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Library Services in U.S. Immigration Detention Facilities

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LIBRARY SERVICES IN U.S. IMMIGRATION DETENTION FACILITIES

A Thesis

Presented to

The Faculty of the School of Library and Information Science

San José State University

In Partial Fulfillment

of the Requirements for the Degree

Master of Library and Information Science

by

Stephanie Lan Chin

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The Designated Thesis Committee Approves the Thesis titled

LIBRARY SERVICES IN U.S. IMMIGRATION DETENTION FACILITIES

by

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APPROVED FOR THE SCHOOL OF LIBRARY AND INFORMATION SCIENCE

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April 2010

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ABSTRACT

LIBRARY SERVICES IN U.S. IMMIGRATION DETENTION FACILITIES

by Stephanie Lan Chin

The thesis explores the current state of library services in facilities in which U.S. Immigrations and Customs Enforcement (ICE) houses immigrant detainees, including (1) Bureau of Prison (BOP) facilities, (2) contracted detention facilities (CDF), (3) ICE-owned facilities (often called Service Processing Centers, or SPC's), and (4) Intergovernmental Service Agreements (IGSA) facilities. The study was based on a survey that was mailed to 356 facilities that detain immigrants by or on behalf of ICE. The results of the survey were used to determine the current status of library services in immigration detention facilities as well as to identify issues or problems in library services in immigration detention facilities and how they might be improved. The number of responses to the survey was limited, and future study is needed to obtain a better understanding of library services in immigration detention facilities.

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I dedicate this thesis to Baba. You inspired me to live a life full of meaning and I miss you every day.

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List of Acronyms

ALA	American Library Association
ABA	American Bar Association
ACA	American Correctional Association
ASCLA	Association of Specialized and Cooperative Library Agencies
BOP	Bureau of Prisons
CCA	Corrections Corporation of America
CDF	Contract Detention Facility
DHS	Department of Homeland Security
DRO	Office of Detention and Removal
DWN	Detention Watch Network
FOIA	Freedom of Information Act
ICE	Immigration and Customs Enforcement
IGSA	Intergovernmental Service Agreement
INS	Immigration and Naturalization Service
ODPP	Office of Detention Policy and Planning
PBND	Performance Based National Detention Standards
SPC	Service Processing Center

CHAPTER I: Introduction

As the number of digital information resources soared dramatically in the past few decades, many individuals have come to question the traditional role and purpose of libraries. For example, as a student enrolled in the School of Library and Information Science at San José State University, I am often asked why libraries matter anymore, in light of the Internet. In response I state that the traditional understanding of the library as a physical space or repository has to be adapted to an understanding focused on the library's functions, one of which is to provide an access point to information materials and resources. Libraries are especially important to individuals who may not otherwise have easy access to information, including the incarcerated.

At the same time, changes in U.S. immigration policy in the last two decades have led to a rapid and alarming rise in the number of individuals held in immigration detention. The library science profession needs an understanding of if, and to what extent, libraries exist and are being utilized in immigration detention facilities. The point is important because libraries serve a critical function for individuals who are incarcerated or detained. Studies of library services in different types of correctional facilities increase our understanding not only of the conditions in individual facilities, but also of the complex interplay between the library and information professions and the world of correctional facility management.

This difference is clearly shown in a U.S. immigration detention facility, an institution managed with little government oversight by a traditionally insular

bureaucracy historically averse to sharing information with the outside world. The digitally connected society most of us live in today is one in which individuals with access to information might complain of having “too much information” (and not necessarily accurate information), available too much of the time (all the time), and even includes individuals who form serious addictions to their portable devices and connections to the Internet. At the same time, there are still those on the periphery and even out of sight, who lack even basic access to information. Specifically these individuals include those held in immigration detention.

Statement of Research Goal

The goal of this research study is to find out the current status of library services in immigration detention facilities in the U.S. and identify significant issues that can be addressed and improved. Immigration detention facilities, managed by the U.S. Department of Homeland Security (DHS)’s Immigration and Customs Enforcement (ICE, or US ICE) bureau, are among the rapidly growing types of “correctional” facilities in the U.S. ICE contracts out the housing of the majority of detainees to local jails and prisons, and facilities run by private corporations (e.g., Corrections Corporation of America).

This study addresses a gap in research on library services in immigration detention facilities in the U.S., which have never been studied or only peripherally studied as a part of library services studies in adult correctional facilities and local jails. No known survey has been performed, to date, to ascertain the current state of libraries in immigration detention facilities. In fact, it is not even clear if libraries exist in the majority of immigration detention facilities. Furthermore, because of the large growth in

the number of immigrants detained in the U.S. over the past two decades, it is important for the library profession to have a better understanding of the current status of libraries in immigration detention facilities.

Correctional Facility Libraries

There is almost no literature on the topic of libraries in immigration detention facilities. Most of the literature informing the study is focused on either conditions in immigration detention facilities or issues in correctional facility libraries. Literature on libraries in correctional facilities is nearly a century old and reflects the developing concepts of both professional librarianship and modern correctional philosophies. A large body of literature emerged in the 1980's on standards and issues in correctional facility librarianship. In the last two decades, various authors have published books on the topic of libraries in correctional facilities (Clark & MacCreaigh, 2006; Rubin & Suvak, Eds., 1995; Vogel, 1995; Vogel, 2009) and individuals occasionally publish articles focused on issues in correctional facility librarianship in professional library journals. The sources reflect a liberal political viewpoint where the public library is used as the model for prison library service, though that is not always necessarily the case (Coyle, 1987). Literature on immigration detention also does tend to reflect a predominantly liberal philosophy (Dow, 2004; Welch, 2002). A major source of information on immigration detention in the U.S. is *The New York Times* (Bernstein, 2008a-b; Bernstein, 2009a-c; Kolodner, 2006). Finally, watchdog groups like the American Civil Liberties Union (ACLU) and Detention Watch Network have published

reports and studies on issues in immigration detention, often based on first-hand accounts and results from requests for information to the government.

At the start of the study, the major assumption was that libraries currently exist in immigration detention facilities. There is nothing in the literature to suggest that is the case. In fact, one of the questions in the survey mailed out to immigration detention facilities is whether library services are provided in the library and in the living units, but that question assumes that a physical library exists. A more reasonable assumption for the study is that the body of literature on library services in correctional facilities can be applied as a generalized model to the specific study of library services in immigration detention facilities. The study also proceeded on the assumption that gathering results of a survey was the best way to find out the current status of library services in immigration detention centers. A distinction between law libraries and recreational libraries was also made in this study. Based in part on that distinction, plus the assumption that law libraries have their own separate standards and service models, the present work is focused only on recreational library services in immigration detention facilities.

Definition of Terms

All words and terms have specific meanings, depending on the intent of the author, which may not be understood by a wider audience. When an author bases a work on the words of others, meanings may be obscured and terms used by the author may or may not be used with the same intent of meaning by those quoted in the literature. The following list is intended to clarify the use of specific terms throughout this text.

“Adult correctional institution” is the term used the Association of Specialized and Cooperative Library Agencies (ASCLA, a division of the American Library Association) to refer to “prisons, penitentiaries, classification and reception centers, correctional institutions, treatment centers, prerelease units, work camps, boot camps, shock incarceration centers, and others;” the ASCLA also specifically states that the term “adult correctional institution” does not refer to “pre-trial facilities or other types of facilities operated by local governments such as jails and detention centers.” (ASCLA, 1992, p. 1) To maintain clarity, the term “adult correctional institution” is used sparingly in this text, and only is used in connection with the work, *Library Standards for Adult Correctional Institutions*, prepared by ALA, ACA and American Association of Law Libraries in 1992 (in which the term “adult correctional institution” is used interchangeably with “prison”) and the standards referred to in that work.

“Center,” “facility,” and “institution” are terms that are used interchangeably throughout the text.

“Correctional facility” throughout this text refers broadly to any type of facility in which individuals who are charged with and/or convicted of crimes are held. In contrast with the term “adult correctional institution” (see above), the term “correctional facility” throughout this text is used to refer to all facilities in which individuals who are charged with or convicted of crimes are held, including prisons and jails.

“Detainee” refers to an individual held for any period of time by any group or government agency. In this text, the term is often used specifically to refer to immigrants held by ICE.

“Detention center” is a term used sparingly in this text on its own, since this term may refer to either a detention center or facility that detains immigrants on behalf of ICE or to a facility that does not detain immigrants on behalf of ICE.

“Detention facility” is a term that is understood to be used by the American Correctional Association to refer to three types of facilities: (1) a local city or county jail (2) a holding or lockup facility; or (3) a local long-term or short-term holding facility (ACA, 1991, p. vii). The term on its own is used sparingly throughout this text in order to avoid confusion with the term “immigration detention facility.”

“Immigrant” in this text refers to a non-citizen living in or attempting to enter the U.S.

“Immigrant detainees,” “ICE detainees” and “individuals in immigration detention” in this text refer to non-citizens held by ICE in immigration detention facilities. Not all immigrants are detained (obviously), and not all non-citizens who are detained by the U.S. are detained in the U.S. by ICE (e.g., some are detained abroad by the U.S. military at Guantanamo Bay).

“Immigration detention facility” and “Immigration detention” in this text refer to any one of, or all four types of, facilities in which immigrants are detained by ICE. They include: Service Processing Centers (SPC’s), Contract Detention Facilities (CDF’s), Bureau of Prisons (BOP) Facilities, and Intergovernmental Service Agreement (IGSA) facilities. This study is focused only on immigration detention by the U.S. government, not by other countries’ governments.

“Jail” in this text refers to “a confinement facility, usually operated by a local law enforcement agency, which holds persons detained pending adjudication and/or persons committed after adjudication for sentences of a year or less.” (Bayley, Greenfield & Nogueira, 1981, p. 92)

“Prison” in this text refers to a long-term holding facility (Clark & MacCreaigh, 2006, p. 91). In the literature, the term “prison” is often used to indicate a type of facility that differs from a “jail” (see “adult correctional institution” above), usually one operated by state prison departments.

CHAPTER 2: Introduction to Immigration Detention

From 1940 to 2003, the Immigration and Naturalization Service (INS) was the arm of the U.S. Department of Justice that was responsible for both immigration admission and enforcement. After the September 11, 2001 terrorist attacks on the U.S., a reorganization of federal cabinet departments led to the creation of the Department of Homeland Security (DHS). The Homeland Security Act of 2002 also created a separate immigration enforcement branch within DHS, the Immigration and Customs Enforcement (ICE) bureau (LeMay, 2004, p. 177; Dow, 2004, p. 86). Within ICE, the Office of Detention and Removal (DRO) is the enforcement arm responsible “for the identification, apprehension, and removal of illegal aliens from the United States.” (US ICE, 2009d, para. 2) According to ICE, the mission of the DRO is to promote public safety and national security by “ensuring the departure from the United States of all removable aliens through the fair and effective enforcement of the nation’s immigration laws.” (US ICE, 2009d, para. 3)

Who is Held by ICE in Immigration Detention

The detainment of individuals for immigration purposes by the DHS is managed by ICE. Malone (2008) writes that “approximately 40% of individuals detained by ICE “had neither been convicted of nor charged with a crime.” (p. 46) Categories of detained immigrants include:

criminal aliens, national security risks, asylum seekers, individuals without proper documentation, arriving aliens subject to expedited removal, arriving aliens who appear inadmissible [*sic*] for other than document related reasons, and persons under final orders of removal who

have committed aggravated felonies, are terrorist aliens, or have been illegally present in the country. The USA PATRIOT Act added a new section (§236A) to the INA [Immigration and Nationality Act] which provides for the mandatory pre-removal-order detention of an alien who is certified by the Attorney General as a terrorist suspect. (Siskin, 2004, p. 7)

According to recent reports, “[e]ach day, U.S. Immigration and Customs Enforcement (ICE) holds more than 31,000 immigrant detainees in facilities across the U.S.” (Tumlin, Joaquin & Natarajan, 2009, p. vi) Siskin (2004) wrote that in 2002, the INS detained approximately 202,000 individuals (around 20,000 on a daily basis), approximately 50% with criminal records and approximately 50% from Mexico (p. 12). The number of individuals detained by ICE has more than doubled in the last two decades, fueled in part by changes in immigration law and enforcement (Malone, 2008, p. 48). Welch (2002, p. 47) explains that, “[i]n the 1990s and into the new millennium, even when Congress was cutting federal spending, the INS grew rapidly in large part because the agency persuaded lawmakers to remain fiscally committed to the fight against illegal immigration.”

A pair of anti-terrorism laws passed in the 1990’s during the Clinton administration also played a part in the rising number of individuals detained by ICE. The Antiterrorism and Effective Death Penalty Act (AEDPA) and the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) “drastically expanded the categories of crimes for which immigrants who had become legal residents were ‘deportable’ and subject to ‘mandatory detention’” and also increased mandatory detention of asylum seekers (Dow, 2004, p. 9). More recently, the USA PATRIOT Act of 2001 allows government authorities to detain individuals believed to have engaged in

terrorist activities or to overthrow the U.S. government for seven days before they are charged, and the REAL ID Act of 2005 further toughened evidentiary standards in asylum cases and limited habeas corpus review for immigrants in federal district courts (Ashfaq, 2008, pp. 183-184).

Prior to 2001, a class of individuals was held in “indefinite detention” for long periods of time because these individuals could not obtain travel documents to another country outside the U.S., most commonly because the U.S. did not have official diplomatic ties with their nation of origin. Called “lifers” or “unremovables,” these individuals, including nationals of Cambodia, Cuba, Gaza, Iran, Iraq, Laos, Vietnam, and former Soviet satellite states, were often detained for years because the U.S. had no country to which to deport them, sometimes because the individuals had been stripped of their birth citizenship or were not considered citizens of any country at their time of birth (Welch, 2002, pp. 65-66). “In 2000, [the] INS estimated that it had 5,000 aliens in indefinite administrative custody.” (Siskin, 2004, p. 8)

In 2001, the Supreme Court ruled that the U.S. may not detain deportable aliens indefinitely “simply for lack of a country willing to take them.” (Greenhouse, 2001, p. 1, para. 1) In the Supreme Court decision (which involved the indefinite detention of Kestutis Zadvydas, born to Lithuanian parents in a displaced persons camp in Germany in 1948), Justice Breyer “said that after six months of detention, if deportation did not seem likely in the ‘reasonably foreseeable future,’ the government would have to come up with special reasons for keeping someone in custody” (Greenhouse, 2001, p. 1, para. 3). A specific timeframe for the “reasonably foreseeable future” is not defined in the decision,

and a sample reason for keeping someone in custody past the reasonably foreseeable future is a perceived risk that the detained individual will commit a future crime if released (*Zadvydas v. Davis*, 2001). Indefinite detention is also still being applied, in practice, to terrorist suspects held at the U.S. military detention camp at Guantanamo Bay (Finn, 2009). However, detention by the U.S. military is outside the scope of this study.

Another category of immigrant detention created in 1996 and subsequently revoked in part by the Supreme Court was “mandatory detention.” Under IIRAIRA, “[i]f the government decides that those convicted of deportable offenses should be removed from the United States, the noncitizens are placed in detention until deported.” (Welch, 2002, p. 94) In 2002, the Supreme Court ruled the mandatory detention policy for individuals convicted of deportable crimes unconstitutional. The issue was whether the mandatory detention policy, which has been applied to over 75,000 individuals and “under which immigrants who have committed certain crimes must be kept in custody even if they are challenging their deportation, violates the Constitution’s guarantee of due process” (Greenhouse, 2002, para. 2). The Supreme Court ruled that while the immigration agency “had the right to detain a lawful permanent resident before deportation, due process required that it hold a bail hearing ‘with reasonable promptness’” (Lewin, 2002, para. 6).

