

# MEMORANDUM

May 19, 2009

To: James T. Hayes, Jr., Director, Office of Detention and Removal, Immigration and Customs Enforcement

From: American Bar Association Delegation to the Monroe County Detention Center

Copies to: [REDACTED] ABA Commission on Immigration

Subject: Report on Observational Tour of the Monroe County Detention Center, Key West, Florida

The purpose of this memorandum is to summarize and report information obtained during the delegation's August 2, 2007 visit<sup>1</sup> to the Monroe County Detention Center ("MCDC" or the "Facility") in Key West, Florida. During the visit, the delegation had the opportunity to conduct interviews with six detainees and to speak to MCDC personnel. No officials from the Immigration and Customs Enforcement ("ICE") were present during the delegation's visit.

## I. ICE DETENTION STANDARDS

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

While the Standards went into effect at ICE-operated detention facilities on January 1, 2001, ICE sought to phase the Standards in at all of its contract and IGSA facilities by December 31, 2002. The Standards constitute a floor for the treatment of immigration detainees, rather than a ceiling. Therefore, each Field Office or Officer-in-Charge has discretion to promulgate policies and practices affording ICE detainees enhanced rights and protections, beyond those provided for by the Standards.

---

<sup>1</sup> The delegation represented the American Bar Association and was comprised of Holland & Knight LLP attorney [REDACTED] and the following Holland & Knight Law Student Summer Associates: [REDACTED] [REDACTED] [REDACTED], and [REDACTED]. Holland & Knight attorney [REDACTED] assisted with the preparation of this report.

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

## II. INTRODUCTION

### A. The Delegation's Visit on August 2, 2007

On Thursday, August 2, 2007, the delegation met with several members of MCDC's staff in Key West, Florida. Operations Captain [REDACTED] b6, b7C and Lieutenant [REDACTED] b6, b7C led the delegation on a tour of the Facility and participated in a post-tour discussion. During the tour, the delegation also met with other MCDC personnel: Officer [REDACTED] b6, b7C Deputy [REDACTED] b6, b7C, Programs Assistant [REDACTED] b6, Medical Director [REDACTED] b6, and Director of Nurses [REDACTED] b6. The delegation appreciates the cooperation of these individuals as they were direct and accommodating during the Facility tour.

This memorandum is based upon discussions with MCDC personnel, interviews with six immigration detainees, and the personal observations of the delegation members. In many instances, the detainees' reports were compatible with statements made by Facility personnel and the delegations' observation. In such cases, the delegation was able to more accurately determine whether MCDC policy and procedures successfully meet the Standards. However, in certain instances, the detainees' reports conflicted with statements made by Facility personnel. When the delegation could not reconcile the conflicting reports, it was unable to determine conclusively whether the Standards were met.

### B. General Information About the Monroe County Detention Center

MCDC houses federal immigration detainees according to an IGSA with ICE.<sup>3</sup> According to MCDC personnel, the Facility has the capacity to hold more than 500 individuals.<sup>4</sup> MCDC has a current population of 522 inmates, ninety-eight of whom are women.<sup>5</sup> The thirty-five immigration detainees are all women.<sup>6</sup> All of the women at MCDC, whether inmates or immigration detainees, live in one female housing unit (the "Housing Unit").<sup>7</sup> Immigration detainees from many different countries live within the Housing Unit, including individuals from Haiti, Jamaica, the United Kingdom and some South American countries.<sup>8</sup>

## III. LEGAL ACCESS STANDARDS

### A. Visitation

#### 1. Visitation by Attorneys

The Standards require that facilities permit legal visitation seven days per week.<sup>9</sup> Attorneys should have access to their clients eight hours per day during the week and four hours

<sup>3</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED] b6, b7C.

<sup>4</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED].

<sup>5</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED].

<sup>6</sup> Notes of delegation member [REDACTED] b6 on conversation with Lieutenant [REDACTED] b6, b7C.

<sup>7</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED].

<sup>8</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED].

<sup>9</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

per day during the weekend.<sup>10</sup> The visits must be private and should not be interrupted for head counts.<sup>11</sup> Each IGSA facility should establish a procedure by which attorneys may call to determine whether a detainee is housed in the facility.<sup>12</sup> Facilities should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.<sup>13</sup> The Standards require ICE to provide the Facility with a list of pro bono organizations that provide services to detainees.<sup>14</sup> The facility must provide notification of visitation rules and hours in the handbook, and post these rules where detainees may easily see them.<sup>15</sup>

**MCDC substantially meets this section of the Standards; however, The "MCDC Inmate Handbook and Jail Rules" (the "Handbook")<sup>16</sup> does not contain any information related to attorney visitations.** Attorneys are allowed to visit their clients seven days a week during the following times: 7:30-11:00 a.m., 1:00-4:00 p.m., and 8:00-11:00 p.m. (the periods between these times, e.g. 11:00 a.m. to 1:00 p.m., are referred to as "lockdown").<sup>17</sup> The policy for legal visitation was posted in the Facility's lobby/entrance and is available on the Internet.<sup>18</sup>

Attorneys may visit detainees so long as they present a bar card.<sup>19</sup> Attorney visits do not require prior notice to the Facility.<sup>20</sup> All other persons involved in the legal representation of a detainee (e.g., law students, law graduates, accredited representatives, legal assistants, interpreters) may also visit the Facility under the attorney visitation rules as long as they provide identification.<sup>21</sup>

The Housing Unit has three attorney visitation areas.<sup>22</sup> Detainees can meet with their attorneys in two rooms on the first floor and one room on the second floor.<sup>23</sup> The ICE library located on the first floor of the Housing Unit is sometimes used for attorney visitation.<sup>24</sup> Attorney visitation must always be supervised by a Facility guard.<sup>25</sup>

All attorney visitation areas allow for contact visits.<sup>26</sup> There is no option for a non-contact visit.<sup>27</sup> Detainees are not typically subject to strip searches after attorney visits,<sup>28</sup> but

---

<sup>10</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

<sup>11</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.9.

<sup>12</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

<sup>13</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.I.3.

<sup>14</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>15</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

<sup>16</sup> The MCDC Handbook is not specific to immigration detainees and therefore does not reflect any policies or procedures that the Facility may have implemented which are specific to detainees and different from those for the general inmate population.

<sup>17</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED] Notice of Attorney Hours and Rules.

<sup>18</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED] Notice of Attorney Hours and Rules.

<sup>19</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>20</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>21</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>22</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>23</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>24</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>25</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>26</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

guards do conduct pat-down searches of the detainees after attorney visits.<sup>29</sup> Attorneys cannot continue a visit with a detainee during lockdown.<sup>30</sup> However, MCDC staff have the discretion to accommodate attorneys who arrive during the dinner lockdown hours.<sup>31</sup> Officers supervising the evening shift at MCDC have discretion to permit an attorney to meet with a detainee subsequent to dinner, but before the end of lockdown at 8:00 p.m.<sup>32</sup> On occasions where supervising guards allow attorneys to meet with detainees before the end of the lockdown period, attorneys have been allowed to enter between 6:30 p.m. and 8:00 p.m.<sup>33</sup> Supervising guards are especially likely to accommodate attorneys for early entrance when they are traveling from far locations, such as Miami.<sup>34</sup>

Attorneys may call MCDC to determine whether a client is being housed at the Facility.<sup>35</sup> While MCDC has the capability to search for detainees by name, they are not permitted to disclose information beyond whether the detainee is at the Facility.<sup>36</sup> Several pro bono legal organizations provide services to MCDC detainees, and their contact information is posted.<sup>37</sup>

One detainee stated that she has not faced any problem with regard to attorney visitation.<sup>38</sup> She said that she has had confidential visits with her attorney in the visitation rooms in the Housing Unit.<sup>39</sup> A second detainee met with her attorney from the Florida Immigrant Advocacy Center (FIAC) in a one-on-one meeting.<sup>40</sup> This detainee stated that the meetings were not a problem, but other types of communication were very difficult.<sup>41</sup> She stated that she has never received any messages that her FIAC attorney left for her, and that they did not receive an application she mailed.<sup>42</sup>

## 2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the Standards encourage visits from family and friends.<sup>43</sup> The Standards require that facilities establish written visitation hours and procedures, post them where detainees can see them, and make them available to the public.<sup>44</sup> Visiting hours shall be set on Saturdays, Sundays, and holidays, and the Standards encourage facilities to accommodate visitors at other times when they are facing a particular

---

<sup>27</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>28</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>29</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>30</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>31</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>32</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>33</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>34</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

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

<sup>36</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>37</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>38</sup> Notes of delegation interview with MCDC detainee who chose to remain anonymous.

<sup>39</sup> Notes of delegation interview with MCDC detainee who chose to remain anonymous.

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

<sup>41</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]

<sup>42</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]

<sup>43</sup> Detention Operations Manual, Detainee Services, Standard 17, Section I.

<sup>44</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

hardship.<sup>45</sup> Visits should be at least thirty minutes long, and longer when possible.<sup>46</sup> If a facility does not provide for visits from minors, ICE should arrange for visits with children or stepchildren within the detainee's first thirty days at the facility, with continuing monthly visits.<sup>47</sup> Visits should be granted to detainees in both disciplinary and administrative segregation unless a detainee violates the visitation rules or threatens the security of the visitation room.<sup>48</sup>

**MCDC substantially meets this section of the Standards; however, visitation policies for family and friends are not posted, and the Handbook contradicts the Standards and MCDC policy.** Visitors may visit detainees five days a week, from Saturday through Wednesday.<sup>49</sup> There are no visitations on Thursdays or Fridays, unless a special visit request is approved.<sup>50</sup> There are six booths that may be used for visitations in the Housing Unit, with a Plexiglas divider between the detainee and the visitor.<sup>51</sup> Contact visits are prohibited.<sup>52</sup> Children are able to visit detainees, provided that they are accompanied by a guardian, that they have a birth certificate, and that they are not on the inmate's victim list.<sup>53</sup>

Visitors are generally given thirty minutes of visitation time; however, visitors who travel more than fifty miles, and who provide prior notice of their visit, are given forty-five minutes.<sup>54</sup> Ms. [b6, b7C] a detainee, confirmed that this rule is strictly followed and that her father, who made a special trip from New York to visit Ms. [b6, b7C] was limited to a forty-five-minute visit.<sup>55</sup> Another detainee said that others who have had visitors from the Broward County area have been limited to thirty-minute visits, even with advance notice to the Facility.<sup>56</sup> Given the distance of the Facility from other urban areas, these two detainees stated that this rule can be very hard on a detainee whose family has to travel great distances to visit.<sup>57</sup>

The delegation noted that there did not appear to be any posting in the Facility entrance or in the Housing Unit regarding visitation policies for visits other than legal visits.<sup>58</sup> MCDC does have a phone number to call for visitation hours, which the delegation tested.<sup>59</sup> Visitation is allowed for detainees in segregation unless their disciplinary sanction includes loss of visitation privileges.<sup>60</sup>

<sup>45</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>46</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

<sup>47</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.2.

<sup>48</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.H.5.

<sup>49</sup> Notes of delegation members [b6] and [b6] on conversation with Captain [b6, b7C].

<sup>50</sup> Notes of delegation members [b6] on conversation with Captain [b6, b7C].

<sup>51</sup> Notes of delegation members [b6] and [b6] on conversation with Captain [b6, b7C].

<sup>52</sup> Notes of delegation members [b6] on conversation with Captain [b6, b7C].

<sup>53</sup> Notes of delegation members [b6] and [b6] on conversation with Captain [b6, b7C].

<sup>54</sup> Notes of delegation members [b6] and [b6] on conversation with Captain [b6, b7C].

<sup>55</sup> Notes of delegation members [b6] and [b6] on conversation with detainee [b6, b7C].

<sup>56</sup> Notes of delegation members [b6] and [b6] on conversation with detainee [b6, b7C].

<sup>57</sup> Notes of delegation members [b6] and [b6] on conversations with detainees [b6, b7C] and [b6, b7C].

<sup>58</sup> Observation of delegation members [b6] and [b6].

<sup>59</sup> Observations of delegation member [b6].

<sup>60</sup> Notes of delegation member [b6] on conversation with Captain [b6, b7C].

The Handbook contradicts or lacks information from both the Standards and MCDC policy. There is no discussion in the Handbook as to the length of the visit or exceptions for longer visits.<sup>61</sup> Also, the Handbook states that the visitation rules will be posted at the Reception Station and on the Housing Bulletin Board,<sup>62</sup> but the delegation did not observe any postings for non-legal visits.

## B. Telephone Access

### 1. General Requirements

The Standards require that facilities provide detainees with reasonable and equitable access to telephones during established facility waking hours.<sup>63</sup> In order to meet this requirement, facilities must provide at least one telephone for every twenty-five detainees.<sup>64</sup> The Standards also require that telephone access rules be provided in writing to each detainee upon admittance, and that the rules be posted where detainees may easily see them.<sup>65</sup>

**MCDC does not fully meet this Standard; detainees reported that phones are turned off and inaccessible for long periods during the day, and reported delays of several days in receiving phone cards.** The Housing Unit, which houses 98 women,<sup>66</sup> has six telephones, all of which are located within the "Dayroom"—a large, well-lit room off of which the detainees cells are located.<sup>67</sup> The phones are fixed on the walls.<sup>68</sup>

MCDC officials stated that the telephones were accessible for use during open Dayroom periods, i.e., other than during "lock-down" hours, and that there were no time limits placed on calls.<sup>69</sup> This contrasts with what detainees stated. One detainee stated that the phones are often turned off at different times during the day and are generally only turned on for two or three hours per day.<sup>70</sup> She further reported that Facility personnel do not tell the detainees when the phones are turned on.<sup>71</sup> Another detainee also stated that they are not informed when the telephones are operational, thus making the use of the telephones quite difficult.<sup>72</sup>

A second detainee stated that it is difficult to use the telephones because there are so many people trying to use the telephones at the same time.<sup>73</sup> This detainee characterized inability to use the phones as her major concern about MCDC.<sup>74</sup> A third detainee characterized difficulty in making phone calls as a main problem with MCDC given that there are only six

---

<sup>61</sup> MCDC Handbook.

<sup>62</sup> MCDC Handbook at 25.

<sup>63</sup> Detention Operations Manual, Detainee Services, Standard 16, Section I & III.A.

<sup>64</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

<sup>65</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

<sup>66</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>67</sup> Observation of delegation member [REDACTED].

<sup>68</sup> Observation of delegation member [REDACTED].

<sup>69</sup> Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

<sup>70</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

<sup>71</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

<sup>72</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].

<sup>73</sup> Notes of delegation members [REDACTED] and [REDACTED] on conversation with detainee [REDACTED].

<sup>74</sup> Notes of delegation members [REDACTED] and [REDACTED] on conversation with detainee [REDACTED].

telephones for ninety-eight women in the Housing Unit and hours of usage are limited.<sup>75</sup> She advised that the telephones are shut off during "transfers" of inmates.<sup>76</sup> As an example, this detainee noted that, on the day prior to our visit, the telephones were shut off from 7 p.m. to 9 p.m., and then shut off again from about 9:30 p.m. to 10:15 p.m.<sup>77</sup> A fourth detainee asserted that she has been able to use the phones in the Facility but that the phones do not always work.<sup>78</sup> She states that the guards at the Facility always say they cannot do anything about the phones.<sup>79</sup> A detainee can buy a phone card for \$21.50 to receive forty minutes of use.<sup>80</sup> One detainee stated that she receives less than forty minutes each time she buys the card even though she pays the full amount.<sup>81</sup>

Detainees also reported problems using phone cards, which are available for purchase from MCDC under the "canteen" system,<sup>82</sup> which can lead to delays. Several detainees complained about the canteen system. One detainee reported that detainees place orders for items from the canteen on Sundays and then pay for their canteen orders on Mondays;<sup>83</sup> the detainees are supposed to receive their canteen items on Tuesdays or Wednesdays at the latest, but they often receive them even later.<sup>84</sup> On the Thursday of the delegation's visit, this detainee reported that detainees had yet to receive their canteen items for that week.<sup>85</sup> According to this detainee, this problem has occurred about three times in the six or seven weeks that she has been at MCDC.<sup>86</sup> A second detainee confirmed this report that the canteen items have not been arriving on time.<sup>87</sup> She stated that detainees place and pay for their orders on Monday and the detainees are supposed to receive the goods on Wednesday. Recently, however, detainees and inmates have not received the goods until Thursday or Friday. This problem is particularly troublesome with regard to calling cards, which the detainees need to contact their attorneys and family. Since detainees purchase calling cards from the canteen in order to make telephone calls, their late delivery can thus limit a detainee's ability to make the telephone calls that she needs to make.<sup>88</sup>

## 2. Direct Calls and Free Calls

The Standards allow facilities to generally restrict calls to collect calls;<sup>89</sup> however, the facility must permit detainees to make direct calls to the local immigration court, the Board of Immigration Appeals, federal and local courts, consular officials, legal service providers,

---

<sup>75</sup> Notes of delegation members [redacted] and [redacted], on conversation with detainee [redacted].

<sup>76</sup> Notes of delegation members [redacted] and [redacted], on conversation with detainee [redacted].

<sup>77</sup> Notes of delegation members [redacted] and [redacted], on conversation with detainee [redacted].

<sup>78</sup> Notes of delegation interview with MCDC detainee who chose to remain anonymous.

<sup>79</sup> Notes of delegation interview with MCDC detainee who chose to remain anonymous.

<sup>80</sup> Notes of delegation interview with MCDC detainee who chose to remain anonymous.

<sup>81</sup> Notes of delegation member [redacted] on conversation with detainee [redacted].

<sup>82</sup> Notes of delegation interview with detainee who chose to remain anonymous.

<sup>83</sup> Notes of delegation member [redacted], on conversation with detainee [redacted].

<sup>84</sup> Notes of delegation member [redacted], on conversation with detainee [redacted].

<sup>85</sup> Notes of delegation member [redacted], on conversation with detainee [redacted].

<sup>86</sup> Notes of delegation member [redacted], on conversation with detainee [redacted].

<sup>87</sup> Notes of delegation interview with MCDC detainee who chose to remain anonymous.

<sup>88</sup> Notes of delegation member [redacted] on conversation with detainee [redacted].

<sup>89</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

government offices, and to family members in case of emergency.<sup>90</sup> The facility shall not require indigent detainees to pay for these types of calls if local, nor for non-local calls if there is a compelling need.<sup>91</sup> In addition, the facility "shall enable all detainees to make calls to the [ICE]-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party."<sup>92</sup>

**MCDC meets this section of the Standards, although one detainee stated that there have been problems reaching consulates. However, using the pre-programmed phone system is difficult and no instruction is given to the detainees. Finally, the Handbook states that the phones in the housing areas allow collect or calling card calls only.**<sup>93</sup> Posted next to at least one of the telephones was a list of three-digit preprogrammed codes; this information was only available in English.<sup>94</sup> This same information was posted on a main bulletin board in the Dayroom.<sup>95</sup> Phone numbers are posted on these lists for FIAC, the United Nations High Commissioner for Refugees ("UNHCR"), Catholic Charities, Legal Aid, the Board of Immigration Appeals, and other legal providers and immigration courts.<sup>96</sup> However, although there are seven Haitian detainees in the facility,<sup>97</sup> the phone number and code from the Haitian consulate was not among those listed.<sup>98</sup> One delegation member tested a phone and was able to place a call to the consulate of the Dominican Republic.<sup>99</sup> However, it took this delegation member numerous attempts to figure out the very complicated and cumbersome procedure in order to make this call go through.<sup>100</sup> One detainee reported that she too had difficulties making phone calls, and that MCDC personnel do not offer to assist detainees.<sup>101</sup> She stated that a detainee basically has to rely on other inmates to teach her how to use the phones.<sup>102</sup> Another detainee has seen other detainees experience trouble contacting their consular and deportation officers.<sup>103</sup>

According to the Handbook, if a detainee needs to call overseas because of a true emergency, and is indigent, the detainee needs to fill out an Inmate Request Form in order to have the call made for them free of charge.<sup>104</sup>

### 3. Telephone Access to Legal Representatives

The Standards provide that the facility shall not restrict the number of calls a detainee places to his/her legal representatives, nor limit the duration of such calls by automatic cutoff,

---

<sup>90</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>91</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>92</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

<sup>93</sup> MCDC Handbook at 24.

<sup>94</sup> Observation of delegation member [REDACTED]

<sup>95</sup> Observation of delegation member [REDACTED] b6

<sup>96</sup> Observation of delegation member [REDACTED]

<sup>97</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED] b6, b7C

<sup>98</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>99</sup> Observation of delegation member [REDACTED] b6

<sup>100</sup> Observations of delegation members [REDACTED] b6 and [REDACTED] b6

<sup>101</sup> Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C

<sup>102</sup> Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C

<sup>103</sup> Notes of delegation interview with detainee who chose to remain anonymous.

<sup>104</sup> MCDC Handbook at 24.



unless necessary for security purposes or to maintain orderly and fair access to telephones.<sup>105</sup> If time limits are necessary, calls should be no shorter than 20 minutes.<sup>106</sup> The Standards require that the facility ensure privacy for detainees' telephone calls regarding legal matters, and that calls shall not be electronically monitored absent a court order.<sup>107</sup>

**MCDC does not meet this section of the Standards: the Facility limits calls to fifteen minutes; does not have private areas from which phone calls can be made; and monitors and records all phone calls.** One detainee reported that Facility personnel limit detainees to a maximum of fifteen minutes per calling period.<sup>108</sup> Detainees are unable to make private telephone calls because the phones where detainees make outgoing calls are all located in the Dayroom with no privacy safeguards.<sup>109</sup> The telephones are out in the open, and there are no partitions.<sup>110</sup> According to MCDC officials and the Handbook, all phone conversations made on the outgoing phones are recorded and monitored, regardless of whether they are made to an attorney.<sup>111</sup>

#### 4. Incoming Calls and Messages

The Standards require that facilities take and deliver messages to detainees as promptly as possible.<sup>112</sup> If the facility receives an emergency telephone call for a detainee, the Standards suggest that the facility obtain the caller's name and number and permit the detainee to return the emergency call as soon as possible.<sup>113</sup>

**MCDC does not meet this section of the Standards; messages are not always delivered.** Incoming messages are handled by an operator, but are delivered to the detainee at the discretion of the officer on duty.<sup>114</sup> Similarly, the procedure for making emergency calls is to refer them to the officer on duty on a case-by-case basis.<sup>115</sup> One detainee stated that she receives phone messages from her lawyer, but not from her family.<sup>116</sup> Another detainee stated that she has never received any messages that her FIAC attorney left for her.<sup>117</sup>

---

<sup>105</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

<sup>106</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

<sup>107</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

<sup>108</sup> Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C.

