Indigent detainees will be permitted to make a single domestic telephone call at

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<sup>179</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

<sup>180</sup> Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED], Lt. [REDACTED] and ICE Deportation Officer [REDACTED].

<sup>181</sup> Notes of delegation member [REDACTED], [REDACTED] and [REDACTED] on conversation with Lt. [REDACTED], Lt. [REDACTED] and ICE Deportation Officer [REDACTED].

<sup>182</sup> Notes of delegation member [REDACTED], [REDACTED], and [REDACTED], on conversation with Lt. [REDACTED], Lt. [REDACTED], and ICE Deportation Officer [REDACTED].

<sup>183</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>184</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>185</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

<sup>186</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

<sup>187</sup> Notes of delegation members [REDACTED], [REDACTED] and [REDACTED], on conversation with Lt. [REDACTED] and detainees [REDACTED] and [REDACTED].

<sup>188</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

<sup>189</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Section I.



government expense upon arrival at their final destination; non-indigent detainees will be permitted to make telephone calls at their own expense.<sup>190</sup> Records including the detainee's Alien File ("A-file") and health records (or transfer summary for IGSA's) must accompany the detainee.<sup>191</sup> A detainee's legal materials, cash, and small valuables shall always accompany the detainee to the receiving facility; larger items may be shipped.<sup>192</sup>

**The Jail meets this section of the Standards.** Detainees are allowed to make phone calls on the preprogrammed telephones located in the housing units once they have been processed.<sup>193</sup> Indigent detainees are able to make a free call if they request it.<sup>194</sup> When a detainee is transferred to another facility, the Jail medical records and personal belongings are transferred along with the detainee to the receiving facility.<sup>195</sup>

## V. CONCLUSION

The Wakulla County Detention Facility meets the requirements of several of the ICE Detention Standards but also fails to meet or does not completely meet a number of sections. **Of greatest concern is the Jail's acknowledged use of Tasers.** We ask that ICE review the Jail's use of Tasers and review the documentation that should accompany each such use.

To provide adequate telephone access to detainees, the Jail should not record or monitor, in any matter whatsoever, legal phone calls (absent a court order), and should provide detainees with easily accessible phones to use to make an unmonitored call for legal purposes. Reflecting the needs of the multinational immigrant jail population, instructions regarding the use of the phone system need to be in different languages.

To support the detainees' access to legal materials, the Jail should obtain and provide access to all of the legal materials listed in the Standards in their law library. Also, the Jail should ensure that the computer, printer, typewriter, and LexisNexis computer are in good working condition, and schedule timely repairs. The Jail may consider acquiring additional computers for its library.

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

- Disciplinary policy and procedures, including levels of discipline and appeal rights and procedures;
- Grievance process and procedures, including a response deadline by Jail personnel, and appeal process;
- Procedures regarding detainee written requests (telephone calls, law library, medical care, etc.) and a response deadline by Jail personnel;
- Procedures for detainees to communicate with ICE staff.

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<sup>190</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Sections III.G.

<sup>191</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Sections III.D.1 and III.D.6.

<sup>192</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Sections III.E.

<sup>193</sup> Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>194</sup> Notes of delegation member [REDACTED] on conversation with Lt. [REDACTED] and Lt. [REDACTED].

<sup>195</sup> Notes of delegation member [REDACTED], on conversation with Lt. [REDACTED] and Lt. [REDACTED].

