

**Supplemental Declaration of Dr. Jaimie Meyer**

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

**I. Background and Qualifications**

1. I am Dr. Jaimie Meyer, an Assistant Professor of Medicine at Yale School of Medicine and Assistant Clinical Professor of Nursing at Yale School of Nursing in New Haven, Connecticut. I am board certified in Internal Medicine, Infectious Diseases and Addiction Medicine. I completed my residency in Internal Medicine at NY Presbyterian Hospital at Columbia, New York, in 2008. I completed a fellowship in clinical Infectious Diseases at Yale School of Medicine in 2011 and a fellowship in Interdisciplinary HIV Prevention at the Center for Interdisciplinary Research on AIDS in 2012. I hold a Master of Science in Biostatistics and Epidemiology from Yale School of Public Health.
2. I have worked for over a decade on infectious diseases in the context of jails and prisons. From 2008 to 2016, I served as the Infectious Disease physician for York Correctional Institution in Niantic, Connecticut, which is the only state jail and prison for women in Connecticut. In that capacity, I was responsible for the management of HIV, Hepatitis C, tuberculosis, and other infectious diseases in the facility. Since then, I have maintained a dedicated HIV clinic in the community for patients returning home from prison and jail. For over a decade, I have been continuously funded by the NIH, industry, and foundations for clinical research on HIV prevention and treatment for people involved in the criminal justice system, including those incarcerated in closed settings (jails and prisons) and in the community under supervision (probation and parole). I have served as an expert consultant on infectious diseases and women's health in jails and prisons for the UN Office on Drugs and Crimes, the Federal Bureau of Prisons, and others. I also served as an expert health witness for the US Commission on Civil Rights Special Briefing on Women in Prison.
3. I have written and published extensively on the topics of infectious diseases among people involved in the criminal justice system including book chapters and articles in leading peer-reviewed journals (including Lancet HIV, JAMA Internal Medicine, American Journal of Public Health, International Journal of Drug Policy) on issues of prevention, diagnosis, and management of HIV, Hepatitis C, and other infectious diseases among people involved in the criminal justice system.
4. My C.V. includes a full list of my honors, experience, and publications, and it is attached as Exhibit A.
5. I was paid \$1,000 for my time drafting an earlier version of this report filed in another case. I am being paid an additional \$50 per hour for my time reviewing materials and preparing this report.
6. I have not testified as an expert at trial or by deposition in the past four years.
7. In addition to my knowledge, training, education, and experience in the field of prison

healthcare and infectious diseases, and the resources relied upon by experts in infectious diseases and prison health, I also reviewed specifically the Centers for Disease Control and Prevention (CDC) guidance on management of COVID-19 in correctional facilities (available at <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>), the Bureau of Prisons (BOP) modified operations plan (available at [https://www.bop.gov/coronavirus/covid19\\_status.jsp](https://www.bop.gov/coronavirus/covid19_status.jsp)), the National Commission on Correctional Health Care (NCCHC) materials on COVID-19 (available at <https://www.ncchc.org/COVID-Resources>), and the World Health Organization interim guidance on Preparedness, prevention and control of COVID-19 in prisons and other places of detention (available at [http://www.euro.who.int/\\_data/assets/pdf\\_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1](http://www.euro.who.int/_data/assets/pdf_file/0019/434026/Preparedness-prevention-and-control-of-COVID-19-in-prisons.pdf?ua=1)). I have also reviewed the guidance and information that ICE has posted on their website, <https://www.ice.gov/coronavirus>.

## II. Risk of COVID-19 at the Buffalo Federal Detention Facility

8. I have reviewed the following materials in making my assessment of the danger of COVID-19 at the Buffalo Federal Detention Facility (“BFDF”): (1) a declaration by Jeffrey Searls, the Officer in Charge at BFDF, dated March 30, 2020, and filed as ECF 120 in *Hassoun v. Searls*, No. 19-CV-370 (W.D.N.Y.); (2) a declaration by Adham Hassoun, dated April 1, 2020, and filed as ECF 124 in *Hassoun v. Searls*, No. 19-CV-370 (W.D.N.Y.); (3) the BFDF Detainee Handbook (attached as Exhibit A); (4) a declaration by Captain Abelardo Montalvo, M.D., dated April 3, 2020, and filed as ECF 45 in *Jones v. Wolf*, No. 20-CV-361 (W.D.N.Y.) (attached as Exhibit B); and (5) a supplemental declaration by Jeffrey Searls, the Officer in Charge at BFDF, dated April 4, 2020, and filed as ECF 47 in *Jones v. Wolf*, No. 20-CV-361 (W.D.N.Y.) (attached as Exhibit C).
9. Based on my review of these materials, my experience working on public health in jails and prisons, and my review of the relevant literature, it is my professional judgment that this facility is under-equipped and ill-prepared to prevent and manage a COVID-19 outbreak, which would result in severe harm to detained individuals, staff, and the broader community. The reasons for this conclusion are detailed as follows.
10. Detainees in this facility are at imminent risk of harm from COVID-19 because they are unable to protect themselves through cleaning and disinfection. There is no mention in the March 30, 2020 Searls declaration of whether detainees are provided adequate supplies for cleaning and disinfecting living areas. Although the CDC recommends that high-touch surfaces be cleaned frequently with products containing bleach or 70% alcohol, Mr. Hassoun reports being forced to clean his living area with napkins and water, which is completely ineffective against COVID-19. Moreover, per Mr. Hassoun’s declaration, inmates have no way to clean and disinfect common use surfaces, such as computers and tablets, microwaves, phone booth, and a telephone. This means that COVID-19, a virus that can survive for days on these surfaces, can easily be spread from person to person.
11. Handwashing is central to COVID-19 infection prevention strategies and the CDC recommends that individuals in detention be provided with no-cost access to soap.

Although Mr. Searls's March 30, 2020 declaration notes soap is provided as per best practices, it is unclear how this is being implemented. The BDFD Detainee Handbook describes that soap is available from communal dispensers and replenished weekly on request, but it is not clear whether these practices have changed since COVID-19 procedures began. Even though Mr. Hassoun has access to a private sink, toilet, and shower in his medical observation room, it is not clear whether he has adequate access to soap for handwashing either in his housing quarters or in common areas.

12. Mr. Hassoun's declaration reflects inconsistent use of personal protective equipment (PPE) by staff, including medical staff. While his declaration states that some healthcare workers "do not wear masks or gloves" others are "covered head-to-toe . . . completely wrapped up in protective gear." Inconsistent use of PPE suggests that (a) healthcare workers have not been trained in when and how to use PPE, (b) PPE is not consistently available, or (c) that infection prevention policies are unclear. This is particularly concerning because healthcare workers have extremely high risk of being exposed to COVID-19 and can transmit to other detainees/patients, even in the absence of symptoms.
13. Declarations from Mr. Searls and Captain Montalvo state that new detainees and staff are undergoing screening but there is no mention of whether and how contractors are also undergoing screening prior to entering the facility. This is especially important for BDFD because all medical care is provided by contractors. If healthcare workers are not adequately screened for signs and symptoms of COVID-19 infection, there is high risk that they will unwittingly bring the infection into the facility.
14. BDFD does not have adequate bed capacity to isolate people infected with COVID-19 if and when COVID-19 infection in the facility occurs. Mr. Searls's March 30, 2020 declaration describes 32 single cells in SHU that can be dedicated for medical isolation. At least some of these cells are already occupied (Mr. Hassoun reports residing in one, for example), leaving an unclear number left for people with COVID-19 infection. Captain Montalvo describes that the medical unit has 3 beds, only 2 of which are specially equipped for negative pressure isolation, meaning that air flows from outside to inside the space to prevent spread of infected droplets to the remainder of the facility. It is unclear how many of these 3 medical unit beds are already occupied. Mr. Searls's April 4, 2020 declaration states that "due to logistical constraints and restrictions" individuals designated for medical isolation were unable to be moved to the expected units. If the facility is unable to adequately isolate individuals with COVID-19 infection, there is high likelihood the infection will rapidly spread unabated throughout the facility.
15. While it is reassuring that there are no confirmed cases of COVID-19 in BDFD as of April 4, 2020, the number of cases in the surrounding community is rapidly rising. As of April 3, 2020, there were 21 cases in Genesee county and an additional 49 individuals were under quarantine ([https://www.co.genesee.ny.us/departments/health/coronavirus\\_2019/index.php](https://www.co.genesee.ny.us/departments/health/coronavirus_2019/index.php)), representing a 700% increase from the 3 cases described just one week prior in Mr. Searls's March 30, 2020 declaration. Once a case of COVID-19 is identified in a facility, it will be too late to prevent a widespread outbreak. Recent outbreaks of COVID-19 in

ICE detention facilities in New York and New Jersey demonstrate how easily the virus enters facilities and rapidly spreads to detainees and staff when community epidemics are widespread, even when the best available infection preparedness plans are in place. We absolutely cannot afford to wait until the first case appears in facilities to act. By the time someone (a detainee or staff member) develops COVID-19 symptoms to warrant isolation or testing, they will likely have already infected many others. It is estimated that the average person with COVID-19 infects 2.5-3.3 other people (including before they develop symptoms)- and this is a relatively low estimate from community settings where social distancing is possible. At that point, the spread of COVID-19 in the facility will be unstoppable. The horizon of risk for COVID-19 in these facilities is a matter of days, not weeks. The time to act is now.

### **III. Risk to Adham Amin Hassoun of Contracting COVID-19**

16. I have reviewed the following materials in making my assessment of the danger posed to Adham Amin Hassoun of contracting COVID-19: (1) a declaration by Mr. Hassoun, dated April 1, 2020, and filed as ECF 124 in *Hassoun v. Searls*, No. 19-CV-370 (W.D.N.Y.); (2) health records for Adham Amin Hassoun, dated July 25, 2018-August 8, 2018.<sup>1</sup>
17. The CDC has identified that the following groups are at higher risk of severe illness due to COVID-19: people aged 65 years or older, and people of all ages who have underlying medical conditions including chronic lung disease, serious heart conditions, conditions that can cause a person to be immunocompromised, severe obesity, diabetes, chronic kidney disease, and liver disease. Mr. Hassoun meets multiple high-risk criteria because he has asthma, a serious heart condition (coronary artery disease requiring prior placement of two stents and multiple prior hospitalizations for chest pain), and diabetes. It is also likely that his prolonged hunger strike and resultant malnutrition have led to him being immunocompromised. If he were to become infected with COVID-19 he is likely to experience severe infection, including risk of hospitalization and death.
18. Although the placement of Mr. Hassoun in an isolation cell reduces his risk of exposure to COVID-19 from the general population of other detainees, he remains at high risk of exposure from (1) medical personnel who see him multiple times a day and have had inconsistent use of PPE as described above and (2) communal spaces and equipment that are inadequately cleaned and disinfected as described above. Given the persistent risk of exposure to COVID-19, it is my professional opinion that BFDF is not able to adequately protect Mr. Hassoun from COVID-19 infection and he remains at imminent risk of harm.

### **IV. Conclusion and Recommendations**

19. For the reasons above, it is my professional judgment that individuals held at BFDF are at a significantly higher risk of infection with COVID-19 as compared to the population in

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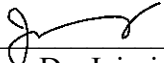
<sup>1</sup> I was unable to review Mr. Hassoun's current health records because they had to be mailed from BFDF and did not arrive in time.

the community and that they are at a significantly higher risk of harm if they do become infected. These harms include serious illness (pneumonia and sepsis) and even death.

20. It is my professional opinion that, based on his risk for COVID-19 infection, Mr. Hassoun should be released from BFDF to remain in home confinement.

I declare under penalty of perjury that the foregoing is true and correct.

April 6, 2020  
New Haven, Connecticut

  
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Dr. Jaimie Meyer

# Exhibit A





Enforcement and Removal Operations

# Buffalo Federal Detention Facility Handbook

Batavia, New York



U.S. Immigration  
and Customs  
Enforcement



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

**Enforcement and Removal Operations (ERO)  
Buffalo Federal Detention Facility Handbook**

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## INTRODUCTION/MISSION

The Buffalo Federal Detention Facility (BFDF) in Batavia, New York, is a detention facility of U.S. Immigration and Customs Enforcement (ICE) and the United States Marshals Service (USMS).

The mission of the facility is to provide for and maintain a set of standards and conduct, ensuring detainees are treated with respect and dignity and provides the best possible care while they are in the custody of the facility.

