

January 18, 2016

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Richard Kerr, Mayor  
City of Adelanto  
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Jermaine Wright Sr., Mayor Pro Tem  
City of Adelanto  
11600 Air Expressway  
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Dear Director Saldaña, Field Office Director Jennings, Inspector General Roth, Officer Mack, Mr. Zoley, Mayor Kerr, and Mayor Pro Tem Wright:

Community Initiatives for Visiting Immigrants in Confinement (CIVIC) submits this complaint detailing the frequent violations of federal standards regarding social and legal visits to persons in the custody of U.S. Immigration and Customs Enforcement (ICE) at the Adelanto Detention Facility (ADF) in Adelanto, California. Since its inception as an immigration detention facility, ADF's denial and restriction of visitor access has been well documented. Since early November 2016, however, we have witnessed a disturbing increase in wait times and visitation denials at ADF. These denials may be indicative of an emerging pattern or practice at ADF, and perhaps even beyond. For example, CIVIC has been denied

tours under ICE's Stakeholder Tour Directive by other California-based immigration detention facilities, specifically the Theo Lacy Facility on December 7, 2016, and the Rio Cosumnes Correctional Center on December 9, 2016, and provided with no reasoning.<sup>1</sup>

This letter summarizes some of the visitation denials particular to ADF. The complaints have been lodged directly with CIVIC by people detained at ADF, their family members, and CIVIC community visitor volunteers. We urge the Office for Civil Rights and Civil Liberties (CRCL) at the Department of Homeland Security (DHS), pursuant to its authority under 6 U.S.C. § 345, to immediately investigate these complaints of visit denials and restrictions, to promptly develop policies to address the violations, and to provide ongoing oversight on the implementation of the changes. We also urge ICE and The GEO Group, Inc. (GEO) to implement the recommendations outlined at the end of this complaint.

ADF is the largest adult immigration detention center in the United States, with 1,852 people in custody on November 15, 2016, and a capacity of 1,940.<sup>2</sup> ADF is owned and operated by GEO Group, which contracts with the City of Adelanto to detain immigrants for ICE. CIVIC provides direct support to and advocates for people in immigration detention across the country. Our mission is to end the isolation and abuse of people in U.S. immigration detention through visitation, independent monitoring, storytelling, and advocacy.

#### **A. Background on Past Legal & Social Visit Denials at ADF**

Since its inception as an immigration detention facility, ADF's denial and restriction of visitor access has been well documented. Seeking to combat the isolation of those held at ADF, concerned community members created a CIVIC-affiliated community service visitation program in 2012 called Friends of Adelanto Detainees to visit and support the people detained at ADF. After a single week, ICE suspended the visitation program and blacklisted its visitors in retaliation against their public criticism of ICE for not providing proper training regarding vulnerable populations.<sup>3</sup> The ban was ultimately lifted, only after the American Civil Liberties Union (ACLU) of Southern California warned that the ban violated the First Amendment. Visitors who are CIVIC members, including visitors with the Detention Witness Visitation Program, have continued to visit people detained at ADF through social visitation.<sup>4</sup>

**Despite this warning, ICE and GEO Group have continued an unlawful pattern and practice of denying attorneys access to clients detained at ADF. This is particularly troubling, given that under 13 percent of people detained at ADF are represented, which is below the already abysmal national average of 16 percent.**

- In August 2015, the ACLU of Southern California and Sidley Austin LLP sent a cease and desist letter to ICE and GEO identifying this pattern and practice, detailing two illustrative instances

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<sup>1</sup> CIVIC and Detention Watch Network (DWN) raised these particular concerns about the Tour Directive Denials to ICE's National Office, and we are waiting on a response.

<sup>2</sup> ICE ERO Custody Management Division. "Authorized Facility List." November 15, 2016. On file with owner.

<sup>3</sup> Letter from ACLU of Southern California to ICE. "Re: Suspension of Visitation Programs at the Adelanto Detention Center, the James A. Musick Facility, and the Santa Ana City Jail." August 6, 2013.

<https://www.scribd.com/document/158488896/NGO-CIVIC-Support-Letter>

<sup>4</sup> CIVIC and DWN. "Abuse in Adelanto: An Investigation Into a California Town's Immigration Jail." October 2015. [http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC\\_DWN-Adelanto-Report\\_old.pdf](http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC_DWN-Adelanto-Report_old.pdf)

where CIVIC's co-executive director and attorney Christina Fialho was prevented from meeting with her clients at ADF in retaliation for her public advocacy.<sup>5</sup>

- On November 19, 2015, Jacqueline Dan, an attorney at Asian Americans Advancing Justice-LA, and her legal assistants were informed by GEO staff that they were not allowed to conduct legal or non-legal visits with clients detained at ADF who were on hunger strike. GEO staff explained that the clients were "on a list" and that ICE approval was required before those individuals would be granted legal or non-legal visits. No legal basis was offered for the denial. Later that morning, Ms. Dan and Ms. Fialho received a message from ICE, stating that clearance was denied. Again, ICE failed to state a purported basis for the denial of attorney access to detainees.

