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MEMORANDUM
October 29, 2007

To: Gary E. Mead, Director, Office of Detention and Removal, Immigration and Customs Enforcement
From: American Bar Association Delegation to Hampton Roads Regional Jail¹
Copies to: [REDACTED] ABA Commission on Immigration
Subject: Report on Observational Tour of the Hampton Roads Regional Jail in Portsmouth, Virginia

This memorandum summarizes and evaluates information gathered at the Hampton Roads Regional Jail (“HRRJ” or “the facility”) in Portsmouth, Virginia, during the delegation’s July 31, 2007 visit to the facility. The information was gathered via observation of the facility by the delegation, interviews with five detainees, and discussions with HRRJ personnel.

I. ICE DETENTION STANDARDS

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

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

¹ The delegation was composed of [REDACTED] attorneys and summer associates from the Washington, DC office of Latham & Watkins LLP, including [REDACTED] and [REDACTED].

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

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

II. INTRODUCTION

A. The Delegation's Visit, July 31, 2007

On Monday, July 31, 2007, the members of our delegation met with several members of HRRJ staff. Assistant Superintendent Lieutenant Col. [b6, b7c] led our delegation on a tour of the facility. The delegation also met with other HRRJ staff along the tour: Assistant Superintendent Lieutenant Colonel [b6, b7c], Operations Officer Lieutenant [b6, b7c], Chief of Security Captain [b6, b7c], Operations Captain [b6, b7c], Lieutenant [b6, b7c], Sergeant [b6, b7c], [b6, b7c], Sergeant [b6, b7c] N.S. [b6, b7c] M [b6, b7c] Service Administrator [b6, b7c] Sergeant [b6, b7c] Sergeant [b6, b7c] and Sergeant [b6, b7c]. The delegation appreciates the assistance of these staff members; they were very helpful and enjoyable during our tour of the facility. They were also very interested in hearing the delegation's thoughts and suggestions at the conclusion of the visit.

Our report is based on the discussions we had with these HRRJ employees, as well as observations of the facility and interviews with five immigration detainees.³ In many instances, the detainee's reports were compatible with statements made by facility personnel and our observations. In such cases, the delegation was more accurately able to determine whether HRRJ policy and procedures successfully meets the Standards. However, in certain instances, the detainees' reports conflicted with statements made by facility personnel. Where we were unable to reconcile the conflicting reports, the delegation was unable to determine conclusively whether the Standards are being met.

B. General Information About HRRJ

HRRJ is a general purpose regional jail that serves the cities of Hampton, Newport News, and Norfolk, Virginia.⁴ HRRJ houses federal immigration detainees according to an intergovernmental service agreement ("IGSA") with ICE.⁵ According to the HRRJ personnel, the facility has the capacity to hold over 1,250 individuals.⁶ On the day of the delegation's visit, HRRJ had a population of 1,232 inmates, including 975 men and 257 women.⁷ This included 133 immigration detainees, comprised of 100 men and 33 women.⁸ On average, HRRJ houses between 120 and 130 immigration detainees, but has held as many as 250 detainees.⁹ On the date of the delegation's visit, HRRJ housed detainees from as many as eighteen different

³ Of the five detainees, two asked to remain anonymous.

⁴ Notes of delegation member [b6, b7c] recording conversations with Lt. Col. [b6, b7c] and Lt. [b6, b7c].

⁵ Notes of delegation member [b6, b7c] recording conversations with Lt. Col. [b6, b7c] and Lt. [b6, b7c].

⁶ Notes of delegation member [b6, b7c] recording conversations with Lt. Col. [b6, b7c] and Lt. [b6, b7c].

⁷ Hampton Roads Regional Jail Inmate Populations Report as of 11:59 PM, Monday, July 30, 2007 (Attachment A).

⁸ Hampton Roads Regional Jail Inmate Populations Report as of 11:59 PM, Monday, July 30, 2007 (Attachment A).

⁹ Observations of delegation members [b6, b7c] recording conversation with Lt. Col. [b6, b7c] and Capt. [b6, b7c].

countries in five different pods.¹⁰ HRRJ housed immigration detainees from the following countries: Bolivia, Brazil, China, The Congo, Cuba, El Salvador, Haiti, Honduras, Italy, Jamaica, Jordan, Kazakhstan, Mexico, Peru, The Philippines, Sri Lanka, Taiwan, Venezuela, and Vietnam.¹¹ The facility is accredited by the American Correctional Association and National Commission on Correctional Health Care (NCCHC).¹²

III. 2006 ABA REPORT: SUMMARY OF PERSISTENT PROBLEMS

The 2006 ABA report on HRRJ shows that there are several problems identified by the 2006 delegation, which visited the facility on July 25, 2006, that were still not resolved as of this delegation's visit one year later. As this report indicates in Section V.I, Staff-Detainee Communication/ICE Presence at the Facility, facility staff believe that several problems are ICE's responsibility to address, including maintaining and updating library materials, showing the "Know Your Rights" video, and arranging for private space for telephone calls with attorneys.

The following problems have been identified by both delegations, and additional problems are also identified in this report. Visits with family and friends still are only permitted five days per week, with no visits on weekends, and only last twenty minutes. Telephones are located in public areas, and detainees are unable to make private telephone calls to their attorneys. Outgoing telephone calls are recorded as a rule, without a court order. There is still a shortage of computers for detainee use in the law library. The HRRJ Handbook still states that inmates may not receive incoming calls or messages; and it also does not specify how to request additional time in the law library. HRRJ still does not provide outdoor recreation. Most women inmates and detainees are still housed together in one housing unit, regardless of classification. And HRRJ staff still complain that ICE does not visit the facility as often as they should.

IV. LEGAL ACCESS STANDARDS

A. Visitation

1. Visitation by Attorneys

The Standards require that facilities permit legal visitation seven days per week.¹³ Attorneys should have access to their clients eight hours per day during the week and four hours per day during the weekend.¹⁴ The visits must be private, should not be interrupted for head counts, and may proceed through meal times on regular business days.¹⁵ Facilities should establish a procedure by which attorneys may call to determine whether a detainee is housed in a particular

¹⁰ ICE Alpha Roster- by Location (Attachment B).

¹¹ ICE Alpha Roster- by Location.

¹² Notes of delegation member [REDACTED] recording conversation with Lt. Col. [REDACTED]

¹³ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2.

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

¹⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.2 & 9.

facility.¹⁶ Detention centers should permit visits from attorneys, other legal representatives, legal assistants, and interpreters.¹⁷ Visitation hours must be provided in the handbook, and posted where detainees can easily see them.¹⁸ If standard operating procedures at the facility require strip searches after contact visits with a legal representative, then the facility must provide an option for confidential non-contact visits with legal representatives and a mechanism to exchange documents.¹⁹

HRRJ substantially meets this section of the Standards: attorneys may visit the detainees seven days per week whenever the attorney arrives and without a time limit, although the handbook states that visits may not take place during counts and meal times.²⁰ Law students and interpreters may meet with detainees as long as HRRJ has advance knowledge of their visit.²¹ An attorney must show a bar card or other identification to satisfy the officer that the individual is an attorney.²²

The information given in the HRRJ Inmate Handbook of Jail Rules and Regulations (“HRRJ Handbook” or “Handbook”) differs from the information that the facility staff provided during the tour. The Handbook states that “Attorneys are permitted to visit you at any time during normal business hours, except during meals, counts, and lockdowns.”²³ However, the visits are apparently not interrupted for head counts or meals.²⁴ If the visits take place during meal times, the detainee is provided a bag lunch following the visit.²⁵ Facility staff explained that HRRJ prefers visits between 8:00 a.m. and 11:00 a.m. and 1:00 p.m. and 4:00 p.m., but staff will allow a detainee to meet with his attorney whenever the attorney arrives.²⁶

Each housing unit has six visitation booths that are used for attorney visits.²⁷ Visits with attorneys take place in “contact” booths where the attorney and detainee are separated by a wire mesh divider but the attorneys can pass documents to detainees.²⁸ Detainees reported that they

¹⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.I.6.

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

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

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

²⁰ Notes of delegation member [REDACTED] recording conversation with Sgt. [REDACTED]

²¹ Notes of delegation member [REDACTED] b6 recording conversation with Sgt. [REDACTED] b6, b7c

²² Notes of delegation member [REDACTED] recording conversation with Sgt. [REDACTED]

²³ Hampton Roads Regional Jail Inmate Handbook of Jail Rules and Regulations (“HRRJ Handbook” or “Handbook”), p. 23 (Attachment C).

²⁴ Notes of delegation member [REDACTED] b6, recording conversation with Sgt. [REDACTED] b6, b7c

²⁵ Notes of delegation member [REDACTED] b6, recording conversation with Sgt. [REDACTED] b6, b7c notes of delegation member [REDACTED] b6 recording conversation with detainee who asked to remain anonymous. The detainee [REDACTED] was provided a bag meal when her meeting with her attorney took place during meal times.

²⁶ Notes of delegation member [REDACTED] b6 recording conversation with Sgt. [REDACTED] b6, b7c

²⁷ Observations of delegation member [REDACTED] b6

²⁸ Notes of delegation member [REDACTED] b6, recording conversations with Sgt. [REDACTED] b6, b7c and Capt. [REDACTED] b6, b7c

were not searched after visiting with their attorneys.²⁹ However, the Handbook states: “You will be strip searched after all contact visits.”³⁰ The conversations in these booths are private and cannot be heard by guards or others.³¹ However, the contact booths may not be able to accommodate an individual in a wheelchair, so if a detainee is in a wheelchair, the visit would take place in a no-contact booth, which is not private.³²

2. Visitation by Family and Friends

To maintain detainee morale and family relationships, the Standards encourage visits from family and friends.³³ 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.³⁴ The visiting area is to be “appropriately furnished and arranged, and as comfortable and pleasant as practicable.”³⁵ Visiting hours shall be set on Saturdays, Sundays, and holidays, and the Standards encourage facilities to accommodate visitors at other times when they are facing a particular hardship.³⁶ Visits should be at least thirty minutes long, and longer when possible.³⁷

HRRJ does not meet this section of the Standards, because there are no visiting hours on weekends or holidays, and the visits are not long enough. Visiting hours are five days per week from 7:30 p.m. until 10:30 p.m., with no visits on weekends or holidays.³⁸ Visitation days are allocated according to the housing unit in which the detainee is housed. Each detainee may receive visitors only two days per week, two visits per week, and a maximum of three people at one time.³⁹ Visits last only twenty minutes, ten minutes shorter than the thirty minutes required by the standards.⁴⁰ All visits are non-contact.⁴¹ HRRJ requires each detainee to submit a list of individuals in order to receive them as visitors and obtain permission for each visit in advance.⁴² Minors may be included on this list, and may visit if accompanied by an adult.⁴³

²⁹ Notes of delegation member [b6] recording conversation with detainee [b6, b7c] and detainee who asked to remain anonymous.

³⁰ HRRJ Handbook, p. 23.

³¹ Notes of delegation member [b6] recording conversations with Sgt. [b6, b7c] and Capt. [b6, b7c]

³² Notes of delegation member [b6] recording conversation with Capt. [b6, b7c]

³³ Detention Operations Manual, Detainee Services, Standard 17, Section I.

³⁴ Detention Operations Manual, Detainee Services, Standard 17, Section III.A & B.

³⁵ Detention Operations Manual, Detainee Services, Standard 17, Section III.G.

³⁶ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³⁷ Detention Operations Manual, Detainee Services, Standard 17, Section III.H.1.

