

MEMORANDUM

To: Anthony S. Tangeman, Director, Office of Detention and Removal, Immigration and Customs Enforcement.

From: American Bar Association Delegation to the Clay County Jail¹

Date: January 7, 2004

Cc: [REDACTED] ABA Commission on Immigration Policy, Practice and Pro Bono

Re: Report on observations during a general tour of the Clay County Jail facility

This memorandum summarizes and evaluates information gathered at the Clay County Jail (“CCJ” or “Jail”) in Green Cove Springs, Florida during the delegation’s August 28, 2003 visit to the facility. The information was gathered via observation of the facility by the delegation and interviews with immigration detainees and CCJ and Immigration and Customs Enforcement (“ICE”) personnel.

I. ICE DETENTION STANDARDS.

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

The *Detention Standards* went into effect at ICE-operated detention facilities on January 1, 2001. ICE intended to phase-in the standards in all of its contract and IGSA facilities by December 31, 2002. The *Detention Standards* constitute a “floor” and not a “ceiling” for treatment of immigration detainees. In other words, they are meant to establish the minimal requirements that ICE must adhere to in its facilities. Each Field Office or Officer in Charge (“OIC”) may, in his or her discretion, promulgate policies and practices affording ICE detainees more enhanced rights and protections than those provided for by the *Standards*.

¹ The delegation was comprised of Holland & Knight attorneys [REDACTED]

[REDACTED] b6

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and

[REDACTED] b6

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

II. INTRODUCTION.

A. The Delegation's August 28th Visit.

On Thursday, August 28, 2003, the members of our delegation met with several members of CCJ's staff and a representative from the ICE office in Orlando, Florida. Our delegation first met with CCJ Division Director Major [REDACTED] b6, b7C and Corrections Officer Lieutenant [REDACTED] b6, b7C. During the course of this meeting, our tour of the facilities, and the post-tour follow-up discussion, we met with ICE Officer-in-Charge (OIC) [REDACTED] b6, b7C and other CCJ personnel, including Program Services Coordinator [REDACTED] b6, b7C. The delegation appreciates the cooperation of these individuals. They were direct and accommodating during our tour of the facility and in response to post-tour requests for additional information.

Our report is based on the discussions we had with these CCJ and ICE employees, as well as observations of the facility and interviews with eight immigration detainees. In many instances, detainee reports were compatible with statements made by facility personnel and/or our observations. In such cases, the delegation was able to conclusively determine whether CCJ policy and procedures complied with the *Standards*. However, in certain instances, detainee reports conflicted with statements made by facility personnel. Where we were unable to verify the conflicting reports, the delegation was unable to conclusively determine compliance.

B. General Information About the Clay County Jail Facility.

The Clay County Jail houses immigration detainees through an intergovernmental service agreement with ICE. According to CCJ personnel, the Jail has the capacity to hold 490 inmates but currently has 478 beds. We were informed that at time of our visit, the Jail had a total population count of 461 inmates, 99 of whom were immigration detainees.

CCJ accommodates mostly male individuals. According to CCJ personnel, at the time of our visit, the Jail housed only 6 female immigration detainees. The delegation did not interview or meet with any of the female detainees.

According to an accounting provided by the Clay County Sheriff's Office for the month of August, CCJ housed 208 different immigration detainees in the month of August. These inmates were from: Albania, Argentina, Bahamas, Bangladesh, Barbados, Belgium, Belize, Bosnia, Brazil, Canada, China, Columbia, Cuba, Dominican Republic, Ecuador, El Salvador, Estonia, France, Germany, Grenada, Guatemala, Guyana, Haiti, Honduras, Hong Kong, India, Iraq, Israel, Jamaica, Jordan, Mexico, Montserrat, Nicaragua, Pakistan, Peru, Philippines, Portugal, Romania, Russia, Sierra Leone, South Africa, Sudan, Thailand, Trinidad, Turks, Venezuela, Vietnam, Virgin Islands, and Yugoslavia. Of these 208 detainees:

- 110 were from Latin American countries (approximately 52%)
- 47 were from predominantly black countries in the Western Hemisphere (Bahamas, Barbados, Belize, Haiti, Guyana, Jamaica, Trinidad) (approximately 22%)
- 17 were from Asian countries (approximately 8%)
- 5 were from Middle Eastern countries (approximately 2%)

It appears that although the large majority of immigration detainees housed at CCJ have criminal records, some of the detainees have no criminal history of any kind. There was some confusion about this fact during our visit. At the preliminary meeting before the tour of the facility, CCJ personnel informed delegation members that all of the detainees sent to CCJ had been transferred from state correctional facilities. During the interviews of the detainees, however, a number of the detainees contradicted this statement, asserting that some detainees in fact have not been convicted of any crimes. At the post-tour follow-up discussion with CCJ personnel, delegation members brought up the inconsistency. CCJ staff sought and analyzed their inmate records and confirmed that some of the detainees housed at CCJ had no criminal history.

CCJ receives \$65.00 per day, per detainee housed at the facility. Assuming an average daily total of 100 immigration detainees, CCJ receives approximately \$195,000 per month under the “IGSA” contract.

III. IMPLEMENTATION OF LEGAL ACCESS STANDARDS.

A. Legal Access/Visitation.

1. Visitation by Attorneys.

The *Detention Standards* provide that facilities should allow detainees to meet privately with their current or prospective legal representatives and legal assistants and to meet with their consular officials.³

The CCJ facility has implemented this section of the *Standards*. According to the CCJ Inmate Handbook, attorneys are not restricted to the normal hours of visitation.⁴ Attorneys are allowed to visit CCJ inmates at any time, seven days a week, except during count time or mealtime. In order for an attorney to visit a detainee at CCJ, the attorney must have and present a bar card. The attorney may visit a client without prior notice to the facility (i.e., the attorney need not arrange for the visit in advance). According to CCJ personnel, legal assistants, interpreters, and law students are also allowed to visit detainees, but they must call ahead and get pre-approval from the facility.

There are six attorney visitation booths at the facility. These booths provide enough space for six attorney visits to occur simultaneously. However, CCJ officials informed delegation members that if the six attorney booths are occupied, additional attorneys can meet with their clients in the jail’s small courtroom. The courtroom would provide enough space for two, and perhaps three, additional attorney-client visits. Multiple visits in the courtroom, however, would be lacking in privacy and confidentiality.

All attorney visitation areas allow for contact visits. Unlike the booths used for family visits, the attorney booths do not have Plexiglas dividers to separate the detainees from their

³ Detention Operations Manual, Detainee Services, Standard 16, Section I.

⁴ CCJ Inmate Handbook, p. 24.

attorneys. Also detainees are not subject to strip searches after attorney visits; they are subject to only “pat down” searches, in accordance with the *Standards*.

2. Visitation by Family and Friends.

To maintain detainee morale and family relationships, the *Detention Standards* encourage visitation with family and friends.⁵ To that end, the *Standards* require that all detention facilities allow visitation and establish written visitation procedures.⁶ The *Standards* require a minimum of 30 minutes per visitation, under normal conditions, and encourage more generous limits when possible.⁷ The facility must allow visitation by immediate family members, and other relatives, friends, and associates.⁸ As to minor visitors, the *Standards* provide that:

At facilities where there is no provision for visits by minors, [ICE] will arrange for a visit by children and stepchildren, on request, within the first 30 days. After that time, on request, [ICE] will consider a transfer, when possible, to a facility that will allow such visitation. Monthly visits will be continued on request, if transfer is not, [sic] approved, available or until effected.⁹

Moreover, the ICE Model Detainee Handbook (although not provided to detainees at CCJ) adds that visitors under 18 years of age “are expected to remain under the direct supervision of” adult visitors.¹⁰

CCJ facilitates some parts of this section of the *Standards*, but not others. CCJ provides for family and friend visitation, and by providing written visitation procedures to the detainees through the CCJ Inmate Handbook.¹¹ Detainees are given two hours of visitation every week,¹² which surpasses the 30-minute minimum required under the *Standards*.

However, under CCJ policy, detainees cannot split their two hours of visitation time among several visitors, nor can they see more than one individual during a visit. Therefore, detainees are permitted to see only one visitor for their entire 2-hour visit time every week. **This restriction appears to conflict with the section of the *Standards* regarding visitation by children, which apparently contemplates visits with more than one family member at the same time.** Additionally, in some families, restricting visitation to only one family member might discourage, rather than encourage, family visitation. This is especially so for detainees because, unlike the case with other Clay County inmates, families of detainees usually need to travel great distances to visit. According to CCJ officials, arrangements can be made if normal visiting hours and visitation restrictions pose an unusual hardship for family members. It is

⁵ Detention Operations Manual, Detainee Services, Standard 16, Section I.

⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.A.

⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.H.1.

⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.H.2.

⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.H.2.d.

¹⁰ Detention Operations Manual, Detainee Services, Attachment to Standard 5, Visitation Section.

¹¹ CCJ Inmate Handbook, p. 24. However, these procedures are only available in English.