Asylum seekers are the most controversial category of detainees. According to a *New York Times* editorial, thousands of asylum seekers are held in detention. “Some go to immigration centers that greatly resemble prisons, but more than half are sent to actual jails and prisons.” (“The persecuted, in chains,” 2005, para. 2) Asylum seekers face

numerous difficulties in detention. A 2003 study of 70 detained asylum seekers “found that 86 percent suffered significant depression, and half suffered from post-traumatic stress disorder” (Manrique, 2009, para. 13). Asylum applicants in detention face the same problems that plague regular jail inmates: they can be placed in solitary confinement, and they may have difficulty communicating with outsiders because of lack of access to phones, the high cost of jail phone service, or the fact that jail phones often cannot reach cell phones (Manrique, 2009, para. 16). According to Welch (2002, pp. 89-90) the (former) INS often “does not even bother to inform jail administrators that its detainees are asylum seekers rather than criminal aliens; therefore, from the standpoint of the correctional staff, asylum seekers are not viewed any differently from prisoners who have committed crimes.”

Length of Time in Detention

It is difficult to get accurate statistics regarding the average length of time immigrants are detained. While individuals rounded up at border crossings between the U.S. and Mexico might be immediately returned to Mexico, others awaiting adjudication of their immigration cases might be held for years in immigration detention. Therefore, making a calculation of an average length of stay does not accurately reflect the experience of the majority of detainees. The 2008 Annual Report of ICE reported that the average length of stay for detainees was just over 30 days (US ICE, 2009e, para. 7), a significant decrease over previous years’ estimates. According to Malone (2008), in response to a Freedom of Information Act (FOIA) request, “the INS released records showing that there were 294 prisoners who have been locked up for at least three years.

In a second round of interrogatories, the number grew to 851 persons from 69 nations.” (p. 50) In 1992, the average stay was reported at 54 days:

In 1981, the average stay in an INS detention facility was less than four days, increasing to 11 days by 1986. By 1990, detention had increased to 23 days, with many individuals detained for more than a year. In 1992, it had increased again to an average stay of 54 days... In Vermilion Parish Jail in Louisiana, the chief of the jail said that the average length of detention for INS detainees in his facility was 14 to 16 months. (Welch, 2002, p. 107)

The budget for immigration detention has also grown, from \$800 million in 2000 to \$900 million in 2001, a third of which was spent “on renting cells, mostly in remote rural counties where there are low costs and beds to spare.” (Welch, 2002, p. 151) The growth in the number of immigrant detainees mirrors a growth in the overall correctional population in the U.S. “Between 1980 and 2001 the combined prison and jail populations of the United States rose from about 500,000 to almost 2 million,” most of it fueled by changes in drug law that increased not only the general prison and jail populations but also increased the immigrant detainee population (Dow, 2004, p. 163). Other factors that have had an influence on the increase in the number of detained immigrants and a corresponding growth of the immigration detention industry include crackdowns on individuals who have overstayed their visas and tighter enforcement at border crossings (Kolodner, 2006, p. 1, para. 14-16). In August 2009, *The New York Times* reported that Janet Napolitano, the Secretary of Homeland Security, expects the number of detainees to stay the same or grow slightly (Bernstein, 2009c).

Immigration Detention Facilities

ICE has identified four different types of facilities in which immigrants are detained: “The current ICE detention system consists of over 350 local and state facilities acquired through intergovernmental service agreements (IGSA); seven contract detention facilities [CDF]; eight ICE owned facilities [referred to as “Service Processing Centers” (SPC)] and five Bureau of Prisons (BOP) facilities, which are either funded directly through congressional appropriations to BOP or through ICE reimbursement.” (US ICE, 2009f, para. 2) According to ICE, these four types of facilities together have a funded [daily] capacity of 32,000 beds (US ICE, 2009f, para. 3).

Intergovernmental Service Agreement (IGSA)

The majority of immigrant detainees are held in IGSA’s, which can be any type of facility which has an intergovernmental service agreement with ICE. The exact terms of specific intergovernmental agreements and how IGSA’s differ from CDF’s are not clear. IGSA’s are most commonly local county or city jails, but can also be facilities specifically constructed as the result of an agreement with ICE. The Donald W. Wyatt Detention Facility in Central Falls, Rhode Island had its service agreement to house detainees ended by ICE after a detainee died at its facility in the summer of 2008. The detainee, a computer engineer from China with no criminal record who overstayed his visa, died from complications of advanced cancer after being denied medical treatment (Bernstein, 2008a, p. 1, para. 8). In fact, reports of abysmal conditions in IGSA’s are common. “One complaint, echoed by former jail employees, was that detainees in pain

from illness or injury often went without adequate treatment. Other detainees spoke of going hungry.” (Bernstein, 2008a, p. 3, para. 1)

Immigrant detainees in IGSA’s are often housed together with the local city and county jail population. At Wyatt, “[t]hough officials said detainees were housed according to their history of violence, only one unit was dedicated to immigration detainees, and the rest were mixed in with criminal suspects and convicts.” (Bernstein, 2008a, p. 3, para. 2) For detainees, not having access to ICE staff may lead to communication obstacles. According to Bernstein (2008a, p. 3, para. 4), when a detainee asked why he was being held in detention and what was the status of his green card application, the answer he received was, ““Sorry, guys, but we’re not Immigration.””

Contract Detention Facilities (CDF)

Seventeen percent of ICE detainees are held in Contract Detention Facilities (CDF’s) (US ICE, 2009g, para. 2), operated by private prison corporations such as the Corrections Corporation of America (CCA) and the GEO Group (formerly Wackenhut). CDF’s include the Aurora Contract Detention Facility in Colorado, operated by the GEO Group, Inc.; Elizabeth Contract Detention Facility in New Jersey, operated by CCA, and the Houston Contract Detention Facility in Texas, also operated by the CCA (US ICE, 2009h). It is not clear from ICE materials how a facility is identified as a CDF; though it may be that being operated primarily by a private corporation might identify a facility as a CDF, many IGSA’s are also operated by private corporations such as CCA.

Service Processing Centers (SPC)

Thirteen percent of ICE detainees are held in Service Processing Centers (SPC's) (US ICE, 2009g, para. 2), operated by ICE. These SPC's include facilities in: Aguadilla, Puerto Rico; Batavia, New York; Buffalo, New York; El Centro, California; El Paso, Texas; Florence, Arizona; Miami, Florida; Los Fresnos, Texas; and San Pedro, California. As obvious from the list, detainees are held in facilities not only in U.S. states, but also can be held in or transferred to a facility located on the U.S. territory of Puerto Rico.

Bureau of Prisons (BOP)

Three percent of ICE detainees are held in Bureau of Prison (BOP) facilities (US ICE, 2009g, para. 3). ICE does not make clear if the immigrants detained in BOP facilities have also been charged with crimes (and if these individuals are also serving out criminal sentences) or if they are solely administrative ICE detainees. It is also not clear if immigrants detained in BOP facilities are housed differently or treated in any way that distinguishes them from other inmates. ICE does not list any BOP or IGSA facilities on its website, so identifying BOP and IGSA facilities in which immigrants are held is purely based on information compiled by organizations like the ABA or Detention Watch Network.

Discussion

The terms used for the four types of facilities used by ICE to detain immigrants reflect a confusing combination of overlapping meanings that do not clearly delineate the agency responsible for managing the facility. For example, "IGSA" refers to the nature

of the agreement that facilities make with ICE, but the term is also used by ICE, by authors in the literature, and in this study to refer to the type of facility itself. “CDF” refers to a detention facility run by a private prison management corporation through contract with ICE, but many IGSA’s are in fact run by the same private corporations that run CDF’s; furthermore, as mentioned, ICE has not clarified the exact difference between the meaning of the terms “agreement” in IGSA’s and “contract” in CDF’s. “BOP” refers to the agency responsible for operating the facility in which immigrants are detained; BOP also contracts out detainment of criminal inmates to facilities operated by private prison corporations. The term “SPC” refers to detention facilities that are operated by ICE, rather than the agency responsible for operation.

True to bureaucratic form, these acronyms (and the terms they signify) do more to confound than to clarify. Many IGSA’s are managed and operated by the same private prison corporations that operate CDF’s. The Eloy Detention Center and the LaSalle Detention Facility are not identified by ICE as CDF’s, but are identified as being jointly operated by CCA and ICE. The Otay Detention Facility is not listed as a CDF but is identified as being operated by CCA. Stewart Detention Center is listed as being operated by CCA through an IGSA (US ICE 2009h). CDF’s might be operated solely for the purpose of housing immigrant detainees, but are not managed by ICE. Generally, BOP’s and IGSA’s may or may not be designed for the sole purpose of housing immigrant detainees (though they may be), and are not managed by ICE.

Defining “immigration detention facility” involves understanding the byzantine and administratively diverse group of facilities in which immigrants are held. These

facilities are managed by a multitude of different types of organizations, including private corporations, federal agencies, and local city and county governments and with different goals and standards. The discussion in chapter 6 reveals ICE is not accountable to any outside agency for the treatment of immigrant detainees in any of its own or contracted out facilities. Though the various acronyms used to identify any particular facility are confusing, the bottom line is that no one central agency is in charge of managing and operating all facilities in which immigrants are detained.

Issues in Immigration Detention Facilities

Issues of privatization, frequent movement of detainees between facilities, and lack of government oversight plague the management of immigration detention facilities and have a peripheral influence on library services as well. These issues are important to explore because they offer a larger context for understanding a system in which immigration detention facilities are managed. In the context of inadequate conditions in immigration detention facilities, such as one in which ICE detainees might not have access to adequate healthcare, and attorneys might not know the whereabouts of their represented clients, it is reasonable to conclude that library services are nonexistent or sub-par compared to those in correctional facilities in general. Many of the issues discussed in the literature on immigration detention facilities mirror issues that plague correctional facilities, reflecting the fact that immigration detention facilities are often mismanaged by the same organizations that manage correctional facilities. The following section is designed not to diminish the importance of libraries in immigration detention

facilities, but to highlight the importance of the broader context of problems in immigration detention facilities.

Private contracting of the management of immigration detention facilities is part of a broader trend towards private management of correctional facilities in the U.S. The INS was a pioneer in contracting out the detainment of individuals to private corporations. “The U.S. Immigration and Naturalization Service (INS) was among the first governmental agencies to take advantage of the emerging market of private prison operators” (Austin & Coventry, 2001, p. 12). As Dow (2004, p. 97) writes, “The first two privatized prisons in the country were immigration detention centers: Wackenhut’s in Aurora (near Denver) and CCA [Corrections Corporation of America]’s in Houston both opened in 1984.” The term “privatization” can be used to refer to private corporations, such as the CCA, managing detention centers, as well as the government contracting out management functions, including medical, health, educational, food service, and administrative functions, to private companies (Austin & Coventry, 2001, p. 2).

Stringent immigration enforcement has clearly benefited private prison corporations. According to Kolodner (2006), the U.S. government estimated that approximately 27,000 individuals would be held in immigration per day, at a total estimated annual cost of nearly \$1 billion, with most of that budget going towards private prison corporations which manage immigration detention facilities, as well as county jails in which immigrants are held (p. 1, para. 2). Furthermore, “[r]evenues for the prison management companies will grow not only because of the rising number of detainees, but also because profit margins are higher at detention centers than prisons, analysts say.”

(Kolodner, 2006, p. 2, para. 2) Profit margins for private corporations managing immigration detention facilities are significant.

Wall Street analysts said that detention centers produce profit margins of more than 20 percent. That compares with margins in the mid-teens for traditional prison management, they said, because prisoners are provided with more costly services like high school degree programs and recreational activities. (Kolodner, 2006, p. 2, para. 4-5)

ICE detainees are often moved between different detention facilities without prior notice or later notification of the immigrant's attorney or family, who have found it difficult to determine where an immigrant is being held (Welch, 2002, p. 111; Bernstein, 2008a, p. 3, para. 7). The inability for those outside the system to track the location of detainees who are, it seems, arbitrarily transported to different detention facilities, is not purely anecdotal. In fact, the U.S. government justifies its right to not inform outsiders of the whereabouts and location of individual detainees by citing a right to privacy of the detainee. In 1996, Attorney-General Janet Reno approved a Justice Department policy that stated immigrants' "right to privacy," including basic information about facilities in which immigrants are detained "ordinarily must be withheld [when requested by the news media or through the Freedom of Information Act] as a matter of law – except where disclosure would reflect agency [INS] performance." (Malone, 2008, p. 48)

Conditions in immigration detention facilities in the U.S. have been compared to conditions in correctional facilities, and have led to the criticism that the current system of housing ICE detainees has fostered the "criminalization" of immigrant detainees. "The guards treat them like criminals, and the criminals they bunk with often abuse them. They are held for months, sometimes even years, but unlike the criminals, they do not

know when their sentences will end.” (“The persecuted, in chains,” 2004, para. 1)

Adding to the comparison is that the fact that most immigrants held by ICE are considered administrative, not criminal, detainees. “[A] person in the custody of the INS or the BICE is an administrative detainee – even when she or he is in your nearby county jail, sharing a cell with a sentenced inmate.” (Dow, 2004, p. 16) (BICE, or “Bureau of Immigration and Customs Enforcement” was a temporary title for ICE prior to US ICE.)

While all CDF’s and some SPC and BOP facilities are operated by private correctional corporations, the vast majority of ICE detainees are held in actual correctional facilities (i.e., in IGSA’s). The distinction between criminal prisoner and administrative detainee surfaces in various instances, including “when the INS attempts to defend preferential mistreatment of those in its custody by denying them participation in educational or work release programs...on the grounds that they are not ‘inmates’ or ‘prisoners’ but ‘detainees.’” (Dow, 2004, pp. 16-17)

While immigrant detainees may be “criminalized,” they are not necessarily protected by the same constitutional rights as U.S. citizens held in correctional facilities. Various court cases have led to decisions on specific rights held by non-citizens. The rights that courts have decided that detained non-citizens have are:

the right to apply for asylum; the right to communicate with consular or diplomatic officers of their home country; the right to be represented by counsel (but not at government expense); the right to challenge transfers to other detention facilities that might interfere with the right to counsel; the right to medically adequate treatment; the right to access free legal service lists and telephones; [and] the right to legal reference material. (Siskin, 2004, p. 14)

These rights do not apply to individuals under expedited removal, a process in which an individual without valid documentation is removed from the U.S. without any hearings, reviews, or appeals (Siskin, 2004, p. 12). These rights are curtailed versions of the rights of U.S. citizens; for instance, “[b]ecause those who cross the border illegally are not considered criminals, they are not automatically assigned a lawyer.” (Kolodner, p. 1, para. 11) Finally, because of lack of oversight of immigration detention facilities, court rulings regarding the legal rights of immigrants do not necessarily always translate into actual protection in specific circumstances.

ICE has been criticized for violating the civil and human rights of detainees based on country of origin and nationality, including after September 11, 2001, when men of Muslim descent without any alleged terrorist ties were routinely detained by the DHS. The Office of the Inspector General in 2003 issued a report criticizing the Department of Justice for “violating the legal, human, and civil rights of individuals arrested during their post-9/11 investigations... Implementation of these policies resulted in the loss of freedom and civil liberties for hundreds of individuals.” (Sheikh, 2008, p. 91) Violation of immigration status was a common excuse for detaining Muslim men. In December 2002, ICE arrested approximately 700 men from Iran, Iraq, Libya, Sudan and Syria in southern California who had complied with the DHS’ special registration program; many of the arrested men were college students or green card applicants (Iftikhar, 2008, p. 111).

One problem faced by individuals held in immigration detention facilities is lack of offered educational, vocational, or recreational programs. As Dow (2004, p. 275)

writes, a Laotian prisoner who requested vocational or GED programs at the detention facility where he was held was told the facility had neither type of program. In fact, immigration detention facilities are not legally bound to offer vocational, educational, or recreational programs, and it seems that there is no incentive for them to do so.

Because local jails are designed to hold accused and convicted criminals on a short-term basis, they usually do not offer educational programs or work opportunities, leaving detainees absolutely idle for months or years at a time. To pass the time, many INS detainees simply sleep and watch television. Libraries are limited or nonexistent, and few facilities have reading materials in the languages of the detainees. (Welch, 2002, p. 117)

One of the more alarming problems reported in immigration detention facilities is inadequate access to healthcare for detainees. As Manrique (2009, para. 6) reports, detained asylum applicants “often face inadequate medical and mental health care, and a lack of legal representation that can keep them locked up for years.” In 2009, detainees criticized medical staffs for routinely violating “their own standards in areas like continuity of care, quick response to medical complaints, explanation of the availability of services, and medical screenings and follow-up care.” (Manrique, 2009, para. 7) In light of criticism that immigration detention facilities do not offer adequate healthcare to detainees, it is probably safe to assume that the DHS must initiate and implement major reforms to ensure detainees have access to basic needs, and that these reforms include mandated government oversight over and accountability for healthcare of detainees.

