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Detention, Democracy and Due Process Project Detention Conditions Documentation Database Tools and Usage Manual

In 2000, detention standards were developed by the INS to govern the treatment of immigrants in custody pending removal proceedings. Immigration and Customs Enforcement (ICE) inherited the standards and applies them as a matter of policy at any facility holding detainees for 72 hours or more (see <http://www.ice.gov/partners/dro/opsmanual/index.htm>). In practice, the standards are frequently violated.

The National Immigrant Justice Center (NIJC) has developed a series of tools with which to effectively document and monitor detention conditions in ICE facilities and jails under contract with ICE. These tools have been developed to capture all incoming detainee grievances (hereinafter referred to as "surveys") in a precise and efficient manner. These surveys are entered into a Monitoring Database, which will serve as a data bank for advocates to draw upon in order to survey regional and national trends, and gather statistics for public education, litigation, and other advocacy efforts. Tools developed by NIJC for this project include: 1) Post-Release Detainee Questionnaire, which provides an opportunity for former detainees to evaluate detention conditions relative to the ICE Detention Standards; and 2) Internet-based Monitoring Database to store all surveys in a password-protected system. NIJC welcomes suggestions to improve these materials from legal service providers and others who wish to promote reform of the immigration detention system.

Post-Release Questionnaires

Purpose: Immigrants that have been released from detention are a valuable source of information in assessing the implementation of detention standards at specific ICE facilities. Individuals who are released after having won their cases, released on bond, or released on orders of supervision are often able to provide thoughtful, thorough information without risking retaliation from jail guards.

NIJC developed post-release questionnaire packets to gather information regarding compliance with the ICE Detention Standards. Packets include an explanatory cover letter, a release form, and a 10-page questionnaire based on the ICE Detention Standards. NIJC provides \$10.00 to compensate former detainees who complete and return the questionnaire. Your agency may decide to mimic or forgo this option.

Usage: The attached post-release questionnaire, cover letter, and release form are available in English and Spanish. Please read these tools thoroughly before sending them to clients.

To send out questionnaires and follow up with sent questionnaires, NIJC has found it most effective to keep a spreadsheet of recently released clients with current address and phone numbers. Additionally, it is helpful to use this spreadsheet to track the date questionnaires are sent out, language, date returned, and any follow-up phone calls. Follow-up calls are often necessary one or two weeks following the mailing to encourage completion of the questionnaire and to answer any questions/concerns the former detainee may have. Remember to include the cover letter and release form with each questionnaire sent.

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Some agencies have used NIJC's questionnaire as a basis for phone interviews with current detainees. Given the small number of detainees who are released, this is an alternative to the mailing method and could increase the number of individuals who participate in the project. Agencies choosing to adopt this method should be aware that the detainee's privacy and ability to speak freely may be limited, and that fear of retaliation may curb full disclosure.

NIJC staff are available to assist at all levels and stages of this project, including contacting and interviewing clients, mailing questionnaire packets and following up with clients upon request.

Recording a Short Survey

Purpose: Many legal service providers hear detention conditions complaints and concerns from their clients on a regular basis. Surveys reported by detainees can help these agencies identify acute and chronic problems at ICE facilities. Documenting these surveys enables advocates to identify trends and patterns of violations of the ICE standards. In order to promote the collection of reliable data, NIJC suggests that groups utilize the following protocol when documenting detainee grievances.

Usage: State that you will document the complaint and inform the detainee that their biographical information will be kept confidential unless you obtain his/her written consent. If you receive a telephonic complaint from a detainee and can only obtain oral consent, we ask that the detainee remain anonymous. To facilitate thorough documentation and to make efficient use of time, you may wish to enter the grievance directly into the database. Begin by entering basic biographical information, then delving into the details of the grievance. Following the biographical portion of the "short survey," you will find a series of categories of detainee grievances. These include Living Quarters, Language Access, Access to Legal Counsel/Information, Access to Health Care, Legal/ICE Procedures, Religious/Dietary Needs, and General Conditions. An additional space exists at the end of the "short survey" to add information in the event that a grievance does not fall below one of the aforementioned categories. After entering the brief biographical information, skip ahead to the category that corresponds to the grievance. After checking the appropriate box, you may enter any additional details of the incident in the text box at the end of that category.

