



Immigration Clinic

1311 Miller Drive, Suite E273
Coral Gables, Florida 33146

Phone: 305-284-6092
Fax: 305-284-6093

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Marc Moore, Field Office Director
Ramon Bado, Assistant Field Office Director
Miami Field Office
865 SW 78th Ave Suite A101
Plantation, FL 33322

SDDO Antonio Nieves
Immigration and Customs Enforcement
Glades Detention Center
1297 East SR 78
Moore Haven, FL 33471

Major Keith Henson
Glades Detention Center
1297 East SR 78
Moore Haven, FL 33471

RE: Glades County Detention Center

Dear Officer Moore, Officer Bado, Officer Nieves, and Major Henson:

On behalf of the Immigration Clinic of the University of Miami School of Law, we would like to thank you for giving us the opportunity to visit the Glades County Detention Center on September 13, 2013. It was a great experience for all of us and we hope that the detainees found our Know Your Rights presentations informative. We are writing regarding some concerns and recommended solutions that we had after our visit to the Glades Detention Center. We would like to request a formal written response that states the steps taken by the facility to correct the issues addressed. We would also like to request a meeting with you. We look forward to working together in resolving the concerns.

Throughout this letter, we make reference to the 2011 ICE Performance-Based National Detention Standards (PBNDS). We were recently informed that Glades is currently operating under the 2000 Detention Standards Operation Manual and will do so until its contract with Immigration and Customs Enforcement (ICE) is renewed. However, it is our understanding that the Glades contract is currently up for renewal or will be in the near future. Further, ICE is not prohibited from encouraging a contract facility to abide by the PBNDS or from making contract renewal contingent on immediate adoption of the most recent standards.

LEGAL VISITATION

The Glades facility requires that law students representing detainees seek pre-authorization prior to each visit and prohibits law students from contact visitation unless an attorney or legal assistant is present. Facility staff have also indicated that visits may be restricted to two hours. It is our understanding that the restriction is due to competition with family members for non-contact visitation space. While students have so far been able to meet for more than two hours with clients, they have only been able to do so when the room has not been needed for family visitation. These restrictions are unacceptable. Law students qualify as legal representatives and should be given the same access to contact rooms as attorneys, which is at least eight hours on weekdays and four hours on weekends.

The 2011 ICE Performance-Based National Detention Standards (PBNDS) state the following: “In visits referred to as “legal visitation,” each detainee may meet privately with current or prospective *legal representatives* (emphasis added).” 5.7 Visitation, PBNDS (2011). Law students qualify as “legal representatives”. The PBNDS defines legal representatives as: “An attorney or other person representing another in a matter of law, *including: law students* or law graduates not yet admitted to the bar under certain conditions” (emphasis added). As law students, the Clinic’s students are legal representatives and should be granted the same access as attorneys.¹ Under the PBNDS, “[e]ach facility shall permit legal visitation seven days a week, including holidays, for a minimum of *eight hours* per day on regular business days (Monday through Friday), and a minimum of *four hours* per day on weekends and holidays” (emphasis added). Each facility is required to provide notification of the rules and hours for legal visitation.

Restricting law students to non-contact visits violates detainees’ rights to the aforementioned 4 or 8 hours of legal visitation. Moreover, there should be no need for preauthorization for a particular visit by the students when visiting during legal visitation hours. Other facilities grant access for six months after a clearance is done.

Issues with the privacy of visits and communication between the detainees and their legal representatives have been brought to the attention of the facility by previous students. According to the PBNDS, “[v]isits between legal representatives or legal assistants and an individual detainee are confidential and shall not be subject to auditory supervision. Private consultation rooms shall be available for such meetings.” The officer should be within sight but out of earshot: “As long as staff cannot overhear the conversation, staff may observe such meetings visually through a window or camera, to the extent necessary to maintain security.” We hope the facility will abide by these standards, respecting the confidentiality of visits between detainees and their lawyers.

Recommendations:

Glades must ensure that the detainees have the same rights to confidential contact legal visitations when meeting with law students as they do with attorneys. Glades must also ensure that all legal representatives have at least eight hours a day Monday-Friday and at least four hours a day on the weekend and holidays for visitation with legal representatives. The officers must also respect the confidentiality of legal visitations and make sure the visits are neither overheard nor recorded.

¹ Glades has pointed to language in 8 C.F.R. 1292.1 indicating that law students may be represent individuals if they do so under the direct supervision of an attorney. Supervision does not require an attorney to be present for each meeting with the client.

Students should be permitted to visit with their clients at Glades without having to obtain pre-authorization for every visit. Glades should adopt the same access policy as Krome Service Processing Center. Once students pass a background test valid for six months, they can visit Krome in contact rooms during attorney visitation hours.