## **B. ADF is in Violation of Federal Standards that Protect Family and Community Ties through Visitation**

**CIVIC has grown increasingly concerned that denials and restrictions at ADF affect not only legal visitation, but social visitation as well.** CIVIC has documented numerous instances of social visit denials and restrictions, as well as excessively long wait times of over three hours. According to the Intergovernmental Service Agreement (IGSA) contract between ICE and the City of Adelanto, ADF is supposed to be compliant with and inspected against ICE's Performance Based National Detention Standards of 2011 (PBNDS 2011).<sup>6</sup> According to ICE, the PBNDS 2011 was "crafted" to increase visitation, among other expected outcomes.<sup>7</sup> More specifically, the PBNDS 2011's Visitation standard (5.7) is intended to "[ensure] that detainees shall be able to maintain morale and ties through visitation with their families, the community, legal representatives and consular officers."<sup>8</sup> Unfortunately, it is evident that the people detained at ADF are all too often unable to maintain their family and community ties due to the constant denials and restrictions of social visits.

### **Family and community visitors often experience excessively long waiting times, sometimes just to be told that their visit requests are ultimately denied:**

- Since early November 2016, CIVIC has received an increase in complaints from social visitors at ADF who have experienced visitation denials, long waiting times, and have been provided with misinformation from GEO staff. For example, on November 21, 2016, seven social visitors had wait times of at least an hour and a half to see the individuals that they wanted to visit. Three of the visitors were told that the persons they wanted to visit were "no-contact" and could not be visited in the main visiting room. The visitors, therefore, requested visits in the "no-contact" rooms, but were told that these rooms were occupied and that they would have to wait two hours until there were vacancies. However, while on their way to the main visiting room to visit other persons, the visitors observed that the "no-contact" rooms were empty.
- Unfortunately, long waiting times are not entirely new at ADF. On March 28, 2016, social visitor JoAnn Maciel waited 3 hours and 15 minutes to visit F.G., an individual detained at ADF. Neither GEO Group nor ICE gave any reasons for this long wait.
- On November 23, 2015, social visitor JoAnn Maciel waited for three hours to visit J.C., an individual detained at ADF. She had been told by an ADF officer that J.C. had gone out to the yard. Upon finally getting to visit J.C., JoAnn learned that in fact J.C. had been in his bunk

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<sup>5</sup> Letter from ACLU of Southern California and Sidley Austin LLP to ICE and GEO. "Re: Unlawful Denial of Attorney Visits at the Adelanto Detention Facility." August 24, 2015. <https://www.aclusocal.org/wp-content/uploads/2015/08/Final-Ltr-to-GEO-re-denial-of-attorney-access.pdf>

<sup>6</sup> "Adelanto IGSA." NIJC v. DHS, No. 12-cv-05358. 2012. Bates No. ICE 2012FOIA3030Adelanto.000159. <https://www.documentcloud.org/documents/1633813-adelanto-contract.html>

<sup>7</sup> ICE. "ICE Detention Standards." February 24, 2012. <https://www.ice.gov/factsheets/facilities-pbnlds>

<sup>8</sup> ICE. "2011 Operations Manual ICE Performance-Based National Detention Standards: 5.7 Visitation." 2011. Page 367. <https://www.ice.gov/doclib/detention-standards/2011/visitation.pdf>

reading. Notably, J.C. was participating in a hunger strike at the time, striking for decreased waiting time for visitors, among other demands.

- Social visitor Dorothy Nasatir experienced a similar phenomenon in which an ADF officer claimed that E.C., the individual she wanted to visit, was out in the yard and that she would have to wait. Once visiting hours were almost over, she was told that she could visit E.C., and learned from him that he had been in his room all day.
- On April 14, 2015, social visitor Paul Murray was denied access to visit J.M., an individual detained at ADF, after waiting for over an hour. The reason for the eventual denial provided by the ADF officer was that J.M. was scheduled to make a court appearance sometime that day, although the officer had no idea what time.