Lack of access to healthcare, gross mismanagement, and lack of oversight has led to deaths of individuals held in immigration detention (Bernstein, 2009b; Bernstein, 2009c; Dwyer, 2008). Unreported deaths in immigration detention facilities pose a seriously alarming problem and it has been difficult for outsiders to gain information

regarding the exact number and causes of deaths of individuals held in ICE detention. According to Bernstein (2009a, para. 1-2), ten percent of deaths in immigration detention in the last six years were omitted in a list of immigration fatalities given by ICE to Congress in March 2009. The “missed” deaths were identified through FOIA requests submitted by the ACLU, as well as by *The New York Times* (2009c). As Bernstein reports, “deaths could fall between the cracks in immigration detention” (2009c, para. 9) since ICE reviews “questionable” detainee deaths internally and is not required by law to keep track of deaths and causes of deaths in detention (Bernstein, 2009a).

The problems listed above might have greater or lesser impact on libraries in immigration detention facilities. Detaining immigrants in correctional facilities run by privately owned corporations is a trend that has implications in terms of accountability and oversight. While budgets may differ from facility to facility, the fact that immigration detention facilities do not have to offer vocational, recreational or educational programs means that such programs will not be developed. Frequent transfer of immigrant detainees between facilities means that certain library services such as interlibrary loan would be ineffective and performing user surveys to identify detainee demographics and library needs would seem impossible in a population with high turnover. Access to library services is not a constitutional right to U.S. citizens and immigrant detainees are not protected by the same constitutional guarantees as U.S. citizen inmates are in correctional facilities. Making access to recreational programs and services, including library services is even more difficult. Finally, in immigration detention facilities plagued by lack of access to basic needs such as healthcare, the

importance of addressing these fundamental needs makes providing recreational library services a lower priority for facility management.

CHAPTER 3: Access to Legal Materials and Recreational Libraries

As noted in the introduction, it is not clear that libraries exist in or that library services are offered in ICE facilities. Furthermore, this study is focused on recreational libraries, not law libraries, in immigration detention facilities. Inmates in correctional facilities are guaranteed access to legal materials under U.S. federal law. Many correctional facilities provide this access either through maintaining a law library in the facility or through providing access to legal materials and legal experts. Since legal access is sometimes facilitated through staff, programs and materials located in the recreational library, the relationship between inmate access to legal materials and the recreational library is relevant to this study. The division between recreational libraries and law libraries was pointed out by Jensen (2002), who writes that while prison law libraries may be staffed with trained attorneys or skilled legal reference librarians, prison recreational libraries more closely resemble public libraries and support educational and vocational training programs (p. 31).

In 1977, the Supreme Court mandated that prisoners have access to legal materials, asserting that the “fundamental constitutional right of access to the courts... require[s] prison authorities to assist inmates in the preparation and filing of meaningful legal papers by providing prisoners with adequate law libraries or adequate assistance from persons trained in the law” (*Bounds v. Smith*, 1977). It is not clear if ICE detainees are also guaranteed this right of access to courts. Immigrant detainees are not “inmates” in “prisons” but administrative detainees, not explicitly protected with constitutional

rights. For example, the American Bar Association (ABA) has urged the DHS to apply constitutional rights such as due process and access to legal materials to individuals held in immigration detention (ABA, Immigration Detention, 2010). It is also not clear if *Bounds v. Smith* applies to immigration detention facilities or if ICE detainees are compelled by law to have access to legal materials. ICE's 2008 Performance-Based National Detention Standards includes a chapter on law libraries and legal access. The ICE standards are administrative guidelines only and they are not legally enforceable through actual regulation (US ICE, 2009b).

The American Library Association (ALA)'s library standards for prisons and local jails differ in terms of whether the topic of access to legal materials is covered. According to the *Library Standards for Adult Correctional Institutions* (1992), "these standards do *not* [emphasis in original] cover law libraries or staff libraries...Where law library services are provided for court access, such library shall be funded and staffed separately from the inmate general library discussed in this document." (ASCLA, 1992, p. 2) The authors of these standards do not explain to what extent, if any, library staff should be responsible for ensuring access to legal materials in correctional institutions which do not have a separate law library.

According to the *Library Standards for Jails and Detention Facilities*, jail library resources should be supplemented by collections from law libraries, and include legal materials recommended "by the state law library or the American Association of Law Libraries." (Bayley et al., 1981, p. 94) The reason for this difference in whether jail and prison library standards should cover access to legal materials is not stated in either

publication. It might be attributable to several factors, including the belief that prisons might have larger budgets and resources for maintaining separate law and recreational libraries, or that larger inmate populations in prisons might make it administratively difficult to offer legal access through the recreational library. The difference also underscores the range in understanding about what should be offered in libraries in different types of correctional facilities, as well as possible ambivalence about whether recreational libraries are responsible for providing access to legal materials to inmates.

The relationship between recreational libraries and access to legal materials may be complex. The lines of responsibility for ensuring access to legal materials in practice are blurred. Management positions in law libraries in correctional facilities may not be held by legally or professionally trained staff. The majority of states do not have a prison library services director responsible for supervising legal and recreational library functions in state prisons (Jensen, 2002, pp. 42-43). This lack of centralized coordination even at the state level translates into a lack of awareness on details of services between recreational and law libraries at the individual facility level.

Access to legal materials may be granted through the recreational library. The law library may be integrated into the recreational library and managed by the recreational library, or vice versa. “In many instances, because of the design of the library, many prison librarians have to supervise the orderly running, growth and maintenance of *both* [emphasis in original] library collections.” (Mongelli, 2001, p. 8) Changes in information technology over the past decade, combined with general budget constraints, make management of the physical institution of both the recreational and law

library in flux. Ultimately these changes might influence the dynamic between access to legal materials and recreational libraries, breaking down the differences between law and recreational libraries. The result is to shift the focus of the library towards serving as an access point to information, including legal information, rather than the physical repository of documents.

CHAPTER 4: Library Services in Correctional Facilities

Even though immigrants detained in facilities that could include correctional institutions are usually considered administrative detainees, a brief overview of library services in correctional institutions is relevant to this study. Additionally, the conditions in facilities in which immigrants are detained are often very comparable to conditions in correctional facilities. Highlighting some issues that are covered in the literature regarding libraries in correctional institutions helps to inform this study and to form a broader framework for understanding library services in immigration detention facilities.

Clark and MacCreigh (2006) offer an informative comparison of jails and prisons:

Jails are designed to be short-term holding places for inmates serving sentences typically shorter than a year and for inmates awaiting trials. Classification of jail inmates isn't as discrete as classification in prison, so these inmates live right beside inmates who may never have served a day behind bars in their lives... There's no such thing as a minimum-security jail, which differs greatly from the prison system with its many levels and layers of security. Jail routines are less regular than prison routines, resulting in lots of scrambling and juggling of people and schedules. Also, jail inmates are more likely than prisoners to be mentally ill, inexperienced with incarceration, drunk, high, or suicidal. Because they're operated by city and county governments, jails are situated within the communities whose taxes support them. (p. 90-91)

The type of factors that affect management of library services differs between jails and prisons. According to Clark and MacCreigh (2006, p. 92), “[t]he greatest influence upon library service in a jail is the short-term nature of the inmates’ sentences and the high rate of turnover.” One-time only programs are generally more successful than program series, and interlibrary loan services may prove expensive and ineffective

since the inmate population changes so frequently. High prisoner turnover results in a transitory population in jails that are thus less likely to be able to provide long-term programs (Clark & MacCreaigh, 2006, p. 92).

The quality of library services depends on a multitude of factors that can vary widely. As Bayley et al. (1981, p. vii) write, the jail library can be anything from a bookcart loaded with paperbacks and pamphlets to a separate room in the jail lined with bookshelves and filled with new books and magazines, to a package of books arriving in the mail every two weeks, to a librarian delivering services. Provision of library services does not equate to the existence of a physical library, though in this study the term “library” is often used synonymously with the term “library services.” Not only do library services vary from facility to facility, but also management of correctional institutions’ libraries vary over time. Library services depend on the administrative personnel of the correctional facility and are affected by such factors as political or social forces that can have an impact on library services. The factors affect not only the formulation of budgets, but also collection development procedures and censorship policies. Library management is also influenced by the extent to which individuals in charge of library services assert their individual viewpoints regarding collection development and library censorship policies. Another factor that affects library management is how much autonomy the individual in charge of the library has in the overall administrative structure of the organization.

Libraries in correctional facilities are managed by individuals with a wide variety of job titles. According to Jensen (2002), individuals responsible for library services in

correctional facilities may be employees of state departments of correction or state libraries, contracted consultants, or affiliated with inmate education programs. They may be employees of the facility itself, or even jailhouse inmates. “In some states, prison library directors are in the employ of the Department of Corrections; others work for the State Library. Still others are contracted consultants. In some facilities, the local manager is affiliated with inmate education programs.” (p. 43) Understanding the nature of the library administrator’s relationship to correctional facility management leads to a better understanding of the quality of library services; this relationship may also reflect the library’s standing in the organizational structure of the institution as a whole.

Some jails contract for library services with local public library systems or school library systems. Having strong ties with local community schools and libraries helps provide a long-term baseline of support for a correctional facility library as the budgets of correctional facilities ebb and wane over time. Communication between individuals who are in charge of libraries in correctional facilities and librarians in local school districts or local libraries can foster a sense of professional camaraderie and promote development.

Individuals managing libraries in correctional facilities often work alone and are physically isolated from other library professionals. “Correctional librarians are prone to isolation. At many worksites, they manage alone or with inmate staff, and this lack of collegial contact can deprive librarians of opportunities to exchange knowledge with occupational peers;” however, the growth of the Internet and electronic discussion lists devoted primarily to correctional facility librarianship has helped bridge the divide of professional isolation (Jensen, 2002, p. 48).

A central tenet in literature on libraries in correctional facilities is the contradiction between the public library models of service to serve the community's needs with models of correctional institutions related to punishment, rehabilitation, detainment, or some unclear combination of all three. Bayley et al. (1981, p. viii) write:

While the library is most interested in *servicing* (emphasis in original) the patrons, the jail's principle concerns are confining them, keeping them safe from themselves and others, and transporting them to court for scheduled appearances. This difference in point of view does not have to become a source of problems; to the contrary, with mutual understanding, mutual concern will, we hope, result.

How to bring about mutual understanding and move forward to meet service goals based on that compromise will differ from facility to facility and depend on specific circumstances, actors, and issues being negotiated. Acknowledging and respecting the correctional facilities' goals form the foundation for mutual cooperation, though the extent to which the fundamental principles of public librarianship might be applied to the correctional library may remain in the hands of the individual library administrator.

Among the library administrator's responsibilities is ensuring the survival of the library within the correctional facility. Vogel (1995, pp. 28-29) writes, "The library's survival is always in question... In crisis situations such as overcrowding, library programs have been closed permanently or moved to closets." Jail and prison managers have to deal with various problems in addition to overcrowding, including shrinking budgets, poorly trained staff, poorly maintained facilities, inmate problems, and negative publicity (Bayley et al., 1981, pp. 2-3). The managers of immigration detention facilities lack a strong incentive to create or maintain recreational libraries. Jensen (2002, p. 58)

writes, “[f]unding for correctional libraries is unreliable, and significant institutional obstacles will often rule out quick, simple solutions to problems.”

Another important issue is lack of compilation of information regarding user needs by librarians in correctional facilities. Jensen (2002) discovered that administrators of correctional facility libraries often lack statistical records regarding inmates’ personal information, including language use.

Certainly a great deal of personal information is potentially accessible to prison staff, but its use varies from site to site... When I asked a Spanish-speaking prison library director about the patterns and proportions of language use among the nearly 5,000 inmates in her facility which processes many immigration cases, she replied that she had not checked... Whatever their rationale, many librarians fail to seek data about their users – and, more to the point, their non-users. (p. 40)

Jensen points out that correctional facilities are, in fact, institutions ideally suited to gathering statistics on possible user needs. “Correctional facilities, like most libraries, are statistics-driven institutions” in which inmates are tracked according to age, ethnicity, security level, medical conditions, and length of sentence (2002, p. 70). Because of the accessibility of this data, one might then wonder if institutional barriers to keeping statistics of library users exist, or alternatively, what would be any incentives for library or prison administrators to maintain statistics on library use.

CHAPTER 5: Standards for Libraries in Correctional Facilities

Standards for libraries in correctional facilities are applicable to this study not only because many immigrants are detained in jails and prisons, but also because certain types of immigration detention facilities (e.g., IGSA's and CDF's) are often managed by the same private corporations who run local correctional facilities. Since separate standards specifically designed for libraries in immigration detention facilities do not exist, a review of current standards for libraries in jails and prisons is relevant to understanding basic expectations set by both the library profession and correctional facility management. Standards for libraries in jails and prisons are developed by a variety of professional organizations, including the ACA and ALA. The ACA standards for detention facilities include separate sections on standards for access to legal materials or law libraries, and non-law (or recreational) libraries. If any standards are used as a foundation for services are enforceable and are updated depends on the agency that develops the standards and the purpose of the standard (Clark & MacCreaigh, 2006, p. 96).

The existence of specific standards helps to ensure that libraries in correctional facilities are not just glorified reading rooms (Reese & Austin, 2007, p. 26). However, as Lehmann (2003, p. 203) points out, "in many countries there is little philosophical commitment from the general public and little government support for providing incarcerated offenders with more than the bare minimum of services," a statement which arguably rings true for in U.S. as well. As is shown below, standards for libraries in

correctional facilities are varied, and reflect the positions of organizations and agencies which create them.

American Correctional Association (ACA) Library Standards

Standards for correctional facilities are set, depending on the type of facility, by various government agencies and accreditation organizations. The ACA develops standards for the accreditation process for correctional institutions in the U.S., as well as professional training and development programs for correctional facility staff. ACA standards may or may not be legally enforceable depending on whether the local and state jurisdiction uses them as the basis for developing regulations on standards for correctional service.

The ACA sets national standards; state departments of corrections set their own policies and procedures based, in large part, on the ACA's standards. Individual facilities have their own policies and rules, usually detailed in inmate handbooks, that reflect state regulations and national standards to varying degrees...In addition to the ACA's standards, states have their own regulations to govern activity at a more tactical level. (Clark & MacCreaigh, p. 97)

ACA standards are often used as the basis for the accreditation process at correctional facilities. "The ACA employs a rigorous accreditation process for those facilities that elect to meet the standards; not all do." (Clark & MacCreaigh, p. 97) Receiving accreditation is critical to correctional facilities and therefore it is important to the administration to meet standards set by ACA (B. Mongelli, personal communication, October 10, 2009). The fact that library standards are included in the ACA detention standards is promising in terms of the importance of libraries to correctional facility management, but it is not precisely clear how mandatory or critical it is to meet specific

ACA library standards as a part of the overall accreditation process. For example, is it possible for an institution to receive ACA accreditation if it fails to meet certain library standards, but meets other condition standards?

In *Standards for Adult Local Detention Facilities*, published by the ACA, (3rd edition, 1991), “local detention facility” is not defined, but three categories of jails are, including a detention facility or jail, a holding or lockup facility, and a long-term detainment facility (ACA, 1991, p. vii). The standards for adult local detention facilities includes four standards specific to non-law libraries, and cover the areas of basic library services, qualified staff, written selection policy, and interlibrary loan (see Appendix C, ACA Library Detention Standards).