NOISE

The living pods at Glades are extremely noisy. Despite the cooperation by the detainees, it was difficult for the detainees to hear the students' Know Your Rights presentations. Even minor background noise in the room carries even though the detainees were attentive. The noise issue continued after the presentations and the students found they had difficulty communicating with the detainees on a one-on-one basis. The persistently high level of noise is a concern voiced by the detainees because it affected their ability to talk on the phone and live in an appropriately quiet environment.

The PBNDS, under 1.2 Environmental Health and Safety, states that "the Environmental health conditions shall be maintained at a level that meets recognized standards of hygiene," which includes those from the American Correctional Association ("ACA"). Under the ACA's International Core Standards, "[n]oise levels in inmate housing units do not exceed 70 dBA (A Scale)." These standards were put in place because research by the National Institute for Occupational Safety and Health shows that exposure to loud noises for an extended period of time can lead to increased negative biological and psychological effects. The students observed these effects in the detainees. Moreover, almost all of the detainees with whom we spoke with were taking some kind of medication, especially for depression and anxiety.

The noise level is due in part to the large number of detainees in the pods. There were over 90 detainees in each of the men's pods. In a letter dated October 7, 2011, the students expressed similar concerns regarding overcrowding, where "some detainees mentioned there were not enough beds to accommodate all of them. As a result, some detainees were provided with small plastic sleeping compartments or "canoes." During their recent visit, the students did not observe canoes but did observe that there are six sleeping cots to a sleeping subsection area. The current arrangement appeared overcrowded and most certainly contributes to the noise problem.

Recommendations:

Glades should reduce the number of detainees in each pod to reduce the noise level. In addition, the facility should consider adopting the following well-accepted solutions to reduce noise in correctional facilities: place acoustical materials between ceiling, wall and floor surfaces; use acoustical materials that are at least one inch thick; create air space behind acoustical materials to help absorb low-frequency sound; install carpeting; place acoustical materials located near sound sources; and use upholstered furniture.² Furthermore, we would like to request a copy of the decibel recordings of the noise levels in the pods during daytime hours and when the pod is at normal operating capacity.

² *Solutions to Reduce Correctional Staff Stress and Inmate Aggressions*, Cutting Costs: Correctional Facility Design Solutions that Reduce Capital and Operational Costs, (September 21st, 2009) <http://www.corrections.com/performa/?p=25/>.

PHONES

We are concerned about issues detainees have been facing while placing phone calls inside the pods. The detainees have expressed complaints that the phones are in very close proximity with each other and are located in the main area of the pod, making it difficult for anyone to have any privacy during a phone call. These issues were confirmed by our observations during our visit. As mentioned above, the noise level of the pods is a concern, with detainees experiencing difficulty hearing and being heard during a phone call.

We were glad to see the new video visitation systems addition for the detainees located in the pods. According to PBNDS under 5.6 Telephone Access, “[f]acility administrators are encouraged to explore the use of new technologies which can facilitate the provision of cost effective means for enhancing detainees’ ability to communicate by telephone, such as, and not limited to, wireless and/or internet communications.” We are pleased to see the detention center following the PBNDS suggestions and providing a communication option for detainees in addition to the phones. However, the detainees will face the same noise level issues with the video systems unless the noise level is reduced.

In addition, many detainees report that the fees for using the phone are prohibitive. Under PBNDS 5.6 Telephone Access, “Detainees shall have reasonable and equitable access to reasonably priced telephone services,” and “Facilities shall strive to reduce telephone costs”. This issue was also raised by previous students of the clinic in a letter dated October 8, 2012: “Regarding telephone access in general, many detainees report that the fees for using the phone are prohibitive.”

Recommendations:

Glades should address the noise level issue in the pods as described above in order to ensure detainees can hear during phone calls and video visitation. Privacy screens were provided in the pods for the video visitation systems. Glades should make a similar effort to provide a means of ensuring privacy for detainees using the phone.

The facility should work towards reducing the price of phone calls. There is a national effort to reduce the price of phone calls in detention centers. On August 10, 2013, the Federal Communications Commission (“FCC”) adopted an order to lower interstate prison phone rates. According to the Detention Watch Network, “The FCC put in place a safe harbor rate of .12/minute for prepaid calls and .14/min for collect calls. The order also imposes a rate cap of \$.21/minute for debit and prepaid calls and \$.25/minute for collect calls to ensure that prison phone rates are just, reasonable and fair.” The Glades facility should abide by the FCC order and join the national effort to reduce phone fees.