**Visit denials are routine at ADF and are demoralizing to the people detained there as well as their friends and family members who have travelled long distances to visit them.** Among many others documented,<sup>9</sup> these cases are illustrative of the distress caused by family and community member visit denials:

- On September 9, 2016, Maria Richards's husband and two sons, aged 7 and 12 years old, drove three hours to visit her so that they could celebrate her husband's birthday together. Her husband and sons arrived around 5:30 pm, signed in (as is documented), and waited for two hours. Ms. Richards, who had been expecting her family and gotten a special two-hour visit approved beforehand (as opposed to the standard 30-minute visit period), was not notified of their arrival until 7:30 pm. At that point, GEO staff told her family that it was "too late" to conduct the visit, and so they began the three-hour drive back home, distraught that they were not able to see their wife and mother. Ms. Richards filed a grievance on September 10, case #16-0281E. GEO confirmed the incident and responded: "GEO Group apologizes for this error. This information has been given to Administration and will be addressed as necessary."
- On May 19, 2015, V.C., an individual detained at ADF, was denied the opportunity to receive visits from both his mother and his attorney.

**Family and community visits can be cut short or interrupted by ADF staff.**

- Since November 2016, CIVIC has received other reports of social visits at ADF cut off after as few as 25 minutes.
- On July 9, 2015, E.T., an individual detained at ADF, informed a social visitor about two recent visits in which his family members waited several hours and the visits were cut short. In one instance, a visit from his mother started as a contact visit for 15 minutes before they were inexplicably moved to a non-contact visit.

Such limited visitation time is clearly not in compliance with the PBNDS 2011, which state that "visits should be for the maximum period practicable but not less than one hour with special consideration given to family circumstances and individuals who have traveled long distances."<sup>10</sup> Because of ADF's remote location, most visitors to the facility travel long distances. Social visitors who are members of CIVIC drive

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<sup>9</sup> Most of the complainants remain in immigration detention at ADF, and given ADF's past record of retaliation against people who oppose GEO Group and ICE, these complainants are afraid to go on record about their visit denial. In fact, nearly 55 percent of people interviewed during tours of ADF conducted in 2015 said that they had experienced retaliation or other trouble filing grievances at ADF. See CIVIC and DWN, "Abuse in Adelanto," 2015, page 12, [http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC\\_DWN-Adelanto-Report\\_old.pdf](http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC_DWN-Adelanto-Report_old.pdf). CIVIC is happy to provide additional information when these people are released and when they give us permission to connect them to CRCL.

<sup>10</sup> ICE. "2011 Operations Manual ICE Performance-Based National Detention Standards: 5.7 Visitation." Page 367-8. <https://www.ice.gov/doclib/detention-standards/2011/visitation.pdf>

an average of 100 miles to visit people in immigration detention at ADF,<sup>11</sup> and many family visitors travel even further.

**The number of visit denials and lengthy wait times may be related to the high frequency of headcounts and lockdowns at ADF.** As described in the 2015 CIVIC and DWN report, there are six headcounts each day, each taking over an hour, during which time there is no movement allowed throughout the facility.<sup>12</sup> Individuals detained at ADF have reported that these counts often restrict visitation. Individuals also have reported that entire modules have experienced multi-day lockdowns due to medical quarantine or as punishment.

- For example, according to a letter that CIVIC received from a detained individual, multiple dorms were put on lockdown in August 2015. ADF officers told the men in these dorms that they would be on lockdown - meaning without any visitor access - for at least 28 days. In the following weeks, several social visitors reported waiting hours to visit someone only to be told that they could not visit due to the individual being on lockdown.<sup>13</sup>

**ADF's visitation policies suffer from a severe lack of oversight.** While Enforcement and Removal Operations (ERO, an entity within ICE<sup>14</sup>) conducts PBNDS 2011 compliance inspections of ADF, it is clear that much more robust and consistent oversight is needed. For example, although ERO's last inspection of ADF occurred in October 2015 according to information we obtained from ICE's FOIA library, ADF's ERO rating has been pending for two consecutive years.<sup>15</sup> The 2012 ERO inspection reports of Adelanto East and Adelanto West, the most recent ones available, claim that both facilities met the Visitation standard.<sup>16,17</sup> These ratings from 2012 are outdated and inconsistent with the reports that CIVIC continues to receive from people detained at ADF, their family members, and other social visitors.<sup>18</sup>

**Disappointingly, the parallel inspection process conducted by the Office of Detention Oversight (ODO, also within ICE<sup>19</sup>) does not even review the Visitation standard.** The 2012 and 2014 ODO compliance inspection reports for ADF state that the ODO reviewed 17 and 16 detention standards, respectively, but the Visitation standard was not reviewed in either year.<sup>20 21</sup>

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<sup>11</sup> CIVIC. "CIVIC Network Overview and Program Directory." 2015. Page 2. On file with owner.