American Library Association (ALA) Standards

The Association of Specialized and Cooperative Library Agencies (ASCLA) is the division of the American Library Association (ALA) that has a focus on jail and correctional facility libraries, among other types of special libraries. ALA has published two different sets of standards, prepared by the ASCLA, for library services in jails and in prisons. Both sets of standards reflect service models that can be applied to libraries in immigrant detention facilities. It is difficult to determine to what extent ALA standards are actually being used in libraries in jails and prisons or if there are regular follow-up studies to find out the current status of library services in correctional facilities. The broader question is whether standards that are developed as a model for service goals, but then never updated through subsequent follow-ups, revisions, or enforcement, have weight in terms of applicability to specific facilities or in terms of being used as a

foundation for future studies. On the other hand, it may be argued that standards can serve as a model, regardless of whether they are being implemented. This study, without resolving that debate, nevertheless uses the ALA library standards as part of the foundation for survey questions designed to ascertain the current status of library services in immigration detention facilities.

In 1981, the ALA published *Jail Library Service: A Guide for Librarians and Jail Administrators* (“*Jail Library Service*”), prepared by the ASCLA and authored by Bayley, Greenfield and Nogueira. *Jail Library Service* includes the appendix, “Library Standards for Jails and Detention Facilities” (Bayley et al., 1981, pp. 90-98), referred to as “ALA jail standards” in this text. Bayley et al. (1981) define a jail as “a confinement facility, usually operated by a local law enforcement agency, which holds persons detained pending adjudication and/or persons committed after adjudication for sentences of a year or less” and a detention facility is defined as “a local confinement institution for which the custodial authority is 48 hours or more; adults can be confined in such facilities pending adjudication and for sentences up to two years.” (p. 91) It can be assumed through these definitions, as well as the title of the standards, that “jails” and “detention facilities” can be considered two different types of facilities, with some overlapping traits.

Areas covered in the ALA jail standards include library services, library materials, staff, public library replication, library services to staff, physical requirements, and large jails. Notably, the ALA jail standards, as opposed to the ALA prison standards, includes a section specifically on library services to facility staff, not just inmates.

Including facility staff's library needs helps to address a possible incentive of facility administration to maintain the library and also helps promote cooperation between jail administration and library staff.

The ALA jail standards were also approved by the ACA. It is unclear if the ALA prison standards were also approved by the ACA. According to Bayley et al. (1981), "The document was approved by the American Correctional Association Institutional Libraries Committee on August 23, 1977" and "confirmed by the Board of Directors of the Association of Specialized and Cooperative Library Agencies in 1980." (p. 90) The combination of both ACA and ASCLA boards confirming the standards demonstrates the extent to which different professional organizations with possibly different agendas are involved in the process of setting library standards. ALA jail standards are not legally enforceable nor are they used during the accreditation process for jails. In fact, they were designed to "help jail administrators and librarians work together to meet [American Correctional Association] standards" (Bayley et al., 1981, p. viii). The fact that ALA jail standards were designed to help meet ACA standards is slightly confusing in terms of analyzing these different standards, but underscores again how various professional organizations have developed their own standards to meet various service goals. Since jail populations are not steady, it is difficult to plan for specific services to the inmate population, and service models for jails and detention centers are developed based on short term and shifting populations. Changes in how information technology is used increases in local jail and detention facility populations, and revisions of the ACA

detention standards in 1991 and 2004 may warrant an updating of the ALA jail standards.

Applying ALA jail standards to immigration detention facilities might be problematic in the sense that some individuals are held in immigration detention for very long periods of time, longer than most people are held in jail. Also immigrant detainees are often transferred to different facilities, while jails operated by city and county governments are generally designed to hold local populations. *Jail Library Service* seems to be the first and last attempt by the ALA to publish a cohesive set of national standards for library service in jails. It is not clear if these standards are disseminated in any regular method to individuals who manage jail libraries, or if these standards have been published in any other document, or presented in any other format (e.g., on the Internet) to a wider audience.

In 1992, the ALA published *Library Standards for Adult Correctional Institutions* [I will use the term “ALA prison standards” to refer to the standards included in this publication], authored by the ASCLA. According to the introduction:

In 1962, the ACA published “Objectives and Standards for Libraries in Correctional Institutions.” This document was reviewed and revised in 1966 by both ACA and ALA and published in “A Manual of Correctional Standards.” Replaced in 1981 with a new document entitled “Library Standards for Adult Correctional Institutions,” it was published by ALA in cooperation with ACA. In 1987, the Standards Review Committee of the Association of Specialized and Cooperative Libraries (ASCLA), a division of the American Library Association, assigned the responsibility for revising the 1981 document to the Library Standards for Adult Correctional Institutions Ad Hoc Subcommittee. The current document is the result of the work of the following Subcommittee Members and their colleagues nationwide. (ASCLA, 1992, p. i)

It is not clear from the introduction if the nine individuals then listed comprise the entire Ad Hoc Subcommittee or if the additional “colleagues” referred to in the introduction had roles equivalent to the roles of subcommittee members in terms of drafting, reviewing and finalizing the standards. None of the individuals listed are identified with having an affiliation to the American Correctional Association, though individuals may indeed have that affiliation. Regardless, the standards as published in 1992 do not include language that the standards have been endorsed, approved, or reviewed by the ACA. According to this introduction, the most recent standards for libraries in adult correctional facilities produced in cooperation with both the ALA and the ACA was published in 1981. As previously mentioned, “adult correctional institutions,” is defined in the ALA prison standards as “prisons, penitentiaries, classification and reception centers, correctional institutions, treatment centers, prerelease units, work camps, boot camps, shock incarceration centers, and others” and explicitly do not include jails and detention centers. The topics covered in the ALA prison standards include access, administration, staffing, budget, facility, services and library materials.

While it seems the ASCLA Ad Hoc Committee was attempting to avoid stepping on toes, the distinction made between library standards for jails and detention centers, on the one hand, and adult correctional institutions on the other hand, may be somewhat counterproductive in terms of maintaining a clear sense of purpose, organization, and functions for libraries in the correctional setting.

[The ALA prison standards] are *not* [emphasis in original] written for pre-trial facilities or other types of facilities operated by local governments such as jails and detention centers. *Although the principles and concepts set forth are applicable to these facilities* [emphasis added], separate

information and specific standards for facilities of this type are available from ASCLA. These standards are also *not* [emphasis in original] written for facilities with fewer than 300 inmates because of the great diversity in operational methods used in small institutions. Contracting with a library agency such as the local public library, regional library system, or state library agency is encouraged for institutions of this size. (ASCLA, 1992, p. 1)

Presumably the separate information and specific standards referred to in this introduction are the ALA jail standards. The caveats in the introduction reflect a goal to maintain precision of meaning and purpose for the standards, but result in somewhat confusing terminology. Using the phrase “adult correctional institution” as an umbrella term to refer to institutions including “prisons” but not “jails” is already confusing. The authors explicitly state that standards for “adult correctional institutions” are applicable to but are not written for local jails and detention centers, nor do they apply to facilities with fewer than 300 inmates. The result is an unclear application regarding the principles and goals of librarianship in the correctional setting.

The ALA prison standards are based on various ALA philosophical principles, including the Library Bill of Rights (2009c) first adopted in 1948 and revised in 1961 and 1980) and the Resolution on Prisoners’ Right to Read (ASCLA, 2009), adopted in 1982. The Prisoners’ Right to Read resolution is currently in the process of being discussed to be revised as an amendment to the Library Bill of Rights (Walden, 2009).

Occasionally, professional library organizations have published results of reports designed to ascertain the state of library services in various types of correctional facilities. In 1980, the ASCLA published a survey of library services in local correctional facilities (ASCLA, 1980, p. vii); the report concluded that the ASCLA needed to

ascertain problem areas in the delivery of services, both internally in the library and in terms of interfacing with jail management. In 1973, the California Library Association (CLA) delivered a report to the California Department of Corrections on the operation of institutional libraries, defining service goals in terms of the library's educational, recreational, individualized learning, rehabilitative functions, legal functions, and serving as a resource center for the institutional staff (CLA, 1973, pp. 4-5). These types of follow-up studies can be extremely beneficial in terms of identifying both problems and solutions to service issues in libraries in correctional facilities, especially if survey goals are clearly defined and lead to specific proposals for improvement in services.

CHAPTER 6: ICE Detention Standards

The Office of Detention and Removal (DRO), a division of ICE, is responsible:

for the identification, apprehension and removal of illegal aliens from the United States. The resources and expertise of DRO are utilized to identify and apprehend illegal aliens, fugitive aliens, and criminal aliens, to manage them while in custody and to enforce orders of removal from the United States (US ICE, 2009f, para. 2).

ICE first issued a set of national standards for detention facilities in 2000 “to facilitate consistent conditions of confinement, access to legal representation, and safe and secure operations” throughout ICE’s detention system (US ICE, 2009g, para. 5). Although ICE states that the standards established “accountability for non-compliance,” the detention standards themselves do not include any sections on compliance procedures (US ICE, 2009d).

In 2008, ICE revised the 2000 detention standards, issuing the “US Department of Homeland Security Operations Manual ICE Performance Based National Detention Standards (PBNDS)” which was designed with “a focus on the results or outcomes the required procedures are expected to accomplish” (US ICE 2009g, para. 5). “The ICE DRO Detention Standards Compliance Unit provides ICE and the public the assurance that detainees in ICE custody are detained in safe and secure environments and under appropriate conditions of confinement.” (US ICE, 2009g, para. 4)

The 2008 standards include a section specifically on law libraries and legal material:

Each facility shall provide a properly equipped law library in a designated, well-lit room that is reasonably isolated from noisy areas and large enough

to provide reasonable access to all detainees who request its use. It shall be furnished with a sufficient number of tables and chairs to facilitate detainees' legal research and writing. (US ICE 2009c, p. 2, para. 7)

Each facility administrator shall designate a facility law library coordinator to be responsible for updating legal materials, inspecting them weekly, maintaining them in good condition and replacing them promptly as needed." (US ICE 2009c, p. 3, para. 6)

The ACA detention standards referenced in this study are based on *Standards for Adult Local Detention Facilities*, 3rd edition published in 1991. While the ICE detention standards for law libraries reference ACA standards for law libraries, there is no section in the ICE detention standards devoted specifically to recreational libraries, even though ACA detention standards published in 1991 does include a section on recreational libraries. It is possible, though unlikely, that the ACA detention standards published in 2004 does not include a section on recreational libraries.

The ICE detention standards section on recreation stipulates that facilities should have an individual who is "responsible for development and oversight of the recreation program" and who "shall assess the needs and interests of the detainees (US ICE, 2009d, p. 3, para. 2-3). The detention standards section on recreation does not refer to recreational libraries. The detention standards as a whole only refer to libraries in the sense of law libraries. The recreation standards include mention of dayrooms, but not recreational libraries: "Dayrooms in general population housing units shall offer board games, television, and other sedentary activities." (US ICE, 2009d, p. 3, para. 8)

A comparison of one section in both the 2000 INS and the 2008 ICE standards highlights the shift in terminology from "requirements" to "expected practices." The 2000 INS standards' section titled "Requirements for Recreation" includes the sentence

“If outdoor recreation is available at the facility, each detainee shall have access for at least one hour daily, at a reasonable time of day, five days a week, weather permitting.” (INS, 2000, p. 2, para. 1) The 2008 ICE standards’ section titled “Recreation: Expected Practices” includes the sentence “If outdoor recreation is available at the facility, each detainee shall have access for at least one hour daily, at a reasonable time of day, weather permitting.” (US ICE 2009d, p. 2, para. 11)

Although the intent of the language is obvious, both versions do not define “outdoor recreation,” and it is not explicitly clear that detainees should have access to an outdoor recreation *area*. The text “five days a week” was taken out in the 2008 version, but the “requirement” for outdoor access in 2000 turned into an “expected practice” in 2008. This shift from requirements to expected practices underscores a major enforcement problem in both the 2000 and 2008 standards. Neither version makes it clear which governmental agency has the authority to ensure compliance with the standards, and what administrative procedures are in place to maintain compliance.

ICE Standards Are Not Legally Enforceable

ICE detention standards are developed and maintained by its own internal division, the Office of Detention and Removal. The standards are not federal regulations and therefore are not legally enforceable. “[A]s internal agency standards, rather than regulations, [detention standards] are practically unenforceable. According to Taylor, only two or three of forty local facilities audited in 2000 actually complied with all of the national standards.” (Dow, 2004, p. 209) “[B]y refusing to promulgate these standards as regulations,’ notes Judy Rabinowitz of the American Civil Liberties Union (ACLU)

Immigrants' Rights Project, 'the INS insured that they would be difficult, if not impossible, to enforce.'" (as quoted in Dow, 2004, p. 13) ICE does not seem to have any incentive to make its own standards legally binding; in fact, the contrary may be true. "Despite the continued urging of the ABA, the INS refused to promulgate the standards as binding regulations." (Tumlin et al., 2009, p. 4)

ICE's refusal to turn detention standards into legally enforceable regulations has continued despite the 2009 change in presidential administration. "The Obama administration has refused to make legally enforceable rules for immigration detention, rejecting a federal court petition by former detainees and their advocates and embracing a Bush-era inspection system that relies in part on private contractors." (Bernstein, 2009b, para. 1) According to *The New York Times*, the DHS believes that:

[r]ule-making would be laborious, time-consuming and less flexible than the review process now in place... The department maintained that current inspections by the government and a shift in 2008 to 'performance-based standards' monitored by private contractors "provide adequately for quality control and accountability." (Bernstein, 2009b, para. 4)

ICE Does Not Meet Its Own Standards

The fact that ICE internal standards are not legally binding weakens their implementation, and various reports have indicated that ICE does not meet its own internal standards. A 2009 study by the National Immigration Law Center revealed that ICE "routinely violated its own minimum monitoring standards" (Bernstein, 2009b, para. 12). For instance, "59 facilities did not make available some or all of the legal material that the standard requires they have on hand." (Tumlin et al., 2009, p. x) According to the report, "detainees were regularly deprived of recreational opportunities that are

essential to their physical, mental, and emotional health,” and at least 41 facilities did not provide the minimum hours of recreation required by the standard; other facilities offered recreational time only at the discretion of the facility staff, offered restricted access to recreation to individuals in segregation, and concurrently scheduled times for law library use and recreation (Tumlin et al., 2009, p. ix).

ICE Detention Standards Reform

While changes in political administration might lead to eventual changes in immigration policies, including detention, it is an oversimplification of complex immigration policy issues to suggest that political changes in administration either reflect broader changes in social or political outlook, including on issues such as immigration, or that policy can be swiftly changed by a political administration. Expanding or reviewing services to individuals held in immigration detention facilities may never be an important priority on the agenda of any administration, especially in time of war. Immigration has proved to be among the most politically volatile issues in the U.S., especially during times of economic recession. While major immigration reform may not occur in the near future, the Department of Homeland Security has taken minor administrative steps towards reforming its massive bureaucratic system, with various degrees of success in terms of implementation of goals. The DHS often announces new goals and mandates, but whether those goals are actually met and if there are procedures for ensuring compliance with new goals is difficult to report.

The “Performance Based National Detention Standards” (PBNDS) issued in September 2008 are just one element in proposed large scale ICE reforms. “The PBNDS

are to apply in stages, and by January 2010 they are to apply to all facilities used to detain immigrants for periods longer than 72 hours.” (Tumlin et al., 2009, p. 4) The proposed broad reforms include “reviewing the federal government’s contracts with more than 350 local jails and private prisons, with an eye toward consolidating many detainees in places more suitable for noncriminals facing deportation — some possibly in centers built and run by the government.” (Bernstein, 2009c, para. 2) The goal of ICE reforms is to establish centralized control and more oversight over the immigration detention system. (Bernstein, 2009c, para. 3)

In a major shift away from a model based on criminalization of immigrant detainees, the reforms are aimed towards changing immigration detention facilities with the goal “to remove immigration violators from the country, not imprison them, and that under the government’s civil authority, detention is aimed at those who pose a serious risk of flight or danger to the community.” (Bernstein, 2009c, para. 8) A new Office of Detention Policy and Planning (ODPP) will review programs and standards at all facilities. Two advisory boards, one devoted to detention policies and practices and the other to detainee health care, will also be created (Bernstein, 2009c, para. 10). Another new agency, the Office of Detention Oversight, will be created to investigate detainee grievances and conduct routine checks of facilities, an overlapping function with the ODPP’s function to review standards at all facilities (Bernstein, 2009c, para. 11).