The Buffalo Federal Detention Facility will attempt to make available competent foreign language and/or sign language interpreters to ensure effective communication with detainees with Limited English Proficiency (LEP) and disabilities (e.g., detainees who are deaf, hard of hearing or blind and detainees with low vision). Detainees can receive disability-related auxiliary aids (e.g., Text Telephone or TTY) and services to allow for effective communication as well as other disability-related services to assist with filing a grievance, receiving medical and mental healthcare, using the telephone, participating in the disciplinary system, filing a complaint of sexual violence, etc.

## PURPOSE

The purpose of this handbook is to explain the specific rules, regulations, policies and procedures that must be followed while in custody at the facility. This handbook, together with the detainee orientation video, will help provide you with a general overview of the programs, rules, regulations and services of the facility. You will be held accountable for your actions while in custody at the facility. It is your responsibility to become familiar with the contents of this handbook.

Copies of this handbook are issued to each detainee upon intake. Pertinent sections may be posted on the bulletin boards in each detainee housing unit and other bulletin boards.

## MAILING ADDRESS

All mail must include:

Your name  
Last four digits of your A-number or USMS number  
Buffalo Federal Detention Facility  
4250 Federal Drive  
Batavia, NY 14020

## BASIC DETAINEE RESPONSIBILITIES

It is ICE policy to treat detainees with dignity and respect while maintaining a safe, secure and sanitary detention facility. It is expected that the staff will receive your full cooperation while you are waiting for your case to process.

**In the simplest terms, you are expected to adhere to the following:**

- Follow and obey safety and sanitation procedures, rules, laws and policies.
- Obey all orders as given by staff members.
- Respect staff and other detainees at all times.
- Respect government property and the property of others.
- Keep yourself, your clothing and living area clean at all times.

If you comply with the above guidelines you should have no problems while detained at this facility. When addressing staff you will not refer to them by their first name, rather refer to staff by their titles, as in, mister, miss, doctor, officer, and their last name.

The housing unit officer is the direct supervisor of your housing unit. *It is your responsibility to address any questions or concerns to the housing unit officer.* Any further guidance or clarification, if needed, can be addressed to the shift supervisor on a detainee request form. If you need interpretive services, you can make a request directly to the processing agent upon intake, or to your housing unit office verbally or in writing on a detainee request form.

## INITIAL ADMISSION

Upon arrival, your clothes, personal property, valuables and funds will be retained by the facility for safekeeping and you will be given an itemized receipt. You must keep these receipts to claim your property, valuables and funds when you are released. **You will not be allowed access to your personal property after the time of initial admission until you leave the facility.** You will be given an identification wristband that includes your name, A-number and photograph. You must wear this wristband at all times. If you are found not wearing your wristband, an incident report will be written and you will be sanctioned accordingly.

A claim for lost or damaged property can be filed by completing a detainee request form and submitting it to the processing officer or to your housing unit officer. If necessary, the appropriate form will be provided to further investigate this claim.

**While at this facility you are permitted to retain:**

- Authorized religious items such as a facility-issued rosary, one article of authorized religious headwear, one prayer rug, etc.
- One religious book such as a prayer book, Bible, Koran, etc. This must be a soft covered book
- Legal documents and papers
- Prescription glasses
- Dentures
- Soft-covered address book or addresses of family, friends and other correspondence
- Wedding ring – solid band with no stones
- Personal photos, no more than 25 (no instant photos are allowed); no obscene, lewd or inappropriate photos will be allowed
- Other items approved by the assistant field office director (AFOD)

**Your initial issuance of clothing includes:**

- Two sets of the detainee uniform
- Underclothes - four sets of drawers, t-shirts and socks
- Two towels and one washcloth
- Slip-on soft soled sneakers, shower shoes
- Jacket and two pairs of shorts

Personal hygiene items issued are toothpaste, a toothbrush, shaving lotion and a comb. Soap is available from dispensers in the dormitory units and shampoo is available from dispensers in all housing units.

These items, with the exception of shaving lotion and combs, are replenished by the housing unit officer on a scheduled weekly basis.

Writing material and envelopes for personal use will be provided by your housing unit officer. These items are also available through the commissary.

A medical examination will be conducted by a member of the ICE Health Services Corps (IHSC) within 14 days of your arrival.

## LIVING CONDITIONS

The Buffalo Federal Detention Facility is a 650-bed facility which uses a classification system and houses detainees accordingly. The housing units consist of single cell/double occupancy and dormitory style units. The facility has indoor and outdoor recreation available.

You are required to keep your assigned living areas clean at all times. Your bed must be made immediately upon waking and remain made when not in use. It is in your best interest to maintain a clean living area and avoid many of the problems associated with unsanitary living conditions.

## EVACUATION DRILLS

Periodically, evacuation drills will be conducted at the facility. Drills can help you get out safely in a real emergency, such as a fire, gas leak, civil disaster, or other danger. In most cases, you will not know about a drill ahead of time. The drills are not done to scare or inconvenience you. In your housing unit, there is a diagram showing you the location of all fire exits and which exit to use. Study this diagram carefully.

You must follow instructions during a drill or a real emergency. If you do not follow instructions, you may be disciplined.

## OFFICIAL COUNTS

Official counts take place at 2 a.m., 6 a.m., 11:30 a.m., 4:30 p.m. (standing face to photo count) and 11:30 p.m.

Additional counts may be conducted at any time as needed.

During all formal counts, no movement or talking is permitted, to include showers and phone calls. Televisions will be turned off during the count.

The facility will be placed in a "locked down" status until the count is completed. The 4:30 p.m. count is a standing face to photo count. You must remain on your bunk or bed for all other counts.

At the 11:30 p.m. count, the facility will be locked down for the evening, and you must remain in your cell or on your bed. All unnecessary movement will stop.

## MEALS

The facility serves meals three times every day. You are allowed one meal at each meal time. The meals are nutritionally balanced, approved by a dietitian, served in a clean, safe place, and served with napkins and utensils, which must be returned at the end of each meal. Meals are served in your housing unit or the special housing unit.

The facility offers a standard menu. Menus and meal times may be posted on the housing bulletin board. This facility does not serve pork.

If you need a special diet for religious reasons, ask the chaplain for a Halal, Kosher or common fare meal. If you need a special diet for medical reasons, ask the medical staff to evaluate your request. Your request must be approved before you can get special meals. It is up to you to ask for a special diet if you need it.

## SMOKING POLICY

Smoking and tobacco are not allowed anywhere at the facility (inside or outside). If you are found with any smoking contraband you will be charged and sanctioned accordingly.

## MEDICAL CARE

The IHSC provides medical care. If you are sick or need medical attention, you must attend sick call in your unit between 7 a.m. and 9 a.m. daily. (See pg. 16 Sick Call). Emergency care is always available.

## CLOTHING EXCHANGE

Clothing and linen exchange will be made on a one-for-one basis according to the following schedule:

- Outer garments, socks, underwear and facecloths are laundered twice a week. Each bed location will be issued two laundry bags. The housing unit and bed numbers are labeled on the bags and returned when clean. Do not place towels, sheets, pillowcases or blankets in the clothing bags.
- Clothing that needs to be replaced or exchanged will be done after a detainee request form is submitted to the housing unit officer, and need is verified. This exchange will be on a one-for-one basis.
- Sheets, pillowcases and towels are laundered weekly. Blankets and facecloths are exchanged monthly.
- All detainee food service detainee workers must change outer garments (whites) daily. Each worker will be issued three sets of whites for wear in the kitchen. This clothing will be laundered with the general laundry schedule.
- You may not stockpile clothing. Excess clothing is considered contraband and will be confiscated.
- You are not permitted to wash clothing, bedding, sneakers or other items in the housing unit.

## PERSONAL HYGIENE

You will be living in a dormitory or a locked housing unit with other people. Good personal hygiene helps to keep everyone healthy. You are expected to bathe regularly and to keep your hair clean. Personal hygiene items are issued to you upon admission. Nail clippers are available from your housing unit officer. You are expected to keep your fingernails and toenails clipped short.

A disposable razor will be provided on a check out basis daily between 8:30 a.m. and 9:30 a.m. Detainees attending court will be given the opportunity to shave before reporting to court.

## BARBERING SERVICE

Free barbering services are available to all detainees. Each housing unit is scheduled to receive barbering services on a regular basis. You must use the sign-up sheet in order to receive barbering services. You must be dressed in complete uniform before being escorted from your housing unit to the barbering services. When participating in barbering services, you will be required to utilize the next available barber. **Failure to do so will forfeit your privilege for that month.** The SHU has its own schedule for barbering services as determined by the AFOD.

## SLEEPING AREA/SANITATION

You are required to keep your bed and immediate area clean, neat and sanitary. You are also required to make your bed daily before reporting for your work assignment or when you begin your daily routine. Your bed must be made when not in use.

You may not hang sheets, towels, blankets, paper or clothing from shelves, overhead lights or on beds. Nothing can be attached to the walls, windows or doors. Ceiling and wall air circulation vents will not be covered or blocked in any way. Extra clothing should be folded and neatly stored on shelves or in the gray storage box you have been provided. The gray storage box must be placed under the bed in the cells and at the end of the bunks in the dormitories.

Any bags, food wrappers, cardboard, plastic or any other packaging materials that may be received as part of a commissary purchase or an approved package must be discarded in the wastebasket upon receipt of the item. Recycling bins have been placed in all units. The **blue** bin is for plastic products and the **green** bin is for paper products. This packaging material is considered contraband and will be confiscated. Failure to comply with any of these regulations will result in an incident report with the appropriate sanctions.

## FINANCES

Detainees are not allowed to carry money inside the facility. When you are processed into the facility, you will be required to relinquish all funds (money or check) in your possession to the processing officer and given a receipt for your funds. Before you leave the facility, if you have any funds remaining, you will be issued cash if you are an ICE detainee or a check if you are a USMS detainee.

All purchases through the commissary or telephone calls use the debit system for payment. A non-interest bearing account will be established in your name.

You are allowed to receive funds by mail or from a visitor during an authorized visit. Only certified checks or money orders will be accepted. Cash will not be accepted in person or by mail. If you receive funds from outside the facility, you will be given a receipt for the funds and your money will be forwarded to your commissary account.

A U.S. Postal Service money order is the only guaranteed money order and is the only type of money order not subject to a hold. All other money orders and certified checks drawn on a U.S. bank may be subject to a 15-day hold. Money orders and certified checks drawn on a bank outside of the U.S. may be subject to a 30-day hold.

Sometimes, you may want to send money to your family or pay for legal services. To send money, you must complete a detainee money order request form and forward it to the housing unit officer. Arrangements will be made by the shift supervisor and the commissary department for you to send a money order at your own expense. Request forms must be submitted by Sunday evening for consideration that week. You will be charged a money order fee in accordance with the current U.S. Postal Service money order rate. If your request is approved, you may expect to receive the money order for mailing on Wednesdays.

**Funds cannot be transferred from one detainee to another at any time.**

## TELEPHONE ACCESS

Each housing unit has anywhere from seven to ten phones available. The phones are collect and debit only. Collect international calls, including Canada, are unavailable. The phone system does not allow 1-800 or other toll-free calls. Upon admission to the facility, you will be issued a Personal Identification Number (PIN). You must safeguard this number at all times. Giving your PIN to another detainee or using the PIN of another detainee is prohibited. Violators will be charged and sanctioned accordingly.

Upon admission, you will be given instructions to set up a voice password. This system is designed to ensure no other detainee can access your prepaid account. Prepaid accounts are your responsibility. Once your voice password is activated, you are entitled to a free three minute phone call within 24 hours of your arrival at the facility.

You can place or add money to your prepaid phone account by calling the customer service phone number from the housing unit telephones. You must have money in your commissary account to transfer to your phone account.

Your family or friends can add money to your prepaid account through the website posted in the housing units or by using the kiosk in the facility lobby. These kiosks take cash and credit cards, or this could be done online at [www.intelmate.net/kiosk/login](http://www.intelmate.net/kiosk/login).

Three way calls are not allowed and will be blocked. A fee will be charged by the phone service provider to unblock numbers blocked in this manner.

Phone calls may be limited during high usage periods. The telephones are available for your use seven days a week from 7 a.m. - 11:20 p.m., except during count times.

All calls made from the detainee phone system may be monitored, except for attorney calls.

In case of a verified emergency, access to telephones will be available. Routine phone calls to attorneys are not considered to be emergencies.

If a family member needs to contact you, a message system has been set up. This is an answering machine only. Your family should call 1-585-344-6500, and follow the instructions to leave a message. The messages are checked three times per day and forwarded to detainees.

