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MEMORANDUM

August 22, 2007

and

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To:

John P. Torres, Director, Office of Detention and Removal, Immigration and

Customs Enforcement

From:

American Bar Association Delegation to the Dodge County Detention Facility

Copies to:

ABA Commission on Immigration

Subject:

Report on Observational Tour of the Dodge County Detention Facility, Juneau, WI

This memorandum summarizes and evaluates information gathered at the Dodge County Detention Facility ("DCDF" or "the Facility") in Juneau, WI, during the delegation's July 12, 2007 visit to the Facility. The information was gathered via observation of the facility by the delegation, interviews with two detainees, and discussions with DCDF and Immigration and Customs Enforcement ("ICE") personnel.

ICE DETENTION STANDARDS 1.

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

The Detention Standards (the "Standards") went into effect at ICE-operated detention facilities on January 1, 2001. ICE intended to phase in the Standards at all of its contract and IGSA facilities by December 31, 2002. The Standards constitute a floor rather than

The delegation was comprised of attorneys and summer associates from the Chicago office of Latham & Watkins, LLP, including

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

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a ceiling for the treatment of immigration detainees. In other words, they are designed to establish the minimum requirements to which ICE must adhere in its facilities. Each Field Office or Officer-in-Charge ("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 Visit, July 12, 2007

On Thursday, July 12, 2007, the members of our delegation met with several members of DCDF's staff and two representatives from the ICE office in Chicago, IL. Deputy Jail Administrator Supervisor Supervisor Supervisor and ICE Deportation Officer and ICE Deportation Officer of the facilities and participated in post-tour follow-up discussions. The delegation also met with other DCDF personnel along the tour, including babys the nurse on duty at DCDF. 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 DCDF and ICE employees, as well as observations of the Facility and an interview with two immigration detainees. In many instances, detainees' reports were compatible with statements made by facility personnel and our observations. In such cases, the delegation was able to more accurately determine whether DCDF policy and procedures successfully meet the *Standards*. However, in certain circumstances, the detainees' reports conflicted with statements made by facility personnel. Where we were unable to reconcile the conflicting reports, the delegation was unable to determine conclusively whether the *Standards* are being met.

B. General Information about the Dodge County Detention Facility

DCDF houses federal immigration detainees according to an IGSA with ICE.³
According to DCDF personnel, the Facility has the capacity to hold over 400 individuals.⁴ At the time of our visit, DCDF had a population of approximately 400 inmates, 169 of whom were immigration detainees.⁵ DCDF houses mostly males.⁶ At the time of our visit, the facility personnel estimated that three women were housed there.⁷ Supervisor old the delegation that the facility housed immigration detainees from many different countries.⁸

on conversation with Supervisor

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III. 2005 ABA REPORT ON DODGE COUNTY DETENTION FACILITY

A review of the 2005 ABA report shows that problems persist with regard to meeting several Standards: Visitation by attorneys, Telephone Access, Access to Legal Material, Correspondence, the Detainee Handbook, and the Special Management Unit:

With regard to Visitation, the Handbook provision that attorneys are not permitted to visit during meal time has not been changed. For Telephone Access, telephone calls are still limited to fifteen minutes; the phones where detainees make outgoing calls are still located in public dayrooms with no privacy safeguards; all phone conversations made on outgoing phones (except calls made to consulates using the pro bono hotline) may still be monitored and recorded; and non-emergency telephone messages are still not accepted.

Detainees are still prohibited from assisting other detainees with researching or preparing legal documents.

The DCDF handbook still does not contain information regarding special correspondence. The handbook also still does not include information about a detainee's right to protection from abuse or discrimination.

Finally, the 2007 report indicates that there are now beds in *some* of the SMU rooms, but not in all of them.

IV. LEGAL ACCESS STANDARDS

A. Visitation

1. Visitation by Attorneys

The Standards require facilities to permit legal visitation seven days per week. 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. The visits must be private and should not be interrupted for head counts. On business days, legal visitation may proceed through a scheduled meal period. Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular facility. The period of the standard of the

⁹ Defention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

¹⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.1.2.

¹¹ Detention Operations Manual, Defainee Services, Standard 17, Section III.19.

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

¹³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

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to permit visits from attorneys, other legal representatives, legal assistants, and interpreters. 14 Detainees in either administrative or disciplinary segregation shall be allowed legal visitation. 15

DCDF appears to meet this section of the Standards; however, the Handbook states that attorney visits are not permitted during mealtime. Attorneys may visit detainees seven days per week, and are also offered the option of telephone conferences with their clients. 16 The attorney must initiate these visits or telephone calls. 17 DCDF staff do not monitor the telephone calls. 18 On-site visits are visually monitored by camera, but there is no audio surveillance. 19 Attorneys are asked to present bar identification cards upon entering the facility. 20 Law students, interpreters, and medical examiners are allowed to enter with special permission that is granted on a case-by-case basis.21

The information given in the "DCDF Inmate Handbook and Jail Rules" (the "DCDF Inmate Handbook differs from the information that the Facility staff provided during the tour. 22 According to the Handbook, attorney visits are not permitted during mealtime and lockdown.23 However, the Facility staff explained that attorney-client visits may take place at any time of day, regardless of what else is going on in the Facility.24 According to the staff, the kitchen will provide a regular meal to the detainee should an attorney visit continue through a meal.²⁵ This is an apparent improvement, since the 2005 ABA delegation report indicates that visits during mealtimes and headcounts were discouraged by the staff. 26

(b)(6)

²¹ Notes of delegation member

on conversation with Supervisor on conversation with Supervisor

on conversation with Supervisor

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indicated that some key considerations in the case-by-case evaluation include detained classification level and segregation status.

(b)(6) 25 Notes of delegation member

on conversation with Supervisor

on conversation with Supervisor

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b6,b7c

¹⁴ Defention Operations Manual, Detainee Services, Standard 17, Section III.1.3.

¹⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.1.12,

¹⁶ Dodge County Detention Facility Immate Handbook and Jail Rules ("DCDF Inmate Handbook"), p. 3; notes of delegation member 66 on conversation with Supervisor 66.67c

¹⁷ Notes of delegation member

¹⁸ Notes of delegation member

¹⁹ Notes of delegation member

²⁰ Notes of delegation member

¹²² It should be noted that the DCDF Inmate Handbook is not specific to immigration detainees and therefore does not reflect any policies or procedures that the Facility may have implemented which are specific to detainees and different from those for the general inmate population.

²³ DCDF Inmate Handbook, pp. 3 & 16.

²⁴ Notes of delegation member

^{26 2005} ABA Report, part III A.1.

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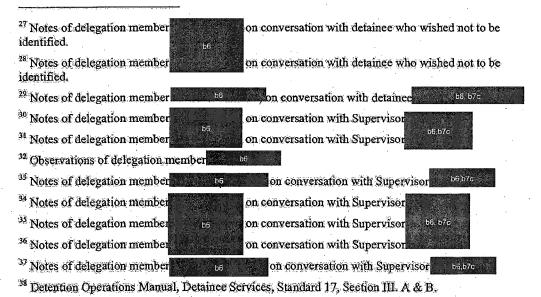
Two detainees were interviewed about their experiences with attorney visitation. One detainee indicated s/he met an attorney during an organizational presentation at the facility. Aside from that initial meeting, s/he has only been in contact with his/her attorney through telephone conversations initiated by the attorney. Detainee, the best of that while his attorney never visited him, he had no trouble speaking to his attorney over the telephone. 29

All of the Pods at the DCDF have attorney visitation booths.³⁰ All visits are non-contact, unless special circumstances warrant a contact visit.³¹ There is a Plexiglas divider between the detainee and the attorney, with a small lockable opening which allows for the exchange of documents:³² Detainees and attorneys can pass paper back and forth to each other in the attorney visitation booths; however, a guard's assistance is required to unlock the divider between them each time paper is transferred.³³ Detainees are normally subjected to a pat-down search after a legal visit.³⁴ Although strip searches are not routine, they are conducted if the facility staff has a reasonable suspicion that the detainee is concealing contraband.³⁵

Attorneys may call DCDF to determine whether a client is being housed at the Facility.³⁶ DCDF has the capability to search for detainees by name, although facility staff are not permitted to disclose information beyond whether the detainee is at the Facility.³⁷

2. Visitation by Family and Friends

The Standards require facilities to establish written visitation hours and procedures and make these available to the public. 38 This includes procedures for handling incoming money for detainees. 39 The visiting area is to be "appropriately furnished and . . . as comfortable and



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

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pleasant as practicable."⁴⁰ Visiting hours shall be set on Saturdays, Sundays, and holidays, and the *Standards* encourage facilities to accommodate visitors at other times when they are facing a particular hardship.⁴¹ Visits should be at least thirty minutes; longer when possible.⁴² If a facility does not provide for visits from minors, ICE should arrange for visits with children or stepchildren within the detainee's first thirty days at the facility, with continuing monthly visits.⁴³ Visits should be granted to detainees in both disciplinary and administrative segregation unless a detainee violates the visitation rules or threatens the security of the visitation room.⁴⁴ The *Standards* require facilities to have written procedures regarding incoming property and money for detainees.⁴⁵ Visitors may not give property or money directly to a detainee, but may leave money with a designated staff member for deposit in a detainee's account.⁴⁶ Visitors should receive a receipt for all money or property left at the facility.⁴⁷

DCDF meets this section of the Standards. The visitation schedule is clearly posted at the entrance to the Facility, ⁴⁸ is available over the telephone, ⁴⁹ and is posted on the DCDF website. ⁵⁰ Visiting hours are seven days per week, from 9 a.m. until 11 a.m., and again from 6 p.m. until 8 p.m. ⁵¹ However, visitation days are allocated according to the first letter of each detainee's last name such that each detainee may receive visitors two days per week during visiting hours; ⁵² The DCDF Inmate Handbook caps the number of visits to two per week, and one per day. ⁵³ DCDF generally confines visits to the aforementioned hours, but supervisors may adjust the schedule if a detainee's visitors face a particular hardship. ⁵⁴ Visits are typically

⁴⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

⁴¹ Detention Operations Manual, Detainee Services, Standard 17, Section HI.H. I.