According to ICE:

ICE will move away from our present decentralized, jail-oriented approach to a system wholly designed for and based on ICE’s civil detention authorities. The system will no longer rely primarily on excess capacity in penal institutions. In the next three to five years, ICE will

design facilities located and operated for immigration detention purposes. These same reforms will bring improved medical care, custodial conditions, fiscal prudence, and ICE oversight” (US ICE, 2009a, para. 3)

The ICE press release announcing the reforms mentions but does not identify the specific “civil detention authorities” on which the reforms are based. Nevertheless, the proposed reforms are significant in scope: “The ODPP will shape the future design, location and standards of civil immigration detention facilities. The ODPP will design facilities for ICE, such that ICE no longer relies primarily on a penal model.” (US ICE, 2009a, para. 5) It is not clear if the new facilities operated solely for immigration detention purposes will be managed by the same private corporations that currently run many correctional facilities in which immigrant detainees are held.

Federal oversight of immigration detention remains within the scope of the Department of Homeland Security. The fact that reforms have been proposed at all however suggests that the federal government acknowledges problems in maintaining the status quo in immigration detention and that serious flaws in detention facility management have led to a crisis in the system. How successfully these proposed reforms will be carried out of course remains to be seen.

CHAPTER 7: Libraries in Immigration Detention Facilities

As previously noted, there is very little literature specifically on the topic of library services in immigration detention facilities and whether libraries even exist in immigration detention facilities is not even actually widely known. For various reasons including institutional policies and procedures or administrative philosophies, it is difficult to find information that originates directly from immigration detention facilities related to conditions in these facilities.

The most in-depth description of a library in an immigration detention facility is by Jenkins (2002), who visited Terminal Island Processing Center in Los Angeles County, California. According to Jenkins, who interviewed the facility's Assistant Officer in Charge:

The library – which until recently was called the Reading Room or Law Reading Room, indicating that its establishment was a consequence of *Bounds v. Smith* – is an enclosed, guarded area about 35 feet on a side with three large tables, a few straight-backed chairs, two electric typewriters, law books in a locked metal cabinet the size of a refrigerator, and a number of metal shelves and tubs filled with miscellaneous books and magazines. There is a shelf of romances, dozens of *Reader's Digest Condensed Books* anthologies, thirty-year-old college and high school textbooks on calculus, embryology, Gregg shorthand, jumbled together with titles such as *The Effective Executive Interview*, most of them very worn, all apparent discards from libraries and personal collections. (Jensen, 2002, p. 58)

Although this is the only description of a library in an immigration detention facility found in the literature, the description may be indicative of the state of libraries in immigration detention centers in general. Only further study can tell for certain. Jensen's study was completed nearly a decade ago before proposed reforms for systemic ICE

changes impacting the provision of library services in the near future. Jensen (2002) also noted that:

[t]here is no librarian at Terminal Island. Its library's operation falls under the job description of Recreational Director David Kael (not his real name), who explained that the hardcover volumes cannot be removed to the "pods," that is, the common detention areas where the inmates sleep and spend most of their time, but that paperbacks do circulate. They are often lost; rapid inmate turnover ensures that nonessential personal effects such as books are routinely stolen or bequeathed to fellow inmates. Kael is sanguine about such loss; most of his collection is donated or, in the case of the inevitable Estefanias, purchased at near-negligible cost. (p. 59)

According to the Assistant Officer in Charge, most inmates remain at Terminal Island an average of 17 days before being deported (Jenkins, 2002, p. 58). It is not clear what the job duties for the position of Recreational Director are and how many programs and activities the Recreational Director manages. Since detainees are expected to be deported, it might lead to poorer library services. Also, in a population that only is expected to be detained for short periods of time, loss of materials may be rampant but other library services and programs, rather than just dissemination of materials, could be developed for these short-term detainees.

Jensen seems skeptical of whether the library was utilized to the greatest extent possible. When he asked the Assistant Officer in Charge and Recreational Supervisor how inmates at Terminal Island were apprised of the library and its services, the answer was through an inmate handbook received upon intake. The estimated percentage of detainees who used the library was four to five percent, "an unusually low rate in confinement settings." (Jensen, 2002, p. 60) In fact, one cannot know for certain in any facility what percentage of detainees use library services, especially if statistics not

maintained. Other issues related to a low usage rate of materials include operating hours that might conflict with time schedules for other activities or attorney appointments. Without official statistics, it is hard to believe the accuracy of any figures, including the four to five percent estimate of detainee use of library services at Terminal Island. The recreational supervisor has no incentive to increase detainee use of the library. Without a librarian it is unlikely anyone will advocate for increased library usage, increased budget, more programs, or advocate for stronger relationships with outside organizations to promote literacy and library programs. All of this points to the need for maintaining better records, statistics, and information about libraries in immigration detention facilities.

CHAPTER 8: Survey

Methods and Procedures

In the fall of 2009, approval for the research study on human subjects (individuals responsible for libraries in immigration detention facilities) was sought from the Institutional Review Board (IRB) at San José State University. After IRB approval was granted, a survey consisting of 16 questions was disseminated in two formats: (1) via email with online link to the ALA Library Services to Prisoners electronic mailing list; and (2) via regular mail to 356 immigration detention facilities. The respondents were requested to return the completed surveys within four weeks from the date of the initial request.

Respondents on the ALA Library Services to Prisoners electronic mailing list were asked if they worked in a facility in which immigrants were detained by ICE, and if so, to: (1) click on a link to the online survey; (2) review the cover letter introducing the online survey; (3) complete the online survey by answering 16 survey questions accurately and to the best of their ability within the requested timeframe.

Respondents to the survey that was mailed to immigration detention facilities identified by the researcher (including IGSA, CDF, BOP, and ICE-operated facilities) were asked to EITHER: (1) review the cover letter, go to a link to the online survey, complete the online survey by answering 16 survey questions accurately and to the best of their ability; OR (2) if they chose not to complete the online survey, to review the cover letter, answer the 16 survey questions accurately and to the best of their ability, and

mail the completed survey back to the investigator via an enclosed envelope. The mailed surveys were addressed to “Librarian or Recreation Supervisor.” Mailing the survey to all the immigration detention facilities was designed to obtain survey responses from individuals who are responsible for library services in immigration detention facilities who may not have access to the ALA Library Services to Prisoners electronic mailing list.

Confidentiality was maintained throughout the survey process. No identifying information was collected and/or reported on from the mailed surveys. Materials were kept safe and confidential since the mailed surveys contain no identifying information and the responding institutions are not specifically identified in any way in the reporting of the data. The survey responses were not tracked or identified in any way as coming from any specific institution. One of the questions that might seem to be considered “identifying” would be the question asking which type of immigration facility the respondent works at; however, since surveys were mailed to more than one of each type of immigration detention facility, this question should not be considered an “identifying” question.

Formulation of Survey Questions

The survey questions were directed towards individuals responsible for or familiar with library services in immigration detention facilities. The questions were formulated based on a variety of sources, including standards developed by the ALA for correctional facilities and jail libraries (ALASC, 1992; Bayley et al., 1981) and standards for libraries developed by the ACA (ACA, 1991). ICE has its own standards for conditions in

immigration detention centers, but recreational libraries are not included as a standards topic (US ICE, 2009b). The first part of the survey included questions designed to ascertain basic demographic information about the facility and library services, including:

- type of facility,
- the average daily population of the facility,
- if the local library system provided general library service to the detention facility,
- if there was a written policy covering the library's day-to-day activities and procedures,
- if there was a library services department, and
- if the general library was funded as a separate line item on the facility's budget.

The design of the second part of the survey included questions to ascertain information related to library services, including: collection size, staffing, programs, hours open, materials in non-English languages, and computer access. The focus of the final part of the survey was designed to help identify issues and impediments to library service, as well as plans or strategies that might help to improve the quality of library services to detainees.

Population Surveyed

The target population surveyed included individuals who work at libraries in or have knowledge of library services in 356 immigration detention facilities. Individuals who are interested in or involved in library services in the correctional facility

environment generally subscribe to the ALA Library Services to Prisoners electronic mailing list. It is not clear if individuals involved in providing or with knowledge of library services in immigration detention centers are subscribed to the list. An inquiry on this topic resulted in a response from only one librarian working at an IGSA (Chin, 2009). It is also not clear whether individuals who work in immigration detention centers have an electronic mailing list which is accessible to researchers interested in the topic, or what might be the best way to reach such individuals in any format.

The procedure for selecting subjects resulted in the compilation of a list of all known immigration detention facilities in the U.S. The list was compiled based on reports from various sources, including *The New York Times* (Bernstein, 2008a), U.S. government sources (US ICE, 2009h), and an immigration watchdog group (DWN, 2009; DWN 2008a; DWN 2008b). Detention Watch Network’s map of immigration detention facilities was the most comprehensive and up-to-date list of immigration detention facilities. ICE states that immigrants are detained in over 350 facilities (US ICE, 2009g), but only 22 facilities, including one that is listed as being “closed,” are identified on its website (US ICE 2009h). A summary of the 356 facilities that were sent mailed surveys, broken down by number of detention facilities each, is listed below in Graph 1.

Graph 1: List of Types and Number of Immigration Detention Facilities

IGSA	BOP	CDF	SPC
310 facilities	18 facilities	16 facilities	11 facilities

No IGSA or BOP facilities are included on ICE's list of 22 facilities. A list of immigration detention facilities obtained by the ABA in 2007 in response to a FOIA request and posted on DWN's website includes facilities with an "average daily population" (ADP) of zero, which can be interpreted to mean that while immigrants might not be detained at that facility that year, that facility remained on the list of possible facilities in which immigrants might be detained by ICE. The list of facilities also included a hotel, a nursing home, and a hospital. Surveys were not mailed to those locations since it was assumed that those facilities do not have library services. Based on the literature review of the topic, the envelopes were addressed to "Librarian or Recreational Supervisor" with the hope that the surveys would be forwarded to individuals who were most likely to have an understanding of library services. In fact, any individuals who received the surveys could have completed them. Ideally, these individuals would be prison administrators with some knowledge of library services.

Survey Results

The number of responses to the survey was low. A total of 26 useable and completed surveys were received, a 7.3% response rate. One online survey was completed between the time the email to the online survey was sent to the ALA Library Services to Prisoners electronic mailing list and January 2010. Twenty-five completed mailed surveys were received between the time the surveys were sent out and January 2010. An additional eight surveys were returned with letters or notes stating that the facility no longer detained immigrants on behalf of ICE. These responses included "this

institution discontinued housing ICE approximately 18-24 months ago,” “last month facility lost its ICE contract, detainees were transferred to other facilities,” “we do not house inmates for ICE and haven’t since 1998,” “we no longer house immigrant detainees,” and “do not house ICE detainees.” Other responses were “my facility houses ‘state’ inmates - not immigrants” and “we only hold for ICE for a few days on an emergency basis - not long-term enough to involve library use”. The final response clearly indicates the facility did not consider that the immigrants held for ICE were entitled to use the library.

The small number of responses to the survey makes any broad conclusions regarding library services in immigration detention centers based purely on the survey responses tenuous. With that caveat regarding the low number of responses, a review of the survey results is still important.

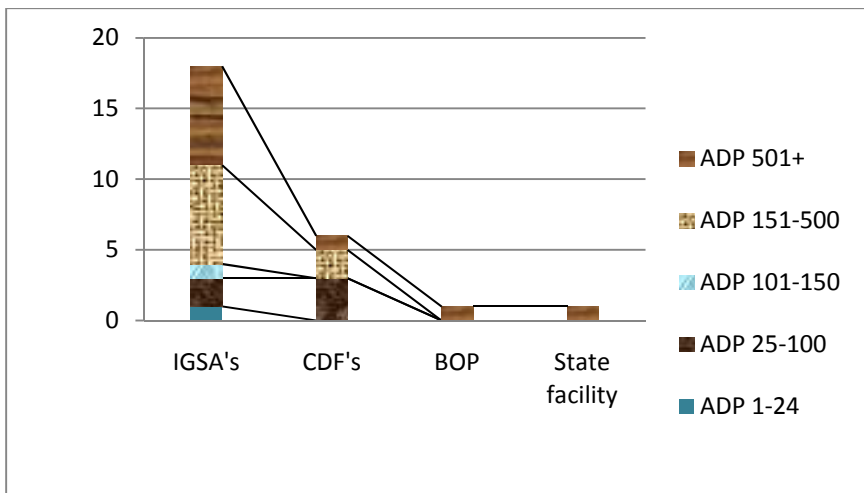
Demographic Breakdown of Responses

The total of 26 completed surveys received included respondents from 18 facilities identified as IGSA’s, six facilities identified as CDF’s, one facility identified as BOP, and one facility identified as “other - state medium security” (identified in this study as “state facility”). A breakdown of the number and type of facilities that responded, with the reported Average Daily Population (ADP) figures of each facility is attached in Graph 2.

The percentage of ICE detainees in each type of facility varied. Respondents were given ranges to check in the survey to identify the ADP. The respondent at the IGSA facility with ADP 1-24 did not indicate the percentage of ICE detainees in that

facility. The number of ICE detainees in IGSA facilities with ADP 25-100 ranged from zero to 80. The number of ICE detainees in the IGSA facility with ADP 101-150 was 15. The number of ICE detainees in the seven IGSA facilities with ADP 151-500 ranged from zero to 150. The number of ICE detainees in the seven IGSA facilities with ADP 500+ ranged from zero to 190.

Graph 2: Number of facilities with ICE detainees, by Average Daily Population (ADP)



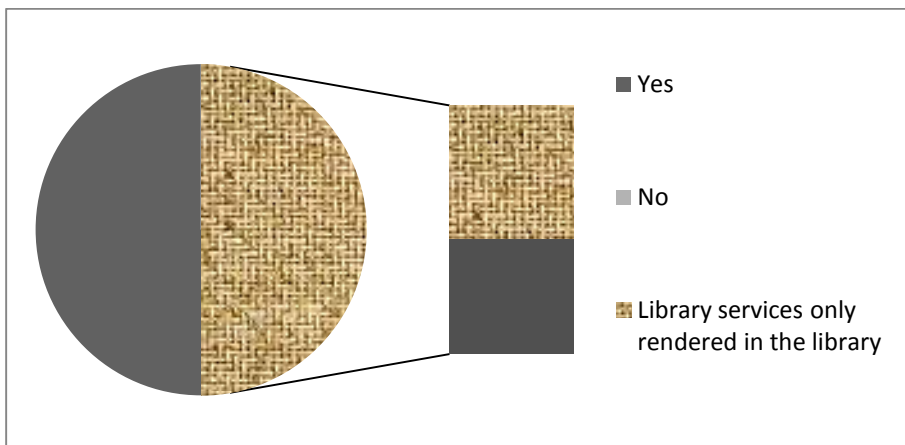
The number of ICE detainees in the three CDF facilities with ADP 25-100 ranged from three to 20. The number of ICE detainees in the one CDF facility with ADP 101-150 was zero. The number of ICE detainees in two CDF facilities with ADP 150-500 ranged from zero to 100. The number of ICE detainees in the one CDF facility with ADP 500+ was uncertain. The respondent indicated that the number of ICE detainees was unclear. The percentage of ICE detainees in the BOP facility with ADP 501+ was

“approximately 50%.” The number of ICE detainees in the state facility with ADP 501+ was 300.

The percentage of survey respondents by type of facility (IGSA 69%; CDF 23%; BOP 4%) roughly mirrors ICE’s own percentages of types of facilities in which detainees are held (IGSA 67%; CDF 17%; ICE 13%; BOP 3%) (US ICE, 2009g). The exception was that no ICE facilities (“SPC’s”) responded to the survey. The wide range in percentage of ICE detainees among any facility’s total population reflects how ICE detainees are often just a very small percentage of the total detained population of any facility. Some facilities house ICE detainees separately from the rest of the population, while others do not. For the purposes of this survey, the assumption was that ICE detainees would have access to the same library services as the rest of the general population, although that may not be in fact the case.

In response to the question “Are library services for detainees rendered both in the library and the living units” the answers were split 50-50. See Graph 3.

