



### **Information Regarding Mesa Verde Facility (updated on 5/21/2015)**

Below is information provided by DHS to AILA Northern California at a meeting on Tuesday, April 21, 2015 and after that meeting.

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#### Updates On Transfer Of Individuals To The Mesa Verde Detention Facility

- Who at DHS is overseeing the Mesa Verde detention facility?
  - Erik Bonnar is the Deputy Field Office Director
- Can you provide an update as to the number of individuals currently detained at Mesa Verde? What is the make-up male v. female?
  - As of 4/21/2015, there were 169 detainees (158 male and 11 female)
- When do you plan to detain newly-NTAed individuals at Mesa Verde?
  - Undetermined – ICE originally indicated that they would be starting to detain newly-NTA cases as of April 27<sup>th</sup>. However, VTC is not yet set up, and estimate approximately 30 more days for it to be operational. Thus, only long-term cases are currently being detained at Mesa Verde.
  - AILA is waiting for an update as to when VTC will be active.
- What percentage of people being transferred to Mesa Verde have lawyers?
  - This information is not maintained
- Have you been notifying individuals in advance of transfers? If so, how far in advance?
  - They are trying to notify attorneys 1-2 days in advance of move (In April 2015, AILA members report that there have been a couple of instances where that hasn't happened – this should be brought to Patricia Spaletta's attention)
- Have you scheduled any VTC hearings for individuals detained at Mesa Verde? If so, when do those hearings begin?
  - No VTC hearings have been scheduled yet
- What judge will be hearing Mesa Verde VTC cases?
  - EOIR will make this determination once it is determined when VTC is operational

#### Attorney Access To Clients At The Mesa Detention Facility

- AILA members update on VTC availability
  - At the March 17, 2015 AILA meeting, ICE proposed housing a VTC unit at a local non-profit in the Bay Area for all Bay Area attorneys to access (at the previous meeting) and suggested looking at the pilot program in the DC/VA area, run by CAIR Coalition Program

- CAIR Coalition Program – several AILA attorneys had a conference call with CAIR to discuss the VTC unit at their office. This pilot program is not a feasible program for the SF Bay Area for several reasons to be presented at the meeting (These were presented by AILA Members and include):
  - Includes in person LOPs and it is a dedicated project with dedicated funding for serving immigration detainees. It is the primary non-profit in the DC-area that represents detained individuals.
  - Only CAIR employees and volunteers can use the VTC unit at the CAIR office (not other non-profit attorneys or private counsel)
  - CAIR has a full-time staff member who has funding to help to schedule the attorney VTC appointments
  - CAIR has extra room for the VTC unit
  - CAIR requested the VTC unit for their own needs and never intended it to be a pilot for other locations
- **Proposed Alternatives For A VTC Unit By AILA Members (please note that this is an on going to discussion)**
  - AILA proposal: House 1-2 VTC units at ICE, with scheduling managed by ICE. Preferably 24/7 (but at least 8 a.m.-8 p.m.)
  - There is currently the one VTC unit on the 4<sup>th</sup> floor of 630 Sansome being used for attorney meetings with clients for the day of the hearing. It is anticipated as the number of VTC hearings increase, the demand for this room will increase
  - ICE stated that they do not have space available for a VTC unit at 630 Sansome Street
    - Someone suggested one of the current attorney/client meeting rooms at 630 Sansome Street could be converted to a VTC room given that with almost all clients appearing on VTC, there will be much lower demand for the in-person meeting rooms at 630 Sansome. At the meeting on 4/21/2015, ICE indicated they would have to see if this was an option.
      - DHS has since told AILA that this is not a feasible option.
  - Maria Jauregui (Court Administrator at EOIR) indicated that there is a pro bono room at 630 Sansome Street that could possibly be converted for VTC. There is no available space at 100 Montgomery.
  - ICE also suggested that they can still put a VTC unit into a local non-profit and would provide the equipment (But not funding for the space or human resources to deal with scheduling)
- Other Options For Access To Clients To Consider In Addition To VTC
  - Currently, are there any other options for video conferencing, other than VTC?
    - ICE indicated this is not possible – have to follow federal rules
  - If not, what is the reason for not providing other video conferencing options?
    - See above answer
  - **Proposed Options By AILA Members:**
    - Skype access to broaden access for attorney-client meetings – could address security concerns by having detainees in room with windows so screens are visible to guards