⁴² Detention Operations Manual, Detainee Services, Standard 17, Section III H.1.

⁴³ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.

⁴⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5.

⁴⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

⁴⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.D.

⁴⁷ Detention Operations Manual, Detainee Services, Standard 17, Section HLD.

⁴⁸ Observation of delegation member 106

Notes of delegation member by on telephone call to Dodge County Detention Facility at (920) 386-3734.

⁵⁰ See http://www.co.dodge.wi.us/sheriff/detention.html.

⁵¹ DCDF Inmate Visiting Schedule; DCDF Inmate Handbook, p. 18.

DCDF Inmate Visiting Schedule; DCDF Inmate Handbook, p. 18; notes of delegation member on conversation with Supervisor 16,670

⁵³ DCDF Inmate Handbook, pp. 18-19.

⁵⁴ DCDF Inmate Handbook, pp. 18-19; notes of delegation member on conversation with Supervisor bobbs.

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limited to thirty minutes, but the time can be extended by up to an hour depending on prisoner behavior. 55. All visits are non-contact. 56

Depending on the reason for segregation and a detainee's behavior, a detainee in segregation may receive visitors. ⁵⁷ Supervisor stated that most inmates in administrative segregation status have visitation privileges unless they are in punitive segregation or are dangerous to visitors. ⁵⁸

Although the *Standards* do not cap the number of visitors, DCDF requires each detained to submit a list of twelve individuals in order to receive them as visitors.⁵⁹ The detainees may make periodic changes to their list.⁶⁰ Minors may be included on this list and may visit if accompanied by an adult or if the minor is the spouse or child of the visitor.⁶¹

Visitors may leave money for a detainee's commissary account or send money to the detainee through the mail. 62 Both the detainee and the individual providing the money will receive a receipt for the deposit. 63

The detainees we spoke with stated that they did not have any visits. 64

B. Telephone Access

1. General Requirements

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.⁶⁵ In order to meet this

⁵⁵ DCDF Inmate Handbook, p. 17; Detention Operations Manual, Detainee Services, Standard I, Section III.H.1; notes of delegation member 100 100 on conversation with Supervisor 65,67c Notes of delegation member on conversation with Supervisor .57 Notes of delegation member on conversation with Supervisor b6 58 Notes of delegation member on conversation with Supervisor 59 DCDF Inmate Handbook, p. 17; notes of delegation member on conversation with Supervisor bebre 60 DCDF Inmate Handbook, p. 17; notes of delegation member on conversation with Supervisor 65 b7c 61 DCDF Inmate Handbook, p. 17; notes of delegation member on conversation with Supervisor bear 62 Notes of delegation member on conversation with Supervisor 63 Notes of delegation member on conversation with Supervisor 64 Notes of delegation member on conversation with detainee who wished not to be identified, notes of delegation member on conversation with detainee be 67c

⁶³ Detention Operations Manual, Detainee Services, Standard 16, Sections I.& III.A.

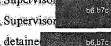
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requirement, facilities must provide at least one telephone for every twenty-five detainees. 66 The Standards also require that telephone access rules be provided in writing to each detainee upon admittance, and that the rules be posted where detainees may easily see them. 67

DCDF appears generally to meet this section of the Standards; however, one detainee reported he had not received a PIN that would enable him to make calls. Each housing unit has its own set of telephones. 68 The number of telephones varies per unit: for example, units A and B have one telephone each whereas unit D has four. 69 The telephones are accessible during open dayroom periods depending on the detainee's classification phase ranking. 70 Detaine 55, 57c indicated that he was aware of the telephone access policies because they are listed in the DCDF Inmate Handbook given to all detainees on arrival at the facility. 11 Beyond being limited to dayroom hours, telephone use is limited in two other ways: first, all phone calls are automatically disconnected after fifteen minutes; 72 second, an inmate may not make more than one consecutive call if others are waiting to use the telephone. 73 It is unclear whether staff inspect the telephones to ensure they are working properly, but inmates quickly inform staff when there is a problem. 74 Staff promptly report telephones that are out of order to Inmate Calling Solutions ("ICS"), the company that maintains the telephones. 75

For all calls except calls using the pro bono system (below), telephone service is provided by ICS. 76 Detainees may make collect calls or pay using a debit or credit card. 77 A personal identification number ("PIN") is required to place calls using ICS. 78 Detained 166576 who had been at the facility for several months, said that his PIN had never worked." Though he reported the problem to DCDF staff and had been told that he could get a

on conversation with Supervisor on conversation with Supervisor



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

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

⁶⁸ ICE detainees are spread across DCDP's different housing units. As of July 12, 2007, there were 169 ICE detainees out of 400 inmates total. Notes of delegation member 100 box on conversation with Supervisor b6,67c

⁶⁹ Notes of delegation member

⁷⁰ Notes of delegation member

⁷¹ Notes of delegation member

⁷² DCDF Inmate Handbook, p. 17. There is an exception, addressed below, for legal calls initiated by an attorney.

⁷³ DCDF Inmate Handbook, p. 17.

⁷⁴ Notes of delegation member

⁷⁵ Notes of delegation member

⁷⁶ Notes of delegation member

³⁷ Notes of delegation member 78 DCDF Inmate Handbook, p. 18.

⁷⁹ Notes of delegation member

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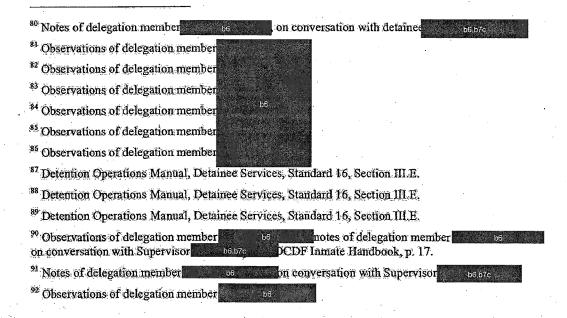
new PIN, DCDF never provided him with a new PIN, thereby leaving him unable to contact his family. 80

Telephone usage rules and instructions regarding use of the telephones are posted near the telephones in both English and Spanish. St. According to the instructions, there are ten steps required to place a call. Another sign, in both English and Spanish, warns detainees that calls may be monitored. The telephone numbers of consulates are posted by the telephones. The list of consulates was dated May 4, 2006. Also, the telephone number of the Mexican consulate was posted near the telephones in the intake area of the facility.

2. Direct Calls and Free Calls

The Standards allow facilities generally to restrict calls 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 family members in case of emergency. 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. 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." ⁸⁹

DCDF appears to meets this section of the Standards; however, a detainee reported calls to one pro bono legal services provider were not going through. Instructions on how to place pro bono calls are posted in English and Spanish near the dayroom telephones. However, the telephone system is not pre-programmed to make such calls. A detainee's alien registration number is required to place pro bono calls, and consequently, the delegation was unable to test whether the pro bono system was working. One detainee reported that calls to one



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organization on the list, the National Immigrant Justice Center ("NIJC"), were not going through, and thus the detainee was unable to contact NIJC using the pro bono system. 93

Public Communications Services ("PCS") provides pro bono service at DCDF. ⁹⁴
The ICE representative who visits DCDF tests the pro bono system at least once weekly. ⁹⁵ If the system is not working, which staff indicated is rare, the staff will make arrangements for detainees to place pro bono calls. ⁹⁶ ICE provides a calling card for such occasions, and the staff will take the detainee to a telephone in the intake area to place the call. ⁹⁷

3. Telephone Access to Legal Representatives

The Standards provide that the facility shall not restrict the number of calls a detainee places to his/her legal representatives, not limit the duration of such calls by automatic cutoff, unless necessary for security purposes or to maintain orderly and fair access to telephones. If time limits are necessary, they shall be no shorter than twenty minutes. The Standards require that the facility ensure privacy for detainees' telephone calls regarding legal matters, by providing telephones on which detainees can make calls without being overheard by officers, other staff, or other detainees. Telephone calls shall not be electronically monitored absent a court order. The standards require that the facility ensure privacy for detainees as the standards required that the facility ensure privacy for detainees to be received as the standards required that the facility ensure privacy for detainees as the standards required that the facility ensure privacy for detainees to be required to be

