

Office of Congressional Relations

U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20536



**U.S. Immigration
and Customs
Enforcement**

MAY 08 2009

The Honorable Adam Smith
U.S. House of Representatives
Washington, DC 20515

Dear Representative Smith:

Thank you for your January 13, 2009, letter to John P. Torres, Acting Assistant Secretary for Immigration and Customs Enforcement (ICE), cosigned by Representatives Jim McDermott and Jay Inslee, regarding allegations of improper detention practices at the Northwest Detention Center (NWDC) in Tacoma, Washington. Representatives McDermott and Inslee will receive a separate, identical response.

In your letter, you listed several alleged violations included in the "Voices from Detention" report issued by the Seattle University School of Law and the Seattle-based OneAmerica organization. Below you will find a detailed response to your concerns.

- **Lack of legal due process, including violations of attorney client privilege**

Since 2004, the NWDC has provided basic information to incoming detainees with the assistance of the Northwest Immigrant Rights Project (NWIRP), a community-based organization involved in immigrant legal issues since 1984. NWIRP representatives are present in the facility four days a week, for five to six hours a day, and provide the Legal Orientation Program briefing for new arrivals each morning. The Microsoft-funded "Volunteer Advocates for Immigrant Justice" project provides a *pro bono* attorney from the firm of Perkins Coie, LLP, who oversees intake and assignment of the NWDC cases in coordination with NWIRP. The attorney visits the NWDC at least twice a month.

ICE Detention and Removal Operations (DRO) representatives meet quarterly with attorneys from the American Immigration Lawyers Association (AILA) and have discussed and resolved certain legal representation issues, including access to attorneys outside of normal business hours. Each alien taken into ICE custody is provided a list of free legal services in the area, access to telephones for calls to attorneys, and access to the NWDC law library. Additionally, once the initial booking process is completed, each ICE detainee is provided with one free domestic phone call. Likewise, detainees who are transferred between detention facilities have an opportunity to make a free domestic phone call upon completion of the intake process at that facility.

- **Coercion of detainees to sign papers through threats and physical intimidation**

ICE policy prohibits its law enforcement officers from compelling detainees to take actions against their will. Please be assured the ICE Office of Professional Responsibility (OPR) will investigate any specific allegation of wrongdoing by Agency employees. Additionally, the ICE Detainee Handbook, provided to each detainee upon admittance, addresses how detainees report allegations of abuse and civil rights violations, along with violations of officer misconduct, directly to ICE management or the Department of Homeland Security's Office of the Inspector General by calling (800) 323-8603.

The Honorable Adam Smith
Page 2

- **Mistreatment of detainees by guards and federal marshals**

Constitutional principles and the ICE National Detention Standards guarantee the safety and well-being of detainees and prohibit any form of detainee abuse. Upon receipt of any report of misconduct, it is immediately referred to OPR for investigation. If an allegation of detainee abuse by an ICE employee is found to be substantiated, ICE will take appropriate disciplinary action, which may include removal and prosecution of the offending employee. If an allegation of detainee abuse by a federal marshal is found to be substantiated, ICE will refer the matter to the Department of Justice for appropriate disciplinary action. In addition, public notices posted throughout the facility provide detainees with contact information for ICE OPR. As you may be aware, the NWDC is accredited by the American Corrections Association, and was recently reviewed by Creative Corrections, Inc. The NWDC was found in compliance with all 38 ICE National Detention Standards, with no deficiencies noted.

- **Inadequate medical care, including emergency care**

ICE policy provides that every detainee shall receive a health screening by the facility's medical staff during the intake phase, followed by a more detailed health assessment and physical exam within fourteen days of detention. This process is designed to identify medical needs and ensure that appropriate treatment is provided.

- **Insufficient quantities of food and incidents of food poisoning**

Each detainee at the NWDC is served three meals a day prepared on site. A nutritionist approves the menu, which provides an intake of about 2,900 calories per day. All NWDC female detainees known to be pregnant are given a daily prenatal vitamin, in addition to a hypercholeric diet. This extra meal is delivered in the evening and consists of a sandwich, fruit, and milk or juice. Similarly, detainees who have been given an order by the medical staff for additional food due to their medical condition also receive an extra meal. Detainees may also purchase food items at the commissary and keep them in their housing unit.

Since the opening of the NWDC in April 2004, only one incident involving food poisoning has occurred. Those detainees who felt sick were treated and evaluated by the medical staff in a timely manner. In addition, the Pierce County Health Department investigated the incident and determined that bacteria found in the food caused the sickness among detainees. Pierce County Health Department conducts unscheduled visits to the NWDC on a yearly basis, and has found no deficiencies in the food preparation.

- **Severely limited facilities for attorney-client consultation**

The NWDC can accommodate requests for attorney-client meetings. The facility has four rooms available for attorney-client contact, in addition to fifteen no-contact rooms. The issue of attorney-client conferences is discussed in ICE's quarterly meetings with AILA attorneys. At their request, ICE has agreed to arrange attorney-client meetings outside regular business hours.

The Honorable Adam Smith
Page 3

- **Poor living conditions due to severe overcrowding**

The NWDC has never exceeded its rated capacity of 1,030 beds. Consequently, no detainee has been without a bed or placed on the floor.

- **Language barriers for detainees**

Detainee handbooks are printed in both English and Spanish. ICE DRO personnel nationwide may use translation services for other languages, as needed. Furthermore, interpreter services are available and used during a detainee's initial processing and also throughout the court proceedings with the Executive Office of Immigration Review.

As you may be aware, Dr. Dora Schriro was appointed by Secretary Napolitano, as Special Advisor on ICE and Detention and Removal. Dr. Schriro will be visiting the NWDC in June 2009. Upon the completion of her visit to the detention facility, she welcomes the opportunity to meet with you and Representatives McDermott and Inslee.

Thank you for your interest in ICE. Please do not hesitate to contact this office if I can be of further assistance.

Sincerely,



Judy C. Rogers
Acting Director