In addition, we request that Glades check and see if the Clinic’s free call code is in working order. The free call code - 9023 has been assigned to us by ICE. The code allows detainees to call the Immigration Clinic. We would be grateful if you could provide the code for the Clinic in the calling list provided to the detainees and post it prominently near the telephones.

MISTREATMENT

Under 2.10 Searches of Detainees in the PBNDS, “[d]etainees will live and work in a safe and orderly environment.” However, some detainees expressed that they do not feel safe at Glades. We are deeply concerned about the accounts of abusive treatment by the guards and by other detainees. The students heard multiple accounts of guards treating the detainees with disrespect, engaging in name-calling, and making racist comments. There were at least four incidents of reported abuse by the guards in the women’s pod, including physical and verbal abuse.

The two men’s pods reported an alarming 18 incidents of physical or verbal abuse from guards and fellow detainees. The verbal abuses include “profanities against inmates” and threats from the guards. One detainee felt the guards treated them like “criminals,” while another felt he was treated like an “animal.”

With respect to physical abuse, detainees reported witnessing officers beat other inmates and witnessing conflicts between the county criminal detainees and the ICE detainees based on their immigration status. Detainees reported guards instigating conflicts between the detainees.

Recommendations:

Under 7.3 Staff Training of the PBNDS, the required training includes, at minimum, training on the following: ICE/ERO detention standards; cultural and language issues, including requirements relating to limited English proficient detainees; requirements related to detainees with disabilities and special needs detainees; code of ethics; use of force; staff rules and regulations; sexual abuse/sexual misconduct awareness and reporting. We recommend that the facility review their staff training and hiring decisions in light of the accounts of reported abuse by the guards and instigation of conflicts by the guards.

The detainee handbook and 6.2 Grievance System of the PBNDS provides for procedures for timely responding to detainee grievances. The detainees should be made aware of the grievance system and ensured that retaliation is prohibited. “Staff shall not harass, discipline, punish or otherwise retaliate against a detainee who files a complaint or grievance.” 6.2 Grievance System, PBNDS (2011).

SEGREGATION

The students who visited the segregation pods expressed concerns about the sanitary conditions of the detainees in segregation, their mental health status, and the lack of differentiation between punitive and administrative segregation. The cells are no larger than an average bathroom stall and some do not even have windows. The detainees in the segregation pods were emanating a foul odor because of a lack of hygiene. According to the PBNDS under 4.5 Personal Hygiene, detention centers are to ensure “that each detainee is able to maintain acceptable personal hygiene practices”

The students were also concerned that one of the inmates in segregation appeared to manifest a serious mental illness. The PBNDS provides that “[m]edical isolation shall not be used as a punitive measure.” We have previously expressed concern that isolation was being used to house people with mental illness. In a letter dated October 8, 2012, the students expressed concern that “[s]olitary confinement is not an appropriate setting for long-term placement of mentally ill detainees and this segregation practice could intensify their mental illness.” During that visit, the professor who visited

the facility's solitary confinement observed that it was being used to hold two detainees in need of psychiatric treatment.

Although some detainees in the special housing unit are in protective custody or administrative segregation rather than serving a sentence for having violated a facility rule, there is a profound lack of differentiation of treatment of detainees in the unit. Detainees of both types are put in a small cell with a locked door for about 23 hours a day, which amounts to punishment. The televisions in the common area were turned on, but the detainees would not be able to see or hear the television from their individual cells. To speak with the students, the detainees had to get on their knees to speak through the low opening in the door. This is both degrading and inconvenient for the detainees. The detainees who are in protective custody should not be subjected to punitive conditions because they requested segregation for their safety or health.

Recommendations:

The segregation unit must follow the same sanitation guidelines in the PBNDS as the rest of the detention facility. Under 1.2 Environmental Health and Safety in the PBNDS, "the facility administrator shall ensure that staff and detainees maintain a high standard of facility sanitation and general cleanliness," which includes the daily cleaning of furniture, fixtures, and floors. Glades must follow the daily cleaning standards in the segregation units and enable detainees to keep a high level of personal hygiene.

The facility must not place mentally ill detainees in segregation for their illness or for punishment. According to 4.3 Medical Care under the PBNDS: "If the detainee's mental illness or developmental disability needs exceeds the treatment capability of the facility, a referral for an outside mental health facility may be initiated." If the facility is unable to provide adequate mental health care for the detainee, we recommend the facility refer the detainee to an outside mental health facility.