³⁸ Notes of delegation member [b6] recording conversations with Lt. [b6, b7c] and Capt. [b6, b7c]

³⁹ HRRJ Handbook, p. 23; notes of delegation member [b6] recording conversations with Lt. [b6, b7c] and Capt. [b6, b7c]

⁴⁰ Notes of delegation member [b6] recording conversation with Sgt. [b6, b7c]

⁴¹ Notes of delegation member [b6] recording conversation with Sgt. [b6, b7c]

⁴² Notes of delegation member [b6] recording conversation with Capt. [b6, b7c]

⁴³ Notes of delegation member [b6] recording conversation with Sgt. [b6, b7c]

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.⁴⁴ In order to meet this requirement, facilities must provide at least one telephone for every twenty-five detainees.⁴⁵ 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.⁴⁶

HRRJ does not fully meet this Standard: telephones are available, but instructions are far from the telephones and detainees stated that phones are frequently broken or have loud static. The Handbook summarizes the conditions of telephone use.⁴⁷ In addition, telephone usage rules and instructions and phone numbers for local consulates are posted in both English and Spanish in the housing area.⁴⁸ However, the rules and instructions are posted approximately ten feet from the phones, making it difficult to consult them when attempting to use the phones.⁴⁹ When members of the delegation tried to use the phones, they had to go back and forth between the telephone bay and the bulletin board where the instructions were posted many times to initiate a call successfully.⁵⁰

Detainees are separated into housing units that vary somewhat in size.⁵¹ The housing unit visited by the delegation housed only immigration detainees had approximately one phone per twelve detainees.⁵² Detainees and inmates may access the telephones during open dayroom periods.⁵³ Some detainees interviewed complained about lack of access to telephones or that phones were frequently broken or that they heard loud static when attempting to use the

⁴⁴ Detention Operations Manual, Detainee Services, Standard 16, Sections I & III.A.

⁴⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.C.

⁴⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.B.

⁴⁷ HRRJ Handbook, p. 21.

⁴⁸ Observations of delegation member

⁴⁹ Observations of delegation member

⁵⁰ Observations of delegation member

⁵¹ Observations of delegation member

⁵² Observations of delegation member

⁵³ Notes of delegation member recording conversation with Lt. Col.

phones.⁵⁴ However, other detainees interviewed by the delegation reported no problems using the phones.⁵⁵

2. Direct Calls and Free Calls

The Standards allow facilities to generally restrict calls to collect calls;⁵⁶ however, the facility must permit detainees to make direct calls to the local immigration court and the Board of Immigration Appeals, federal and local courts, consular officials, legal service providers, government offices, and to family members in case of emergency.⁵⁷ 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.⁵⁸ 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.”⁵⁹

HRRJ meets this section of the Standards; detainees are able to make calls to selected legal service providers or to consulates at no charge. The “Immigration and Naturalization (INS) Inmates Addendum” to the HRRJ Handbook notes that immigration detainees may have “special access” calls to certain “free numbers.”⁶⁰ Accordingly, full instructions to dial consulates, legal service providers, courts, and government officials are posted in the housing unit.⁶¹ The delegation attempted to make several calls to different providers, and connected to a legal service provider and to a consulate.⁶² The instructions to use the free dialing system were posted approximately ten feet from the telephones which made using the system difficult at first.⁶³

Direct calling from the telephones located in the housing units is fairly expensive.⁶⁴ Some detainees interviewed complained about the cost of calls and calling cards.⁶⁵

⁵⁴ Notes of delegation member [REDACTED] recording conversation with detainee [REDACTED] notes of delegation member [REDACTED] ording conversations with detainee [REDACTED] inee who asked to remain anonymous. According to the detainee who asked to rem [REDACTED] mous, typically a maximum of one to three phones in the pod are working at one time.

⁵⁵ Notes of delegation member [REDACTED] recording conversations with detainee [REDACTED] and detainee who asked to [REDACTED] mous.

⁵⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁵⁷ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁵⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁵⁹ Detention Operations Manual, Detainee Services, Standard 16, Section III.E.

⁶⁰ Immigration and Naturalization (INS) Inmates Addendum to Hampton Roads Regional Jail Inmate Handbook (Attachment D) (“Handbook Addendum”).

⁶¹ Observations of delegation member [REDACTED]

⁶² Observations of delegation member [REDACTED]

⁶³ Observations of delegation member [REDACTED]

⁶⁴ Notes of delegation member [REDACTED] recording conversations with detainee [REDACTED] and detainee who asked to remain anonymous.

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, unless necessary for security purposes or to maintain orderly and fair access to telephones.⁶⁶ If time limits are necessary, they shall be no shorter than twenty minutes.⁶⁷ 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.⁶⁸

HRRJ does not meet this section of the Standards: telephones do not afford privacy, calls are limited to fifteen minutes, and calls are recorded. Detainees are not able to make private telephone calls, because the phones are all located in the middle of the housing units with no privacy safeguards.⁶⁹ There are no opportunities at HRRJ for detainees to have private phone calls with attorneys if the calls are initiated by the representing attorney.⁷⁰ HRRJ staff made it clear that they do not have the manpower to accommodate attorney requests to speak with a prisoner on the phone in a private setting.⁷¹ According to the Inmate Handbook, HRRJ places fifteen minute time limits on telephone calls made from the housing units.⁷² According to an HRRJ official, all phone conversations made on the outgoing phones are recorded.⁷³ However, the official noted that calls are not monitored, and tapes of phone calls are erased within a short period of time unless security concerns require monitoring.⁷⁴

4. Incoming Calls and Messages

The Standards require that facilities take and deliver messages from attorneys and emergency incoming telephone calls to detainees as promptly as possible.⁷⁵ 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.⁷⁶

HRRJ appears to meet this section of the Standards: HRRJ personnel take messages of incoming calls to detainees. However, the Handbook states that only emergency messages

⁶⁵ Notes of delegation member [REDACTED] b6, recording conversations with detainee [REDACTED] b6, b7c and detainee who asked to remain anonymous.

⁶⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.F.

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

⁶⁸ Detention Operations Manual, Detainee Services, Standard 16, Section III.J.

⁶⁹ Observations of delegation member [REDACTED] b6

⁷⁰ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]

⁷¹ Notes of delegation member [REDACTED] b6 recording conversation with Capt. [REDACTED] b6, b7c

⁷² HRRJ Handbook, p. 21.

⁷³ Notes of delegation member [REDACTED] b6 recording conversations with Lt. Col. [REDACTED]

⁷⁴ Notes of delegation member [REDACTED] b6 recording conversations with Lt. Col. [REDACTED] b6, b7c

⁷⁵ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

⁷⁶ Detention Operations Manual, Detainee Services, Standard 16, Section III.I.

will be taken. Staff will take messages from attorneys to detainees, but said that it is not their preference for attorneys to call for clients at the facility.⁷⁷ Instead, staff encourages detainees to set up a scheduled time that the detainee will initiate a call to his or her attorney.⁷⁸ This information conflicts with the Handbook, which states that inmates may not receive any incoming calls and messages will be taken only in the case of emergencies.⁷⁹

5. Telephone Privileges in Special Management Unit

The Standards provide that detainees in the Special Management Unit (“SMU”) for disciplinary reasons shall be permitted to make direct and/or free calls, except under compelling security conditions.⁸⁰

HRRJ does not meet this section of the Standards: detainees placed in the SMU for disciplinary reasons do not have access to telephones.⁸¹

C. Access to Legal Material and Library

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.”⁸²

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.⁸³ Each detainee shall be permitted to use the law library for a minimum of five hours per week.⁸⁴ Detainees housed in segregation must have the same library access as the general population unless there are compelling security concerns that require limitations,⁸⁵ and those concerns must be fully documented if access is denied.⁸⁶ Under certain circumstances, legal material may be brought to detainees in disciplinary segregation.⁸⁷

⁷⁷ Notes of delegation member [redacted] recording conversations with Capt. [redacted] detainee [redacted] and detainee [redacted] remain anonymous.

⁷⁸ Notes of delegation member [redacted] recording conversation with Lt. Col. [redacted]

⁷⁹ HRRJ Handbook, p. 21.

⁸⁰ Detention Operations Manual, Detainee Services, Standard 16, Section III.G.

⁸¹ Notes of delegation member [redacted] recording conversation with Lt. Col. [redacted]

⁸² Detention Operations Manual, Detainee Services, Standard 1, Section I.

⁸³ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁸⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.G.

⁸⁵ Detention Operations Manual, Detainee Services, Standard 1, Section III.M.

⁸⁶ Detention Operations Manual, Security and Control, Standard 14, Section III.D.15.e.

⁸⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.M.

HRRJ substantially meets this section of the Standards: however, detainees in segregation must have a compelling need to use the library; otherwise, they have access to a rolling library. According to the Handbook, all detainees, including those in the special management unit, are permitted to use the library a minimum of five hours each week.⁸⁸ Detainees may conduct research in the main library, a larger library, upon request.⁸⁹ In addition, detainees in the housing unit visited by the delegation, which houses only immigration detainees, may use an immigration library within their housing unit during their free time.⁹⁰ The immigration law library is a small room with computer, printer, and a small rolling cart with some legal materials.⁹¹ Detainees housed in segregation or in other housing units are provided access to a “rolling library.”⁹² If detainees in segregation have a compelling need to use the law library, staff will clear the law library of other inmates to allow the segregated detainee use of the library.⁹³

2. Library Conditions

The Standards require that a facility provide a law library with sufficient space to facilitate detainees’ legal research and writing.⁹⁴ 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.”⁹⁵

HRRJ meets this section of the Standards. The delegation visited two law libraries at HRRJ, the main law library and the immigration law library.⁹⁶ The main law library is well lit, isolated from noise and foot traffic, and can accommodate at least five inmates at one time.⁹⁷ It contains computers and a typewriter for the use of the inmates and detainees.⁹⁸

The immigration law library is housed in a small room outside the pod that we visited that houses most male immigration detainees.⁹⁹ This library contains one desk and two chairs with extra chairs stacked against the wall, and a folded inflatable mattress.¹⁰⁰ The available work

⁸⁸ Handbook Addendum.

⁸⁹ Notes of delegation member [REDACTED] recording conversation with Lt. Col. [REDACTED].

⁹⁰ Notes of delegation member [REDACTED], recording conversation with Lt. Col. [REDACTED].

⁹¹ Notes of delegation member [REDACTED], recording conversation with Lt. Col. [REDACTED].

⁹² Notes of delegation member [REDACTED], recording conversation with Lt. Col. [REDACTED].

⁹³ Notes of delegation member [REDACTED], recording conversation with Capt. [REDACTED].

⁹⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.A.

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

⁹⁶ Notes of delegation member [REDACTED], recording conversation with Lt. Col. [REDACTED].

⁹⁷ Notes of delegation member [REDACTED], recording conversation with Sgt. [REDACTED] observations of delegation member [REDACTED].

⁹⁸ Observations of delegation member [REDACTED].

⁹⁹ Observations of delegation member [REDACTED].

¹⁰⁰ Observations of delegation member [REDACTED].

space would likely accommodate only two detainees at a time.¹⁰¹ The immigration law library is well lit and isolated from noisy areas.¹⁰² Detainees housed in the pod that we visited, where the library is located, are aware of the immigration law library.¹⁰³

3. Materials Identified in the Detention Standards

The Standards require that all facility law libraries contain the materials listed in Attachment A to the chapter on *Access to Legal Materials*.¹⁰⁴ These materials must be inspected weekly and updated by facility staff, and information must be added on significant regulatory and statutory changes regarding detention and deportation of aliens in a timely manner.¹⁰⁵ Damaged or stolen materials must be promptly replaced.¹⁰⁶

HRRJ does not meet this section of the Standards: the law library does not maintain up-to-date copies of all of the materials suggested by the Standards. The general library contained a variety of legal materials, including a small section of immigration materials.¹⁰⁷ The library did not contain all of the materials required by the standards.¹⁰⁸ HRRJ officers made it clear that ICE solely maintained and updated the immigration materials in the library.¹⁰⁹ The immigration law library contained a small rolling cart of books and binders.¹¹⁰ The books and binders were outdated, out of order, in disarray, and uniformly moist and sticky.¹¹¹ The materials were last updated in 2003.¹¹² An official told us that the hardcopy materials were supplemented electronically with a Lexis-Nexis compact disc.¹¹³ However, the Lexis-Nexis materials had not been installed on the computer when the delegation arrived.¹¹⁴ The delegation pointed out the problem though, and Lt. Col. [b6, b7c] called a computer technician who installed the program on the computer during the visit

4. Library Equipment and Supplies

¹⁰¹ Observations of delegation member [b6]

¹⁰² Observations of delegation member [b6]

¹⁰³ Notes of delegation member [b6] recording conversation with detainee who asked to remain anonymous.