¹² This restriction does not apply to attorneys or clergy.

unclear, however, what such arrangements consist of and whether immigration detainees know of the possibility to make such arrangements, as they are not mentioned in the CCJ Inmate Handbook. While the Handbook contemplates special exceptions for one out-of-town guest,¹³ the Handbook does not provide for “unusual hardship” arrangements or exceptions to the one visitor restriction.

More importantly, the CCJ facility disregards the *Standards* by categorically prohibiting persons under the age of 18 from visiting CCJ inmates. The *Standards* require that, upon request, immigration detainees be able to visit with their minor children within the first 30 days, and then once a month thereafter.¹⁴ CCJ detainees, however, are not informed of their right to request visitation by children. *Indeed, they are affirmatively instructed that such visitations are not possible.* The CCJ Inmate Handbook states, in bold type, “[n]o one under the age of 18 will be allowed to visit.”¹⁵ The Handbook then repeats this restriction on the following page¹⁶ and makes a number of references to visits by adult visitors only.¹⁷ CCJ personnel also reaffirmed this restriction, explicitly stating that children are not allowed to visit at the facility.¹⁸ The detainees we spoke to believe that detainees cannot visit with their own children—in direct conflict with the *Standards*. The delegation does not know whether detainees have previously been transferred to other detention centers in order to facilitate visitation by children.

The delegation is also troubled by the fact that immigration detainees, who are not serving criminal sentences, are handcuffed and shackled during family visitations, even though all visits are non-contact and take place in a secured area. This practice appears to conflict with the section of the *Standards* that require facilities to “ensure that all visits are conducted in a quiet, orderly, and *dignified* manner.”¹⁹ Under CCJ policy, all visits by family and friends are to be non-contact.²⁰ Visitations are held in a large room, divided by Plexiglas partitions into a number of visitation booths, with thick walls of Plexiglas separating detainees from their visitors. Detainees and their visitors may speak to each other only via the telephone handsets provided in each booth. Although visitations occur in a secured area and Plexiglas partitions are used to separate inmates from visitors, all detainees are kept handcuffed and shackled during the duration of their visit. *Even detainees with no criminal history are kept handcuffed and shackled during their visits with family and friends.*

Finally, another policy that might discourage visitation is the requirement that detainees keep a visitor’s list. During the booking process, detainees are asked to provide a list of four names. Only persons on this list, with the exception of attorneys and clergy, may visit the

¹³ CCJ Inmate Handbook, pp. 23, 25.

¹⁴ Detention Operations Manual, Detainee Services, Standard 16, Section III.H.2.d.

¹⁵ CCJ Inmate Handbook, p. 22.

¹⁶ CCJ Inmate Handbook, p. 23 (“No one under the age of eighteen (18) will be allowed to visit.”).

¹⁷ CCJ Inmate Handbook, p. 22-23.

¹⁸ Notes of delegation members [REDACTED] and [REDACTED]

¹⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

²⁰ CCJ Inmate Handbook, p. 22.

detainee. Detainees may revise their visitor's list to include other individuals, but they must first make space on their list by removing persons already listed. Thus, if a detainee has four family members on her visitor's list, she must remove one of their names in order to include a previously unlisted person. Changes to the visitor's list also take some time to go into effect.

B. Telephone Access.

As explained below, the CCJ facility has implemented some sections of the *Standards* regarding telephone access, but fails to implement other, significant sections of these *Standards*.

1. General Requirements.

The *Detention Standards* require that facilities provide detainees with reasonable and equitable access to telephones.²¹ In order to meet this requirement, facilities must provide at least one telephone for every 25 detainees and written telephone access rules to each detainee.²²

CCJ has implemented this section of the *Standards*. Each dorm has its own set of telephones, providing approximately 8 phones per 60 inmates. The telephones are operational between the hours of 8:00 A.M. and 10:00 P.M. Detainees may access the telephones at any time during the hours of operation except during “feed” and “count” times. According to the CCJ Inmate Handbook, telephone access may be cut off if living quarters are not kept “neat and clean” or as a part of disciplinary action taken against all inmates of a cell.²³

Instructions regarding usage of the phone system are posted next to the telephones, although only in English. CCJ officials noted, however, that the phone service provides the option to use Spanish-language prompts.

2. Direct vs. Collect Calls.

According to the *Standards*, a facility may generally restrict telephone service to collect calls, but it must permit detainees to make direct calls to a number of organizations, including the local immigration court, the Board of Immigration Appeals, Federal and State courts, consular officials, legal service providers, and relevant government offices.²⁴ Detainees must also be able to make direct calls to family members when a “compelling need” arises.²⁵ The facility shall not require indigent detainees to pay for the types of calls listed above if they are local calls, nor for non-local calls if there is a compelling need.²⁶ Moreover, regardless of whether the detainee is

²¹ Detention Operations Manual, Detainee Services, Standard 15, Sections I & III.A.

²² Detention Operations Manual, Detainee Services, Standard 15, Sections III.B. & C.

²³ CCJ Inmate Handbook, p. 21.

²⁴ Detention Operations Manual, Detainee Services, Standard 15, Section III.E.

²⁵ Detention Operations Manual, Detainee Services, Standard 15, Section III.E.

²⁶ Detention Operations Manual, Detainee Services, Standard 15, Section III.E.

indigent, the facility must provide a detainee with the ability to make calls to the ICE-approved list of legal service providers and consulates at no charge to the detainee or the receiving party.²⁷

The delegation is concerned about the facility's implementation of this section of the Standards. At CCJ, detainees may make only domestic collect calls. According to CCJ officials, the cost for a collect call is approximately \$5.35 for every 15 minutes, and detainees cannot place international collect calls or calls to cell phone numbers.²⁸ CCJ does not provide for the purchase or use of pre-paid calling cards, as are available at other facilities. This fact poses an obstacle to immigration detainees. The delegation understands that many persons, companies, and organizations do not accept collect calls from CCJ, including many attorneys and most *pro bono* and immigration advocacy organizations. Detainees are also effectively prohibited from calling their families overseas.

The delegation is also concerned with detainee reports regarding the difficulty in contacting consulates. According to a number of detainees, the 15-minute limit placed on all calls prevents them from navigating a consulate's electronic prompt system with enough time to effectively communicate with a live consulate official.²⁹ Additionally, according to detainee [REDACTED] b6, b7C the CCJ telephone system sometimes mistakes a consulate's electronic prompt system with an answering machine, thereby automatically disconnecting the phone call.³⁰

3. Privacy and Telephone Usage Restrictions for Legal Phone Calls.

The *Standards* provide two sets of rules regarding telephone usage restrictions.³¹ One set of rules governs calls regarding legal matters, while the other set governs calls unrelated to legal matters. With respect to legal phone calls, the *Standards* provide:

The facility shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by 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, and the detainee shall be allowed to continue the call if desired, at the first available opportunity.³²

Further, the facility must ensure privacy for all detainee phone calls regarding legal matters. The facility must provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff, or other detainees.³³ The Standards also

²⁷ Detention Operations Manual, Detainee Services, Standard 15, Section III.E.

²⁸ Notes of delegation members [REDACTED] b6 [REDACTED] b6 [REDACTED] b6 [REDACTED] b6 and [REDACTED] b6 [REDACTED] b6

²⁹ Notes of delegation members [REDACTED] b6 [REDACTED] b6 [REDACTED] b6 [REDACTED] b6 and [REDACTED] b6

³⁰ Notes of delegation members [REDACTED] b6 and [REDACTED] b6

³¹ Detention Operations Manual, Detainee Services, Standard 15, Section III.F.

³² Detention Operations Manual, Detainee Services, Standard 15, Section III.F.

³³ Detention Operations Manual, Detainee Services, Standard 15, Section III.J.

explicitly prohibit the facility and its personnel from monitoring or recording telephone calls on legal matters, absent a court order.³⁴

The CCJ facility has not implemented this section of the *Standards*. First, although the *Standards* allow for restrictions on the duration of legal phone calls, such restrictions are allowed only if necessary “for security purposes or to maintain orderly and fair access to telephones.”³⁵ It is unclear whether such restrictions are necessary at CCJ. At the time that the delegation toured the facility, few, if any, of the telephones were in use.

Second, although the *Standards* require that calls be no shorter than 20 minutes, the CCJ phone system automatically cuts off all calls, including legal phone calls, *when 15 minutes have elapsed*.³⁶ According to CCJ personnel, detainees may place as many successive 15-minute phone calls as they desire, subject to other detainees needing to use the phone. The 15-minute restriction, however, conflicts with the *Standards* despite the ability to make additional calls.

Third, CCJ also conflicts with the *Standards* by preventing detainees from making legal phone calls without being overheard by CCJ personnel and other detainees. The telephones in each dorm are not private, but are located in open areas. Indeed, in the “isolation” block, the telephones are actually located in the inmate shower area. No privacy panels are installed, nor are areas designated for telephone calls to ensure privacy. At the very least, there is no doubt that detainee phone conversations can be heard by other detainees and inmates in the same pod.

Finally, the CCJ conflicts with the *Standards* by electronically monitoring and recording *all* calls—including those between detainees and their attorneys. The policy of recording *all* telephone calls is posted next to the telephones in each dormitory and is outlined in the CCJ Inmate Handbook.³⁷ This practice was particularly troubling to the delegation, as it would necessarily interfere with attorney-client relationships and confidentiality.