DCDF does not fully meet this section of the Standards: the telephones for making outgoing calls do not have privacy safeguards; all telephone calls made by detainees are automatically disconnected after fifteen minutes; 102 calls may be monitored; and one detainee reported his attorney's telephone number has been blocked. Detainees are not afforded privacy in their outgoing telephone calls because the telephones used by detainees

⁹³ Notes of delegation member on conversation with a detainee who chose to remain anonymous. 94 Notes of delegation member on conversation with Supervisor 95 Notes of delegation member on conversation with Supervisor b6, b7c % Notes of delegation member on conversation with Supervisor b6, b7c anecdotal evidence, detained aid that he had never had problems speaking with his attorney over the phone. Notes of delegation member on conversation with detainee Notes of delegation member 5 be on conversation with Supervisor 98 Detention Operations Manual, Detainee Services, Standard 16, Section III.F. Detention Operations Manual, Detainee Services, Standard 16, Section III.F. 100 Detention Operations Manual, Detainee Services, Standard 16, Section III.J. Detention Operations Manual, Detainee Services, Standard 16, Section III.J. 100 DCDF Inmate Handbook, p. 17. An exception to this rule is made for calls with legal counsel initiated by the aftorney—there is no limit to the length of these calls. Notes of delegation member on conversation with Superviso be, b7c

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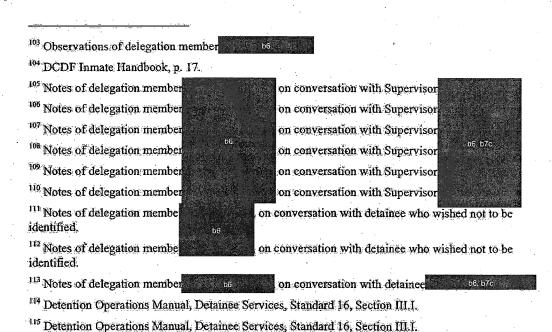
to make outgoing calls are all located in the public dayrooms with no privacy safeguards. All telephone conversations made on the outgoing telephones may be monitored or recorded. 104

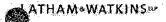
Detainees may speak privately with counsel if the attorney initiates the call. ¹⁰⁵ To do this, the attorney must call DCDF in advance to schedule a teleconference with the detainee. ¹⁰⁶ If an attorney calls in, he/she will be transferred to the Pod officer of the unit housing the detainee, and the officer will setup the teleconference. ¹⁰⁷ The teleconference will take place in a private visit room adjacent to one of the dayrooms. ¹⁰⁸ These calls are not monitored or recorded, and there is no restriction on their number or length. ¹⁰⁹ The only restriction in terms of timing, as with other calls, is that they must take place during dayroom hours. ¹¹⁰

One detainee stated that s/he had actually been unable to make outgoing telephone calls to his/her attorney because the attorney's telephone number had been blocked. [11] According to this detainee, there have been no issues dialing out to other telephone numbers. [112] Another detainee, there have been no issues dialing out to other telephone numbers over the telephone. [113]

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. ¹¹⁴ If the facility receives an emergency telephone call for a detainee, the Standards suggest that the facility obtain the caller's name and telephone number and permit the detainee to return the emergency call as soon as possible. ¹¹⁵





DCDF does not fully meet this section of the Standards; non-emergency messages are not taken. No non-emergency incoming telephone calls and messages are accepted at DCDF, ¹¹⁶ with the exception of the scheduled attorney teleconferences discussed above. There is a procedure for taking and delivering emergency telephone calls and messages. ¹¹⁷ Such calls are referred to the Shift Commander on a case-by-case basis. ¹¹⁸ However, Supervisor stated that because of abuse by people claiming an emergency when there was none, the staff are cautious about believing something to be an emergency. ¹¹⁹ In addition, detainees who need to contact family members in an emergency must complete a request explaining the situation in full. ¹²⁰

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. ¹²¹ These detainees 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. ¹²² Detainees in administrative segregation generally have the same telephone privileges as other detainees. ¹²³

DCDF appears to meets this section of the Standards. Detainees placed in punitive segregation continue to have access to telephones to call their attorneys. ¹²⁴ They may not, however, make personal calls. ¹²⁵ Detainees placed in administrative segregation have the same telephone privileges as detainees in the general facility population. ¹²⁶

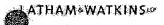
125 Notes of delegation member

126 Notes of delegation member

on conversation with Supervisor

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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." 127

1. Library Access

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. ¹²⁸ Each detainee shall be permitted to use the law library for a minimum of five hours per week. ¹²⁹ Detainees in disciplinary segregation will ordinarily have access to the law library, although a facility may choose to provide access upon request only, and access may be denied temporarily for violent or uncooperative detainees. ¹³⁰

DCDF does not appear to meet this section of the Standards; DCDF does not permit all detainees to use the law library. ¹³¹ Rather, library privileges depend on a detainee's classification. ¹³² If the detainee's classification prohibits use of the library, and if the detainee has a specific citation to a statute, then the detainee may submit a written request that the statute be copied for him or her. ¹³³ The Standards permit "access upon request only" at the facility's discretion, but this provision appears to mean that set hours are not required, not that a detainee must request specific materials in order to receive access to them—a procedure that would deny detainees the ability to do research. The DCDF Inmate Handbook indicates that use of the library will be limited by "inmate demand, facility schedule and safety/security guidelines." ¹³⁴

2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees' legal research and writing. ¹³⁵ 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." ¹³⁶

¹²⁷ Detention Operations Manual, Detainee Services, Standard 1, Section I.

¹²⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

¹²⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

¹³⁰ Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.

Observations of delegation member 66

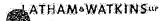
¹³² DCDF Inmate Handbook, p. 21.

¹³³ DCDF Inmate Handbook, p. 21.

¹³⁴ DCDF Inmate Handbook, p. 21.

¹³⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

Detention Operations Manual, Detainee Services, Standard I, Section III.A.



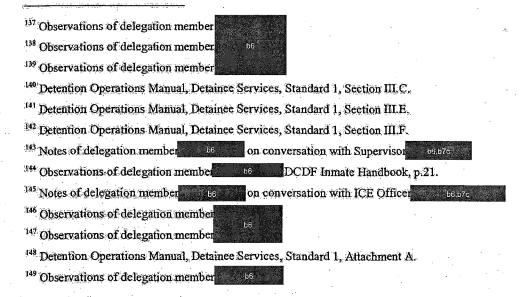
DCDF meets this section of the *Standards*. DCDF provides several law libraries, and each is well lit, has ample space, and is well-isolated from noise and foot traffic. ¹³⁷ Each library provides access to at least one computer, and each contains at least two other tables and chairs in addition to those housing the computers. ¹³⁸ Additionally, these libraries are located in enclosed rooms that are relatively free from distractions and noise. ¹³⁹

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. 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. Damaged or stolen materials must be promptly replaced. 142

DCDF does not fully meet this section of the Standards; DCDF provides its immigration detainees with access to legal materials on computer, but some of the required legal materials are unavailable. DCDF provides its immigration detainees with access to LoisLaw and LexisNexis. Has DCDF provides its immigration detainees with access to LoisLaw and LexisNexis. The LexisNexis database is updated every three to four months. DCDF provides the detainees access to a set of legal digests that were donated to DCDF, but these materials have not been updated to the current year. While LexisNexis and LoisLaw provide access to numerous legal materials, most of the secondary resources listed as required by Attachment A to the chapter on Access to Legal Materials are not available on LexisNexis or LoisLaw. The Standards state that facilities shall provide: Legal Research in a Nutshell; Directory of Nonprofit Agencies that Assist Persons in Immigration Matters; Legal Research & Writing; Rights of Prisoners; and Human Rights Watch-World Report. However, none of these sources is available on the computer with LexisNexis or LoisLaw or in hard copy.

4. Library Equipment and Supplies



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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. Staff must inspect at least weekly to ensure equipment is in working order and to stock sufficient supplies. In addition, indigent detainees must be provided free envelopes and stamps for legal mail. 152

DCDF appears to meet this section of the *Standards*. DCDF has one to two computers available in each of its law libraries. ¹⁵³ While writing instruments, paper, and office supplies are not stocked in the library, these materials are readily available to detainees who request them, and available for free to indigent detainees. ¹⁵⁴

5. Photocopies

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. ¹⁵⁵ Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his/her records. ¹⁵⁶ Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee. ¹⁵⁷

DCDF meets this section of the Standards. Detainees at DCDF may make copies, for ten cents apiece, of all "legal, professional, and religious documents." ¹⁵⁸

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. 159

DCDF does not meet this section of the *Standards*. Detainees are not allowed to assist other detainees with research, nor "conduct legal research for other inmates." 160

¹⁵⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III B.

¹⁵¹ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

¹⁵² Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

Observations of delegation member 56

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¹⁵⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

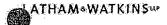
¹⁵⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹⁵⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

DCDF Inmate Handbook, p. 21; observations of delegation member

¹⁵⁹ Detention Operations Manual, Detainee Services, Standard I, Section III K.