¹⁰⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.C.

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

¹⁰⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.F.

¹⁰⁷ Observations of delegation member [b6]

¹⁰⁸ Observations of delegation member [b6]

¹⁰⁹ Notes of delegation member [b6] recording conversation with Lt. [b6, b7c]

¹¹⁰ Observations of delegation member [b6]

¹¹¹ Observations of delegation member [b6]

¹¹² Programs Law Library Inventory List (Attachment E); observations of delegation member [b6]

¹¹³ Notes of delegation member [b6] recording conversation with Lt. Col. [b6, b7c]

¹¹⁴ Observations of delegation member [b6]

¹¹⁵ Observations of delegation member [b6]

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.¹¹⁶ Staff must inspect at least weekly to ensure equipment is in working order and to stock sufficient supplies.¹¹⁷

HRRJ meets this section of the Standards, although it is unclear whether one computer in the immigration law library is adequate for 133 detainees. The general library provided computer access as well as supplies to inmates and detainees.¹¹⁸ The immigration law library had only one computer and limited space.¹¹⁹ According to staff this library used to contain two computers, but one was removed after it was destroyed due to vandalism.¹²⁰ The inmates reported that they had been given paper in order to use the printers when they so requested.¹²¹

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.¹²² Enough copies must be provided so that a detainee can fulfill court procedural rules and retain a copy for his records.¹²³ Facility personnel may not read a document that on its face is clearly related to a legal proceeding involving the detainee.¹²⁴

HRRJ meets this section of the Standards. Library staff photocopy materials for detainees upon request.¹²⁵ Detainees may also request copies to be made for them and provided for free.¹²⁶

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.¹²⁷

HRRJ meets this section of the Standards. Detainees are permitted to assist other detainees with research and, according to staff, are more likely to work together on a project than alone.¹²⁸

¹¹⁶ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

¹¹⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.B.

¹¹⁸ Observations of delegation member [REDACTED]

¹¹⁹ Observations of delegation member [REDACTED]

¹²⁰ Hampton Roads Regional Jail Law Library Request Form (Attachment F); notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED]

¹²¹ Notes of delegation member [REDACTED], recording conversation with detainee [REDACTED]

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

¹²³ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹²⁴ Detention Operations Manual, Detainee Services, Standard 1, Section III.J.

¹²⁵ Notes of delegation member [REDACTED] recording conversations with Sgt. [REDACTED] and Capt. [REDACTED]

¹²⁶ Notes of delegation member [REDACTED] recording conversations with Sgt. [REDACTED] and Capt. [REDACTED]

¹²⁷ Detention Operations Manual, Detainee Services, Standard 1, Section III.K.

7. Notice to Detainees

The Standards require that the detainee handbook provide detainees with the rules and procedures governing access to legal materials.¹²⁹

HRRJ does not fully meet this section of the Standards: the Handbook does not provide notice of how to request time to use the law library. The Handbook describes how to request information from the law library.¹³⁰ In addition, the Handbook Addendum specifies that immigration detainees will be provided with a minimum of five hours per week in the law library.¹³¹ However, neither the Handbook nor the Addendum specify how to request additional time in the library.¹³² One detainee interviewed was not familiar with detainees' ability to access the library.¹³³

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."¹³⁴ Informational posters are to be prominently displayed in the housing units at least forty-eight hours in advance of a scheduled presentation.¹³⁵ While the presentations are open to all detainees, the facility "may limit the number of detainees at a single session."¹³⁶ "The facility shall select and provide an environment conducive to the presentation, consistent with security."¹³⁷ In addition, detainees shall have regular opportunities to view an "INS-approved videotaped presentation on legal rights."¹³⁸

HRRJ substantially meets this section of the Standards: HRRJ personnel provide notice and access to these presentations, but HRRJ does not post notice forty-eight hours in advance as required by the Standards, and it is unclear whether HRRJ shows the Know Your Rights video. According to HRRJ personnel, there are no restrictions on group rights presentations.¹³⁹ HRRJ has an established relationship with the Capital Area Immigrant Rights

¹²⁸ Notes of delegation member [REDACTED], recording conversation with Lt. [REDACTED].

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

¹³⁰ HRRJ Handbook, p. 27.

¹³¹ HRRJ Handbook, p 27; Handbook Addendum.

¹³² HRRJ Inmate Handbook, p 27; Handbook Addendum.

¹³³ Notes of delegation member [REDACTED], recording conversation with detainee [REDACTED].

¹³⁴ Detention Operations Manual, Detainee Services, Standard 9, Section I.

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

¹³⁶ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.

¹³⁷ Detention Operations Manual, Detainee Services, Standard 9, Section III.E.

¹³⁸ Detention Operations Manual, Detainee Services, Standard 9, Section III.I.

¹³⁹ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED].

Coalition (“CAIR Coalition”), based in Washington, D.C.¹⁴⁰ CAIR Coalition visits the facility to give rights presentations once every month.¹⁴¹ On occasion, embassies and consulates also visit the facility to make group rights presentations, but HRRJ personnel said that such visits are not regular.¹⁴²

No informational posters, required by the Standards, are displayed in the housing units.¹⁴³ According to HRRJ personnel, because the presentations are so regular that detainees know to expect them, it is sufficient for guards to make a verbal announcement on the day of the CAIR Coalition’s visit.¹⁴⁴ This does not satisfy the forty-eight hour advanced notice required by the Standards.¹⁴⁵ Interviews with detainees confirmed that these presentations are given regularly and that the guards notify detainees about them.¹⁴⁶ With HRRJ’s verbal notification process, however, it cannot be confirmed that the detainees receive notification on a consistent basis. The detainee addendum to the HRRJ Handbook notifies detainees that group rights presentations will take place occasionally.¹⁴⁷

HRRJ personnel indicated that the presentations take place either in the housing unit recreation area or in one of two classrooms.¹⁴⁸ The classrooms are the most conducive to the presentation since there is seating and adequate lighting available.¹⁴⁹ However, the classrooms could not comfortably hold more than twenty people.¹⁵⁰ The recreation room is large but there is no additional seating, and the lighting is dim.¹⁵¹ As a result, the presentation space used may not be consistently conducive to the presentation.

Finally, HRRJ personnel do not show the “Know Your Rights” video to detainees, and stated that it was the responsibility of the ICE agent assigned to the facility to show this video to detainees.¹⁵² HRRJ personnel could not specify how often this video is shown.¹⁵³

V. OTHER PROVISIONS OF THE ICE DETENTION STANDARDS

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- ¹⁴⁰ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]
- ¹⁴¹ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]
- ¹⁴² Notes of delegation member [REDACTED] recording conversations with Capt. [REDACTED] and Lt. [REDACTED]
- ¹⁴³ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED] observation by delegation member [REDACTED]
- ¹⁴⁴ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]
- ¹⁴⁵ Detention Operations Manual, Detainee Services, Standard 9, Section III.C.
- ¹⁴⁶ Notes of delegation member [REDACTED], recording conversation with detainee [REDACTED]
- ¹⁴⁷ HRRJ Handbook Addendum.
- ¹⁴⁸ Notes of delegation member [REDACTED], recording conversation with Capt. [REDACTED]
- ¹⁴⁹ Observations of delegation member [REDACTED].
- ¹⁵⁰ Observations of delegation members [REDACTED] and [REDACTED]
- ¹⁵¹ Observations of delegation member [REDACTED]
- ¹⁵² Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]
- ¹⁵³ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]

A. Correspondence and Other Mail

The Standards require that detainees be allowed to send and receive correspondence in a timely manner, subject to limitations required for safety, security, and orderly operation of the facility.¹⁵⁴ General correspondence shall normally be opened and inspected for contraband in the presence of the detainee, but may be opened and even read outside the presence of the detainee if security reasons exist for doing so.¹⁵⁵ Special correspondence—which includes all written communication to or from attorneys, legal representatives, judges, courts, government officials, and the news media—is treated differently.¹⁵⁶ Incoming special correspondence can be inspected for contraband only in the presence of the detainee, but it can never be read or copied.¹⁵⁷ Outgoing special correspondence may not be opened, inspected, or read.¹⁵⁸

The detainee handbook must specify how to address correspondence, the definition of special correspondence and how it should be labeled, and the procedure for purchasing postage and rules for providing indigent detainees free postage.¹⁵⁹ The Standards also require that facilities provide indigent detainees with free envelopes and stamps for mail related to a legal matter, including correspondence to a legal representative, potential representative, or any court; these detainees must be able to send five pieces of special correspondence and three pieces of general correspondence per week.¹⁶⁰ Finally, the Standards require that facilities notify detainees of specific information regarding correspondence policies.¹⁶¹

HRRJ substantially meets this section of the Standards: legal correspondence is opened in the detainee’s presence and the Handbook clearly outlines the facility’s mail policies. However, according to the Handbook, indigent detainees do not receive sufficient supplies for mail to satisfy this Standard. The Handbook states that incoming mail is to be opened and inspected for contraband outside of the presence of the detainee and delivered within twenty-four hours of arrival,¹⁶² while legal correspondence is to be opened and inspected in the presence of the detainee.¹⁶³ Detainees interviewed stated that legal mail is opened in their presence.¹⁶⁴ The

¹⁵⁴ Detention Operations Manual, Detainee Services, Standard 3, Section I.

¹⁵⁵ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹⁵⁶ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B, E, & F.

¹⁵⁷ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & E.

¹⁵⁸ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B & F.

¹⁵⁹ Detention Operations Manual, Detainee Services, Standard 3, Sections III.B.

¹⁶⁰ Detention Operations Manual, Detainee Services, Standard 3, Section III.I, and Standard 1, Section III.N.

¹⁶¹ Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁶² HRRJ Handbook, pp. 22-23.

¹⁶³ HRRJ Handbook, p. 22.

¹⁶⁴ Notes of delegation member Noam Wiener, recording conversation with detainee [REDACTED] notes of delegation member Timilin Sanders, recording conversation with d [REDACTED]

b6, b7c

b6, b7c

Handbook states that outgoing mail will be inspected for contraband, but there is no indication that outgoing legal mail will not be inspected for contraband.¹⁶⁵

According to the Handbook, indigent detainees are provided with sufficient paper, envelopes, and stamps to send five letters per week,¹⁶⁶ rather than the eight pieces required by the Standards. One detainee interviewed by the delegation explained that he did not know how to get stamps.¹⁶⁷

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.¹⁶⁸ Every detainee should receive a copy of the handbook upon admission to the facility.¹⁶⁹ The handbook will be written in English and translated into Spanish and other prevalent languages as appropriate.¹⁷⁰ The handbook must include visitation hours and rules.¹⁷¹ The handbook must notify detainees of the facility correspondence policy.¹⁷² 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.¹⁷³ The handbook must provide notice of the facility's rules of conduct and the sanctions imposed.¹⁷⁴ It must advise detainees of rights including the right to protection from abuse, right to freedom from discrimination, and right to pursue a grievance.¹⁷⁵ 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.¹⁷⁶ The Officer in Charge will provide a copy of the handbook to every staff member who has contact with detainees.¹⁷⁷

HRRJ does not fully meet this section of the Standards. The Handbook does not include the required information regarding several legal access issues: Legal Visitation, Telephone Access, Access To Legal Materials, and Correspondence. HRRJ staff provided the delegation with a copy of the Handbook, which includes a one page "INS Inmates Addendum," and indicated that all staff and inmates/detainees are given a copy of the book upon admission.¹⁷⁸

¹⁶⁵ HRRJ Handbook, pp. 22-23.

