

Attorney General Andrea Campbell
Civil Rights Division
Office of the Massachusetts Attorney General
1 Ashburton Pl.
Boston, MA 02108

August 8, 2024

**Re: Supplemental Information Regarding Review of Civil Rights Violations as to
Individuals Detained at Plymouth County Correctional Facility**

Dear Attorney General Campbell,

On March 9, 2023, advocates filed a complaint (“2023 Complaint”) with this Office raising concerns about civil rights violations at Plymouth County Correctional Facility (“Plymouth”).¹ The 2023 Complaint revealed that Plymouth obstructs individuals’ ability to communicate with attorneys and loved ones by imposing severe restrictions on phone calls, videoconferencing calls, mail, in-person visits, and language access for non-English speakers. These civil rights violations have persisted over a year later. To this day, conditions at Plymouth continue to deprive individuals, many of whom are longtime Massachusetts residents, of their right to a full and fair hearing, freedom of speech, equal protection, and due process of law in violation of the Massachusetts State Constitution and Bill of Rights, the Massachusetts Civil Rights Act, the Code of Massachusetts Regulations (“CMR”), and the National Detention Standards.²

The undersigned law school clinics, immigrants’ rights organizations, and legal services providers work with and advocate on behalf of individuals detained at Plymouth and their families who continue to suffer these deprivations at Plymouth. It is our understanding that, in response to the 2023 Complaint, this Office is reviewing conditions at Plymouth. Accordingly, we write to provide the following updated information about the ongoing civil rights violations at Plymouth and the need for immediate action.

Over the past year, Plymouth has signed multiple extensions of its Intergovernmental Service Agreement with ICE to detain immigrants. The most recent extension expanded Plymouth’s detention capacity from 240 to 360 immigrants through the addition of a new unit, despite well-documented concerns about the existing conditions of confinement at Plymouth. Plymouth’s four immigration units have since operated at close to full capacity.

¹ See Letter from Advocates to Andrea Campbell, Attorney General, Massachusetts (Mar. 9, 2023) [hereinafter 2023 Civil Rights Complaint], <https://harvardimmigrationclinic.org/files/2023/03/Massachusetts-Civil-Rights-Complaint-against-Plymouth-County-Correctional-Facility-3-9-23-2.pdf>.

² See *id.* at 7–15; National Detention Standards for Non-Dedicated Facilities, U.S. Immigr. & Customs Enf’t (2019) [hereinafter NDS 2019], <https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf>. The National Detention Standards (“NDS”) were the policies and procedures that existed when ICE was formed in 2003. In 2008, Performance-Based National Detention Standards (“PBNDS”) were developed to improve detention center conditions. PBNDS 2011 further increased the detention standards. In 2019, ICE issued NDS 2019, which applies to some IGSA facilities, including Plymouth. See *ICE Detention Standards*, U.S. IMMIGR. & CUSTOMS ENF’T, <https://www.ice.gov/factsheets/ice-detention-standards> (last updated Aug. 8, 2023).

Immigrants in detention have the right to speak with attorneys, the right to communicate with their family and friends, the right to receive information in a language they understand, and the right to humane living conditions while in detention.³ Yet, the issues cited in the 2023 Complaint regarding access to legal counsel, language access, and other civil rights violations continue to run rampant at Plymouth. An investigation by the U.S. Department of Homeland Security (“DHS”) Office for Civil Rights and Civil Liberties (“CRCL”) in 2022 revealed similar concerns about detention conditions at Plymouth.⁴ At the conclusion of the investigation, CRCL issued 70 priority recommendations to address detention standard violations at the facility.⁵ Despite concurring with 44 of these recommendations, ICE agreed to remedy only three.⁶ Notwithstanding these well-documented concerns, Plymouth has since expanded its detention capacity with the addition of the new unit. While the implementation of the No Cost Calls legislation⁷ and the provision of tablets to detained individuals⁸ has brought modest improvements, other conditions have worsened since the 2023 Complaint, underscoring the need for immediate intervention.

With this letter, we aim first to shed light on ongoing conditions at Plymouth that violate Massachusetts state laws and, by incorporation, federal laws, as enumerated in the 2023 Complaint, including violations of access to counsel, language access, and access to communication more broadly.⁹ Second, we write to draw attention to the concerning use of solitary confinement at Plymouth. Lastly, we write to enumerate other civil rights violations that persist at Plymouth, including poor facility conditions, medical neglect, religious discrimination, lack of adequate grievance reporting processes, and retaliation. We urge the

³ See 2023 Civil Rights Complaint, *supra* note 1, at 1.

⁴ CRCL conducted a comprehensive onsite investigation of Plymouth after receiving 13 complaints detailing civil rights violations at Plymouth, including “legal access, religious accommodations, inadequate food and/or nutrition, in adequate medical care, lack of COVID-19 policies and procedures and claims of retaliation through the use of segregation and/or transfer to another facility.” Memorandum from Dana Salvano-Dunn, Compliance Branch Dir., Off. for Civ. Rts. & Civ. Liberties, to Tae D. Johnson, Acting Dir., ICE, re: Plymouth County Correctional Facility (Jan. 5, 2022) [hereinafter January 2022 Plymouth Memorandum], https://www.dhs.gov/sites/default/files/2022-08/2022.01.05%20CRCL%20Retention%20Memo%20to%20ICE%20-%20Plymouth%20Facility%20PCCF%20-%20Redacted_508.pdf. On September 29, 2022, CRCL issued 70 recommendations about detention conditions, medical care, and facility conditions. Memorandum from Dana Salvano-Dunn, Compliance Branch Dir., Off. for Civ. Rts. & Civ. Liberties, to Corey A. Price, Exec. Assoc. Dir., Enf’t & Removal Operations ICE, re: Plymouth Cnty. Corr. Facility (Sept. 29, 2022) [hereinafter 2022 CRCL Recommendations], https://www.dhs.gov/sites/default/files/2023-08/2022.09.29_CRCL%20Expert%20Rec%20Memo%20to%20ICE_Plymouth%20County_Redacted_508.pdf. On February 8, 2024, ICE issued a wholly inadequate response providing partial solutions for just three concern areas (sick call, language access, and suicide prevention). See Off. for Civ. Rts. & Civ. Liberties, *Summary of CRCL’s Recommendations and ICE’s Response: Plymouth County Correction Facility*, U.S. Dep’t of Homeland Sec. (Feb. 8, 2024), [hereinafter CRCL Recommendations and ICE Response], https://www.dhs.gov/sites/default/files/2024-04/24_0208_crcl_plymouth-onsite-close-summary_508.pdf.

⁵ 2022 CRCL Recommendations, *supra* note 4.

⁶ See CRCL Recommendations and ICE Response, *supra* note 4.