<sup>109</sup> Observation of delegation member [REDACTED] b6.

<sup>110</sup> Observation of delegation member [REDACTED] b6.

<sup>111</sup> Notes of delegation member [REDACTED] b6 on conversation with Lieutenant [REDACTED] b6, b7C and Officer [REDACTED] b6, b7C MCDC Handbook at 24.

<sup>112</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

<sup>113</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

<sup>114</sup> Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C.

<sup>115</sup> Notes of delegation member [REDACTED] b6 on conversation with Officer [REDACTED] b6, b7C.

<sup>116</sup> Notes of delegation member [REDACTED] b6 on conversation with detainee [REDACTED] b6, b7C.

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

## 5. Telephone Privileges in the Administrative Segregation Unit

The Standards provide that detainees in a Special Management Unit ("SMU") for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions.<sup>118</sup>

**MCDC meets this section of the Standards.** Detainees at MCDC placed in the SMU for disciplinary reasons may have access to the phones unless their disciplinary violation involved failure to follow the rules regarding phone usage.<sup>119</sup>

### C. Access to Law Library and Legal Material

All facilities with detainees "shall permit detainees access to a law library, and provide legal materials, facilities, equipment and document copying privileges, and the opportunity to prepare legal documents."<sup>120</sup>

#### 1. Library Access

The Standards suggest that each facility shall have a flexible schedule for law library use that permits all detainees, regardless of housing or classification, to use the law library on a regular basis.<sup>121</sup> Each detainee shall be permitted to use the law library for a minimum of five hours per week.<sup>122</sup> The facility must post a listing of its holdings in the law library.<sup>123</sup>

**MCDC does not fully meet this section of the Standards; there is no list of holdings posted in the law library, and the Handbook states that only pro se inmates are provided with reasonable access to the library.** The Housing Unit has a library off the dayroom referred to as the "ICE" library, which is open whenever the facility is not in "lock-down" mode.<sup>124</sup> There is a separate and larger general MCDC library elsewhere in the Facility which may be accessed by making an appointment, but which does not contain immigration materials.<sup>125</sup> According to MCDC officials, no more than two detainees are allowed in the ICE library at one time.<sup>126</sup> By restricting access to the law library to two detainees at any one time, it is possible that the Standard permitting each detainee a minimum of five hours per week in the library, is violated.

All materials stay in the library and inmates may not "check out" materials.<sup>127</sup> Inmates are allowed to keep one "bin" full of their own legal materials or documents in their cell.<sup>128</sup>

---

<sup>118</sup> Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

<sup>119</sup> Notes of delegation member [REDACTED] b6 on conversation with Captain [REDACTED] b6, b7C

<sup>120</sup> Detention Operations Manual, Detainee Services, Standard 1, Section I.

<sup>121</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>122</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

<sup>123</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

<sup>124</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>125</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>126</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Deputy [REDACTED] b6, b7C.

<sup>127</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Deputy [REDACTED] b6, b7C, and detainee [REDACTED] b6, b7C.

<sup>128</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Deputy [REDACTED] b6, b7C

There is no list of library materials and the library contents, including paper supplies, are managed by ICE.<sup>129</sup>

One detainee said that access to the library sometimes depends on the mood of the supervising officer.<sup>130</sup> Another detainee reported that the detainee library is closed on the weekends.<sup>131</sup> This closure presents a problem because immigration court hearings are often on Monday mornings, and detainees who receive relevant documents in the mail late in the prior week are unable to do further research based on these documents to prepare.<sup>132</sup> According to this detainee, as a result detainees are often disadvantaged because they do not have sufficient time to prepare for Monday court hearings.<sup>133</sup>

The Handbook states that only inmates who are unable to obtain counsel to assist them, or "pro-se" inmates, will be provided "reasonable access to the legal materials that are in the law library."<sup>134</sup> However, staff indicated that detainees generally have access to the law library.<sup>135</sup> According to the Handbook, before an inmate may access the library, such inmate must first complete an Inmate Request Form.<sup>136</sup>

## 2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees' legal research and writing.<sup>137</sup> Furthermore, it must be large enough "to provide reasonable access to all detainees who request its use. It shall contain a sufficient number of tables and chairs in a well-lit room, reasonably isolated from noisy areas."<sup>138</sup>

**MCDC appears to meet this section of the Standards.** The Facility limits access to the library to two detainees at one time; the law library is located in a very small space, with room for only two to three people.<sup>139</sup> The library has three computers, two chairs, a printer, a copier, and a bookshelf.<sup>140</sup> The library is somewhat removed from noise and foot traffic, so it does allow research to be done free of distractions.<sup>141</sup>

## 3. Materials Identified in the Detention Standards

---

<sup>129</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Lieutenant [REDACTED].  
<sup>130</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with detainee [REDACTED].  
<sup>131</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].  
<sup>132</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].  
<sup>133</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED].  
<sup>134</sup> MCDC Handbook at 27.  
<sup>135</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED] notes of delegation member [REDACTED], on conversation with Deputy [REDACTED].  
<sup>136</sup> MCDC Handbook at 27.  
<sup>137</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.  
<sup>138</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.A.  
<sup>139</sup> Observations of delegation member [REDACTED].  
<sup>140</sup> Observations of delegation members [REDACTED] and [REDACTED].  
<sup>141</sup> Observation of delegation member [REDACTED].

The Standards require that all facility law libraries contain the materials listed in Attachment A to the chapter on *Access to Legal Materials*.<sup>142</sup> These materials must be updated regularly, and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner.<sup>143</sup> Damaged or stolen materials must be promptly replaced.<sup>144</sup>

**MCDC fails to meet this section of the Standards; most of the required legal materials are unavailable.** The bookshelf contained the *Detention Standards, United States Constitution, FIAC forms, Black's Law Dictionary, Bender's Immigration Case Reporter (Volumes 11, 12, 13, 22, and 23, and Immigration Law and Procedure Reporter (Volumes 1, and 3-10)*.<sup>145</sup> The remainder of the items required by Attachment A were unavailable, and the delegation did not see any CD-ROMs at the facility.<sup>146</sup> When questioned about the limited resources, MCDC officials stated that the ICE library was maintained by ICE and all comments should be directed to ICE.<sup>147</sup>

#### 4. Library Equipment and Supplies

The Standards require that facility law libraries provide an adequate number of typewriters and/or computers, writing implements, paper, and office supplies to enable detainees to prepare documents for legal proceedings.<sup>148</sup> Facilities must provide detainees with paper, envelopes, and writing implements free of charge.<sup>149</sup> Staff must inspect at least weekly to ensure equipment is in working order and to stock sufficient supplies.<sup>150</sup>

**MCDC does not meet this Standard; supplies including writing implements and envelopes have to be purchased.** The ICE library contained one pack of white printing paper, but a detainee stated that paper is usually lacking in the ICE library.<sup>151</sup> There were no pens, pencils, envelopes, or stamps.<sup>152</sup> One detainee stated that while indigent detainees are provided with paper and pens, they must have money in their account or “pay the facility back.”<sup>153</sup> When questioned about this issue, MCDC officials stated that all supplies of this type may be purchased from the canteen and that indigent inmates could apply for free supplies.<sup>154</sup> The Handbook states that supplies are available for “pro-se inmates”; it does not include any provisions specifically for ICE detainees.<sup>155</sup> The Handbook states that indigent pro-se inmates

---

<sup>142</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

<sup>143</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.E.

<sup>144</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

<sup>145</sup> Observations of delegation members [b6] and [b6]

<sup>146</sup> Delegation observations.

<sup>147</sup> Notes of delegation member [b6] on conversation with Lieutenant [b6, b7C]

<sup>148</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>149</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.J.

<sup>150</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

<sup>151</sup> Observations of delegation members [b6] and [b6]; notes of delegation member [b6] on conversation with detainee [b6, b7C]

<sup>152</sup> Observations of delegation members [b6] and [b6]

<sup>153</sup> Notes of delegation member [b6] on conversation with detainee [b6, b7C]

<sup>154</sup> Notes of delegation member [b6] on conversation with Deputy [b6, b7C]

<sup>155</sup> MCDC Handbook at 28.

are allotted \$15 per month for legal postage.<sup>156</sup> It also states elsewhere that inmates with \$.34 or less in their account can check the indigent line on the Commissary Order Form, and they will then be provided with three envelopes, three sheets of paper, and one pencil on a weekly basis.<sup>157</sup> The Standards require all indigent detainees to get free postage for five pieces of legal mail per week—they do not specify a monetary limit.<sup>158</sup>

The delegation tested the printer and two computers and they appeared to be in working order, but they may only be used for word processing functions.<sup>159</sup>

## 5. Photocopies

The Standards provide that each facility shall ensure that detainees can obtain photocopies of legal materials, when such copies are reasonable and necessary for legal proceedings involving the detainee.<sup>160</sup> Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.<sup>161</sup> Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.<sup>162</sup>

**MCDC meets this section of the Standards.** Detainees in the Housing Unit may make copies in the ICE library free of charge, and there do not appear to be any limits on the number of copies that can be made.<sup>163</sup> However, the Handbook limits photocopies to "pro-se" inmates and makes no reference to detainees.<sup>164</sup>

## 6. Assistance From Other Detainees

The Standards require that each facility permit detainees to assist other detainees in researching and preparing legal documents upon request, except when such assistance poses a security risk.<sup>165</sup>

**MCDC meets this section of the Standards.** Detainees are permitted to help each other prepare letters or other documents.<sup>166</sup>

## 7. Notice to Detainees

The Standards require that the detainee handbook provide detainees with the rules and procedures governing access to legal materials.<sup>167</sup>

---

<sup>156</sup> MCDC Handbook at 28.

<sup>157</sup> MCDC Handbook at 22.

<sup>158</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.I.

<sup>159</sup> Notes of delegation members [b6] and [b6], who personally tested the equipment.

<sup>160</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>161</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>162</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

<sup>163</sup> Notes of delegation members [b6] and [b6], on conversation with Deputy [b6, b7C].

<sup>164</sup> MCDC Handbook at 27-28.

<sup>165</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

<sup>166</sup> Notes of delegation members [b6] and [b6], on conversation with detainee [b6, b7C].

<sup>167</sup> Detention Operations Manual, Detainee Services, Standard 1, Section III.Q.

**MCDC fails to meet this section of the Standards because the Handbook states that only "pro-se" inmates will have access to the library.**<sup>168</sup> There is no discussion in the Handbook specific to detainees.

**D. Group Rights Presentations**

The Standards provide that facilities holding ICE detainees "shall permit authorized persons to make presentations to groups of detainees for the purpose of informing them of U.S. immigration law and procedures, consistent with the security and orderly operation of each facility."<sup>169</sup> Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.<sup>170</sup> While the presentations are open to all detainees, the facility "may limit the number of detainees at a single session."<sup>171</sup> "The facility shall select and provide an environment conducive to the presentation, consistent with security."<sup>172</sup> In addition, detainees shall have regular opportunities to view an "INS-approved videotaped presentation on legal rights."<sup>173</sup>

**MCDC substantially meets this section of the Standards; however, informational posters are not posted in advance of presentations.** According to MCDC, FIAC is able to make presentations approximately once every six weeks.<sup>174</sup> The Facility performs background, criminal history and credentials checks on all persons who will give a presentation.<sup>175</sup> Two weeks before a scheduled presentation, an announcement is made to the detainees, but no informational posters are displayed in the housing units.<sup>176</sup> One detainee stated that she heard about the group rights presentation and about FIAC through other detainees and "word of mouth" but she does not recall any general announcement having been made.<sup>177</sup> The presentations take place in MCDC's programming room, which is an environment conducive to the presentation since it is well-lit, has seating available, and can accommodate at least twenty detainees at one time.<sup>178</sup> The presentations are open to all detainees.<sup>179</sup> While the number of detainees at a single session may be limited, enough sessions are held such that all detainees interested in attending the presentation are able to attend.<sup>180</sup>

The "Know Your Rights" video is aired on the televisions inside the Facility every weekend.<sup>181</sup> MCDC has an English and a Spanish version of this video presentation, and both

---

<sup>168</sup> MCDC Handbook at 27.

<sup>169</sup> Detention Operations Manual, Detainee Services, Standard 9, Section I.

<sup>170</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

<sup>171</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

<sup>172</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

<sup>173</sup> Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

<sup>174</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>175</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED] b6, b7C.

<sup>176</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>177</sup> Notes of delegation member [REDACTED] b6, on conversation with detainee [REDACTED] b6, b7C.

<sup>178</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED].

<sup>179</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>180</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED] b6, b7C.

<sup>181</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

are shown weekly (one each day of the weekend).<sup>182</sup> Prior to airing the video, an announcement is made, and every television in the Facility is tuned into this video.<sup>183</sup>

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

##### A. Correspondence and Other Mail

The Standards distinguish between general correspondence and legal correspondence, which is referred to as special correspondence; they mandate that detainees are allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility."<sup>184</sup> General correspondence is normally opened and inspected for contraband in the presence of the detainee. It may, however, be opened and even read outside the presence of the detainee if security reasons exist for doing so.<sup>185</sup> The rules are different for special correspondence, which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media.<sup>186</sup> If special correspondence is incoming it can be inspected for contraband only if done in the presence of the detainee.<sup>187</sup> If the special correspondence is outgoing, it may not be opened, inspected, or read.<sup>188</sup>

**MCDC fails to meet this section of the Standards because it does not distinguish between general correspondence and special correspondence, and all correspondence including special correspondence is read by officials outside the presence of detainees.** An MCDC official stated that outgoing correspondence, whether general or special correspondence, is read by the officer on duty in the presence of the detainee, and then "authorized" for mailing by that officer.<sup>189</sup> A second level of review takes place at a more senior officer level before the correspondence leaves the Facility.<sup>190</sup> Incoming correspondence, regardless of whether it is labeled "attorney-client communication," is opened read by MCDC officials in the mail room, outside the presence of detainees.<sup>191</sup>

Two detainees reported that they have successfully mailed correspondence to outside parties.<sup>192</sup> One of these detainees stated that she has greater success sending outgoing mail than in receiving incoming mail.<sup>193</sup> However, she stated that even though she mailed an application to FIAC, they did not receive it, which required her to ask for a new application to be sent to

---

<sup>182</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>183</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>184</sup> Detention Operations Manual, Detainee Services, Standard 3, Section I.

<sup>185</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

<sup>186</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.

<sup>187</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

<sup>188</sup> Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

<sup>189</sup> Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

<sup>190</sup> Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

<sup>191</sup> Notes of delegation member [REDACTED], on conversation with Officer [REDACTED].

<sup>192</sup> Notes of delegation member [REDACTED], on conversation with detainees [REDACTED] and [REDACTED].

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

her.<sup>194</sup> Another detainee stated that it takes five to six days for detainees to receive regular mail.<sup>195</sup>

The Handbook states that "[o]utgoing and incoming mail will be inspected for contraband or security breeches [sic] in accordance with the Florida Model Jail Standards with the exception of legal mail. Incoming and outgoing legal mail inspections will only be conducted in the presence of the inmate. According to the Handbook, the officer is not allowed to read legal mail for content during these inspections."<sup>196</sup> However, the Standards do not permit review of outgoing legal mail, even in the presence of a detainee.

All privileged outgoing mail will not be opened, but it may be held for up to seventy-two hours for the Facility to confirm it is properly addressed.<sup>197</sup> One detainee stated that when she tried to send out pages copied from a legal book, she was denied an envelope because the officer said that it was not legal work.<sup>198</sup> There is no definition in the Handbook for "special correspondence"—the Handbook mentions, but does not define, "legal mail" or "privileged mail."

## **B. Detainee Handbook**

The Standards require that every Officer in Charge develop a site-specific detainee handbook to serve as an overview of detention policies, rules, and procedures.<sup>199</sup> Every detainee should receive a copy of the handbook upon admission to the facility.<sup>200</sup> The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.<sup>201</sup> The handbook must include visitation hours and rules.<sup>202</sup> The handbook must notify detainees of the facility correspondence policy.<sup>203</sup> The grievance section of the handbook must provide notice of the opportunity to file both formal and informal grievances and the procedures for filing grievances and appeals.<sup>204</sup> The handbook must provide notice of the facility's rules of conduct and the sanctions imposed.<sup>205</sup> It must advise detainees of rights including the right to protection from abuse, right to freedom from discrimination, and right to pursue a grievance.<sup>206</sup> The handbook must also state that detainees have the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so.<sup>207</sup> The Officer in Charge will provide a copy of the handbook to every staff member who has contact with detainees.<sup>208</sup>

---

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

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

<sup>196</sup> MCDC Handbook at 26.

<sup>197</sup> MCDC Handbook at 26.

<sup>198</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with detainee [REDACTED].

<sup>199</sup> Detention Operations Manual, Detainee Services, Standard 6, Section I.

<sup>200</sup> Detention Operations Manual, Detainee Services, Standard 6, Section I.

<sup>201</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

<sup>202</sup> Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

<sup>203</sup> Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

<sup>204</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

<sup>205</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.5.

<sup>206</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.A.5.

<sup>207</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

<sup>208</sup> Detention Operations Manual, Detainee Services, Standard 6, Section III.H.



**MCDC does not meet this section of the Standards; the Handbook does not have visiting hours, does not provide information on how to contact ICE, and does not advise detainees of their right to protection from abuse and discrimination.** According to staff, the Handbook is distributed to detainees upon their admittance to the Facility.<sup>209</sup> However, two detainees stated that they were not given the Handbook on admittance.<sup>210</sup> The Handbook is not specific to detainees, but is prepared for the general inmate population. It is written in English and in Spanish.<sup>211</sup> The Handbook is distributed to all staff at the Facility<sup>212</sup> and the staff refers to the Handbook on a regular basis.<sup>213</sup>

The Handbook does not provide a visitation schedule.<sup>214</sup> The Handbook does contain general procedures regarding correspondence, as discussed above, although the provisions with respect to special correspondence do not meet the Standards.<sup>215</sup> The Handbook also has several pages explaining the rules of conduct, prohibited conduct, and the penalties for failure to adhere to the rules.<sup>216</sup>

There is no reference in the Handbook informing detainees to contact ICE with questions or concerns. In addition, there are no procedures advising detainees on how to contact ICE. ICE is only mentioned as an agency that should not be contacted using an Inmate Request Form.<sup>217</sup> The Handbook does discuss a procedure by which the detainee may appeal a disciplinary recommendation,<sup>218</sup> or bring forward a grievance.<sup>219</sup> There is not, however, any reference or statement in the Handbook that the detainees have rights, including the right to protection from abuse and right to freedom from discrimination.

### C. Recreation

The Standards require all detainees to have access to recreational programs and activities, under conditions of security and safety.<sup>220</sup> Detainees should be housed in facilities with outdoor recreation.<sup>221</sup> Detainees should have access to "fixed and movable equipment," including opportunities for cardiovascular exercise, and games and television in dayrooms.<sup>222</sup> Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.<sup>223</sup>

---

<sup>209</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>210</sup> Notes of delegation member [REDACTED], on conversation with detainees [REDACTED] and [REDACTED].

<sup>211</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>212</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>213</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>214</sup> MCDC Handbook at 25.

<sup>215</sup> MCDC Handbook at 25-26.

<sup>216</sup> MCDC Handbook at 6-12.

<sup>217</sup> MCDC Handbook at 12.

<sup>218</sup> MCDC Handbook at 3.

<sup>219</sup> MCDC Handbook at 12.

<sup>220</sup> Detention Operations Manual, Detainee Services, Standard 13, Section I.

<sup>221</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.A, which also provides that "all new or renegotiated contracts and IGSA's will stipulate that INS detainees have access to an outdoor recreation area."

<sup>222</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

<sup>223</sup> Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

**MCDC meets this section of the Standards.** The Housing Unit has one indoor recreation room (the Dayroom) with tables, benches and two televisions.<sup>224</sup> Connected to the Dayroom is an outdoor area (approximately 400 square feet) made of concrete with a wire mesh roof.<sup>225</sup> Use of the indoor and outdoor rooms is permitted when the Facility is not under "lockdown."<sup>226</sup> Detainees have access to natural sunlight either in the Dayroom or in the outside area.<sup>227</sup> Neither room provides equipment for muscular or cardiovascular exercise.<sup>228</sup>

The Dayroom is well-lit and is kept at a comfortable temperature.<sup>229</sup> It has many tables and chairs, two TVs, telephones, a book shelf with a large number of novels, a ping pong table, and a few board games and puzzles.<sup>230</sup> The Housing Unit also has a multipurpose room upstairs which contains a television and books.<sup>231</sup> Classes and presentations can also be held in this multipurpose room.<sup>232</sup>

The outdoor recreation area consists of a small basketball court with one basketball hoop, high walls, and some sunlight.<sup>233</sup> The women are free to go in and out of the outdoor recreation room as they please, so long as large groups do not begin to form and things do not get out of control.<sup>234</sup> There is one basketball available for use by the detainees, which is in good condition.<sup>235</sup>

The Handbook indicates that recreational activities will be permitted, weather permitting, based upon a schedule tied to the specific housing unit.<sup>236</sup> "Horseplay," "fights, and other disturbances," can lead to a loss of such recreational privileges and possibly disciplinary action.<sup>237</sup>

#### **D. Access to Medical Care**

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.<sup>238</sup> 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.<sup>239</sup> For a facility of over 200 detainees, there must be sick call five days per week.<sup>240</sup> Facilities must also have procedures in place to provide emergency medical

---

<sup>224</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Captain [REDACTED].