¹⁶⁶ HRRJ Handbook, p. 23.

¹⁶⁷ Notes of delegation member [REDACTED], recording conversation with detainee [REDACTED].

¹⁶⁸ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹⁶⁹ Detention Operations Manual, Detainee Services, Standard 6, Section I.

¹⁷⁰ Detention Operations Manual, Detainee Services, Standard 6, Section III.E.

¹⁷¹ Detention Operations Manual, Detainee Services, Standard 17, Section III.B.

¹⁷² Detention Operations Manual, Detainee Services, Standard 3, Section III.B.

¹⁷³ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

¹⁷⁴ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

¹⁷⁵ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

¹⁷⁶ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.3.

¹⁷⁷ Detention Operations Manual, Detainee Services, Standard 6, Section III.H.

¹⁷⁸ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED] HRRJ Handbook Addendum.

Detainees interviewed indicated that they received a copy of the Inmate Handbook upon admission.¹⁷⁹ Staff indicated that the handbook is available in multiple languages in addition to English, including Spanish, German, and French.¹⁸⁰ Provisions in the Handbook that conflict with or do not provide information required by the Standards are addressed in the following sections of this report: Sections III.A.1, Legal Visitation; III.B.4, Incoming Calls and Messages; III.C.7, Access to Legal Materials: Notice to Detainees; and IV.A, Correspondence and Other Mail.

C. Recreation

The Standards require that all detainees have access to recreational programs and activities, under conditions of security and safety.¹⁸¹ Detainees should be housed in facilities with outdoor recreation, and “all new or renegotiated contracts and IGSA’s will stipulate that INS detainees have access to an outdoor recreation area.”¹⁸² If a facility only provides indoor recreation, detainees must have access for at least one hour per day, including exposure to natural light.¹⁸³ Detainees should have access to “fixed and movable equipment,” including opportunities for cardiovascular exercise, and games and television in dayrooms.¹⁸⁴ Under no circumstances will a facility require detainees to forego law library privileges for recreation privileges.¹⁸⁵

HRRJ substantially meets this section of the Standards; however, no outdoor recreation is available.¹⁸⁶ HRRJ has recreation areas in each housing unit, and they are open for detainee use throughout the day, except during meals and transitions from activities.¹⁸⁷ The recreation rooms contain a basketball court and volleyball nets.¹⁸⁸ These closed recreation rooms have a single open window of approximately ten feet by ten feet, about twelve feet off the ground, covered by mesh wire.¹⁸⁹ The opening allows for rain and snow to come into the room.¹⁹⁰ The day room has televisions and various board games.¹⁹¹ No exercise equipment is available for detainees’ use.¹⁹²

¹⁷⁹ Notes of delegation member [redacted] recording conversations with detainee, [redacted] and detainee who asked to remain anonymous.

¹⁸⁰ Notes of delegation member [redacted] recording conversation with Lt. Col. [redacted]

¹⁸¹ Detention Operations Manual, Detainee Services, Standard 13, Section I.

¹⁸² Detention Operations Manual, Detainee Services, Standard 13, Section III.A.

¹⁸³ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

¹⁸⁴ Detention Operations Manual, Detainee Services, Standard 13, Section III.G.

¹⁸⁵ Detention Operations Manual, Detainee Services, Standard 13, Section III.B.

¹⁸⁶ Delegation observations.

¹⁸⁷ Notes of delegation member [redacted] recording conversation with Lt. [redacted]

¹⁸⁸ Observations of delegation member [redacted]

¹⁸⁹ Observations of delegation member [redacted]

¹⁹⁰ Observations of delegation member [redacted]

¹⁹¹ Observations of delegation member [redacted]

¹⁹² Observations of delegation member [redacted]

There is no set schedule for use of this recreation room.¹⁹³ The amount of time detainees are permitted to spend in the room is determined the number of detainees who want to make use of it.¹⁹⁴ The inmates request to go into the recreation area and are then rotated in.¹⁹⁵ One detainee expressed satisfaction with the time allotted to use the recreation room.¹⁹⁶ Another complained about not having been outside for many months.¹⁹⁷

D. Access to Medical Care

The Standards require that all detainees have access to medical services that promote detainee health and general well-being.¹⁹⁸ All detainees must receive initial medical and mental health screenings immediately upon arrival at the facility, as well as a “health appraisal and physical examination” within fourteen days of arrival.¹⁹⁹ 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.²⁰⁰ For a facility of over 200 detainees, there must be sick call five days per week.²⁰¹ Facilities must also have procedures in place to provide emergency medical care for detainees who require it.²⁰²

HRRJ substantially meets this Standard; however, when describing routine care, staff did not state that physical exams are included, and there appear to be delays in responding to non-emergency sick call requests. HRRJ has a medical facility with a waiting area, multiple private examination rooms, on-site dialysis services, dental treatment facilities, and a room for taking and developing x-rays.²⁰³ The facility employs one full-time physician, thirty-two full-time equivalent nurses, and many mental health professionals (including a part-time psychiatrist, daily social worker, and mental health nurses).²⁰⁴ In addition, outside providers, such as gynecologists, regularly visit the jail.²⁰⁵

¹⁹³ Notes of delegation member [redacted] recording conversation with Lt. [redacted]

¹⁹⁴ Notes of delegation member [redacted] b6 recording conversation with Lt. [redacted] b6, b7c

¹⁹⁵ Notes of delegation member [redacted] recording conversation with Lt. [redacted]

¹⁹⁶ Notes of delegation member [redacted] b6 recording conversation with detainee [redacted] b6, b7c

¹⁹⁷ Notes of delegation member [redacted] recording conversation with detainee who asked to remain anonymous.

¹⁹⁸ Detention Operations Manual, Health Services, Standard 2, Section I.

¹⁹⁹ Detention Operations Manual, Health Services, Standard 2, Section III.D.

²⁰⁰ Detention Operations Manual, Health Services, Standard 2, Section III.F.

²⁰¹ Detention Operations Manual, Health Services, Standard 2, Section I.

²⁰² Detention Operations Manual, Health Services, Standard 2, Sections III.A, D, & G.

²⁰³ Notes of delegation member [redacted] b6 recording conversation with Lt. Col. [redacted] and Lt. Col. [redacted] observations of delega [redacted] b6

²⁰⁴ Notes of delegation member [redacted] b6 recording conversation with Lt. Col. [redacted] b6, b7c and Lt. Col. [redacted] b6, b7c observations of delegation member [redacted] b6

²⁰⁵ Notes of delegation member [redacted] b6 recording conversation with Lt. Col. [redacted] and Lt. Col. [redacted] observations of delegat [redacted] b6

All detainees are screened for medical issues upon their initial processing, which takes place on the day each arrives at the facility.²⁰⁶ However, staff did not state that the required physical exam within 14 days of arrival is part of detainees' routine medical treatment.²⁰⁷ During the screening, each detainee is questioned regarding prior health history, current health, medical history, current medications, suicide risk, mental health, and drug and/or alcohol dependence.²⁰⁸ If red flags are raised, the individual is referred for medical attention.²⁰⁹ Those detainees who are initially flagged as having a mental health issue, including suicidal tendencies, may be kept separately and are monitored closely by the staff.²¹⁰ If staff suspects that an inmate is suicidal, that inmate is put on a special watch, meaning that an officer physically puts his eyes on the inmate either every fifteen or thirty minutes depending on the severity of the suicide threat.²¹¹ If needed, HRRJ will send the detainee to a mental health hospital in the community.²¹²

For non-English-speaking detainees, HRRJ obtains translation through bilingual officers and telephone services, including the AT&T language line.²¹³ To prevent confusion, HRRJ asks detainees to fill out the medical request form in their native language.²¹⁴ HRRJ then has the form translated within twenty-four hours through a fax translation service.²¹⁵ In addition, the HRRJ Handbook states that “[m]edical services will ensure that deaf and/or hearing-impaired inmates are afforded effective communications during medical appointments and evaluations.”²¹⁶

HRRJ has sick call five days per week from 8:00 a.m. to 5:00 p.m.²¹⁷ At sick call, patients are triaged by a nurse or physicians assistant and then may see the doctor.²¹⁸ To see a nurse or doctor, a detainee/inmate must submit a Medical Request Form.²¹⁹ Staff indicated that the average wait time to receive medical care was seven to fourteen days if not critical.²²⁰ The inmate handbook states that “[a] member of the medical staff at the next regularly scheduled sick

²⁰⁶ Notes of delegation member [REDACTED] recording conversation with Lt. Col. [REDACTED]

²⁰⁷ Delegation observations.

²⁰⁸ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]

²⁰⁹ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]

²¹⁰ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]

²¹¹ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]

²¹² Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]

²¹³ Notes of delegation member [REDACTED] recording conversations with Capt. [REDACTED] and Dr. [REDACTED]

²¹⁴ Notes of delegation member [REDACTED] recording conversations with Lt. Col. [REDACTED] and Dr. [REDACTED]

²¹⁵ Notes of delegation member [REDACTED] recording conversations with Lt. Col. [REDACTED] and Dr. [REDACTED]

²¹⁶ HRRJ Handbook, p. 20.

²¹⁷ Notes of delegation member [REDACTED] recording conversations with Dr. [REDACTED], Capt. [REDACTED] and Lt. Col. [REDACTED]

²¹⁸ Notes of delegation member [REDACTED] recording conversation with Lt. Col. [REDACTED]

²¹⁹ First Medical Management Inmate Medical Request Form (Attachment G); notes of delegation member [REDACTED], recording conversations with Lt. [REDACTED] Lt. Col. [REDACTED] and Capt. [REDACTED]

²²⁰ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]

call will see you” following the submission of a Medical Request Form.²²¹ However, detainees interviewed by the delegation complained about long waits and difficulty in accessing non-emergency medical care. For example, detainees complained that jail staff would not allow them to see a nurse if their condition did not appear serious enough (e.g., staff would not allow them to seek medical care for eye irritation, because he “can still see”²²² or to seek care for tongue injured by biting during a basketball game, because he “can still talk”²²³). Detainees also complained about inability to obtain eye glasses.²²⁴ In addition, one detainee was injured in an automobile crash during his transfer from one detention facility to HRRJ. Upon his arrival, he complained about his injury, and the intake officer commented on his swollen ankle, but the detainee did not receive any medical care for one week.²²⁵ Immigration detainees do not pay a fee for medical services.²²⁶

HRRJ provides emergency care in all instances when there is a suspected emergency condition.²²⁷ The officer on the scene immediately calls for help and administers first aid.²²⁸ Medical staff are on the scene within four minutes (usually one minute).²²⁹ If the officer on the scene is uncertain whether the circumstances require emergency medical care, the policy is for the officer to call for help as if he believed it were an actual emergency.²³⁰ HRRJ has an agreement with an emergency room which is four miles away.²³¹

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.²³² For detainees who are held in detention for over six months, routine dental treatment may be provided, including amalgam and composite restorations,

²²¹ HRRJ Handbook, p. 20.

²²² Notes of delegation member [REDACTED] recording conversation with detainee who asked to remain anonymous.