¹⁶⁰ DCDF Inmate Handbook, p. 21.



7. Notice to Detainees

The Standards require that the detainee handbook provide detainees with the rules and procedures governing access to legal materials. ¹⁶¹

DCDF meets this section of the Standards. The DCDF Inmate Handbook specifies the rules for various law library-related procedures. These procedures include requesting time in the library, requesting a tutor to assist with LoisLaw research, and requesting to see a detainee's own "Legal Discovery." 162

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." ¹⁶³ Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation. ¹⁶⁴ While the presentations are open to all detainees, the facility "may limit the number of detainees at a single session." ¹⁶⁵ "The facility shall select and provide an environment conducive to the presentation, consistent with security." ¹⁶⁶ In addition, detainees shall have regular opportunities to view an "INS-approved videotaped presentation on legal rights." ¹⁶⁷

DCDF meets this section of the Standards. According to DCDF personnel, there are no restrictions on group rights presentations. ¹⁶⁸ The facility performs background and credentials checks on all speakers who give the presentations. ¹⁶⁹ DCDF officials informed us that nonprofit agencies schedule multiple presentations each year. ¹⁷⁰ Two weeks before a scheduled presentation, an announcement is made to make the detainees aware of the presentation. ¹⁷¹ Additionally, 8 ½ x11" informational posters are displayed in the housing units and other common areas. ¹⁷² The presentations take place in DCDF's multipurpose classrooms,

on conversation with Supervisor

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on conversation with Supervisor

Detention Operations Manual, Detainee Services, Standard 1, Section III.O.

¹⁶² DCDF Inmate Handbook, pp. 21-22.

¹⁶³ Detention Operations Manual, Detainee Services, Standard 9, Section I.

¹⁶⁴ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁶⁵ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹⁶⁶ Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹⁶⁷ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

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¹⁶⁹ Notes of delegation member

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which are conducive to the presentations since they are well-lighted, have seating available, and can accommodate at least twenty detainees at one time. The presentations are open to all detainees, including those in segregation, as long as segregated detainees do not pose a physical threat to other inmates. While the number of detainees at a single session may be limited, enough sessions are held such that all detainees interested in attending the presentation are able to attend. 175

The "Know Your Rights" video is aired on the televisions inside the facility every weekend. ¹⁷⁶ Prior to the airing of the video, an announcement is made, and every television in the facility is tuned into this video. ¹⁷⁷ DCDF has an English and a Spanish version of this video presentation, and both are shown (one each day of the weekend) every week. ¹⁷⁸

V. OTHER PROVISIONS OF THE ICE DETENTION STANDARDS

A. Correspondence and Other Mail

The Standards require that detainees be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility. The 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. Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently. Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied. The Outgoing special correspondence may not be opened, inspected, or read.

The detainee handbook must specify how to address correspondence, the definition of special correspondence and how it should be labeled, and the procedure for purchasing

Observations of delegation member on conversation with Supervisor on conversation with Supervisor

¹⁷⁹ Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹⁸⁰ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹⁸¹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.

¹⁸² Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹⁸⁵ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

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postage and rules for providing indigent detainees free postage. ¹⁸⁴ 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. ¹⁸⁵ Finally, the *Standards* require that facilities notify detainees of specific information regarding correspondence policies. ¹⁸⁶

DCDF does not fully meet this section of the Standards; the handbook lacks information regarding special correspondence and free materials for immigration detainees. Mail travels in and out of DCDF on all days except Saturday and Sunday. ¹⁸⁷ Incoming mail is distributed to detainees on the day it arrives. ¹⁸⁸ Outgoing mail is collected by Pod officers during the day and goes out the following morning. ¹⁸⁹

Incoming packages must have an inventory list written on their exterior or they will be returned to sender. ¹⁹⁰ Incoming mail of all kinds is generally opened to check for contraband. ¹⁹¹ In addition, all legal mail will be opened in the detainee's presence. ¹⁹² Inspections of mail vary from simple visual inspections to reading a letter for content that may be of concern with regard to the safety and security of the facility. ¹⁹³ DCDF keeps a written record of all items removed from detainee mail, and any such items are kept in the locker that contains the detainee's other property. ¹⁹⁴ Identity documents such as passports and birth certificates are

on conversation with Deputy Jail Administrator

¹⁹⁴ Notes of delegation member

¹⁸⁴ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B. 185 Detention Operations Manual, Detainee Services, Standard 3, Section III.I, and Standard 1, Section III.N. 186 Detention Operations Manual, Detainee Services, Standard 3, Section III.B. 187 Mail does not travel on Saturdays because DCDF mail goes through a central sorting facility that is closed on the weekends. Notes of delegation member the second on conversation with Deputy Jail Administrator 66,676 188 Notes of delegation member on conversation with Office b6 b7c 189 If mail is written early enough in the morning, it will go out the same day. Notes of delegation member on conversation with Office bb. b7c and DCDF Inmate Handbook, p. 12. b6 on conversation with Deputy Jail Administrator 190 Notes of delegation member Notes of delegation member of the conversation with Deputy Jail Administrator of, b7c. and DCDF Immate Handbook, p. 12. ¹⁹² DCDF Inmate Handbook, p. 13. 193 DCDF Inmate Handbook, p. 13.

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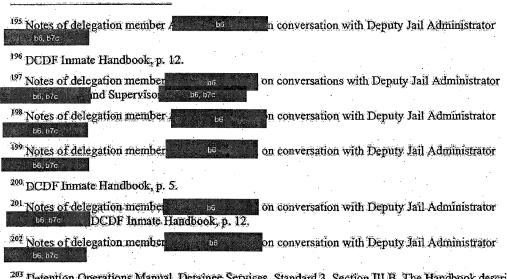
also kept in the detainee's locker. 195 Finally, outgoing mail will be opened and returned to the detainee if it does not have a return address. 196

DCDF provides free stamps, envelopes, writing paper, and pencils to indigent detainees for mailing legal materials. ¹⁹⁷ The envelopes and paper are stamped "ICE Legal" to ensure they are used for legal mail, not personal mail. ¹⁹⁸ There is no limit on the number of such legal envelopes that a detainee may send out. ¹⁹⁹ Indigent detainees may also request stamps, envelopes, paper, and pencils for non-legal mail using an indigent commissary form. ²⁰⁰ In addition, detainees may purchase stamps through the commissary. ²⁰¹ There are no limits on mail sent or received at the detainee's expense. ²⁰²

DCDF gives all detainees a copy of the DCDF Inmate Handbook. The Handbook describes how a detainee must address mail generally, but it does not provide "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," nor does it specifically describe the procedure for obtaining free mailing materials. ²⁰³

B. Detainee Handbook

The Standards require that every facility develop a site-specific handbook for its immigration detainees to serve as an overview of, and guide to, the detention policies, rules, and procedures in effect at the facility. The handbook should describe the "services; programs, and opportunities available through various sources, including the facility, [ICE], private



²⁰³ Detention Operations Manual, Detainee Services, Standard 3, Section III B. The Handbook describes generally how an indigent detainee requests free items from the commissary. DCDF Inmate Handbook, p. 5.

²⁰⁴ Detention Operations Manual, Detainee Services, Standard 6, Section I.

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organizations, etc. 2005 Every detainee in the facility is to receive a copy of the handbook upon admittance.²⁰⁶ The handbook must also be available in Spanish and if appropriate translated into the next most-prevalent language(s) among the facility's detainees. 207 The Standards require that the handbook briefly describe individual programs and services and associated rules. 208 The handbook also must specify the rules, regulations, policies, and procedures with which every detainee must comply, 209 and should detail detainee rights and responsibilities along with a list and classification of prohibited actions/behavior and their corresponding disciplinary procedures and sanctions. 210 The handbook must notify detainees of the right to protection from abuse, harassment, and discrimination. 211 The handbook must also state that detainees have the opportunity to submit written questions and concerns to ICE staff, and provide the procedures for doing so. 212 Finally, the handbook must include grievance appeals and procedures.

The DCDF Inmate Handbook does not fully meet the Standards: it lacks. information specific to ICE detainees. At intake, the detainees are given a copy of the "Dodge County Detention Facility Inmate Handbook and Jail Rules," available in either English or Spanish. 214 This Handbook is "site-specific," and it provides an overview of the policies, rules, and procedures generally in effect at the Facility. 215 However, the Handbook fails to explain and adequately describe the policies, rules, services, programs, and rights available to immigration detainees under the Standards. It does not include information on a detainee's right to be free from abuse or discrimination; does not explain how special correspondence should be handled; and does not include information on communicating with ICE staff.

C. Recreation

The Standards require that all detainees have access to recreational programs and activities, under conditions of security and safety. 216 Detainees should be housed in facilities

²⁰⁵ Detention Operations Manual, Detainee Services, Standard 6, Section I.

²⁰⁶ Detention Operations Manual, Detainee Services, Standard 6, Section I.

²⁰⁷ Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

²⁰⁸ Detention Operations Manual, Detainee Services, Standard 6, Section III.B.