⁷ On December 1, 2023, the Massachusetts Department of Correction (“DOC”) implemented no-cost calls at fourteen correctional facilities across the state, including Plymouth. See *Press Release: Massachusetts Department of Correction Implements No Cost Calls*, MASS.GOV (Dec. 1, 2023), <https://www.mass.gov/news/massachusetts-department-of-correction-implements-no-cost-calls>.

⁸ *Tablets at ICE Facilities*, U.S. IMMIGR. & CUSTOMS ENF’T [hereinafter *Tablets at ICE Facilities*], <https://www.ice.gov/detain/detention-facilities/tablets> (last visited June 13, 2024).

⁹ See 2023 Civil Rights Complaint, *supra* note 1, at 1.

Office to take steps to safeguard the civil rights of individuals detained at Plymouth.

I. Plymouth Continues to Restrict Communications Access, Which Prevents Meaningful Access to Attorneys, the Courts, and the Outside World

Plymouth continues to impose unlawful restrictions on its communication protocols, including access to phone calls, videoconferencing calls, mail, in-person visitation, information in languages other than English, and personal and legal documents. Plymouth prohibits anyone, including attorneys, from calling into the facility to speak with detained people, and has historically restricted who individuals in detention may call. As a result, the only way for an attorney to reliably meet with a current or prospective client is by scheduling a costly JurisLink (videoconference) call or by going to Plymouth in person. These are not suitable, or sustainable, alternatives. The resulting communications issues are compounded by the lack of reliable access to mail and to information in other languages for the many non-English speakers detained at Plymouth.

These restrictions, described in detail below, obstruct individuals' rights to access counsel, freedom of speech, and due process, in violation of state and federal laws. Communication protocols at Plymouth make it exceedingly difficult for individuals detained to obtain legal counsel; indeed, attorneys report not taking cases from Plymouth *because* of the challenges in accessing and communicating with clients detained there. For those who are represented, Plymouth's communication protocols obstruct meaningful access to counsel. The consequences are significant. It is well-established that legal representation is a crucial factor in obtaining immigration relief—immigrants who have counsel are ten-and-a-half times more likely to be successful in immigration court than those who are unrepresented.¹⁰ Detained immigrants who have legal representation are nearly seven times more likely to be released than those without representation.¹¹

Representing individuals at any detention center is already a demanding task, requiring substantial time, financial resources, and legal expertise. The conditions at Plymouth significantly amplify these challenges. Moreover, for immigrants left to face the legal system alone because of challenges in obtaining representation at Plymouth, barriers to communication can thwart their ability to gather the critical documentation necessary to secure release from detention or win their claims for relief. The stakes of Plymouth's continued violations could not be higher.

A. Phone Access

Plymouth continues to impose unreasonable restrictions on phone access in the facility. These include restrictions on incoming and outgoing calls, lack of privacy and confidentiality,

¹⁰ See Ingrid V. Eagly & Steven Shafer, *A National Study of Access to Counsel in Immigration Court*, 164 U. PA. L. REV. 1, 9, 70 (2015) (describing different outcomes for represented versus unrepresented non-citizens in removal proceedings between 2007 and 2012).

¹¹ *Id.*

poor quality of phone lines, and retaliation by limiting phone privileges. While recent changes such as the implementation of No Cost Calls¹² and the provision of tablets to detained individuals¹³ are welcome, serious issues persist.

Plymouth prohibits anyone, including attorneys, from calling into the facility to reach a detained individual. As a result, attorneys, social service providers, and others must wait for detained individuals to call them. Detained people's phone access is dictated by Plymouth's scheduling of meals, recreation, and head count, and can be unpredictable. Those in solitary confinement face even more severe restrictions and have reported only being allowed out of their cell to make calls late at night or early in the morning, when it is difficult to reach loved ones and nearly impossible to reach anyone else, including attorneys. Problematically, the prohibition on incoming calls obstructs attorneys from reaching clients when an emergency arises in their case. The prohibition also obstructs individuals from obtaining representation. Legal service providers who have conducted an intake with an individual cannot easily call to inquire whether they still need counsel before accepting or placing their case; instead, legal service providers have to spend approximately \$49 on JurisLink or drive all the way to Plymouth simply to determine whether an individual still needs counsel.¹⁴ Plymouth's policy diverges from many other detention facilities that do, at a minimum, allow attorneys and others to call into the facility or leave messages.¹⁵

As of June 2024, Plymouth seems to have made some modifications to its existing policy regarding outgoing calls. The contours of the new policy, however, remain problematically unclear. From what we have been able to piece together through conversations with the facility, attorneys, and clients, Plymouth implemented a PIN-based phone system for detained immigrants in June 2024. Our understanding is that individuals may use their PIN, which matches their inmate number, to call up to ten different phone numbers on a non-confidential recorded line without prior authorization. Repeated calls and emails to the facility to clarify the new policy, however, have yielded conflicting information as to whether there was a change in policy at all, whether there is a limit on the number of phone numbers an individual can call without approval, and the approval process for attorney phone calls.

Plymouth's opacity regarding the new phone policy is particularly problematic when it comes to attorney-client calls. One individual was told upon arrival in July 2024 that attorney numbers need to be registered and was instructed to provide a correctional officer with a list of such numbers. Others have been told by correctional officers that there is no authorization process for confidential calls. One individual who submitted his attorney's phone numbers for authorization reported that calls with his attorney were subject to monitoring and recording for at least a week; during this time, Plymouth refused to inform him of the exact process to get these numbers approved or provide him with an estimated timeline for obtaining approval. Transparency about the phone policy and clarity amongst those responsible for detaining

¹² See *supra* note 7.

¹³ See Tablets at ICE Facilities, *supra* note 8. Plymouth only provides individuals tablets after around twenty days in detention. Tablets at Plymouth can be used to make phone calls, but cannot be used to send or receive messages. Individuals can pay for music or movies on the tablets.

¹⁴ See *infra* Part I.B; I.D.

¹⁵ For example, Strafford County House of Corrections permits counsel to call into the facility and speak with their client on a private phone line.

individuals at Plymouth is critical to ensure meaningful access to counsel, service providers, and loved ones. Unfortunately, however, the lack of transparency as to the phone policy is part of a pattern of opaqueness from Plymouth about policies directly impacting detained individuals.

We welcome any information or documentation the Office can share to dispel confusion among correctional officers, providers, and detained people alike regarding the new phone policy. Until we receive a more responsive answer to our questions, we cannot be sure whether, and to what extent, detained people continue to grapple with the barriers to phone access that existed prior to June 2024. These barriers include restrictions on the number of phone numbers that people may call;¹⁶ lengthy and unclear approval processes for calls to attorneys and families alike;¹⁷ and barriers to obtaining approval for phone numbers of accredited representative, out-of-state attorneys, and attorneys awaiting their bar cards.¹⁸ Absent confirmation that the new phone policy has eliminated these issues, we can only assume that they persist.