A list of pro-bono (free) legal organizations, including their phone numbers and dialing instructions, are posted in the housing units. Some of these phone calls may be free.



## RELIGIOUS SERVICES

You will have opportunities to practice your religious faith. These opportunities will only be limited if you present a specific documented threat to the safety of the individuals involved in the religious activities, or if you disrupt order in the facility. All facilities must give you reasonable access to religious services and providers of your faith.

The religious service schedule is posted in your housing unit. You will be allowed to participate in religious services for one denomination of your preference. Any changes in religion must be documented via a detainee request form forwarded to the chaplain.

## COMMISSARY

Each housing unit may have a store, called a commissary available for detainee use. The use of the commissary is a privilege, not a right. The housing unit has a posted schedule as to when these services are available. Detainees under disciplinary segregation, administrative segregation pending a disciplinary hearing, or commissary sanctions may be allowed to purchase only from the restricted commissary sheet.

You are limited to a \$60 weekly spending and possession limit for commissary items. For safety and security reasons, stockpiling of commissary items is not allowed. It is a violation of policy to give or receive anything of value to or from any other detainee (see code violation #400 on pg. 14).

## DETAINEE VOLUNTARY WORK PROGRAM

The facility utilizes volunteer detainee workers in the following areas:

- Kitchen - food preparation and custodial duties (pending medical and classification approval)
- Recreation - custodial duties
- Barbering - custodial duties
- Processing - custodial duties
- Housing units - custodial duties in common areas
- Main hallway and traverse areas (visiting, court holding area) - custodial duties
- Grounds maintenance within the perimeter
- Library - detainee librarian

Every effort will be made to provide you an opportunity to participate in the voluntary work program. Detainees will not be denied voluntary work opportunities based on race, religion, national origin, gender, sexual orientation or disability. Any detainee wanting a work detail position must put in a written request to the detainee work program coordinator for review and approval. Wages are \$1 per day. Typically, you are not allowed to work more than eight hours daily, five days per week or 40 hours per week unless a request is made and approved by the AFOD. In addition, you are required to sign a voluntary work program statement. You may only work one job assignment at any given time.

Detainees who participate in the volunteer work program are required to work according to an assigned work schedule. Unexcused absences from work or unsatisfactory work performance will result in removal from the voluntary work program. If you receive an incident report, you may not be eligible to volunteer for or continue a work detail.

## LIBRARY

The library at this facility contains standard library materials and is located in the indoor recreation area. Specific times will be set for use by each housing unit and will be posted in that unit. The facility considers the detainees' needs, interests and abilities when deciding on its materials. The recreation specialist or detainee librarian can assist you. You must give other detainees a chance to read library materials. Take care of the materials you check out and return them on time.

## LAW LIBRARY

The law library is available to assist you in any legitimate legal preparation. The law library may not be used to loiter. All ICE detainees have the right to use the facility's law library to access approved legal materials and office equipment (such as copy machines and computers) to copy and prepare legal documents only. The schedule for use is posted in all housing units. **Detainees housed in the SHU must make a written request to the AFOD or designee for access to the law library or law library materials.**

Self-help material is provided and made available to all detainees for their use in research or preparation of their defense. You are permitted to use the law library for the purpose of assisting other detainees in their case, only with written approval from the AFOD or designee. Violators, or detainees who assist other detainees for some form of payment, will be charged with code violation #321 and sanctioned accordingly.

If you need additional time in the law library or additional legal references not normally maintained in the law library, complete a detainee request form located in the housing unit stating your needs. If you notice materials in the law library are damaged or missing, notify the recreation staff.

This facility subscribes to the LexisNexis system, CD-based software that lets you find legal materials on a computer. Instructions for its use are available in the law library from the recreation staff.

## ATTORNEY VISITS

Legal representatives may visit detainees seven days a week. Attorney visits do not need to be scheduled; however, it is encouraged that attorneys call ahead when possible to advise the facility of their pending visit. Attorney visits are generally not conducted during meal times. Every effort will be made to accommodate attorney visits; however, this may not always be possible.

A list of pro-bono (free) legal organizations will be posted in all detainee housing units and other appropriate areas. This list is updated when necessary. If you wish to see a representative or paralegal from that organization, you should contact the organization by utilizing the phone number provided in the detainee housing area, or contact your housing unit officer.

## GROUP LEGAL RIGHTS PRESENTATIONS

Group legal rights presentations will be offered to all eligible detainees at this facility on a regularly scheduled basis. Presentations are open to all eligible detainees, regardless of the presenter's audience, except when a particular detainee's attendance would pose a security risk.

## INSPECTIONS OF PERSONS AND PROPERTY

You are subject to a search upon admission into the facility, and when there is reasonable cause to believe you may have contraband concealed on your person. Searches are routine requirements when entering or exiting any area throughout the facility. Routine, unscheduled searches of the facility, detainee's persons and property will be conducted as deemed necessary.

Staff may search a detainee's housing and work area, and personal items contained within those areas without notice to, or approval from, the detainee and in the detainee's absence.

You must allow the officer or officers to search you. Follow their directions and do everything they tell you.

## MARRIAGE REQUESTS

Requests for permission to marry while in ICE custody will be considered on a case-by-case basis.

**A detainee request form should be submitted to the AFOD asking for permission to marry and should state the name of the person you intend to marry and that you are eligible to be married in New York state.**

In addition, your intended spouse must submit a letter to the AFOD confirming his or her intent to marry you. These requests will be forwarded to the AFOD for approval; however, before being approved, it must be verified that you are eligible to be married in New York state. If approved, your intended spouse must contact the Batavia town clerk for a marriage license. The town clerk will bring the license to the facility for you to sign. Once the marriage license is signed by the detainee, it remains on file at the facility until the wedding.

You or your spouse must make arrangements to retain an appropriate official to perform the marriage ceremony. Only immediate family members are allowed to attend the ceremony, and children of the marrying couple are allowed to attend when accompanied by an adult on a one-to-one basis. The detainee is responsible for providing two witnesses to legally verify the marriage.

Only solid wedding bands with no stones are allowed in this facility.

## PUBLIC VISITATION

### General Visitation Rules and Regulations:

General visitation is conducted seven days a week during the following hours:

#### Monday through Friday:

9 a.m. - 11 a.m., 1 p.m. - 3 p.m and 6 p.m. - 8 p.m.

#### Saturday and Sunday:

9 a.m. - 11 a.m. and 1 p.m. - 3 p.m.

Visitors may arrive no more than 15 minutes prior to the scheduled visit or 30 minutes prior to the end of scheduled visitation.

Transportation and lodging options are posted on the housing unit bulletin board to help assist visitors. Visitors may also receive a copy on request from the lobby officer.

All visits must be scheduled and will be non-contact.

You will have nothing in your possession when you leave your housing unit for a visit. Request forms for visits are obtained from the housing unit officer on the Monday prior, and must be completed no later than 11:30 p.m. the evening prior. Visits are limited to 60 minutes in duration. Any disruptive conduct on either party will result in the termination of the visit. Visits following a detainee wedding ceremony are subject to the 60-minute limitation.

There will be a limit of four visitors approved for any one 60-minute visit. Every child younger than 18 years of age must be accompanied by an adult. Each adult may only be responsible for one child at any time while visiting the facility. If your visitor brings children (younger than 18 years of age), they are expected to remain under the direct supervision of the adult visitor so they will not disturb others who have visitors. No visits will be permitted for minors unless they are accompanied by an adult (18 years or older). The number of visitors in the visiting booth is limited to one adult and one non-adult visitor. Children must not be left unaccompanied in the waiting room.

You can have visitors. Visitors must follow facility visitation policy and procedures. It is your responsibility to ensure your visitors know the visitation rules.

### Visitors must be in appropriate and socially accepted attire.

The following is a list of unacceptable attire (but is not limited to this list):

- Miniskirts (shorter than mid-thigh when seated) and Short shorts (shorter than mid-thigh)
- Top of clothing lower than the underarm in the front and the back
- Bare midriffs, halter, strapless, tube and tank tops
- Swim suits and bare feet
- Sexually explicit attire
- Transparent or translucent material (see-through clothing) or anything not deemed appropriate attire by the officer on duty

### Immigration Court Hearings Rules and Regulations:

Visitors wishing to attend a court hearing may arrive no more than 15 minutes prior to the scheduled hearing.

Generally, no more than five persons will be allowed on the facility premises for the purpose of attending a court hearing. Children less than 10 years of age are not permitted to attend court hearings. If there is a need to deviate from standard procedures regarding visitors or witnesses in the court, the court administrator will confer with the AFOD and decide accordingly. Requests of this nature must be submitted to the AFOD in writing well in advance of your scheduled court date.

Visitors wishing to attend a court hearing must be in appropriate and socially accepted attire as listed above.

## CORRESPONDENCE

You have the right to correspond with persons or organizations consistent with the safety, security and orderly operation of the facility, in accordance with the following procedures. If you are unable to communicate a need that you have in English, you may request interpretive services by filling out a detainee request form and submitting it to any officer.



You may send or receive mail to or from anyone you know personally. You may seal your outgoing letters and place them in the detainee mailbox. All letters are subject to inspection, both for content and contraband. You will only be permitted to mail correspondence and you are responsible for the contents of your letters. Any enclosed items, such as candy, t-shirts, etc., will be considered contraband and an incident report will be written. You are allowed to mail out removable media purchased through commissary only after the contents have been reviewed.

If the staff has reason to believe you are violating or circumventing mail regulations, your mailing privileges could be restricted. Circumvention or violations of mail regulations usually means mailing threatening letters or engaging in criminal activity. Mail restriction usually means you may only write to people that have been approved by the AFOD. It also means all of your incoming and outgoing mail could be censored or read by the staff. Incoming mail that does not meet the facility standards will be considered contraband and withheld.

You are required to write your name, last four digits of your Alien ID Number (e.g. A# 0000) and the facility address on the top left corner of the envelope of all outgoing mail.

Your incoming mail must also include your A-number or USMS Number as part of the address (see pg. 2).

Incoming mail that does not list your last four digits of your Alien ID Number (e.g. A# 0000) or USMS Number will be rejected and returned to the sender. This includes legal mail and packages.

**The facility may refuse to deliver your mail if:**

- It is considered contraband
- Shows, describes, or might cause violence or disorder
- Explains how to escape, make weapons or explosives, break the law, disobey ICE rules, or make drugs or alcohol
- Has explicit pictures or descriptions of sex
- Contains threats, bribes, or obscene material
- Contains anything illegal or not allowed, messages in code, or anything that threatens the safety and security of the facility

You may not subscribe to magazines, catalogs, or other publications, but you may have a relative or friend send them to you.

All of your incoming mail will be delivered within 24 hours of receipt by the facility staff. Outgoing mail will be routed to the proper postal office no later than the day after receipt by the facility staff (weekends, holidays or exceptional circumstances excluded). The only exception is mail requiring privileged handling. For security reasons, the AFOD has directed all general mail will be issued in the housing units already opened and inspected. Issuance of mail will be in the evening. Outgoing mail will be collected weekday mornings.

You may not write to or receive correspondence from another penal, correctional or detention facility without the expressed permission of the AFOD or designee. You must request this permission by completing a detainee request form.

If you attempt to send mail to another penal, correctional or detention facility without an approved request, the correspondence is considered contraband and an incident report will be written. You may not write to another detainee at the facility.

**Legal or special correspondence is defined as your written communication to or from:**

- Private lawyers, legal representatives and government lawyers
- Judges and courts; embassies and consulates
- U.S. president, vice president or member of Congress
- U.S. Department of Justice, DHS (including ICE, DHS OIG, DHS Office for Civil Rights and Civil Liberties, and ICE Health Services Corps)
- Health care practitioners
- Grievance systems administrators
- Reporters and other new media representatives

Legal correspondence may be held for a reasonable period (not to exceed 24 hours) to allow verification of the privileged status of the addressee or sender. Incoming legal correspondence will be opened in the presence of the detainee and inspected for contraband, but will not be read unless reasonable suspicion exists of abuse of legal correspondence and unless authorized by a supervisory officer

Outgoing legal correspondence will be sealed.

Incoming legal correspondence will be treated as privileged only if the name and official status of the sender appear on the envelope.

Outgoing legal correspondence similarly requires that not only the name, but also the official status of the recipient appear on the envelope. Both incoming and outgoing legal mail must be labeled "Legal Mail" on the envelope. Tell your lawyer that all incoming legal mail must be labeled like this.