Graph 3: Are library services for detainees rendered both in the library and the living units?



Thirteen respondents answered “yes” to this question. Among the respondents who answered “no,” seven indicated that library services were rendered “only in the library.” Six indicated that either no library existed, or books were delivered to living spaces. Examples of these responses are “library cart each pod” and “we deliver books to the unit pods where the cells are.”

In response to the question regarding how many days and hours per week the library was open, respondents from 10 IGSA facilities answered that the library was open anywhere between 2-7 days a week. The remaining IGSA respondents checked “other” and added various responses, including “library is not open to prisoners – all books are delivered to units,” “depends on their classification,” and “all books go to housing units.” Other responses were less informative such as “we pass library to inmates” which is assumed to mean that inmates do not have access to a library or “there are books on the floor of each housing unit” which is interpreted to mean there is no library facility. The response “none” was unclear whether it was indicated because there was no library, library services are not available to inmates, or if there are no library services whatsoever. Additional responses were “provided by shift supervisor,” assumed to mean that library services are offered whenever the shift supervisor is around to manage, and “each inmate is allowed four hours time in law library if requested” because the survey did not make a distinction between law libraries and recreational libraries. Respondents from five CDF facilities indicated that the library was open anywhere from “an hour each day per unit” to six days a week. One CDF respondent indicated “inmates do not come to the library” but did not say why. The BOP facility respondent indicated that the library was open six

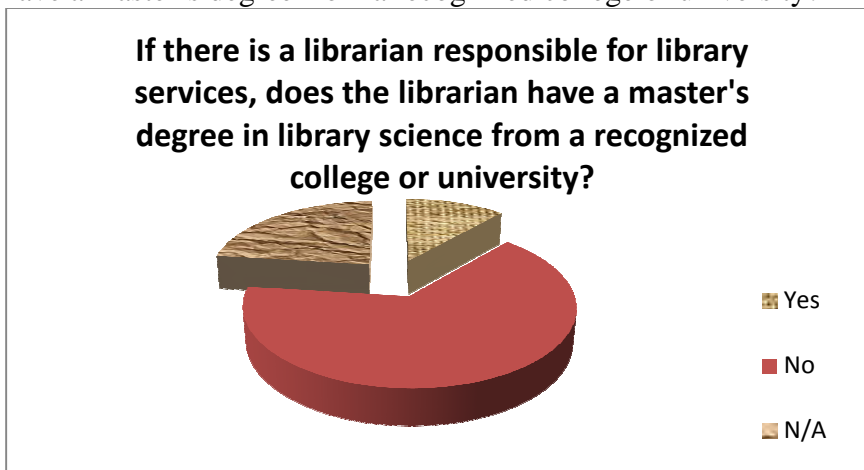
days a week, and the state facility respondent indicated that the library was open five days a week.

In response to the question, “Do immigrant detainees have access to computers?” respondents from 12 IGSA facilities, two CDF facilities, and from both the BOP and state facility indicated “yes.” Many of the respondents indicated that computer use was for the law library only. The rest of the respondents indicated “no.”

Library Services

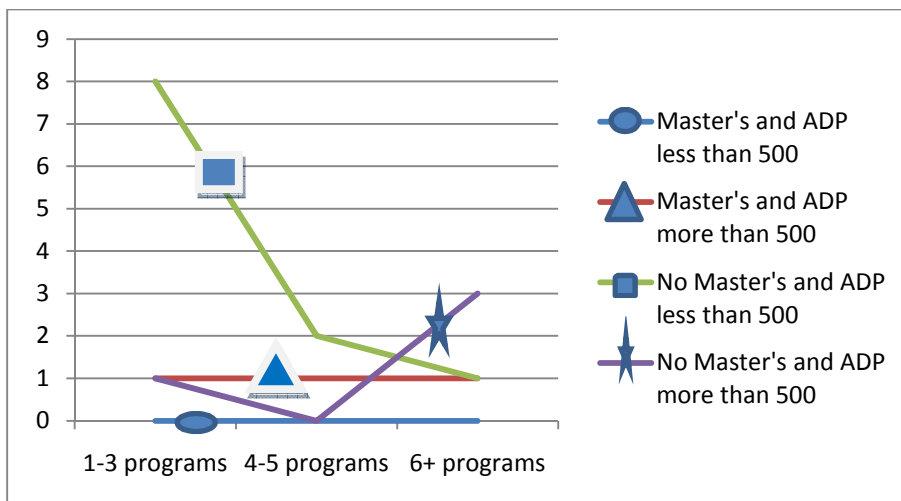
In response to the question, “If there is a librarian responsible for library services, does the librarian have a master’s degree in library science from a recognized college or university?” two respondents from IGSA facilities answered “yes.” Respondents from all six CDF facilities answered “no.” The respondent from the BOP facility answered “yes,” The respondent from the state facility and respondents from five IGSA’s answered “N/A” which is interpreted to mean that there is not a professional librarian responsible for library services (see Graph 4).

Graph 4: If there is a librarian responsible for library services, does the librarian have a master’s degree from a recognized college or university?



The question explored whether there was a correlation between if the individual responsible had an advanced degree in library science and the number of library services offered. The question asked “Are programs for individual or group information developed? If so, please check all that apply”, with an “other” line to add additional programs not listed. The result indicated there seemed to be a stronger correlation between large ADP and number of programs offered, than between whether an individual with a master’s degree in library science was in charge of library services (see Graph 5).

Graph 5: Relationship with master’s degree or ADP and number of programs offered



No respondents indicated that they worked in a facility of less than 500 ADP in which the individual responsible for library services had a master’s degree in library science (abbreviated in Graph 5 as “Master’s and ADP less than 500,” and indicated by the blue line). One interpretation is that only facilities with a larger population hire individuals with master’s degrees to manage library services. Three respondents

indicated that they worked in facilities of more than 500 ADP in which the library was managed by an individual with a master's degree in library science (abbreviated as "Master's and ADP more than 500" in Graph 4 and indicated by the red line). One of these respondents indicated that the library offered 1-3 programs. Another one of these respondents indicated that the library offered 4-5 programs. Finally, one indicated the library offered more than 6 programs. The lack of responses (e.g., only three responses in this category) make any extrapolation or conclusions based on these results impossible. It is nothing more than a casual relationship between the number of programs offered and whether or not library services are managed by an individual with a master's degree in library science.

In facilities where library services are managed by individuals without a master's degree in library science ("No MLIS and ADP less than 500" and "No MLIS and ADP more than 500," indicated by the green and purple lines in Graph 4, respectively), there appears to be an inverse correlation between the number of programs offered and the size of the facility. Eight facilities with ADP less than 500 offer 1-3 library programs, two offer 4-5 programs, and only one offers more than six programs. In "No MLIS and ADP more than 500," one facility has 1-3 programs, zero facilities have 4-5 programs, and three facilities offer six or more programs. It is not clear if all of the programs listed by various respondents are actually offered through the library. However, it makes sense that the larger the institution, the more programs offered, regardless of whether the individual responsible for library services has an advanced degree in library science or not.

While ADP size might be more closely correlated with the number of programs offered than degree held by individual responsible for library services, staffing levels do not necessarily correlate with ADP size or type of facility. Out of the total of 26 respondents, seven respondents (27%) indicated that the library organization met the ALA's minimum staffing requirements for library services based on ADP. Twelve IGSA facilities (46%) did not meet ALA basic staffing levels (including three with 500+ ADP). Out of the six IGSA facilities that did meet ALA basic staffing levels, one had ADP 25-100, one had ADP 101-150, and four had ADP 500+.

Titles of individuals responsible for library services include: correctional officer; recreational supervisor; sergeant; shift supervisor; operations lieutenant; librarian (only one facility, with ADP 25-100, listed this job title); and library manager (from a facility indicated as ADP 500+). Six CDF facilities did not meet ALA basic staffing levels including one with ADP 500+. Job titles of individuals responsible for providing library services in CDF's included volunteer coordinator and education director. While the BOP facility did meet ALA basic staffing levels, the state facility did not. The indicated job title of the individual responsible for library services is "inmate assistant."

In response to the question, "Does the local library or regional library system provide general library service to the detention facility?" 17 respondents (65%) answered "no," including 14 IGSA's, two CDF's, and the state facility. If the library at the facility provides comprehensive library services, then it might not be necessary to contract out certain functions to the local library or regional library system. However, for many county and city jails, having the local library or regional system provide general services

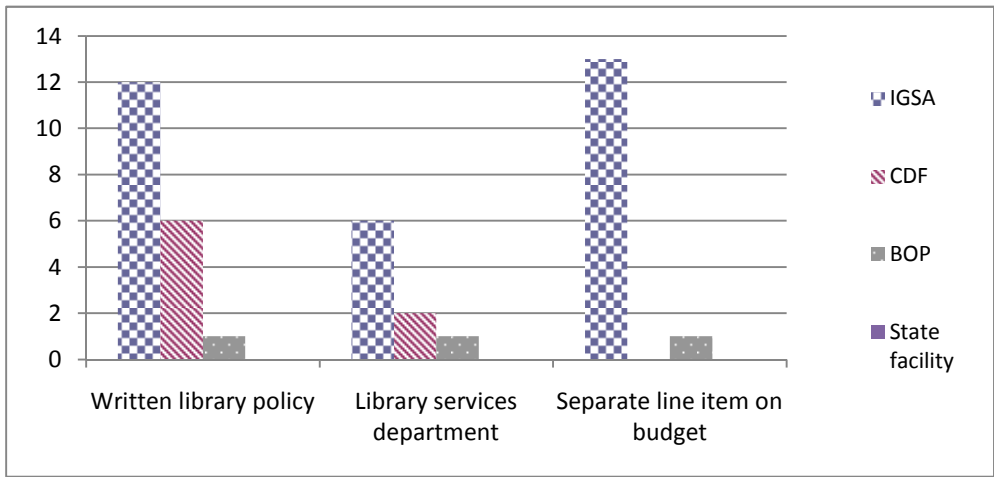
(e.g., literacy programs) would help to increase the visibility of library programs and also alleviate budget constraints.

In terms of collection size, in response to the question “Does the library include a collection of at least 15 titles per inmate (average daily population)?” nine IGSA’s, two CDF’s, and the BOP facility (for a total of 12% of respondents) answered “yes.” Three of the IGSA’s and one of the CDF’s that answered “no” had ADP 500+.

In response to the question, “Is there a written policy covering the library’s day-to-day activities and procedures?” a total of 73% of respondents answered “yes,” including 12 IGSA’s. One respondent from an IGSA facility answered “no” and added the comment “don’t have a library”. Six CDF’s and the BOP facility responded “yes.” In response to the question, “Is there a library services department of equal standing with other departments?” a total of 35% of respondents answered “yes,” including six IGSA’s, two CDF’s and the BOP facility. In response to the question, “Is the general library funded as a separate line item on the facility’s budget?” 23% of respondents answered “yes,” including five IGSA’s and the BOP facility.

See Graph 6 for a summary of the responses to these survey questions.

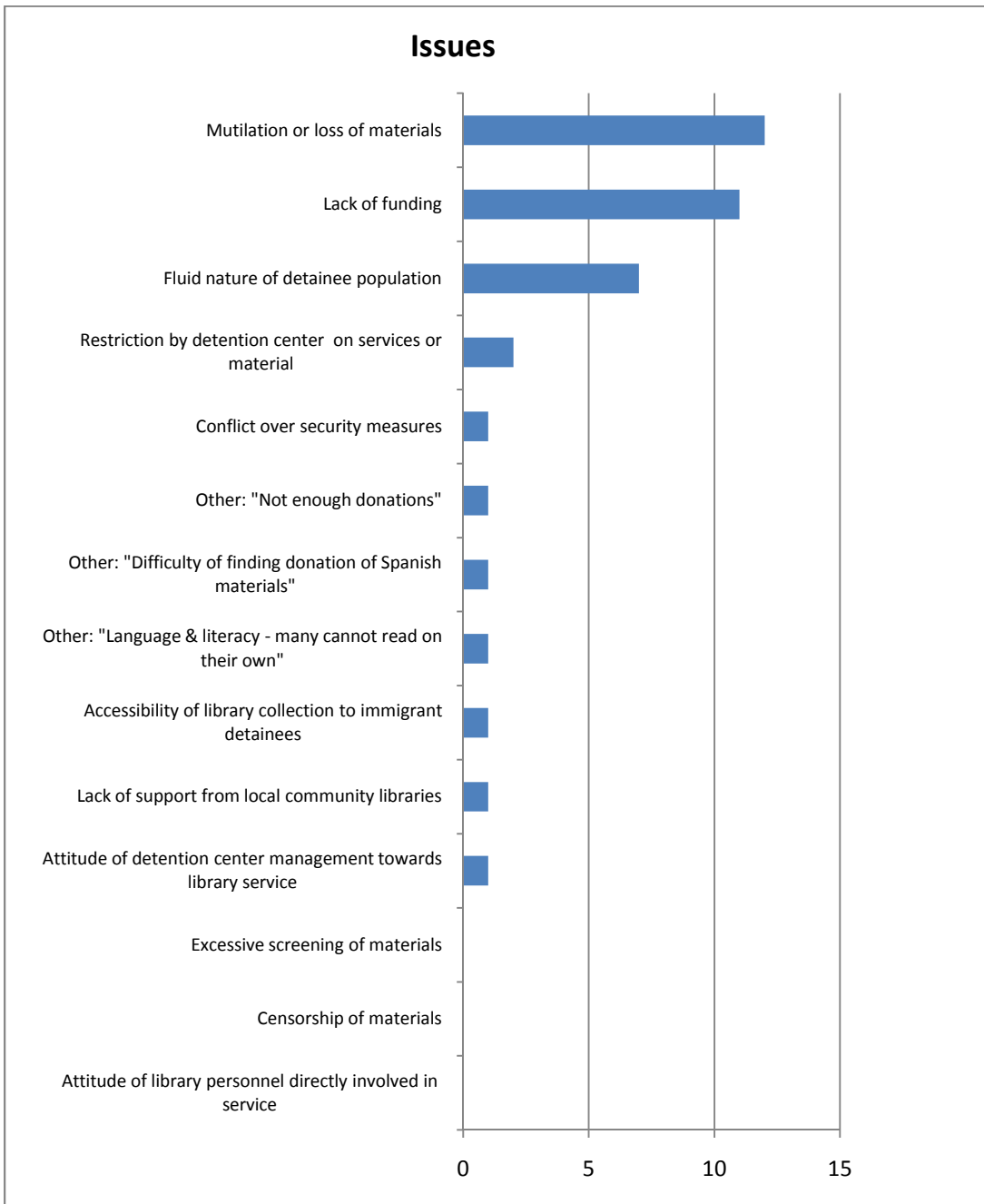
Graph 6: Written library policy, library services department, separate line item on budget



Plans and Strategies

The two final survey questions were designed to identify issues and possible solutions to improve library services in immigration detention facilities. Question 15 was, “From the following list, which issues do you consider are significant impediments to providing library service to immigrant detainees? (Please check all that apply)” and with a list of issues including “other (explain)” as one of the possible answers. The responses to this question are outlined in Graph 7, “Issues Considered to be Significant Impediments to Providing Library Service to Immigrant Detainees.”