Moreover, Plymouth has previously obstructed—and may still obstruct—detained people’s ability to make international phone calls. This practice is problematic because individuals often need to make international calls to obtain evidence or speak with family members in support of their immigration case. Although one individual detained at Plymouth reported successfully making an international call on a recorded line without approval in July 2024, individuals have previously reported that they are rarely permitted to place calls to international phone numbers. Even when they do, the approval process has significant delays, and the phones able to make international calls are often unavailable. One detained individual had to call their attorney, who then called the international number for their client on a separate phone and put the two phone speakers together for a conversation to take place. After its comprehensive investigation in 2022, CRCL likewise reported problems with international phone access at Plymouth and directed ICE Enforcement and Removal (“ERO”) to issue policy guidance clarifying that ICE does, in fact, permit individuals to make free, international calls to

¹⁶ Plymouth’s longstanding policy restricted detained people’s phone calls to fourteen phone numbers, including attorney phone numbers, each of which required pre-approval. Additionally, individuals were only permitted to submit requests to add or change approved phone numbers at certain times during the year. This policy has been problematic in both nature and in practice. Placing a limit on the number of approved phone numbers is overly restrictive and fails to consider that a single person may have multiple phone numbers—such as a home phone, office phone, and cell phone.

¹⁷ Prior to June 2024, the approval process for phone numbers regularly stretched for weeks and could take over a month. During this time, individuals were unable to communicate with their attorneys or families. Moreover, attorneys faced challenges to getting attorney phone numbers approved for confidential legal calls. When attorneys provided a cell phone number rather than an office number—a common practice following the COVID-19 pandemic—it often took several weeks and many calls from the attorney to obtain approval. Detained people have struggled to elicit answers from those who preside over the approval process and have often been sent back and forth between jail staff with little clarity or accountability.

¹⁸ Prior to June 2024, Plymouth regularly failed to approve for confidential calls the phone numbers of accredited representatives and attorneys who were waiting for their bar cards, claiming they could not verify that the number belongs to an attorney. Furthermore, Plymouth required out-of-state attorneys to submit their bar licensing information and verify their identity through a phone call to obtain approval, yet regularly failed to inform attorneys or their clients of these procedures, resulting in lengthy delays or outright denials.

legal service providers, both inside and outside of the United States.¹⁹

Third, phone calls at Plymouth continue to lack privacy and confidentiality, contrary to the NDS 2019.²⁰ The implementation of no-cost calls and provision of tablets to individuals detained at Plymouth does not resolve these grave concerns. The facility's telephones, which are used for legal and non-legal calls, are still situated close together in the dayroom, forcing individuals to stand shoulder-to-shoulder when using the phones. As a result, their conversations can be overheard by others, including guards, in the vicinity. Individuals detained at Plymouth report that they are not comfortable speaking to their attorneys and others on the phone for fear of being overheard by guards and other individuals in the unit. While most individuals now have access to tablets that they can use to make calls, the tablets do not resolve privacy concerns. Individuals report that they must enter their inmate number to make phone calls on tablets as well as the telephones in the dayroom. Furthermore, they are only permitted to use their tablets to make calls inside shared cells, and Plymouth monitors and records activity in the cells through video camera surveillance.

Fourth, individuals at Plymouth also report that phone call quality is often poor, with calls getting cut short a few times a month due to service issues. One person reported that, as of July 2024, all his calls were cut short after fifteen minutes. The call quality on the tablets has been particularly poor; attorneys and others have difficulty hearing the caller.

Finally, Plymouth staff may threaten to limit phone access as punishment for certain behaviors. A detained individual reported that once, when speaking to his wife to connect with

¹⁹ See 2022 CRCL Recommendations, *supra* note 4, at 4–5 (“NDS 2019 does not restrict free direct calls to attorneys located internationally. ICE ERO should provide policy direction to the field consistent with NDS 2019 Section 5.4.II.E Direct/Free phone calls that requires ICE and PCCF to allow detainees to make free international direct calls to legal service providers who are located in other countries.”); *see also* NDS 2019, *supra* note 2, Section 5.4.II.E Direct Calls and Free Calls.

²⁰ NDS 2019 Standard 5.4.II.J provides:

The facility shall ensure privacy for detainees' telephone calls regarding legal matters. For this purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff, or other detainees.

Facility staff shall not electronically monitor detainee telephone calls related to legal matters, absent a court order.

The facility shall inform detainees to contact a facility staff member if they have difficulty making a confidential call relating to a legal matter. If notified of such a difficulty, facility staff shall take measures to ensure that the call can be made confidentially. Privacy may be provided in a number of ways, including:

1. Telephones with privacy panels;
2. Placing telephones where conversations may not be readily overheard by other detainees or facility staff; or
3. Allowing detainees to use an office telephone to make confidential calls regarding their legal proceedings

NDS 2019, *supra* note 2, Section 5.4.II.J.

his attorney, a Plymouth staff member took the phone from his hand and hung up on her. In another instance, an individual who was caught placing newspaper on their windows to keep their cell warm was forced by guards to choose between forgoing commissary access for two months, or endure two months with no phone access, including calls to his attorney. Although the individual had diabetes and needed access to the commissary, he chose to retain phone access so that he could speak with his attorney about his immigration case and loved ones.

The stakes of Plymouth’s problematic phone access and confidentiality protocols are high. Individuals have missed filing deadlines in their cases due to delays in the phone approval process that prevented them from reaching an attorney in time. Individuals who are represented but cannot get their attorney’s phone number timely approved must find alternative, non-confidential means of communicating by phone. Though family members have at times been able to connect detained people with their attorney by putting the attorney on speaker over a separate line, such calls are subject to monitoring and recording. Alarming, attorneys have reported a recent increase in DHS’s use of transcripts from non-confidential recorded phone calls against detained individuals during cross-examination in their immigration merits hearings. This practice harms all detained people, but disproportionately impacts those who, due in part to Plymouth’s restrictive policies, are unable to retain legal counsel and must represent themselves.

B. Videoconferencing Access (via JurisLink)

Plymouth’s videoconferencing platform, JurisLink, remains the only way for attorneys to preschedule calls with individuals detained at Plymouth.²¹ However, JurisLink continues to be a problematic and inaccessible platform that impedes communications access due to its extreme, unjustifiable cost, and Plymouth’s policies and practices related to JurisLink.