4. Privacy and Telephone Usage Restrictions for Other Calls.

As for telephone calls not related to legal matters, the facility may restrict the number and duration of such calls for the following reasons only:

1. availability (i.e., the usage demands of other detainees);
2. orderly operation of the facility (e.g., scheduled detainee movements, court schedules, meals, counts, etc.); and
3. emergencies (e.g., escapes, escape attempts, disturbances, fires, power outages, etc.).³⁸

³⁴ Detention Operations Manual, Detainee Services, Standard 15, Section III.J.

³⁵ Detention Operations Manual, Detainee Services, Standard 15, Section III.F.

³⁶ Although the CCJ Inmate Handbook provides that the length of telephone calls will be 20 minutes (Handbook at p. 21), CCJ personnel and detainees informed the delegation that the telephones actually cut off after 15 minutes.

³⁷ CCJ Inmate Handbook, p. 21.

³⁸ Detention Operations Manual, Detainee Services, Standard 15, Section III.F.

The *Standards* also provide that a facility may monitor all detainee phone calls of a non-legal nature.³⁹ If a facility monitors calls, it must notify detainees upon admission and place a notice at each monitored telephone.⁴⁰ The notice must state that detainee calls are subject to monitoring and must provide the procedure for obtaining an unmonitored call for legal purposes.⁴¹

The CCJ facility has not fully implemented this section of the *Standards*. First, and as noted above, it is unclear whether telephone usage restrictions are necessary at CCJ. The telephones did not seem to be in high demand when the delegation toured the facility. Second, although the facility notifies detainees about CCJ’s monitoring policy, neither the CCJ Inmate Handbook nor the signs next to the telephones provide the procedure for obtaining an unmonitored call for legal purposes.

5. Incoming Calls and Messages.

The *Detention Standards* require facilities to take and deliver messages from emergency and non-emergency incoming telephone calls to detainees as promptly as possible.⁴² If the facility receives an *emergency* telephone call for a detainee, the facility is required to obtain the caller’s name and telephone number and permit the detainee to “return the emergency call as soon as reasonably possible.”⁴³ Moreover, the facility must enable indigent detainees to make free return emergency calls.⁴⁴

CCJ has not implemented this section of the *Standards*. CCJ does not have a procedure in place for taking and delivering non-emergency phone messages to the detainees. This policy is listed in the CCJ Inmate Handbook⁴⁵ and was confirmed by CCJ personnel. According to CCJ personnel, this policy applies to phone calls *from attorneys* as well.⁴⁶ CCJ officials stated that they would accept and deliver *bona fide* emergency phone messages to the detainees.⁴⁷ The delegation does not know whether the facility allows indigent detainees to return these calls free of charge.

³⁹ Detention Operations Manual, Detainee Services, Standard 15, Section III.K.

⁴⁰ Detention Operations Manual, Detainee Services, Standard 15, Section III.K.

⁴¹ Detention Operations Manual, Detainee Services, Standard 15, Section III.K.

⁴² Detention Operations Manual, Detainee Services, Standard 15, Section III.I.

⁴³ Detention Operations Manual, Detainee Services, Standard 15, Section III.I.

⁴⁴ Detention Operations Manual, Detainee Services, Standard 15, Section III.I.

⁴⁵ CCJ Inmate Handbook, p. 21 (“Messages lacking urgency will not be relayed. The caller will be advised to write or visit the inmate on visiting day.”).

⁴⁶ Notes of delegation members [REDACTED] and [REDACTED]

⁴⁷ Notes of delegation members [REDACTED] and [REDACTED]

C. Access to Legal Materials.

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

The CCJ facility has implemented some sections of the *Standards* regarding access to legal materials. However, CCJ has not implemented other sections of these *Standards* and, on whole, fails to provide immigration detainees with meaningful access to legal materials.

1. Access to the Library.

The *Detention Standards* require that a facility devise a flexible schedule to permit all detainees, regardless of housing or classification, to use the law library on a regular basis for a minimum of five hours per week.⁴⁹ These five hours should not cause a detainee to miss a meal, recreation time, or any other planned activity.⁵⁰

The CCJ facility appears to have implemented this section of the *Standards*, but questions remain. The CCJ facility permits detainees to use the library one day a week for a total of five hours. Library hours at CCJ are 8:00-11:00 A.M. and 3:00-5:00 P.M. Moreover, detainees are not required to choose between library time and recreation time.⁵¹

The delegation, however, is concerned with the provision in the CCJ Inmate Handbook that states that represented inmates are not “entitled use of the law library.”⁵² This provision contradicts the *Standards*, which clearly require that “all” detainees be allowed to use the law library, with no exceptions for represented detainees.⁵³ The delegation did not ask whether this provision in the CCJ Handbook is enforced against represented immigration detainees. If so enforced, the facility would be in direct conflict with the meaning of the *Standards*.

2. Library Conditions.

The *Detention Standards* provide that each facility shall provide a law library in a designated room with sufficient space to facilitate detainees’ legal research and writing. The library shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas.⁵⁴

⁴⁸ Detention Operations Manual, Detainee Services, Standard 1, Section I.

⁴⁹ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁵⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁵¹ The delegation did not ask whether detainees miss meals or other planned activities if they go to the law library.

⁵² CCJ Inmate Handbook, p. 18.

⁵³ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁵⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

The CCJ facility has implemented this section of the Standards. The CCJ library is well-lit and reasonably isolated from high-traffic or noisy areas that might interfere with research and writing. The library is large enough to accommodate six large tables and enough chairs to seat 20-24 inmates.

3. Materials Identified in the *Detention Standards*.

The *Detention Standards* require all law libraries to contain the materials listed in Attachment A to the chapter on *Access to Legal Material*.⁵⁵ 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.⁵⁶ Damaged or stolen materials must be promptly replaced.⁵⁷ In addition, the *Standards* require that the facility post a list of holdings in the law library and designate an employee with responsibility for updating materials, inspecting them weekly, and maintaining them in good working order.⁵⁸

The CCJ law library does not meet this section of the Standards. A review of the law library revealed that many required materials were outdated or entirely missing from the library. For example, the library provided no source for immigration statutes and regulations, the very legal provisions that control the detention and removal of the detainees at CCJ. The library also did not contain recent immigration caselaw, administrative or federal. Although the *Standards* require detention facilities to provide current agency decisions, the CCJ library provided administrative decisions only through 1989. Additionally, federal caselaw was current only to 1998, Bender's Immigration Reporter only to June 2000, and LEXIS Immigration Law and Procedure Reporter only to 1996.

The library was also missing a number of other required materials, including texts on immigration law and defense, guides for immigration advocates, country reports on human rights practices for asylum seekers, other asylum and refugee materials, and even the ICE Model Detainee Handbook. *With so many missing materials, the delegation believes that an immigration detainee with a valid defense to removal or a valid claim to asylum would find it extremely difficult, if not impossible, to prepare her case without the aid of an attorney.*

Program Services Coordinator [REDACTED] b6 informed the delegation that she is able to locate and print any requested cases, so long as the detainee provides the appropriate case citation. Without access to current legal materials, however, it is unclear how the detainee can retrieve a case citation, much less become familiar with cases relevant to her claims.

CCJ officials also informed the delegation that no CCJ employee is assigned to update, and request legal materials. CCJ officials stated that a retired lawyer, [REDACTED] b6 comes in as a volunteer on Tuesdays and Fridays to "update the books."⁵⁹ It is

⁵⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

⁵⁶ Detention Operations Manual, Detainee Services, Standard 1, Sections III.D.-F.

⁵⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

⁵⁸ Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

⁵⁹ Notes of delegation members [REDACTED] and [REDACTED] b6

officials meant by this, especially considering that most of the immigration materials required under the *Standards* were missing or outdated.

4. Computer Access, Equipment and Holdings.

The *Detention Standards* require that the law library provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.⁶⁰

The delegation is concerned about the facility's implementation of this section of the *Standards*. First, the law library has no operational computers. The library previously had two or more computers, but these computers have been dismantled and are currently sitting on a table in the corner of the library. CCJ personnel informed the delegation that the computers were broken by inmates of the facility and that there were no plans to immediately replace them.⁶¹ However, OIC [b6, b7C] stated that ICE was currently investigating the possibility of purchasing new computer kiosks that can withstand physical abuse. Without the computers, detainees have no access to legal databases and no ability to electronically store and print legal documents.

Second, although the library has two typewriters for inmate use, a number of detainees complained that two typewriters are insufficient for the number of CCJ inmates who require their use. Moreover, a number of detainees reported that the typewriters are sometimes inoperative. According to detainees [b6, b7C] and [b6, b7C] when the typing ribbons are exhausted they are not immediately replaced. These detainees also reported that the typewriters are not equipped with correction tape and correction fluid is unavailable.⁶³ Because of the difficulties associated with using the typewriters, the detainees reported that most inmates write their legal and court documents in long hand.