Individual Advocacy: In addition to gathering biographical information and a detailed explanation of the grievance itself, ask specific questions regarding what actions the detainee has taken in response to the problem (e.g., filing a grievance form at the jail, submitting a request for medical attention, etc.). It is helpful to obtain as many details as possible with regard to the grievance. Examples of questions follow: *Were other detainees involved, and if so, how many? Do you remember the names of any officers involved? How long has this been happening? Have you submitted any grievances and/or written requests to jail officers or ICE?* These questions will also aid in any potential individual advocacy your agency may wish to pursue on the detainee's behalf. Remember to discuss follow-up steps with the detainee, including steps he/she might take (e.g., filing additional grievances or requests for attention) as well as steps you might take (e.g., contacting the Detention Center, ICE Field Office, ICE Headquarters, DHS Office of Civil Rights and Civil Liberties, etc.). Be sure to obtain the detainee's consent before taking follow-up steps. Once follow-up steps have been taken, you may wish to complete an advocacy survey to document your attempts to resolve the detainee grievance. Detailed information regarding advocacy is contained in this document. **NIJC staff are available to assist at all levels and stages of this project, including contacting clients, interviewing or following up with clients, and taking follow up administrative advocacy steps.**

Recording an Advocacy Survey

Purpose: Advocacy surveys serve as a contemporaneous reporting feature that allows service providers to document the actions they take to remedy specific complaints of clients who are in ICE custody. Collection of these local advocacy efforts are critical to documenting any persistent or repeated violations of the detention standards and to ascertain how the government reacts to complaints as they are voiced. Violations that have not been resolved at the local level, despite documented attempts by counsel to work with local officials, may be brought to the attention of ICE officials at the headquarters in Washington D.C. at periodic advocacy meetings of the “ICE Enforcement Working Group.”

Usage: Advocacy surveys may be entered directly into the database, or can be reported telephonically. NIJC recognizes that many legal service providers advocate vigorously on behalf of clients, but due to heavy case loads, do not have sufficient free time to regularly document these advocacy efforts. As a result, NIJC is willing to contact providers on a regular basis to discuss recent advocacy efforts and to document these in the database.

To report on your advocacy efforts, call Claudia Valenzuela, Detention Project Attorney at 312.660.1308 or Tara Magner, Policy Director at 312.660.1363 to report a detention standards violation and the steps you took to address it on behalf of your client. You may also wish to set up regular bi-weekly check-in phone calls whereby NIJC staff members contact you to record violations and steps that have been taken to address them.

Monitoring Database: Brief User’s Manual

Purpose: The Monitoring Database is the storage bank of all grievances collected by NIJC and partners nationwide. The grievances are reported via post-release questionnaires and daily conditions complaints. This data will be accessible to project partners in order to monitor both regional and national trends. In order to ensure client anonymity, personal information about individual clients will only be viewable to the agency that initially entered the survey. All surveys can be entered anonymously. If this option is checked when a survey is entered into the database, the name of the client will not be included in any viewable survey, and a chronologically assigned number will appear as identification. We hope that partnering agencies will use the database to begin monitoring detention conditions in a meaningful and effective way. The Monitoring Database can be made your agency’s tool to do this. The following paragraphs explain the Database, its features, and how it can help your agency advocate for improved detention conditions.

Home Page: To access the database, go to <http://global.mihrc.networkninja.com> and log in with your username and password. (Please e-mail Claudia Valenzuela at cvalenzuela@heartlandalliance.org or Tara Magner at tmagner@heartlandalliance.org, in order to receive a user name and password). The home page of the Monitoring Database is displayed on the right. On this page, you will have the ability to search for surveys by agency or detention center. On the right hand portion of the page, the calendar reflects the number of surveys recorded on a given day. Any surveys you search for will display at the bottom portion of the web page.

The screenshot displays the web interface for the Monitoring Database. At the top, there is a navigation menu with links for Home, Detention Centers, Surveys, Reports, and Admin. Below the menu is a search bar with a dropdown menu set to 'Detention Centers' and a 'SEARCH' button. To the right of the search bar is a calendar for July 2006, showing the number of surveys recorded on each day. Below the calendar is a table of survey results. The table has columns for Date, Name, Detainee ID, Detention Center, and Agency. The first row shows a survey recorded on 07/07/2006 with a Detainee ID of 143, recorded at HENRY COUNTY JAIL, by the National Immigrant Justice Center.