Incoming priority, overnight and certified mail will be recorded in a log book maintained by the facility and distributed to you within the same 24-hour period, excluding weekends and holidays.

The facility will forward identity documents you receive in the mail to your ICE officer and notify you of this action. You can get a certified copy of the identity document by requesting it in writing from your ICE officer.

When you depart the facility, your incoming mail will be returned to sender. All such mail will be returned to the U.S. Post Office.

If the facility determines you cannot afford to pay for postage or mailing materials, you can send some kinds of mail for free, including legal mail, mail to your consulate, and to any court.

You will be able to send up to three letters for your personal mail each week. You can get paper, pencils, and envelopes from your housing unit officer.

If the facility determines you can afford to buy mailing materials, you will not receive them for free. You may buy supplies from the commissary.



## PACKAGES

You are not allowed to send or receive packages without the AFOD or designee's approval. When you are in-processed, you will only be allowed to retain property that fits inside of the storage bin. Any additional property must be mailed out at your own expense or will be disposed of as contraband; outlined in the national performance-based national detention standards policy.

ICE detainees may, upon issuance of a final removal order, request to receive one package via U.S. mail or another certified carrier containing **ONLY ONE** set of clothes to be worn during removal. This request must be made on the detainee request form and must be approved by the unit manager or designee. Anything more than one set of clothing will be refused and returned to sender. If any package is received without prior approval, it will be refused. Absolutely no food products will be accepted, and if received, the food products will be destroyed.

In addition, a small bag in which to pack property may also be received. This must arrive in the package with your set of clothes. You will not be allowed to receive more than one package.

If you receive authorized property in the mail, you will be taken to the processing area for the items to be placed in storage. The processing officer will receipt any property received. Property may only be received if prior approval was obtained from a supervisor via a detainee request form.

Any outgoing packages will be searched prior to being sealed.

For USMS detainees, the only authorized personal property you are allowed to take with you upon your departure from the facility are the following items:

- Legal paper or materials - These materials should be relevant to the current or draft federal court proceeding. Once you have been sentenced, all legal paperwork must be mailed out at your expense or destroyed. Any amount of legal paperwork deemed to be excessive by the USMS will need to be mailed out to an address you provide.
- Eyeglasses with soft case only
- Prescribed medication
- The balance of your commissary account
- Wedding band - rings with stones are not authorized only plain wedding bands are permitted
- One set of clothing to be worn upon your departure

At the time of your transfer by the USMS, you will not be allowed to retain any property other than listed above, to include a Bible or other religious books, commissary items, photographs, personal letters, etc. Any property you have accumulated during your stay must be destroyed or mailed out at your own expense prior to your departure from the facility.

You may put a request into processing to make arrangements for your property to be packaged and weighed for shipping costs. You will need to purchase a money order, made out to the U.S. Postal Service for the amount required to ship your package. It is your responsibility to take this action in a timely manner to ensure your property is handled appropriately.

All detainees may also retain up to three soft covered books of your own in your cell or cubicle, in addition to one soft covered religious book. If you wish to receive books in the mail, you must request permission on a detainee request form, and they must be sent directly from the publisher. Hard-covered books are prohibited.

## CLASSIFICATION

All detainees admitted to the facility will be classified accordingly. Level one is the lowest classification level, level two is the medium classification level and level three is the highest classification level. Detainees will be separated into different units according to this classification process. Certain work assignments in the facility may be unavailable to detainees dependent upon classification. Each detainee with a classification level of two or three has the right to appeal their classification to the classification officer by completing a detainee request form.

All classifications are generally reviewed every 60-90 days, or when new information affecting a detainee's management is received. Your initial classification score or reclassification score may result in your placement into a new housing unit suitable for your classification level.

## DETAINEE DISCIPLINE

Order and discipline are important for the safety and well-being of detainees and staff. Some problems can be taken care of informally with counseling, but other problems may require discipline. You have the right to due process, including the prompt resolution of a disciplinary matter, in accordance with the following procedures.

The Buffalo Federal Detention Facility will attempt to make available competent foreign language and/or sign language interpreters to ensure effective communication with detainees with Limited English Proficiency (LEP) and disabilities (e.g., detainees who are deaf, hard of hearing or blind and detainees with low vision). Detainees can receive disability-related auxiliary aids (e.g., Text Telephone or TTY) and services to allow for effective communication as well as other disability-related services to assist with filing a grievance, receiving medical and mental healthcare, using the telephone, participating in the disciplinary system, filing a complaint of sexual violence, etc.

If you allegedly commit a prohibited act, you will be given a copy of the incident report during the formal investigative process, but no less than 24 hours before your appearance before the institution disciplinary panel (IDP).



If the incident is serious, you may be placed in administrative segregation or lockdown. An investigation will be started within 24 hours of the supervisor being notified that an incident has occurred.

### There are two kinds of segregation:

#### Administrative

You may be placed in administrative segregation for any one of three conditions:

- You are being investigated or have a hearing for disciplinary violations;
- You are scheduled to be transferred or released within 24 hours; or
- You need protection and cannot be safely housed in a less restrictive environment.

Administrative segregation is intended for detainees with special housing requirements, such as:

- Pending investigation or hearing of prohibited acts;
- Medical observation;
- Security risk; or,
- Protective custody.

#### Disciplinary

You may be placed in disciplinary segregation for any one of these three conditions:

- You cause serious disruption at the facility;
- You need stricter supervision; or
- The Institutional Disciplinary Panel (IDP) has disciplined you.

After the investigation, the incident may be resolved by a unit disciplinary committee (UDC), or it may be forwarded to the IDP, depending on the severity of the prohibited act and outcome of the investigation. If the case is referred to the IDP the hearing may take place on the first business day after receiving the UDC referral. The IDP uses a system of charges and sanctions for rule violations. The IDP may render a verdict in your case using these charges and sanctions. The IDP can reduce the charges if it is deemed appropriate to do so. If you do not accept the IDP verdict, you may use your right to appeal as listed below.

Prior to referring the incident report to the IDP, you will be informed of your rights during the investigative process, both verbally and in writing.



The following is a list of your rights prior to appearing before the IDP:

Before the incident report is sent to the IDP, the facility must notify you in writing about your rights at the IDP hearing, including your right to:

- Receive a copy of the Notice of Charges against you at least 24 hours before the IDP hearing
- Have a full-time staff member of your choice speak for you at the IDP hearing
- Call witnesses and present evidence before the IDP
- Remain silent. You do not have to speak if you do not want to. Your silence may not be used against you.
- Be at all phases of the hearing:  
You may or may not be present when the IDP meets to make a decision on your case. Also, you will not be allowed to be present if your presence threatens order or safety at the facility.
- Receive translation and interpreter services so you can understand and communicate
- Receive aids or services that the facility can provide to ensure effective communication because of your limited hearing, sight, or other disability
- Receive the IDP decision and an explanation of how they made their decision in writing
- Appeal the IDP decision if you disagree

Appeals must be submitted through the formal detainee grievance process.

At any time during the hearing, the IDP (for justifiable cause) may order a further investigation into the alleged prohibited act and may continue the hearing to a future time.

All detainees located in administrative segregation shall be reviewed within three working days of being placed in administrative segregation to determine if the reasons for placement in the SHU still exist. If you remain in administrative segregation for seven days, a shift supervisor will conduct another review to determine if continued segregation is warranted. You may appeal the administrative segregation order or the review decision by writing to the AFOD.

Detainees in segregation status are reviewed every seven days to ensure the detainee is abiding by all rules and regulations and is offered showers, meals, recreation, etc. The maximum the IDP can impose for a rule violation is 14 days for all violations arising out of one incident; anything greater must be approved by the AFOD. All detainees placed in disciplinary segregation require the review and approval of the AFOD. All detainees are subject to all laws of the United States and of the state of New York. Any detainee violating these laws may be charged and tried for that violation in the appropriate local, state or federal court.

The filing of charges in a judicial court of record for the violation of local, state or federal law does not, in any way, prevent or preclude the administrative handling of the same act as an institution disciplinary matter, or of the taking of disciplinary action against the detainee in question.

Any combination of high moderate or low moderate categories within a 90-day period will constitute a high category violation.

**PROHIBITED ACTS**

<b>Greatest Category</b>		
<b>CODE</b>	<b>PROHIBITED ACTS</b>	<b>SANCTIONS</b>
100	Killing	<p>A. Initiate criminal proceedings</p> <p>B. Disciplinary transfer (recommend)</p> <p>C. Disciplinary segregation (up to 60 days)</p> <p>D. Make monetary restitution</p> <p>E. Loss of privileges: movies, commissary, recreation, etc.</p>
101	Assaulting any person (including sexual assault)	
102	Escaping from escort; escaping from a secure institution	
103	Setting a fire (charged with this found to pose a threat to life or act in this category only when a threat of serious bodily harm or in furtherance of a prohibited act of greatest severity [i.e. in furtherance of a riot or escape]; otherwise the charge is properly classified as code 219 or 322)	
104	Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, escape tool or device, explosive, or any ammunition	
105	Rioting	
106	Encouraging others to riot	
107	Taking a hostage or hostages	
108	Assaulting a staff member or law enforcement officer	
109	Threatening a staff member or any law enforcement officer with bodily harm	
198	Interfering with a staff member in the performance of duties (conduct must be of the greatest severity in nature). This charge is to be used only when another charge of greatest severity is not applicable	
199	Conduct that disrupts or interferes with the security or orderly running of the facility (conduct must be of the greatest severity nature). This charge is to be used only when another charge of greatest severity is not applicable	

## High Category

CODE	PROHIBITED ACTS	SANCTIONS
200	Escape from unescorted activities, open facility and/or from a secure facility without violence	<p>A. Initiate criminal proceedings</p> <p>B. Disciplinary transfer (recommend)</p> <p>C. Disciplinary segregation (up to 30 days)</p> <p>D. Make monetary restitution</p> <p>E. Loss of privileges: commissary, recreation, etc.</p> <p>F. Change housing (quarters)</p> <p>G. Remove from program and/or activity</p> <p>H. Loss of job</p> <p>I. Impound and store detainee's personal property</p> <p>J. Confiscate contraband</p> <p>K. Restrict to quarters</p> <p>L. Warning</p>
201	Fighting, boxing, wrestling, sparring and any other form of physical encounter including horseplay, which causes or could cause injury to another person (except as part of an approved recreational policy or athletic activity)	
202	Possession or introduction of an unauthorized tool	
203	Loss, misplacement or damage of any restricted tool	
204	Threatening another with bodily harm or other offense	
205	Extortion, blackmail, protection, demanding or receiving money, or anything of value in return for protection against others to avoid bodily harm, or under threat of informing	
206	Engaging in sexual acts	
207	Making sexual proposals or threats	
208	Wearing a disguise or a mask	
209	Tampering with or blocking any locking device	
210	Adulteration of any food or drink	
211	Possession, introduction or use of any narcotics, narcotic paraphernalia or drugs not prescribed for the individual by the medical staff	
212	Possessing any officer's or staff clothing	
213	Engaging in, or encouraging a group demonstration	
214	Encouraging others to refuse to work, or to participate in a work stoppage	
215	Refusing to provide a urine sample or to take part in other drug abuse testing	
216	Introduction of alcohol into the facility	
217	Giving or offering an official officer or staff member a bribe, or anything of value	
218	Giving money to, or receiving money from any person for purposes of introducing contraband or for any other illegal or prohibited purpose	
219	Destroying, altering, or damaging government property, or the property of another person, having a value in excess of \$100	
220	Being found guilty of three or more of any combination of high moderate or low moderate categories within a 90-day period	
221	Signing, preparing, circulating or soliciting support for group petitions prohibited	

*(Continued on next page)*



<b>High Category (continued)</b>		
<b>CODE</b>	<b>PROHIBITED ACTS</b>	<b>SANCTIONS</b>
222	Possession or introduction of any incendiary device including, but not limited to, matches, lighters, etc.	A. Initiate criminal proceedings
223	Any act which may cause endangerment to people and/or property	B. Disciplinary transfer (recommend)
224	Engaging or encouraging others to engage in unauthorized organizational activities or meetings; or display, wear, possess, distribute, or use unauthorized insignias or materials to include hand signing and gestures. (An unauthorized organization is any gang, group or organization that has not been approved by the AFOD.)	C. Disciplinary segregation (up to 30 days)
298	Interfering with a staff member in the performance of duties. (Conduct must be of the high severity of nature.) This charge is to be used only when another charge of highest severity is not applicable.	D. Make monetary restitution
299	Conduct which disrupts or interferes with the secure, orderly running of the facility. (Conduct must be of the high severity nature.) This charge is to be used only when another charge of highest severity is not applicable.	E. Loss of privileges: commissary, recreation, etc.
		F. Change housing (quarters)
		G. Remove from program and/or activity
		H. Loss of job
		I. Impound and store detainee's personal property
		J. Confiscate contraband
		K. Restrict to quarters
		L. Warning