<sup>225</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Captain [REDACTED].

<sup>226</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Captain [REDACTED] b6, b7C.

<sup>227</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Captain [REDACTED].

<sup>228</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Captain [REDACTED].

<sup>229</sup> Observations of delegation members [REDACTED] b6 and [REDACTED] b6.

<sup>230</sup> Observations of delegation member [REDACTED] b6.

<sup>231</sup> Observations of delegation member [REDACTED] b6.

<sup>232</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Captain [REDACTED] b6, b7C.

<sup>233</sup> Observations of delegation member [REDACTED] b6.

<sup>234</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6, on conversation with Deputy [REDACTED] b6, b7C.

<sup>235</sup> Observations of delegation member [REDACTED] b6.

<sup>236</sup> MCDC Handbook at 27.

<sup>237</sup> MCDC Handbook at 27.

<sup>238</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

<sup>239</sup> Detention Operations Manual, Health Services, Standard 2, Section III.F.

<sup>240</sup> Detention Operations Manual, Health Services, Standard 2, Section I.

care for detainees who require it.<sup>241</sup> 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.<sup>242</sup> If a detainee is diagnosed as having a medical or psychiatric condition requiring special attention (e.g., special diet), the medical care provider is required to notify the Officer in Charge in writing.<sup>243</sup>

**MCDC appears to meet this section of the Standards. However, detainees discussed delays in medical care and in receiving medication.** Due to its limited resources and its contract with ICE, MCDC does not accept detainees with serious medical problems.<sup>244</sup> Before the detainee arrives at the Facility, medical personnel review the detainee's medical file.<sup>245</sup> If the medical personnel determine that the detainee does not have serious medical problems, then the Facility will accept the detainee.<sup>246</sup> If a detainee develops a serious medical condition subsequent to being admitted, MCDC will request that ICE remove the detainee.<sup>247</sup> According to MCDC officials, ICE has been responsive to such requests.<sup>248</sup> Medications are distributed daily by nurses to the detainees, who are prohibited from bringing their own medications into the Facility.<sup>249</sup>

The medical staff consists of one dentist, two part-time doctors, one psychologist, one mental-health counselor, one physician assistant, and twenty-two nurses.<sup>250</sup> While doctors are on site four days a week, they are on call twenty-four hours a day, seven days a week.<sup>251</sup> Only doctors who work for Prison Health Services, which provides all medical services to the Facility, may provide services to detainees.<sup>252</sup> MCDC staff stated that the last time NCCHC visited the Facility, the health program complied with NCCHC standards.<sup>253</sup> The last visit was three years ago; NCCHC visits the Facility once every three years.<sup>254</sup>

The Facility has an infirmary, which appeared clean and well lit.<sup>255</sup> It also has individual units for both juveniles and female detainees, which units are capable of being covered for the detainees' privacy.<sup>256</sup> There are three ways a detainee may be admitted to the infirmary: (i) at intake, a nurse may send a detainee directly to the infirmary; (ii) a doctor may admit a detainee to the infirmary; and (iii) detainees who are under a suicide watch are admitted to the

---

<sup>241</sup> Detention Operations Manual, Health Services, Standard 2, Sections III.A, D, & G.

<sup>242</sup> Detention Operations Manual, Health Services, Standard 2, Section III.H.

<sup>243</sup> Detention Operations Manual, Health Services, Standard 2, Section III.J.

<sup>244</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C and Medical Director [REDACTED] b6.

<sup>245</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] and Medical Director [REDACTED] b6, b7C.

<sup>246</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C and Medical Director [REDACTED] b6, b7C.

<sup>247</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C.

<sup>248</sup> Notes of delegation member [REDACTED] b6, on conversation with Captain [REDACTED] b6, b7C.

<sup>249</sup> Notes of delegation member [REDACTED] b6, on conversation with Medical Director [REDACTED] b6.

<sup>250</sup> Notes of delegation member [REDACTED] b6, on conversation with Medical Director [REDACTED] b6.

<sup>251</sup> Notes of delegation member [REDACTED] b6, on conversation with Medical Director [REDACTED] b6.

<sup>252</sup> Notes of delegation member [REDACTED] b6, on conversation with Medical Director [REDACTED] b6.

<sup>253</sup> Notes of delegation member [REDACTED] b6, on conversation with Medical Director [REDACTED] b6.

<sup>254</sup> Notes of delegation member [REDACTED] b6, on conversation with Medical Director [REDACTED] b6.

<sup>255</sup> Observations of delegation member [REDACTED] b6.

<sup>256</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C.

infirmary.<sup>257</sup> The Facility also has a "chronic clinic"<sup>258</sup> where detainees are treated for AIDS, HIV, asthma, and diabetes.<sup>259</sup>

Independent medical providers are permitted to visit the Facility and provide services only if Prison Health Services requests or approves the visit in advance.<sup>260</sup> Occasionally, after a physician evaluates a detainee at the Facility, the physician will suggest that the detainee visit an off-site specialist.<sup>261</sup> Off-site visits require special arrangements for transportation.<sup>262</sup> MCDC medical personnel try to keep such off-site medical visits to a minimum because of the limited resources available in the Keys.<sup>263</sup>

When each detainee is admitted to the Facility, the medical staff conducts a medical intake.<sup>264</sup> If the medical staff determines that a detainee suffers from a medical condition, the staff will periodically check up on the detainee.<sup>265</sup> If the detainee does not appear to suffer from a medical problem, then within fourteen days of admittance, the medical staff will conduct a physical of the detainee.<sup>266</sup> If the physical demonstrates that the detainee does not suffer from medical conditions, then medical care will only be provided if the detainee requests it.<sup>267</sup>

In order to seek medical care, detainees submit a medical request on a piece of paper and place the request in a lock-box, which is located in the Housing Unit and in the SMU.<sup>268</sup> Nurses review the submission every twenty-four hours.<sup>269</sup> If the medical staff cannot properly address the medical issue, they call a doctor.<sup>270</sup> For non-English speaking detainees, the Facility has access to local interpreters and the AT&T Language Line, to provide translation services.<sup>271</sup>

Many of the detainees had concerns regarding the quality of medical care and responsiveness of the staff. One detainee reported that the medical staff "does not want to give too much" and that the doctors think the detainees or inmates complain too much.<sup>272</sup> This detainee had a persistent rash, and had to make repeated requests to see the medical staff before she was properly diagnosed with a wool allergy and given a non-wool blanket.<sup>273</sup>

---

<sup>257</sup> Notes of delegation member [redacted], on conversation with Lieutenant [redacted] b6, b7C  
<sup>258</sup> Notes of delegation member [redacted] b6, on conversation with Medical Director [redacted] b6  
<sup>259</sup> Notes of delegation member [redacted], on conversation with Medical Director [redacted]  
<sup>260</sup> Notes of delegation member [redacted] b6, on conversation with Director [redacted] b6  
<sup>261</sup> Notes of delegation member [redacted] b6, on conversation with Director [redacted] b6, and Director of Nurses [redacted] b6  
<sup>262</sup> Notes of delegation member [redacted] b6, on conversation with Director [redacted] b6, and Director of Nurses [redacted] b6  
<sup>263</sup> Notes of delegation member [redacted] b6, on conversation with Director [redacted] b6, and Director of Nurses [redacted] b6  
<sup>264</sup> Notes of delegation member [redacted] b6, on conversation with Medical Director [redacted] b6  
<sup>265</sup> Notes of delegation member [redacted] b6, on conversation with Medical Director [redacted] b6  
<sup>266</sup> Notes of delegation member [redacted] b6, on conversation with Medical Director [redacted] b6  
<sup>267</sup> Notes of delegation member [redacted] b6, on conversation with Medical Director [redacted] b6  
<sup>268</sup> Notes of delegation member [redacted] b6, on conversation with Medical Director [redacted] b6  
<sup>269</sup> Notes of delegation member [redacted] b6, on conversation with Medical Director [redacted] b6  
<sup>270</sup> Notes of delegation member [redacted] b6, on conversation with Medical Director [redacted] b6  
<sup>271</sup> Notes of delegation member [redacted] b6, on conversation with Lieutenant [redacted] b6, b7C  
<sup>272</sup> Notes of delegation member [redacted] b6, on conversation with detainee Karen [redacted] b6, b7C  
<sup>273</sup> Notes of delegation member [redacted] b6, on conversation with detainee Karen [redacted] b6, b7C

A second detainee indicated that she had requested to see a doctor more than two months before the delegation's visit.<sup>274</sup> The request was made consistent with the procedures (i.e., submitting a written request in a lock box) and yet she continued to wait, as no doctor had yet seen her.<sup>275</sup> She did, however, receive a TB test.<sup>276</sup>

A third detainee stated that she was denied her seizure medicine for about three weeks.<sup>277</sup> During this time, she had to sleep on a top bunk in her cell, even though she requested a bottom bunk, and she was constantly afraid of falling during a potential nighttime seizure.<sup>278</sup>

A fourth detainee concluded that the medical request system is faulty as she had yet to receive a proper response to her medical requests.<sup>279</sup> This detainee suffers from regular migraines and has previously been on medication for them.<sup>280</sup> While she has requested the same medication, she instead received a different medication.<sup>281</sup> She then submitted another request, but the doctors told her that she was probably just stressed and that she didn't need the medication.<sup>282</sup> She also stated that, with a problem like recurring migraines, it is pointless to submit a medical request when one starts to suffer from a migraine.<sup>283</sup> Inmates are not allowed to hold any medication, and officers are not equipped with even basic Tylenol or Aspirin for such problems.<sup>284</sup> She said the process of submitting a medical request and obtaining the proper medication usually takes approximately three days.<sup>285</sup> Thus, by the time a detainee suffering from a migraine receives the medication she has requested, the migraine will have run its course.<sup>286</sup>

A fifth detainee stated that she was not satisfied with the medical attention she had received at the Facility.<sup>287</sup> She has not had a physical since she has been at the Facility.<sup>288</sup> This detainee is allergic to bread and corn ("starchy foods"), which she maintains is the overwhelming component of the daily food served.<sup>289</sup> She stated she has doctor's papers to verify her allergies.<sup>290</sup> She was able to visit the doctor once for her allergy problem.<sup>291</sup> Although she specifically requested Claritin, the doctor only gave her Benadryl and Ibuprofen, which did not

---

<sup>274</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]  
<sup>275</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]  
<sup>276</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]  
<sup>277</sup> Notes of delegation members [redacted] and [redacted] on conversation with detainee [redacted]  
<sup>278</sup> Notes of delegation members [redacted] and [redacted] on conversation with detainee [redacted]  
<sup>279</sup> Notes of delegation members [redacted] and [redacted], on conversation with detainee [redacted]  
<sup>280</sup> Notes of delegation members [redacted] and [redacted] on conversation with detainee [redacted]  
<sup>281</sup> Notes of delegation members [redacted] and [redacted] on conversation with detainee [redacted]  
<sup>282</sup> Notes of delegation members [redacted] and [redacted] on conversation with detainee [redacted]  
<sup>283</sup> Notes of delegation member [redacted] and [redacted] on conversation with detainee [redacted]  
<sup>284</sup> Notes of delegation member [redacted] and [redacted] on conversation with detainee [redacted]  
<sup>285</sup> Notes of delegation member [redacted] and [redacted] on conversation with detainee [redacted]  
<sup>286</sup> Notes of delegation member [redacted] and [redacted] on conversation with detainee [redacted]  
<sup>287</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]  
<sup>288</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]  
<sup>289</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]  
<sup>290</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]  
<sup>291</sup> Notes of delegation member [redacted] on conversation with detainee [redacted]

resolve her symptoms.<sup>292</sup> Since then she has written and submitted three to four requests to see the doctor for her food allergies, including one request she filed directly with ICE, but she has not received a response.<sup>293</sup> Because her food allergies have yet to be properly addressed, the detainee avoids eating the food provided by MCDC.<sup>294</sup> Notwithstanding, she always takes a food tray during meal times to avoid being placed on "suicide watch" for failing to eat and generally gives her food to fellow inmates.<sup>295</sup>

### E. Access to Dental Care

The Standards require that detainees have an initial dental screening exam within fourteen days of the detainee's arrival, and require the facility to provide emergency dental treatment and repair of prosthetic appliances.<sup>296</sup> 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.<sup>297</sup>

**MCDC does not meet this section of the Standards; detainees do not receive an initial screening as required by the Standards.** MCDC staff stated that there is a dentist on staff.<sup>298</sup> The Handbook indicates that the dentist is on call one day per week, and that requests to see the dentist must be made in writing.<sup>299</sup> Consistent with the Handbook, at least one detainee stated that the dentist only visits for a certain number of hours per week.<sup>300</sup> This detainee reported she has concerns regarding the quality of dental care provided at the Facility.<sup>301</sup> The detainee indicated that she has suffered from the discomfort associated with having three cavities.<sup>302</sup> Accordingly she made an appointment to see the dentist.<sup>303</sup> During the visit, the dentist would only treat one of her cavities, as opposed to all three.<sup>304</sup> The dentist indicated that he only "has time to treat one tooth at a time."<sup>305</sup> To obtain treatment for the other two cavities, the detainee stated that she would have to make two more appointments, one tooth per month.<sup>306</sup> Another detainee said she has not been able to see a dentist.<sup>307</sup>

---

<sup>292</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]  
<sup>293</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]  
<sup>294</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]  
<sup>295</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]  
<sup>296</sup> Detention Operations Manual, Health Services, Standard 2, Section III.E.  
<sup>297</sup> Detention Operations Manual, Health Services, Standard 2, Section III.E.  
<sup>298</sup> Notes of delegation member [REDACTED], on conversation with detainee [REDACTED]  
<sup>299</sup> MCDC Handbook at 17.  
<sup>300</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]  
<sup>301</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]  
<sup>302</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]  
<sup>303</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]  
<sup>304</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]  
<sup>305</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]  
<sup>306</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]  
<sup>307</sup> Notes of delegation member [REDACTED] on conversation with detainee [REDACTED]

## F. Hunger Strikes

The Standards require that all facilities follow accepted standards of care in the medical and administrative management of hunger-striking detainees.<sup>308</sup> Facilities must do everything within their means to monitor and protect the health and welfare of the hunger-striking detainee and must make every effort to obtain the hunger striker's informed consent for treatment.<sup>309</sup> In IGSA facilities, the "OIC of the facility shall notify [ICE] that a detainee is refusing treatment. Under no circumstances are IGSA facilities to administer forced medical treatment unless granted permission from [ICE]." <sup>310</sup>

**MCDC meets this section of the Standards.** If an inmate or detainee declares a hunger strike, the medical staff assesses the mental state of the patient, and regularly monitors the patient, including his or her food intake, liquid intake, weight, and vital signs.<sup>311</sup> When the Facility housed male detainees, the detainees would frequently go on hunger strikes.<sup>312</sup> Consequently, the staff has some experience dealing with this issue.<sup>313</sup> However, the staff did not recall a time when a female detainee went on a hunger strike.<sup>314</sup> The Facility does not force feed detainees on a hunger strike; rather, when a detainee goes on a hunger strike, the Facility would contact ICE.<sup>315</sup>

## G. Detainee Classification System

The Standards require that detention facilities use a classification system and physically separate detainees into different categories.<sup>316</sup> Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.<sup>317</sup> A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc. <sup>318</sup> Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account. <sup>319</sup> Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.<sup>320</sup> Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees. <sup>321</sup>

The Standards state that all facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification

---

<sup>308</sup> Detention Operations Manual, Health Services, Standard 1, Section I.

<sup>309</sup> Detention Operations Manual, Health Services, Standard 1, Section I.

<sup>310</sup> Detention Operations Manual, Health Services, Standard 1, Section III.D.

<sup>311</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>312</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>313</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>314</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>315</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>316</sup> Detention Operations Manual, Detainee Services, Standard 4, Section I.

<sup>317</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

<sup>318</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

<sup>319</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

<sup>320</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & III.E.

<sup>321</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

levels.<sup>322</sup> Finally, the detainee handbook's section on classification must include (1) an explanation of the classification levels, with the conditions and restrictions applicable to each, and (2) the procedures by which a detainee may appeal his classification.<sup>323</sup>

**It is unclear whether MCDC fully meets this section of the Standards; female detainees are housed with inmates who have a history of violence.** MCDC has an eight-tier classification system based on security risk.<sup>324</sup> Detainees are always classified as a "number four" because they fall under the "Detainer Warrants" category.<sup>325</sup> Beyond this default classification, MCDC does not further categorize detainees.<sup>326</sup> The classification of detainees at MCDC is based on the experience and classification of other detention facilities, such as Krome, with individual detainees.<sup>327</sup> MCDC will not accept or maintain violent detainees at the Facility.<sup>328</sup> If a security issue arises, the Facility will contact ICE to have the detainee removed.<sup>329</sup> The Facility has never had to transfer a female detainee for security reasons.<sup>330</sup>

All women inmates and detainees, except for those in segregation, are housed together in the Housing Unit.<sup>331</sup> Once officials at the Facility determine that an inmate or detainee held in segregation no longer poses a threat to the group, they reintroduce the inmate or detainee into the general population in the Housing Unit.<sup>332</sup> When officials believe that a female inmate or detainee is not capable of being reintroduced to the Housing Unit, they seek to transfer the inmate or detainee from MCDC.<sup>333</sup> MCDC officials stated that, because of the limited housing for female inmates and detainees at MCDC, female detainees share a housing unit with female inmates that have criminal records or a prior history of violence.<sup>334</sup>

## H. Detainee Grievance Procedures

The Standards require that every facility develop and implement standard procedures for handling detainee grievances and encourage that the facility initially seek to resolve grievances informally before having to engage in a more formalized procedure.<sup>335</sup> Translating assistance

---

<sup>322</sup> Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

<sup>323</sup> Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

<sup>324</sup> Notes of delegation member [REDACTED], on conversation with Programs Assistant [REDACTED]; Detention Classification Tree.

<sup>325</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Programs Assistant [REDACTED].

<sup>326</sup> Notes of delegation member [REDACTED], on conversation with Programs Assistant [REDACTED].

<sup>327</sup> Notes of delegation member [REDACTED], on conversation with Programs Assistant [REDACTED].

<sup>328</sup> Notes of delegation member [REDACTED], on conversation with Programs Assistant [REDACTED].

<sup>329</sup> Notes of delegation member [REDACTED], on conversation with Programs Assistant [REDACTED].

<sup>330</sup> Notes of delegation member [REDACTED], on conversation with Programs Assistant [REDACTED].

<sup>331</sup> Notes of delegation member [REDACTED], on conversation with Programs Assistant [REDACTED], and Lieutenant [REDACTED].

<sup>332</sup> Notes of delegation member [REDACTED] on conversation with Programs Assistant [REDACTED], and Lieutenant [REDACTED].

<sup>333</sup> Notes of delegation member [REDACTED] on conversation with Programs Assistant [REDACTED] and Lieutenant [REDACTED].

<sup>334</sup> Notes of delegation member [REDACTED] on conversation with Programs Assistant [REDACTED] and Lieutenant [REDACTED].

<sup>335</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.



for both formal and informal grievances must be provided upon request.<sup>336</sup> The Standards also require that each facility establish a reasonable time limit for: (1) “processing, investigating, and responding to grievances”; (2) “convening a grievance committee to review formal complaints”; and (3) “providing written responses to detainees who filed formal grievances, including the basis for the decision.”<sup>337</sup> All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.<sup>338</sup> All facilities must have a method for documenting detainee grievances.<sup>339</sup> 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).<sup>340</sup>

**MCDC does not fully meet this section of the Standards: according to facility staff, there are no guarantees against reprisal for grievances, and one detainee reported she was retaliated against for filing a grievance. In addition, the Handbook does not include information for appealing to ICE.** There appear to be two procedures by which detainees can present their grievances: (i) detainees may orally voice their concern to staff members and (ii) detainees may complete a grievance form.<sup>341</sup> When detainees voice their concerns orally, staff members try to resolve the issue before them.<sup>342</sup> If the problem is not resolved immediately, the staff member will fill out and submit a grievance form on behalf of the detainee.<sup>343</sup> When detainees submit grievance forms, they can chose to fill out an internal grievance form that is submitted to supervising officials at MCDC, or they may fill out the “INS Detainee Request Form” which is sent directly to ICE.<sup>344</sup> The forms will be returned to the detainee with a written response provided on the bottom half of the form.<sup>345</sup> There is no formal tracking mechanism for the forms.<sup>346</sup> No information is provided as to the review process for the specific issues identified on the grievance form.<sup>347</sup>

MCDC staff and other detainees provide assistance to those detainees that are unable to complete and file formal grievances.<sup>348</sup> This assistance has often included translation assistance for non-English speaking detainees.<sup>349</sup> According to facility staff, there are no guarantees against reprisals for filing grievances concerning staff at the facility.<sup>350</sup> However, detainees can request protective custody.<sup>351</sup>

<sup>336</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1 & 2.

<sup>337</sup> Detention Operations Manual, Detainee Services, Standard 5, Section I.

<sup>338</sup> Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

<sup>339</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.E.