Under 5.4 Recreation in PBNDS, the standards for detainees in segregation for administrative reasons is the following: "Facilities operating at the optimal level shall offer detainees at least two hours of recreation or exercise opportunities per day, seven days a week." The facility should strive to meet the optimum level by going beyond the minimum one hour of recreation time required by the standards. To ensure the detainees in segregation for administrative reasons are not being punished, we request that the facility provide at least two hours of recreation, or at least the same amount as the general detainee population, which we understand is an hour and a half.

The detainees who are in administrative segregation should be treated the same as detainees in the regular population. For example, the detainees in protective custody should be able to have their doors remain open so that they have access to the common area with the TV. The requirement that detainees get on their knees to communicate with someone through the low opening in the door is dehumanizing and should be stopped. When law students or others visit, the detainees should be allowed to leave the cell and speak with the students at the tables in the common area of the segregation unit.

FOOD

The detainees report that the amount of food is insufficient. There was also a general complaint about the poor quality of the food. Detainees reported that it is cold most of the time, unhealthy, and often the same. Similar complaints about the food served at the facility were addressed to the facility in a letter dated October 8, 2012: “Detainees complained about the poor quality of the food . . . Several detainees reported taking part in a three-day hunger strike in order to bring attention to the substandard items that were being served.” According to 4.1 Food Service in the PBNDS, the facility “shall provide nutritious and appetizing meals.”

Some detainees expressed that the food served did not match the posted menu or that the menu was not posted at all. The detainees already have very few food options, and their choices are narrowed even more when they are not able to properly heat the soups purchased at the facility’s commissary. Access to hot water dispensers is not available to the detainees as a safety precaution. As a result, the only way to heat the soups is by using lukewarm water in the bathrooms. Despite these problems, detainees continue to purchase the soups because there are limited choices in the facility’s commissary.

In addition, the students observed that food trays were placed on the floors in the hallways. These trays were full of food for the detainees. The students were worried that dust kicked up by passersby would contaminate the detainees’ food. “Food shall be delivered from one place to another in covered containers.” 4.1 Food Service, PBNDS (2011).

Recommendations:

The portion size of the food must be a sufficient amount for the detainees. Under 4.1 Food Service in the PBNDS, “[a]ll detainees shall be provided nutritionally balanced diets that are reviewed at least quarterly by food service personnel and at least annually by a qualified nutritionist or dietitian.” We request to see the most recent nutritional analysis by the dietitian and how closely the facility has followed the master-cycle menu. The facility should respond to the detainees’ comments and increase the portion size and improve the quality of the food.

Glades should respond to the limited food choices available to the detainees by providing more food options in the commissary which do not require hot water to prepare. In addition, the facility should ensure the food served matches the posted menu.

The facility must ensure sanitary guidelines are observed. The food trays should not be on the floor. Glades must keep the food trays covered and transported in a sanitary manner. The PBNDS recommends “individual containers, such as pots with lids, or larger conveyances that can move objects in bulk, such as enclosed, satellite-meals carts.” 4.1 Food Service, PBNDS (2011).

SANITARY CONDITIONS

The majority of the detainees complained that the rooms and the bathrooms are dirty. The water in the bathroom is yellow, not very warm, and smells. In the letter to the facility dated October 7, 2011, the students remarked that “[t]he detainees have also reported this problem to Florida Immigrant Advocacy many times, and FIAC has raised this issue with ICE in the past. Safe, potable water is required by the ICE/DRO Detention Standard on Environmental Health and Safety.”

Aside from the water, the detainees have expressed a hygiene issue concerning cleaning of the sheets. Sheets are changed only once a week. According to 4.5 Personal Hygiene in the PBNDS, detainees are provided with clean clothing, linen and towels on a set scheduled basis, where “an additional exchange of bedding, linens, towels or outer garments shall be made available to detainees if necessary for health or sanitation reasons, and more frequent exchanges of outer garments may be appropriate, especially in hot and humid climates.” While sheets are exchanged weekly, additional sheet changes are required because Florida fits the “hot and humid climate” standard.

Recommendations:

Under 4.5 Personal Hygiene in the PBNDS, Glades must provide “operable showers that are thermostatically controlled to temperatures between 100 and 120 F degrees, to ensure safety and promote hygienic practices.” The facility must also ensure that “at least annually, a state laboratory shall test samples of drinking and wastewater to ensure compliance with applicable standards. A copy of the testing and safety certification shall be maintained on site.” We would like to request to see a copy of the certification of facility water supply.

Under 1.2 Environmental Health and Safety in the PBNDS, “the facility administrator shall ensure that staff and detainees maintain a high standard of facility sanitation and general cleanliness,” which includes the daily cleaning of furniture, fixtures, and floors. Glades must follow the daily cleaning standards to maintain high facility standards of cleanliness and sanitization.