## High Moderate Category

CODE	PROHIBITED ACTS	SANCTIONS
300	Indecent exposure	<p>A. Initiate criminal proceedings</p> <p>B. Disciplinary transfer (recommend)</p> <p>C. Disciplinary segregation (up to 72 hours)</p> <p>D. Make monetary restitution</p> <p>E. Loss of privileges: commissary, recreation, etc.</p> <p>F. Change housing (quarters)</p> <p>G. Removal from program and/or group activity</p> <p>H. Loss of job</p> <p>I. Impound and store detainee's personal property</p> <p>J. Confiscate contraband</p> <p>K. Restrict to quarters</p> <p>L. Reprimand</p> <p>M. Warning</p>
301	Stealing (theft)	
302	Misuse of authorized medication	
303	Loss, misplacement or damage of a less restricted tool	
304	Loaning of property or other item of value for profit or increased return	
305	Possession of anything not authorized for retention or receipt by the detainee and not issued through regular channels	
306	Refusing to clean assigned living quarters	
307	Refusing to obey an order of any staff member or security officer (may be categorized and charged in terms of greater severity, according to the nature of the order being disobeyed; i.e. failure to obey an order that furthers a riot would be charged as 105; refusing to obey an order that furthers a fight would be charged 201; refusing to provide a urine sample when ordered would be charged as 214)	
308	Insolence (insubordination) towards a staff member	
309	Lying or providing a false statement to a staff member or security officer	
310	Counterfeiting, forging or unauthorized reproduction of any money, security or other official document, article or identification paper (may be categorized in terms of greater severity according to the nature of the item reproduced; i.e. counterfeiting release papers to affect escape would be charged as 102 or 200)	
311	Participating in an unauthorized meeting or gathering	
312	Being in an unauthorized area	
313	Failure to stand count	
314	Interfering with the taking of the count	
315	Making, possessing or using intoxicants	
316	Refusing to breathe into a breathalyzer or other method of alcohol abuse testing	
317	Gambling	
318	Preparing or conducting a gambling pool	
319	Possession of gambling paraphernalia	
320	Unauthorized contacts with public	
321	Giving money or anything of value to, or accepting money or anything of value from, another detainee or any other person without staff authorization	
322	Destroying, altering or damaging government property or that of another person, having a value of \$100 or less	
398	Interfering with a staff member in the performance of duties (conduct must be of the moderate severity in nature). This charge is to be used only when another charge of moderate severity is not applicable.	
399	Conduct which disrupts or interferes with the security or orderly running of the facility (conduct must be of the moderate severity nature). This charge is to be used only when another charge of moderate severity is not applicable.	

## Low Moderate Category

CODE	PROHIBITED ACTS	SANCTIONS
400	Possession of property belonging to another person	A. Loss of privileges: commissary, recreation, etc.  B. Change housing (quarters)  C. Removal from program and/or group activity  D. Loss of job  E. Impound detainee's personal property  F. Confiscate contraband  G. Restrict to quarters  H. Reprimand  I. Warning
401	Possessing unauthorized clothing	
402	Malingering, feigning illness	
403	Smoking	
404	Using abusive or obscene language	
405	Tattooing or self-mutilation	
406	Unauthorized use of mail or telephone (restriction or loss of these privileges for a specific period of time may often be an appropriate sanction)	
407	Conduct with a visitor in violation of rules and regulations (restriction or loss of these privileges for a specific period of time may often be an appropriate sanction)	
408	Conducting a business	
409	Possession of money or currency, unless specifically authorized	
410	Failure to follow safety or sanitation regulations	
411	Using any equipment or machinery which is unauthorized	
412	Using any equipment or machinery contrary to posted safety standards	
413	Being unsanitary or untidy, failing to keep yourself and your quarters in accordance with posted standards	
498	Interfering with a staff member in the performance of their duties (conduct must be of the low moderate severity nature.) This charge is to be used only when another charge of low moderate severity is not applicable.	
499	Conduct which disrupts or interferes with the security or orderly running of the facility (conduct must be of the low moderate nature.) This charge is to be used only when another charge of low moderate severity is not applicable.	

## GRIEVANCE PROCEDURES

If you have a problem, try talking to an officer or other staff member. He or she will try to solve the problem informally. If you do not feel comfortable talking to an officer or other staff member, or if talking has not helped to solve the problem, you may file a formal grievance.

Formal grievance forms are available in all housing units. You have the right to pursue a grievance in accordance with the following procedures.

Grievance forms are available in all housing units. When you have a complaint or grievance, every effort should be made to resolve it at the lowest level possible. You must present your grievance in an orderly and timely manner. You should first attempt to resolve a grievance with the housing unit officer. If an informal grievance is made orally to an officer or other staff member, he or she will first attempt to resolve it at that level. If an informal grievance is resolved, the employee does not need to provide you with written confirmation of the outcome but will document the result for the record in your detention file. If the attempt to resolve the grievance informally is unsuccessful, the facility has four levels of a formal grievance review.

**All medical grievances are immediately forwarded to the IHSC medical administration for review.**

These reviews consist of the grievance officer (GO) review; department head, grievance appeals board (GAB) review; and appellate review.

### GO review:

The designated GO shall conduct the initial adjudication of a formal or informal grievance. You will be provided with a written or oral response within five days of receipt of the grievance.

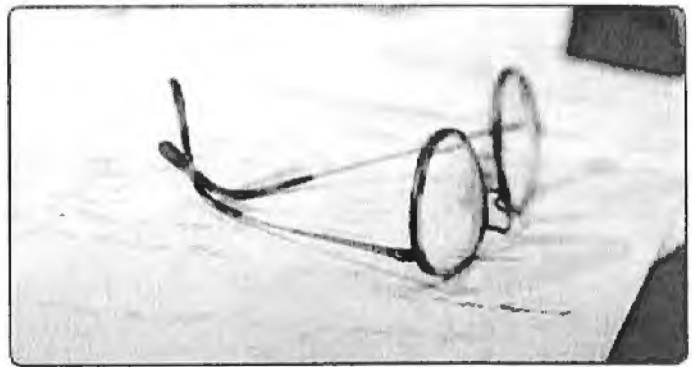
### GAB review:

You have the option to file an appeal if you are dissatisfied with a GO decision. The designated members of the GAB (as determined by the department head) will review and provide a decision on the grievance within five days of receipt of the appeal. The GAB will not include any individuals named in the grievance. If the grievance involves a medical issue, at least one member of the GAB will be a medical professional.

### Appellate review:

You have the option to file an appeal if you are dissatisfied with a GAB decision. The facility administrator, in some cases in conjunction with the field office director, shall review the grievance appeal and issue a decision within five days of receipt of the appeal. A written decision will be issued to you in all cases and forwarded to the field office director. The appellate reviewer's decision will be final.

Time sensitive emergency grievances are brought to a designated GO or directly to the facility administrator or their designee. If these personnel are not available, a shift supervisor may be informed of the complaint. If the facility administrator determines that the grievance is not an emergency, standard grievance procedures will apply.



If you claim the issue is sensitive or that your safety or well-being may be jeopardized if others in the facility learn of the grievance, you must:

- Describe in the grievance the reason for circumventing standard procedures; and
- Be given the right to seal the grievance in an envelope clearly marked "sensitive" or "medically sensitive," and submit it directly to the facility administrator, administrative health authority or designee.

You may not submit a grievance on behalf of another detainee. You may, however, seek assistance from another detainee or staff member in preparing your grievance. Even if you need someone to help you, you must adhere to all of the deadlines.

You cannot be harassed, punished, or disciplined because you made a complaint. If you believe that you have been retaliated against because you filed a complaint, contact the GO or the facility administrator immediately.

However, if you demonstrate a pattern of abuse of the grievance system, resulting in unnecessary burdens at the expense of legitimate complaints, such grievances will be returned unprocessed.

A copy of your complaint stays in your detention file for three years.

The Buffalo Federal Detention Facility will attempt to make available competent foreign language and/or sign language interpreters to ensure effective communication with detainees with Limited English Proficiency (LEP) and disabilities (e.g., detainees who are deaf, hard of hearing or blind and detainees with low vision). Detainees can receive disability-related auxiliary aids (e.g., Text Telephone or TTY) and services to allow for effective communication as well as other disability-related services to assist with filing a grievance, receiving medical and mental healthcare, using the telephone, participating in the disciplinary system, filing a complaint of sexual violence, etc.

## DHS OFFICE OF THE INSPECTOR GENERAL (OIG)

### Contact the DHS Office of Inspector General (OIG)

- Call: 1-800-323-8603
- Fax: 1-202-254-4297
- Mail: DHS Office of Inspector General  
Attn: Office of Investigations Hotline  
245 Murray Drive, SW  
Building 410/Mail Stop 2600  
Washington, D.C. 20528



## SICK CALL

If you are sick, you can request to be seen in the medical clinic. To receive this care, notify the unit officer or the medical staff when they visit you in the housing areas. Sick call will be conducted seven days a week in every housing unit by a registered nurse between 7 a.m. and 9 a.m.

If you are not sure how sick call works, ask any staff member.

If you are having dental pain or swelling, use the sick call process to get help. Routine care such as dental cleanings will not be done unless you are here for more than 12 months.

If you are feeling overwhelmed, have thoughts of hurting yourself or feel like you might hurt someone else, let an officer or a medical staff member know immediately and you will be seen.

## SUICIDE SCREENING AND PREVENTION

All detainees will receive an initial mental health screening by a qualified health care professional who has been specially trained, within 24 hours of admission. Detainees with mental illness or depression, or who may be at risk for suicide, will be treated with sensitivity and referred to an appropriate mental health professional. Tell your housing officer right away if you are depressed, think you may hurt yourself, someone else has threatened to hurt themselves, or you want to talk to someone.

Qualified, on-call clinical medical staff is available 24 hours per day for immediate consultation. All potentially suicidal or severely depressed individuals are treated with confidentiality and receive the proper referrals for assistance.

You can also communicate with ICE via the Detention Reporting and Information Line (DRIL) at 1-888-351-4024 or 9116#. You will be referred to an appropriate health professional.

## RECREATION FACILITIES

### Access to outside recreation

The BFDL will offer outdoor recreation one hour per day. Each housing unit will have a schedule posted as to what times the outdoor recreation is available. No food will be allowed in the recreation yard.

### Day-room and indoor recreational facilities

In the housing units, there is recreation including, but not limited to, board games, card games, dominoes and television. In each housing unit an area has been designated as the day room. There are game tables, chairs and television available for use. This area is a common area for all detainees assigned to that housing unit. The use of the day room, board games and television is a privilege and not a right, and use will be at the discretion of the housing unit officer.



### The following rules apply for television viewing:

- The housing unit officer is responsible for monitoring and controlling the television programming.
- Televisions will be turned off during official counts, mealtime, cleaning of housing areas and when it will interfere with the facility's operations.
- Television volume must be kept at a reasonable level in order to not disturb other detainees or the facility's operations.

Any requests for special scheduling should be forwarded to the housing unit officer for consideration.

There is indoor recreation available for use. Indoor recreation will be used when the weather does not permit the use of the outdoor recreation area.

## DETAINEE DRESS CODE

Poor hygiene and unsanitary habits can harm health and safety at the facility. If you do not obey the dress and grooming rules, it could cause conflicts with others at the facility and the staff may counsel and discipline you. The facility will accommodate your religious preferences about your grooming to the extent possible. You must keep yourself neat and clean and always wear appropriate clothes and shoes.

### You may have any hairstyle if it is safe and clean, with the following exceptions:

- For safety and hygiene reasons, kitchen workers and detainee workers operating machinery will keep their hair in a neat, clean and commonly acceptable style. The hairstyle will not interfere with safety and hygiene requirements.
- In addition, all kitchen workers and housing unit workers will wear a hairnet, and those with facial hair must wear a beard guard when handling or serving food at all times.

### You may have facial hair with the following exceptions:

- For safety and hygiene reasons, kitchen workers and detainee workers operating machinery must wear a beard guard if they have facial hair, while performing the above described functions.
- These restrictions are a requirement for employment in the above described work assignments, and acceptance of the job denotes acceptance of the grooming standards for the above described work assignments. There will be no exceptions to this requirement including medical reasons.