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

Date of Tour: **September 26, 2006**

Tour Participants: Holland & Knight LLP attorneys [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.**

**Of particular concern is the use of Tasers on detainees at Wakulla County Detention Facility—an issue identified by facility staff.**

	ICE Standard*	Delegation Report	Source	ICE Response
1.	Standard 16, Telephone Access <ul style="list-style-type: none"> <li>I. Facilities holding INS detainees shall permit them to have reasonable and equitable access to telephones.</li> <li>III.E. [T]he facility shall permit the detainee to make direct calls: ... to consular officials; to legal service providers ....</li> </ul>	<ul style="list-style-type: none"> <li>One detainee said that sometimes the telephones do not work properly and he is unable to contact his consulate or the legal service provider FIAC. (p.5 ¶3)</li> </ul>	Detainee [redacted]	
2.	Standard 16, Telephone Access <ul style="list-style-type: none"> <li>III.J. The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order.</li> </ul>	<ul style="list-style-type: none"> <li>The telephones are located in the housing units with no privacy safeguards and all calls are monitored. (p.5 ¶5, p.6 ¶1) However, staff stated that detainees can request to make unmonitored calls on telephones in the processing area. (p.6 ¶1)</li> </ul>	Delegation observations; Lt. [redacted] and Lt. [redacted]	
3.	Standard 1, Access to Legal Material <ul style="list-style-type: none"> <li>III.B. Equipment. The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper and office supplies to enable detainees to prepare documents for legal proceedings.</li> </ul>	<ul style="list-style-type: none"> <li>The LexisNexis research computer may not be operational for extended periods of time. (p.8 ¶3)</li> </ul>	Detainees [redacted] and [redacted]	
4.	<b>Standard 1, Access to Legal Material</b> <ul style="list-style-type: none"> <li><b>III.C. The law library shall contain the materials listed in Attachment A.</b></li> </ul>	<ul style="list-style-type: none"> <li><b>The library does not contain all of the materials listed in Attachment A. (p.8 ¶1)</b></li> </ul>	<b>ICE Officer</b> [redacted]	

<p>5.</p>	<p><b>Standard 1, Access to Legal Material</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.Q. Notice to Detainees.</b> The detainee handbook ... shall provide detainees with the rules and procedures governing access to legal materials, including ... 5. the procedure for requesting legal reference materials not maintained in the law library; 6. the procedure for notifying a designated employee that library material is missing or damaged....</li> </ul> <p>These policies and procedures shall also be posted in the law library along with a list of the library's holdings.</p>	<ul style="list-style-type: none"> <li>▪ <b>The Handbook does not specify the procedures for requesting legal reference materials not located in the library, or for notifying a designated employee that library material is missing or damaged. In addition, the library does not contain a posting of the notice policies or list of the library's holdings. (p.9 ¶6)</b></li> </ul>	<p><b>Delegation observations.</b></p>	
<p>6.</p>	<p><b>Standard 9, Group Presentations on Legal Rights</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.I. Videotaped presentations.</b> The facility shall play INS-approved videotaped presentations on legal rights, at the request of outside organizations. ... The facility shall provide regular opportunities for detainees in the general population to view the videotape.</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The Jail does not currently show the Florence Project's "Know Your Rights" video. (p.10 ¶2)</b></li> </ul>	<p>Lt. [REDACTED], Lt. [REDACTED] ICE Officer [REDACTED]</p>	
<p>7.</p>	<p><b>Standard 3, Correspondence and Other Mail</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.B.</b> The facility shall notify detainees of its policy in correspondence and other mail through the detainee handbook or equivalent ... [and] shall specify: ... 5. The definition of special correspondence, including instructions on the proper labeling for special correspondence, without which it will not be treated as special mail. ... 7. A description of mail which may be rejected by the facility ... 8. How to obtain writing implements, paper, and envelopes; and 9. The procedure for purchasing postage (if any), and the rules for providing indigent and certain other detainees free postage ....</li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The Handbook does not provide the required information, including: the definition of special correspondence and how to label it; the information that identity documents are contraband and may be rejected by the facility; instructions on how to obtain writing implements, paper, and envelopes, and the procedures for obtaining postage, including free postage for indigents. (p.11 ¶1)</b></li> </ul>	<p><b>Inmate Handbook.</b></p>	