First, JurisLink is prohibitively expensive. JurisLink pricing is based on time, distance from the detention facility, and the state in which the attorney’s office is located. The vast majority of attorneys who represent immigrants detained at Plymouth have offices located more than 35 miles from the jail and are thus subject to JurisLink’s “distance-call” rate of \$139.99 per hour.²² The “lower” rate, applied to attorneys located within 35 miles of Plymouth, still costs \$39.99 per hour.²³ Non-profit organizations are charged the same rates as private attorneys. JurisLink is so expensive that it is often more cost-effective for attorneys to travel for hours over long distances—sometimes over six hours of driving—to meet with their clients in person at Plymouth rather than to use JurisLink. One organization estimated that it costs approximately \$100 to travel round-trip from their office to Plymouth to meet with a client in-person for the entire day—on JurisLink, that amount would cover only a 60-minute meeting.²⁴

These extreme fees render JurisLink inaccessible for most attorneys, including pro bono counsel and legal services organizations. Preparing an asylum case generally requires a

²¹ See 2023 Civil Rights Complaint, *supra* note 1, at 1.

²² See Pricing, JURISLINK, <https://jurislink.com/pricing>, (last accessed Aug. 5, 2024).

²³ *Id.*

²⁴ Total cost is determined either by the price of Uber at the time of visit and the U.S. General Services Administration Private Owned Vehicle Mileage Reimbursement Rate.

minimum of 50 to 75 hours, during which an attorney must meet with their client extensively to develop the case and factual record, and prepare the client for their merits hearing.²⁵ Complex asylum cases, and cases where the client is detained, can add 24 hours or more.²⁶ Thus, for an attorney and their client to prepare an asylum case through meetings over JurisLink, it would cost on average between \$4,999 and \$7,498.50, or more.²⁷ In one recent example, the Harvard Immigration and Refugee Clinical Program (“HIRCP”) was forced to spend \$6,148.77 on JurisLink fees alone to represent an asylum seeker detained at Plymouth in their merits hearing. HIRCP incurred additional costs traveling to Plymouth to meet their client in person as well. The cost burden of JurisLink is not limited to asylum cases—HIRCP incurred an average cost of \$231.78 in JurisLink fees representing individuals seeking release from detention on bond, despite also traveling numerous times to meet with their client in-person. One client’s bond hearing cost \$599.98 in JurisLink fees alone.

As a result of the extreme costs, many attorneys are unable to represent individuals detained at Plymouth, particularly on a pro bono basis. One attorney who cannot afford JurisLink estimates that, if Plymouth’s access to communications were better, she would not need to make the three-hour round-trip drive to Plymouth. This would save her approximately \$1,000 each month, not only in travel expenses but also in time that she could instead spend representing other individuals.

Second, problems with JurisLink policies and practices further obstruct meaningful access to counsel. JurisLink calls must be scheduled at least 24 hours in advance, meaning that attorneys who have emergency matters to discuss with their clients cannot reach their clients until, at the earliest, the next day. Furthermore, Plymouth frequently fails to bring individuals to scheduled JurisLink appointments in a timely manner, or at all. When the facility fails to timely bring an individual to their call, the time for the call is not paused, nor does the fee change. So, for example, if an attorney schedules a one-hour call but the person does not arrive for 30 minutes, the attorney still pays \$139.99 for the full hour, but only gets 30 minutes with their client. One organization estimates that over the course of approximately two weeks, they were charged hundreds of dollars for scheduled JurisLink meetings where their client was not present because Plymouth failed to bring their client to the meeting. Moreover, the audio and video quality of some JurisLink meetings, particularly in the new E-3 dormitory, is extremely poor. As of at least July 2024, JurisLink calls from this dormitory regularly freeze and cut out. This makes it nearly impossible for attorneys to effectively communicate with their clients, despite paying JurisLink’s exorbitant rates.

Plymouth does not have to exclusively rely on JurisLink to connect attorneys with their

²⁵ See High-Stakes Asylum: How Long an Asylum Case Takes and How We Can Do Better, AM. IMMIGR. LAW. ASS’N 5, 8 (June 14, 2023), <https://www.aila.org/aila-files/91508EE0-B02C-4D8F-869C-78B697B68E56/23061202.pdf> (explaining that the basic steps of an asylum case take an estimated minimum of 50 to 75 hours, but there is wide variation, citing a case that took over 300 hours of preparation).

²⁶ *Id.* at 10, 16, 20. By way of example, if a client requires an interpreter when speaking to their attorney, this can add between 18 to 22 hours to an asylum case. *Id.* at 20. Requesting necessary evidence, such as medical records from a foreign country, can add between 15 to 18 hours for an asylum case. *Id.* at 20.

²⁷ The number of hours was calculated for a range of 50 to 70 hours. The additional 24 hours required if an individual is detained were not added, meaning the cost is likely higher. *Id.* at 4, 20.

detained clients via videoconferencing. The Massachusetts Department of Corrections allows attorneys and supervised paralegals to set up free confidential Zoom calls via email with clients incarcerated in prisons across the Commonwealth. Likewise, many ICE detention facilities—including Moshannon Valley Processing Center in Pennsylvania, Strafford County House of Corrections in New Hampshire, and Wyatt Detention Facility in Rhode Island—permit free videoconferencing calls via Microsoft Teams, Skype, or Zoom.²⁸ Consistent with the No Cost Calls legislation, Plymouth should provide free, confidential videoconferencing calls.²⁹

C. Mail Access

Mail access at Plymouth, like phone access, is severely limited. Incoming and outgoing mail is often delayed and may be arbitrarily rejected and opened without cause. Delays in mail can force attorneys and *pro se* litigants to miss important filing deadlines or require extensions, and may decrease the amount of time available to prepare legal arguments and review evidence. Such delays are particularly problematic in immigration proceedings, because, unlike other courts, immigration courts do not consider a document to be filed until the court receives the document—no matter when it was placed in the mail.³⁰

Attorneys face difficulties reaching their clients through legal mail, which impedes their ability to effectively represent them. Attorneys report that it frequently takes more than a week for incoming legal mail to be processed and given to individuals at Plymouth. It can take close to a month just to receive a signed medical or CORI release back from a client by mail. Moreover, Plymouth sometimes rejects legal mail without notifying attorneys, meaning that lawyers may not know for weeks that their client never received the legal mail. Plymouth encourages attorneys to send an email informing the facility that their client has been sent legal mail, otherwise their mail might not make it to the client.

Non-attorneys similarly face difficulties reaching individuals detained at Plymouth by mail. One individual reported that while he was detained at Plymouth, his loved one sent him two letters that he never received. By contrast, he did not have any issues receiving mail at the detention center where he was held prior to Plymouth. His loved one, unable to reach him by mail, had to instead share information for his attorney to relay. For *pro se* detained people, who often rely on their loved ones to send crucial supporting evidence for their immigration cases, this belabored and counterintuitive mail system raises even more barriers to both communication and legal process.