5. Photocopies.

The *Detention Standards* provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.⁶⁴ Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.⁶⁵ Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.⁶⁶

⁶⁰ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

⁶¹ Notes of delegation members [b6] [b6] [b6]

[b6] and [b6]

⁶² Notes of delegation members [b6] [b6] [b6]

and [b6]

⁶³ Notes of delegation members [b6] [b6] [b6]

and [b6]

⁶⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

⁶⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

⁶⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

The CCJ facility fulfills this section of the *Standards*. In order to obtain copies of their legal materials, detainees must fill out a copy request form. The cost to inmates for such copies is normally \$0.15 per page, as stated in the CCJ Inmate Handbook.⁶⁷ However, according to Program Services Coordinator [REDACTED] immigration detainees are not charged for their photocopies. All of the detainees interviewed by delegation members reported that there were no serious issues with requesting and obtaining photocopies of legal materials. Indeed, each of the detainees praised Ms. [REDACTED] for her assistance with copying documents.

6. Correspondence and Other Mail.

The *Detention 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.⁶⁸ 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.⁶⁹ Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.⁷⁰ Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.⁷¹ Outgoing special correspondence cannot be opened, inspected, or read.⁷²

If allegations made by one of the detainees are true, the CCJ facility would be in conflict with this section of the *Standards*. Detainees are able to send and receive correspondence. However, detainee [REDACTED] reported that an outgoing letter to attorneys was opened and read by CCJ officials. According to Mr. [REDACTED] he originally wrote and submitted letters to attorneys regarding the conditions in the facility. He said the letters were clearly marked as “Legal Mail.”⁷⁴ The day after he submitted the letters, a CCJ guard came to see him with one of the letters in hand. Apparently having read the letter, the guard asked, “What the hell is this? How can you write this about us?”⁷⁵ Mr. [REDACTED] reported that he was then put into solitary confinement and mistreated.⁷⁶

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,

⁶⁷ CCJ Inmate Handbook, p. 16.

⁶⁸ Detention Operations Manual, Detainee Services, Standard 4, Section I.

⁶⁹ Detention Operations Manual, Detainee Services, Standard 4, Sections III.B. & E.

⁷⁰ Detention Operations Manual, Detainee Services, Standard 4, Sections III.B., E. & F.

⁷¹ Detention Operations Manual, Detainee Services, Standard 4, Sections III.B. & E.

⁷² Detention Operations Manual, Detainee Services, Standard 4, Sections III.B. & F.

⁷³ Notes of delegation members [REDACTED] and [REDACTED]

⁷⁴ Notes of delegation members [REDACTED] and [REDACTED]

⁷⁵ Notes of delegation members [REDACTED] and [REDACTED]

⁷⁶ For a description of this mistreatment, see Section IV.I. of this memorandum.

potential representative, or any court.⁷⁷ It is unclear whether the facility facilitates this section of the *Standards*. According to CCJ personnel and detainees, detainees are given four stamped envelopes, four sheets of paper, and a small pencil (without an eraser) every week.⁷⁸ However, the *Standards* do not provide for restrictions on the amount of paper, envelopes, and stamps a detainee may request, and the delegation does not know whether detainees may obtain more than the four stamped envelopes they are given, if needed. Moreover, CCJ personnel added that detainees only receive the stamped envelopes if they affirmatively request them.⁷⁹

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

The *Detention Standards* require that the facility provide assistance to any unrepresented detainee who requests a notary public, certified mail, or other such services to pursue a legal matter if the detainee is unable to meet the need through family members or community organizations.⁸⁰

The CCJ Inmate Handbook outlines procedures that a detainee may follow in order to obtain notary public services at no charge.⁸¹ The delegation did not inquire whether the facility was in compliance with this section of the *Standards*.

C. Group Rights Presentations.

The *Detention Standards* provide that facilities 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 the ICE facility.⁸²

The CCJ facility has implemented this section of the *Standards*. According to CCJ personnel, there are no restrictions on group presentations. However, CCJ officials informed the delegation that aside from the “Know Your Rights” presentation provided by the Florida Immigrant Advocacy Center once every year, no other groups seek to provide group presentations to the detainees.⁸³ The delegation also inquired whether the facility has aired the “Know Your Rights” video created by the Florence Project and distributed by ICE. CCJ officials stated that the video had not been aired.⁸⁴ Indeed, none of the CCJ officials interviewed seemed to be aware of the existence of the video.

⁷⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.N.

⁷⁸ Notes of delegation members [redacted] and [redacted].

⁷⁹ Notes of delegation members [redacted] and [redacted].

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

⁸¹ CCJ Inmate Handbook, p. 16.

⁸² Detention Operations Manual, Detainee Services, Standard 9, Section I.

⁸³ Notes of delegation member [redacted].

⁸⁴ Notes of delegation member [redacted].

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

A. Site-Specific Detainee Handbook.

The *Detention Standards* require that all detention facilities have a site-specific handbook for its immigration detainees. The purpose of the handbook is to provide an overview of, and guide to, “the detention policies, rules, and procedures in effect at the facility,” as well as “the services, programs, and opportunities available through various sources, including the facility, [ICE], private organizations, etc.”⁸⁵ The handbook must be translated into Spanish, and, if appropriate, into the next most-prevalent language(s) among the facility’s detainees.⁸⁶ All detainees are to receive a copy of the handbook upon admission to the facility.⁸⁷

CCJ has not fully implemented this section of the *Standards*. At intake, immigration detainees are given copies of the Clay County Jail Inmate Handbook.⁸⁸ This handbook meets the definition of a “site-specific handbook” and provides an adequate overview of the policies, rules, and procedures generally in effect at CCJ.

However, the CCJ Handbook is deficient in two ways. First, the handbook is not available in any language other than English. The fact that the handbook has not been translated into Spanish or any other appropriate language is a direct violation of the *Standards* on detainee handbooks. Second, although the handbook correctly describes many of the rules and procedures generally in effect at CCJ, the handbook does not adequately describe the policies, rules, services, programs, and rights available to immigration detainees under the *Detention Standards*. Indeed, in many instances, the CCJ Inmate Handbook either misleads immigration detainees as to their rights or directly contradicts the *Standards*:

- although the *Standards* require free medical services and medication for immigration detainees, the handbook states that all inmates will be billed for medical services and medication and that these charges will be deducted from their accounts (pp. 8-9);
- although the *Standards* provide for the free reproduction of legal materials, the handbook states that the cost of copies “shall be \$.15 per one-sided page” (p. 16);
- although *all* detainees may access the law library under the *Standards*, the handbook states that represented inmates are not “entitled use of the law library” (p. 18);
- although the *Standards* require facilities to relay non-emergency messages from incoming phone calls, the handbook states that “[m]essages lacking urgency will not be relayed” (p. 21);

⁸⁵ Detention Operations Manual. Detainee Services, Standard 5, Section I.

⁸⁶ Detention Operations Manual. Detainee Services, Standard 5, Section III.E.

⁸⁷ Detention Operations Manual. Detainee Services, Standard 5, Section I.

⁸⁸ The CCJ Inmate Handbook is not modeled on the ICE Detainee Handbook.

- although the recording and monitoring of legal phone calls is prohibited under the *Standards*, the handbook provides that all telephone communications “may be monitored and/or recorded at any time” (p. 21);
- although the *Standards* provide detainees the ability to see their minor children monthly, the handbook states in several places that persons under the age of 18 will not be allowed to visit (pp. 22-23).

B. Recreation.

The *Detention Standards* require that all facilities provide immigration detainees with access to recreational programs and activities, under conditions of security and supervision that protect their safety and welfare.⁸⁹ Every effort is to be made to provide outdoor recreation facilities, but lacking such, the recreation room must be large, with exercise equipment and having “access to sunlight.”⁹⁰ All facilities shall also have an individual responsible for the development and oversight of the recreation program.⁹¹ According to the *Standards*, “[e]xercise areas will offer a variety of fixed and movable equipment;” cardiovascular exercise “shall be available to detainees for whom recreation is unavailable” and “recreational activities may include limited-contact sports;” dayrooms in general-population housing units “will offer board games, television, and other sedentary activities;” and “detainees participating in outdoor recreation shall have access to drinking water and toilet facilities.”

The CCJ facility fails to meet, in large part, the *Standards* regarding recreational programs and activities. Detainees are given an hour of recreation, five days a week. But other than the amount of time dedicated to recreation, the jail’s recreational program is clearly deficient:

- At CCJ, there is no true “outdoor” recreation. Recreation takes place in what CCJ officials described as a “walled cage.” The recreation area consists of a large slab of concrete, closed in by 20-foot concrete walls and a wire fence across the top.
- CCJ has no exercise or recreational equipment of any kind. There are no weights, cardiovascular machines, or balls, and detainees are not allowed to play sports of any kind or partake in any form of cardiovascular exercise. Detainees, like all of the other inmates at the facility, are allowed only to walk in a circle during the entire recreation period. Detainee [REDACTED] b6, b7C complained that the guards do not even allow them to stop and talk to one another.⁹²
- Although the *Standards* require the detainees have access to natural sunlight, it appears that CCJ detainees are not allowed any access to sunlight at all. The 20-foot concrete walls prevent direct sunlight from reaching the recreation

⁸⁹ Detention Operations Manual, Detainee Services, Standard 13, Section I.