²²³ Notes of delegation member [REDACTED] recording conversation with [REDACTED]

²²⁴ Notes of delegation member [REDACTED], recording conversations with detainee [REDACTED] and detainee who asked to remain anony

²²⁵ Notes of delegation member [REDACTED] recording conversation with [REDACTED]

²²⁶ Handbook Addendum; notes of delegation member [REDACTED] recording conversation with Lt. Col. [REDACTED]

²²⁷ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED], Capt. [REDACTED] and Capt. [REDACTED]

²²⁸ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED], Capt. [REDACTED] and Capt. [REDACTED]

²²⁹ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED], Capt. [REDACTED] and Capt. [REDACTED]

²³⁰ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED], Capt. [REDACTED] and Capt. [REDACTED]

²³¹ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED], Capt. [REDACTED] and Capt. [REDACTED]

²³² Detention Operations Manual, Health Services, Standard 2, Section III.E.

prophylaxis, root canals, extractions, x-rays, the repair and adjustment of prosthetic appliances and other procedures required to maintain the detainee's health.²³³

HRRJ does not fully meet this standard: HRRJ does not provide a dental screening until detainees have been at the facility for ninety days. Detainees are only provided with a dental screening after having been at the facility for ninety days.²³⁴ According to the handbook, inmates are not provided with dentures, crowns, caps, root canals, fillings, or other dental treatments unless the dental problems indicate a serious risk to the inmate's health.²³⁵ The INS Inmates Addendum to the HRRJ Handbook does not indicate that HRRJ makes an exception to this policy for INS detainees.²³⁶

F. Detainee Classification System

The Standards require that detention facilities use a classification system and physically separate detainees into different categories.²³⁷ Detainees must be assigned to the least restrictive housing unit consistent with facility safety and security.²³⁸ A detainee's classification is to be determined on "objective" criteria, including criminal offenses, escape attempts, institutional disciplinary history, violent incidents, etc.²³⁹ Opinions, unconfirmed and unverified information, and physical characteristics and appearance are not to be taken into account.²⁴⁰ Classification is required in order to separate detainees with no or minimal criminal records from inmates with serious criminal records.²⁴¹ Detainees with a history of assaultive or combative behavior are not to be housed with non-assaultive detainees,²⁴² and Level 1 (lowest risk) detainees are not to be housed with Level 3 (highest risk) detainees.²⁴³

All facility classification systems shall allow classification levels to be re-determined and include procedures by which new arrivals can appeal their classification levels.²⁴⁴ Finally, the detainee handbook's section on classification must include an explanation of the classification levels, with the conditions and restrictions applicable to each, and the procedures by which a detainee may appeal his classification.²⁴⁵

²³³ Detention Operations Manual, Health Services, Standard 2, Section III.E.

²³⁴ Notes of delegation member [REDACTED] recording conversation with Capt. [REDACTED]

²³⁵ Handbook, p. 20

²³⁶ INS Handbook Addendum.

²³⁷ Detention Operations Manual, Detainee Services, Standard 4, Section I.

²³⁸ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

²³⁹ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

²⁴⁰ Detention Operations Manual, Detainee Services, Standard 4, Section III.D.

²⁴¹ Detention Operations Manual, Detainee Services, Standard 4, Sections III.A & E.

²⁴² Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

²⁴³ Detention Operations Manual, Detainee Services, Standard 4, Section III.E.

²⁴⁴ Detention Operations Manual, Detainee Services, Standard 4, Sections III.G & H.

²⁴⁵ Detention Operations Manual, Detainee Services, Standard 4, Section III.I.

HRRJ substantially meets this section of the Standards; however, it does not separate women according to classification level and may house violent inmates with nonviolent detainees. All detainees are classified when they first arrive at HRRJ,²⁴⁶ using a single classification process for both criminal inmates and immigration detainees that is similar to that of the U.S. Department of Justice National Institute of Corrections Objective Jail Classification System.²⁴⁷ The classification process is known as intake; new detainees and inmates are placed in a holding area pending classification.²⁴⁸ In accordance with the Standards, the Handbook outlines the criteria for the classification system and provides the procedure to appeal the classification status.²⁴⁹

HRRJ divides inmates into three separate security classes: minimum, medium, and maximum security.²⁵⁰ This classification is determined by reviewing the detainee’s past criminal record, past record of behavior in other detention facilities/jails, and any other documented incidences of violence, and applying this data to an objective set of criteria.²⁵¹ Detainees and inmates are also classified according to their medical needs, disciplinary status, need for protection from other inmates, and employment in the facility.²⁵² All classifications are reviewed every sixty days to determine whether they are still appropriate.²⁵³

During our visit, most of the male detainees were classified as “minimum security immigration detainees” and were housed together in a single male immigration detainee housing unit.²⁵⁴ HRRJ personnel explained that occasionally immigration detainees are classified as something other than minimum security because of their criminal or violent backgrounds, gang affiliations, or other objective characteristics that warrant a stricter classification.²⁵⁵ In such instances, detainees are separated from the minimum security immigration detainees and housed with jail inmates of an equivalent security classification.²⁵⁶ This complies with the requirement of the Standards that detainees with a history of assaultive or combative behavior not be housed with non-assaultive detainees.²⁵⁷

²⁴⁶ Notes of delegation member [redacted] recording conversations with Lt. Col. [redacted] and Lt. [redacted].

²⁴⁷ Notes of delegation member [redacted] recording conversations with Lt. Col. [redacted] and Lt. [redacted].

²⁴⁸ Notes of delegation member [redacted] recording conversation with Sgt. [redacted] observations of delegation member [redacted].

²⁴⁹ HRRJ Handbook, pp. 7-9.

²⁵⁰ Notes of delegation member [redacted] recording conversations with Lt. Col. [redacted] and Lt. [redacted].

²⁵¹ Notes of delegation member [redacted] recording conversations with Lt. Col. [redacted] and Lt. [redacted].

²⁵² Notes of delegation member [redacted] recording conversation with Lt. Col. [redacted].

²⁵³ Notes of delegation member [redacted] recording conversation with Lt. [redacted].

²⁵⁴ Notes of delegation member [redacted] recording conversation with Lt. Col. [redacted].

²⁵⁵ Notes of delegation member [redacted] recording conversation with Lt. Col. [redacted].

²⁵⁶ Notes of delegation member [redacted] recording conversation with Lt. Col. [redacted].

²⁵⁷ Detention Operations Manual, Detainee Services, Standard 4, Section III.F.

Women are classified under the same system.²⁵⁸ However, because of constrained space at the facility, most women inmates and detainees are housed together in a single female housing unit,²⁵⁹ and it was the delegation's understanding that even violent women inmates could be housed in this unit, together with nonviolent detainees. Maximum security female detainees, ill female detainees, and pregnant female detainees are housed with female inmates of equivalent status in housing units in the maximum security wing of the jail.²⁶⁰ This commingling of female inmates and detainees is not a *per se* violation of the Standards under ordinary circumstances, although housing violent inmates with nonviolent detainees would be. Nevertheless, it would be optimal for detained women, particularly those with no criminal record, to be housed separately from the general female inmate population.

G. Detainee Grievance Procedures

The Standards require that every facility develop and implement standard procedures for handling detainee grievances and encourage that the facility initially seek to resolve grievances informally before having to engage in a more formalized procedure.²⁶¹ Translating assistance for both formal and informal grievances must be provided upon request.²⁶² 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."²⁶³ All grievances must receive supervisory review, include guarantees against reprisal, and allow for appeals.²⁶⁴ The detainee handbook must provide notice of the opportunity to file informal and formal grievances, the procedures for filing a grievance and appeal, the right to have the grievance referred to higher levels if the detainee is not satisfied, and the policy prohibiting staff from harassing, disciplining, punishing, or otherwise retaliating against any detainee for filing a grievance.²⁶⁵

HRRJ substantially meets this section of the Standards: Hampton Roads has developed and implemented standard procedures for handling detainee grievances. However, detainees stated that they have suffered reprisals for filing grievances, and the delegation also received conflicting information regarding whether grievances are handled in a timely manner. According to the Handbook, detainees should first attempt to resolve the grievance informally, either by discussing the matter verbally with their Pod Manager or by filing an Inmate Request/Informal Complaint Form.²⁶⁶ If this does not resolve the situation to the

²⁵⁸ Notes of delegation member [REDACTED], recording conversation with Lt. Col. [REDACTED]

²⁵⁹ Notes of delegation member [REDACTED] b6, recording conversation with Lt. Col. [REDACTED] b6, b7c

²⁶⁰ Notes of delegation member [REDACTED], recording conversation with Lt. Col. [REDACTED]

²⁶¹ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.A.

²⁶² Detention Operations Manual, Detainee Services, Standard 5, Sections III.A.1 & 2.

²⁶³ Detention Operations Manual, Detainee Services, Standard 5, Section I.

²⁶⁴ Detention Operations Manual, Detainee Services, Standard 5, Sections I & III.C & D.

²⁶⁵ Detention Operations Manual, Detainee Services, Standard 5, Section III.G.

²⁶⁶ HRRJ Handbook, p. 29; HRRJ Inmate Request/ Informal Complaint Form (Attachment F).

detainee's satisfaction, they may file a Grievance Form.²⁶⁷ The detainee must then fill out the form and return it addressed to the Unit Manager.²⁶⁸

For any emergency grievance, the detainee may file a Emergency Grievance Form.²⁶⁹ "Emergency grievances" are those that involve "serious/irreparable harm; personal injury risk, death, serious illness of an immediate family member, unexpected visits, missed meals due to no fault of yourself, and life sustaining medications."²⁷⁰

Once an Inmate Grievance Form has been submitted, the Unit Manager is responsible for investigating and resolving the detainee grievance.²⁷¹ The Inmate Handbook requires that the Unit Manager investigate and respond in writing to the detainee grievance within nine working days, which is provided in the form of a response containing the reason for the decision.²⁷² According to Lieutenant [b6, b7c], grievances are usually addressed within five to seven days.²⁷³ If the grievance relates to a [b6, b7c] ic department within the facility, then the grievance will be forwarded to that department for investigation and resolution.²⁷⁴ Emergency grievances, which go directly to individual in charge of the shift during which the grievance is presented, are usually resolved within hours.²⁷⁵

HRRJ provides two levels of appeals for detainee grievances. The initial decision by the Unit Manager may be appealed within three days of the receipt of the decision.²⁷⁶ If the response to this appeal is not satisfactory, the detainee may appeal that decision to the Superintendent within five days of receipt.²⁷⁷

The Inmate Handbook does not state whether translating assistance for both formal and informal grievances is available. According to Lieutenant [b6, b7c] however, grievance forms are available in English and Spanish, and the forms can be tran [b6, b7c] into other languages.²⁷⁸

The Inmate Handbook guarantees that detainees will not be "punished or subject to reprisal for submitting a grievance."²⁷⁹ One detainee whom the delegation interviewed stated that she had

²⁶⁷ HRRJ Handbook, p. 29; HRRJ Grievance Form (Attachment H). The Handbook does not appear to require detainees to make an informal grievance before filing a formal grievance, which would be a violation of the Standards.

²⁶⁸ HRRJ Handbook, p. 29.

²⁶⁹ HRRJ Emergency Grievance Form (Attachment I).

²⁷⁰ HRRJ Emergency Grievance Form; HRRJ Handbook, p. 29.

²⁷¹ HRRJ Handbook, p. 29.

²⁷² HRRJ Handbook, p. 29.

²⁷³ Notes of delegation member [b6] recording conversation with Lt. [b6, b7c].

²⁷⁴ HRRJ Handbook, p. 29.

²⁷⁵ Notes of delegation member [b6] recording conversation with Lt. [b6, b7c].

²⁷⁶ HRRJ Handbook, p. 30.

²⁷⁷ HRRJ Handbook, p. 30.