²⁰⁹ Detention Operations Manual, Detainee Services, Standard 6, Section III.C.

²¹⁰ Detention Operations Manual, Detainee Services, Standard 6, Section III.D.

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

²¹² Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

²¹³ Detention Operations Manual, Detainee Services, Standard 6, Section III.D.

²¹⁴ Notes of delegation member b6 n conversation with Supervisor 66, b7c DCDF Inmate Handbook; "Centro De Detencion Del Condado De Dodge Manual Para El Interno Con El Reglamento Del Precidio."

²¹⁵ DCDF Inmate Handbook.

²¹⁶ Detention Operations Manual, Detainee Services, Standard 13, Section I.

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with outdoor recreation. 217 If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light. 218 Detainees should have access to "fixed and movable equipment," including opportunities for cardiovascular exercise, and games and television in dayrooms. 219 Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges. 220

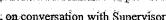
DCDF does not fully meet this section of the Standards; no fixed or movable equipment is available. DCDF has two types of indoor recreation rooms, and some outdoor recreation is provided.²²¹ ICB suggests that detainees be eligible for transfer after 180 days at a facility without outdoor recreation.²²² In accordance with this policy, DCDF notifies ICE after it has housed a detainee for 165 days in order to allow the detainee to relocate if he/she so chooses. 22.

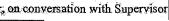
One of the indoor recreation rooms has no exposure to natural sunlight. 224 Although there is a basketball backboard, detainees are only permitted to play handball. 225 DCDF staff members explained that too many detainees were injured playing basketball, and that handball seems to be a safer sport. 226 There is no set schedule for use of this recreation room, but detainees may generally use it (depending on their classification, how much time they want in the room, and how many other inmates also want to use the room) between 7:30 a.m. and 11:30 a.m., 12:30 p.m. and 4:30 p.m., and 6:00 p.m. and 9:00 p.m. ²²⁷ Detainees, again depending on their classification, can spend forty-five minutes per day outside for recreation. 228

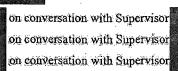
The second type of recreation room is a dayroom, where detainees can watch television and play board games. 229 Neither room provides equipment for muscular or

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²¹⁷ Detention Operations Manual, Detainee Services, Standard 13, Section III.A, which also provides that "all new or renegotiated contracts and IGSAs will stipulate that INS detainees have access to an outdoor recreation area.

²¹⁸ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

²¹⁹ Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

²²⁰ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

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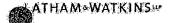
²²⁶ Notes of delegation member

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²²⁸ Notes of delegation member

on conversation with Supervisor



cardiovascular exercise; officials indicated that this is because detainees are prone to breaking whatever equipment has been placed in the recreation rooms. ²³⁰

D. Access to Medical Care

The Standards require that all detainees have access to medical services that promote detainee health and general well-being. 231 Every facility must provide an initial health screening, and provide a physical exam within fourteen days of a detainee's arrival at the facility. 232 Each facility is required to have regularly scheduled times, known as sick call, during which medical personnel are available to see detainees who have requested medical services. 233 For a facility with between 50 and 200 detainees, like DCDF, there must be sick call at least three days per week. 234 Facilities must also have procedures in place to provide emergency medical care for detainees who require it. 235 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. 236 If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is require to notify the OIC in writing. 237

DCDF substantially meets this portion of the Standards; however, detainees do not receive a physical exam within fourteen days of their arrival. Detainees are not physically examined within fourteen days of their initial processing, as required by the Standards. DCDF screens detainees for medical issues upon their initial processing. Each detainee is questioned regarding prior health history, current health, medical history, mental health, suicide risk, drug and/or alcohol dependence, TB, dental health, and STD/communicable diseases. If flags are raised, the individual is referred to medical for attention. Those who are initially flagged as having some mental health issue, including suicidal tendencies, may be

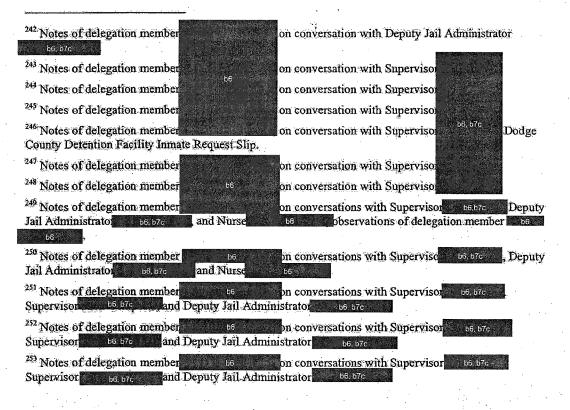
²³⁰ Notes of delegation member Office b5,670	on conversation with Supervisor 65,670 and ICE
²³¹ Detention Operations Manual, Health Service	s, Standard 2, Section I.
²⁵² Detention Operations Manual, Health Service	s, Standard 2, Section III.D.
²³³ Detention Operations Manual, Health Service	s, Standard 2, Section III.F.
234 Detention Operations Manual, Health Service	s, Standard 2, Section I.
233 Detention Operations Manual, Health Service	s, Standard 2, Section H.A, D, and G.
²³⁶ Detention Operations Manual, Health Service	s, Standard 2, Section III.H.
237 Detention Operations Manual, Health Service	s, Standard 2, Section III.J.
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²⁴⁰ Notes of delegation member County Detention Facility Medical Receiving So	on conversation with Nurse 1 06 Dodge reening Form.
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kept separately and monitored closely by the staff.²⁴² All detainees receive medical care, and DCDF holds a sick call at least three days per week.²⁴³ The sick calls generally involve a nurse or other medical staff member visiting each Pod to address any of the detainees' health-related concerns.²⁴⁴ To the extent there are language barriers, DCDF uses other detainees or inmates, usually fluent in Spanish, to assist in treatment.²⁴⁵

The medical staff provides health services slips (an "Immate Request Slip") to the detainees upon request, in both English and Spanish. These slips are processed by Pod officers at the time they are submitted. DCDF has also made arrangements with a local hospital and service providers for specialized care, such as mental health services. Emergency care is available twenty-four hours per day, including emergency services on-call when no medical personnel are on duty. Officers are available at all times to respond to medical emergencies, and each Pod officer's station is equipped with a first-aid kit. In the case of an emergency, officers first visually evaluate the detainee, then call a dispatcher to request emergency medical services, if necessary. Officers are trained to respond to medical emergencies within four minutes.

DCDF has special emergency procedures to deal with detainees with suicidal tendencies. If a detainee is deemed a suicide risk, he or she is placed in a special observation room, where he or she is observed every fifteen minutes.²⁵³ The observation room and clothes worn by suicidal detainees are designed to ensure nothing in the observation room or the



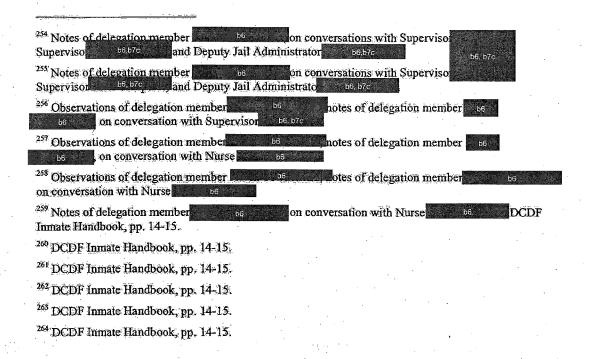
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detainees' clothes can be used to assist in suicide attempts.²⁵⁴ Officers are, moreover, trained to recognize suicidal behavior and understand appropriate preventative techniques.²⁵⁵

The medical services facility at DCDF is a restricted-access facility off the Facility's major hallway. The medical personnel staffing the facility is quite large, and the staff and space are more than sufficient to treat all the detainees. Detainees' medical records are kept in a locked room just off the medical facility's reception area, separate and apart from detainees' custody records. Detainees' medicalions are stored on-site in the medical facility, and are distributed as ordered by the medical staff. Prescription medications must be approved by the medical staff before they are distributed and must be in prescription bottles with the detainee's name. Non-prescription medications are available through the inmate commissary and are limited in the dosage inmates are able to request. Detainees have about ten minutes after their cell doors are opened in the morning to request medications and must request over-the-counter (i.e., non-prescription) medication to the Pod Officer on duty prior to the nurse's arrival in the Pod for medication distribution. If medication is missed due to a detainee's absence from the Pod, arrangements are made for that detainee to receive his/her medication. All medication must be taken in front of the staff administering it, and the detainee must show that the medication has been swallowed by showing an empty mouth.

E. Access to Dental Care

The Standards require that detainees have an initial dental screening exam within fourteen days of the detainee's arrival, and require the facility to provide emergency dental



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treatment and repair of prosthetic appliances. 265 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.