⁹⁰ Detention Operations Manual, Detainee Services, Standard 13, Section I.

⁹¹ Detention Operations Manual, Detainee Services, Standard 13, Section III.F.

⁹² Notes of delegation members [REDACTED] b6 and [REDACTED] b6

area except during the noontime period. The detainees reported, however, that they are taken to recreation at 5:00 A.M., before the sun even rises.⁹³

- The detainees reported that sometimes—even in the summer—they are not provided drinking water during recreation.⁹⁴ Because of this, many detainees refuse recreation during the summer months.
- Although ICE provided the CCJ facility with a number of television sets, they are rarely turned on. The sets have been on only a few times, and only to show the same pre-recorded tape for new county inmates. According to CCJ officials, although ICE provided televisions for the facility, ICE never instructed CCJ officials to turn the sets on.⁹⁵

C. Medical Treatment.

The *Detention Standards* require that all detainees have access to medical services that promote detainee health and general well-being.⁹⁶ Each facility is required to have regularly scheduled times, known as sick call, when medical personnel are available to see detainees who have requested medical services.⁹⁷ For a facility of over 200 detainees, a minimum of five days per week is required.⁹⁸ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.⁹⁹ 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.¹⁰⁰ If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the OIC in writing.¹⁰¹

The delegation is concerned with the facility’s access to medical care for immigration detainees. On the one hand, the medical service provisions in the CCJ Inmate Handbook appear to comply with some of the requirements set forth under the *Standards*. The CCJ Handbook provides for “medical care” for all incarcerated inmates.¹⁰² In order to be seen by the medical staff, detainees must fill out a request form to the Medical Services Station, briefly describing their medical problems. A nurse is then required to conduct a “daily sick call

⁹³ Interviews of detainees [redacted b6, b7C] and [redacted b6, b7C] by delegation members [redacted b6] and [redacted b6]

⁹⁴ Notes of delegation members [redacted b6] and [redacted b6]

⁹⁵ Notes of delegation members [redacted b6] and [redacted b6]

⁹⁶ Detention Operation Manual, Health Services, Standard 2, Section I.

⁹⁷ Detention Operation Manual, Health Services, Standard 2, Section III.F.

⁹⁸ Detention Operation Manual, Health Services, Standard 2, Section III.F.

⁹⁹ Detention Operation Manual, Health Services, Standard 2, Sections III.A., D., & G.

¹⁰⁰ Detention Operation Manual, Health Services, Standard 2, Section III.H.

¹⁰¹ Detention Operation Manual, Health Services, Standard 2, Section III.J.

¹⁰² CCJ Inmate Handbook, p. 8.

and make referrals to the doctor as needed.”¹⁰³ While CCJ normally charges inmates for medical services, the delegation was told that immigration detainees are not actually charged for such services.¹⁰⁴ The Handbook provides a reasonable fee schedule for medical, dental, and laboratory services, and states that medical services will be deducted from the inmate’s account. Whether or not detainees are charged for such services, the Handbook states that “no one will be denied medically necessary services because they do not have money in their account.”¹⁰⁵

On the other hand, although the CCJ Inmate Handbook provides for medical services consistent with those required under the *Standards*, serious concerns were raised regarding the actual services provided. **Of particular concern to the delegation were the detainee reports detailing the use of solitary confinement for detainees who seek medical treatment.** The detainees we interviewed reported that inmates who have medical problems or seek treatment are frequently placed in isolation cells and monitored by officers rather than medical staff. For example, detainee [b6, b7C] complained that after he had a seizure, he was put into an isolation cell and chained to the bed. Mr. [b6, b7C] said that he was told he needed to be chained to the bed “for his own safety.”¹⁰⁷ Another detainee, [b6, b7C] complained that he was placed and held in solitary confinement for 45 days because he sought treatment.¹⁰⁸ Since solitary confinement is a disciplinary measure imposed by the disciplinary committee “after a hearing in which the detainee has been found to have committed a *prohibited act*,” it is inappropriate in response to a request for medical treatment.¹⁰⁹

Also of concern to the delegation were the reports regarding delays in receiving medical assistance and examination results. According to detainee [b6, b7C] a request for a doctor visit can take up to a week to be answered.¹¹⁰ Detainee [b6, b7C] reported that requests for cold, headache and other pain medicine can take about 4 or 5 days for a response.¹¹¹ By then, symptoms may have subsided, making the medicine or doctor visit unnecessary. Detainee [b6, b7C] complained that the medical staff do not provide diagnoses or explain test results. According to Mr. [b6, b7C] he was taken to a hospital and had x-rays taken after he suffered a seizure, but he was never informed of the test results or of the cause of his seizure.¹¹³

¹⁰³ CCJ Inmate Handbook, p. 8.

¹⁰⁴ However, it is unclear whether detainees themselves are informed that medical services are free of charge for them. If not, they may be effectively dissuaded from seeking such services.

¹⁰⁵ CCJ Inmate Handbook, p. 8.

¹⁰⁶ Notes of delegation members [b6] and [b6]

¹⁰⁷ Notes of delegation members [b6] and [b6]

¹⁰⁸ Notes of delegation members [b6] and [b6]

¹⁰⁹ Detention Operation Manual, Security and Control, Standard 12, Section III.A.

¹¹⁰ Notes of delegation members [b6] and [b6]

¹¹¹ Notes of delegation members [b6] and [b6]

¹¹² Notes of delegation members [b6] and [b6]

¹¹³ Notes of delegation members [b6] and [b6]

There were also reports that suggested a discrepancy in the distribution of medicine. Detainees with chronic medical conditions reported that they received their medication on a timely basis, without fail. For example, detainee [REDACTED] b6, b7C who receives insulin shots for his diabetes, and detainee [REDACTED] b6, b7C who receives prescribed heart medication, reported no problems with the distribution of their medicine.¹¹⁴ They reported, however, that requests for medicine from detainees with temporary conditions are sometimes delayed or denied without reason.

Concerns were also raised regarding the diet restrictions of certain detainees. Detainee [REDACTED] b6, b7C reported that the medical doctor had put him on a special “healthy-heart” diet, but he still received the regular diet tray.¹¹⁵ According to Mr. [REDACTED] b6, b7C, he sent a request to the kitchen supervisor, but no response was ever given. Another detainee, [REDACTED] b6, b7C [REDACTED] b6, b7C complained that he was diabetic¹¹⁶ and supposed to be on a special diet, but he also received the regular diet tray despite numerous requests.¹¹⁷

D. Dental Treatment.

The *Detention Standards* require an initial dental screening exam within 14 days of the detainee’s arrival and that the facility provide a number of services, including emergency dental treatment and repair of prosthetic appliances.¹¹⁸ 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.”¹¹⁹

If detainee allegations are true, the CCJ facility would be in conflict with this section of the *Standards*. The CCJ Handbook provides for only “[d]ental care which is medically necessary.”¹²⁰ According to many of the detainees we interviewed, the only dental service provided to detainees is tooth extraction.¹²¹ Detainees reported that this is the case even for detainees who have been detained for longer than six months.¹²²

¹¹⁴ Notes of delegation members [REDACTED] b6 [REDACTED] b6 [REDACTED] b6 and [REDACTED] b6

Notes of delegation members [REDACTED] b6 and [REDACTED] b6

¹¹⁶ Diabetes is a chronic condition for which healthcare providers must make recommendations regarding therapeutic diets. *See, generally*, ICE Health Policy and Procedure Manual, Ch. 8.6.1, 8.6.2, 8.20, 8.21.1.

¹¹⁷ Notes of delegation members [REDACTED] b6 and [REDACTED] b6

¹¹⁸ Detention Operation Manual, Health Services, Standard 2, Section III.E.

¹¹⁹ Detention Operation Manual, Health Services, Standard 2, Section III.E.

¹²⁰ CCJ Inmate Handbook, p. 8.

¹²¹ Notes of delegation members [REDACTED] b6 and [REDACTED] b6

¹²² Notes of delegation members [REDACTED] b6 and [REDACTED] b6

E. Detainee Classification.

The *Detention Standards* require that detention facilities use a classification system and physically separate detainees in different categories.¹²³ IGSA facilities, such as CCJ, “may continue using the systems established locally, if the classification criteria are objective and all procedures meet [ICE] requirements.”¹²⁴ A detainee’s classification is to be made on “objective” information, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.¹²⁵ Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.¹²⁶ Classification is required in order to separate detainees with no or small criminal records from inmates with serious criminal records.¹²⁷ According to the *Detention Standards*:

By grouping detainees with comparable records together, and isolating those at one classification level from all others, the system reduces noncriminal and nonviolent detainees’ exposure to physical and psychological danger.