²⁷⁸ Notes of delegation member [b6] recording conversation with Lt. [b6, b7c].

submitted grievances, which were not resolved to her satisfaction or responded to in a timely manner.²⁸⁰ She also indicated that the entire facility had been placed on lockdown as a result of filing the grievances.²⁸¹ Another detainee also stated that, after some individuals filed grievances, the facility was placed on lockdown.²⁸² The detainees, however, did not know whether there were other circumstances that may have caused the facility to be placed on lockdown. Another detainee stated that her cell was searched in the middle of the night after she filed a grievance,²⁸³ but did not provide additional information about the circumstances.

H. 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.”²⁸⁴ Each facility holding ICE detainees must have a detainee disciplinary system which has “progressive levels of reviews, appeals, procedures, and documentation procedures.”²⁸⁵ The disciplinary policy must clearly define detainee rights and responsibilities, and any disciplinary action taken must not be capricious or retaliatory.²⁸⁶

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.”²⁸⁷ Officers who witness a prohibited act must prepare and submit an incident report.²⁸⁸ The Standards provide that all incident reports filed by officers must be investigated within twenty-four hours of the incident.²⁸⁹

The Detainee Handbook must notify detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appeals.²⁹⁰ 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.²⁹¹

²⁷⁹ HRRJ Handbook, p. 30.

²⁸⁰ Notes of delegation member [REDACTED] recording conversation with detainee who asked to remain anonymous.

²⁸¹ Notes of delegation member [REDACTED] recording conversation with detainee who asked to remain anonymous.

²⁸² Notes of delegation member [REDACTED] recording conversation with detainee [REDACTED].

²⁸³ Notes of delegation member [REDACTED] on conversation with detainee who asked to remain anonymous.

²⁸⁴ Detention Operations Manual, Security and Control, Standard 5, Section I.

²⁸⁵ Detention Operations Manual, Security and Control, Standard 5, Section III.A.1.

²⁸⁶ Detention Operations Manual, Security and Control, Standard 5, Sections III.A.1 & 2.

²⁸⁷ Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

²⁸⁸ Detention Operations Manual, Security and Control, Standard 5, Section III.B.

²⁸⁹ Detention Operations Manual, Security and Control, Standard 5, Sections III.B & C.

²⁹⁰ Detention Operations Manual, Security and Control, Standard 5, Section III.L.

²⁹¹ Detention Operations Manual, Security and Control, Standard 5, Section III.A.5.

HRRJ substantially meets this section of the Standards; however, two detainees stated that they were encouraged to admit to disciplinary violations they did not commit. When a rules violation occurs, a written report is filed.²⁹² If the violation is considered minor, then an officer will talk with the detainee and come up with a punishment based on the minor violation.²⁹³ If the officer and detainee cannot settle the matter, it will be resolved through the hearing process.²⁹⁴ For minor violations, such as use of profanity, failure to follow cleaning procedures, or abuse of jail-issued items,²⁹⁵ the resulting punishment will be a maximum of forty-eight hours of cell restriction, if resolved by the officer and detainee,²⁹⁶ or a maximum of thirty days of cell restriction or disciplinary segregation if the detainee is found guilty through the hearing process.²⁹⁷ Under both circumstances, detainees may also lose some privileges.²⁹⁸ Use of the recreation room is one privilege that detainees may lose if found guilty of a disciplinary infraction,²⁹⁹ which the Standards permit only if such use creates an unsafe condition.³⁰⁰ For major violations, such as unauthorized organized activity, assault on staff or inmate, or failure to take medication at issue,³⁰¹ the resulting punishment will be a maximum of sixty days of cell restriction or disciplinary segregation, and/or sixty days loss of good time, as well as the loss of some privileges.³⁰² Major violations are resolved through the hearing process.³⁰³

Lieutenant [REDACTED] outlined the due process procedure for a major rule violation. When a major rule violation occurs, the reporting officer files a major charge form.³⁰⁴ The detainee is placed in pre-hearing detention.³⁰⁵ At least twenty-four hours before the hearing, the detainee will be given notice of the charges and the hearing date (which should occur no later than seven days after the date of the incident, excluding weekends and holidays).³⁰⁶ The hearing is conducted by an officer who was not involved in the incident.³⁰⁷ The decision resulting from the

²⁹² Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED].

²⁹³ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED].

²⁹⁴ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED].

²⁹⁵ HRRJ Handbook, p. 16.

²⁹⁶ HRRJ Handbook, p. 18.

²⁹⁷ HRRJ Handbook, p. 18.

²⁹⁸ HRRJ Handbook, p. 18.

²⁹⁹ HRRJ Handbook, p. 26; notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED].

³⁰⁰ Detention Operations Manual, Security and Control, Standard 5, Section III.A.3.

³⁰¹ HRRJ Handbook, pp. 14-16.

³⁰² HRRJ Handbook, p. 18.

³⁰³ HRRJ Handbook, p. 18.

³⁰⁴ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED].

³⁰⁵ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED].

³⁰⁶ HRRJ Handbook, p. 19.

³⁰⁷ HRRJ Handbook, p. 19; notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED].

hearing can be appealed twice.³⁰⁸ First, the detainee has three days to submit in writing a Disciplinary Hearing Appeal Form to a Captain or designee.³⁰⁹ The Inmate Handbook specifies that the Captain must render a written reply within five days of receiving the appeal.³¹⁰ If the detainee is not satisfied with the Captain’s decision, then he or she can appeal the decision to the Superintendent or designee.³¹¹ If the detainee is not satisfied with the Superintendent’s decision, the detainee may petition the court for redress.³¹² Interviews with detainees generally indicated that these procedures are followed in disciplinary matters; however, one detainee stated that she was held in pre-disciplinary hearing detention for longer than the seven day maximum required by the Inmate Handbook.³¹³ In addition, two detainees said that officers encouraged them to plead guilty to disciplinary violations they did not commit. One of these detainees asserted that he/she was falsely accused of pushing an officer and was then asked to sign a disciplinary report that did not articulate the charges to which the detainee was agreeing.³¹⁴ The other detainee stated that he/she was falsely accused of attacking an officer and was then told that if he/she did not agree to the charge there would be a more severe punishment.³¹⁵

The Inmate Handbook notifies the detainees of the disciplinary process, the prohibited acts and disciplinary severity scale, and the procedure for appealing disciplinary findings.³¹⁶ In addition, the handbook notifies detainees of the facility’s rules of conduct and the sanctions imposed for the violation of these rules.³¹⁷ The handbook also adequately advises the detainees of their right to protection from personal abuse, corporal punishment, personal injury, disease, and harassment, and their “right of freedom from discrimination based on . . . race, religion, national origin, sex, disability, or political beliefs.”³¹⁸

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

The Standards require that procedures be in place “to allow for formal and informal contact between key facility staff and ICE staff and ICE detainees and to permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.”³¹⁹ The

³⁰⁸ HRRJ Handbook, p. 19.

³⁰⁹ HRRJ Handbook, p. 19.

³¹⁰ HRRJ Handbook, p. 19.

³¹¹ HRRJ Handbook, p. 19.

³¹² HRRJ Handbook, p. 19.

³¹³ Notes of delegation member [REDACTED] recording conversation with detainee who asked to remain anonymous.

³¹⁴ Notes of delegation member [REDACTED] recording conversation with one of the detainees who asked to remain anonymous.

³¹⁵ Notes of delegation member [REDACTED] recording conversation with the other detainee who asked to remain anonymous.

³¹⁶ HRRJ Handbook, pp. 3-4, 14-19.

³¹⁷ HRRJ Handbook, pp. 14-18.

³¹⁸ HRRJ Handbook, pp. 13-14 (satisfying Detention Operations Manual, Security and Control, Standard 5, Sections III.A.5.a and III.A.5.b).

³¹⁹ Detention Operations Manual, Detainee Services, Standard 15, Section I.

Standards suggest that both weekly visits be conducted by ICE personnel and that “regular unannounced (not scheduled) visits” be conducted by the ICE OIC, the Assistant OIC, and designated department heads.³²⁰ Unannounced visits to the facility’s housing areas must be conducted on a regular basis.³²¹ 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.³²² 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.”³²³ All facilities that house ICE detainees must have “written procedures to route detainee requests to the appropriate ICE official” and must assist detainees “who are disabled, illiterate, or know little or no English.”³²⁴ 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.”³²⁵

HRRJ does not meet this section of the Standards: ICE staff visits to the facility occur infrequently and erratically. An ICE officer makes infrequent announced and unannounced visits to HRRJ.³²⁶ HRRJ staff complained about the frequency of ICE’s visits to the facility.³²⁷ When at the facility, the ICE agent makes time to talk with detainees about their questions and concerns.³²⁸ The wait to talk with the ICE agent is often very long.³²⁹

HRRJ staff expressed a number of difficulties created by the lack of sufficient support from ICE. Specifically, without ICE presence, many of the detainees have unanswered questions about their case status and filing procedures.³³⁰ In addition, it is HRRJ personnel’s understanding that it is the ICE agent’s responsibility to fulfill many of the requirements of the legal access standards, such as maintaining and updating the required materials in the library, screening the “Know Your Rights Video,” and arranging for a private space for telephone calls with attorneys.³³¹ The lack of more prevalent ICE presence which can address these issues creates dissatisfaction and

³²⁰ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

³²¹ Detention Operations Manual, Detainee Services, Standard 15, Section III.A.1.

³²² Detention Operations Manual, Detainee Services, Standard 15, Section III.A.

³²³ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

³²⁴ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.

³²⁵ Detention Operations Manual, Detainee Services, Standard 15, Section III.B.1.

³²⁶ Notes of delegation member [REDACTED] recording conversations with Lt. [REDACTED] and Lt. Col. [REDACTED]

³²⁷ Notes of delegation member [REDACTED] recording conversations with Lt. [REDACTED] and Lt. Col. [REDACTED]

³²⁸ Notes of delegation member [REDACTED] recording conversations with Lt. Col. [REDACTED] and Capt. [REDACTED]

³²⁹ Notes of delegation member [REDACTED] recording conversations with Lt. Col. [REDACTED] and Capt. [REDACTED]

³³⁰ Notes of delegation member [REDACTED] recording conversations with Lt. Col. [REDACTED] and Capt. [REDACTED]

³³¹ Notes of delegation member [REDACTED] recording conversations with Lt. Col. [REDACTED], Lt. [REDACTED] and Capt. [REDACTED]

[REDACTED] b6, b7c

unrest among the detainees.³³² HRRJ staff would like a full time ICE staff member posted to the facility, because the facility houses more than 100 detainees.³³³

J. 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.³³⁴ 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.”³³⁵ Opportunities will be constrained only by concerns about safety, security, the orderly operation of the facility, or extraordinary costs associated with a specific practice.³³⁶ Moreover, a facility’s staff shall make “all reasonable efforts to accommodate” special food services required by a detainee’s particular religion.³³⁷ Detainees in confinement must also be permitted to participate in religious practices, consistent with the safety, security, and orderly operation of the facility.³³⁸

HRRJ meets this section of the Standards: HRRJ provides reasonable and equitable opportunities for detainees to practice their faith. The HRRJ chaplain works closely with a variety of religious organizations of different faiths which regularly visit the inmate/detainee population.³³⁹ HRRJ also allows detainees to possess religious materials such as the Bible or Koran, and provides special accommodations for religious practice such as kosher meals.³⁴⁰ However, detainees are generally denied access to religious oils and are not allowed to wear religious headgear.³⁴¹ Interviews with detainees indicated that the detainees were provided adequate opportunities and resources to practice their faith.³⁴²

K. Voluntary Work Program

The Standards suggest that all facilities with work programs provide an opportunity for physically and mentally capable detainees to “work and earn money.”³⁴³ Participation must be

³³² Notes of delegation member [REDACTED], recording conversations with Lt. Col. [REDACTED] and Capt. [REDACTED].