## CLOTHING

You will get a uniform (shirt, pants, and shoes) and a wristband. The basic uniform for detainees is distinct in appearance as to identify the detainee according to their classification level.

- **Blue** uniforms – Level One detainees
- **Green** uniforms – Level Two detainees
- **Red** uniforms – Level Three detainees

**White** uniforms will be the work uniform for kitchen workers only. In the housing units, the kitchen workers will wear the appropriate color uniform. Kitchen workers must wear a white uniform, but only when on duty.

All issued clothing must be worn as specified in the following prescribed instructions and in no other manner.

These requirements are essential to ensure compliance of security, hygiene and conduct:

- Clothing must be clean and not torn.
  - Only kitchen workers are authorized to wear white uniforms.
  - Undergarments may be worn without outer garments only while inside the sleeping quarters or the restroom.
- NO EXCEPTIONS**
- Shower shoes may be worn only inside the housing unit.
  - Sneakers will be worn at all times when outside the housing units.
  - No hats or head coverings, unless it is part of your work uniform or has been approved by the chaplain for religious reasons.
  - You will wear a complete uniform (pants, sneakers and uniform shirt) while in medical, court, religious services, educational classes, library, legal rights presentations and at all visitations.
  - While in the housing unit, you may wear pants, t-shirt or uniform shirt, and footwear. No huggy or oversized clothing will be worn; sagging or low riding pants are not permitted. Bare feet and bare chests are not allowed.
  - Work boots are only to be worn for outside work details.
  - No belt will be worn.
  - Do not change or re-purpose your uniform if issued (for example, do not wear your shirt as a headband or roll up long pants to make them short).
  - Clothes must be worn to and from the shower.
  - You are allowed to order one pair of sneakers every six months, provided the pair being replaced is turned into processing and destroyed. You will only be allowed to be in possession of one pair of sneakers at any time. This does not include sneakers issued by the facility.

## CONTACTING ICE, ERO STAFF, YOUR DEPORTATION OFFICER OR CONSULAR OFFICIAL

If you have a question, request, concern, complaint, or want more information about the facility's rules, you may ask a staff member at the facility, talk to an ICE officer, or send a written request to the facility or directly to ICE.

You may write your request on a blank piece of paper or ask your housing officer for a detainee request form. See how to file a grievance below.

The detainee request form is an informal request. It is not the same as a grievance. If you would like to pursue a formal complaint, you may file a grievance.

The detainee request form is a form you can fill out to make a request or informal complaint to the facility or ICE staff. If you need help filling out the detainee request form, you may ask another detainee, your housing officer, or other staff member at the facility.

You may contact your deportation officer regarding the status of your immigration case by completing a case management worksheet. This form can be obtained from your housing unit officer. The form must specify a particular concern or question in order to receive a response. The completed form will be forwarded to your deportation officer who will reply to you in writing or in person during the deportation officer rounds in the housing units.

As a non-U.S. citizen who is being arrested or detained, you are entitled to have ICE notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, contact your family and visit you in detention, among other things. If you want ICE to notify your country's consular officials, you can request this notification now, or at any time in the future, with your deportation officer. After your consular officials are notified, they may call or visit you.

Each housing unit has a secure dropbox for you to correspond directly with ICE management. Only ICE personnel has access to the dropbox.

You may correspond directly with the Buffalo Field Office at the following address:

ICE ERO Field Office Director - Buffalo  
130 Delaware Avenue  
Buffalo, New York 14202

You may also call 1-716-551-4741 during normal business hours (Monday - Friday, 8 a.m. to 4 p.m.)

A listing of free consular phone numbers is posted in each housing unit.

## CONTRABAND

Contraband is anything not allowed at the facility. You are not allowed to have anything unsafe or that interferes with the orderly operations of the facility. It is your responsibility to know the rules for what is and is not allowed at the facility. If you have anything listed below, or anything else not allowed by the facility, you may be disciplined.

**Contraband items include, but are not limited to:**

- Alcohol or illegal drugs
- Dangerous objects, deadly weapons and explosives
- Anything that could disguise or change a detainee's appearance or be used to help someone escape
- Any camera, video, recorder, cell phones, or other device that could be used to make photos, audio or video recordings of detainees, staff, or government property
- Any article of clothing or item for personal use or consumption that has not been purchased through commissary or first approved by the AFOD

- Any article of clothing or item for personal use or consumption that has been altered from its original form, (i.e. radios, playing cards, games or fruit)
- Any authorized item (i.e. photographs) in excessive amounts
- Cameras, video, audio or related equipment that can be used to make unauthorized photographs, audio or video recordings

Any radio found with the numbers altered or in the possession of a detainee other than the proper owner is considered contraband. Therefore all radios, or any other item of value, must be properly secured in your cell or locker any time you leave the housing unit, to include leaving the facility on a temporary basis.

All contraband, to include the above-mentioned radios and altered items, shall be confiscated in accordance with established facility policy and procedure. Detainees found in possession of contraband, to include the above-mentioned radios and altered items, shall be subject to disciplinary procedures.

## GENERAL RULES

- No loud or profane language in the unit.
- No horseplay or running.
- Only the detainee assigned to a specific bed is allowed to occupy that bed.
- No yelling across the unit.
- No leaning on or hanging around the officer's station.
- No items will cover lights or vents in cells or cubicles.
- No pillows, blankets or sheets outside of cells or cubicles.
- Staff will control the television.
- No clothes, sheets or towels will be hanging from the bunks in the dormitories.
- When a detainee is locked down in a cell, you will stay away from that cell.
- No loitering on the top tier of the single cell units or dorms.
- Access to the quiet room is at the discretion of the housing unit officer and is limited to one detainee. You must sign up on the quiet room sign in sheet at the officer's station to access the quiet room. There is to be no congregating around the quiet room or cells.
- No talking in the corridor.
- No items will be carried in clothing pockets.
- No food (including commissary) will be taken outside of the unit to visitation, religious services, the library, the law library, indoor recreation, etc.
- Cell doors shall be closed whether in your cell or outside of your cell.
- Additional housing unit guidelines will be placed on the detainee bulletin board in each housing unit.

## SEXUAL ABUSE AND ASSAULT AWARENESS

ICE has a zero tolerance policy against sexual abuse or assault of anyone in ICE custody. While detained by ICE you have a right to be safe and free from sexual abuse and sexual assault. ICE requires all facilities to have a sexual abuse and assault prevention and intervention (SAAPI) program, which includes facility procedures for reporting and investigating all incidents of sexual abuse or assault, and ensuring you are provided medical care and other services if you are victimized.

## Detention as a Safe Environment

While you are detained, no one has the right to pressure you to engage in sexual acts or unwanted sexual behavior. Regardless of your age, size, race, ethnicity, sexual orientation or gender identity, you have the right to be safe from unwanted sexual advances and acts. If any staff member or service provider tells you they can help you stay in the United States in exchange for sexual contact or gratification or hurt your chances of staying in the United States if you do not allow sexual contact or gratification, they are lying.

## Definitions

### Detainee-on-detainee sexual abuse and assault

All forms of sexual abuse and assault by a detainee against another detainee(s) are prohibited. If another detainee forces you to engage in a sex act, touches the sexual parts of your body, forces you to touch the sexual parts of his/her body, or uses threats or intimidations to pressure you to engage in sex, it is sexual abuse.

### Staff-on-detainee sexual abuse and assault

All forms of sexual abuse and assault against a detainee by a staff member (including contract guards, medical professionals and volunteers) are prohibited and against the law. If a staff member has sex with you, intentionally touches you in a sexual manner, makes sexual advances or repeated sexual comments, displays his or her genitals, or engages in voyeurism, it is sexual abuse.

### Examples of sexual abuse and assault:

- While speaking to you, a staff member or another detainee caresses your buttocks;
- A staff member or detainee walks into the walk-in fridge and grabs your breasts;
- Someone threatens to rape you while you are sleeping;
- Someone forces you to have sex with them or another person to repay a debt;
- Someone offers you protection in exchange for sex; or
- A staff member or detainee offers you a privilege or a favor in exchange for sex.

## Prohibited Acts

A detainee or staff member who commits sexual abuse or assault shall be punished administratively and may be subject to criminal prosecution.

A detainee who engages in such behavior can be charged with the following Prohibited Acts under the Detainee Disciplinary Policy (DDP):

- Code 101: Sexual Assault
- Code 207: Making a Sexual Proposal or Threat
- Code 404: Using Abusive or Obscene Language
- Code 206: Engaging in a Sex Act
- Code 300: Indecent Exposure

No one can retaliate against you for reporting sexual abuse or assault, participating in an investigation about sexual abuse or assault, or participating in sexual activity as a result of force, coercion, threats, or fear of force.

This means you cannot be subject to disciplinary action, housing changes, removal from facility programs, or other negative actions for reporting.

### **Reporting sexual abuse or assault will not negatively impact your immigration proceedings**

There are many emotional and physical challenges in the aftermath of sexual abuse or assault, but reporting the crime is an important step for you to take in regaining control and seeking justice. If you experience retaliation for reporting sexual abuse or assault, participating in an investigation about sexual abuse or assault, or for engaging in sexual activity as a result of force or coercion, you can report it in the same way that you report an incident of sexual abuse or assault.

Consensual sexual conduct between detainees is also prohibited. While consenting sex between detainees is not sexual abuse or assault, it is a violation of facility rules and subject to administrative and disciplinary action.

### **Avoiding Sexual Abuse and Assault**

Sexual abuse and assault is never the victim's fault. However, you are better protected if you carry yourself in a confident manner. Many abusers choose victims who look like they would not fight back or who they think are emotionally weak. Do not accept gifts or favors from others. Most gifts or favors come with special demands or limits the giver expects you to accept.

You should also:

- Report staff members of the opposite sex who do not announce themselves before entering a bathroom or other area.
- Report any staff member who escorts you ALONE to certain remote areas.
- Do not accept an offer from another detainee to be your protector.
- Find a staff member with whom you feel comfortable discussing your fears and concerns.
- Do not use drugs or alcohol. These weaken your ability to stay alert and make good judgments.
- Be clear, direct, and firm. Do not be afraid to say "no" or "stop it now."
- Choose your associates wisely. Look for people who are involved in positive activities like educational programs, work opportunities, or counseling groups. Get yourself involved in these activities if they are available at your facility.
- Trust your instincts. Be aware of situations that make you feel uncomfortable. If it does not feel right or safe, leave the situation or seek assistance. If you fear for your safety, report your concerns to a staff member.

### **Report All Sexual Abuse and Assaults**

If you are afraid of being abused or assaulted, or if you become a victim of a sexual abuse or assault, talk to someone immediately. Only if the abuse is reported can perpetrators be held accountable and subject to discipline or potentially prosecuted.

You can report a sexual abuse or assault incident to facility staff, ICE/ERO personnel, DHS or ICE headquarters, or a consular official.

You can also report anonymously or through a third party (such as a relative or friend).

### **Below are some ways you can make a report:**

#### **Report to the facility**

Tell any trusted staff member at the facility (for example, your housing unit officer, chaplain, supervisor, officer in charge, health care provider, the designated Sexual Abuse and Assault Prevention and Intervention (SAAPI) Compliance Manager, etc.). Your local handbook may have more information about who to contact.

#### **File an informal or formal grievance with the facility (including an emergency grievance)**

This handbook contains information on filing grievances on pg. 15. Your housing officer or unit supervisor can also explain how this process works.

#### **File a written informal or formal request or grievance to ICE/ERO**

There should be locked boxes at your facility for ICE requests. Ask your housing unit officer where this box is located if you need help finding it. Only ICE can access this information.

#### **Report to DHS or ICE Headquarters**

#### **Contact the ICE Detention Reporting and Information Line (DRIL)**

Call the toll-free hotline at 1-888-351-4024 or 911#

#### **Contact the DHS Office of Inspector General (OIG)**

Call the toll-free hotline at 1-800-323-8603 or 518#, or write a letter to:

DHS Office of Inspector General  
Attn: Office of Investigations Hotline  
245 Murray Dr., SW  
Building 410/Mail Stop 0305  
Washington, D.C. 20528

#### **Report to your consular official**

Call or write to your consular official. Your facility can give you the contact information for your consulate.

#### **Anonymous reporting**

You do not have to give your name to report sexual abuse or assault, but the more information you can provide, the easier it will be to investigate what happened. Staff members are required to keep the reported information confidential and only discuss it with the appropriate officials on a need-to-know basis.