Date	Name	Detainee ID	Detention Center	Agency
07/07/2006		143	HENRY COUNTY JAIL	National Immigrant Justice Center



Adding a Detention Center: At the top of the web page, you will see a series of Section Headings (Home, Detention Centers, Surveys, Reports, Admin). Upon selecting Detention Centers, the web page (see left) will be displayed. To add a new facility, choose “Add Detention Center” at the upper left hand corner and follow the prompts. An agency must first add a detention center before entering a survey on that facility. On this page you may also search for a specific detention center alphabetically or by state.

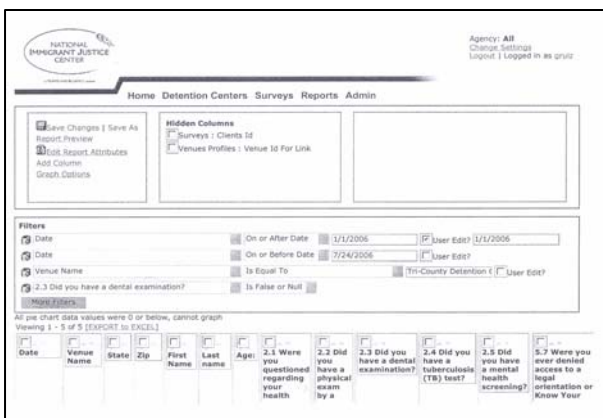
Recording a Survey: Upon selecting the Surveys heading, you will be taken to a web page very similar to

the main home page. As on the home page, you may also use this section to search for specific agencies or detention centers, or to track surveys entered in a given month. To enter a survey, select “Enter Survey Now” in the upper left hand corner. You will be taken to a “Create Survey” page where you can begin entering the survey. Remember to indicate the survey type at the bottom of the page. The options are “Post-Release Questionnaire for Former Detainees,” “Short Survey (Detainee Grievances),” or you can choose from a number of different “Advocacy Surveys,” organized by complaint (e.g. Phones, Legal Library, Know-Your-Rights Presentations, Access to Health Care, Long-Term Detention, Arbitrary Detention, Physical Conditions, Interaction with Jail Staff, Religious Concerns, Legal Documents, etc.).

Creating a Report: To create a report, select the Reports Section, and the web page shown to the right will appear. A series of previous reports will be displayed. You may either base your report off of one of the displayed categories (and their content), or customize your own report. To create a report based on one of the available categories, select a category and the report will appear. Select “Edit Report” at the upper left hand corner and you will have the option of customizing your own report, based on the available data, and then saving your personalized report for future use. Upon selecting the “Edit Report” option, the web page below will appear. If you wish to customize the data available for your report, you may choose “New Report” at the upper right hand corner. Prompts under this heading will take you to a screen similar to that displayed below, which will serve as a clean



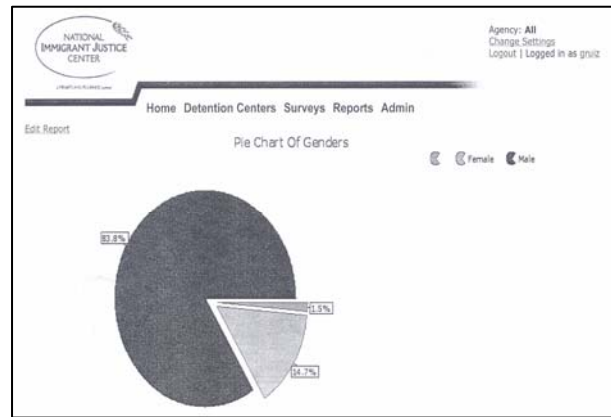
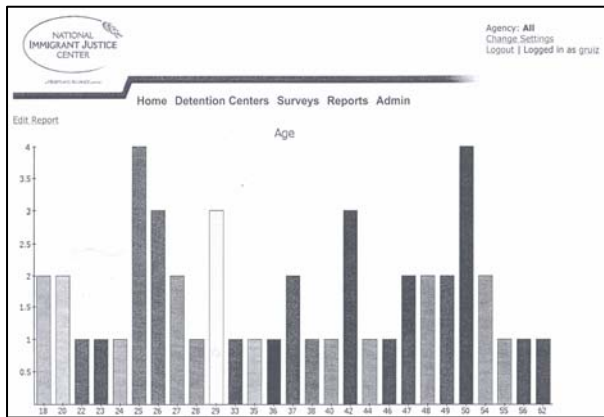
canvas by which to customize your own data. Select “Add Column” in the upper left hand corner to choose the data you would like to view.