- Solano county-type model video conferencing system available for communications legal and otherwise
- What are the phone access options at Mesa Verde for client-attorney phone calls? (Information obtained through the GEO “Detainee Legal Calls” Sheet)
  - Telephone calls made by detainees regarding their legal matters will not be electronically monitored absent a court order.
  - Who is phone service provider?
    - Talton Communications
  - How many private rooms are there currently for attorney-client phone calls?
    - Detainees can use one of the four private attorney rooms to place an unmonitored phone call. If the private attorney rooms are occupied, an office will be made available to allow the detainee to make a phone call. The inmate can use the phones in these rooms free of charge.
    - Detainees will not be restricted in the number of calls he or she places to their attorneys.
    - Detainees will not be limited on the duration of the phone call to their attorney unless for security purposes or to maintain orderly or fair access to telephones.
  - What is the process for a detainee to schedule a private call?
    - Detainees must submit a detainee request, called KITE, to the shift supervisor with the phone number of the attorney. The phone number will be verified by on site staff as well by Talton Communications. The attorney will be asked to provide their bar card number for verification purposes.
  - What is the process for an attorney to schedule a private call?
    - To schedule a private phone call, the attorney should call the facility at (661) 859-1028 and request to speak with the Program Manager at extension 142. The program manager will log the attorney contact information (which includes their bar card number) and request the time slot (30 minutes to an 1 hour) when the attorney wishes to be called by the detainees. (Although apparently, some AILA members have experienced difficulties reaching a person – we would like to get more feedback about that)
  - **Proposed Suggestions By AILA Members:** One member suggested that there be more defined procedures in place, as there are at other facilities regarding scheduling phone calls. She also suggested that attorneys be able to request 30 minute/1 hour/ 1.5 hour calls.
    - There was a discussion of how to schedule phone calls and VTC meetings for attorneys (suggestions included an email account or google document or some kind of online scheduling that allows attorneys to book time and see what time is available)
    - Private telephone rooms for attorney – detainee phone calls
      - Including some rooms available for lengthy attorney preparation phone calls, and other rooms available for shorter, 20-minute length or less attorney calls
      - They will require G-28s to arrange private attorney calls.
    - Reasonable scheduling system to allow attorneys and detainees to schedule calls within a reasonable time

- Free, direct calls – 1 phone per 15 detainees for legal calls, including legal calls to family, and pro se work like calling police departments, witnesses, etc.
  - This part was unclear to CHL—ICE said that definitely no free pro se calls to police departments/witnesses/courts. Assuming this whole bullet point is not offered—OTHER THAN legal calls to attorneys.
- In addition, there should be other regular phones available for general, non-legal calls
- 24/7 phone access
- What are phone call options for detainees for non client-attorney phone call?
  - What phone access is currently available at Mesa Verde for non client-attorney calls?
    - There are 40 pay phones – 10 phones in each dorm (3 dorms for men; 1 dorm for women). There are panels between each of the phones (and ICE provided a photo of this).
  - What are the rates for phone use at the facility?
    - Local calls: 10 cents per minute
    - Long distance calls: 10 cents per minute
    - Long distance collect calls: 15 cents per minute
    - Local collect calls: 15 cents per minute
- Access to fax and email for detained individuals and attorneys
  - How and whether attorneys can send faxes to clients at VTC to get documents signed ahead of time (not on the day of the Court) as a means of saving the Court time and making the hearings move faster?
    - Attorneys will be permitted to send certain documents by fax to the facility for purposes of signing documents before the immigration hearing. DHS will provide more detailed logistical information as we move closer to conducting video-conference hearings.
    - The expectation is that most written communication be done by mail. However, it sounded like on the day of the hearing, there will be an ability to fax with the detainee.
  - Do detainees currently have access to email?
    - No
  - **Proposed Fax And Email Access Suggestions By AILA Members**
    - Access to private fax and email between detainees and attorneys

#### Visits To Detainees At The Mesa Verde Facility

- Attorney Client Visits
  - We understand that contact visits for attorneys and families are available (with no time limit on them for attorney) – we propose that this continue.
    - Contact visits are available – from 8am - 9pm 7 days a week
  - How far in advance do attorneys need to schedule contact visits?
    - You need to call at least 2 hours in advance to arrange a contact visit.
- Family Visits
  - What are the options for family visits?