Individuals detained at Plymouth also suffer challenges and delays in sending outgoing

²⁸ Additionally, during the COVID-19 pandemic, ICE created the Virtual Attorney Visitation Program (“VAV”), a free, confidential videoconferencing program that is available at 35 facilities nationwide. Plymouth has provided no reason for why it fails to use the VAV program. See *Virtual Attorney Visitation Program*, U.S. IMMIGR. & CUSTOMS ENF’T, <https://www.ice.gov/detain/detention-facilities/vav> (last accessed Aug. 5, 2024).

²⁹ See 2023 Civil Rights Complaint, *supra* note 1, at 4.

³⁰ Immigration Court Practice Manual, U.S. DEP’T OF JUST. EXEC. OFF. FOR IMMIGR. REV., § 3.1(a)(3) Delivery and Receipt, <https://www.justice.gov/eoir/reference-materials/ic/chapter-3/1>.

mail to their families and attorneys. Plymouth continues to fail to provide a scale to weigh outgoing mail, making it difficult to know how much postage is required to ensure mail is delivered.³¹ Even when detained individuals can pay for proper postage, they experience delivery delays that may adversely impact their immigration proceedings. One individual reported that he paid for an overnight courier to send important mail regarding his immigration case to the immigration court. The mail did not arrive on time because Plymouth had failed to send the mail overnight, which caused approximately two additional months of delay in his legal proceedings. Another individual reported that he sent important immigration documents to a family member in New York, but the mail took over a week to arrive, which decreased the amount of time he had to prepare his immigration case.

Moreover, Plymouth's policy for distinguishing between "legal" and "non-legal" mail adversely impacts individuals who are forced to represent themselves in immigration court. Plymouth defines "legal mail" as mail sent by an attorney; however, many *pro se* litigants receive evidence and information related to their immigration case from non-attorneys by mail. As of June 1, 2024, Plymouth no longer accepts non-legal mail; instead, non-attorneys must mail letters and documents, not to Plymouth, but to the Securus Digital Mail Center in Tampa, Florida, where the mail is digitally scanned and then delivered to the detained individual.³² Due to issues at the mail center, the detained individuals report that the electronic copy is illegible and distorted.³³

D. In-Person Visits

Due to Plymouth's restrictions on phone, videoconferencing, and mail access, attorneys and others are often left with no choice but to travel long distances to visit individuals detained at Plymouth in person. But traveling to Plymouth may take hours, particularly for attorneys traveling from out-of-state. Furthermore, the space provided for in-person meetings is not sufficiently private and confidential. In-person visits thus similarly fail to afford individuals meaningful access to counsel and ability to prepare for a full and fair immigration hearing in violation of state and federal laws.

To begin, Plymouth maintains its policy of forcing individuals detained at Plymouth to choose between meeting with their attorney in the same room, after which the detained individual must suffer a strip search, or having a non-contact meeting with their attorney which, as explained below, are not private or confidential. Plymouth's policy of strip-searching detained individuals after every contact attorney visit heightens the distress and re-

³¹ See 2023 Civil Rights Complaint, *supra* note 1, at 5.

³² Superintendent A. Moniz, *Notice of Change to Mail Procedures*, Plymouth Cnty. Corr. Facility (June 1, 2024), <https://www.pcsdma.org/forms/481%20PCCF%20A05%20Unit%20Posting%20Notice%20of%20Change%20to%20Mail%20Procedure%2005.16.2024.pdf>.

³³ See 2023 Civil Rights Complaint, *supra* note 1, at 5–6.

traumatization for many clients, in addition to contravening the NDS 2019.³⁴

Moreover, in-person visits at Plymouth—whether contact or non-contact—are not private or confidential. For attorneys and non-attorneys alike, non-contact visits take place in a booth with thin walls and a plexiglass divider between the detained person and their visitor.³⁵ The detained person must talk to their attorney or visitor through a corded phone that is subject to recording and has such poor auditory quality that it is often difficult to hear.³⁶ Individuals and their visitors are thus forced to speak loudly to be heard through the glass and phone, increasing the risk that guards and others will overhear sensitive information. Non-attorneys are only permitted non-contact visits, which cannot exceed 30 minutes.³⁷ The denial of contact visits harms *pro se* individuals, who need private and confidential spaces for in-person meetings with family and community members on whom they often rely for documentation and testimony in support of their legal claims.

While attorneys are permitted to have contact visits, these rooms also do not allow for private conversations. Plymouth’s attorney visit rooms are separated by thin walls such that individuals in adjacent rooms—including other detained individuals and guards who often stand close by—can overhear conversations between attorneys and their clients.

Individuals detained at Plymouth report that the lack of privacy and confidentiality in in-person meetings makes them uncomfortable to share sensitive details about their identity, trauma, and past harms that is often critical for their immigration case. In one case, an asylum seeker who suffered past persecution because of his sexual orientation described his fear that other individuals detained or guards would overhear and use the information against him. In another case, an attorney needed to take photos of scars on her client’s body, which were evidence of the physical persecution he suffered, to support his asylum case. The scars, however, were under his shirt, and he was too terrified to lift his shirt out of fear that he would be punished if the guards saw him doing so on the cameras.

E. Language Access

Plymouth regularly denies detained individuals with limited or no English proficiency the right to communicate with staff and others, in violation of federal and state laws as well as the

³⁴ See 2023 Civil Rights Complaint, *supra* note 1, at 6; see also NDS 2019, *supra* note 2, Section 2.7.II.C, Searches of Detainees (providing that facilities must have “an articulable and reasonable suspicion exists that contraband is concealed” to conduct a strip search, and that “[w]here a strip search is based on reasonable suspicion, the articulable facts supporting that conclusion will also be documented”).

³⁵ See 2023 Civil Rights Complaint, *supra* note 1, at 6.

³⁶ *Id.*

³⁷ See Plymouth County Correctional Facility: Hours of Visitation, U.S. IMMIGR. & CUSTOMS ENF’T, <https://www.ice.gov/detain/detention-facilities/plymouth-county-correctional-facility#:~:text=Friends%20and%20Family%20Visits&text=9%20a.m.%20%E2%80%93%2011%20a.m.,1%20p.m.%20%E2%80%93%204%20p.m> (last updated May 23, 2024).

NDS 2019.³⁸ Those standards mandate that Plymouth provides language access to individuals, including for medical and legal needs. Following its investigation, CRCL concluded that there were serious issues with language access at Plymouth and recommended that ICE translate written documents into a language individuals detained at Plymouth can read or else use the Telephonic Interpreter Services, an on-demand telephone interpretation service for sight translation.³⁹ In February of this year, ICE agreed to note on each translated document which interpretative services were used. However, detained individuals report continued failures by Plymouth to accommodate non-English speakers, who are largely left to rely on one another.