* * *

When it becomes necessary to house detainees of different classification levels the following guidelines shall be followed:

1. Level three detainees will not be housed with level one detainees.
2. Levels one and two may be mixed, and high level twos and level threes may be mixed, when a facility is at or above full capacity.
3. Under no circumstance will a level two detainee with a history of assaultive or combative behavior be placed in a level one housing unit.¹²⁸

Additionally, all facility classification systems shall allow classification levels to be redetermined and include procedures by which new arrivals can appeal their classification levels.¹²⁹ Finally, the detainee handbook’s section on classification must include (1) an explanation of the classification levels, with the conditions and restrictions applicable to each, and (2) the procedures by which a detainee may appeal his classification.¹³⁰

If detainee reports are true, the CCJ facility would have failed to implement this section of the *Standards*. At the initial meeting with CCJ personnel, the delegation was told that all of the immigration detainees at the facility had criminal records.¹³¹ After a number of

¹²³ Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹²⁴ Detention Operations Manual, Detainee Services, Standard 3, Sections I & III.A.

¹²⁵ Detention Operations Manual, Detainee Services, Standard 3, Section III.D.

¹²⁶ Detention Operations Manual, Detainee Services, Standard 3, Section III.D.

¹²⁷ Detention Operations Manual, Detainee Services, Standard 3, Sections III.A & III.E.

¹²⁸ Detention Operations Manual, Detainee Services, Standard 3, Section III.E.

¹²⁹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.G. & H.

¹³⁰ Detention Operations Manual, Detainee Services, Standard 3, Section III.I.

¹³¹ Notes of delegation members

b6

b6

b6

and

b6

inconsistencies were brought to the staff's attention, however, records were searched and Major [REDACTED] b6, b7C conceded that CCJ did, in fact, house immigration detainees without criminal records.¹³² CCJ personnel stated that all inmates are nevertheless segregated by the level of their crimes.

But the detainees we interviewed reported that all immigration detainees are classified as medium risk (level 2), including those detainees without criminal records or violent history.¹³³ Under CCJ policy, although the jail does segregate low risk (level 1) and high risk (level 3) inmates from each other, medium risk inmates may be housed with either low risk or high risk inmates. *Thus, if all immigration detainees are classified as medium risk, there is nothing to prevent detainees without criminal convictions from being housed with high risk, violent inmates. Such action would be in direct conflict with the requirement that detainees with Level 1 classifications be segregated from detainees with Level 3 classifications.*¹³⁴

Furthermore, CCJ fails to adequately explain the classification system in the CCJ Inmate Handbook. The Handbook provides for a classification system and states that as an inmate's custody status changes during confinement, inmates "may be reclassified and moved to another cellblock."¹³⁵ The Handbook, however, does not explain the classification levels, with the conditions and restrictions applicable to each, nor does it explain the procedures by which a detainee may appeal his classification.

F. Voluntary Work Programs.

The *Detention Standards* require all facilities with work programs to "provide detainees the opportunity to work and earn money."¹³⁶ Detainees who are physically and mentally able to work must be provided the opportunity to participate in any voluntary work program.¹³⁷ As for those detainees who are physically or mentally challenged, the *Standards* require facilities to allow those with less severe disabilities to have the opportunity to undertake "appropriate work projects."¹³⁸ Facilities cannot deny "work opportunities based on non-merit factors, such as social group, race, religion, sex, physical or mental handicaps, or national origin."¹³⁹ The *Standards* also state that detainees must receive monetary compensation for work completed in accordance with the facility's standard policy.¹⁴⁰

The CCJ facility has not implemented this section of the *Standards*. CCJ officials do not allow immigration detainees to work or serve as trustees at CCJ. Major [REDACTED] b6, b7C told

¹³² Notes of delegation members [REDACTED] b6 [REDACTED] b6 [REDACTED] b6 and [REDACTED] b6.

¹³³ All of the detainees interviewed by the delegation had medium classifications.

¹³⁴ Detention Operations Manual, Detainee Services, Standard 3, Section III.E.

¹³⁵ CCJ Inmate Handbook, p. 4.

¹³⁶ Detention Operations Manual, Detainee Services, Standard 17, Section I.

¹³⁷ Detention Operations Manual, Detainee Services, Standard 17, Section III.A.

¹³⁸ Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

¹³⁹ Detention Operations Manual, Detainee Services, Standard 17, Section III.F.

¹⁴⁰ Detention Operations Manual, Detainee Services, Standard 17, Section III.K.

delegation members that detainees cannot work or serve as trustees because of jail policy. According to Major [b6, b7C] there would be some kind of insurance issue with immigration detainees serving as trustees. It should be noted that the CCJ Inmate Handbook also states that “[p]retrial and unsentenced inmates are not allowed to work except for personal housekeeping.”¹⁴¹

G. 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.¹⁴² Translating assistance for both formal and informal grievances must be provided upon request.¹⁴³ 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.”¹⁴⁴ All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.¹⁴⁵ Further, the *Standards* 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).¹⁴⁶

The delegation is concerned with the facility’s implementation of this section of the *Standards*. On the one hand, the CCJ Inmate Handbook provides for an inmate grievance procedure.¹⁴⁷ Inmates shall first try to resolve the problem with the individual(s) involved. If the response is not satisfactory, the inmate shall then try to resolve the problem with the Sergeant or Officer-in-Charge. If that response is not satisfactory, the inmate shall then ask for and fill out an Inmate Grievance Form. Per the CCJ Handbook, a “grievance, properly filed, shall be acted upon within ten (10) working days.”¹⁴⁸ Depending on the urgency of the situation, the Jail Administrator shall either personally interview the inmate or submit a written response to the inmate.¹⁴⁹ If the response of the Jail Administrator is not satisfactory, the inmate may make an appeal.¹⁵⁰

On the other hand, despite the policy detailed in the Handbook regarding “Inmate Grievance Forms,” CCJ personnel informed the delegation that no official grievance forms are

¹⁴¹ CCJ Inmate Handbook, p. 27.

¹⁴² Detention Operations Manual, Detainee Services, Standard 8, Sections I. & III.A.

¹⁴³ Detention Operations Manual, Detainee Services, Standard 8, Sections III.A.1. & 2.

¹⁴⁴ Detention Operations Manual, Detainee Services, Standard 8, Section I.

¹⁴⁵ Detention Operations Manual, Detainee Services, Standard 8, Sections I. & III.C.

¹⁴⁶ Detention Operations Manual, Detainee Services, Standard 8, Section III.G.

¹⁴⁷ CCJ Inmate Handbook, pp. 31-32.

¹⁴⁸ CCJ Inmate Handbook, p. 32.

¹⁴⁹ CCJ Inmate Handbook, p. 32.

¹⁵⁰ CCJ Inmate Handbook, p. 32.

used at the facility. Instead, inmates are told to write down grievances on request forms, which are used for everything from requesting medical treatment to requesting time at the law library. A number of the detainees we interviewed, including [REDACTED] b6, b7C [REDACTED] b6, b7C and [REDACTED] b6, b7C, reported that these request forms frequently go unanswered. According to the detainees, when they later ask about the request forms they submitted, they are sometimes told that their request forms cannot be found. Additionally, according to some detainees, when requests are denied, no reason or explanation is provided for the denial; the only response provided is the phrase “request denied.”¹⁵² The detainees also report that request denials cannot be appealed. The only recourse is to write another request and wait for an answer on the new request.

Moreover, it does not appear that translating assistance is available for either formal or informal grievances. Nor was there any indication that CCJ personnel convene a grievance committee to review formal complaints. Finally, although the CCJ Inmate Handbook provides for a grievance procedure, the Handbook does not provide the procedures for appealing decisions to ICE or the opportunity to file a complaint about officer misconduct directly with the Justice Department.

H. Religious Services.

The *Detention Standards* require that detainees of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths.¹⁵³ According to the *Standards*, these “opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is ‘mainstream,’ whether the religion is ‘Western’ or ‘Eastern,’ or other such factors. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.”¹⁵⁴ Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.¹⁵⁵ Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.¹⁵⁶

CCJ may not have fully implemented this section of the *Standards*. CCJ clearly offers Christian-based services, with ordained clergy, in English and Spanish. CCJ also sets aside time on Fridays for persons of the Islamic faith to worship, although no clergy is provided.

However, no time or service is provided for persons of other religious faiths. If persons of other faiths (e.g., persons from China, Vietnam, and Thailand are frequently of the Buddhist

¹⁵¹ Notes of delegation members [REDACTED] b6 [REDACTED] b6 [REDACTED] b6 and [REDACTED] b6

¹⁵² Notes of delegation members [REDACTED] b6 [REDACTED] b6 [REDACTED] b6 and [REDACTED] b6

¹⁵³ Detention Operations Manual, Detainee Services, Standard 14, Section I.

¹⁵⁴ Detention Operations Manual, Detainee Services, Standard 14, Section I.

¹⁵⁵ Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

¹⁵⁶ Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

faith) are seeking religious opportunities of their own, they appear to be denied the opportunity to practice their faith since only Christian and Islamic services are offered. The delegation has no knowledge regarding whether persons of other religions are detained at CCJ or whether they desire an opportunity to practice their faith.