The DCDF does not meet this section of the Standards; there is no initial dental screening. There is no on-site dentist at the Facility, and no initial screening of detainees as required by the Standards. 267 If dental care is needed, the facility has a contract with a local dentist, Dr. in Hustisford, WI, who provides the necessary care at his office or at the facility. 268 Care is often delayed one to two days, however, until approval for any procedure is obtained via facsimile.269

F. **Hunger Strikes**

The Standards require that all facilities follow accepted standards of care in the medical and administrative management of hunger-striking detainees. 270 Facilities must do everything within their means to monitor and protect the health and welfare of the hunger-striking detainee and must make every effort to obtain the hunger striker's informed consent for treatment, 271 In IGSA facilities, the "OIC of the facility shall notify IICEI that a detainee is refusing treatment. Under no circumstances are IGSA facilities to administer forced medical treatment unless granted permission from [ICE]."272

DCDF appears to meet this section of the Standards. If a detainee has refused food for 72 hours, the standard practice is for the OIC, or a Pod officer, to refer the detainee to the medical department. 273 According to the facility's written policies and procedures, an officer must check a hunger striker's vital signs once every thirty minutes. 274 Officers provide hunger strikers three meals each day and maintain the hunger striker's supply of water and beverages.

²⁶⁵ Detention Operations Manual, Health Services, Standard 2, Section III.E.

²⁶⁶ Detention Operations Manual, Health Services, Standard 2, Section III.E.

²⁶⁷ Notes of delegation member on conversation with Supervisor b6. b7c ²⁶⁸ Notes of delegation member on conversation with Nurse ²⁶⁹ Notes of delegation member on conversation with Nurse

²⁷⁰ Detention Operations Manual, Health Services, Standard 1, Section I.

²⁷¹ Detention Operations Manual, Health Services, Standard I. Section I.

²⁷² Detention Operations Manual, Health Services, Standard 1, Section III.D.

²⁷³ Notes of delegation member on conversation with Deputy Jail Administrator b6, b7c 274 Notes of delegation member on conversation with Deputy Jail Administrator b6, b7c ²⁷⁵ Notes of delegation membe on conversation with Deputy Jail Administrator

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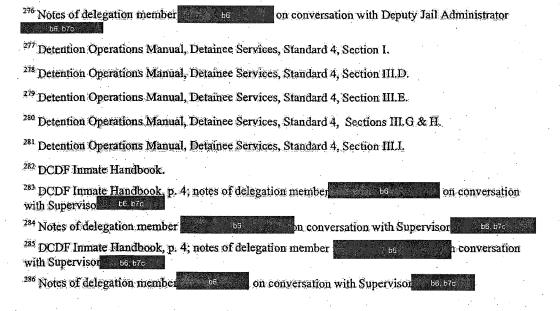
Facility personnel note that hunger strikes most often occur because detainees believe that such strikes will result in their release or transfer.²⁷⁶

G. Detainee Classification System

The Standards require that detention facilities use a classification system and physically separate detainees into different categories. 277 A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc. 278 New arrivals are generally classified by convictions in order to separate detainees with no or minimal criminal records from inmates with serious criminal records. 279 All facility classification systems shall allow classification levels to be redetermined and include procedures by which new arrivals can appeal their classification levels. Pinally, 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." 281

DCDF substantially meets this section of the Standards; however, the Inmate Handbook does not explain the classification levels and the conditions and restrictions associated with each. ²⁸² All detainees and immates are classified when they first arrive at the Facility as "Intake High" or "Intake Low." ²⁸³ "Intake High" immates are those with a history of violence, and "Intake Low" immates are those without an established history of violence. Within the first seventy-two hours, further classification occurs to determine where the individual will be housed. ²⁸⁵

DCDF uses a "Phase" classification system. 286 This system applies to all immates, and uses three Phases for classification. Each Phase corresponds to a level of privilege



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provided to a detainee/immate in the Facility. 288 Phase One is this most restrictive and least-privileged classification, and Phase Three is the least restrictive and most privileged classification. 289 The Phase assigned to a detainee is based initially on the immate's history prior to arrival at DCDF, including "criminal history, current charges, and any known history of discipline problems during prior incarceration." 290 Immates may be reclassified based on their behavior while at DCDF, changes in the charges against them, and/or an "immate request at the discretion of the Program Specialist." There is no commingling of Phase One and Phase Three immates, but Phase Two immates may be intermingled with either Phase One or Phase Three immates. 292 This separation of Phase One and Phase Three immates are not housed with the most violent immates. 293 Immigration detainees are housed with criminal immates, so no classificatory distinction is made between these two types of immates. 294

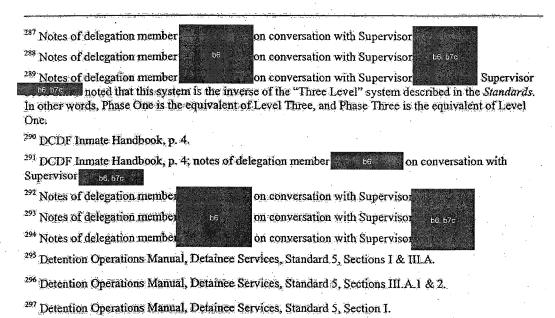
H. Detainee Grievance Procedures

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.²⁹⁵

Translating assistance for both formal and informal grievances must be provided upon request.²⁹⁶

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." All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals. ²⁹⁸ Further, the Standards



²⁹⁸ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

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require detainee handbooks to provide an explanation of the grievance procedures, including (1) the procedures for appealing decisions to ICE and (2) the opportunity to file a complaint about officer misconduct directly with the Justice Department (including the phone number and address). ²⁹⁹

The DCDF Inmate Handbook provides that immates "must first attempt to settle any dispute or complaint on an informal basis with DCDF Staff." Thus, according to the Handbook, only after the dispute cannot be resolved on an informal basis may an immate request a grievance form from the staff. However, the Standards state that a detainee should be able to bypass or terminate the informal process and proceed immediately to the formal grievance stage. The Handbook does not provide notice of the availability of assistance in preparing a grievance, although Supervisor informed us that assistance would be provided if necessary. However, detainees may not rely on their peers for assistance, as the Handbook states that "[g]roup grievances or grievances submitted on the behalf of other inmates will not be accepted."

²⁹⁹ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

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DCDF Inmate Grievance Form, notes of delegation member on conversation with Supervisor 56,670

Notes of delegation member on conversation with Supervisor

³⁰³ Notes of delegation members on conversation with Superviso

³⁰⁴ DCDF Inmate Handbook, p. 9.

³⁰⁵ DCDF Inmate Handbook, p. 9 (emphasis added).

³⁰⁶ DCDF Inmate Handbook, p. 9.

³⁰⁷ Detention Operations Manual, Detainee Services, Standard 5, Section III.A.1.

Notes of delegation member bb on conversation with Supervisor b5 b7c

³⁰⁹ DCDF Inmate Handbook, p. 9.

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The Handbook explains the procedures for resolving a grievance and the levels of appeal. The Handbook states that the grievance process is "available to express complaints without the fear of reprisal or punitive disciplinary action."

The detainees whom we interviewed had never filed a grievance or attempted to file a grievance.³¹²

I. Disciplinary Policy

The Standards state that facility authorities "will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures" in order "to provide a safe and orderly living environment." Each facility holding ICE detainees must have a detainee disciplinary system which has "progressive levels of reviews, appeals, procedures, and documentation procedures." The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory. The disciplinary action taken must not be capricious or retaliatory.

The following sanctions may not be imposed: "corporal punishment; deviations from normal food services; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; or deprivation of physical exercise unless such activity creates an unsafe condition." Officers who witness a prohibited act must prepare and submit an incident report. The Standards provide that all incident reports filed by officers must be investigated within twenty-four hours of the incident. 318

The detainee handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals. 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. 320

³¹⁰ DCDF Inmate Handbook, p. 9.

³¹¹ DCDF Inmate Handbook, p. 9.

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

³¹⁴ Detention Operations Manual, Security and Control, Standard 5, Section III. A.1.

³¹⁵ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.1 and III.A.2.

³¹⁶ Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

³¹⁷ Detention Operations Manual, Security and Control, Standard 5, Section III.B.

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

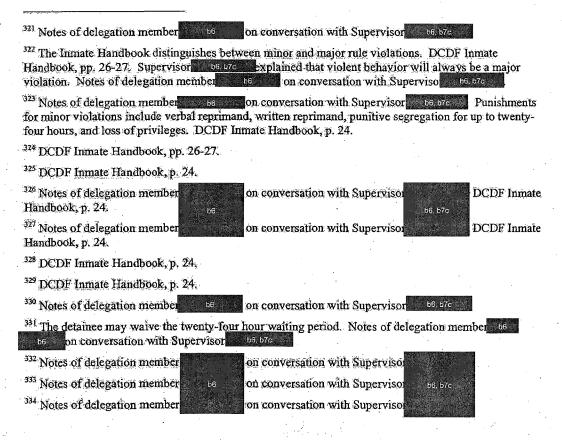
³¹⁹ Detention Operations Manual, Security and Control, Standard 5, Section III.L.