The consequences of this lack of language access are severe, impeding individuals' legal rights and access to medical care. Individuals must complete all of their immigration paperwork in English and are often forced to rely on other detained people to translate. This arrangement raises concerns about confidentiality, errors, and misunderstandings, and creates additional unpaid labor on top of that which is routinely demanded of detained individuals. Absent adequate access to interpretation and translation, detained people struggle to fill out requests for medical attention. As a result, many are denied access to appropriate and timely assessment, medication, and treatment.

Moreover, Plymouth's failure to ensure that guards can properly communicate with detained people has resulted in physical abuse and solitary confinement. One individual shared that, during the approximately three months he was detained at Plymouth, he observed guards place at least five individuals in solitary confinement due to language barriers. In one stark instance, an individual was grieving the death of a relative. When guards asked him what was wrong, he explained in Spanish about his close relative's death. The guards, however, did not speak Spanish, so the guards placed him in solitary confinement for 24 hours where it was cold and he had no bed or clothes, which exacerbated his mental and physical burden. In another instance, an individual who spoke Spanish and English was placed in solitary confinement after he helped translate conversations between detained individuals and Plymouth staff. Plymouth's persistent failure to ensure language access for a population with highly predictable language needs is both a standalone issue and an aggravating factor impacting the broader health, safety,

³⁸ The NDS 2019 requires that, at a minimum, "facilities are required to identify detainees with limited English proficiency (LEP) . . . and provide LEP detainees with meaningful access to their programs and activities through language interpretation and translation services." NDS 2019, *supra* note 2, Foreward. "The facilities' obligation to provide meaningful access to LEP detainees extends to all aspects of detention, including but not limited to intake, disciplinary proceedings, placement in segregation, sexual abuse and assault prevention and intervention, staff-detainee communication, mental health, and medical care." *Id.* The NDS 2019 specifically sets forth facilities' obligations to provide meaningful language access throughout the standards, including at the following provisions: Section 2.1.II.A.1, Admission and Release: New Arrivals; Section 2.10.II.C, Staff-Detainee Communication: requests to ICE/ERO from Detainees; Section 2.11.II.F, G, Sexual Abuse and Assault Prevention and Intervention; Section 3.1.II.G, Disciplinary System: Detainee Assistance; Section 4.1.II.F.1, Food Service: Religious/Special Diets; Section 4.3.II.A, G, Medical Care: General & Translation, Interpretation, and Language Access for Detainees with Limited English Proficiency; Section 5.3.II.A, Religious Practices; Section 5.4.II.E, Telephone Access: Direct Calls and Free Calls; Section 6.2.II.A, Grievance System: Formal/Written Grievance; and Section 6.3.II.J., Law Libraries and Legal Materials.

³⁹ See 2022 CRCL Recommendations, *supra* note 4.

and wellbeing of detained people.⁴⁰

F. Documents Access

Plymouth restricts the volume of legal documents that individuals are permitted to retain and access while detained. Plymouth's ICE Detainee Handbook only permits individuals to keep 5 inches of legal documents with them at the facility; all other personal and legal documents are held over 50 miles away at the ICE Enforcement and Removal Operations Boston Field Office in Burlington, Massachusetts.⁴¹ Upon information and belief, in practice, most, if not all, of these documents are stored in Burlington, and individuals often suffer months-long delays and challenges in accessing them.

One individual's experience is representative. This individual reported that his identification and other documents were taken from him when he arrived at Plymouth and held at Burlington. He needed to access the documents for proof of sponsorship to request release on parole and filed multiple requests with Plymouth. Plymouth refused to comply for over three months and did not relent until he enlisted the assistance of an attorney.

This policy and practice contradicts the NDS 2019, which states that Plymouth "shall permit detainees to retain *all* personal legal material upon admittance," and may be required, in the case of those with a "large amount of personal legal material," "to place some of the material in a personal property storage area, with access permitted during designated hours."⁴² In all cases, the detention center must grant requests for access to this material "as soon as possible" and "*not later than 24 hours after receipt* of the detainee request" absent security concerns.⁴³ As illustrated above, Plymouth's existing protocols for handling detained people's documents flout every one of these provisions.

II. Solitary Confinement as Punishment

It is well-established that solitary confinement⁴⁴ can cause significant health consequences including, but not limited to, post-traumatic stress disorder, self-harm, and increased risk of suicide.⁴⁵ Prolonged solitary confinement may cause brain damage,

⁴⁰ For example, during the COVID-19 pandemic, a 60-year-old man with diabetes attempted to request in Spanish being placed in a single cell. The guards could not understand his request because they did not have an interpreter, so they used pepper spray against him, dragged him outside, tied him up, and beat him up.

⁴¹ See ICE Detainee Handbook: Plymouth County Correctional Facility, at 6 (Aug. 2021), <https://data.aclum.org/wp-content/uploads/2021/10/404-ICE-Hndbk-August-2021.pdf>.

⁴² NDS 2019, *supra* note 2, Section 6.3.II.K, Law Libraries and Legal Materials: Personal Legal Materials (emphasis added).

⁴³ *Id.* (emphasis added).

⁴⁴ ICE uses the terms administrative segregation, medical isolation, and disciplinary segregation to describe solitary confinement in detention facilities. See HARV. IMMIGR. & REFUGEE CLINICAL PROGRAM et al., ENDLESS NIGHTMARE TORTURE AND INHUMAN TREATMENT IN SOLITARY CONFINEMENT IN U.S. IMMIGRATION DETENTION I (Feb. 2024) [hereinafter ENDLESS NIGHTMARE], <https://phr.org/wp-content/uploads/2024/02/PHR-REPORT-ICE-Solitary-Confinement-2024.pdf>. This Letter uses the term "solitary confinement."

⁴⁵ *Id.*; see also Peter Scharff Smith, *The Effects of Solitary Confinement on Prison Inmates: A Brief History and Review of the Literature*, 34 CRIME & JUST. 441 (2006).

hallucinations, sleep disruption, and a reduction of cognitive functions.⁴⁶ Despite these well-documented harms, Plymouth frequently subjects individuals to solitary confinement and restricts their access to counsel during such confinement.

Upon information and belief, Plymouth severely restricts the ability of individuals in solitary confinement to make phone calls, including to their attorney and family. As a result, individuals may be unable to speak with their attorney or others on the phone for weeks while in such confinement. In one case, Plymouth staff told an individual who was placed in the facility's medical department for seven days because he was on a hunger strike that he was permitted fifteen minutes to either shower or make a phone call, forcing him to choose between his own hygiene and legal help. These restrictions violate the NDS, which guarantees a detained individual the right to communicate with their attorney while in solitary confinement,⁴⁷ as well as state laws safeguarding the right to a full and fair hearing and due process of law.