I. Use of Force.

The *Detention Standards* provide that use of force is authorized only after all reasonable efforts to resolve a situation have failed.¹⁵⁷ Officers shall use as little force as necessary to gain control of the detainee; to protect and ensure the safety of detainees, staff, and others; to prevent serious property damage; and to ensure the security and orderly operation of the facility.¹⁵⁸ Physical restraints can be used to gain control of an apparently dangerous detainee only under specified conditions.¹⁵⁹ The *Standards* require that “all incidents of use of force be documented and forwarded to [ICE] for review” and that all calculated uses of force be videotaped and made available to ICE.¹⁶⁰ In addition, the *Standards* provide that under no circumstances shall force be used to punish a detainee.¹⁶¹

Four detainees reported incidents of physical mistreatment by CCJ officers against immigration detainees. Detainee [REDACTED] b6, b7C reported that he had been “assaulted” by a CCJ officer (“Sergeant [REDACTED] b6, b7C”) and thereafter placed in isolation for 35 days.¹⁶² According to Mr. [REDACTED] b6, b7C Federal Bureau of Investigation Officers had later visited the CCJ facility to investigate the incident. Detainees [REDACTED] b6, b7C and [REDACTED] b6, b7C reported that guards had mistreated them and held them in isolation for days for complaining about jail conditions.¹⁶³ And detainee [REDACTED] b6, b7C described a specific incident in which he was confined, strapped to a chair, and pepper sprayed by CCJ guards.¹⁶⁴ According to Mr. [REDACTED] b6, b7C the day after he submitted letters to attorneys regarding facility conditions, a CCJ guard came to see him about the letter. The guard had apparently opened the letter and read his accusations. The guard pulled Mr. [REDACTED] b6, b7C out of his cell and put him in solitary confinement. The guard explained that he belonged in confinement as a matter of CCJ policy (detainees must be segregated when a potential lawsuit is threatened). According to Mr. [REDACTED] b6, b7C, for the first three hours of his confinement, he was strapped to a chair as punishment. While he was strapped to the chair and held immobile, he was sprayed with pepper spray because he continued to demand his rights. Mr. [REDACTED] b6, b7C noted that some of his skin, that which came in contact with the pepper spray, peeled off days later.

¹⁵⁷ Detention Operations Manual, Security and Control, Standard 15, Section I.

¹⁵⁸ Detention Operations Manual, Security and Control, Standard 15, Section I.

¹⁵⁹ Detention Operations Manual, Security and Control, Standard 15, Section I.

¹⁶⁰ Detention Operations Manual, Security and Control, Standard 15, Section III.A.2.

¹⁶¹ Detention Operations Manual, Security and Control, Standard 15, Section III.B.

¹⁶² Notes of delegation members [REDACTED] b6 and [REDACTED] b6

¹⁶³ Notes of delegation members [REDACTED] b6 [REDACTED] b6 [REDACTED] b6
and [REDACTED] b6

¹⁶⁴ Notes of delegation members [REDACTED] b6 and [REDACTED] b6

Another detainee, [REDACTED] b6, b7C described verbal harassment by CCJ guards.¹⁶⁵ Mr. [REDACTED] b6, b7C who is of Middle Eastern origin, reported that guards refer to him as “bin Laden.”

The delegation is also concerned with the frequent use of handcuff and shackle restraints at CCJ. At CCJ, immigration detainees are handcuffed and shackled every time they are moved from their pod to the recreation area, to the law library, and to the visitation room. They are also handcuffed and shackled during their visits with family and friends, even though they are in a secured area. The *Standards*, however, appear to contemplate the use of restraints on detainees only when necessary “to prevent the detainee from harming self or others, or from causing serious property damage.”¹⁶⁶ Moreover, the rules governing the application of restraints state that “[h]ard restraints (e.g., steel handcuffs and leg irons) will be used only after soft restraints prove (or have previously proven) ineffective with [a particular] detainee.”¹⁶⁷

Detainees reported that they are treated worse than other inmates at the facility because, unlike the other inmates, most detainees do not have family members in the vicinity. According to the detainees, CCJ personnel can thus abuse them with impunity. CCJ personnel reported that problems did exist between detainees and CCJ staff, although they denied any mistreatment of detainees. The delegation is aware of at least one incident where a CCJ “corrections officer was arrested on a battery charge after investigators said he hit a handcuffed federal immigration detainee.”¹⁶⁸ According to the Florida Times Union, the officer was “accused of striking the detainee in retaliation for an assault on a corrections deputy under the sergeant's supervision.”¹⁶⁹

CCJ officials attributed the problems with detainees to the fact that detainees think they are deserving of better treatment than the other inmates. By way of explanation, CCJ officials informed the delegation that, in the past, immigration detainees were segregated from the regular inmate population and received clothing, personal hygiene supplies, and other materials directly from ICE. The officials explained that this disparity in treatment between the detainees and the other inmates led to tension and discord between the two groups. Thus, CCJ officials decided to disperse detainees into the general inmate population and treat the detainees the same as other inmates. According to CCJ officials, this equal treatment has led to positive results in relations between the detainees and the other inmates and between detainees and CCJ personnel.

While this may or may not be the case, the *Standards* do not allow for a facility to dismiss the *Standards*' requirements in order to accomplish the equal treatment of all persons detained at the facility. The purpose of the *Detention Standards* is to provide minimum policies and procedures for the treatment of immigration detainees. If such policies and procedures can

¹⁶⁵ Notes of delegation members [REDACTED] b6 and [REDACTED] b6

¹⁶⁶ Detention Operations Manual, Security and Control, Standard 15, Sections I., III.A.4. & III.B.

¹⁶⁷ Detention Operations Manual, Security and Control, Standard 15, Section III.B.

¹⁶⁸ Florida Times-Union, *Freedom Ride Backs Immigrants*, Sept. 29, 2003 (available at http://www.jacksonville.com/tu-online/stories/092903/met_13651007.shtml) (last visited on Dec. 5, 2003).

¹⁶⁹ Florida Times-Union, *Freedom Ride Backs Immigrants*, Sept. 29, 2003.

be set aside in order to treat detainees equally with criminal inmates, the *Standards* would be of little significance.

J. Clothing and Personal Hygiene Products.

The *Detention Standards* require facilities to have a policy and procedure for the regular issuance and exchange of clothing, bedding, linens, and towels.¹⁷⁰ According to the Standards, “[a]ll new detainees shall be issued clean, temperature-appropriate, presentable clothing during in-processing.”¹⁷¹ New detainees shall also be issued “clean bedding, linens and towel.”¹⁷² As for “exchange requirements,” the *Standards* state:

Detainees shall be provided with clean clothing, linen and towels on a regular basis to ensure proper hygiene. Socks and undergarments will be exchanged daily, outer garments at least twice weekly and sheets, towels, and pillowcases at least weekly.¹⁷³

The *Standards* further add that “[i]ndividual facilities may institute their own clothing, linen, and towel exchange policy and procedures, provided the standards in this policy are met.”¹⁷⁴

CCJ has implemented some parts of this section of the *Standards*, but not others. The CCJ Inmate Handbook provides that detainees may launder their uniforms once a week.¹⁷⁵ Although the once-a-week policy does not exactly meet the requirement that outer garments be laundered “at least twice weekly,” detainees are provided with *two* uniforms every week, which appears to fulfill the general purpose behind the policy.¹⁷⁶ The CCJ Handbook also provides for the exchange of linen “once a week.”¹⁷⁷

However, although facilities are required to exchange undergarments daily, CCJ detainees are not provided any undergarments at all. Apparently, immigration officials used to provide detainees with underclothing once a month, but such is no longer the case. Detainees complained that they are forced to either go without undergarments or buy undergarments—if they have the money to do so—at the jail commissary, which they believe charges higher than market prices.

Detainees also complained that they do not receive sufficient hygienic products from the jail. As with underclothing, detainees previously received personal hygiene supplies from ICE, including full bars of soap, deodorant, toothbrushes, and toothpaste. CCJ officials stated, however, that they requested ICE to stop providing such supplies. According to CCJ officials,

¹⁷⁰ Detention Operations Manual, Detainee Services, Standard 10, Section III.A.

¹⁷¹ Detention Operations Manual, Detainee Services, Standard 10, Section III.B.

¹⁷² Detention Operations Manual, Detainee Services, Standard 10, Section III.C.

¹⁷³ Detention Operations Manual, Detainee Services, Standard 10, Section III.E.

¹⁷⁴ Detention Operations Manual, Detainee Services, Standard 10, Section III.E.

¹⁷⁵ CCJ Inmate Handbook, p. 15.

¹⁷⁶ CCJ Inmate Handbook, p. 15.

¹⁷⁷ CCJ Inmate Handbook, p. 15.

the fact that immigration detainees received more than the rest of the inmate population led to conflict among the inmates. Detainees complained that the personal hygiene products they receive weekly from the jail are insufficient to last for a week. Again, the detainees state that they can purchase additional products from the commissary, but they believe the commissary's prices are unfairly inflated.

K. Educational Opportunities.

The *Detention Standards* do not appear to include any language regarding educational opportunities for detainees. The CCJ facility provides GED and basic education classes.¹⁷⁸ A number of the detainees have taken advantage of such classes. The detainees we interviewed appreciated the opportunity to take such classes, but some complained that the classes are offered in no language other than English, and that the facility offers no anger management or other self-help classes. The CCJ Inmate Handbook also provides for Alcoholics Anonymous and Narcotics Anonymous classes for those inmates that request to attend the programs.