Glades should ensure the sheets be exchanged more than once per week to meet the needs of the “hot and humid climate” of Florida.

LAW LIBRARY/LEXIS

The students have consistently raised concerns about the conditions of the law library at Glades Detention Center. Under 6.3 Law Libraries and Legal Materials of the PBNDS, “Detainees shall have access to a properly equipped law library, legal materials and equipment (including photocopying resources) to facilitate the preparation of documents.”

The law library consisted of only four desktop computers and only one printer. This set-up does not meet the expected practices in the PBNDS, which states that “[t]he law library shall have an adequate number of computers and printers to support the detainee population.” The letter addressed to the facility in October 8, 2012 by previous students stated that “the library is not adequate for a facility that regularly detains well over 400 men and women for ICE.”

In addition, all four of the desktops had an outdated 2007 version of LexisNexis which was incredibly difficult to navigate. It took several law students to figure out how to navigate the program. The officer in the law library was unable to assist the students because she had little to no knowledge as how to navigate LexisNexis. A detainee mentioned the disrespectful attitude of the officer in the law library was the reason he did not return to the law library. The PBNDS states that “Supervision shall not be used to intimidate or otherwise impede detainees’ lawful use of the law library.”

Within LexisNexis, locating immigration forms was difficult. When the students were finally able to locate the forms, they discovered that many forms were outdated and have not been replaced or updated. The law officer in the library confirmed that many forms were outdated in LexisNexis. Under

the PBNDS's Maintaining Up-to-Date Legal Materials, "Each facility administrator shall designate a facility law library coordinator to be responsible for inspecting legal materials *weekly*, updating them, maintaining them in good condition and replacing them promptly as needed" (emphasis added). The students found many of the written legal materials were maintained in good condition but were outdated.

Overall, the students found LexisNexis was very limited in the content and information it provided. Many cases were outdated, the navigation of cases was limited and no instructions on navigating LexisNexis were included. The detainee handbook provides that "if applicable, that LexisNexis is used at the facility and that instructions for its use are available." In addition, the PBNDS on LexisNexis states the facility must provide detainees sufficient access to "instructions on basic use of the system."

The students are also concerned about the lack of confidentiality detainees have in making copies of their documents. In a prior letter to Glades, our Clinic raised a concern that detainees must hand over their legal documents in order to get copies. The letter stated: "Several detainees reported that in order to make copies they must hand over their documents to ICE. This copy protocol violates the confidentiality of their legal documents and cases." This issue has not been resolved. The students found the detainees were still required to turn over their legal papers to an officer who would then make copies in ICE's office.

Recommendations:

The facilities of the law library are inadequate for the number of detainees at Glades. We recommend the law library, at minimum, provide more printers, and allow the detainees confidentiality while printing their documents. The detainees' limited ability to print and copy materials can be detrimental to their cases.

The facility must ensure that updated forms are accessible to the detainees and remove outdated forms. "When a facility receives replacement supplements or other materials, the law librarian or other designated individual shall dispose of the outdated ones." 6.3 Law Libraries and Legal Materials of the PBNDS.

Issues with LexisNexis were brought to the attention of the facility in the past. The problems associated with LexisNexis systems in detention centers is a nationwide issue, but we recommend the facility cooperate with LexisNexis to improve upon the current system. We hope that LexisNexis is able to come educate not only the detainees but also the officers on the usage of LexisNexis as well updating the program itself so it is comprehensive and accessible. This training is essential for the law librarian due to the lack of instructions for LexisNexis available inside the current LexisNexis CD system.

Glades must also ensure that the staff respects the confidentiality of the detainee's documents. Detainees will often need to make copies of personal documents for their cases. According to the PBNDS, "Staff may not read a document that on its face is clearly a legal document involving that detainee."

We greatly appreciate your cooperation with resolving the issues addressed in this letter. Our clinic would like to request a meeting and a formal written response that states the steps taken by the facility to correct the issues addressed. We are hopeful that you will allow us the opportunity to assist you in both reaching the expected outcomes outlined in the Detention Standards Manual and resolving the problems mentioned above. Please do not hesitate in contacting us at 305-284-6092 or by email at rlerner@law.miami.edu or rsharpless@law.miami.edu .

Sincerely,

Cyndi Poon, Law Student
Ellen Dumas, Law Student
Nancy Shalhub, Law Student
Beatrice Bianchi, Law Student
Michelle Obando, Law Student
Ramandeep K. Mahal, Law Student
Romy Lerner, Attorney

A handwritten signature in black ink, appearing to read 'Rebecca Sharpless', with a long horizontal flourish extending to the right.

Rebecca Sharpless, Attorney