Graph 7: Issues considered to be significant impediments to providing library service to detainees

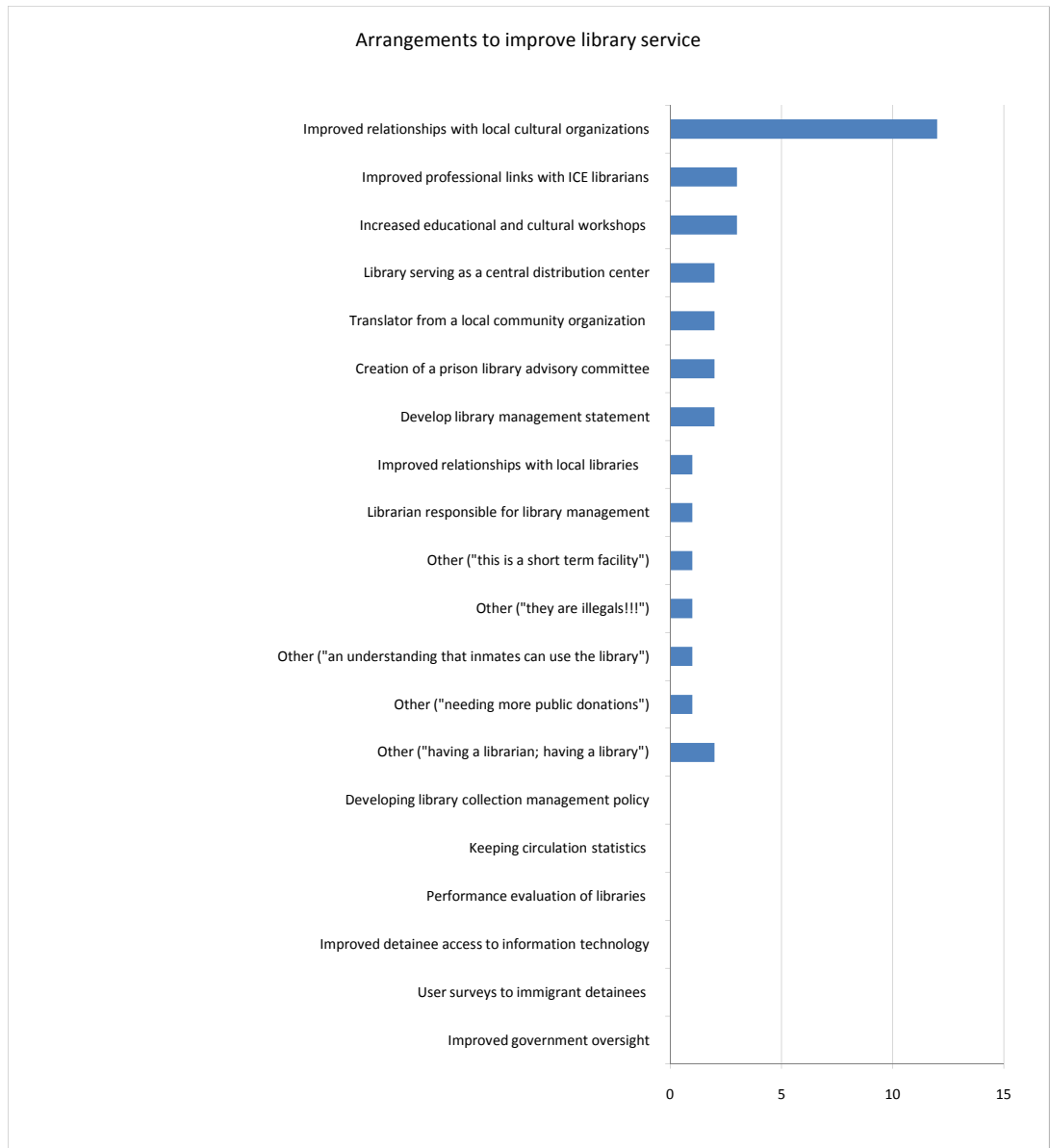


By far, the largest issues identified as being significant impediments to library services to immigrant detainees were mutilation or loss of materials (identified by 46% of

respondents) and lack of funding (identified by 42% of respondents). Three IGSA's, three CDF's and the state facility identified the fluid nature of the detainee population as impediments to service. Accessibility of library collection and services to immigrant detainees, the attitude of detention center management toward library service, restrictions by detention center personnel on services or material, conflict over security measures, and lack of support from local community libraries were other issues listed that were identified by anywhere from one to three facilities as being significant impediments to library services to immigrant detainees. The following issues were not checked off by any respondents as being impediments to library services to immigrant detainees: lack of cooperation or mutual goals between detention center and library staff (which overlaps with some of the issues identified above), censorship of materials, and excessive screening of materials. Three respondents made comments in the "other" section of this survey answer, including "difficulty in finding donation of Spanish materials," "many cannot read in their own language (language & literacy)," and "not enough donations."

The final question on the survey was, "From the following list, what arrangements do you believe might help to improve the quality of library service to immigrant detainees? (Please check all that apply)" and included a list of arrangements with "other (explain)" included as one of the possible answers. The responses to this question are outlined in Graph 8, "Arrangements that Might Help Improve Quality of Library Service to Immigrant Detainees."

Graph 8: Arrangements that might help improve quality of library service to immigrant detainees.



In terms of specific responses, 46% of respondents (seven IGSA's, four CDF's, and the BOP facility) identified improved relationships with local cultural organizations that can donate books, audio/visual materials, and other materials in languages spoken by detainees. Twelve percent of respondents (one IGSA; one CDF; and the BOP facility)

identified improved professional links with librarians at other immigrant detention centers. This included developing a professional network of librarians participating in Internet discussion groups, subscribing to newsletters, attending professional conferences and workshops, contributing to the professional literature, and attending lectures at library conferences. Three respondents (two IGSA's and the BOP facility) identified increased educational and cultural workshops. Two respondents (one CDF and the state facility) identified development and implementation of library management statement, including guidelines and procedures under which the library will function. Two respondents (one IGSA and one CDF) identified the creation of a library advisory committee with representation from a broad spectrum of prison departments, as well as inmate groups. Two respondents (one IGSA and one CDF) identified a translator from a local community organization or detainee population who is fluent in languages used by detainees. Two IGSA's identified increased promotion of the library by serving as a central distribution center for community social service publications and acting as a referral center to outside support organizations. One CDF identified recognition by facility management that the librarian is responsible for library management within the broader framework of the detention facility. One CDF identified improved relationships with local libraries, who can support the library with phone reference service, visits with books, interlibrary loan arrangements, training for prison library staff in information technology, providing staff and expertise for library programs and special events and solicitation by the public library for donations or books to the detention centers.

No respondents identified any of the following issues as improving the quality of library services to immigrant detainees:

- improved government oversight of detention facilities to ensure compliance with ICE standards for recreational services in immigration detention facilities,
- development and dissemination of user surveys to immigrant detainees to determine user needs, as well as to maintain demographic information about detainees' ethnic/cultural composition, ages, reading levels, educational backgrounds, and languages used by the detainee population,
- improved detainee access to information technology, including computers,
- regular performance evaluation of libraries in immigrant detention facilities performed by facility and library management,
- regular keeping of circulation statistics if not currently being kept, and
- development and implementation of library collection management policy, including selection criteria and guidelines.

In the “other” section of this question, six respondents (all from IGSA’s) made additional comments. Three respondents commented on the general nature of library services in the facility [“we have no librarian, designated officers maintain collection of donated books and magazines (and law library),” “having a library,” and “an understanding of the inmates that they can use the library - it’s for them”. It may seem redundant to say that not having a library is a major impediment to providing library services. Three respondents wrote comments in the space below this question that may be interpreted (based on the nature of the comments, the fact that “other” was not

checked on the last survey question next to the comments, and the fact that the space below the last survey question was left blank) as general comments on the survey or survey topic. These comments will be addressed at the end of the “discussion” section that follows.

Discussion

One important issue with the survey results is that no completed surveys were received from facilities identified as Service Processing Centers. Because no surveys were returned as undeliverable to SPC’s it was assumed the surveys were received by individual SPC’s but they chose not to respond. Anecdotally, ICE is a very information-averse bureaucracy, and in that sense it is not unexpected that no SPC’s responded, though it is difficult to attribute lack of responses from SPC’s to any specific or systemic factor. In retrospect, follow up with phone calls to SPC’s to introduce them to the survey, let them know to expect it and to return it probably would have increased the overall number of responses.

Ten surveys were returned by the U.S. Postal Service because there was “no mail receptacle” for the delivery address. All ten surveys that were returned for this reason were addressed to county jails and the address to which the surveys were mailed were the most recent address found for the facility on the Internet. No follow up was made to the county jails to find out more accurate mailing addresses for the ten surveys that were returned. The time frame for data collection did not allow for follow up. The large set of non-responses underscores the vague and nebulous nature of immigration detention in the U.S. as reported in Chapter 2.

The language used in the survey questions was often unclear or vague. For example, the survey question “Does the librarian have a master’s degree from a recognized college or university” was based on the ALA jail standards (Bayley et al., 1981). The term “recognized” is not defined in the ALA jail standards and respondents to the survey may have found the wording of the survey question vague or unclear. It is assumed that the person answering the survey would have accurate knowledge about the educational background of the person responsible for managing library services, which may not have been the case.

As previously mentioned, the two main issues that were identified as impediments to providing library services to immigrant detainees were lack of funding and mutilation or loss of materials. Mutilation and loss of materials is a problem particular to jails and detention facilities in general and probably will never be solved. However, Clark and MacCreaigh (2006) offer a number of suggestions for minimizing loss of materials, including limiting the number of items a detainee can check out at a time, not allowing a detainee to check out additional materials if other materials have not yet been returned, and even charging fines for overdue or lost items (pp. 155-156). Suggestions for minimizing mutilation of materials includes offering hardcover books (which can be easily repaired), rather than softcover books (Clark & MacCreaigh, 2006, p. 142). Lack of funding is another long-standing impediment to services in any environment, and this study does not purport to be able to solve that problem. However, one area for improvement that could be linked to this impediment is to build stronger relationships with local community organizations.

The arrangement that could improve library services for immigrant detainees most often identified by respondents was improved relationships with local cultural organizations that can donate books, audio/visual materials, and other materials in languages spoken by detainees. As a result of this response, I plan to contact a variety of organizations (including prison advocacy groups and legal community organizations) for lists of local cultural organizations by state, and then send the lists of local cultural organizations out to immigration detention facilities in their respective states. I may also include a postcard for recreational supervisors or librarians in immigration detention facilities to send to local cultural organizations. The postcard could summarize my study, introduce the recreational supervisor with contact information, and include a checklist of specific items and resources that the recreational supervisors believes will help them to provide better services to detainees.

While having a physical library would obviously help improve the quality of library services, in a climate of severe budget cutbacks and in an atmosphere in which library services to the incarcerated and immigrant detainees may be questioned, it may be that the provision of library services themselves should not be considered contingent on the existence of an actual, physical library. Depending on the facility, vocational, recreational, and even educational programs may be offered by departments other than the library. One would assume that larger institutions also are able to and do offer more programs than smaller institutions.

In circumstances in which the person in charge of managing library services is not a professional librarian (e.g., if the library is managed by a correctional officer), contacts

with professional library organizations (through electronic mailing lists, discussion groups, professional meetings, reading journal articles or other methods) may help non-librarians who are in charge of library services to improve the quality of service and also to bridge the gap between administrators at detention facilities who are responsible for library services and library professionals with expertise in the correctional setting. Obviously, the comment that “an understanding of the inmates that they can use the library” is indicative that, for whatever reason, inmates might not be aware that library services are even provided.

A few comments written by respondents raised additional questions. The comment “my facility houses ‘state’ inmates – not immigrants” is ambiguous, since state facilities also house detainees for ICE through ICE’s contract system. The respondent’s statement may be interpreted a number of ways, including to mean that the specific state facility does not have a contract or agreement to house ICE detainees. Also, individuals held at certain facilities “for only a few days on an emergency basis” should still be able to make use of library services, regardless of number of days detained. Since the communications were sent anonymously (e.g., on post-it notes attached to or written directly on the survey cover letter), it was impossible to follow up with these two respondents to get clarification on specific responses.

Two respondents wrote comments that focused on how the nature of correctional facilities impacts library services. One respondent wrote, “This is a short term facility. Our main pop. are misdemeanor inmates. Average length of stay is 18 days. The requirements differ greatly at the county jail level than the long term maximum prisons

and facilities.” Another respondent wrote, “Do you understand the nature of a secure facility, and the potential contraband problems caused by items moving through the security perimeter?” Both comments reflect the fact that immigrants detained by ICE are held in correctional facilities where the conditions and security standards are based on an incarcerated criminal population. The comment that requirements at the county jail level differ from requirements at long term maximum prisons and facilities implies that library services are not as important at the local level. As mentioned earlier in the study, while the average period of stay in immigration detention in 1992 was 54 days (Welch, 2002), over 800 immigrant detainees were held for over three years (Malone, 2008), though of course that number varies from facility to facility, and 18 days is definitely not a long period of stay. The potential for contraband problems and the role of the library in perhaps facilitating the transfer of contraband materials is an important issue that affects library services in correctional facilities (Vogel, 2009, p. 169). While librarians should be aware of the potential of library resources being used for illicit purposes, it is not clear how that understanding will serve to improve library services to immigrant detainees.

One respondent wrote, “At this time, illegal aliens are here such a short time they get fed, see a doctor, go their way. Finally, they are not immigrants. When brought here they are illegals!!!” This comment deserves unique attention not only because it reflects a politically charged attitude toward detainees, but also because the respondent uses language with certain implications that should be discussed in detail.

I have not used the term “illegal alien” in this study because I believe the term is often used in a polemical and politically charged context that invokes a subclass who are

not entitled to the same rights and privileges as “legal” aliens and U.S. citizens. In conventional use, the term “illegal aliens” usually refers to individuals who entered the U.S. without being inspected at a border crossing (also referred to as “undocumented”) or who have remained in the U.S. past their maximum period of allowable status (also referred to as “overstay”). While “alien” is a term used by the DHS to refer to non-U.S. citizens (US ICE, 2009e), I have used the term “immigrant” rather than “alien” throughout this study because of my own personal bias against contextualizing non-citizens as “other.” “Immigrant” is also a broader term used by the DHS. For example, ICE is the agency responsible for “Immigration” and Customs Enforcement, not “Illegal Aliens” and Customs Enforcement; CIS is the agency responsible for Citizenship and “Immigration” Services, not Citizenship and “Alien” Services.

As mentioned earlier in this study, ICE detains not only “illegal aliens,” but also asylum applicants, individuals in immigration proceedings, and individuals who have committed a deportable crime, including legal permanent residents (US ICE, 2009e). The respondent’s comment about detainees held for short periods of time is echoed by another respondent, but no other respondent mentioned that detainees “get fed, see a doctor.” Though some may argue that non-citizens should not be afforded the same rights as U.S. citizens, I believe that being fed and the ability to see a doctor should be fundamental baseline conditions for any detention facility. The fact that a respondent would point out the fact that “illegal aliens” are receiving such care may suggest that the respondent does not find the provision of library services to “illegal aliens” important. At any rate, it is important to understand that my use or non-use of specific terms in this

study reflects biases in the broader context of politicization of an “immigration debate” on basic treatment and rights of non-citizens in the U.S.

Summary of Survey Results

The results of this study cannot be seen as conclusive because of the small number of responses. However, it is still important to summarize survey results. The number of ICE detainees in the facilities surveyed ranged anywhere from zero percent of the facility’s ADP to 50% or possibly even more of the facility’s ADP. Even a rough estimate is difficult because information requested about ADP’s was based on ranges. For example, ICE detainee count of 25 in a facility with ADP 150-500 could be anywhere from 5% to 17% of the ADP. It is also open-ended (e.g., an estimate of the upper range in terms of percentage of ICE detainees in a facility with ADP “more than 500” is impossible to determine).

Thirty-five percent of respondents indicated that the local library or regional library system provided general library service to the detention facility. Thirty-eight percent of respondents answered that the library was open anywhere between 2-7 days a week, while 62% of respondents did not indicate that the library was open any definite number of hours or days per week. Based on these results, one assumption might be that 62% of respondents work in facilities that do not have a physical library that is available to detainees (although library services could be offered through other means, including delivery of materials to living quarters). Twelve percent of respondents indicated that a librarian with a master’s degree in library science was responsible for library services, while 38% of respondents indicated that they worked in detention facilities with ADP

500+. Twenty-seven percent of the total number of respondents indicated that the facility met the ALA's minimum staffing requirements for libraries in jails or prisons; 60% of respondents in facilities with ADP 500+ indicated that the facility met the ALA's minimum staffing requirements.