<sup>340</sup> Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

<sup>341</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED]

<sup>342</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED]

<sup>343</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED]

<sup>344</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED]

<sup>345</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED] b6, b7C

<sup>346</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED]

<sup>347</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED]

<sup>348</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED]

<sup>349</sup> Notes of delegation member [REDACTED] on conversation with Lieutenant [REDACTED]

<sup>350</sup> Notes of delegation members [REDACTED] b6 and [REDACTED] b6 on conversation with Lieutenant [REDACTED] b6, b7C

<sup>351</sup> Notes of delegation member [REDACTED] b6 on conversation with Lieutenant [REDACTED] b6, b7C

The procedures described in the Handbook do not accurately reflect the actual grievance procedures. In addition, in the Handbook here is (i) no discussion advising detainees of the procedures for appealing a decision to ICE, (ii) no information on filing a complaint directly with the Department of Justice, and (iii) no contact information for the Department of Justice (or DHS OIG).<sup>352</sup>

A number of detainees interviewed had concerns about the grievance process. One detainee filed a grievance after she was called "stupid" by a deputy.<sup>353</sup> The deputy found a problem when she inspected the detainee's cell, but would not inform the detainee as to the violation or whether it could be corrected.<sup>354</sup> Even though the detainee filed a written grievance, she had not received a response.<sup>355</sup>

A second detainee had a major concern about one of the Facility guards, whom she referred to as "Major [b6, b7C]."<sup>356</sup> The detainee stated that she was retaliated against by this guard for filing a grievance.<sup>357</sup> She filed a grievance form seeking to speak to the guard's supervisor about Major [b6, b7C], but said that the supervisor did not take her concern seriously, and embarrassed her by having a public discussion about it.<sup>358</sup>

A third detainee submitted a grievance form regarding the lack of milk and soft bread in the detainees' diet.<sup>359</sup> The detainee felt that it was unfair that only detainees on kosher diets can get milk,<sup>360</sup> and maintains that all of the detainees signed the grievance seeking milk.<sup>361</sup> The detainee asserts that the written answer to the detainees' request stated that "if you don't like it, go back to your country."<sup>362</sup> The detainee saw the written answer attached to a copy of the original grievance form submitted by the detainee.<sup>363</sup>

---

<sup>352</sup> MCDC Handbook at 12.

<sup>353</sup> Notes of delegation member [b6], on conversation with detainee [b6, b7C].

<sup>354</sup> Notes of delegation member [b6], on conversation with detainee [b6, b7C].

<sup>355</sup> Notes of delegation member [b6], on conversation with detainee [b6, b7C].

<sup>356</sup> Notes of delegation member [b6], on conversation with detainee [b6, b7C].

<sup>357</sup> Notes of delegation member [b6], on conversation with detainee [b6, b7C].

<sup>358</sup> Notes of delegation member [b6], on conversation with detainee [b6, b7C].

<sup>359</sup> Notes of delegation interview with MCDC detainee who chose to remain anonymous.

<sup>360</sup> Notes of delegation interview with MCDC detainee who chose to remain anonymous.

<sup>361</sup> Notes of delegation interview with MCDC detainee who chose to remain anonymous.

<sup>362</sup> Notes of delegation interview with MCDC detainee who chose to remain anonymous.

<sup>363</sup> Notes of delegation interview with MCDC detainee who chose to remain anonymous.

## I. Disciplinary Policy

The Standards state that facility authorities "will impose disciplinary sanctions on any detainee whose behavior is not in compliance with facility rules and procedures" in order "to provide a safe and orderly living environment."<sup>364</sup> Each facility holding ICE detainees must have a detainee disciplinary system which has "progressive levels of reviews, appeals, procedures, and documentation procedures."<sup>365</sup> The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.<sup>366</sup>

The following sanctions may not be imposed: "corporal punishment; deviations from normal food services; deprivation of clothing, bedding, or items of personal hygiene; deprivation of correspondence privileges; or deprivation of physical exercise unless such activity creates an unsafe condition."<sup>367</sup> Detainees in disciplinary segregation shall ordinarily have access to visitation and the law library.<sup>368</sup> Officers who witness a prohibited act must prepare and submit an incident report.<sup>369</sup> The Standards provide that all incident reports filed by officers must be investigated within twenty-four hours of the incident.<sup>370</sup>

The Detainee Handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.<sup>371</sup> The handbook must also notify detainees of specific rights, including the right to protection from abuse, harassment, and discrimination, the right to pursue a grievance, and the right to due process, including prompt resolution of a disciplinary matter.<sup>372</sup>

**MCDC substantially meets this section of the Standards; however, the Handbook states that visitation and law library access will be denied to individuals found guilty of a Disciplinary Report.**<sup>373</sup> MCDC policy requires that all behavior that rises to the level of a "disciplinary infraction" be documented.<sup>374</sup> Minor infractions are documented by use of a "ticket".<sup>375</sup> If an inmate receives three tickets within a thirty-day period, the inmate is placed in the Administrative Segregation Unit ("ASU").<sup>376</sup> Inmates and detainees who raise security concerns or violate institutional policy are held in the ASU, in what the officials at the Facility call "disciplinary lockdown."<sup>377</sup> Guards are permitted to issue two-hour "time-outs" for minor

---

<sup>364</sup> Detention Operations Manual, Security and Control, Standard 5, Section I.

<sup>365</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

<sup>366</sup> Detention Operations Manual, Security and Control, Standard 5, Sections III.A.1 & 2.

<sup>367</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

<sup>368</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.C, and Standard 14, Sections III.D.15 & 17.

<sup>369</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.B.

<sup>370</sup> Detention Operations Manual, Security and Control, Standard 5, Sections III.B & C.

<sup>371</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.I.

<sup>372</sup> Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

<sup>373</sup> MCDC Handbook at 4.

<sup>374</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Captain [REDACTED]

<sup>375</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Captain [REDACTED]

<sup>376</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Captain [REDACTED]

<sup>377</sup> Notes of delegation member [REDACTED], on conversation with Programs Assistant [REDACTED], and Lieutenant [REDACTED]

infractions, and there is no need for the guard to document the infraction.<sup>378</sup> One detainee stated that she was placed in lockdown early because of the way she responded to Officer [b6, b7C] when the officer asked her a question.<sup>379</sup>

Detainees who receive a formal disciplinary infraction are given a written notice of the infraction, removed from the Housing Unit, and placed in the ASU.<sup>380</sup> A detainee who has been placed in ASU receives notice of the alleged infraction within twenty-four hours.<sup>381</sup> If the detainee chooses to plead not guilty, then a hearing will be held within five business days.<sup>382</sup> Hearings are held before three people, including one "certified" member, Mr. [b6], and two other rotating committee members.<sup>383</sup> The guard who issued the infraction is not allowed to sit on the three-person panel.<sup>384</sup>

Detainees can call witnesses but they are not provided with a representative to help defend themselves.<sup>385</sup> A detainee may also interview witnesses in her defense.<sup>386</sup> Detainees may choose whether or not to be present at hearings.<sup>387</sup> Interpreters are made available for the hearings.<sup>388</sup> If found guilty, detainees have five days to send an appeal to Captain [b6, b7C] who can then reduce, but not enhance, the punishment.<sup>389</sup> A preponderance of the evidence standard is applied at these hearings.<sup>390</sup> The range of punishments may include loss of visitation and disciplinary confinement (the maximum amount of time being thirty days).<sup>391</sup>

In the case of a mentally incompetent inmate, the psychiatry nurse, [b6] notifies the disciplinary officers that it serves no disciplinary purpose to issue an infraction.<sup>392</sup> Staff serving mentally incompetent inmates include Nurse [b6], the psychiatrist, Dr. [b6] and a staff nurse who works six hours a week.<sup>393</sup>

The Handbook notifies the detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the appeal procedure of disciplinary findings. In addition, the Handbook notifies detainees of the Facility's rules of conduct and the sanctions imposed for the violation of these rules.

## J. Special Management Unit

<sup>378</sup> Notes of delegation members [b6] and [b6], on Conversation with Captain [b6, b7C].

<sup>379</sup> Notes of delegation member [b6], on conversation with detainee [b6, b7C].

<sup>380</sup> Notes of delegation members [b6] and [b6] on conversation with Lieutenant [b6, b7C].

<sup>381</sup> Notes of delegation members [b6] and [b6] on conversation with Lieutenant [b6, b7C].

<sup>382</sup> Notes of delegation member [b6], on conversation with Lieutenant [b6, b7C] and Captain [b6, b7C].

<sup>383</sup> Notes of delegation member [b6], on conversation with Lieutenant [b6, b7C] and Captain [b6, b7C].

<sup>384</sup> Notes of delegation members [b6] and [b6], on Conversation with Captain [b6].

<sup>385</sup> Notes of delegation members [b6] and [b6] on conversation with Lieutenant [b6, b7C].

<sup>386</sup> Notes of delegation member [b6], on conversation with [b6, b7C].

<sup>387</sup> Notes of delegation members [b6] and [b6], on conversation with Captain [b6].

<sup>388</sup> Notes of delegation members [b6] and [b6], on conversation with Captain [b6, b7C].

<sup>389</sup> Notes of delegation members [b6] and [b6], on conversation with Captain [b6].

<sup>390</sup> Notes of delegation member [b6], on conversation with Captain [b6, b7C].

<sup>391</sup> Notes of delegation member [b6], on conversation with Captain [b6, b7C].

<sup>392</sup> Notes of delegation members [b6] and [b6] on conversation with Captain [b6, b7C].

<sup>393</sup> Notes of delegation members [b6] and [b6] on conversation with Captain [b6, b7C].

The Standards require that each facility establish a Special Management Unit ("SMU") that will isolate certain detainees from the general population.<sup>394</sup> The Standards for Administrative and Disciplinary Segregation differ somewhat from one another, but both provide for legal access and other protections.<sup>395</sup> A detainee may be placed in disciplinary segregation only by order of the Institutional Disciplinary Committee after a hearing in which the detainee has been found to have committed a prohibited act.<sup>396</sup> The disciplinary committee may order placement in disciplinary segregation only when alternative dispositions would inadequately regulate the detainee's behavior.<sup>397</sup>

All cells in the SMU must be well ventilated, appropriately heated, and sanitary, and must be equipped with beds.<sup>398</sup> Segregated detainees shall have the opportunity to maintain a normal level of personal hygiene.<sup>399</sup> Recreation shall be provided to detainees in segregation in accordance with the "Recreation" standard.<sup>400</sup> Access to the law library shall generally be granted to detainees in segregation.<sup>401</sup> Detainees generally retain visiting privileges while in disciplinary segregation, and may not be denied legal visitation.<sup>402</sup>

Detainees in administrative segregation generally have the same telephone privileges as other detainees, while detainees in disciplinary segregation shall be restricted to telephone calls for calls relating to the detainee's immigration case or other legal matters, calls to consular/embassy officials, and family emergencies.<sup>403</sup> Detainees in segregation shall have the same correspondence privileges as detainees in the general population.<sup>404</sup>

**MCDC appears to meet these Standards.** The delegation was advised during its visit that the Facility has one SMU for female inmates called the "disciplinary confinement unit."<sup>405</sup> The ASU is not only used for disciplinary confinement, but also for administrative confinement and for protective custody reasons.<sup>406</sup> There is no discussion in the Handbook on how an individual may end up in the ASU, and no discussion as to any of the procedural due process rights a detainee may have to appeal a finding resulting in a confinement in ASU.

---

<sup>394</sup> Detention Operations Manual, Security and Control, Standard 14, Section I.

<sup>395</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

<sup>396</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.A.

<sup>397</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.2, and Standard 14, Section III.D.6.

<sup>398</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.II.

<sup>399</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.8, and Standard 14, Section III.D.13.

<sup>400</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.18, and Standard 14, Section III.D.15.e.

<sup>401</sup> Detention Operations Manual, Security and Control, Standard 13, Sections III.E.13 & 14, and Standard 14, Section III.D.17.

<sup>402</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.16.

<sup>403</sup> Detention Operations Manual, Security and Control, Standard 14, Section III.D.19.

<sup>404</sup> Detention Operations Manual, Security and Control, Standard 13, Section III.D.20, and Standard 14, Section III.D.18.

<sup>405</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED].

<sup>406</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with Captain [REDACTED].

The ASU can house up to seventeen female inmates.<sup>407</sup> The cells in the ASU appeared to be well-ventilated, appropriately heated, and sanitary, and were equipped with beds.<sup>408</sup> The segregation day area has four tables with chairs, two telephones, one TV, one ping-pong table, one water fountain, and one officer who supervises the inmates.<sup>409</sup> There is also a large bulletin board in the segregation day area, where recreation, laundry, visitation, and library schedules are posted.<sup>410</sup>

Female detainees in segregation use the outdoor recreation room in the Housing Unit according to a schedule that limits the number allowed at any one time; security concerns sometimes dictate that an individual use the room alone.<sup>411</sup> Inmates in segregation have one hour during the day shift and another hour during the night shift to use the recreation room, as well as to shower, clean their cell, and make telephone calls.<sup>412</sup> In general, Captain [b6, b7C] stated that detainees in segregation retain most of their privileges, such as visitation and the ability to make phone calls, unless the infraction stemmed from abuse of one of those privileges.<sup>413</sup>

Inmates in segregation are reviewed every Wednesday.<sup>414</sup> Inmates are automatically released from segregation upon completion of their time served unless they receive another infraction during their time in segregation.<sup>415</sup>

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

The Standards require that procedures be in place "to allow for formal and informal contact between key facility staff, ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame."<sup>416</sup> 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.<sup>417</sup> Unannounced visits to the facility's housing areas must be conducted on a regular basis.<sup>418</sup> The purpose of such visits is to monitor housing conditions, interview detainees, review records, and answer questions for detainees who do not comprehend the immigration removal process.<sup>419</sup> The Standards also require that detainees "have the opportunity to submit written questions, requests, or concerns to ICE staff," which "shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay."<sup>420</sup> All facilities that house ICE detainees must have "written procedures to route detainee

---

<sup>407</sup> Notes of delegation members [b6] and [b6], on conversation with Captain [b6, b7C].

<sup>408</sup> Observation of delegation member [b6].

<sup>409</sup> Observations of delegation members [b6] and [b6].

<sup>410</sup> Notes of delegation members [b6] and [b6], on conversation with Captain [b6, b7C].

<sup>411</sup> Notes of delegation members [b6] and [b6], on conversation with Deputy [b6, b7C].

<sup>412</sup> Notes of delegation members [b6] and [b6], on conversation with Deputy [b6, b7C].

<sup>413</sup> Notes of delegation member [b6], on conversation with Captain [b6, b7C].

<sup>414</sup> Notes of delegation members [b6] and [b6], on conversation with Deputy [b6, b7C] and Captain [b6, b7C].

<sup>415</sup> Notes of delegation member [b6], on conversation with Captain [b6, b7C].

<sup>416</sup> Detention Operations Manual, Detainee Services, Standard 15, Section I.

<sup>417</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

<sup>418</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.1.

<sup>419</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

<sup>420</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

requests to the appropriate ICE official" and must assist detainees "who are disabled, illiterate, or know little or no English."<sup>421</sup> Moreover, the Standards suggest that detainee requests be forwarded to the appropriate ICE office within seventy-two hours and "answered as soon as possible or practicable, but not later than seventy-two hours from receiving the request."<sup>422</sup> The Handbook must state that detainees may submit written questions and requests to ICE staff and the procedures for doing so.<sup>423</sup>

**MCDC does not meet this section of the Standards; facility staff read the written requests to ICE before sending them, and the MCDC Handbook does not inform detainees how to submit written requests to ICE.** While MCDC does not have an ICE presence on site, ICE officials do visit the Facility once a week, usually on Wednesdays or Thursdays.<sup>424</sup> The Handbook does not include the procedure for detainees to contact ICE staff,<sup>425</sup> so detainees must be informed by staff. Detainees may contact ICE by phone or by filing an ICE grievance form.<sup>426</sup> MCDC faxes the detainees' written requests to ICE daily.<sup>427</sup> The guards at the Facility read the INS [ICE] Detainee Request Forms before they are faxed, which violates that Standard.<sup>428</sup> the guards make an effort to remediate the detainee's concern.<sup>429</sup> In those cases where MCDC staff believe that they have resolved the issue, the deputy writes an addendum to the detainee's grievance form to indicate that the staff at the Facility have already resolved the issue.<sup>430</sup> Although the deputies read the grievance forms and may attach addendums with their comments, the written requests are always faxed to ICE.<sup>431</sup> MCDC staff do not keep a record of the detainee requests sent to (or the responses received from) ICE.<sup>432</sup>

## L. Religious Practices

The Standards require that detainees of different religious beliefs be provided with reasonable and equitable opportunities to participate in the practices of their respective faiths.<sup>433</sup> According to the Standards, these "opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether the religion is 'mainstream,' whether the religion is 'Western' or 'Eastern,' or other such factors. Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice."<sup>434</sup> Moreover, a facility's staff shall make "all reasonable efforts to accommodate" special food services required by a detainee's particular religion.<sup>435</sup>

---

<sup>421</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

<sup>422</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.1.

<sup>423</sup> Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

<sup>424</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>425</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>426</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>427</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>428</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>429</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>430</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>431</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>432</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>433</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>434</sup> Detention Operations Manual, Detainee Services, Standard 14, Section I.

<sup>435</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.<sup>436</sup>

**MCDC appears to meet this section of the Standards.** MCDC provides detainees with opportunities to participate in religious practices.<sup>437</sup> If a detainee practices a religion that is not common, the Facility attempts to accommodate the religious practices associated with such religion.<sup>438</sup> Clergy, such as Catholic priests and rabbis, frequently visit the Facility.<sup>439</sup> In addition, a non-denominational chaplain, who recently retired, visited the Facility for several years, the Facility is now looking for a replacement.<sup>440</sup> When visiting the Facility, clergy must abide by the regular visitation hours.<sup>441</sup>

The Handbook indicates that all religious programs are administered by the Programs Department, and that a Chaplain is available and visits by community ministers may be arranged.<sup>442</sup> According to the Handbook, religious services are held weekly in each Facility for all inmates not on lockdown.<sup>443</sup> Those inmates in lockdown may complete an Inmate Request Form if they desire to have the chaplain visit with them.<sup>444</sup>

Detainees with special religious diets may request special meals.<sup>445</sup> There is a written procedure detailed in the Handbook for the Programs Department to confirm with an outside person that the detainee practices a specific religion and requires a special diet.<sup>446</sup> Detainees are also permitted to fast as long as the fasting is approved and verified by the Programs Department.<sup>447</sup> While MCDC has on occasion modified a detainee's meals time to accommodate religious requirements (e.g., the Muslim faith), detainees do not often make such requests.<sup>448</sup>

### **M. Voluntary Work Program**

The Standards require that all facilities with work programs provide an opportunity for physically and mentally capable detainees to "work and earn money."<sup>449</sup> Participation must be voluntary.<sup>450</sup>

**MCDC does not meet this section of the Standards; detainees are unable to earn money for their work.** ICE detainees are not eligible for work-release assignments that inmates

---

<sup>436</sup> Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

<sup>437</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>438</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>439</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>440</sup> Notes of delegation member [REDACTED], on conversation with Lieutenant [REDACTED]

<sup>441</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>442</sup> MCDC Handbook at 24.

<sup>443</sup> MCDC Handbook at 24.

<sup>444</sup> MCDC Handbook at 24.

<sup>445</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>446</sup> MCDC Handbook at 20-21.

<sup>447</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>448</sup> Notes of delegation member [REDACTED] b6, on conversation with Lieutenant [REDACTED] b6, b7C

<sup>449</sup> Detention Operations Manual, Detainee Services, Standard 37, Sections I & III.A.

<sup>450</sup> Detention Operations Manual, Detainee Services, Standard 37, Sections III.A & H.



may take.<sup>451</sup> Four women in the Housing Unit are given the status of "in-house trustees," and serve food, clean, do laundry, help with hallway detail and can work on the farm, but they do not receive compensation for the work and are not eligible for the "gain time" that inmates may earn.<sup>452</sup>

## N. Detainee Transfer

When transferring a detainee, the Standards require ICE to take into consideration whether a detainee is represented before the immigration court, and the location of the attorney and the court.<sup>453</sup> The Standards require ICE to notify a detainee's legal representative of record that the detainee is being transferred.<sup>454</sup> Indigent detainees will be permitted to make a single domestic telephone call at government expense upon arrival at their final destination; non-indigent detainees will be permitted to make telephone calls at their own expense.<sup>455</sup> Records including the detainee's Alien File ("A-file") and health records (or transfer summary for IGSAs) must accompany the detainee.<sup>456</sup> Prior to transfer, medical personnel must provide the transporting officers with instructions and any applicable medications for the detainee's care; medications must be turned over to an officer at the receiving field office.<sup>457</sup> A detainee's legal materials, cash, and small valuables shall always accompany the detainee to the receiving facility; larger items may be shipped.<sup>458</sup>

**MCDC meets this section of the Standards.** Captain Phelps stated that when ICE detainees arrive at MCDC, they are allowed to make phone calls to inform their family or attorney of their arrival.<sup>459</sup> One detainee stated that when she was transferred from a West Palm Beach detention facility, she was able to call her family upon arriving at MCDC.<sup>460</sup> Detainees are limited to what they can bring and are told by ICE to leave any personal items in a "locker" at Krome or the ICE facility where they were processed.<sup>461</sup> Medical records are sent with the detainee and any medications are provided to the detainee by MCDC.<sup>462</sup>

## V. CONCLUSION

MCDC meets the requirements of several of the ICE Detention Standards but fails to meet a number of others. The delegation makes the following recommendations so that the facility may fulfill its obligations under the Standards:

### Visitation

---

<sup>451</sup> Notes of delegation member [REDACTED] on conversation with Deputy [REDACTED].

<sup>452</sup> Notes of delegation members [REDACTED] and [REDACTED] on conversation with Deputy [REDACTED].

<sup>453</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Section I.

<sup>454</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.A.

<sup>455</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.G.

<sup>456</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Sections III.D.1 and III.D.6.

<sup>457</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.D.D. [sic.]

<sup>458</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.E.

<sup>459</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Section I.

<sup>460</sup> Notes of delegation members [REDACTED] and [REDACTED], on conversation with detainee [REDACTED].

<sup>461</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Section I.

<sup>462</sup> Detention Operations Manual, Detainee Security and Control, Standard 4, Section I.