L. ICE Presence at the Facility.

The *Detention Standards* require procedures to 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.”¹⁷⁹ The *Standards* require 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.¹⁸⁰ 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.¹⁸¹ The *Standards* also require that detainees “have the opportunity to submit written questions, requests, or concerns to ICE staff.”¹⁸² 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.”¹⁸³ Moreover, the *Standards* require that detainee requests be forwarded to the appropriate ICE office within 72 hours and “answered as soon as possible or practicable, but not later than 72 hours from receiving the request.”¹⁸⁴

ICE has not implemented this section of the *Standards* at CCJ. Although ICE Officer-in-Charge b6, b7C was present at the facility on the day of the delegation's visit, OIC b6, b7C made it clear that there is no weekly ICE presence at the facility. OIC b6, b7C indicated that ICE officials make it out to the site about once or twice a year, although he also indicated that he would like to improve those numbers. Furthermore, at the time of the delegation's visit there

¹⁷⁸ CCJ Inmate Handbook, p. 27.

¹⁷⁹ Detention Operations Manual, Staff-Detainee Communication, Section I.

¹⁸⁰ Detention Operations Manual, Staff-Detainee Communication, Section III.A.

¹⁸¹ Detention Operations Manual, Staff-Detainee Communication, Section III.A.

¹⁸² Detention Operations Manual, Staff-Detainee Communication, Section III.B.

¹⁸³ Detention Operations Manual, Staff-Detainee Communication, Section III.B.

¹⁸⁴ Detention Operations Manual, Staff-Detainee Communication, Section III.B.1.

were no written procedures in place for detainees to submit grievances directly to ICE personnel. Nor were there any procedures in place to assist detainees who are disabled, illiterate, or unable to communicate in English.

CCJ detainees reported feeling isolated because of the lack of ICE contact. They reported that most detainees constantly wonder whether they have been lost in the system, and they are unable to ask anyone about the status of their cases or their detention.

V. RECOMMENDATIONS.

The Clay County Jail facility fails to implement a number of sections of the *ICE Detention Standards*. The delegation recommends the following proposals so that the facility may fulfill its obligations under the *Standards*:

Visitation

- CCJ should inform detainees of their right to visit with their children within the first 30 days of detention and once a month thereafter; CCJ should also allow detainees to visit with their children, either at the facility or at another location;
- CCJ should inform detainees of the ability to make special arrangements when CCJ's visitation rules pose a hardship for family members;
- detainees should not be handcuffed or shackled during visitation;
- detainees should be able to split their two hours of visitation time between different individuals, or they should be able to visit with more than one individual at the same time;
- detainees should be allowed to receive visits from persons not on their visitors list, or they should be allowed to keep more than four names on the list.

Telephone Access

- CCJ should not limit legal phone calls unless necessary; in any event, CCJ should not cut off legal phone calls before 20 minutes have expired;
- CCJ should install privacy panels or otherwise place telephones so that detainees can make legal phone calls without being overheard by others;
- CCJ should not record or monitor, in any matter whatsoever, legal phone calls (absent a court order); if regular phone calls are monitored, CCJ should provide detainees with the procedure for obtaining an unmonitored call for legal purposes;
- any difficulties in reaching consulates should be resolved;
- postings near the inmate telephones should provide a list of free pre-programmed numbers to all consulates, as well as relevant courts, immigration offices, and all free legal service providers on the ICE-approved list;
- CCJ should take and deliver non-emergency phone messages to detainees;

- instructions regarding usage of the phone system need to be in different languages, reflecting the needs of the multinational immigrant jail population.

Access to Legal Materials

- CCJ should not restrict represented detainees from accessing the law library;
- CCJ's law library should provide access to all of the legal materials listed in the *Detention Standards*; CCJ should also replace all damaged, destroyed, and stolen materials;
- CCJ should assign an employee to organize, update, and request legal materials;
- CCJ should provide detainees sufficient access to computers or functioning typewriters;
- CCJ personnel should not read any legal mail sent to or from detainees;
- CCJ should provide detainees with sufficient paper, envelopes, and stamps to meet their legal needs;
- CCJ should provide detainees with access to notary public services, certified mail, and other such services needed to pursue legal matters;
- CCJ should show detainees the "Know Your Rights" video created by the Florence Project and distributed by ICE.

Site-Specific Detainee Handbook

- CCJ should provide detainees with a handbook that correctly describes the policies, rules, services, programs, and rights applicable to immigration detainees through the *Detention Standards*; the handbook should not contradict the *Standards* or otherwise mislead detainees as to their rights;
- the handbook should be translated into Spanish, and other prevalent languages among the facilities detainees.

Recreation

- CCJ should provide detainees with outdoor recreation and access to natural sunlight;
- CCJ should provide detainees with access to exercise or recreational equipment;
- when recreation is cancelled due to inclement weather, CCJ should provide alternative recreation to the detainees;
- detainees should be allowed to use the restroom during recreation;
- detainees should be provided with drinking water during outside recreation;
- CCJ should allow detainees to play games in their pods and watch television;
- detainees should be allowed to play games with one another during recreation.

Medical Treatment

- CCJ should not use solitary confinement for detainees who seek medical treatment;

- CCJ medical staff should inform detainees as to the results of their medical tests/exams.
- CCJ should review requests for doctor visits and medicine in a timely manner;
- medicine and/or treatment should not be delayed or denied to detainees with temporary, emergency, or non-chronic medical conditions;
- CCJ personnel should provide appropriate diet trays to detainees with special diet restrictions.

Dental Treatment

- CCJ should provide detainees with a dental screening exam within 14 days of the detainee's arrival at the facility;
- CCJ should provide detainees emergency dental treatment and repair of prosthetic appliances;
- CCJ should provide routine dental treatment to detainees who are held in detention for over six months, 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.

Detainee Classification

- CCJ should adopt a classification system that appropriately classifies and segregates detainees of varying dangerousness; CCJ must separate detainees with no or small criminal records from inmates with serious criminal records;
- CCJ should allow for the redetermination of classification levels;
- CCJ should allow new arrivals to appeal their classification levels;
- CCJ's Inmate Handbook should 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;
- CCJ should assign different color uniforms and wristbands to detainees with different classification levels;
- CCJ could accomplish many of these recommendations by separating detainees from other inmates.

Voluntary Work Programs

- Detainees who are physically and mentally able to work should be provided the opportunity to participate in any voluntary work;
- detainees with disabilities that do not prevent them from working should be allowed to undertake appropriate work projects.
- CCJ should provide detainees monetary compensation for work completed in accordance with the facility's standard policy.

Detainee Grievance Procedures

- CCJ should develop and implement standard procedures for handling detainee grievances, allowing for both a formal and informal grievance process;
- CCJ should provide translating assistance for both formal and informal grievances;
- CCJ should process, investigate, and respond to grievances in a timely manner;
- CCJ should convene a grievance committee to review formal complaints in a timely manner;
- CCJ should provide written responses to detainees who file formal grievances, including the basis for the decision;
- all grievances should receive supervisory review and allow for appeals;
- the CCJ Inmate Handbook should 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).

Religious Services

- Detainees of religious beliefs other than Christianity and Islam should be allowed to practice their respective faiths;
- CCJ personnel should make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.

Use of Force

- CCJ should not use force in order to punish a detainee;
- CCJ personnel should not use pepper spray on a detainee unless it is necessary to prevent the detainee from hurting herself or others, or to prevent the detainee from causing substantial property damage;
- CCJ personnel should not verbally harass detainees;
- CCJ should document all “use of force” incidents and forward the documentation to ICE;
- CCJ should videotape all calculated uses of force against detainees and forward the footage to ICE;
- CCJ should not use handcuffs or shackles on detainees unless necessary to prevent the detainee from harming self or others, or from causing serious property damage.

Clothing and Personal Hygiene Products

- CCJ should provide undergarments to detainees and it should exchange these garments daily;
- CCJ should resume the distribution of ICE-supplied personal hygiene supplies.

Educational Opportunities

- CCJ should offer classes to inmates in other languages beside English.
- CCJ should offer anger-management and other self-help classes.

ICE Presence at the Facility

- ICE should conduct weekly visits of the CCJ facility by ICE personnel;
- ICE should conduct regular unannounced visits by the OIC and Assistant OIC;
- during such visits, ICE personnel should monitor housing conditions, interview detainees, review records, and answer detainee questions;
- CCJ should allow detainees the opportunity to submit written questions, requests, or concerns to ICE staff;
- CCJ should create written procedures to route detainee requests to appropriate ICE officials, and CCJ must assist detainees who are disabled, illiterate, or know little or no English with this process;
- such requests should be forwarded to the appropriate ICE office within 72 hours and answered not later than 72 hours from receipt of the request.

Access to Legal Representation

In addition to the above concerns and recommendations, the delegation would also like to address the inability of many CCJ detainees to access and acquire legal representation. The delegation remains concerned that while CCJ provides the ability to call and meet with attorneys, many detainees at the CCJ facility are unable to identify attorneys who can assist them in the first place. The delegation recommends that ICE improve the ability for CCJ detainees to identify and contact legal service providers and translation services.

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