³³³ Notes of delegation member [REDACTED] recording conversation with Lt. Col. [REDACTED].

³³⁴ Detention Operations Manual, Detainee Services, Standard 14, Section I.

³³⁵ Detention Operations Manual, Detainee Services, Standard 14, Section I.

³³⁶ Detention Operations Manual, Detainee Services, Standard 14, Section I.

³³⁷ Detention Operations Manual, Detainee Services, Standard 14, Section III.M.

³³⁸ Detention Operations Manual, Detainee Services, Standard 14, Section III.O.

³³⁹ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED].

³⁴⁰ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED].

³⁴¹ Notes of delegation member [REDACTED] recording conversation with Lt. [REDACTED].

³⁴² Notes of delegation member [REDACTED] recording conversation with detainee [REDACTED].

³⁴³ Detention Operations Manual, Detainee Services, Standard 37, Sections I & III.A.

voluntary, and detainees may not work more than eight hours per day, and forty hours per week.³⁴⁴

HRRJ does not fully meet this section of the Standards: detainees are provided an opportunity to work in the facility should they choose to do so, but are not compensated for their work.³⁴⁵ Detainees may work in the laundry room and the kitchen, or serve as a facility maintenance worker.³⁴⁶ However, the facility does not compensate any inmates or immigration detainees, for their work.³⁴⁷

L. 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.³⁴⁸ The Standards require ICE to notify a detainee's legal representative of record that the detainee is being transferred.³⁴⁹ 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.³⁵⁰ Records including the detainee's Alien File ("A-file") and health records (or transfer summary for IGSA's) must accompany the detainee.³⁵¹ 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.³⁵² A detainee's legal materials, cash, and small valuables shall always accompany the detainee to the receiving facility; larger items may be shipped.³⁵³

HRRJ meets this section of the Standards: HRRJ makes arrangements for the receipt of transferred detainees' files, health records, medication, and personal property.³⁵⁴ **However, detainees did report problems with transfers that should be resolved by ICE: that they were not provided with proper food and medicine during transfer, that ICE did not contact a detainee's attorney upon transfer.** When detainee-transfers arrive at HRRJ,

³⁴⁴ Detention Operations Manual, Detainee Services, Standard 37, Sections III.A & H.

³⁴⁵ Notes of delegation member [REDACTED] recording conversations with Lt. [REDACTED] and detainee [REDACTED].

³⁴⁶ HRRJ Handbook, pp. 27-28.

³⁴⁷ Notes of delegation member [REDACTED] recording conversation with Lt. Col. [REDACTED].

³⁴⁸ Detention Operations Manual, Detainee Security and Control, Standard 4, Section I.

³⁴⁹ Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.A.

³⁵⁰ Detention Operations Manual, Detainee Security and Control, Standard 4, Sections III.G.

³⁵¹ Detention Operations Manual, Detainee Security and Control, Standard 4, Sections III.D.1 & 6.

³⁵² Detention Operations Manual, Detainee Security and Control, Standard 4, Section III.D.D [sic].

³⁵³ Detention Operations Manual, Detainee Security and Control, Standard 4, Sections III.E.

³⁵⁴ Notes of delegation member [REDACTED] recording conversation with Sgt. [REDACTED].

detainees interviewed reported that they were always allowed telephone calls.³⁵⁵ However, there are no special procedures for providing them with phone calls.³⁵⁶ Rather, immigration detainees go through the same intake process as other detainees and are allowed to utilize the inmate phone system once they are escorted to their initial housing assignment.³⁵⁷

HRRJ detainees said that they were not provided proper food and medicine during their transfer to HRRJ,³⁵⁸ and one detainee said she was transferred to HRRJ without any notice to her attorney, in violation of the Standards.³⁵⁹ Detainees also indicated that their transfer to HRRJ has placed them hundreds of miles away from attorneys, families, and the immigration courts with jurisdiction over them.³⁶⁰ The Standards discourage the transfer of detainees to facilities outside reasonable driving distance from the offices of their attorneys and the immigration courts where they have proceedings scheduled.³⁶¹

M. Detainee Deaths

The standards require that all facilities have written policies and procedures to address detainee death that include procedures for notifying all concerned, including next of kin and ICE.³⁶² The facility should assemble certain specific information about the deceased detainee, including, for example, the detainee's name, alien registration number, date of birth, date, time, and location of death, apparent cause of death, etc.³⁶³ The facility should have procedures to forward personal property and remains to the next of kin.³⁶⁴

HRRJ appears to meet this standard: HRRJ has policies in place to ensure timely and sensitive notification of appropriate individuals and care and disposition of the remains. HRRJ has a written policy on deaths in detention, detailing when and how next of kin will be notified.³⁶⁵ The policy does not specify procedures when handling immigration detainees. However, according to HRRJ staff, if an immigration detainee is involved, staff contacts ICE

³⁵⁵ Notes of delegation member [REDACTED] recording conversations with detainee [REDACTED] and detainee who asked to remain anonymous.

³⁵⁶ Notes of delegation member [REDACTED] recording conversation with Sgt. [REDACTED]

³⁵⁷ HRRJ Handbook, pp. 4, 21.

³⁵⁸ Notes of delegation member [REDACTED] recording conversations with detainee [REDACTED] and detainee who asked to remain anonymous.

³⁵⁹ Notes of delegation member [REDACTED] recording conversation with detainee who asked to remain anonymous; Detention Operations Manual, Security and Control, Standard 4, Sections III.A.1 and H.2.

³⁶⁰ Notes of delegation member [REDACTED] recording conversation with detainee [REDACTED] who is currently located about four hours away from his attorney in the District of Columbia. Notes of delegation member [REDACTED] recording conversation with detainee who asked to remain anonymous, who is also about four hours away from the detainee's attorney, who is based in Fairfax, Virginia.

³⁶¹ Detention Operations Manual, Security and Control, Standard 4, Section I.

³⁶² Detention Operations Manual, Health Services, Standard 4, Section I.

³⁶³ Detention Operations Manual, Health Services, Standard 4, Section 5.

³⁶⁴ Detention Operations Manual, Health Services, Standard 4, Sections F & G.

³⁶⁵ HRRJ Policies and Procedures, Section 10.22, Inmate Death ("HRRJ Policy on Inmate Death") (Attachment J).

immediately after the scene is controlled and local police have been called.³⁶⁶ Remains are sent to a crime lab until released to the family.³⁶⁷ Staff stated that an autopsy is mandatory,³⁶⁸ but the HRRJ policy on inmate death said that postmortem examination should be requested only in certain circumstances, if the cause of death is unknown, if the death occurred under suspicious circumstances, or if the deceased was not under current medical care at the time of death.³⁶⁹ In addition, according to HRRJ staff and HRRJ Policy on Inmate Death, an “investigative report setting forth in detail the pertinent facts of a death” shall be created for each inmate death.³⁷⁰ The policy does not specify whether this report includes all of the details required by the standards.

VI. CONCLUSION

HRRJ meets the requirements of several of the ICE Detention Standards, but fails to meet a number of sections. We have the following recommendations:

- The delegation observed that HRRJ staff are dedicated, proud, and determined to comply with, and indeed, exceed, all established standards. Staff is open to and interested in hearing feedback. HRRJ staff should be provided with a copy of this report and other similar reports about HRRJ’s performance, redacted if necessary, and a copy of the Standards, so that HRRJ staff can begin to make the necessary changes.
- To facilitate detainees’ access to ICE and ensure adequate ICE oversight of the facility, ICE should provide staff to make regular scheduled and unscheduled visits to HRRJ, or post a full-time staff member to the facility.
- To facilitate personal visitation, HRRJ should allow for longer visits (at least thirty minutes per the standards) and more flexible visiting hours, including on weekends and holidays when most family members and friends have the time and opportunity to make such visits.
- To provide adequate telephone access to detainees on legal matters, HRRJ should accommodate detainee requests to make private telephone calls to their attorneys. HRRJ should also reposition the telephones or provide additional telephone access to ensure detainees have privacy on calls pertaining to legal matters. HRRJ should not record phone calls absent a court order. HRRJ should not limit legal calls to fifteen minutes. HRRJ should not deny phone access to detainees in disciplinary segregation; and should provide the same telephone privileges to detainees regardless of where the detainee is housed.

³⁶⁶ Notes of delegation member [REDACTED], recording conversation with Lt. Col. [REDACTED].

³⁶⁷ Notes of delegation member [REDACTED], recording conversation with Capt. [REDACTED].

³⁶⁸ Notes of delegation member [REDACTED], recording conversation with Capt. [REDACTED].

³⁶⁹ HRRJ Policy on Inmate Death, p. 3.

³⁷⁰ HRRJ Policy on Inmate Death, p. 3; notes of delegation member [REDACTED], recording conversation with Lt. Col. [REDACTED].

- To support detainee's access to legal materials and legal representation, HRRJ should acquire all of the printed materials listed in Attachment A to the chapter on Access to Legal Materials in the Standards. Also, HRRJ should ensure that all electronic versions of the materials are current and accessible from computer terminals. HRRJ should also revise the Handbook to include information on how to request additional materials or notify staff of missing or damaged materials. And HRRJ should ensure that the "Know Your Rights" video is shown to detainees.
- If HRRJ is to continue housing detainees for more than a very short time, outdoor recreation should be provided.
- HRRJ should ensure that detained women are not housed with violent or assaultive inmates or detainees.
- Detainees should be compensated monetarily for their work at the facility.
- ICE should provide detainees who are transferred to and from HRRJ with adequate food and medicine during transfer. ICE should also contact attorneys to notify them of their clients' transfers.

Facility Name: **HAMPTON ROADS REGIONAL JAIL, Portsmouth, VA**

Date of Tour: **July 31, 2007**

Participants: Latham & Watkins LLP attorneys and summer associates [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.	Standard 17, Visitation <ul style="list-style-type: none"> ▪ I. To maintain detainee morale and family relationships, [ICE] encourages visits from family and friends. ▪ III.H. Visits shall be permitted during set hours on Saturdays, Sundays, and holidays. ... The facility's written rules shall specify time limits for visits: 30 minutes minimum, under normal conditions. 	<ul style="list-style-type: none"> ▪ Visiting hours are five days per week, with no visits on weekends or holidays. (p.5 ¶3) ▪ Visits last only twenty minutes. (p.5 ¶3) 	Lt. [redacted] and Cap [redacted] Sgt. [redacted]	
2.	Standard 17, Visitation <ul style="list-style-type: none"> ▪ III.I.2. Hours. The facility shall permit legal visitation seven days a week, including holidays. It shall permit legal visits for a minimum of eight hours per day on regular business days, and a minimum of four hours per day on weekends and holidays. ... On regular business days, legal visitations may proceed through a scheduled meal period. ▪ III.I.9. Routine official counts shall not terminate attorney visits. 	<ul style="list-style-type: none"> ▪ The Handbook states that attorneys are permitted to visit only "during normal business hours," except during meals, counts, and lockdowns. (p.4 ¶3) However, facility staff stated that staff will allow a detainee to meet with his attorney whenever the attorney arrives. (p.4 ¶3) 	HRRJ Handbook; Sgt. [redacted]	
3.	Standard 16, Telephone Access <ul style="list-style-type: none"> ▪ I. Facilities holding [ICE] detainees shall permit them to have reasonable and equitable access to telephones. ▪ III.A. The facility shall provide detainees with reasonable access to telephones during established facility waking hours ▪ III.B. [T]he facility shall provide telephone access rules in writing to each detainee upon admittance, and also shall post these rules where detainees may easily see them. 	<ul style="list-style-type: none"> ▪ Some detainees complained about lack of access to telephones, that phones were frequently broken, or that they heard loud static when attempting to use the phones. (p.6 ¶3) ▪ The rules and instructions are posted approximately ten feet from the phones, making it difficult to consult them when attempting to use the phones. (p.6 ¶2) 	Detainee [redacted] and anonymous detainee. Delegation observations.	