The experiences of two individuals reveal the troubling conditions of solitary confinement at Plymouth. In one case, a gay individual was placed in solitary confinement because he told another detained individual, who had called him a “faggot,” that he needed to be treated with respect. In another case,⁴⁸ after finding the individual sitting on his bed and “peacefully refusing to be transported for deportation,”⁴⁹ PCCF officers used pepper spray against him, dragged him from his cell by his arms, cuffed his wrists behind his back, and strapped him to a restraint chair.⁵⁰ Medical staff wiped his face but denied him access to his inhaler, despite his documented asthma diagnosis.⁵¹ Officers then threw him into solitary confinement, where he recalled being unable to see or breathe because of the pepper spray in his eyes and lungs.⁵² Guards stripped him and threatened to place him in a room without clothing on—a documented practice at Plymouth since at least 2008.⁵³ While in solitary confinement, correctional officers only let him out for two hours a day, often early in the morning or late in the evening, making it difficult for him to communicate with his family and attorneys. He additionally reported that the lights were kept on all night, and cold air blew constantly into the cell, despite it being late October.⁵⁴

⁴⁶ ENDLESS NIGHTMARE, *supra* note 44, at 1.

⁴⁷ See, e.g., NDS 2019, *supra* note 2, Section 2.9.II.A.1.c, Special Management Units (providing that individuals placed in solitary confinement for protective custody “shall have access to programs, services, visitation, counsel, and other services available to the general population to the maximum extent possible”).

⁴⁸ See Ivy Scott, *A Massachusetts Man, Detained by ICE for Four Years, Says He Was Beaten and Abused Before Being Deported*, BOS. GLOBE (Mar. 24, 2024), <https://www.bostonglobe.com/2024/03/24/metro/massachusetts-man-detained-immigration-beaten-deported/>.

⁴⁹ See Letter to Shoba Sivaprasad Wadhia, Off. for Civ. Rts. & Civ. Liberties, re: Complaint Regarding [Redacted], at 1 (Dec. 11, 2023) [hereinafter 2023 CRCL Complaint], <https://s3.documentcloud.org/documents/24414241/redacted-crcl-complaint-text-only.pdf>.

⁵⁰ *Id.*

⁵¹ *Id.* at 1.

⁵² *Id.* at 4.

⁵³ *Id.*; see also DETENTION AND DEPORTATION IN THE AGE OF ICE: IMMIGRANTS AND HUMAN RIGHTS IN MASSACHUSETTS, ACLU-MASS. 37, 42 (Dec. 2008) [hereinafter THE AGE OF ICE], <https://www.aclum.org/sites/default/files/wp-content/uploads/2015/06/reports-detention-and-deportation-in-the-age-of-ice.pdf>.

⁵⁴ See 2023 CRCL Complaint, *supra* note 49, at 5. Research studies show that when lights are on for prolonged periods of time it causes sleep deprivation by disrupting the body's circadian rhythm and in the long term can cause

III. Other Civil Rights Violations at Plymouth

Detained individuals and their advocates have previously submitted complaints about other civil rights violations at Plymouth.⁵⁵ These concerns, which include (i) poor facility conditions, (ii) inadequate access to medical care, (iii) religious discrimination, and (iv) the lack of a meaningful grievance process, persist to this day.

First, Plymouth's poor facility conditions harm individuals. The following are just some examples of many:

- Top bunks in cells do not have rails, and individuals have either been pulled from the top bunk or have fallen, causing severe injuries.
- Parts of the facility are not accessible for individuals with disabilities. One individual who uses a wheelchair was unable to pass through certain parts of the facility in his wheelchair and was forced to drag himself on the floor to move around.
- Individuals are forced to live in unsanitary conditions. One individual recounted that, because guards do not have access to a bathroom near certain units, guards would urinate in the sink in the mop room. Individuals, however, often used that same sink to get hot water for food. When individuals raised concerns about contamination, they were prohibited from accessing hot water from that room.
- The food quality at Plymouth is extremely poor and has caused individuals to fall sick. Individuals detained at Plymouth have been served severely undercooked food, including meat that is essentially raw, and spoiled and rotten food. Individuals have noted that the food at Plymouth fails to provide proper nutrition and portion sizes are inadequate.
- There is inadequate heating at Plymouth. Individuals are forced to purchase clothing from the canteen to stay warm. Some individuals have resorted to wearing towels due to the extreme cold and have been punished for their efforts to stay warm.⁵⁶

These concerning conditions are often remedied, on a temporary basis only, prior to inspections of the facility. One individual reported that his job at Plymouth was to be a "runner," meaning that he would be taken to other units to paint or clean right before an inspection. The facility also fixes broken items and improves food services in advance of the inspection.

cognitive disorganization, paranoia, and hallucinations. *See* ENDLESS NIGHTMARE, *supra* note 44, at 23; *see also* John Leach, *Psychological Factors in Exceptional, Extreme and Torturous Environments*, 5 EXTREME PHYSIOLOGY & MED. 1–15 (2016).

⁵⁵ *See, e.g.*, 2023 Civil Rights Complaint, *supra* note 1, at 1 n.1; 2023 CRCL Complaint, *supra* note 49; *see also* January 2022 Plymouth Memorandum, *supra* note 4, at 1; CRCL Recommendations and ICE Response, *supra* note 4.

⁵⁶ Plymouth's failure to ensure appropriate temperatures contradicts the NDS, which requires that "[t]he facility shall ensure appropriate temperatures." NDS 2019, *supra* note 2, Section 1.1.II.1.1.

Second, individuals detained at Plymouth continue to report inadequate access to medical care. Individuals often have to wait for weeks or months to see a doctor, during which time their medical condition deteriorates. One individual developed a severe gum infection while waiting to see a doctor, which continues to cause him pain today. Accessing adequate medical care is particularly challenging for detained people with disabilities. One individual, who was in a wheelchair, required bandages to dress his leg wounds; however, staff refused to provide the bandages. When asked why, staff cited a strangulation risk, even though the individual already had bandages.

Third, individuals detained at Plymouth are subject to religious discrimination or restriction in their religious practice without justification. For example, a Muslim individual asked for halal food but was provided with rotten or moldy food instead. The same individual noted that Plymouth does not observe Ramadan, a Muslim holiday. Another individual reported that staff members would quiz him on his religion and would only give him edible food if he answered the questions correctly. When an individual showed a corrections officer the detainee handbook, which outlined that he could not face retaliation for requesting a safe space to practice his religion, the corrections officer threatened to hit him with the book and punished him with solitary confinement.

Finally, detained individuals effectively have no avenue to report the harms they are facing at Plymouth due to flaws in the grievance process, guards' failure to intervene and stop harassment, and fear of retaliation. To begin, Plymouth does not provide confidential means to submit grievances, and individuals who submit grievances do so under the fear of retaliation, including transfer or solitary confinement.⁵⁷ One individual submitted several grievances forms, which went unanswered; shortly thereafter, ICE transferred him to another detention center far from his family.⁵⁸ Another suffered constant harassment due to his sexual orientation but did not file a grievance for fear that he would be placed in solitary confinement, as he had seen happen to other individuals for speaking out. He also believed that filing a grievance would be futile—indeed, although Plymouth guards regularly witnessed the harassment and he told staff about the abuse, they never intervened on his behalf.