8.	<p><b>Standard 5, Detainee Grievance Procedures</b></p> <ul style="list-style-type: none"> <li>III.G. Detainee Handbook. ... The grievance section of the detainee handbook will provide notice of the following: ... 2. the procedures for filing a grievance and appeal ...</li> </ul> <p><b>Standard 15, Staff-Detainee Communication</b></p> <ul style="list-style-type: none"> <li>III.B.3. Detainee Handbook. ... The handbook shall state that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so ....</li> </ul> <p><b>Security and Control Standard 5, Disciplinary Policy</b></p> <ul style="list-style-type: none"> <li>III.A.5. The detainee handbook or equivalent ... shall provide notice of the ... sanctions imposed for violations of the rules.</li> <li>III.L. The detainee handbook ... shall notify detainees of the following: 1. The disciplinary process; 2. The prohibited acts and disciplinary severity scale; 3. The procedure for appealing disciplinary findings.</li> </ul>	<ul style="list-style-type: none"> <li>In addition to the missing information regarding correspondence and classification, noted elsewhere, the Handbook does not include procedures for filing an appeal of grievances; does not contain provisions notifying detainees of the disciplinary process or the prohibited acts and disciplinary severity scale; does not specify sanctions imposed for rule violations or the procedure for appeals; and does not include provisions advising detainees of the opportunity to submit written questions and requests to ICE staff or the procedures for doing so. (p.11 ¶3; p.14 ¶4, p.16 ¶2)</li> </ul>	<p>Inmate Handbook.</p>	
9.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> <li>III.E. Dental Treatment. An initial dental screening exam should be performed within 14 days of the detainee's arrival.</li> </ul>	<ul style="list-style-type: none"> <li>Detainees do not receive an initial dental screening. (p.12 ¶3)</li> </ul>	<p>Lt. [REDACTED] and Lt. [REDACTED]</p>	
10.	<p><b>Standard 4, Detainee Classification System</b></p> <ul style="list-style-type: none"> <li>III.I. The detainee handbook's section on classification will include the following: 1. An explanation of the classification levels with the conditions and restrictions applicable to each.</li> </ul>	<ul style="list-style-type: none"> <li>The Handbook does not explain the classification levels and the conditions and restrictions associated with each. (p.12 ¶5)</li> </ul>	<p>Inmate Handbook.</p>	
11.	<p><b>Standard 5, Detainee Grievance Procedures</b></p> <ul style="list-style-type: none"> <li>I. [S]tandard operating procedures (SOP) must establish a reasonable time limit for: ... (iii) providing written responses to detainees who filed formal grievances, including the basis for the decision.</li> </ul>	<ul style="list-style-type: none"> <li>Detainees report that grievances sometimes are not answered. (p.13 ¶3)</li> </ul>	<p>Detainees [REDACTED] and [REDACTED]</p>	

12.	<p><b>Security and Control Standard 5, Disciplinary Policy</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.A.2. Disciplinary action may not be capricious or retaliatory.</b></li> <li>▪ <b>III.A.3. Staff may not impose or allow imposition of the following sanctions: corporal punishment ....</b></li> </ul> <p><b>Security and Control Standard 17, Use of Force</b></p> <ul style="list-style-type: none"> <li>▪ <b>I. The use of force is authorized only after all reasonable efforts to resolve a situation have failed.</b></li> <li>▪ <b>III.H. The OIC may authorize the use of non-lethal weapons if the detainee: 1. Is armed and/or barricaded; or 2. Cannot be approached without danger to self or others; and 3. A delay in controlling the situation would seriously endanger the detainee or others, or would result in a major disturbance or property damage.</b></li> <li>▪ <b>III.J. Staff shall prepare detailed documentation of all incidents involving the use of force, chemical agents, or non-lethal weapons</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>According to Jail personnel, Jail personnel use Tasers “as required” on detainees and inmates. (p.14 ¶3)</b></li> </ul>	<p><b>Lt. [REDACTED] and Lt. [REDACTED].</b></p>	
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