- Families can visit four days a week, which varies by which housing unit individual is in.
- What are the family visiting hours for the different units?
  - In general, visits are permitted for one hour durations, but may vary depending on the distance traveled and number of visitors in the visiting room.
  - In person visits are different for each housing unit.
    - Housing unit A: Monday (7 a.m. - 12 p.m.); Wednesday (7 a.m. - 10 a.m.); Thursday (1 p.m. - 6 p.m.); Saturday (7 a.m. - 1 p.m.)
    - Housing unit B: Monday (1 p.m. - 6 p.m.); Wednesday (10 a.m. - 1 p.m.); Thursday (7 a.m. - 12 p.m.); Saturday (2 p.m. - 8 p.m.)
    - Housing unit C: Tuesday (7 a.m. - 12 p.m.); Wednesday (3 p.m. - 6 p.m.); Friday (1 p.m. - 6 p.m.); Sunday (7 a.m. - 1 p.m.)
    - Housing unit D: Tuesday (1 p.m. - 6 p.m.); Wednesday (6 p.m. - 7 p.m.); Friday (7 a.m. - 12 p.m.); Sunday (2 p.m. - 8 p.m.)
- Is there any type of model video conferencing system available to families?
  - No
- A question was raised about whether undocumented individuals can visit family at Mesa Verde, and whether they would be at risk
  - Sounded like sometimes ID is an issue, but that they would accept the AB60 license.
  - “We are not going to start arresting people.”
- Question was raised whether families could use the VTC equipment at 630 Sansome Street to talk to detained family members.
  - ICE said no, but could be an option if there was a VTC facility at a non-profit.

#### Detainees Access To Medical Health Providers

- Where will detained clients get their medical exams for AOS?
  - Please refer to the USCIS website <https://my.uscis.gov/findadoctor> for qualified doctors available in the Bakersfield area. The attorney will need to coordinate with the Deportation Officer and facility before arranging the appointment.
- Mental Health Issues
  - Robust mental health screening is needed for *Franco* compliance, especially since it will be hard to detect mental health issues over VTC. What is ICE’s plan to identify potential *Franco* cases?
    - ICE is under court order for *Franco* cases and is complying with the court order.
  - What are the options currently available to detainees to request a meeting with a psychologist or doctor?
    - For non-*Franco* cases, where an attorney is seeking to arrange a meeting with a psychologist or doctor for purposes of litigation, a contact visit or VTC appointment with the psychologist or doctor can be arranged. However, ICE will not transport the person to 630 Sansome Street.
- **Proposed Suggestions By AILA Members:**

- Meetings with therapists/psychologists/doctors/experts – ICE needs to bring detainees to San Francisco ERO for these needed meetings (whether for *Franco* or standard detained cases)

#### Posting Money To Detainees

- How can family and friends provide money to inmates? How long will it take from the receipt of the money at the facility for that money to post to the inmate's account?
  - Right now, money can be posted in person (at the kiosk) or by mail (money order with name and A#)
    - They were going to look into electronic posting of money, but this doesn't appear to be available yet. (Christina Lee to email about this)
  - Whether it is possible and if so, how to do electronic posting of money?
    - Yes, in approximately four weeks by debit or credit.

#### Resources Available To Detainees

- Legal Orientation and Legal Information Available at Mesa Verde
  - What legal resources and materials are available currently?
    - There is a law library – two computer terminals in the law library and 4 terminals in the dorms (I assume one in each dorm).
    - Have access to Westlaw and Lexis Nexis (can someone confirm this? Thought she said this but not 100%).
    - ICE is open to suggestions on the law library and resources.
  - **Proposed Suggestions By AILA Members:**
    - LOP VTC once a week with new detainees, including list of detainees and option for them to arrange follow up individual calls
      - ICE has a process to arrange for LOP (see more detailed document about LOPs)
      - Any request must be submitted to Tim Aikten in advance (at least 10 days, preferably 2 weeks). The materials must also be submitted in advance (and OCC reviews the materials and weights in on whether they are appropriate).
      - ICE will not provide a list of detainees
      - The room at Mesa Verde where LOPs would take place can hold approximately 25-30 individuals.
  - Is there an AA or NA program available?
    - Not yet – but they are reaching out to the community to try to get both NA and AA in place.
  - Is there a GED program or any educational programs available?
    - There will be ESL classes and computer programs.
  - Are there any mental health resources available? If so, what?
    - \*not answered
  - Are there jobs within the facility available – if so what jobs?
    - Jobs are available in the kitchen, laundry, hair cutting, and one other
  - Are there other resources available, for example a chaplain, religious services, etc?
    - Reaching out to local community to get those set up

Other

- The facility is using 2011 detention standards
- For mail, they were not sure if you could send mail that had staples