#### **Confidentiality**

Information about a victim of sexual assault, and the facts of the report itself, will be limited to those who need to know to make decisions concerning the victim's welfare and for law enforcement investigative purposes. People who may need to know include but may not be limited to:

- Staff members who make decisions about your care;
- Law enforcement;
- Facility investigators;
- Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE); and
- Local victim service provider.

#### **If you are abused or assaulted, the facility will help you get medical care, counseling, and victim services**

If you feel that confidentiality has been breached by facility staff, you can report it the same way you report sexual abuse, assault, or retaliation.



### **After reporting sexual abuse or assault or attempted sexual abuse or assault**

You will be offered immediate protection from the perpetrator and referred for medical examination and clinical assessment. You do not have to name the detainee(s) or staff member who assaulted you in order for you to receive assistance, but specific information may make it easier for staff to help you. You will continue to receive protection from the perpetrator, whether or not you have identified your attacker or agree to testify against them.

### **Save anything that may contain the perpetrator's DNA**

If you are a victim of sexual abuse or assault, you should make every effort to save anything that might contain the perpetrator's DNA. You should not bathe or shower, use the restroom, change clothes, comb your hair, clean up the scene where the incident occurred, or move anything the perpetrator may have touched. It is important to bring with you to the medical exam, the clothes and undergarments that you had on at the time of the assault.

### **Receiving medical attention**

Immediately after a sexual abuse or assault incident, it is important that you receive medical attention, regardless of your decision to participate in a criminal investigation. For your health and self-protection, it is important to be checked and treated for possible injuries, even if none are visible. This includes testing for HIV and other sexually transmitted infections (STIs), as well as receiving preventative treatments, such as medications to prevent STIs, pregnancy (if applicable), and to protect against HIV transmission. You are also entitled to ongoing medical care as needed.



### **Sexual assault forensic exams**

In addition to receiving medical attention, some victims will also be encouraged to receive a sexual assault forensic medical exam. This exam is important because preserving evidence can be key to criminally prosecuting the perpetrator.

### **You have a right to accept or decline any or all parts of the exam.**

It is important to remember, however, that critical evidence may be missed if not collected or analyzed. It is also important to bring with you to the medical exam the clothes and underwear that you had on at the time of the assault. If the facility staff has these items, let the examiner know.

### **Sexual assault forensic medical exam**

A sexual assault forensic medical exam will be performed at a hospital or other healthcare facility, by a SANE, SAFE or another medical professional. This exam is complex and on average, takes three to four hours.

To start, the medical professional will write down your detailed health history. Next the examiner will conduct a head-to-toe, detailed examination and assessment of the entire body (including an internal examination). This may include collection of blood, urine, hair, and other body secretion samples, photo documentation of injuries, and collection of clothing. Finally the medical examiner will speak about treatment for sexually transmitted infections to which victims may have been exposed during the assault and for female victims, pregnancy risk evaluation and care. The facility or center will follow up to ensure that any additional treatments, counseling, medical care, or victims' services are provided.

### **Mental health and victim services**

You are entitled to mental health services and ongoing care, as appropriate, including counseling and access to outside victim services. At your request, the facility staff will put you in touch with a local community victim advocate.

If not available, the facility will contact ICE. The agency will provide you with a trained, experienced professional to provide crisis intervention. Victim advocates and crisis intervention services are available to help you cope and prepare you for any long-term processes. These might include criminal investigation, sexual assault forensic medical exam, emotional and physical reactions after an assault, etc., and your presence during the forensic medical exam or investigative interviews. A professional will also help you build on your strengths and identify your support network, problem solve, communicate to the facility any additional referrals you may need (psychological, medical, legal) for additional support and information, help with any immigration relief support specific to the incident, and help you if you are released from ICE custody.



## Your Rights and Responsibilities

RIGHTS	RESPONSIBILITIES
You have the right to be informed of the rules, procedures and schedules concerning the operation of the facility where you are detained.	You have the responsibility to know them and abide by them.
You have the right to freedom of religious affiliation and to voluntary religious worship that does not detrimentally affect others or the order and security of the facility.	You have the responsibility to recognize and respect the rights of other religious groups and/or beliefs.
You have the right to reasonable care. You have the right to be held in acceptable conditions of confinement, which includes nutritious meals, proper bedding and clothing, a regular laundry schedule, an opportunity to shower regularly, proper ventilation for warmth and fresh air, a regular exercise period, toilet articles and medical treatment.	It is your responsibility not to waste food, to follow the laundry and shower schedules, maintain neat and clean living quarters, and to seek medical care as needed.
You have the right to receive visits from family members and friends, according to the facility's rules and schedules.	It is your responsibility to conduct yourself properly during visits and to not accept or pass contraband.
You have the right to legal counsel from an attorney of your choice by means of interviews and correspondence, at no cost to the U.S. government. USMS detainees have the right to an attorney; if you cannot afford an attorney, an attorney will be provided to you.	It is your responsibility to obtain the services of an attorney.
You have the right to unrestricted and confidential access to your attorney and the courts by correspondence.	Presentation of your case is your responsibility, in consultation with your attorney.
You have the right to use law library reference materials to assist you in resolving legal problems. You also have the right to receive help, when it is available, through a legal assistance program.	It is your responsibility to use those resources according to the prescribed procedures and schedule, and to respect the rights of other detainees to use of the materials.
You have the right to a wide range of reading material for educational purposes and for your own enjoyment.	It is your responsibility to use these materials for personal benefit, without depriving others of their equal rights to the use of this material.
You may have the right to participate in a work program, depending on your detention location.	You have a responsibility to take advantage of work opportunities and activities that may help you live more successfully within the facility and the community. You are expected to abide by the regulations governing the use of such activities.
You may have the right to an administrative hearing before an immigration judge, depending on the particular facts and circumstances of your case. Alternative removal proceedings (as authorized by statute) may be used to determine your status in the United States. Should you have any questions in these areas, you should discuss them with your deportation officer.	Presentation of your case is your responsibility, in consultation with your attorney.
You may be authorized for release on bond until your scheduled administrative hearing.	It is your responsibility to arrange methods of payment for your bond.
You have the right to apply for political asylum if you believe that you could be persecuted in your native country because of your race, religion, nationality, membership in a particular social group or political opinions.	It is your responsibility to prepare and submit the proper forms requesting consideration for political asylum in the United States.
If statutorily eligible, you have the right to request voluntary departure prior to a hearing. If voluntary departure is granted, you waive your right to have your case presented at a hearing.	It is your responsibility to inform an ICE officer that you request voluntary departure.

# Exhibit B

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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VERNON JONES, et al.

Petitioners,

v.

20-CV-00361 LJV

CHAD WOLF, in his official capacity as Acting Secretary,  
U.S. Department of Homeland Security;

THOMAS E. FEELEY, in his official capacity as Field  
Office Director, Buffalo Field Office, U.S. Immigration  
& Customs Enforcement; and

JEFFREY SEARLS in his official capacity as  
Administrator, Buffalo Federal Detention Facility.

Respondents.

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**DECLARATION OF CAPTAIN ABELARDO MONTALVO, M.D.**

Pursuant to 28 U.S.C. § 1746, I, Captain Abelardo Montalvo, M.D., hereby declare and state as follows:

1. I am a medical doctor with a Board Certification in Family Medicine. I make this declaration in opposition to the Petition brought by 22 individuals seeking immediate release from immigration detention. The information provided herein is based upon my personal knowledge, review of DHS records, and information provided to me by the United States Attorney's Office.

2. In response to this Court's order, dated April 2, 2020, and in addition to the steps taken to limit exposure of detainees to the COVID-19 virus outlined in my declaration dated March 30, 2020, I submit the following plan for limiting the Petitioners deemed



“vulnerable individuals” to exposure to COVID-19 at the Buffalo Federal Detention Facility (“BFDF”):

- a. Each Petitioner’s medical conditions and medical history has been assessed to determine whether they constitute “vulnerable individuals” as defined by Centers for Disease Control (“CDC”) guidelines;
  - b. Vulnerable individuals include those aged 65 years older, those who suffer from diseases, illnesses, or maladies which compromise their immune system, and those suffering from chronic conditions which make them more at risk to suffer negative health consequences from the COVID-19 virus. Such chronic conditions include heart disease, diabetes, and obesity;
  - c. If a Petitioner is a “vulnerable individual,” he will be relocated and provided with a living situation that facilitates “social distancing.”
3. For BFDF purposes, “social distancing” will include measures recommended by the CDC and New York State Department of Health, including:

- a. Maintaining a distance of 6 feet between individuals;
- b. Providing space at meal time so that each detainee can remain 6 feet away from any other detainee, and allowing detainees to eat at their beds for maximum distancing;
- c. Pre-screening all visitors to the housing units (which will consist solely of BFDF staff) by taking temperatures and seeing if the person is exhibiting flu-like symptoms;
- d. Providing for individual cells and/or beds with 6 feet of separation between each bed;
- e. Providing outdoor recreation in areas allowing for detainees to maintain 6 feet of separation from any other detainee.

4. In addition, and to assuage concerns raised by this Court’s order, I can confirm that **all** new arrivals to BFDF are quarantined for 14 days, after being screened in the garage bay for fever, COVID-19 symptoms, or exposure to COVID-19 infected individuals.

5. ICE will review the medical conditions and histories of Petitioners, as described above, and report back in accordance with this Court's order, by 9:00 AM, Monday, April 6, 2020, to confirm that the above procedures have been implemented.

6. In addition to the above, and the steps outlined in my declaration of March 30, 2020, BFDF has taken the following steps to further limit exposure of both staff and detainees to COVID-19 with regard to all persons at BFDF, not just Petitioners:

- a. All staff and visitors have their temperature taken at the main gate to the facility, before even entering BFDF grounds (this includes delivery persons);
- b. Discussed with all staff at pre-briefings the importance of social distancing;
- c. Notified the staff about the importance of self-monitoring symptoms and taking their temperatures. Also informed them if they are not feeling well to stay home;
- d. Split up and held several pre-briefing musters, rather than one main muster per shift to keep staff from congregating in one area;
- e. Cancelled all annual refresher training sessions until further notice;
- f. Cancelled all classroom firearms annual training sessions until further notice;
- g. Established separate quarantine unit for all incoming male detainees. They will be held in this unit, kept on minimum movement, and put on 14 day quarantine to evaluate and ensure they do not have symptoms of the COVID-19 Virus;
- h. Detainees who are moved out of the quarantine unit for any type emergency will be required to wear N-95 mask and gloves;
- i. A female-only quarantine unit is being utilized for any incoming female detainees, They will be held in this unit and kept on minimum movement and put on 14 day quarantine to evaluate and ensure they do not have symptoms of the COVID-19 Virus;
- j. Detainees moving out of the female-only unit for any type of emergency will be required to wear N-95 mask and gloves;
- k. In dormitories with larger number of beds, every other bed is being left vacant to ensure distancing between detainees, to the fullest extent possible;

- l. All group gatherings that do not allow for social distancing have been cancelled, including art classes, barbering services, religious gatherings, and others;
  - m. Detainees have been encouraged to increase communication with BFDF staff via the electronic request and grievance forms on the tablets and an increased number of staff are monitoring and responding more frequently;
  - n. Essential visitation, such as attorneys visits, or ICE staff serving paperwork that they cannot serve via inter office mail, are encouraged to use the non-contact visitation booth and if they must use the contact booth, they are required to use PPE;
  - o. Participation in detainee work programs have been decreased to avoid interaction with staff and amongst detainees.
7. In determining which Petitioners may be considered “vulnerable individuals”

I have relied upon guidance and information from the CDC made available to health care practitioners, including those who operate in a detention setting. I also reviewed the medical histories and records of the Petitioners, including their medications and the current status of any conditions they may suffer. Based upon my review of medical literature and guidance, and the review of the individual Petitioners’ medical histories, I have concluded that the following Petitioners have a potentially increased vulnerability to negative health consequences from infection by the COVID-19 virus:

- a. Jubril Adalakun
- b. Dween Afarel Blackman
- c. Aldwin Brathwaite
- d. Eric Commissiong
- e. Danilo Concepcion
- f. Jonathan Espinal-Polanco
- g. Idada Falodun
- h. Curry Wendell Forbes



- i. Necati Harsit
  - j. Juan Carlos Lainez Mejia
  - k. Patrick Maduabuchi Nwankwo
  - l. Ricardo Quintanilla-Mejia
  - m. Ibrahima Sory Sow
8. Nine of the Petitioners do not meet the “vulnerable individual” category for the following reasons:
- a. Petitioner Donga is 31 years old and thus does not qualify as an individual 65 years or older. Although he reports a history of smoking, he has been asymptomatic for any complications from smoking and has not been smoking for the duration of his detention at BDFD.
  - b. Petitioner Jones is 39 years old and thus does not qualify as an individual 65 years or older. Although he claims to suffer from epilepsy, this does not make him more susceptible to negative health consequences if infected with COVID-19 than the average person
  - c. Petitioner Jules is 46 years old and thus does not qualify as an individual 65 years or older. He alleges to suffer from pre-diabetes but his A1C levels have been stable and he is not more susceptible to negative health consequences if infected with COVID-19 than the average person
  - d. Petitioner Bhuyan is 56 years old and thus does not qualify as an individual 65 years or older. Although he alleges a tumor on his head a CT scan of the head failed to show evidence of a brain tumor therefore this does not make him more susceptible to negative health consequences if infected with COVID-19 than the average person
  - e. Petitioner Narain is 59 years old and thus does not qualify as an individual 65 years or older. His medical history is unremarkable and he is therefore not any more susceptible to negative health consequences if infected with COVID-19 than the average person.
  - f. Petitioner Salcedo is 57 years old and thus does not qualify as an individual 65 years or older. His medical history is unremarkable and he is therefore not any more susceptible to negative health consequences if infected with
  - g. Petitioner Thomas is 27 years old and thus does not qualify as an individual 65 years or older. While Petitioner Thomas does suffer from mental health issues and possibly a seizure disorder, he has not suffered a seizure since at

least October 2018. He is therefore not any more susceptible to negative health consequences if infected with COVID-19 than the average person.