- MCDC should provide information in the Handbook regarding attorney visitation;
- MCDC should correct the inconsistency between the Handbook information regarding "family and friends" visitation and the stated policy applied at the Facility;
- Given the distance of the Facility from urban areas, MCDC should consider allowing for additional time when visitation rules pose a hardship for family members.

### **Telephone Access**

- MCDC should not limit phone calls to fifteen minutes, and should provide consistency regarding when the phones are available for use;
- MCDC should install privacy panels or otherwise place telephones so that detainees can make legal phone calls without being overheard by others;
- MCDC should not record or monitor, in any matter whatsoever, legal phone calls (absent a court order). If regular phone calls are monitored, MCDC should provide detainees with the procedure for obtaining an unmonitored call for legal purposes;
- MCDC should have a policy of delivering phone messages to detainees and not rely on individual staff to determine whether messages should be delivered.
- MCDC should attempt to deliver calling cards under the canteen system early in the week so that detainees can reach their legal counsel before regularly scheduled hearings, which usually occur on Mondays;
- MCDC should provide user-friendly instruction for detainees (and written procedures in the Handbook) regarding the use of the pre-programmed phone system.

### **Access to Legal Materials**

- MCDC should allow the Immigration Law Library to remain open on the weekends given that many regularly scheduled court hearings occur on Mondays;
- MCDC's Immigration Law Library should provide access to all of the legal materials listed in the Standards and ICE should replace all damaged, destroyed, and stolen materials;
- For detainees, the Handbook should describe the hours and access for the Immigration Law Library (as opposed to the main MCDC library);
- MCDC should ensure that pens, pencils, envelopes and stamps are available and provide information in the Handbook regarding how both indigent and non-indigent detainees can obtain them;
- Indigent detainees should be provided with free envelopes and free postage according to the Standards (with no dollar limit) for legal correspondence;

## **Correspondence**

- MCDC personnel should not read any legal mail sent to or from detainees and, if the Facility determines that incoming legal mail must be inspected, such inspections should only occur in the presence of the detainee.

## **Dental Treatment**

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

## **Detainee Grievance Procedures**

- MCDC should inform detainees of the grievance process, and that process should also be described in the Handbook;
- In all cases, MCDC 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 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 (or appropriate departments, including DHS OIG), including the phone number and address.

## **ICE Presence at the Facility**

- MCDC should develop written operating procedures that inform detainees of how to contact ICE and that process should also be described in the Handbook;
- MCDC staff should transmit detainee requests to ICE without reading them.

## **Voluntary Work Programs**

- Detainees who are physically and mentally able to work should be provided the opportunity to participate in voluntary work to earn money.

## **Need for Detainee-Appropriate Handbook**

- MCDC should ensure that the Handbook is provided to all incoming detainees. The Handbook should correctly describe the policies, rules, services, programs, and rights applicable to immigration detainees through the Standards; the handbook should not contradict the Standards or otherwise mislead detainees as to their rights.

Facility Name: **MONROE COUNTY DETENTION CENTER, Key West, FL**

Date of Tour: **August 2, 2007**

Tour Participants: Holland & Knight LLP attorneys and summer associates [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED]

*\*Standards are Detainee Services Standards unless otherwise indicated. Standards excerpts are typed verbatim. Issues are generally listed in their order from the Report.*

**Report comments in bold are priority issues for ICE-ABA discussion.**

	ICE Standard*	Delegation Report	Source	ICE Response
1.	<b>Standard 17, Visitation</b> <ul style="list-style-type: none"> <li>▪ <b>III.B. Notification. The facility shall provide written notification of visitation rules and hours in the detainee handbook .... The facility shall also post these rules and hours where detainees can easily see them.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The inmate handbook does not contain any information related to attorney visitations. (p.3 ¶2)</b></li> <li>▪ <b>The inmate handbook states the visitation rules would be posted, but visitation policies for family and friends are not posted. (p.6 ¶1)</b></li> </ul>	<p><b>Inmate handbook</b></p> <p><b>Inmate handbook and delegation observations</b></p>	
2.	<b>Security and Control Standard 13, Special Management Unit (Administrative Segregation)</b> <ul style="list-style-type: none"> <li>▪ <b>III.D.13. The facility shall follow the “Visitation” standard in setting visitation rules for detainees in administrative segregation. Ordinarily, a detainee retains visitation privileges while in administrative segregation. ... Detainees in administrative segregation may not be denied legal visitation, but reasonable security precautions will be taken where necessary.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The inmate handbook states that visitation will be denied to individuals found guilty of a Disciplinary Report. (p.27 ¶4)</b></li> </ul>	<p><b>Inmate handbook</b></p>	
3.	<b>Standard 16, Telephone Access</b> <ul style="list-style-type: none"> <li>▪ <b>III.A. The facility shall provide detainees with reasonable access to telephones during established facility waking hours ....</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Detainees reported that phones are turned off and inaccessible for long periods during the day. (p.6 ¶4)</b></li> <li>▪ <b>Detainees reported delays of several days in receiving canteen items, which include phone cards. (p.7 ¶2)</b></li> </ul>	<p><b>Detainee [REDACTED]; detainee [REDACTED]</b></p> <p><b>Detainee [REDACTED] anonymous detainee</b></p>	
4.	<b>Standard 16, Telephone Access</b> <ul style="list-style-type: none"> <li>▪ <b>III.E. The facility shall not require indigent detainees to pay for [legal, court-related, consular, emergency calls] if they are local calls, nor for non-local calls if there is a compelling need. The facility shall enable all detainees to make calls to the [ICE]-provided list of free legal service providers and consulates at no charge to the detainee or the receiving party.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>No instruction is given to detainees on how to use the pre-programmed phone system for free legal service providers and consulates (p.8 ¶2)</b></li> <li>▪ <b>No consulate information provided for Haiti, even though 7 detainees are Haitian. (p.8 ¶2)</b></li> <li>▪ <b>The inmate handbook states that the phones in the housing areas only allow collect or calling card calls (actual practice is different). (p.8 ¶2)</b></li> </ul>	<p><b>Delegation observations; detainee [REDACTED] i</b></p> <p><b>Detainee [REDACTED]; Lieutenant [REDACTED]</b></p> <p><b>Inmate handbook</b></p>	

<p>5.</p>	<p><b>Standard 16, Telephone Access</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.F. The facility shall not restrict the number of calls a detainee places to his/her legal representative, nor limit the duration of such calls by rule or automatic cut-off, unless necessary for security purposes or to maintain orderly and fair access to telephones. If time limits are necessary for such calls, they shall be no shorter than 20 minutes, and the detainee shall be allowed to continue the call if desired, at the first available opportunity. The facility may place reasonable restrictions on the hours, frequency and duration of the other direct and/or free calls listed above [i.e., “other” than calls to detainee’s legal representatives].</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The facility limits calls to fifteen minutes. (p.9 ¶2)</b></li> </ul>	<p><b>Detainee</b> [redacted]</p>	
<p>6.</p>	<p><b>Standard 16, Telephone Access</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible. When facility staff receives an emergency telephone call for a detainee, the caller’s name and telephone number will be obtained and given to the detainee as soon as possible. The detainee shall be permitted to return the emergency call as soon as reasonably possible within the constraints of security and safety.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Messages are not always delivered. (p.9 ¶4)</b></li> </ul>	<p><b>Officer [redacted] and detainees [redacted] and [redacted]</b></p>	
<p>7.</p>	<p><b>Standard 16, Telephone Access</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.J. The facility shall ensure privacy for detainees’ telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The facility does not have private areas from which phone calls can be made. (p.9 ¶2)</b></li> <li>▪ <b>The facility monitors and records all phone calls. (p.9 ¶2)</b></li> </ul>	<p><b>Delegation observations</b></p> <p><b>Lieutenant [redacted] Officer [redacted], and Inmate handbook</b></p>	

8.	<p><b>Standard 1, Access to Legal Material</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.A.</b> The facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing. The law library shall be large enough to provide reasonable access to all detainees who request its use.</li> <li>▪ <b>III.Q.</b> Notice to Detainees. The detainee handbook ... shall provide detainees with the rules and procedures governing access to legal materials, including ... that a law library is available for detainee use ....</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Handbook states that only inmates who are "pro-se" inmates will be provided "reasonable access to the legal materials that are in the law library." (p. 11 &amp;3, p.14 ¶1) However, staff indicated that detainees generally have access to the law library. (p.11 ¶3)</li> </ul>	<p>Inmate handbook; Lieutenant [REDACTED], Deputy [REDACTED]</p>	
9.	<p><b>Standard 1, Access to Legal Material</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.C.</b> The law library shall contain the materials listed in Attachment A. ... The facility shall post a list of its holdings in the law library.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There is no list of holdings posted in the law library. (p.11 ¶1)</li> <li>▪ Most of the required legal materials are unavailable. (p.12 ¶2)</li> </ul>	<p>Lieutenant [REDACTED]  Delegation observations</p>	
10.	<p><b>Standard 1, Access to Legal Material</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.B.</b> Equipment. The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper and office supplies to enable detainees to prepare documents for legal proceedings.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Supplies including writing implements and envelopes have to be purchased. (p.12 ¶4)</li> </ul>	<p>Detainee [REDACTED] i and Deputy [REDACTED]</p>	
11.	<p><b>Standard 1, Access to Legal Material</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.M.</b> Detainees housed in ... Segregation units shall have the same law library access as the general population, unless compelling security concerns require limitations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Handbook states that law library access will be denied to individuals found guilty of a Disciplinary Report. (p.27 ¶4)</li> </ul>	<p>Inmate handbook</p>	
12.	<p><b>Standard 9, Group Presentations on Legal Rights</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.C.</b> At least 48 hours before a scheduled presentation, informational posters ... shall be prominently displayed in housing units, and each housing unit control officer will hold a sign-up sheet. ... Presentations are open to all detainees ... except when a particular detainee's attendance would pose a security risk. ... The OIC may limit the number of detainees at a single session.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Informational posters are not posted in advance of presentations. (p.14 ¶3)</li> </ul>	<p>Lieutenant [REDACTED]</p>	

13.	<p><b>Standard 3, Correspondence and Other Mail</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.E. Inspection of Incoming Correspondence and Other Mail. Any such inspection [of incoming special mail] shall be in the presence of the detainee. Staff shall neither read nor copy special correspondence.</b></li> <li>▪ <b>III.F. Inspection of Outgoing Correspondence and Other Mail. Outgoing special correspondence will not be opened, inspected, or read.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>The facility does not distinguish between general correspondence and special correspondence, and all correspondence including special correspondence is read by officials outside the presence of detainees. (p.15 ¶3)</b></li> </ul>	Officer [REDACTED]	
14.	<p>Standard 6, Detainee Handbook Standard 17, Visitation</p> <ul style="list-style-type: none"> <li>▪ III.B. Notification. The facility shall provide written notification of visitation rules and hours in the detainee handbook or equivalent, given each detainee upon admittance. The facility shall also post these rules and hours where detainees can easily see them.</li> </ul> <p>Standard 15, Staff-Detainee Communication</p> <ul style="list-style-type: none"> <li>▪ III.B.3. Detainee Handbook. ... The handbook shall state that the detainee has the opportunity to submit written questions, requests, or concerns to ICE staff and the procedures for doing so ....</li> </ul> <p>Security and Control Standard 17, Disciplinary Policy</p> <ul style="list-style-type: none"> <li>▪ III.A.5. The detainee handbook or equivalent ... shall advise detainees of the following: a. the right to protection from personal abuse, ... b. the right of freedom from discrimination based on race, religion, national origin, sex, handicap, or political beliefs ....</li> </ul>	<ul style="list-style-type: none"> <li>▪ The inmate handbook does not have visiting hours, does not provide information on how to contact ICE, and does not advise detainees of their right to protection from abuse and discrimination. (p.17 ¶1)</li> </ul>	Inmate handbook	
15.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> <li>▪ III.E. Dental Treatment. An initial dental screening exam should be performed within 14 days of the detainee's arrival.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detainees do not receive an initial screening as required by the Standards. (p.22 ¶3)</li> </ul>	Detainee [REDACTED]	

16.	<p><b>Standard 4, Detainee Classification System</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.E.1. Level 1 Classification.</b> May not be housed with Level 3 Detainees.</li> <li>▪ <b>III.E.2. Level 2 Classification.</b> May not include any detainee whose most recent conviction was for any offense listed under the "HIGHEST" section of the severity of offense guideline (APPENDIX 1 [includes: "Assaulting any person"]). ... May not include any detainee with a pattern or history of violent assaults, whether convicted or not.</li> <li>▪ <b>III.F. The classification system shall assign detainees to the least restrictive housing unit consistent with facility safety and security. ... 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 circumstances will a level two detainee with a history of assaultive or combative behavior be placed in a level one housing unit.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Female detainees are housed with inmates who have a history of violence. (p.24 ¶3)</b></li> </ul>	<p><b>Programs Assistant</b> [REDACTED];  <b>Lieutenant</b> [REDACTED]</p>	
17.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> <li>▪ I. [S]tandard operating procedures (SOP) must establish a reasonable time limit for: ... (iii) providing written responses to detainees who filed formal grievances, including the basis for the decision.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detainees did not receive responses to their written grievances. (p.26 ¶2)</li> </ul>	<p>Detainee [REDACTED]</p>	
18.	<p><b>Standard 5, Detainee Grievance Procedures</b></p> <ul style="list-style-type: none"> <li>▪ <b>III.D. Retaliation. Staff will not harass, discipline, punish, or otherwise retaliate against a detainee lodging a complaint.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>There are no guarantees against reprisal for grievances. (p.25 ¶3)</b></li> <li>▪ <b>A detainee reported she was she was retaliated against by a guard for filing a grievance. (p.26 ¶3)</b></li> </ul>	<p><b>Lieutenant</b> [REDACTED]  <b>Detainee</b> [REDACTED]</p>	
19.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> <li>▪ III.G. Detainee Handbook. ... The grievance section of the detainee handbook will provide notice of the following: 4. The procedures for contacting the [ICE] to appeal the decision of the OIC of a CDF or an IGSA facility. 5. The policy prohibiting staff from harassing, disciplining, punishing or otherwise retaliating against any detainee for filing a grievance. 6. The opportunity to file a complaint about officer misconduct directly with the Justice Department...</li> </ul>	<ul style="list-style-type: none"> <li>▪ The procedures described in the Handbook do not accurately reflect the actual grievance procedures and it does not include information for appealing to ICE. (p. ¶)</li> </ul>	<p>Inmate handbook</p>	



20.	<b>Standard 15, Staff-Detainee Communication.</b> <ul style="list-style-type: none"> <li>▪ <b>III.B. All detainees shall have the opportunity to submit written questions, requests, or concerns to ICE staff .... The detainee request form shall be delivered to ICE staff by authorized personnel (not detainees) without reading, altering, or delay.</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ <b>Facility staff read the written requests to ICE before sending them. (p.31 ¶2)</b></li> </ul>	Lieutenant [REDACTED]	
21.	Standard 18, Voluntary Work Program <ul style="list-style-type: none"> <li>▪ I. Every facility with a work program will provide detainees the opportunity to work and earn money.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detainees are not eligible for work release assignments and are unable to earn money for their work. (p.33 ¶1)</li> </ul>	Deputy [REDACTED]	



The purpose of this handbook is to inform you of the practices established to ensure your safety and welfare while you are incarcerated. The policies and procedures of the Monroe County Detention Facilities are in accordance with all federal, state, and municipal laws pertaining to corrections.

During your confinement you will be governed by the same laws that exist in our society. In addition, you are to abide by all facility rules and regulations.

Our correctional facilities provide a number of opportunities for inmates to use their time productively. A summary of the services available to you is herein provided. Religious, recreational and educational programs are also offered. You're encouraged to take advantage of these services and programs.

It is to your benefit to become familiar with the contents of this handbook. Should you have a question that is not covered, you may contact a staff member for assistance.

b6, b7C

b6, b7

Major [redacted] Commander  
Bureau of Corrections

# TABLE OF CONTENTS

Pro-se Legal Photocopies	27
Pro-se Supplies	28
Notary Services	28
Classification	29
Trusty Appearance	29
Trusty Working Regulations	29
Trusty Living Area	30
Trusty Clothing Regulations	30
Educational Programs	30
Substance Abuse	31
Co-Ed Programs	31
Work Release	31
<b>ADDRESSES</b>	32
<b>INDEX</b>	34

## Page

<b>RULES, ORDER AND DISCIPLINE</b>	
General Rules	1
Discipline	3
Statement of Prohibited Conduct	4
Rules of Prohibited Conduct	5
Minor Infractions	11
Inmate Requests and Grievances	12
Reporting Crimes	13
Allegation of Employee or Inmate Misconduct	13
Prison Rape Elimination Act (P.R.E.A.)	13
Crime Stoppers	14
Safety	14
Personal Appearance and Hygiene	15
Processing Fee	15
Court Appearances	16
Release	16
Transfers	16
Contraband - Definition	16
<b>FACILITY SERVICES</b>	
Housing Assignments	17
Medical	17
Inmate Medical Fee Schedule	18
Staying Healthy in Jail	19
Laundry	19
Food Service	20
Personal Property	21
Clothing	21
Inmate Money	21
Commissary	22
Check Writing Fee	22
2nd Mattress Rental Fee	22
Daily Subsistence Fee	22
USM Inmates/ICE Detainees	23
<b>PROGRAMS AND PRIVILEGES</b>	
Chaplaincy Services	24
Telephones	24
Visiting	25
Inmate Mail	25
Recreation	27
Library	27
Law Library	27

# RULES, ORDER AND DISCIPLINE

## GENERAL RULES

1. All Correctional Officers and members of the staff will be called Officer, Mr., Ms., or by title of their position along with their last name. First names or other terms will not be used. You will be identified and called by your last name.
2. All directives and requests from staff members are orders and must be carried out promptly and fully without complaint. If you believe the order is unjust or have a complaint regarding an order or action, **obey the order**. You may later bring the complaint to the attention of another staff member by completing an Inmate Request Form documenting your complaint.
3. During all scheduled and unscheduled counts, you are required to go directly to your assigned housing area, stand by your bunk, and remain silent. You are not to move after count starts until the count is announced completed by the officer-in-charge. During counts, televisions and other instruments will be turned off.
4. A schedule for work, sick call, dining, recreation, laundry, visitation, church services, educational classes, passing of medications, and other programs will be posted on bulletin boards or otherwise announced. You are responsible for following these schedules/announcements. You must be dressed and prepared to report on time for any scheduled activity or program.
5. You are required to keep your living area and cell clean, assist in cleaning dayrooms, showers and toilet areas and have these areas ready for inspection. Walls will not be marked or defaced in any manner. Pictures or other articles shall not be attached to walls, beds, writing desks, or placed on window ledges. Pictures are to be stored in your grey bin.
6. You will not give, loan, barter, exchange or sell any personal property, food, commissary items, or issued items to another inmate. Personal property in the possession of anyone other than the recorded owner will be taken and disposed of as contraband.
7. The television will be turned on each morning after inspection is successfully completed. Channels are selected by majority preference. The television is a privilege and may be withdrawn by any staff member when rules are not followed.
8. Tampering with, damaging or destroying county property and/or safety devices, such as smoke detectors, is a punishable offense. Disciplinary action will be taken and/or criminal charges filed against inmates found in violation. F.S. 806.13
9. **No smoking will be allowed.** All tobacco products/accessories are contraband and punishable by 3rd degree felony. F.S. 951.22

10. You will not enter any cell, dorm/unit, or other housing area where you are not assigned except when on a supervised work detail.
11. You are encouraged to shower daily; however, you will be required to take at least two showers each week.
12. You are responsible for the safekeeping of all personal property in your possession. The officer is not allowed to watch personal property or to secure property.
13. You will have an identification card that must be worn on the bottom of the V on your uniform shirt or on the uniform shirt pocket at all times you are outside of your cell. Loss of this I.D. will result in disciplinary action and an administrative fee being charged to your canteen account. The loss/removal of your I.D. will cause a delay/denial in privileges, services, and/or release.
14. Bedding and linen (e.g., mattress, blanket, pillow, pillow case, sheets, towel) will not be removed from your sleeping area nor used for rugs, tablecloths or any other purpose. Loss of towel will result in an administrative fee being charged to your canteen account.
15. Excessive noise, horseplay, shouting, yelling, profanity, etc. will not be permitted in the facility nor outside areas.
16. Talking or passing items to and from inmates in lockdown or in segregation is prohibited and will result in disciplinary action.
17. Hats, headbands, caps, handkerchiefs, scarfs, and sunglasses are not authorized except when issued to work crews to be worn only on the outside of the facility. Females cannot keep bras with underwire; the bra will be placed in your property.
18. Altering or marking your issued clothing is prohibited.
19. Do not litter. Trash containers have been placed in selected locations for your use.
20. You will not leave any assigned area without first receiving permission from your supervisor. You will be required to proceed directly and promptly to and from any designated area.
21. No inmate will be placed in charge of another inmate.
22. If you have an accident or injury, no matter how minor, you are to report it immediately to a staff member.
23. Running within the confines of the facility is prohibited except in the recreation yard.
24. **✓** County sentenced inmates may work up to ten hours per day as stated in the Florida Model Jail Standards.

25. You are not allowed to have any keys in your possession.
26. You are not allowed to have any tools in your possession except when assigned to a supervised detail requiring tools.
27. Any inmate, upon leaving their assigned housing cell, will display proper identification, in accordance with facility rules and regulations.
28. You will not move from bunk to bunk or cell to cell without permission.
29. A drinking cup will be issued to you. Loss of this cup will result in an administrative fee being charged to your canteen account.
30. A "body wash" cup will be issued to you. Loss of this cup will result in an administrative fee being charged to your canteen account.
31. Do not touch anything on the officer's desk, and do not go into any drawer without permission from your Dorm/Unit Officer.