Fifty percent of respondents answered that library services for detainees were rendered both in the library and in the living units. Facilities with larger ADP's were more likely to offer more educational, vocational, or recreational programs than facilities with smaller ADP's. Forty-six percent of respondents indicated that their facilities had a written library policy, and 35% indicated that their facilities had library services departments of equal standing with other departments. Twenty-three percent of respondents indicated that their general libraries were funded as a separate line item on the facility's budget. Forty-six percent of respondents indicated that libraries in their facilities had a collection of at least 15 titles per inmate, meeting the minimum ALA jail standard collection requirement for jails and prisons. Sixty-two percent of respondents indicated that the facility's immigrant detainees had access to computers; many of the respondents indicated that detainee computer use was allowed for law library use only.

CHAPTER 9: Conclusion

The goal of this study was to explore and obtain an understanding of the current state of library services in ICE facilities housing immigrant detainees. Literature specifically on the subject of libraries in immigration detention centers is sparse. A broader background of literature on ICE management and conditions in ICE detention facilities, together with literature on issues affecting libraries in correctional facilities helped form the framework for this study. The small number of responses to a survey that was sent to the ALA Library Services to Prisoners electronic mailing list and mailed to 356 immigration detention facilities makes any generalization based on the survey responses inconclusive. Further study on this topic is necessary in order to have a better understanding of library services in immigration detention facilities.

Research Challenges

The challenges and issues impacting the survey preparation and conduct are best reviewed in terms of researcher challenges and research subject challenges. For example, the author was never able to visit an immigration detention facility nor was there the opportunity to establish a professional relationship with anyone who works in an immigration detention facility. The author had to rely on the accounts of conditions in facilities written by others. A more familiar or first-hand understanding of these facilities might lead to better knowledge about the best ways to elicit information about library services in immigration detention facilities. As a result, the level of library services commonplace in immigration detention facilities is unclear. Determining the best way to

contact individuals responsible for library services in these facilities is also a challenge. It is not clear, even to date, if there is a single and efficient way to contact and elicit information from all or even most individuals responsible for library services in immigration detention facilities. Even if the survey design would have included follow up with telephone calls to individual facilities in order to elicit more survey responses, it is not certain that these individuals exist or would respond due to the secretive bureaucracy surrounding the management of immigration detention facilities.

Lack of response from immigration detention facilities was a major impediment to this study. No ICE-owned and managed facilities (referred to in this study as Service Processing Centers, or SPC's) responded to the survey. It is not clear why only one individual completed the online survey which was emailed to the ALA Library Services to Prisoners electronic discussion list, but it suggests the lack of responses to the online survey is the possibility that the individuals responsible for or with knowledge of library services in immigration detention facilities do not subscribe to that discussion list or are not aware of it. The security governing the detention facilities further impeded the data gathering. Knowledge regarding whether individuals who work in facilities which detain individuals on behalf of ICE are connected to each other in any manner including online discussion lists, email lists, or newsletters would have strengthened the data gathering for this study. Even if individuals responsible for library services in immigration detention facilities were to be identified and contacted, it might still be difficult to obtain survey responses from these individuals. It is clear the majority of individuals who received surveys in the mail did not respond to the surveys. Possible reasons include lack of

incentive to complete the survey, confusion about specific survey questions or whether the right individual is completing the survey. Personnel working at a facility that detains immigrants on behalf of ICE lack of information to answer survey questions. Since the envelopes were addressed to “Librarian or Recreational Supervisor,” if a facility did not have an individual holding that position, the envelopes might have been discarded. Some correctional facilities may also have specific rules about how mail should be addressed (e.g., mail must be addressed to a specific individual with a name, in order to be opened) and it could be that the envelopes as addressed did not meet certain requirements.

Analyzing the survey results also presented more challenges. ICE detains individuals in four types of facilities (IGSA’s, CDF’s, BOP and SPC’s), each with their own variations in terms of conditions and standards. Lumping all of these various types of facilities under the generalized heading “immigration detention centers” might be misleading in terms of how these facilities view themselves. While they are similar in many respects, using a consistent set of data points to compare specific factors across four different types of facilities managed and operated by a wide range of agencies, including federal, state, local governments, as well as private corporations is difficult. The majority of immigrant detainees are held in local and state facilities contracted out to ICE (ICE, 2009g). Most of these contracted facilities are city and county jails, for which there would already be a great deal of variation in terms of library services provided with or without a librarian or recreation supervisor.

It is clear that the majority of respondents were not trained library or information professionals and found many of the survey questions were vague or not clearly worded.

Respondents were asked to indicate their type of facility [“Intergovernmental Service Agreement (IGSA)-contracted facility; contract detention facility; ICE-owned facility; Bureau of Prison facility; Other”] but each of these specific terms (derived from ICE language) are confusing (as mentioned earlier, the terms “BOP” and “ICE” refer to managing agency, while “IGSA” and “CDF” refer to relationship to ICE. The difference between “contract” and “agreement” is not clear and as a result, respondents might not actually know which type of facility to indicate. In reflection about the confusing set of terms and language in the survey, it is important to indicate one of the respondents stated the facility was “other (state medium security).” The term gives an indication of the type of correctional facility, but not the relationship to ICE.

The survey itself was based primarily on ALA and ACA standards, but also included questions not related to ALA or ACA standards such as the last two questions regarding issues that are impediments to providing library service and arrangements that might improve library service. Since it is established that the majority of respondents were not trained library or information professionals, they did not understand the use of library terminology.

Given these challenges, it is still important to obtain a clearer picture of the current status of library services in immigration detention facilities in order to form the basis for understanding the current situation and from that basis, assessing problem areas and formulating a plan for improvement. While lack of responses to the survey could reflect many factors, it supports the idea (while impossible to quantitatively prove) there is an institutional philosophy averse to sharing information with the public. Additionally,

management that is internally focused and disorganized makes attempts to gather any kind of data regarding conditions in immigration detention facilities extremely arduous.

Opportunities for Further Research

Comprehensive data should be gathered in an effective method and then applied to improve the quality of library services in immigration detention facilities. A better designed study with a clearly worded survey sent to specific individuals who are known to be responsible for library services in immigration detention facilities, and subsequent follow up with these individuals, would improve on and further the few results obtained based on this study. In-depth interviews with individuals responsible for library services in immigration detention facilities, as well as individual visits to specific immigration detention centers and in-depth interviews with detainees, would also help form a more rounded and meaningful understanding of library services in these facilities. Multiple surveys sent to various groups such as immigration attorneys, business managers for contracted facilities, library personnel, and facility managers may also result in more comprehensive data.

In retrospect, a mail survey may not have been the strongest methodology to use in terms of generating a large percentage of responses. Future researchers might want to consider conducting structured interviews in which respondents are asked questions with forced responses (similar to questions in the survey) and then allowed to comment at will. This alternative method allows for clarification of terminology in both survey questions and responses. Another method could be to conduct the data collection in two separate

parts, first asking if the facility has a library that detainees are allowed to use, and, if so, requesting the respondents complete the library survey.

The distinction between law libraries and recreational libraries is important, but might also have led to professional distance between law librarians and recreational prison librarians. Developing professional connections devoted to libraries in correctional facilities and other types of detention centers (including immigration detention facilities) that combine aspects of both law librarianship and prison librarianship might help bridge this professional distance and improve the quality of study of prison library services.

Also, reaching out to individuals who do not necessarily work in libraries in immigration detention facilities, but who are involved in advocacy for either libraries in correctional facilities or improving conditions in immigration detention, might also help to raise more awareness of the importance of, and the need to get, better information about library services in immigration detention facilities. Finally, the depth of future studies might also be improved with the inclusion of the viewpoints of detention facility staff, representatives of private corporations that manage detention centers, and ICE representatives who are most familiar with conditions in detention facility management.

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APPENDICES

Appendix A: Survey

LIBRARY SURVEY QUESTIONS

Please **EITHER** complete this survey online at
http://www.surveymonkey.com/s.aspx?sm=UWtzF4diTMuK_2brY03AKqUA_3d_3d

OR return your completed survey to
Stephanie Chin, PO Box 642301, San Francisco, CA 94164-2301 in the
envelope provided.

1. What is the average daily population of the detention facility?
 - a. 1-24 individuals, of which approximately ___ individuals are immigrant detainees (i.e., detained by the Department of Homeland Security's Bureau of Immigration and Customs Enforcement)
 - b. 25-100 individuals, of which approximately ___ individuals are immigrant detainees
 - c. 101-150 individuals, of which approximately ___ individuals are immigrant detainees
 - d. 151-500 individuals, of which approximately ___ individuals are immigrant detainees
 - e. More than 501 individuals, of which approximately ___ individuals are immigrant detainees
2. Does the local library or regional library system provide general library service to the detention facility?
 - a. Yes
 - b. No
 - c. Other (Explain):
3. Is there a written policy covering the library's day-to-day activities and procedures?
 - a. Yes
 - b. No
 - c. Other (Explain):
4. Is there a Library Services Department, of equal standing with other departments?
 - a. Yes
 - b. No
 - c. Other (Explain):
5. Is the general library funded as a separate line item on the facility's budget?
 - a. Yes
 - b. No
 - c. Other (Explain):
6. Does the library include a collection of at least 15 titles per inmate (average daily population)?
 - a. Yes

- b. No
 - c. Other (Explain):
7. Staffing (Please circle Yes or No for the appropriate question):
- a. In a facility with an average daily population of less than 25, is there a member of the administration of the jail responsible for maintaining liaison with the public library? (Yes/No)
 - b. In a facility with an average daily population of 25-100, is there a half-time librarian? (Yes/No)
 - c. In a facility with an average daily population of 101-150, is there a three-quarter time librarian? (Yes/No)
 - d. In a facility with an average daily population of 151-500, is there a full-time librarian with assistants? (Yes/No)
 - e. In a facility with an average daily population of 501-1000, is there 1 library director and 2 library technicians or clerks? (Yes/No)
 - f. In a facility with an average daily population of 1001-1500, is there at minimum 1 library director, 1 assistant librarian, and 2 library technicians or clerks? (Yes/No)
 - g. In a facility with an average daily population of 1501-2500, is there at minimum 1 library director, 1 assistant librarian, and 3 library technicians or clerks? (Yes/No)
 - h. Please list job title(s) of individuals responsible for library service and number of individuals holding each position: _____
8. If there is librarian responsible for library services, does the librarian have a master's degree in library science from a recognized college or university?
- a. Yes
 - b. No
 - c. Other (Explain):
9. Are library services to the detainees rendered both in the library and the living units?
- a. Yes
 - b. No
 - c. Other (Explain):
10. Please check all programs for individual or group information or enjoyment that are developed at your facility:
- GED
 - Basic education classes
 - Literacy tutoring
 - Vocational training
 - Book and media discussion groups
 - Music programs
 - Film programs
 - Creative writing
 - Speakers
 - Author readings
 - Art workshops & displays
 - Spelling contests
 - Holiday & cultural celebrations

- ___ Other (Explain):
11. What are the days and hours during which the library is open and accessible to immigrant detainees? (Check all that apply):
 - a. Monday (hours open: ___)
 - b. Tuesday(hours open: ___)
 - c. Wednesday (hours open: ___)
 - d. Thursday(hours open: ___)
 - e. Friday (hours open: ___)
 - f. Saturday (hours open: ___)
 - g. Sunday (hours open: ___)
 - h. Total number of hours open each week:
 12. Do materials include materials in non-English languages? If so, please check, and indicate language:

___ Books [Language(s)]: _____

___ Magazines [Language(s)]: _____

___ Newspapers: [Language(s)]: _____

___ Other materials: music media such as records, audio tapes, cassettes; films games and puzzles: [Language(s)]: _____
 13. Do immigrant detainees have access to computers?
 - a. Yes
 - b. No
 14. Please circle the type of institution where you are employed:
 - a. Intergovernmental Service Agreement (IGSA)-contracted facility
 - b. Contract Detention Facility
 - c. ICE-owned Facility
 - d. Bureau of Prison facility
 - e. Other (Explain):
 15. From the following list, which issues do you consider are significant impediments to providing library service to immigrant detainees (Please check all that apply):

___ Accessibility of library collection to immigrant detainees

___ Accessibility of library services to immigrant detainees

___ Fluid nature of detainee population

___ Lack of cooperation between detention center management and library staff

___ Lack of mutual goals between detention center management and library staff

___ Attitude of library personnel directly involved in service

___ Attitude of detention center management towards library service

___ Restriction by detention center personnel on services or material

___ Censorship of materials

___ Excessive screening of materials

___ Mutilation or loss of materials

___ Conflict over security measures

___ Lack of funding

___ Lack of support from local community libraries

___ Other (Explain):
 16. From the following list, what arrangements do you believe might help to improve the quality of library service to immigrant detainees? (Please check all that apply)

___ Development and implementation of library management statement, including guidelines and procedures under which the library will function

- __Development and implementation of library collection management policy, including selection criteria and guidelines
- __Recognition by facility management that the librarian is responsible for library management within the broader framework of the detention facility
- __Improved government oversight of detention facilities to ensure compliance with Bureau of Immigration and Customs Enforcement standards for recreational services in immigration detention facilities
- __Creation of a prison library advisory committee prison library advisory committee with representation from a broad spectrum of prison departments, as well as inmate groups. The committee members can act as advocates for the library and can be very helpful in providing feedback to the library staff.
- __Improved professional links with librarians at other immigrant detention centers, including development of a professional network of librarians participating in Internet discussion groups, subscribing to newsletters, attending professional conferences and workshops, contributing to the professional literature, and attending lectures at library conferences
- __Development and dissemination of user surveys to immigrant detainees to determine user needs, as well as to maintain demographic information about detainees' ethnic/cultural composition, ages, reading levels, educational backgrounds, and languages used by the detainee population
- __Improved relationships with local cultural organizations that can donate books, audio/visual materials, and other materials in languages spoken by detainees
- __Regular performance evaluation of libraries in immigrant detention facilities performed by facility and library management
- __A translator from a local community organization or detainee population who is fluent in language used by detainees
- __Improved detainee access to information technology, including computers
- __Increased promotion of the library; increasing number of library visits by serving as a central distribution center for community social service publications and acting as a referral center to outside support organizations
- __Improved relationships with local libraries, who can support the library with phone reference service, visits with books, interlibrary loan arrangement; training for prison library staff in information technology; providing staff and expertise for library programs and special events; solicitation by the public library for donations or books to the detention centers, etc.
- __Regular user satisfaction surveys of detainee population
- __Increased educational and cultural workshops
- __Regular keeping of circulation statistics if not currently being kept
- __Other (Explain): _____

Appendix B: Human Subjects Institutional Review Board Approval



To: Stephanie Chin
From: Pamela Stacks, Ph.D. *Pamela C Stacks*
Associate Vice President
Graduate Studies and Research

Date: October 1, 2009

Office of the Provost

Associate Vice President
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The Human Subjects-Institutional Review Board has registered your study entitled:
"Survey of library service in immigration detention facilities in the U.S."

This registration, which provides exempt status under Exemption Category 2, of SJSU Policy S08-7, is contingent upon the subjects included in your research project being appropriately protected from risk. This includes the protection of the confidentiality of the subjects when they participate in your research project, and with regard to all data that may be collected from the subjects. The approval includes continued monitoring of your research by the Board to assure that the subjects are being adequately and properly protected from such risks. If at any time a subject becomes injured or complains of injury, you must notify Dr. Pamela Stacks, Ph.D. immediately. Injury includes but is not limited to bodily harm, psychological trauma, and release of potentially damaging personal information. This approval for the human subject's portion of your project is in effect for one year, and data collection beyond October 1, 2010 requires an extension request.

Please also be advised that all subjects need to be fully informed and aware that their participation in your research project is voluntary, and that he or she may withdraw from the project at any time. Further, a subject's participation, refusal to participate, or withdrawal will not affect any services that the subject is receiving or will receive at the institution in which the research is being conducted. If you have any questions, please contact me at (408) 924-2427.

Protocol #S0904046

cc. Dan Fuller 0029

The California State University:
Chancellor's Office
Bakersfield, Channel Islands, Chico, Dominguez Hills,
East Bay, Fresno, Fullerton, Humboldt, Long Beach, Los
Angeles, Maritime Academy, Monterey Bay, North-
ridge, Pomona, Sacramento, San Bernardino,
San Diego, San Francisco, San Jose, San Luis Obispo,
San Marcos, Sonoma, Stanislaus