- h. Petitioner Wilson 51 years old and thus does not qualify as an individual 65 years or older. Although he reports a history of smoking, he has been asymptomatic for any complications from smoking and has not been smoking for the duration of his detention at BFDF.

9. ICE has informed me that it plans to institute the following to allow for social distancing of each of the above:

- a. **Jubril Adelakun:** This Petitioner will be moved to the C4 unit, which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds.<sup>1</sup>
- b. **Dween Afarel Blackman:** This Petitioner will be moved to the A2 unit and given his own cell.<sup>2</sup>
- c. **Aldwin Brathwaite:** This Petitioner will be moved to the B1 unit and given his own cell.<sup>3</sup>
- d. **Eric Commissiong:** This petitioner will be moved to the A2 unit and given his own cell.
- e. **Danilo Concepcion:** This Petitioner will be moved to the B2 unit and given his own cell.
- f. **Jonathan Espinal-Polanco:** This Petitioner will be moved to the B1 unit and given his own cell.
- g. **Idada Falodun:** This Petitioner will be moved to the B2 unit and given his own cell.
- h. **Curry Wendell Forbes:** This Petitioner will be moved to the B1 unit and given his own cell.

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<sup>1</sup> Although the C units have communal washrooms, this does not increase the risk of infection as once an individual is finished using the washroom, they will have washed their hands and removed any possible contaminants they encountered in the washroom. These units are also operating at diminished capacity which will decrease the number of detainees using the washrooms.

<sup>2</sup> Cells in the A unit include a toilet and sink for the use of the occupant(s).

<sup>3</sup> Cells in the B unit include a toilet and sink for the use of the occupant(s).

- i. **Necati Harsit:** This Petitioner will be moved to the A2 unit and given his own cell.
- j. **Juan Carlos Lainez Mejia:** This Petitioner will be moved to the A2 unit and given his own cell.
- k. **Patrick Maduabuchi Nwankwo:** This Petitioner will be moved to the C4 unit, which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds.
- l. **Ricardo Quintanilla-Mejia:** This Petitioner will be moved to the B1 unit and given his own cell.
- m. **Ibrahima Sory Sow:** This Petitioner will be moved to the B3 unit and given his own cell.

10. In the event that a detainee shows symptoms of the COVID-19 virus, that detainee will immediately be isolated in one of two negative pressure rooms in the BFDF. The negative pressure room operates to limit the flow of air from the room with the infected individual to outside the room. This will further help limit any exposure should any individual become infected. The infected individual will then be tested for COVID-19, monitored, and, as required, transported to a local hospital for treatment.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 3, 2020

*CAPT Abelardo Montalvo, M. D.*

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CAPTAIN ABELARDO MONTALVO, M.D.



# Exhibit C

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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VERNON JONES, et al.

Petitioners,

v.

20-CV-00361 LJV

CHAD WOLF, in his official capacity as Acting Secretary,  
U.S. Department of Homeland Security;

THOMAS E. FEELEY, in his official capacity as Field  
Office Director, Buffalo Field Office, U.S. Immigration  
& Customs Enforcement; and

JEFFREY SEARLS in his official capacity as  
Administrator, Buffalo Federal Detention Facility.

Respondents.

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**DECLARATION OF JEFFREY SEARLS**

Pursuant to the provision of 28 U.S.C. § 1746, I, JEFFREY SEARLS, hereby declare and state as follows:

1. I am an Officer in Charge (“OIC”) with the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”) at the Buffalo Federal Detention Facility (“BFDF”). I have held this position since September 2018. Prior to this position, I was the Assistant Officer in Charge from May 2017 to September 2018. I have worked in other positions within ICE since March 2001.

2. I make this declaration in response to the Court’s orders dated April 2 and April 3, 2020, and to provide additional information to the Court.

3. Firstly, I hereby confirm that the plan suggested by Dr. Montalvo in his declaration dated April 3, 2020, has been implemented to the fullest extent possible.

Specifically, the actions in paragraphs 2 and 3 of that declaration have been fully undertaken. Unfortunately, due to logistical constraints and restrictions placed upon the facility, Petitioners Concepcion, Falodun, and Sow were not given single occupancy cells as planned, and have been placed in the communal dorms. Importantly, all Petitioners have been moved to locations in which they can practice “social distancing,” as planned by Dr. Montalvo and required by the Court.

4. With regard to the individual Petitioners identified as “vulnerable individuals” in Dr. Montalvo’s April 3, 2020 declaration, I confirm the following:

- a. **Jubril Adelakun:** This Petitioner has been moved to the C4 unit, which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds, as far as practicable.
- b. **Dween Afarel Blackman:** This Petitioner has been moved to the A2 unit and given his own cell.
- c. **Aldwin Brathwaite:** This Petitioner has been moved to the B1 unit and given his own cell.
- d. **Eric Commissiong:** This petitioner has been moved to the A2 unit and given his own cell.
- e. **Danilo Concepcion:** This Petitioner has been moved to the B2 unit, which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds, as far as practicable.
- f. **Jonathan Espinal-Polanco:** This Petitioner has been moved to the B1 unit and given his own cell.
- g. **Idada Falodun:** This Petitioner has been moved to the B2, which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds, as far as practicable.
- h. **Curry Wendell Forbes:** This Petitioner has been moved to the B1 unit and given his own cell.
- i. **Necati Harsit:** This Petitioner has been moved to the A2 unit and given his own cell.

- j. **Juan Carlos Lainez Mejia:** This Petitioner has been moved to the A2 unit and given his own cell.
  - k. **Patrick Maduabuchi Nwankwo:** This Petitioner has been moved to the C4 unit, which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds, as far as practicable.
  - l. **Ricardo Quintanilla-Mejia:** This Petitioner has been moved to the B1 unit and given his own cell.
  - m. **Ibrahima Sory Sow:** This Petitioner has been moved to the B3 , which consists of communal bedding. Beds which are filled will be adjoined by vacant beds to ensure social distancing of detainees in the beds, as far as practicable l.
5. Additionally, Assistant United States Attorney Khalil has relayed to me questions posed by the Court, and I provide the following information in response:
- a. The BFDF is separated into 10 units.
  - b. Units A1, A2 and Unit B1 are single cell, double occupancy rooms, meaning they ordinarily contain two people in one room. These rooms each have their own sink and toilet. The cells in these units form a two-story ring around a central “quad” or open space, where dining and other activities can take place, and detainees can walk around, and, under normal circumstances, congregate.
    - i. Unit A1 is currently the “intake unit” for males, where incoming male detainees will be held for 14 days and checked for COVID-19 symptoms. If new detainees are introduced, or a detainee becomes symptomatic, the 14-day period restarts. There are presently 31 detainees in A1, which has a maximum capacity of 88 detainees.<sup>1</sup>
    - ii. Unit A2 currently has 68 detainees, with a maximum capacity of 92 detainees.
    - iii. Unit B1 currently has 72 detainees, with a maximum capacity of 92 detainees.
  - c. Units B2 and B3, and Units C1, C2, C3, and C4 are open dormitory units where detainees are free to move about the dorm with little restriction. These units consist of one large open quad with bunks in one area, while the remainder of the area remains largely open space.

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<sup>1</sup> Information current as of April 4, 2020 at 2:00 PM.



- i. Unit B2 currently has 53 detainees, with a maximum capacity of 72 detainees.
  - ii. Unit B3 currently has 40 detainees, with a maximum capacity of 72 detainees.
  - iii. Unit C1 is currently the “intake unit” for females, where incoming female detainees will be held for 14 days and checked for COVID-19 symptoms. If new detainees are introduced, or a detainee becomes symptomatic, the 14-day period restarts. There are presently 2 detainees in C1, which has a maximum capacity of 72 detainees.
  - iv. Unit C2 is a female-only dorm. It currently has 36 detainees, with a maximum capacity of 72.
  - v. Unit C3 is a male-only dorm, it currently has 40 detainees with a maximum capacity of 72.
  - vi. Unit C4 is a male-only dorm, it currently has 37 detainees with a maximum capacity of 72.
- d. BFDF also has a Special Housing Unit (“SHU”), which can accommodate 64 detainees. It presently has 10 detainees. The SHU is used for disciplinary segregation, medical observation, and administrative segregation which includes protective custody. Unlike the regular housing units, the SHU does not have any “quad” area or space for detainees to congregate under normal times. Detainees in this section are generally restricted to single-occupancy cells.

6. Presently, BFDF has approximately 388 detainees, and has a maximum capacity of 716 detainees.<sup>2</sup> It is therefore at 54% capacity, allowing for much more space per detainee than under usual conditions.

7. With respect to the question posed by the Court on April 3, 2020, Petitioners Nwankwo and Adalokun were planned to be placed in communal dorms out of logistical necessity. Petitioners Concepcion, Falodun and Sow were planned to be alone in double

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<sup>2</sup> The general capacity of the BFDF is 636 detainees, using regular beds only. The 716 number would include the addition of 48 temporary “boat beds” and 32 beds to the SHU.

occupancy rooms, but logistics did not allow for that. They have also been placed in dormitory settings, but still have the ability to engage in social distancing.

8. The logistical issues involved in moving the “vulnerable individuals” are many. In addition to maintaining social distancing, the BFDF has to abide by certain rules with respect to detainee populations. Specifically, Performance-Based National Detention Standards<sup>3</sup> mandate that low level detainees not be housed with high and medium-high level criminal detainees. Currently, high and medium high level detainees are housed in the two general population celled dorms, A2 and B1. Petitioners Adalakun, Concepcion, Falodun, Nwankwo and Sow are lower level criminals and immigration violators, who cannot be placed in the celled units due to their lower classification and will be placed in dorm housing.

9. Additionally, due to space constraints—stemming predominantly from the dedication of two housing units to serving as quarantine units—the only remaining single-occupancy cells for the above Petitioners would be in the SHU, which would restrict them to being in a cell for the majority of the day, and subject them to much higher restrictions on their movement and liberty. In the open housing dorm, Petitioners can maintain social distancing, while still having access to the open area of the dormitory. They will not be limited to a cell or bunk, and can engage in some activities within the dorm, social distancing permitting. They will have much greater freedom of movement than they would if they were limited strictly to a SHU cell.

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<sup>3</sup> These are the rules for detention that the BFDF must abide by for housing detainees. The BFDF is also also American Correctional Association Accredited and must meet standards set by that entity as well. The PBNDS are more stringent and the BFDF is one of the few jails/detention centers in the country that meet them. Upon information and belief, the BFDF is the only detention facility in New York State that meets the most up to date version, PBNDS 2011.

10. Lastly, I can confirm that the BFDF remains free of confirmed and suspected cases of COVID-19 as of April 4, 2020, at 2:00 PM.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 4, 2020  
Batavia, New York



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JEFFREY SEARLS