³²⁰ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

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BCDF substantially meets this section of the Standards; however, the Inmate Handbook does not inform detainees of their right to protection from abuse and harassment, or their right to freedom from discrimination. When a rule violation occurs, a written report is filed. 321 If the violation is considered minor, 322 then an officer will talk with the detainee and come up with a punishment based on the minor violation. For minor violations, such as use of profanity, failure to follow cleaning procedures, or abuse of jail-issued items, 324 the resulting punishment will likely be a verbal or written reprimand, 325 twenty-four hours or less in punitive segregation, 326 or the loss of privileges. 327 For major violations, such as unauthorized organized activity, assault on staff or immate, or failure to take medication at issue, 328 the resulting punishment will likely be "loss of good time for up to 2 days per violation," up to ten days in segregation per violation, over twenty-four hours confinement in the detainee's cell, or restrictions on or loss of privileges for over twenty-four hours. 329

Supervisor outlined the due process procedure for a major rule violation. When a major rule violation occurs, the reporting officer first notifies the Shift Supervisor of the violation. Within twenty-four hours, 331 the detainee can have a hearing, which is conducted by four corrections officers, who are "program specialists." The decision resulting from the hearing can be appealed three times. First, the detainee can appeal to a supervisor. The Handbook specifies that the supervisor must render a decision within five



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days of receiving the appeal.³³⁵ If the detainee is not satisfied with the Supervisor's decision, then he or she can appeal the decision to the Deputy Jail Administrator.³³⁶

The DCDF Inmate Handbook notifies detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the appeal procedure of disciplinary findings. ³³⁷ In addition, the Handbook notifies detainees of the facility's rules of conduct and the sanctions imposed for the violation of these rules. ³³⁸ However, the Handbook does not advise the detainees of their "right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment" or their "right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs."³³⁹

J. Special Management Unit

The Standards suggest that each facility establish a Special Management Unit ("SMU") that will isolate certain detainees (those that pose a threat to life, property, self, staff, or other detainees) from the general population. The Standards for Administrative Segregation and the Standards for Disciplinary Segregation differ somewhat from one another, but both provide for legal access and other protections. A detainee may be placed in disciplinary segregation only by order of the Institutional Disciplinary Committee, after a hearing in which the detainee has been found to have committed a prohibited act. The disciplinary committee may order placement in disciplinary segregation only when alternative dispositions would inadequately regulate the detainee's behavior.

All cells in the SMU must be well ventilated, appropriately heated, and sanitary, and must be equipped with beds.³⁴³ Segregated detainees shall have the opportunity to maintain a normal level of personal hygiene.³⁴⁴ Recreation shall be provided to detainees in segregation in accordance with the "Recreation" standard.³⁴⁵ Access to the law library shall generally be

⁹³⁵ DCDF Inmate Handbook, p. 25.

Notes of delegation member be on conversation with Supervisor be, 676

³³⁷ DCDF Inmate Handbook, pp. 24-27.

³³⁸ DCDF Inmate Handbook, pp. 24-27.

Detention Operations Manual, Security and Control, Standard 5, Sections III.A.5.a and III.A.5.b.

³⁴⁰ Detention Operations Manual, Security and Control, Standard 14, Section I.

³⁴ Detention Operations Manual, Security and Control, Standard 14, Section III.A.3.

⁵⁴² Detention Operations Manual, Security and Control, Standard 14, Section III.A.

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

³⁴⁴ Defention Operations Manual, Security and Control, Standard 14, Section III.D.11.

³⁴⁵ Detention Operations Manual, Security and Control, Standard 13, Section III.D.8, and Standard 14, Section III.D.13.

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granted to detainees in segregation.³⁴⁶ Detainees generally retain visiting privileges while in disciplinary segregation, and may not be denied legal visitation.³⁴⁷

Detainees in administrative segregation generally have the same telephone privileges as other detainees, 348 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. 349 Detainees in disciplinary segregation will ordinarily have access to the law library, although a facility may choose to provide access upon request only, and access may be denied temporarily for violent or uncooperative detainees. 350 Detainees in segregation shall have the same correspondence privileges as detainees in the general population. 351

DCDF does not fully meet this section of the Standards; there are no beds in some of the SMU; detainees in punitive segregation do not have access to the law library; and detainees in punitive segregation do not have access fo recreation. The disciplinary process at DCDF provides for minor (e.g. profanity, running) and major (e.g. fighting, contraband) rule violations. Minor rule violations may result in up to twenty-four hours of punitive segregation, while major violations may result in up to ten days of punitive segregation. The disciplinary process are notified within twenty-four hours of their hearing. Detainees are allowed witnesses and may request assistance from staff in understanding the violations and the hearing process. Appeals are allowed in written form within twenty-four hours of receiving the hearing officer's decision. Further appeals may be made with the ultimate decision coming from the Jail Administrator. The disciplinary is processed to the law library; and detained in written form within twenty-four hours of receiving the hearing officer's decision. The disciplinary is processed to the law library; and detained in written form within twenty-four hours of receiving the hearing officer's decision. The disciplinary is processed to the law library; and detained in the law library.

³⁴⁶ Detention Operations Manual, Security and Control, Standard 13, Section III.D.18, and Standard 14, Section III.D.15,e.

³⁴⁷ Detention Operations Manual, Security and Control, Standard 13, Sections III.D.13 and III.D.14, and Standard 14, Section III.D.17.

³⁴⁸ Detention Operations Manual, Security and Control, Standard 13, Section HI.D.16.

³⁴⁹ Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

³⁵⁰ Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.

³⁵¹ Detention Operations Manual, Security and Control, Standard 13, Section III.D.20, and Standard 14, Section III.D.18.

³⁵² DCDF Inmate Handbook, p. 24.

³⁵³ DCDF Inmate Handbook, p. 24.

³⁵⁴ DCDF Inmate Handbook, pp. 24-25.

³⁵⁵ DCDF Inmate Handbook, pp. 24-25.

³⁵⁶ DCDF Inmate Handbook, p. 25.

³⁵⁷ DCDF Inmate Handbook, p. 25.

Detainees in punitive segregation are only allowed: hygiene materials, reading materials, writing materials, visits with clergy/counsel/attorneys, and jail-issued property (e.g. linens, uniform). 358 Punitively segregated detainees are also allowed to receive and send mail. 359

Detainees in punitive segregation are denied recreational privileges and personal visits. 360 Detainees in punitive segregation are allowed access to their own legal materials but are denied access to the law library. 361 If punitively segregated detainees wish to have access to law library materials, they may fill out a request form which is generally processed the same day it is submitted. 362 This form, however, will not allow the detainee to have access to the LexisNexis or other online legal materials. 363 If detainees in punitive segregation wish to have access to religious materials (e.g., Bible, Koran, prayer mat), they need to go through an approval process. 364 There are beds in some of the SMU rooms, but are not in others. 365 Further, not all SMU rooms contain restrooms. 360

K. 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."367 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. 368 Unannounced visits to the facility's housing areas must be conducted on a regular basis. 369 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. 320 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

on conversation with Supervisor

³⁵⁸ DCDF Inmate Handbook, p. 25.

³⁵⁹ DCDF Inmate Handbook, p. 25.

³⁶⁰ Notes of delegation member

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³⁶² Notes of delegation member

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³⁶⁶ Notes of delegation member

³⁶⁷ Detention Operations Manual, Detainee Services, Standard 15, Section I.

³⁶⁸ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

³⁶⁹ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.1.

³⁷⁰ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

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delay."371 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." 372

DCDF appears to meet this section of the Standards. Though the facility does not have a permanent, continuous ICE presence, an ICE officer visits DCDF once weekly. 173 A sign is posted in each Pod generally announcing that an ICE officer will visit. 374 However, because the schedule changes and the specific day that the officer will be there is not posted, detainees do not know what day the officer will visit. 375

For detainees who wish to contact ICE staff members, DCDF provides Detainee Request Forms. 376 DCDF officers do not read or alter the forms when they collect them 377 except that they assign each form a control number. 378 Forms are collected during the day, logged in a computer, and faxed a dozen at a time at the end of the day. ³⁷⁹ Thus, ICE generally gets the request on the same day that the detainee filled out the form. ³⁸⁰ When ICE responds to the detainee's request, that too is acknowledged on the log. 381

L 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. 382 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

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

³⁷² Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

on conversation with ICE Officer

³⁷³ Notes of delegation member ³⁷⁴ Notes of delegation member on conversation with ICE Officer

³⁷⁵ Notes of delegation member on conversation with ICE Officer

³⁷⁶ Notes of delegation member on conversation with ICE Officer copy of the Detainee Request Form is attached to the report.

³⁷⁷ Notes of delegation member

³⁷⁸ Notes of delegation member

³⁷⁹ Notes of delegation member

³⁸⁰ Notes of delegation member ¹⁸¹ Notes of delegation member

³⁸² Detention Operations Manual, Religious Practices, Standard 14, Section I.

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by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice." ³⁸³

DCDF appears to meet this section of the Standards; facility staff stated they make religious accommodations, although the variety of available services is limited. It is unclear whether DCDF is providing "reasonable and equitable opportunities [for detainees] to participate in the practices of their respective faiths." DCDF provides Christian services, as well as access to the Bible. Moreover, Muslim groups occasionally visit the facility to hold services in DCDF's classroom area. Supervisor occur relatively infrequently due to a lack of available resources in the surrounding areas and expressed that DCDF wished to provide a broader range of religious services. The Christian services provided are held in the recreation room and are broadcast to the Pods via closed-circuit television. Detainees are permitted to maintain their religious objects and materials in their possession, limited by the amount of storage space available to them. Detainees in punitive segregation who wish to gain access to their religious materials must file a formal request.