IV. Recommendations

Plymouth must ensure reasonable, private, and confidential access to communication with attorneys and non-attorneys, including via phone, tablet, videoconferencing, mail, and in-person visits. Plymouth must also remedy the current civil rights violations, including poor facility conditions, medical neglect, religious discrimination, lack of adequate grievance processes, and retaliation. These remedies are required to ensure the basic human dignity of immigrants detained at Plymouth.

Phone Access: Plymouth should take immediate action to enhance and enable phone communications between counsel and their clients, including by making legal communications private. This includes providing confidential spaces for phone calls, allowing legal service

⁵⁷ Retaliation for human rights complaints has been occurring at Plymouth since at least 2008. *See generally* THE AGE OF ICE, *supra* note 53.

⁵⁸ *See* 2023 CRCL Complaint, *supra* note 49, at 5.

providers to schedule calls in advance, and enabling detained individuals to call telephone numbers without the need for authorization. During the Office’s review, Plymouth should take the following minimum steps to ensure reasonable access to phones:

- Create a process for attorneys and others to call the facility and request that individuals detained at Plymouth call them back in a private setting.
- Allow detained individuals reasonable call timing, call lengths, and call quality such that they can clearly hear the other individual on the line.
- If authorization is required for phone calls, Plymouth must not block attorney phone numbers, and must allow for same-day authorization of attorney phone numbers as well as timely authorization of additional phone numbers, such as international numbers.
- Allow detained individuals to use tablets to send and receive messages, consistent with other detention facilities including Stratford and Wyatt.

Videoconferencing (JurisLink): Plymouth should ensure that detained individuals have access to free videoconferencing services. Numerous other local and regional jails, prisons, and detention centers have shown that this is practicable. During the Office’s review, Plymouth should take the following minimum steps:

- Provide videoconferencing to non-attorneys, including family members, interpreters, medical examiners, country conditions experts, and any other relevant parties.
- Provide free videoconferencing services, such as through Zoom, Microsoft Teams, or Skype. In addition, if Plymouth wishes to continue to partner with JurisLink, renegotiate the existing videoconferencing contract to comply with Massachusetts’ standards for competitive procurement and the implementation of No Cost Calls legislation.⁵⁹

Access to Mail and Documents: Legal and non-legal mail must be collected in a timely manner and, if scanned, must be readable. Legal and personal documents must also be provided in a timely manner upon request. Packaging, sending, and receiving mail should be affordable for people detained. During the Office’s review, Plymouth should take the following minimum steps:

- Allow detained individuals to weigh and accurately stamp correspondence.
- Provide stamps to detained individuals.
- Only open legal mail in the presence of the person who is detained, preserve confidentiality, and provide legitimate, reasonable explanations for why the mail was opened.
- Ensure that individuals are able to access their personal and legal documents within 24 hours of request.

⁵⁹ The No Cost Calls legislation provides that all additional communications services, including video communication, “shall be provided free of charge to the person initiating and the person receiving the communication.” An Act Relative to Telephone Service for Inmates in All Correctional and Other Penal Institutions in the Commonwealth, H.1796, S. 1494, § 87A(c), (f) (2023). At a minimum, if Plymouth continues to use JurisLink, the contract should provide that all non-profit legal service providers (or all attorneys) receive the local rates, not long distance, since there is presumably little to no cost to the facility for offering video calls, using wireless Internet communications.

In-Person Visits: In-person visits should be private and confidential. During the Office’s review, Plymouth should take the following minimum steps:

- Implement reasonable time limits and communicate these prior to the visit.
- Allow the use of an interpreter during in-person visits, permit the use of handheld interpretation devices, provide a phone from which attorneys can access their own language lines, or otherwise ensure that proper interpretation is readily accessible.
- Ensure that in-person visits are confidential, such as by providing more sound-proof construction of contact visitation rooms.
- End the practice of strip-searching detained individuals following contact attorney visits.

Language Access: Plymouth must provide formal translation services. Medical and mental health services should be provided in multiple languages.

Solitary Confinement: ICE should commit to ending the use of solitary confinement in all immigration detention facilities.⁶⁰ Individuals detained by ICE must be treated with respect and basic human dignity.

Transparency and Oversight: There should be greater transparency and oversight of Plymouth. The Office should conduct an unannounced inspection of Plymouth, and independent monitors with experience in physical and mental health should conduct routine unannounced inspections of the facility.

Grievance Process: A confidential, accessible, and accountable grievance process must be created where detained individuals receive a copy of the grievance submitted and a copy of any responses. Correctional officers should be trained in the specific needs of individuals who have been detained.

Medical Care and Religious Needs: A system similar to that recommended for the grievance process should be developed for sick slips and medical requests. Copies of medical slips should be provided to detained individuals so they can track how long it takes to receive medical care after submitting a medical slip. Plymouth should also work to remedy delays in medical care. In the long term, Plymouth should provide 24-hour access to medical and mental health care to all detained people. Finally, individuals detained at Plymouth should be provided special diets based on medical and religious needs, consistently and reliably, without harassment by correctional officers.

The preceding recommendations will merely bring Plymouth into compliance with the standards it is legally and contractually bound to uphold as a condition of its ongoing agreement with ICE. Accordingly, Plymouth should not require or be granted any additional funding or resources to make these improvements. If the effort or expenditure required to comply with any of the above reforms exceeds Plymouth’s capacity, we remind this Office, Plymouth, and ICE ERO Boston that releasing individuals from detention is the quickest and surest way to reduce systems strain, and the only way to guarantee the civil rights, civil liberties, health, and wellbeing of detained immigrants. This is our final and most ardent recommendation.

⁶⁰ See ENDLESS NIGHTMARE, *supra* note 44, at 3.

V. Conclusion

The communication protocols at Plymouth, coupled with the additional human rights violations, require immediate intervention from the Office and highlight the importance of an ongoing review. The restrictions on phone calls, video calls, mail, in-person visits, and limited language access are arbitrary and violate the NDS. The human rights abuses are appalling. Detained individuals should not be treated this way under any circumstances. Individuals should not lose their human rights when detained at Plymouth. We request the Office to use its discretion to continue the review and issue immediate orders based on the recommendations above.

Sincerely,

Boston Immigration Justice Accompaniment Network
Boston University School of Law Immigrants' Rights and Human Trafficking Program
Harvard Immigration and Refugee Clinical Program
Massachusetts Immigrant and Refugee Advocacy Coalition
Massachusetts Law Reform Institute
New Haven Legal Assistance Association
Northeast Justice Center
Prisoners' Legal Services of Massachusetts