Editing Reports: To edit a report, select your specifications in the “Filter” box located in the center of the diagram (see left). The filter feature will allow you to customize your report according to a multitude of factors including but not limited to venue, date, detainee age, question, and text. The example to the right is set to search for a lack of dental examinations at Tri-County Detention Center between January 1, 2006 and July 24, 2006. The surveys that qualify for the filters selected will

appear at the bottom of the web page. The statistics of your search will also be found at the bottom of the page. If you wish to see a displayed survey in its entirety, you may select “survey name” and the survey in its entirety will appear. Note that if a detainee elected to remain anonymous, their name will not appear throughout any

portion of this process. In the upper left hand portion, additional edits are available including, “Save Changes,” which permanently saves your alterations on that report; “Save as Report Preview,” which will save the version you have created as well as preserving the original; “Edit Attributes,” which allows you to modify who may view your report; “Add Column,” which allows you to add an additional data; and “Graph Options,” which allows you to create graphs such as those featured below. Any additional surveys entered into the Database will automatically update any existing report.



In addition to statistical data gathered from reports, visual graphs are an additional tool available to track systemic issues in immigration detention. Also note that all reports can be automatically exported to Microsoft Excel if needed. This feature can be found below the “Filters” text box.

Suggestions, Concerns & Additional Resources

Suggestions/Concerns: NIJC staff stress that we wish this project to be mutually beneficial to all project partners in a collaborative effort to improve detention conditions. We welcome all comments and suggestions to the Monitoring Database and any of its accompanying tools. Please refer all comments and suggestions to Claudia Valenzuela at 312-660-1308 or cvalenzuela@heartlandalliance.org or Tara Magner at 312-660-1363 or tmagner@heartlandalliance.org. Please note also that NIJC staff are available at all levels of support, from discussion of violations to database training to basic data entry. We are dedicated to the success of this project and will be available to answer your questions or to offer any additional support your agency may need.

As the ultimate goal of this project remains the improvement of detention conditions, NIJC welcomes opportunities to work on collaborative projects seeking improved conditions. Such projects include but are not limited to public education, congressional letter writing campaigns, media, and litigation. Moreover, we also offer the following literature if your agency wishes to expand its detention reform work regionally:

Detention Center Visit Training Manual: Detention center visits allow concerned community members to make first-hand observations and gather important information about the environment, conditions, and protections in place for detained immigrants. Detention center visits also help build positive working relationships with county jail staff to efficiently resolve current or future problems. Visitors can talk with jail staff to discuss detention conditions, identify gaps in the system, and propose solutions to ensure detainees’ basic rights. Detention center visits allow individuals concerned about human rights and fair treatment in their communities to get involved and make a difference.

This training manual provides background information on the detention of immigrants in the United States, analyzes conditions in light of international law, and instructs concerned community members on how to arrange for and conduct detention center visits.

Court Monitoring Training Manual: Court monitoring is an important tool in holding the immigration system accountable for upholding due process rights for immigrants, refugees, and asylum seekers. The purpose of this manual is to train court monitoring groups to assess the impact of Video-Teleconferencing (VTC) hearings on due process protections. The effects of VTC have yet to be fully studied and evaluated. Independent monitoring of VTC immigration court hearings presents an opportunity to study the procedural and substantive problems with this technology.

This manual explains the immigration detention system in the United States, describes the immigration court process, and establishes guidelines for court monitoring with special emphasis on monitoring VTC hearings.

These materials are available upon request. Please direct request for materials, and/or suggestions for mutual projects to Tara Magner or Elena Tsinikas:

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Thank you kindly for your interest in this project as well as for dedicating yourself to the continual efforts to advocate for the humane treatment of immigrants in Immigration and Customs Enforcement detention.