4.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> III.I. The facility shall take and deliver telephone messages to detainees as promptly as possible. 	<ul style="list-style-type: none"> The Handbook states that inmates may not receive any incoming calls and messages will be taken only in the case of emergencies. (p.9 ¶1) However, staff will take messages from attorneys to detainees. (p.9 ¶1) 	<p>HRRJ Handbook. Capt. [REDACTED] detain [REDACTED] ; and detainee.</p>	
5.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> III.J. The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff or other detainees. Facility staff shall not electronically monitor detainee telephone calls on their legal matters, absent a court order. 	<ul style="list-style-type: none"> Detainees are not able to make private telephone calls because the phones are all located in the middle of the housing units with no privacy safeguards. (p.8 ¶2) HRRJ staff made it clear that they do not have the manpower to accommodate attorney requests to speak with a prisoner on the phone in a private setting. (p.8 ¶2) All phone conversations made on the outgoing phones are recorded. However, the calls are not monitored, and tapes of phone calls are erased within a short period of time unless security concerns require monitoring. (p.8 ¶2) 	<p>Delegation observations; Capt. [REDACTED] Lt. Col. [REDACTED]</p>	
6.	<p>Standard 16, Telephone Access</p> <ul style="list-style-type: none"> III.G. Staff shall permit detainees in the Special Management Unit for disciplinary reasons to make direct and/or free calls ... except under compelling security conditions. These conditions shall be documented. 	<ul style="list-style-type: none"> Detainees placed in the SMU for disciplinary reasons do not have access to telephones. (p.9 ¶3) 	<p>Lt. Col. [REDACTED]</p>	
7.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> III.A. 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. III.B. Equipment. The law library shall provide an adequate number of typewriters and/or computers, writing implements, paper and office supplies to enable detainees to prepare documents for legal proceedings. 	<ul style="list-style-type: none"> The immigration law library had only one computer (for 133 detainees). (p.12 ¶2) 	<p>Delegation observations.</p>	

<p>8.</p>	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.C. The law library shall contain the materials listed in Attachment A. ... The facility shall post a list of its holdings in the law library. ▪ III.E. The facility shall designate an employee with responsibility for updating legal materials, inspecting them weekly, maintaining them in good condition, and replacing them promptly as needed. 	<ul style="list-style-type: none"> ▪ The library did not contain all of the materials required by the standards. The books and binders were outdated. The library materials were last updated in 2003. (p.11 ¶3) 	<p>Delegation observations; Programs Law Library Inventory List.</p>	
<p>9.</p>	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.G. The facility shall...permit all detainees, regardless of housing or classification, to use the law library on a regular basis. ▪ III.M. Detainees housed in ... Segregation units shall have the same law library access as the general population, unless compelling security concerns require limitations. 	<ul style="list-style-type: none"> ▪ Detainees housed in segregation or in other housing units are only provided access to a “rolling library” unless they have a compelling need to use the law library. (p.10 ¶1) 	<p>Lt. C Capt. [REDACTED]</p>	
<p>10.</p>	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.Q. The detainee handbook ... shall provide detainees with the rules and procedures governing access to legal materials, including ... 4. the procedure for requesting additional time in the law library; 	<ul style="list-style-type: none"> ▪ The Handbook does not specify how to request additional time in the library. (p.13 ¶2) 	<p>HRRJ Handbook.</p>	
<p>11.</p>	<p>Standard 9, Group Presentations on Legal Rights</p> <ul style="list-style-type: none"> ▪ III.C. 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. ▪ III.I. Videotaped presentations. The facility shall play [ICE]-approved videotaped presentations on legal rights, at the request of outside organizations. ... The facility shall provide regular opportunities for detainees in the general population to view the videotape. 	<ul style="list-style-type: none"> ▪ No informational posters are displayed in the housing units. (p.14 ¶2) ▪ HRRJ personnel do not show the “Know Your Rights” video to detainees, and stated that it was the responsibility of the ICE agent assigned to the facility to show this video to detainees. HRRJ personnel could not specify how often this video is shown. (p.14 ¶4) 	<p>Capt. [REDACTED] deleg observations. Capt. [REDACTED]</p>	

12.	<p>Standard 1, Access to Legal Material</p> <ul style="list-style-type: none"> ▪ III.N. The facility will provide indigent detainees with free envelopes and stamps for mail related to a legal matter.... <p>Standard 3, Correspondence and Other Mail</p> <ul style="list-style-type: none"> ▪ III.I. Postage Allowance. Indigent detainees will be permitted to mail a reasonable amount of mail each week, including at least five pieces of special correspondence and three pieces of general correspondence. 	<ul style="list-style-type: none"> ▪ According to the Handbook, indigent detainees are provided with sufficient paper, envelopes, and stamps to send five letters per week, rather than the eight pieces required by the Standards. (p.16 ¶2) 	<p>HRRJ Handbook.</p>	
13.	<p>Standard 13, Recreation</p> <ul style="list-style-type: none"> ▪ III.A.3. All new or renegotiated contracts and IGSA's will stipulate that [ICE] detainees have access to an outdoor recreation area. ▪ III.B.1. If outdoor recreation is available at the facility, each detainee shall have access for at least one hour daily, at a reasonable time of day, five days a week, weather permitting. ▪ III.B.2. If only indoor recreation is available, detainees shall have access for at least one hour each day and shall have access to natural light. 	<ul style="list-style-type: none"> ▪ No outdoor recreation is available. (p.17 ¶3) 	<p>Delegation observations.</p>	

14.	<p>Health Services Standard 2, Medical Care</p> <ul style="list-style-type: none"> ▪ I. All detainees shall have access to medical services that promote detainee health and general well-being. ▪ III.A. Every facility will provide its detainee population with initial medical screening, cost-effective primary medical care, and emergency care. ▪ III.D. A health care provider of each facility will conduct a health appraisal and physical examination on each detainee within 14 days of arrival at the facility. ▪ III.E. Dental Treatment. An initial dental screening exam should be performed within 14 days of the detainee's arrival. ▪ III.F. Each facility will have a mechanism that allows detainees the opportunity to request health care services provided by a physician or other qualified medical officers in a clinical setting. All facilities must have a procedure in place to ensure that all request slips are received by the medical facility in a timely manner... Each facility will have regularly scheduled times, known as sick call, when medical personnel will be available to see detainees who have requested medical services. 	<ul style="list-style-type: none"> ▪ When describing routine care the detainees receive, staff did not state that the required physical exam within 14 days of arrival is part of this care. (p.19 ¶1) ▪ Detainees interviewed by the delegation complained about long waits and difficulty in accessing non-emergency medical care. (p.20 ¶1) ▪ Detainees are only provided with a dental screening after having been at the facility for ninety days. (p.21 ¶2) 	<p>Delegation observations.</p> <p>Anonymous detainee; detainee [REDACTED]</p> <p>Capt. [REDACTED]</p>	
15.	<p>Standard 4, Detainee Classification System</p> <ul style="list-style-type: none"> ▪ III.E.1. Level 1 Classification. May not be housed with Level 3 Detainees. ▪ III.E.2. Level 2 Classification. ... May not include any detainee with a pattern or history of violent assaults, whether convicted or not. ▪ 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. 	<ul style="list-style-type: none"> ▪ Most women inmates and detainees are housed together in a single female housing unit, and apparently even violent women inmates could be housed in this unit together with nonviolent detainees. (p.23 ¶1) 	<p>Lt. Col. [REDACTED] delegati</p>	
16.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> ▪ III.A.1. Informal/Oral Grievance. The facility shall make every effort to resolve the detainee's complaint or grievance ... in an orderly and timely manner... 	<ul style="list-style-type: none"> ▪ One detainee stated that grievances were not responded to in a timely manner. (p.25 ¶1) 	<p>Anonymous detainee.</p>	

17.	<p>Standard 5, Detainee Grievance Procedures</p> <ul style="list-style-type: none"> III.D. Retaliation. Staff will not harass, discipline, punish, or otherwise retaliate against a detainee lodging a complaint. 	<ul style="list-style-type: none"> One detainee indicated that the entire facility had been placed on lockdown as a result of her filing grievances. Another detainee also stated that after some individuals filed grievances the facility was placed on lockdown. Another detainee stated that her cell was searched in the middle of the night after she filed a grievance (p.25 ¶1) 	<p>Detainee [redacted] and two anon [redacted] s detainees.</p>	
18.	<p>Security and Control Standard 5, Disciplinary Policy</p> <ul style="list-style-type: none"> III.A.2. Disciplinary action may not be capricious or retaliatory. 	<ul style="list-style-type: none"> Two detainees said that officers encouraged them to plead guilty to disciplinary violations they did not commit. One of these detainees asserted that he/she was falsely accused of pushing an officer and was then asked to sign a disciplinary report that did not articulate the charges to which the detainee was agreeing. The other detainee stated that he/she was falsely accused of attacking an officer and was then told that if he/she did not agree to the charge there would be a more severe punishment. (p.27 ¶1) 	<p>Two anonymous detainees.</p>	
19.	<p>Standard 15, Staff-Detainee Communication.</p> <ul style="list-style-type: none"> III.A.1. Policy and procedures shall be in place to ensure and document that the ICE Officer in Charge (OIC), the [AOIC] and designated department heads conduct regular unannounced (not scheduled) visits to the facility's living and activity areas 	<ul style="list-style-type: none"> An ICE officer makes infrequent announced and unannounced visits to HRRJ. (p.28 ¶2) HRRJ staff complained about the frequency of ICE's visits to the facility, and expressed a number of difficulties created by the lack of sufficient support from ICE. They stated that without ICE presence, many of the detainees have unanswered questions about their case status and filing procedures. (p.28 ¶¶2-3) 	<p>Lt. [redacted] Lt. Col. [redacted] Lt. [redacted] Lt. Col. [redacted] apt.</p>	
20.	<p>Standard 18, Voluntary Work Program</p> <ul style="list-style-type: none"> I. Every facility with a work program will provide detainees the opportunity to work and earn money. 	<ul style="list-style-type: none"> Detainees are provided an opportunity to work in the facility should they choose to do so, but are not compensated for their work. (p.30 ¶2) 	<p>Lt. [redacted] Lt. Col. [redacted] etainee</p>	

21.	<p>Security and Control Standard 4, Detainee Transfers</p> <ul style="list-style-type: none"> ▪ I. In deciding whether to transfer a detainee, ICE will take into consideration whether the detainee is represented before the immigration court. ▪ III.A.1. ICE shall notify the detainee’s representative of record that the detainee is being transferred ▪ III.D.6.D. Medications. Prior to transfer, medical personnel will provide the transporting officers with instructions and, if applicable, medication(s) for the detainee’s care in transit. ▪ III.H.2. Food During Transfer. During transfers, food shall be provided to detainees in accordance with the “Meals” section of the Detention Standard “Transportation (Land Transportation).” This standard requires, among other things, that the transporting officers will provide meals and snacks during any long-distance transfer that exceeds six hours. 	<ul style="list-style-type: none"> ▪ HRRJ detainees said that they were not provided proper food and medicine during their transfer to HRRJ. (p.31 ¶2) ▪ One detainee said she was transferred to HRRJ without any notice to her attorney. (p.31 ¶2) ▪ Detainees indicated that their transfer to HRRJ has placed them hundreds of miles away from attorneys, families, and the immigration courts with jurisdiction over them. (p.31 ¶2) 	<p>Detainee [REDACTED] s and anon [REDACTED] s detainee. Anonymous detainee. Detainee [REDACTED] s and anon [REDACTED] s detainee.</p>	
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