<sup>12</sup> CIVIC and DWN. "Abuse in Adelanto," 2015. Page 23. [http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC\\_DWN-Adelanto-Report\\_old.pdf](http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC_DWN-Adelanto-Report_old.pdf)

<sup>13</sup> CIVIC and DWN. "Abuse in Adelanto," 2015. Page 23. [http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC\\_DWN-Adelanto-Report\\_old.pdf](http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC_DWN-Adelanto-Report_old.pdf)

<sup>14</sup> ICE ERO's audits are conducted by its own division called the Detention Management Division.

<sup>15</sup> National Immigrant Justice Center. "ICE's Failed Monitoring of Immigration Detention Contracts." September 2016. Page 3. <https://www.immigrantjustice.org/sites/default/files/content-type/research-item/documents/2016-11/Inspections%20Policy%20Brief%20FINAL2%202016%2010%2003.pdf>

<sup>16</sup> ICE ERO. "2012 Condition of Confinement Inspection Worksheet, Adelanto Detention Center East." <http://www.documentcloud.org/documents/1692931-adelanto-east-2012-ero-inspection.html>

<sup>17</sup> ICE ERO. "2012 Condition of Confinement Inspection Worksheet, Adelanto Detention Center West." <http://www.documentcloud.org/documents/1692932-adelanto-west-2012-ero-inspection.html>

<sup>18</sup> Notably, these ERO inspections took place in October 2012, only a couple of months after Adelanto West opened, as the Adelanto West inspection report notes: "No visits have been denied since the facility opened in August 2012."

<sup>19</sup> The Office of Detention Oversight is housed within ICE's Office of Professional Responsibility.

<sup>20</sup> ICE ODO. "2012 Compliance Inspection for the Adelanto Detention Facility." Page 8. [https://www.ice.gov/doclib/foia/odo-compliance-inspections/adelantoCorrectionalFac\\_Adelanto-CA-Sept\\_18-20-2012.pdf](https://www.ice.gov/doclib/foia/odo-compliance-inspections/adelantoCorrectionalFac_Adelanto-CA-Sept_18-20-2012.pdf)

<sup>21</sup> ICE ODO. "2014 Compliance Inspection for the Adelanto Detention Facility." Page 9. <https://www.ice.gov/sites/default/files/documents/FOIA/2014/2014AdelantoJuly.pdf>

**C. We Request Immediate Intervention to Rectify this Pattern and Practice of Visitation Denial**

It is unknown whether visit denials and restrictions are documented by ADF staff. According to the PBNDS 2011, an “expected practice” is that “each restriction or denial of visits, including the duration of and reasons for the restriction, shall be documented in writing.”<sup>22</sup> To assess whether this documentation indeed takes place, CIVIC requests the written documentation of all past instances of visit denials and restrictions at ADF. Names of the individual visitors or people in detention may be redacted for privacy. We ask that GEO share these documented visitation denials and restrictions on a monthly basis with both ICE and the City of Adelanto and make them public.

In addition, we urge ICE, GEO, and the City of Adelanto to immediately intervene to ensure that the current and future people detained at ADF are able to maintain morale and ties through visitation with their families, the community, legal representatives and consular officers. Specifically, ICE, GEO, and the City of Adelanto should take immediate steps to improve ADF’s visitation practices by expanding ADF’s visitation space to accommodate the increase in people detained there, which occurred last year with the expansion of the facility by 640 beds. ICE, GEO, and the City of Adelanto should also ensure that no family member is ever denied a visit, even if they come on the wrong visitation day or there are long wait times. If there is not enough space to accommodate all visits, then it is clear that GEO cannot fulfill its duty under federal standards and under its contract with the City of Adelanto. If these steps and recommendations cannot be immediately implemented, then the City of Adelanto should terminate its contract with GEO and ICE should stop using ADF.

We look forward to your prompt attention to these serious issues. We request a meeting with the Mayor or Mayor Pro Tem of Adelanto, ICE, and DHS CRCL to discuss these concerns and what steps will be taken to address them. Should you have any questions, please contact CIVIC’s National Visitation Network Coordinator Rebecca Merton at [RMerton@endisolation.org](mailto:RMerton@endisolation.org) or at 385-212-4842.

Sincerely,



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<sup>22</sup> ICE. “2011 Operations Manual ICE Performance-Based National Detention Standards: 5.7 Visitation.” Page 369. <https://www.ice.gov/doclib/detention-standards/2011/visitation.pdf>