M. 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." Participation must be voluntary, and detainees may not work more than eight hours per day, and forty hours per week. 392

DCDF meets this section of the Standards. Detainees are provided an opportunity to work in the facility should they choose to do so. ³⁹³ Unlike the criminal inmates, however, they may not work outside of DCDF. ³⁹⁴ Detainees may work in the laundry room, kitchen, or Pods, or serve as an interpreter, barber, or tutor. ³⁹⁵ Eligibility may depend on a detainee's.

³⁸³ Detention Operations Manual, Religious Practices, Standard 14, Section I. 384 Detention Operations Manual, Detainee Services, Standard 14, Section I. 385 Notes of delegation member on conversation with Supervisor 386 Notes of delegation member on conversation with Supervisor 66,670 387 Notes of delegation member on conversation with Supervisor 388 Notes of delegation member on conversation with Supervisor 66, b7c Notes of delegation member on conversation with Supervisor 390 Notes of delegation member on conversation with Supervisor ³⁹¹ Detention Operations Manual, Detainee Services, Standard 37, Sections I and III.A. 392 Detention Operations Manual, Detainee Services, Standard 37, Sections III.A and III.H.

DCDF Inmate Handbook, p. 20.
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³⁹⁵ DCDF Inmate Handbook, p. 20.

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classification.³⁹⁶ The Programs Department maintains a written record of work assignments and classification levels.³⁹⁷ Detainees are compensated for their work at a rate of \$2.50/day and are eligible for a monthly bonus of \$5.00.³⁹⁸ Detainees may work for a maximum of 8 hours/day and 40 hours/week.³⁹⁹

VI. CONCLUSION

The Dodge County Detention Facility fails to meet a number of sections of the Standards.

A. Visitation

DCDF's should inform detainees of their ability to make special arrangements when DCDF's visitation rules pose a hardship for family members.

B. Telephone Access

DCDF should ensure that detainees can place free, direct calls to pro bono legal service providers and others. Moreover, DCDF should ensure all detainees are able to call their attorneys, should not limit legal phone calls unless necessary, and, if such calls must be limited, DCDF should not cut off legal phone calls before twenty minutes have expired.

DCDF should install privacy panels or otherwise place telephones so that detainees can make legal telephone calls without being overheard by others. Additionally, DCDF should not record or monitor, in any matter whatsoever, legal telephone calls (absent a court order); if regular phone calls are monitored, DCDF should provide detainees with the procedure for obtaining an unmonitored call for legal purposes.

DCDF should implement a calling system that would assure that detainees are able to speak with international family members. The Facility should also take and deliver non-emergency telephone messages to detainees. Finally, instructions regarding usage of the telephone system need to be in different languages, reflecting the needs of the multinational detainee population.

C. Access to Legal Materials

DCDF should provide all detainees with access to the law library, even if they are in segregation. DCDF's law library should provide access to all of the legal materials listed in the

³⁹⁶ DCDF Inmate Handbook, pp. 20-21.

Notes of delegation member 06 on conversation with Supervisor 06, 576

³⁹⁸ DCDF Inmate Handbook, p. 21; notes of delegation member on conversation with Supervisor b5, b7c

Notes of delegation member b6 on conversation with Supervisor b6 b7c

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Standards. The Facility should assign an employee to organize, update, and request these legal materials.

D. Site-Specific Detainee Handbook

DCDF should provide detainees with a detainee-specific handbook that correctly describes the policies, rules, services, programs, and rights applicable to immigration detainees through the *Standards*. The Handbook should be translated into prevalent languages among the facility's detainees because it is currently only translated into Spanish. DCDF should assure that all staff members who have contact with detainees are given a copy of the specialized detainee handbook and are familiar with the policies.

E. Recreation

There is no fixed or movable equipment available to detainees in any of the recreation rooms. Further, outside of handball, there is virtually no opportunity for detainees to get aerobic exercise – largely because of the lack of any muscular or cardiovascular equipment.

F. Medical Treatment

The DCDF should ensure that it physically examines all detainees within fourteen days of their arrival at the Facility.

G. Dental Treatment

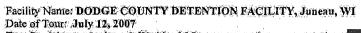
DCDF should also provide detainees with a dental screening exam within fourteen days of the detainee's arrival at the facility.

H. Special Management Units

DCDF needs to increase the access detainees in Special Management Units have to the law library and telephones.

I. Disciplinary Policy

DCDF's Inmate Handbook should notify detainees of their right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment. DCDF's Inmate Handbook should also notify detainees of their right to freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs, in addition to the other rights enumerated in the *Standards* to be identified in the Handbook.



Tour Participants: Latham & Watkins LLP attorneys and summer associates



*Standards are Detainee Services Standards unless otherwise indicated. Standards excerpts are typed verbatim. Issues are generally listed in their order from the Report. Report comments in bold are priority issues for ICE-ABA discussion.

	ICE Standard*	Delegation Report Source	e ICE Response
	Standard 17, Visitation HI.I.2. On regular business days, legal visitations may proceed through a scheduled meal period.	are not permitted during mealtime, but the Handl facility staff stated that afforney-client visits may occur at any fime. (p.4 ¶3)	visor
	Standard 16, Telephone Access I. Facilities holding [ICE] detainees shall permit them to have reasonable and equitable access to telephones. III.F. The facility shall not restrict the number of calls a detainee places to his/her legal representative, nor limit the duration of such calls by rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones. If time limits are necessary for such calls, they shall be no shorter than 20 minutes III.E. Even if telephone service is generally limited to collect calls, the facility shall permit the detainee to make direct calls: 4 to legal service providers, [or] in pursuit of legal representation	calls using the facility's phone system) had never worked. He reported the problem to facility staff, but was never provided with a new PIN and therefore had been unable to call his family. (p.8 ¶3)	Inmate pook
3.	Standard 16, Telephone Access III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible.	Non-emergency messages are not taken. (p:12 pcDF Handi	Inmate ook
4.	Standard 16, Telephone Access 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 defainee telephone calls on their legal matters, absent a court order.	outgoing calls are all located in the public dayrooms with no privacy safeguards, (p.10 ¶4) Detainees may speak privately with counsel only if the attorney initiates the call. (p.11 ¶2)	ations; isor Inmate

5.	Standard 1, Access to Legal Material III.C. The law library shall contain the materials listed in Attachment A.	*	Some of the required secondary legal materials are not available on the computer: (p.14¶3).	Delegation observations	
6.	Standard 1, Access to Legal Material HI.G. The facility shallpermit all detainees, regardless of housing or classification, to use the law library on a regular basis.	•	DCDF does not allow all detainees to use the law library. Library privileges depend on a detainee's classification. (p.13 ¶3)	DCDF Inmate Handbook	
7.	Standard I, Access to Legal Material III.K. The facility shall permit detainees to assist other detainees in researching and preparing legal documents upon request		Detainees are not allowed to assist other defainees with research, nor conduct legal research for other innuates. (p.15 ¶6)	DCDF Inmate Handbook	
8	Standard 3, Correspondence and Other Mail III.B. The facility shall notify detainees of its policy in correspondence and other mail through the detainee handbook or equivalent [and] shall specify: 5. The definition of special correspondence, including instructions on the proper labeling for special correspondence, without which it will not be treated as special mail 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		The DCDF handbook does not provide a definition of special correspondence or instructions for labeling special correspondence. It also does not describe the procedure for obtaining free mailing materials. (p.19 ¶3)	DCDFInmate Handbook	

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14.	Security and Control Standard 14, Special Management Unit (Disciplinary Segregation) Ill, D.6. The quarters for disciplinary segregation must be well ventilated, adequately lit, appropriately heated and maintained in a sanitary condition at all times. All cells must be equipped with beds [which] shall be securely fastened to the cell floor or wall.		Not all SMU rooms have beds or confain restrooms. (p.33 ¶2)	Supervisor 💆	
	Unit (Disciplinary Segregation) III.D.15. When developing the schedule for law library-access, the OIC will set aside blocks of time for the defainces in disciplinary segregation The facility may choose to provide segregated detainces upon-request access only. Violent and/or uncooperative defainces may be temporarily denied access to the law library	*	Detainees in punitive segregation are denied access to the law library. They may fill out a request form, but this form will not allow detainee to have access to LexisNexis or other materials on the computer. (p.33 ¶2)	Supervisor g	
16.	Security and Control Standard 14, Special Management Unit (Disciplinary Segregation). III.D.13. Recreation shall be provided to detainees in disciplinary segregation in accordance with the "Recreation" standard. The standard provisions shall be carried out, absent compelling security or safety reasons documented by the OIC.		Detainees in punitive segregation do not have access to recreation, (p.33 ¶2)	Supervisor ਦੂ	