**NOTE: Violation of these general rules will result in disciplinary action and restitution.**

### DISCIPLINE

An inmate who violates any rule or regulation of the institution will be subject to disciplinary action. A Disciplinary Report will be written and forwarded to an Investigating Officer. The inmate will be given a copy of the Disciplinary Report at the time of the investigation. Once the Disciplinary Report is served, the inmate will be allowed a 24 hour period in which to prepare a defense. The inmate may waive the 24-hour period. The hearing will be held within five working days excluding weekends and holidays.

**NOTE: If you are outside the facility such as in court, doctor's visit, etc., then your time limitations may be extended beyond the five working days.**

If the inmate is found in violation of a rule or regulation, he/she will have five working days in which to appeal the recommendation of the disciplinary committee. The appeal must be made in writing and directed to the Operations Commander. The Operations Commander will have the final approval on all Disciplinary Reports and/or appeals.

If an inmate is found guilty of a disciplinary report, the inmate will be charged an administrative processing fee to be deducted from the inmate's canteen account.

If the inmate is found guilty of a Disciplinary Report involving the damage, destruction, or misappropriation of county property, AND the Disciplinary Hearing Officer requires the inmate to pay for the damaged, destroyed, misappropriated property, the cost will be taken from the inmate's account.

When you are found guilty of a Disciplinary Report, you will lose all of the following:

1. Visitation;
2. Phone privileges except for attorney calls;
3. Ordering commissary items; and,
4. Law library except for pro-se inmates.

If you are found guilty of a disciplinary report and then go to the infirmary for any reason, the time you spend in the infirmary will NOT count toward your lockdown time. Once you are released from the infirmary, you will be returned to a lockdown cell to complete your disciplinary time. If your hearing is held in the infirmary, your disciplinary time will not start until you are released from the infirmary and placed in a lockdown cell.

If an inmate is found guilty of a Disciplinary Report for 3-18 (positive drug or alcohol test/refusal to provide urine sample) or 3-4 (possession of narcotics, unauthorized drugs or drug paraphernalia), they shall not be allowed to be a trusty.

If a trusty is found guilty at a disciplinary hearing, the following guidelines apply unless present circumstances dictate otherwise:

1. First guilty DR: The inmate must wait ten days after getting out of lockdown before returning to trusty status.
2. Second guilty DR: The inmate must wait 30 days after getting out of lockdown before returning to trusty status.
3. Third guilty DR: The inmate would not be allowed to be a trusty.

### STATEMENT OF PROHIBITED CONDUCT

While you are detained in any Monroe County Detention Facility, you are subject to the same Federal, State and Municipal Laws and Ordinances as any other citizen. Therefore, if you violate any laws or ordinances, you will be prosecuted to the fullest extent of the law. Statutory violations include, but are not limited to the following:

STATUTE	CHARGE	MAXIMUM PENALTY
F.S. 806.01(1)(B)	Arson	30 Years in State Prison
F.S. 794.011	Sexual Battery	30 Years in State Prison
F.S. 944.40	Escape or Attempted Escape	15 Years in State Prison
F.S. 951.075	Battery in a County Detention Facility	15 Years in State Prison

STATUTE	CHARGE	MAXIMUM PENALTY
F.S. 784.07	Battery on a Law Enforcement Officer	5 Years in State Prison
F.S. 870.01	Affrays and Riots	5 Years in State Prison
F.S. 870.03	Riots and Routs	5 Years in State Prison
F.S. 944.47	Introduction of Contraband	5 Years in State Prison
F.S. 951.22	County Detention Facilities,	
	Contraband articles	5 Years in State Prison
F.S. 812.014	Theft	60 Days in Jail
F.S. 349.08	Gambling	60 Days in Jail

In addition, under Florida State Statute 951.07, violators of the Monroe County Detention Facility Rules, upon conviction by a Disciplinary Committee, may be punished with up to 30 days Disciplinary Confinement, loss of privileges, and/or possible loss of gain time. Inmates who repeatedly, knowingly and willfully violate those rules will be prosecuted under Florida State Statute 951.07. Conviction under this Statute carries a maximum penalty of 60 days in jail and/or a \$500.00 fine.

### RULES OF PROHIBITED CONDUCT

The rules of prohibited conduct and established penalties for infractions shall be applicable to all sections of the Monroe County Detention Facilities.

Any act which is a felony or misdemeanor in the State of Florida may, at the option of the Operations/Site Commander of the institution where the act was committed or his/her designee and the State Attorney, lead to prosecution as prescribed by Florida Law.

The penalties are based on the guidelines as set in our Policies and Procedures Manual for each indicated infractions. Infractions while in disciplinary confinement may result in additional disciplinary measures or criminal prosecution.

Following is a partial list of rules of prohibited conduct:

#### SECTION 1 - ASSAULT, BATTERY, THREATS AND DISRESPECT

- 1-1 ASSAULT OR BATTERY OR ATTEMPTED ASSAULT OR BATTERY WITH A DEADLY WEAPON
- 1-2 OTHER ASSAULT OR BATTERY OR ATTEMPTED ASSAULT OR BATTERY
- 1-3 SPOKEN OR WRITTEN THREATS OR GESTURES

- 1-4 DISRESPECT TO OFFICIALS, STAFF MEMBERS, EMPLOYEES OR OTHER PERSONS OF AUTHORITY EXPRESSED BY MEANS OF WORDS, GESTURES, AND LIKE EXPRESSIONS
  - 1-5 SEXUAL BATTERY OR ATTEMPTED SEXUAL BATTERY
  - 1-6 CORRUPTION BY THREATS AGAINST PUBLIC SERVANTS (F.S. 838.021)
  - 1-7 THROWING OF BIO-HAZARDOUS HUMAN FECES OR ANY OTHER HUMAN BODILY FLUIDS WITH THE INTENT TO MAKE CONTACT ON ANY PERSON, OR WILLFUL ACT OR BEHAVIOR WHICH COULD CAUSE A HAZARD TO ANY PERSON, THEIR EQUIPMENT, OR WORK STATION
- SECTION 2 - RIOTS, STRIKES, MUTINOUS ACTS OR DISTURBANCES**
- 2-1 PARTICIPATING IN RIOTS, STRIKES, MUTINOUS ACTS OR DISTURBANCES
  - 2-2 INCITING OR ATTEMPTING TO INCITE RIOTS, STRIKES, MUTINOUS ACTS OR DISTURBANCES. CONVEYING ANY INFLAMMATORY, RIOTOUS OR MUTINOUS COMMUNICATION BY WORD OF MOUTH, IN WRITING, BY SIGN, SYMBOL, OR GESTURE.
  - 2-3 PARTICIPATING IN OR INCITING A MINOR DISTURBANCE
  - 2-4 FIGHTING
- SECTION 3 - CONTRABAND - ANY ARTICLE NOT SOLD IN THE COMMISSARY OR ISSUED BY THE INSTITUTION: ANY ARTICLE FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION**
- 3-1 POSSESSION OF WEAPON, AMMUNITION OR EXPLOSIVES
  - 3-2 POSSESSION OF ESCAPE PARAPHERNALIA
  - 3-3 POSSESSION OF ANY FLAMMABLE, POISONOUS OR EXPLOSIVE MATERIAL OR DEVICE, INCLUDING MATCHES AND LIGHTERS
  - 3-4 POSSESSION OF NARCOTICS, UNAUTHORIZED DRUGS OR DRUG PARAPHERNALIA
  - 3-5 TRAFFICKING IN DRUGS, TOBACCO, MEDICATION OR UNAUTHORIZED BEVERAGES
  - 3-6 MANUFACTURING OF DRUGS OR UNAUTHORIZED BEVERAGES

- 3-7 POSSESSION OF UNAUTHORIZED BEVERAGES
- 3-8 POSSESSION OF AROMATIC STIMULANTS OR DEPRESSANTS SUCH AS PAINT THINNER, GLUE, TOLUENE, ETC.
- 3-9 POSSESSION OF NEGOTIABLES - UNAUTHORIZED AMOUNTS OF CASH WHERE CASH IS PERMITTED, CASH WHERE CASH IS NOT PERMITTED, CHECKS, CREDIT CARDS OR ANY OTHER NEGOTIABLE ITEM WHICH IS NOT AUTHORIZED
- 3-10 POSSESSION OF ANY MASK, WIG, DISGUISE, OR OTHER MEANS OF ALTERING APPEARANCE
- 3-11 POSSESSION OF UNAUTHORIZED OR ALTERED IDENTIFICATION - DRIVER'S LICENSE, SOCIAL SECURITY CARD, INMATE I.D., ETC.
- 3-12 POSSESSION OF UNAUTHORIZED CLOTHING OR LINEN (COUNTY OR PERSONAL)
- 3-13 POSSESSION OF STOLEN PROPERTY
- 3-14 POSSESSION OF ANY OTHER CONTRABAND
- 3-15 INTRODUCTION OF ANY CONTRABAND
- 3-16 POSSESSION OF TOBACCO, TOBACCO PRODUCTS OR PARAPHERNALIA
- 3-17 CONSTRUCTIVE POSSESSION OF CONTRABAND
- 3-18 POSITIVE DRUG OR ALCOHOL TEST/REFUSAL TO PROVIDE URINE SAMPLE
- 4-1 **SECTION 4 - UNAUTHORIZED AREA**
- 4-2 ESCAPE OR ATTEMPTED ESCAPE
- 4-2 AIDING OR ABETTING AN ESCAPE OR ATTEMPTED ESCAPE
- 4-3 UNAUTHORIZED ABSENCE FROM ASSIGNED AREA INCLUDING HOUSING, JOB OR OTHER ASSIGNED OR DESIGNATED AREA
- 4-4 BEING IN AN UNAUTHORIZED AREA: INCLUDING HOUSING, JOB, RECREATION, VISITING OR ANY OTHER AREA WHERE THE INMATE IS NOT AUTHORIZED TO BE
- 4-5 FAILURE TO PROCEED DIRECTLY AND PROMPTLY TO OR FROM DESIGNATED AREA
- SECTION 5 - COUNT PROCEDURE VIOLATIONS**
- 5-1 MISSING DURING COUNT
- 5-2 FAILURE TO COMPLY WITH COUNT PROCEDURE
- 5-3 FAILURE TO ANSWER OR ANSWERING FOR ANOTHER
- 5-4 FAILURE TO WEAR PROPER IDENTIFICATION IN ACCORDANCE WITH FACILITY RULES AND REGULATIONS
- SECTION 6 - DISOBEYING ORDERS**
- 6-1 DISOBEYING VERBAL OR WRITTEN ORDER - ANY ORDER GIVEN TO AN INMATE OR INMATES BY AN OFFICIAL, STAFF MEMBER, EMPLOYEE, OR OTHER PERSON OF AUTHORITY
- 6-2 REFUSING TO OBEY INSTITUTIONAL RULES AND REGULATIONS
- 6-3 REPEATEDLY, KNOWINGLY, AND/OR WILLFULLY REFUSING TO OBEY RULES AND/OR REGULATIONS
- SECTION 7 - DESTRUCTION, MISUSE OR WASTE OF PROPERTY**
- 7-1 DESTRUCTION OF COUNTY PROPERTY OR PROPERTY BELONGING TO ANOTHER (F.S. 806.13)
- 7-2 ALTERING OR DEFACING COUNTY PROPERTY OR PROPERTY BELONGING TO ANOTHER (F.S. 806.13)
- 7-3 DESTRUCTION OF COUNTY PROPERTY OR PROPERTY BELONGING TO ANOTHER DUE TO NEGLIGENCE (F.S. 806.13)
- 7-4 MISUSE OF COUNTY PROPERTY OR PROPERTY BELONGING TO ANOTHER - USING PROPERTY FOR OTHER THAN THE INTENDED PURPOSE (F.S. 806.01)
- 7-5 WILLFULLY WASTING COUNTY PROPERTY OR PROPERTY BELONGING TO ANOTHER - ANY WASTE OF EDIBLE OR USABLE PROPERTY (F.S. 806.01)
- 7-6 ARSON OR ATTEMPTED ARSON WITHOUT INJURY - IGNITING ANY MATERIAL(S) (F.S. 806.01)

**SECTION 8 - HYGIENE**

- 8-1 FAILURE TO MAINTAIN PERSONAL HYGIENE OR APPEARANCE
- 8-2 FAILURE TO MAINTAIN ACCEPTABLE HYGIENE OR APPEARANCE OF HOUSING AREA

**SECTION 9 - SAFETY**

- 9-1 OPERATING OR USE OF ANY TOOL, EQUIPMENT OR MACHINERY WITHOUT PERMISSION OF A STAFF MEMBER
- 9-2 CARELESS, RECKLESS OR NEGLIGENT OPERATION OR USE OF TOOLS, EQUIPMENT OR MACHINERY
- 9-3 TAMPERING WITH OR CARELESSLY, NEGLIGENTLY, RECKLESSLY, OR WILLFULLY CAUSING DAMAGE OR DESTRUCTION TO ANY PART OF THE ELECTRICAL, PLUMBING, WATER, SEWAGE, COMMUNICATIONS OR OTHER UTILITIES (F.S. 806.01)
- 9-4 TAMPERING WITH OR CARELESSLY, NEGLIGENTLY, RECKLESSLY, OR WILLFULLY CAUSING DAMAGE OR DESTRUCTION TO ANY PIECE OF SAFETY EQUIPMENT OR DEVICE (F.S. 806.10, FIRE EQUIPMENT / OR F.S. 806.13 FOR OTHERS)
- 9-5 ANY CARELESS, RECKLESS, NEGLIGENT OR WILLFUL ACT OR BEHAVIOR WHICH CAUSES OR COULD CAUSE DEATH OR INJURY TO ANOTHER PERSON

**SECTION 10 - MISCELLANEOUS**

- 10-1 OBSCENE OR PROFANE ACT, GESTURE, OR STATEMENT - ORAL, WRITTEN OR SIGNIFIED
- 10-2 BRIBERY OR ATTEMPTED BRIBERY (F.S. 838.015)
- 10-3 BREAKING AND ENTERING OR ATTEMPT
- 10-4 CONSPIRACY OR ATTEMPTED CONSPIRACY TO COMMIT ANY CRIME OR VIOLATION OF THE RULES OF PROHIBITED CONDUCT
- 10-5 THEFT
- 10-6 BARTERING WITH OTHERS

- 10-7 SEX ACTS OR UNAUTHORIZED PHYSICAL CONTACT OF A SEXUAL NATURE
- 10-8 INDECENT EXPOSURE
- 10-9 CONSUMPTION OF INTOXICANTS OR INTOXICATION
- 10-10 TATTOOING OR SELF-MUTILATION
- 10-11 LYING TO STAFF MEMBER OR OTHERS IN OFFICIAL CAPACITY, OR FALSIFYING RECORDS
- 10-12 ATTEMPT TO MANIPULATE STAFF
- 10-13 FEIGNING ILLNESS OR MALINGERING AS DETERMINED BY A PHYSICIAN OR MEDICAL AUTHORITY
- 10-14 GAMBLING OR POSSESSION OF GAMBLING PARAPHERNALIA
- 10-15 INSUFFICIENT WORK (THIS CONSTITUTES AN INMATE NOT WORKING UP TO EXPECTATION TAKING INTO CONSIDERATION THE INMATE'S PHYSICAL CONDITION, THE DEGREE OF DIFFICULTY OF ASSIGNMENT, AND THE AVERAGE PERFORMANCE BY FELLOW INMATES ASSIGNED TO THE SAME TASK)
- 10-16 MAIL REGULATION VIOLATIONS
- 10-17 VISITING REGULATION VIOLATIONS
- 10-18 REFUSING TO WORK
- 10-19 DISORDERLY CONDUCT
- 10-20 UNAUTHORIZED PHYSICAL CONTACT
- 10-21 PRESENTING FALSE TESTIMONY BEFORE DISCIPLINARY COMMITTEE
- 10-22 EXTORTION OR ATTEMPTED EXTORTION
- 10-23 FRAUD OR ATTEMPTED FRAUD
- 10-24 ROBBERY OR ATTEMPTED ROBBERY
- 10-25 LOANING OR BORROWING MONEY OR OTHER VALUABLES
- 10-26 TELEPHONE REGULATION VIOLATIONS



UNAUTHORIZED COMMUNICATION FROM AN INMATE IN ANY DORM OR UNIT TO ANOTHER PERSON THROUGH WORD OF MOUTH, IN WRITING, BY SIGN, SYMBOL, OR GESTURE

### MINOR INFRACTIONS

At the discretion of a staff member, an inmate may be issued a Minor Infraction Warning in lieu of a formal Disciplinary Report. An inmate who receives three Minor Infraction Warnings will be in violation of 6-3 of the Rules of Prohibited Conduct "Repeatedly, knowingly, and willfully refusing to obey institutional rules and regulations." Refusal to sign a ticket will automatically result in a Disciplinary Report being issued.

The following violations may result in a Minor Infraction Warning.

#### SECTION A - CONTRABAND

- A-1 Possession of property belonging to another (County or personal)
- A-2 Exchanging, trading, bartering, giving or receiving of any item from one inmate to another
- A-3 Possession of unauthorized negotiables, clothing, linen, etc.
- A-4 Possession of contraband not specifically listed above

#### SECTION B - HYGIENE

- B-1 Failure to maintain good grooming standards
- B-2 Failure to maintain immediate living area
- B-3 Placing litter of any description on grounds or floors
- B-4 Engaging in unsanitary acts not listed above

#### SECTION C - MISUSE OF PROPERTY

- C-1 Failure to secure personal property
- C-2 Removing food items or beverages from dining area
- C-3 Unauthorized use of county or personal property

### SECTION D - MISCELLANEOUS

- D-1 Attempting to manipulate a staff member
- D-2 Unauthorized minor physical contact
- D-3 Unauthorized visitation
- D-4 Receiving mail or other written material through unauthorized means
- D-5 Unauthorized use of telephone
- D-6 Insufficient work
- D-7 Making obscene or profane acts, gestures or statements
- D-8 Verbal disrespect
- D-9 Failure to comply with roll call, count or assembly procedures
- D-10 Creating a minor disturbance
- D-11 Disorderly conduct
- D-12 Loitering
- D-13 Being in an unauthorized area
- D-14 Absence from assigned area
- D-15 Failure to proceed directly and promptly to and from a designated area
- D-16 Failure to obey program Rules and Regulations

### INMATE REQUESTS OR GRIEVANCES

If you have a request or grievance (i.e., a complaint regarding policy, condition, or staff) pertaining to any area of the facility, bring it to the attention of a Dorm/Unit Officer. Any inmate who believes they have been subjected to unfair and/or unjust treatment, will also contact the Dorm/Unit Officer. The object is to handle and resolve requests, problems, or grievances at the lowest possible level. If you do not receive a satisfactory response or resolution of your request, problem, or grievance from the Dorm/Unit Officer, then you may fill out an Inmate Request Form and hand it to the Dorm/Unit Officer for further action.

Inmate Request Forms are for in-house only. They will not be routed outside the facility (e.g., judges, parole officer, ICE, Department of Correction). You will need to write the outside facilities through the postal system. See the address list at the end of this handbook for the most requested addresses.

Inmate Request Forms are available to all inmates within their assigned housing area. This form will be used to request medical, chaplaincy services, complaints, etc.

The Inmate Request Form must include the date, your name printed and signed exactly as it is written on your inmate I.D., your housing location and some type of explanation of your request. Only one subject matter per form will be accepted.

## REPORTING CRIMES

If you are threatened by another inmate, you have a responsibility to report the crime immediately. The necessary notification and reports will be handled by the Unit/Dorm Officer.

### TO THE INCARCERATED VICTIM PURSUANT TO F.S. 960.001(1)

1. If you are or have been the victim of a crime you have the following rights:
  - A. To be informed of all crucial stages of the criminal proceedings and parole proceedings; and
  - B. To submit written statements at all crucial stages of criminal proceedings and parole proceedings.
2. If you wish information on proceedings in which you are a victim, and you wish to be kept informed of crucial stages (e.g., arrest, arraignment, filing decision, sentencing, plea, warrant issued, notice of trial, appeal, disposition, defendant's release or escape from jail), you may submit a written request to the State Attorney's Office by writing to them at 302 Fleming Street, Key West, FL 33040.

## ALLEGATION OF EMPLOYEE OR INMATE MISCONDUCT

Allegation of employee or inmate misconduct can be reported by completing an Inmate Request Form and forwarding the form to the Site Commander of the jail facility, or you may report the misconduct immediately to a supervisor. See your housing officer to obtain a form.

## PRISON RAPE ELIMINATION ACT (P.R.E.A.)

The Monroe County Sheriff's Office has a zero tolerance policy towards sexual battery or sexual abuse of any inmate incarcerated within Monroe County.

Any sexual activity, forced or consensual, between inmates or between inmates and staff or others is prohibited and will be fully investigated. Violators will be subject to the full range of criminal and administrative sanctions.

While you are incarcerated, no one has the right to pressure you or force you to engage in any sexual act.

Rules strictly prohibit bartering, trading, and gambling. Inmates who are physically stronger or possess canteen or other items may attempt to use their strength or their possessions to their advantage. An inmate may "loan" or "trade" items so other inmates "owe" him/her. When the indebted inmate is unable to repay the loan, the inmate who loaned or traded the items may resort to threats, physical attacks and/or sexual assault.

If you are victimized, report the incident as soon as possible to any staff member. Staff will immediately protect you from the assailant. In addition, staff will contact medical personnel so arrangements can be made for a medical examination and/or counseling.

## CRIME STOPPERS

If you're looking for a cash reward, you can now contact Crime Stoppers by phone or mail.

1. **PHONE:** The Crime Stoppers phone line is toll free. Dial 1-800-346-8477 (TIPS). You don't have to give your name. You will receive a code number for your information. If an arrest results or a crime is solved, you can use the code number (after you get out of jail) to pick up the reward at a local bank. You could also give the code number to a trusted person to get the money for you.
2. **MAIL:** Use the "Inmate Request Form". Fill out your name and write "Crime Stoppers" on the form. Write your tip information (as much detail as possible about suspects and criminal activities) on the form. The form will be forwarded to Crime Stoppers. If an arrest results or a crime is solved, the reward money will be automatically placed in your canteen account. If you want the reward, you must put your name on the form. You can also simply write tip information and not sign your name if you want to stay anonymous. Put all three copies (white, yellow and pink) of the completed "Inmate Request Form" in the Tylenol box in your housing area. The form will be picked up and forwarded to Crime Stoppers.

## SAFETY

Fire evacuation plans are posted throughout each facility. Alarms will be sounded, announcements made, and officers will give each housing area or cell block specific instructions in the event of a fire or other emergency that requires the evacuation of the entire facility or specific housing dorms/units. Safety devices are installed for your protection. Tampering with fire extinguishers, smoke alarms, or other safety and fire fighting equipment is a felony and will result in additional criminal charges. F.S. 806.10

## PERSONAL APPEARANCE AND HYGIENE

You are encouraged to present a clean and neat appearance at all times.

Hair clippers are available for haircuts. All inmates are encouraged to shave. Trustees are required to shave daily and maintain their hair length within regulations.

Each inmate is to be completely and properly dressed when outside assigned living quarters. This means full uniform (uniform top and uniform bottom) including I.D. Clothing must be clean and in good repair.

You may wear shorts, sweats, and t-shirts only while in the recreation yard or when using the pull-up bar in the dayroom.

Females must wear a bra under their t-shirt. Inmates are not to sunbathe in their underwear.

All uniform pants and shorts are to be worn properly, this means that the waistband of the pants will be worn on the waist of the inmate. There will be no wearing of uniforms or pants below the waistline of the inmate.

## PROCESSING FEE

All inmates that are processed into the Monroe County Detention Facilities will be charged a \$20.00 processing fee except for:

1. An inmate that is returned from state prison as a witness in a trial other than their own, or
2. An inmate that is being housed for another agency (e.g., USM, ICE, BP, CUSTOMS, contract county inmates, or any others the Sheriff deems exempt).

After an inmate has been processed into one of the Monroe County Detention Facilities, an individual commissary account will be open. The \$20.00 processing fee will be deducted from each non-exempt inmate's account in order to defray the cost of processing. This fee is deducted at the time the inmate's account is opened.

If an inmate does not have enough money to cover the fee, the inmate's account shall be debited for the amount due and the account will carry a negative balance until monies are deposited into the inmate's individual account. If the inmate at any time receives any monies, then the negative account will be satisfied before any commissary can be purchased.

## COURT APPEARANCES

First Appearance: You will appear before a judge within 72 hours of arrest. You will be advised of your legal rights; informed of the charge(s) against you; have a bond set, if your charge is bondable; and have a Public Defender appointed if you cannot afford a private attorney.

Any future court appearances will be set by the courts.

## RELEASES

Sentenced inmates may be released any time after 0800 hours on their scheduled release date. All others will be released as soon as possible after written direction is received from legal authority unless authorized by the Shift Commander or his/her designee.

You will turn in all county property, clothing, books, and any other issued items before you are released. Your personal property and/or money will be returned to you.

## TRANSFERS

In house - Pillows belong to the dorm/unit, not the inmate. They stay. Work boots do not go with an inmate transferring from trusty status to any other housing area.

To another facility - All county property stays in the facility. County property does not transfer to another county facility except for uniform and slides. This means laundry bags, books, shorts, wheelchairs, etc. do not transfer.

## CONTRABAND - Definition

Contraband is any item or article inside the facilities, on the property of the facilities, or in the possession of an inmate that is neither:

1. Issued;
2. Approved for purchase through the commissary;
3. Purchased through an approved source with official approval; or,
4. Authorized and approved for delivery by mail.

Any item or article not originally contraband shall be deemed contraband if it is passed from one inmate to another without authorization, if it is altered from its original condition, if it is in excessive amounts, or if it is used for something other than its intended purpose.

## FACILITY SERVICES HOUSING ASSIGNMENTS

You will be assigned to a housing area depending upon the facility. Each inmate will be classified according to the following guidelines:

1. Criminal History
2. Medical Receiving Screening Form
3. Classification Interview Screen Form
4. Offense Charge(s)
5. Custody Assessment Tree

No inmate is authorized to change bunks or cells without proper authorization from Classification. If you are having a problem, then notify your Dorm/Unit Officer immediately.

Living in close confinement with large numbers of other people can result in problems unless everyone makes an effort to get along.

## MEDICAL

Medical care, dental care, health and wellness counseling, and other health services are available. You must submit an Inmate Request Form to the Medical Department (nurse or mental health counselor). Some health services are provided by other agencies. Referrals will be made by our medical providers when necessary and required.

Sick-call is available to you through the Medical Department. You must fill out an Inmate Request Form explaining the nature of your illness and forward it to the nurse.

Each and every inmate will be considered a patient when in the Medical Department areas. Inmates will be treated with due respect. My staff and I, in turn, will expect to be treated with due respect. Abuse of the Medical Staff will not be permitted or tolerated. We have a staff consisting of physicians, nurses, a consulting dentist, and consulting pharmacist to assist in your care. Inmates are to remain quiet while in the Medical Department waiting room and will be under the supervision of at least one Correctional Officer.

We have doctor call four days per week, dentist call one day per week, and psychologist call three days per week. It is the inmate's responsibility to be in the dorm/unit when the Medical Department calls for transport to the Medical Department waiting room. Emergencies are seen on a 24 hour basis. In order to be seen, inmates must make a request in writing utilizing the Inmate Request Form with specific problem(s) stated. The nurse doing medication rounds will take the request to the Medical Department. Blank Inmate Request Forms are obtained from the Dorm/Unit Officer.

All inmates except USM and ICE detainees requesting to see the doctor, dentist or nurse will be charged a fee, which will be deducted from their commissary account. Inmates that are indigent will be given certain medication through State Orders. USM inmates and ICE detainees are required to sign the Receipt for Health Services; however, the fees will not be deducted from your canteen account.

The doctor call list is prepared at the discretion of the Medical staff. Doctor call is not to be abused. If any medication is indicated, inmates will be given it at schedule times. Medication responsibility of the inmate is to report to medication when the nurse is in the dorm/unit and medication is announced. Nurses **DO NOT** return to dorms/units for missed medication.

Dental appointments are made per written request only.

It is not the Nurses or Correctional Officers job to wake inmates for medication. During medication, inmates will line up in a single file line and remain **QUIET**. They will not touch anything on the medical cart. **ALL INMATES WILL HAVE THEIR ID ON OR MEDICATION WILL NOT BE GIVEN.**

"Certain behavioral activities can cause the spread of communicable or infectious diseases. Examples of the infections are tuberculosis, hepatitis, gonorrhea, syphilis, and AIDS. Behavioral activities such as intravenous drug abuse, certain sexual activities (both homosexual and heterosexual) and tattooing could spread certain infectious disease. Avoiding these activities will lessen your chance of contracting an infectious disease."

Additional information is available upon request.

## INMATE MEDICAL FEE SCHEDULE

Inmates requiring medical care will be charged a fee based on the following:

Doctor sick call.....	\$10.00
Dentist - per visit.....	\$10.00
Per tooth extracted.....	\$10.00
Nurse sick call.....	\$ 5.00
Medications ordered by doctor.....	\$ 5.00
Laboratory services.....	\$ 5.00
X-rays - Other than chest for positive PPDS.....	\$10.00
Medical transportation - Outside consultant or chiropractor for insurance or workman's compensation exams. All trips are required to be approved by the Medical Department.....	\$80.00

(Prices subject to change.)

Inmate(s) will be charged for self-inflicted injuries.

Inmate(s) will not be charged for the following:

- Initial Screening
- VDRL/T.B. Testing
- Sexually Transmitted Diseases
- Emergencies - to be determined by the Medical Department
- Mental Health Evaluations

Over the counter (OTC) medications will be available from the Medical Department. Inmates refusing to sign for payment treatment will have their commissary accounts charged and a D.R. will be written.

**NOTE: USM and ICE detainees ONLY.**

**You are NOT charged for medical services. You will be required to sign the Receipt for Health Services form; however, the money is not deducted from your account.**

## STAYING HEALTHY IN JAIL

The best way to protect yourself from diseases and infection in general, but especially in jail, is to wash your hands as often as possible. Most 'bugs' are spread due to lack of good personal hygiene, especially hand washing. Do not share other peoples' personal care items such as towels, combs, etc. If you use the jail provided clippers to cut your hair or beard, be sure to clean them before and after use. Keep your hands away from your mouth! Always wash your hands before eating. Drink as much water as you can. Staying well hydrated will also help you to stay healthy while you are here.

Notify the Medical Department immediately if you see any signs of infection or irritation (redness, pain, itching, and/or swelling) on your skin or anywhere else on your body.

## LAUNDRY

Uniforms will be laundered twice each week on days posted.

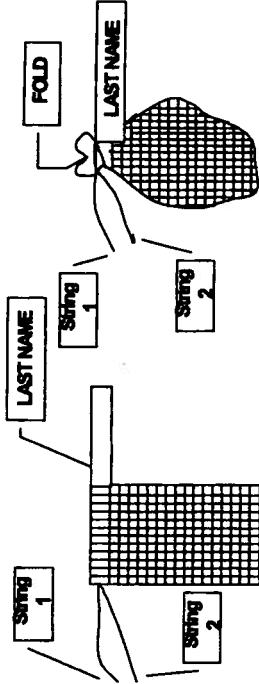
Your linen will be exchanged once each week on days posted by the Laundry Officer. You must have the following ready for exchange:

- 2 towels, 2 sheets, 1 pillow case

You will not be authorized to have more than these issued items in your possession.

You are responsible for getting your laundry changed out on days posted.

**PERSONAL LAUNDRY:** Personal laundry will be collected on days posted. All net bags must have your Last Name on the tag. If any bag does not have the proper last name, it will not be accepted. All personal items must have your last name on them (e.g., socks, boxers, t-shirts, bras, and panties). If the items come out of your net bag and are not properly labeled, they will go to the lost and found. **NO sneakers** will be washed. All net bags must be properly tied. If they are not properly tied, then they will not be accepted.



String 1 - wrap around fold one (1) time to the right.

String 2 - wrap around fold one (1) time to the left.

**TIE BOTH STRINGS TOGETHER WITH A BOW.**

**NOTE: If any inmate that has handed in their personals is moved to a different unit, it is up to the inmate to notify the officer and have his/her net bag brought to the correct unit, dorm, or the infirmary.**

## FOOD SERVICE

A food service corporation provides meals for the Monroe County Detention Facilities. All meals are prepared for each facility from menus approved by a licensed dietician. Three wholesome and nutritious meals are served daily which are low-cholesterol, low-sodium, high protein, and bland.

All inmates are fed the same food. The only exceptions are for religious or medical reasons. Do not write for a special diet if you don't have a valid reason; you will be denied.

Vegetarian, Kosher, and other religious diets are only done for religious purposes. If your religion requires a special diet, write the Programs Department with:

1. The name of your religion; and
2. The name and phone number of a contact person (e.g., priest, chaplain, rabbi, father, elder) who can verify your religion and that your religion requires you to be on a vegetarian or kosher diet. Your contact person will be called by our personnel to verify that you participate in their services and that your religion does require a special diet.

3. Each inmate must adapt their religion to the special religious diet that the kitchen has been authorized to serve for that religion. No meals from the outside will be allowed.

If you require a special diet because of medical reasons, put in a sick call form to the Medical Department. If the doctor concurs, s/he will inform the kitchen to put you on a diet. If s/he does not concur, you will be fed the same food as all other inmates.

### **PERSONAL PROPERTY**

All personal property will be inventoried and checked for contraband. You will be allowed to maintain one inmate property bin of authorized personal property. You will be solely responsible for all authorized personal property retained in your possession. The remainder of your property will be received and stored in the property room. All weapons and/or decayable items will be disposed of.

### **CLOTHING**

All male inmates should be issued one pair of blue gym shorts and female inmates should be issued two pairs of blue gym shorts upon intake.

Excessive quantities of county property will be considered contraband.

### **INMATE MONEY**

No inmate is permitted to keep in his/her possession any money, checks, money orders, or any other legal tender. All money will be receipted and deposited in an account for you upon entry into the facility. This money can be used for purchase of commissary items. Any money found in an inmate's possession after initial booking will be confiscated and placed in the inmate welfare fund account.

You may have your family and friends send money to your inmate account ONLY in the form of a money order through the mail. All acceptable money orders must be printed with your name as indicated on your I.D., and the complete name and mailing address of the person sending it to you. Your family or friends may also deposit money orders into your account by placing them in the box by the Reception's Station. **NO** personal checks, cash, or cashier checks will be accepted.

Money remaining in your account will be returned to you upon your release.

### **COMMISSARY**

Commissary is provided to inmates once a week. Items available for purchase are listed on the Commissary Order Form. Commissary orders are collected on the designated days. Orders are delivered once per week. Your current balance will be noted on the Commissary Order Form.

It is your responsibility to make sure the Commissary Order Form is completed properly with your correct name as listed on your I.D. card, your cell number and your I.D. number. Failure to do so will forfeit your order for that week.

Inmates who maintain a balance of \$.34 or less in their account may receive an indigent package consisting of three envelopes, three sheets of writing paper, and one pencil weekly by checking and signing the indigent package line on the Commissary Order Form.

Inmates housed in the male lock-down unit (Unit A) are afforded the opportunity to purchase a towel through commissary for use while housed in Unit Alpha. Inmates who purchase towels while in Unit Alpha, will have his initials placed upon the purchased towel. Those inmates unwilling or unable to purchase a towel will be provided a large paper towel to be used after each shower.

When you order commissary, you order it at "your own risk". We are not responsible for any commissary items.

**NOTE: You have five (5) working days to claim your order after your release. No commissary can be given to another inmate.**

### **CHECK WRITING FEE**

There will be a check writing fee for all checks wrote from your canteen account except for checks for bonds or releases.

### **2nd MATTRESS RENTAL FEE**

If you want to rent a second mattress, you may pay a monthly rental fee. No fee will be charged for a medically approved 2nd mattress.

### **DAILY SUBSISTENCE FEE**

All inmates, except contract inmates (USM, ICE, BP, CUSTOMS), will be charged a daily subsistence fee.

## USM INMATES/ICE DETAINEES FEES

You will not be charged for medical services, the processing fee, or daily subsistence fees.

You will be charged for all other services you use the same as all other inmates. This includes canteen, supplies, copies, mail, notary, check writing fee, 2nd mattress rental fee, administration fees (e.g., lost ID tag, lost towel, lost drinking cup, lost body wash cup, guilty verdict on a Disciplinary Report), etc.

## PROGRAMS AND PRIVILEGES

### CHAPLAINCY SERVICES

All religious programs are coordinated through the Programs Department. A Chaplain is available to assist you with spiritual, family and coping problems. Visits by your community minister may be arranged.

Weekly religious services are held in each facility for all inmates not in lockdown and will be announced by a staff member. Inmates in lockdown will fill out an Inmate Request Form if they desire a chaplain to come and visit them.

Special needs concerning family, personal problems, or request for marriage should be sent by Inmate Request Form to the Chaplain via the Programs Director.

### TELEPHONES

The use of the telephone is a privilege. All calls made from a Monroe County Detention Facility are recorded and are subject to monitoring. A person who chooses to speak with an inmate calling from a detention facility is notified, via a telephone prompt, that the call is recorded and subject to monitoring. Any person who, after hearing the prompt, continues to speak with an inmate is giving his/her consent to the recording and possible monitoring of the telephone call. You are allowed to use the telephone to notify family members, your attorney and/or to arrange for bond. You are not allowed to call the various offices within the Sheriff's Office (this includes 3rd party calls). All communication to offices within the Sheriff's Office will be by Inmate Request Form or U.S. Postal system.

Each housing area has a telephone which allows collect or calling card calls only. All charges must be accepted by the person you are calling. You are not permitted to charge your call to a credit card or other number. Overseas calls can be made by using a telephone calling card. Telephone calling cards can be purchased through commissary. If you have a true emergency (e.g., death in the family) and need to call overseas and are indigent, fill out an Inmate Request Form stating what your emergency is and who you need to call. Fraudulent calls will result in termination of your privileges and possible disciplinary action. Inmates who make obscene, threatening, or harassing telephone calls, or damage telephone equipment, will lose their telephone privileges and will be criminally prosecuted.

We do not remove blocks on phones per inmate request. Only the person that is on the receiving end of the blocked phone number can remove it by calling Customer Service at 1-800-844-6591.

The telephones used by inmates and visitors in the visitation areas are recorded and are subject to monitoring. Visitors and inmates are advised of this practice through posted placards in the visitation areas. Any person who chooses to engage in a telephone conversation using a visitation phone gives his/her consent to the recording and possible monitoring of the conversation.

Scheduling for the telephones will be left to the discretion of each facility and its area supervisor.

## VISITING

Your private attorney or public defender is allowed to visit during attorney visiting hours.

The three detention facilities offer open visitation for inmates. You will be allowed the opportunity to visit with your family and friends during the posted visitation hours. There is no visitation on Federal holidays. You will be allowed a maximum of three visits per day except when there is reason to believe that such visitation would jeopardize the safety and security of the facility. All visitors must have a valid form of identification (e.g., driver's license, state identification card, etc.) in order to visit inmates at the detention facilities. Visiting privileges may be denied, terminated, or suspended at any time. Anyone attempting to visit an inmate and is noted as the victim in the case or has a no contact order or injunction will not be allowed to visit.

Visitors under the age of 18 must be accompanied by their parent or guardian. The parent or guardian is responsible for the conduct, proof of age, and proof of relationship (birth certificate required on first visit of the child(ren)). There will be only two children per adult permitted (this includes infants). Children under the age of 12 are not to be left alone. All visitors must be dressed appropriately. Everyone is to sit on the stools provided or stand. Do not sit on the visitation booth ledge.

Any destruction or defacing of county property by visitors or inmates is subject to temporary or permanent suspension of visitation privileges.

Contact a staff member to obtain additional information concerning visitation. A full set of visitation rules is posted on your housing bulletin board and at the Reception Station for you and your visitors to read and abide by. All visitation rules will be strictly enforced.

## INMATE MAIL

You are permitted to write and to receive unlimited correspondence to any person that is NOT an inmate incarcerated in any detention facility. You are NOT permitted to send or receive correspondence from any inmate incarcerated in any detention facility. Outgoing mail must have your full name, identification number, housing assignment and the facility address in the upper left corner of the envelope. Take outgoing mail to your unit/dorm officer unsealed. After the officer inspects the outgoing mail, the inmate will then seal the letter in the envelope in the presence of the officer and hand it to the officer. Incoming mail must have your name and identification number above or below the mailing address. All incoming mail must have a return address. Mail without a return address will be thrown away. All incoming mail will be inspected for adhesive items (e.g., stamps, labels, or stickers of any kind). Adhesive items will be removed and disposed of. Postage paid envelopes and writing paper are available in the commissary for purchase.

The official mailing address for each facility is as follows:

Inmate \_\_\_\_\_, ID#  
Monroe County Detention Center  
5501 College Road  
Key West, FL 33040

Inmate \_\_\_\_\_, ID#  
Marathon Detention Facility  
3981 Ocean Terrace  
Marathon, FL 33050

Inmate \_\_\_\_\_, ID#  
Plantation Key Detention Facility  
53 High Point Road  
Plantation Key, FL 33070

You are authorized to receive one paperback book and two magazines each month that meets our criteria ONLY if they are sent directly from the publisher. Amounts in excess of this, hard covered books, OR periodicals received from any source other than directly from the publisher will be returned to sender. Magazines and books that do NOT meet our criteria are:

1. Any material that contains instructions for the manufacturing of explosives, drugs, or other unlawful substances.
2. Any material that advocates violence.
3. Any material that is of a type which has proved to cause violence or other serious disruption of facility security.
4. Any material that advocates racial, religious, or national hatred in such a way that would create a serious danger of violence.

5. Any sexually explicit material which is defined as any material that clearly shows or depicts sexual acts and/or the sexual organs, or any material that may cause sexual arousal or encourage sexual behavior (e.g., Playboy, Playgirl, Hustler, Penthouse, Easy Rider, Cycle, High Society, Chic, Cherry, Variety, Swingers, X-rated books, etc.).

No packages, including items needed for prison, will be accepted except for authorized periodicals. Outgoing and incoming mail will be inspected for contraband or security breeches in accordance with the Florida Model Jail Standards with the exception of legal mail. Incoming and outgoing legal mail inspections will only be conducted in the presence of the inmate. The officer is not allowed to read legal mail for content during these inspections.

Pro-se indigent inmates will only be allowed \$15.00 per month for legal postage. All mail being sent to county officials will be sent via courier. All other legal mail will be sent through the U.S. Postal Service. Outgoing privileged mail shall not be opened, but it may be held for a reasonable time not to exceed seventy-two (72) hours, pending verification



that it is properly addressed to that person or agency. There will be no receipt from our staff sending out this mail. You must make a note to yourself when sending out legal mail. If you do not spend the allotted money for your postage that month, the left over allotted money will not carry over to the next month.

## RECREATION

Inmates at each facility have the opportunity to go to outdoor recreation, weather permitting. The recreation yard will be opened as scheduled according to housing assignment. Horseplay, fights, and other disturbances will result in the termination of recreation and may result in disciplinary action.

## LIBRARY

Reading material for inmates is available in your dorm/unit. A maximum of three books and three magazines are allowed in your cell (this includes magazines and books you received from a publisher). You must return books to the housing area library before borrowing additional books. If you have more than three books and three magazines in your possession, they will be confiscated as contraband and it may result in disciplinary action.

Family members, friends, etc., may contribute books to the facility's library by donating them to the Programs Department. These books will **NOT** be held out for any particular inmate. They will be placed in the library with all the other books and rotated throughout the dorms/units.

## LAW LIBRARY

Private attorneys or public defenders are the best source of information about your charges, progress of your case through the courts, and information about laws and other legal advice.

We will provide every inmate who is unable to obtain the assistance of counsel, reasonable access to legal materials that are in the law library. You may have access to the law library by completing an Inmate Request Form expressing your desire to attend. You will not be allowed to remove any legal references from the law library. Removal of law library material will result in a Disciplinary Report being issued. The law library schedule is made up weekly. Pro-se inmates will be scheduled for 12 hours each week. If a pro-se inmate needs more than 12 hours, the inmate will fill out an Inmate Request Form requesting additional hours.

## PRO-SE LEGAL PHOTOCOPIES

The number of copies made shall be the number required to be filed and served according to the rules of the court or administrative body. One additional copy shall be made for the inmate to keep if the original is filed or served. **CASES, STATUTES AND OTHER REFERENCE MATERIALS ARE NOT EVIDENTIARY MATERIALS AND WILL NOT BE COPIED TO ACCOMPANY LEGAL DOCUMENTS.**

If you are considered "indigent", the number of copies provided shall not exceed three copies per page, except when additional copies are legally required. It is your responsibility to prove that copies in addition to the routine maximum are legally necessary.

## PRO-SE SUPPLIES

Pens, paper, and legal mail postage shall be available to pro-se inmates. If a pro-se inmate has enough funds in his/her inmate account to pay for pens, paper, legal mail postage and photocopies, the actual cost of same shall be deducted from his/her inmate account. If the pro-se inmate has no funds in his or her inmate account and the inmate has been declared indigent by any judge of competent jurisdiction, s/he shall be provided with the following supplies and services, and his/her inmate account shall be debited. Inmates requiring supplies in excess of the below mentioned items must show cause.

1. A maximum of four legal pads per month
2. A maximum of five 10x15 manila envelopes per month
3. A maximum of five 9x12 manila envelopes per month
4. A maximum of twenty-five #10 size white envelopes per month
5. A maximum of two ink pens per month
6. A maximum of two pencils per month
7. A maximum of two erasers per month
8. Postage in the amount of \$15.00 per month
9. A written request to the Programs Staff Assistant for copies of case-law, statutes, etc., from the computerized law library system will be considered on a case by case basis.
10. Copies of motions and briefs will be provided as required by the court for filing (copies of case law, statutes, etc., will not be copied for inclusion with briefs and motions as they are not evidentiary in nature)

## NOTARY SERVICES

If you need the services of a notary, fill out an Inmate Request Form and attach a Property Valuable Seal/Notary Services Form. You will be charged a fee for each document notarized.

## CLASSIFICATION

The primary objective of classification is the placing of inmates in the type of housing that best meets their needs and to provide reasonable protection for all inmates and others.

Each inmate will be interviewed by the Classification Department after 1st appearance. The classification decision will be based on all information available regarding self-reported medical history, criminal history, past institutional behavior, and current charges.

Once the classification level has been determined, you will receive a copy of the classification decision. Any inmate, who so desires, may appeal his/her classification (in writing) in any of the three basic areas (security level, housing assignment or programs) within ten (10) days of the primary classification or reclassification by addressing the appeal to: Classification Department, Appeal of Classification.

## TRUSTY APPEARANCE

1. Trusties will wear shirts (tucked in pants), and shoes (not shower slides) at all times when not in their housing area.
2. Trusties will be clean shaven everyday, unless they have a written medical excuse from the Medical Department.
3. Trusties will maintain a clean and neat appearance including maintaining hair length within regulations.
4. Hats will not be worn in the building, except when necessary according to work assignments.
5. Upon leaving their housing area, trusties will display proper I.D. in accordance with facility Rules and Regulations.

## TRUSTY WORKING REGULATIONS

1. Trusties will not leave their assigned work areas without permission from an officer or staff member.
2. Trusties will not take reading materials to work.
3. **UNDER NO CIRCUMSTANCES** will trusties talk to, give to, or receive materials from any inmate.

## TRUSTY LIVING AREA

1. Trusties will keep their housing areas clean.
2. Trusties will keep their bunks made, using the blankets as spreads.
3. Shoes will be kept under the bed when not being worn, and all items not being used will be put away.

## TRUSTY CLOTHING REGULATIONS

1. Trusties will wear county issued clothing according to work assignment.
  - A. Orange t-shirts are worn outside the detention facility only.
  - B. For socks, submit an Inmate Request Form to the Laundry Department to be issued one (1) pair of socks.
  - C. Boots will be issued prior to work detail.
2. Trusties will not have more than one set of county issued clothing at any one time (shirt and pants).
3. Trusties will not possess personal clothing with the exception of underwear, bras, shorts, socks, and/or shoes.

## EDUCATIONAL PROGRAMS

Adult Basic Education (ABE) is a program which includes reading, writing and arithmetic at the elementary and junior high school level.

General Education Development (GED) is a program which includes English, Mathematics, Science and Social Studies to prepare individuals for the GED test to secure a high school equivalency diploma.

Literacy training is one-to-one tutoring which helps an individual learn to read or improve his existing reading skills.

If interested in the above programs, submit an Inmate Request Form to the GED Instructor via the Programs Director.

## SUBSTANCE ABUSE

Individual and group counseling and education on substance abuse is provided to inmates who are ordered to or volunteer to participate in the Jail Intervention Program (JIP). Classes and programs range from prevention education to life skills counseling. Volunteers must submit an Inmate Request Form to the Programs Department for consideration. The substance abuse counselor assessment will determine if you will be accepted or NOT. Inmates who are court ordered will automatically be assessed by a substance abuse counselor.

Narcotics Anonymous and Alcoholics Anonymous groups are available to all inmates, except Unit A or other inmates in lockdown, subject to the availability of volunteers. See the Inmate Activity Schedule posted in your dorm/unit for dates and times.

## CO-ED PROGRAMS

If a co-ed program is offered, inmates will refrain from showing public displays of affection or establishing relationships while attending those co-ed programs. Any violation will result in immediate withdrawal from the program and disciplinary actions will be taken. Any areas of concerns should be directed to your program's instructor.

## WORK RELEASE

The Monroe County Sheriff's Office, Bureau of Corrections, provides a work release/alternative sentencing program. The program allows selected, low risk offenders to work at paid employment while completing the terms of their sentences. The offenders will reside in the jail facility and be released each day to work. At the completion of the days approved assignment, the offender will return directly to the jail.

If you are interested in participating, write the Work Release Specialist. Inmates participating in the work release program must pay a program cost each week as well as a weekly laundry charge. You must abide by the work release agreement you sign and all jail facility rules. You are not permitted to smoke, drink alcoholic beverages, or partake of any controlled substance that has not been prescribed by the Monroe County Detention Center Medical Department. You are not to go anywhere except to work. You will be required to submit to frequent alcohol and drug testing. All work release inmates are stripped searched upon their return.

## ADDRESSES

Below is a list of the most requested addresses.

BROWARD COUNTY DETENTION CENTER  
P.O. Box 9507  
Ft. Lauderdale, FL 33310

CHARLOTTE COUNTY JAIL  
25500 Airport Road  
Punta Gorda, FL 33950

DEPARTMENT OF CORRECTIONS  
1111 12th Street, Suite 402  
Professional Building  
Key West, FL 33040  
(this is also the address for KW parole officers)

JUDGES - KW  
500 Whitehead Street  
Key West, FL 33040

JUDGES - KV  
3117 Overseas Highway  
Marathon, FL 33050

JUDGES - PK  
88820 Overseas Highway  
Plantation Key, FL 33070

KROME DETENTION CENTER  
18201 S.W. 12th Street  
Miami, FL 33194

PUBLIC DEFENDER - Key West  
294-2501

PUBLIC DEFENDER - Marathon  
292-3582

PUBLIC DEFENDER - Plantation Key  
853-7330

STATE ATTORNEY'S OFFICE  
302 Fleming Street  
Key West, FL 33040

U.S. MARSHALL'S SERVICE  
P.O. Box 1059  
Key West, FL 33040

WOMEN IN DISTRESS  
P.O. Box 676  
Ft. Lauderdale, FL 33302

ANY INFORMATION IN THIS HANDBOOK IS SUBJECT TO CHANGE WITHOUT NOTIFICATION

## INDEX

	Page(s)
Adult Basic Education (ABE)	30
Allegation of Employee or Inmate Misconduct	13
Appeal (Classification)	29
Appeal (Disciplinary)	3
Appearance (Court)	16
Appearance (Personal)	9,15
Appearance (Trusty)	29
Chaplaincy Services	24
Classification	17,29
Clothing	2,7,11,16,21
Clothing Regulations (Trusty)	30
Co-Ed Programs	31
Commissary	1,4,15,21,22,24,25
Contraband	1,5,6,7,11,16,21,26,27
Contraband - Definition	16
Count Procedures	1,8,12
County Sentenced Inmates	2
Court Appearance	16
Crime Stoppers	14
Crimes (Reporting)	13
Dental Care	17,18
Diets (Medical and Religious)	20,21
Disciplinary Appeal	3
Disciplinary Hearing	3,4
Disciplinary Investigation	3
Disciplinary Report	3,4
Discipline	3,4
Education Programs	30
Emergency	14,17,24
Fire	14
Fire Equipment	1,9,14
Food	1,11,20,21
Food Service	20,21
Gain Time	5
General Education Development (GED)	30
General Rules	1,2,3
Grievance (Definition)	12
Grievance Procedure	12,13
Haircuts	15,19
Health Care	17,18,19
Hearing (Disciplinary)	3,4
Housing Assignments	17,29
Hygiene	2,9,11,15,19

Identification 2,3,7,8,25  
 Infractions (Assault, Battery, Threats and Disrespect) 5,6  
 Infractions (Count Procedure Violations) 8  
 Infractions (Contraband) 6,7,11  
 Infractions (Destruction, Misuse or Waste of Property) 8,11  
 Infractions (Disobeying Orders) 8  
 Infractions (Hygiene) 9,11  
 Infractions (Minor) 11,12  
 Infractions (Miscellaneous) 9,10,11,12  
 Infractions (Riots, Strikes, Mutinous Acts or Disturbances) 6  
 Infractions (Safety) 9  
 Infractions (Unauthorized Area) 7,8  
 Injury 2  
 Inmate Grievance 12,13  
 Inmate Mail 10,12,23,25,26,27  
 Inmate Money 10,15,16,21  
 Inmate Request Form 12,13  
 ICE Detainees 18,19,23  
 Investigation (Disciplinary) 3  
 Laundry 1,19,20,30,31  
 Law Library 4,27  
 Legal Mail and Postage 28  
 Legal Photocopies 27,28  
 Library 27  
 Linen 2,7,11,19  
 Literacy Training 30  
 Living Area 1,11  
 Living Area (Trusty) 30  
 Mail (Inmate) 30  
 Mail Violations (Inmate) 10,12,23,25,26,27  
 Marriages (Inmate) 10,12,25,26  
 Meals 24  
 Medical 20,21  
 Medical Diet 10,13,14,17,18,19  
 Medical Fees 20,21  
 Minor Infraction 18,19  
 Minor Infraction Warning 11,12  
 Money (Inmate) 11  
 Notary Services 10,15,16,21  
 Personal Appearance 28  
 Personal Hygiene 9,14  
 Personal Property 2,9,11,15,19  
 Prison Rape Elimination Act (P.R.E.A.) 1,2,11,15,21  
 Pro-se Legal Photocopies 13,14  
 Pro-se Supplies 27,28  
 Processing Fee 28  
 Prohibited Conduct (Rules) 15  
 5,6,7,8,9,10,11

Prohibited Conduct (Statement)  
 Property (Misuse) 4,5  
 Property (Personal) 8,11  
 Recreation 1,2,11,15,21  
 Release 1,2,7,15,27  
 Religious Diet 2,16,21,22  
 Reporting Crimes 20,21  
 Request Form (Inmate) 13  
 Rules, General 12,13  
 Rules of Prohibited Conduct 1,2,3  
 Safety 5,6,7,8,9,10,11  
 Safety (Infraction) 1,9,14,25  
 Showering 9  
 Sick Call 1,2,22  
 Smoking 1,17,18,21  
 Statement of Prohibited Conduct 2  
 Staying Healthy in Jail 4,5  
 Substance Abuse 19  
 Telephone Cards 31  
 Telephones 24  
 Televisions 4,10,12,24,25  
 Transfers 1  
 Trash Containers 16  
 Trusty Appearance 2  
 Trusty Clothing Regulations 15,29  
 Trusty Living Area 29,30  
 Trusty Working Regulations 30  
 USM Inmates 4,29  
 Visiting 15,18,19,22,23  
 Work Release 1,4,7,10,12,24,25  
 Working Regulations (Trusty) 31  
 4,29

NO SMOKING

NO FOOD

NO DRINKS

MONROE COUNTY DETENTION CENTER  
5501 COLLEGE ROAD  
KEY WEST, FL 33040  
(305) 293-7300  
Updated: 5/9/07

## **ATTORNEY HOURS**

**"LAST ATTORNEY GOES IN AT 1030, 1530, & 2230 HOURS"**

HOURS ARE THE SAME ALL SEVEN DAYS

0730-1100 hours

1300-1600 hours

2000-2300 hours

## **ATTORNEY RULES**

1. Valid photo I.D. and attorney bar card is required.
2. **ALL PERSONAL PROPERTY** (e.g., car/house keys, purses, wallets, briefcases, medication, food, etc.) will be secured in your vehicle or a locker in the lobby.
3. **ALL ATTORNEYS** are subject to a search.
4. No attorney will be allowed in less than thirty (30) minutes prior to attorney hours being secured.
5. Attorneys must be dressed appropriately. Attorney visitation will not be permitted if the attorney is dressed in a manner considered by a reasonable person to be indecently exposed, or in a manner considered inappropriate or emotionally enticing to the inmate population in the officer's judgement.

**FEMALES: THE FOLLOWING WILL NOT BE PERMITTED:** HOT PANTS, SHORT SHORTS, FRAYED AND/OR WORN JEANS OR SHORTS, SWIMSUITS, SPANDEX, TANK TOPS, SEE-THROUGH BLOUSES, LOW-CUT NECKLINES, SHIRTS WITHOUT SLEEVES, BRALESSNESS, SWEAT OUTFITS, MINI-SKIRTS OR DRESSES MORE THAN 1 1/2 INCHES ABOVE THE KNEE, BAREFEET, SANDALS, OPEN TOED SHOES, FLIP FLOPS, OR ANY ATTIRE WHICH MAY BE EMOTIONALLY ENTICING TO THE INMATE POPULATION OR IS DEEMED INAPPROPRIATE IN THE OFFICER'S JUDGEMENT.

**MALES: THE FOLLOWING WILL NOT BE PERMITTED:** HOT PANTS, SHORT SHORTS, FRAYED AND/OR WORN JEANS OR SHORTS, SWIMSUITS, SPANDEX, TANK TOPS, SWEAT OUTFITS, BAREFEET, SANDALS, OPEN TOED SHOES, FLIP FLOPS, OR ANY ATTIRE WHICH MAY BE EMOTIONALLY ENTICING TO THE INMATE POPULATION OR IS DEEMED INAPPROPRIATE IN THE OFFICER'S JUDGEMENT.

6. Inmates and attorneys will sit where designated.
7. No item of any description will be given to or received directly from an inmate by an attorney except for legal paperwork required for the

11. Any disturbances or emotional disruptive behavior exhibited at any time will result in your visit being canceled and you will not be allowed to remain on county property.
12. There will be no smoking, eating or drinking in the secured envelope of any Monroe County Detention Facility.
13. The officer-in-charge may terminate a visit at any time a rule violation warrants such action. attorney.rul

# INS DETAINEE REQUEST FORM

DATE OF REQUEST _____	TO (CHECK ONE)
DETAINEE NAME _____	DETENTION SUPERVISOR
ALIEN NUMBER <u>A</u>	DEPORTATION OFFICER
FACILITY <u>Monroe County</u>	MEDICAL

NATURE OF REQUEST: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DETAINEE SIGNATURE



DEPARTMENT RESPONSE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_





INMATE NAME

Last

First

Known Past/Present Inst. Behavior Problems

1 High  
2 Close Custody  
3 Med. Asi/Eso  
4 Med.  
5 Med. Pre-sent  
6 Min.  
7 Low Min.  
8 Very Low

Current Offense Assaultive Felony

Prior Assaultive Felony Convictions

Escape History (secure)

Known Past/Present Inst. Behavior Problems

3 or More Prior Felony Convictions (5 yrs.)

Detainer or Warrants or Pending Charges

Known Past/Present Inst. Behavior Problem

If Pre-Sentence If Post Sentence

Current Offense Fel./Misd. Fel./Misd.

Family Ties Employment

M A X I M U M

DECISION TREE

- 1 - Assessment
2 - Reassessment
3 - Disciplinary
4 - Other

VERRIDE (circle) YES NO

VERRIDE REASONS:

Supervisor

High Risk: (circle)

- Assaultive
Escape
Suicidal
Mental
Other

Special Condition: (circle)

- Protective Custody
Medical
Juvenile
Handicap
Other

You have been placed in the following classification:

This classification is determined by: current / past convictions; current / past institutional behavior; pending charges or holds in other jurisdictions (if any); sentenced or unsentenced; and / or any other information that may be deemed appropriate with regard to your personal security or the security of the facility. NOTE: Your classification can change when charges are altered or reduced; you are sentenced; due to administrative hearings; due to regular periodic review; and / or other reasons recommended by the jail staff.

Appeal Process: Any inmate who so desires may appeal his / her classification (in writing) in any of the three basic areas (security level, housing assignment or programs) within ten (10) days of the primary classification or reclassification by addressing the appeal to: CLASSIFICATION DEPARTMENT - APPEAL OF CLASSIFICATION:

Classified by: ID# Date:

Comments by staff:

Next Reassessment Date: WHITE COPY - CLASSIFICATION GREEN COPY - INMATE'S COPY

# DISCIPLINARY REPORT

MONROE COUNTY DETENTION FACILITIES

DATE WRITTEN: \_\_\_\_\_ DATE OF INCIDENT: \_\_\_\_\_

TIME OF INCIDENT: \_\_\_\_\_ HOUSING ASSIGNMENT: \_\_\_\_\_

PLACE OF INCIDENT: \_\_\_\_\_

INMATE'S NAME: \_\_\_\_\_

I. RULE NUMBER AND CHARGE VIOLATED: ( \_\_\_\_\_ ) \_\_\_\_\_

STATEMENT OF FACTS (STATE EXACT FACTS AND CIRCUMSTANCES OF THE OFFENSE INCLUDING WITNESSES)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
ACTION TAKEN: \_\_\_\_\_

SIGNATURE & ID# OF WHO WROTE THE REPORT: \_\_\_\_\_

SIGNATURE & ID# OF SHIFT SERGEANT: \_\_\_\_\_

II. DELIVERY OF CHARGES: ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, AT \_\_\_\_\_ HOURS, I SERVED A NOTICE OF THE CHARGE AGAINST THIS INMATE AND GAVE HIM/HER A COPY OF THIS NOTICE:

DELIVERING OFFICER'S SIGNATURE & ID# \_\_\_\_\_

III. I WANT TO PLEAD GUILTY TO THE CHARGE. I UNDERSTAND THE CHARGE AND THE POSSIBLE CONSEQUENCES. I WAIVE MY RIGHT TO A DR HEARING. MY DISCIPLINARY TIME WILL START ON THE DATE OF SERVICE.

INMATE'S SIGNATURE: \_\_\_\_\_

**OR**

IV. I WANT TO PLEAD NOT GUILTY TO THE CHARGE. DO YOU WANT TO BE PRESENT AT YOUR HEARING?

INMATE'S SIGNATURE: YES / NO \_\_\_\_\_

I PLEADED NOT GUILTY. I UNDERSTAND THAT I HAVE THE RIGHT TO AT LEAST 24 HOURS FROM THE DATE AND TIME OF THE SERVICE OF THIS NOTICE TO PREPARE A DEFENSE FOR MY HEARING. I WANT 24 HOURS TO PREPARE A DEFENSE?  
INMATE'S SIGNATURE: YES / NO \_\_\_\_\_

V. DISCIPLINARY COMMITTEE HEARING: DATE: \_\_\_\_\_

INMATE ABSENT AT DR HEARING. REASON: \_\_\_\_\_

INMATE PRESENT AT DR HEARING. DISCIPLINARY PROCEDURES HAVE BEEN EXPLAINED. THE INMATE UNDERSTANDS THE CHARGE(S), THE HEARING PROCEDURES AND THE POSSIBLE ACTION(S) THAT CAN RESULT.

TRANSLATOR PROVIDED. NAME: \_\_\_\_\_

INMATE'S PLEA: GUILTY ( ) NOT GUILTY ( )

FINDING AND ACTION OF THE COMMITTEE: WE, THE COMMITTEE, FIND THE INMATE: GUILTY ( ) NOT GUILTY ( )

COMMITTEE COMMENTS \_\_\_\_\_

COMMITTEE CHAIRMAN \_\_\_\_\_ COMMITTEE MEMBER \_\_\_\_\_

COMMITTEE MEMBER \_\_\_\_\_

THE INMATE IS SENTENCED TO THE LOSS OF THE FOLLOWING:

\_\_\_\_\_ DAYS OF LOCKDOWN \_\_\_\_\_ DAYS OF GAIN TIME

\_\_\_\_\_ VISITATION \_\_\_\_\_ CANTEEN

\_\_\_\_\_ PHONE (EXCEPT ATTORNEY)

\_\_\_\_\_ LAW LIBRARY (EXCEPT FOR PRO SE INMATES)

\_\_\_\_\_ ADDITIONAL LOSS OF VISITATION TO BE COMPLETED AFTER INITIAL LOCKDOWN TIME

I CONCUR / DO NOT CONCUR WITH THE SENTENCE: \_\_\_\_\_ OPERATIONS COMMANDER \_\_\_\_\_

REVISED ACTIONS: \_\_\_\_\_

\_\_\_\_\_