

LEGAL ACCESS AND CONDITIONS OF CONFINEMENT FOR INS DETAINEES IN VIRGINIA COUNTY JAILS

PIEDMONT REGIONAL JAIL

676 Industrial Road
Farmville, VA 23901

I. ACCESS TO LEGAL MATERIALS

The facility was visited on July 25, 2001. The lack of access to legal materials was a significant concern for detainees at Piedmont. The facility does not have a law library.¹ As an alternative, there is an officer who takes individual requests for specific case law, researches it on his personal computer, and transmits that information to the detainee. This ad hoc system proves inadequate since most detainees are not familiar with immigration law and are unable to request specific caselaw or materials without first perusing some materials on their own. Furthermore, this system compromises confidentiality. As for the materials specifically included in the Detention Standards list, they have been received but are not yet available for use by the detainees.

II. ACCESS TO TELEPHONES

There is no operative system or procedures by which detainees are able to make free calls to legal service providers, consulates, embassies, and the Immigration Court.² In the men's pods, they are able to make collect calls and calling card calls from the phones at any time of day. A detainee at another facility, who had spent a length of time at Piedmont before being transferred,

¹ According to the INS Detention Standard entitled "*Access to Legal Material*", "The facility shall provide a law library in a designated room with sufficient space to facilitate detainees' legal research and writing."

² According to the INS Detention Standard entitled "*Telephone Access*", "Even if telephone service is generally limited to collect calls, the facility shall permit the detainee to make direct calls: (1) to the local immigration court and the Board of Immigration Appeals; (2) to the federal and state courts where the detainee is or may become involved in a legal proceeding; (3) to consular officials; (4) to legal service

notably remarked that the telephones worked much better at Piedmont than they did at his current facility.

Nevertheless, the women detainees contend with serious obstacles in telephone access as the women did not have a single telephone in their pod. To make phone calls, whether they are personal or legal, they must make a request and all prospective callers are escorted en masse to a telephone. As the female detainees expressed to us, the calls lack privacy³ and they are often rushed to accommodate the many other women waiting behind them to use the telephone. This disparity in telephone access between male and female detainees seriously impedes the ability of the female detainees to find legal representation or simply communicate with family members and may raise equal protection issues.

III. VISITATION

Visiting hours are severely restricted at Piedmont. Women are allowed visits only on Saturday from 9 a.m. to 11 a.m. and men are allowed visits only on either Tuesday or Thursday from 9 a.m. to 11 a.m., depending on their housing unit.⁴ This visitation schedule was the most restrictive of all of the facilities monitored.

IV. RECREATION ISSUES

The recreation policy at Piedmont is also of concern. While we were told that the scheduled recreation time is forty-five minutes to one hour, five days a week, the detainees reported

providers in pursuit of legal representation or to engage in consultation concerning his/her expedited removal case...”

³ According to the INS Detention Standard entitled “*Telephone Access*”, “The facility shall ensure privacy for detainees’ telephone calls regarding legal matters. For its purpose, the facility shall provide a reasonable number of telephones on which detainees can make such calls without being overheard by officers, other staff, or other detainees”

⁴ According to the INS Detention Standard entitled “*Visitation*”, “The facility shall establish a visiting schedule based on detainee population and the demand for visits. Visits shall be permitted during set hours on Saturdays, Sundays, and holidays.”

that due to the limited staff resources, they are often only afforded recreation for thirty minutes once or twice a week.⁵

V. MEDICAL ISSUES

There were no specific concerns with medical care for detainees. Subsequently, among the information gathered from detainee questionnaires, there was a single complaint that medical staff are not available after 8 p.m.

VI. RELIGIOUS ISSUES⁶

There are no regular religious services on site. Religious counseling is available by a volunteer Christian chaplain while other volunteers hold Bible study classes with the inmates and detainees. According to the chaplain, he will supply any religious materials requested, excluding religious articles. Inmates and detainees at Piedmont are not allowed to possess any type of religious articles.⁷

VII. OTHER CONDITIONS ISSUES

It should be noted that Piedmont Regional Jail is in the process of building a separate facility to hold INS detainees, which, according to staff, will be in compliance with the INS Detention Standards. While the jail should be commended for striving to create a facility in strict compliance with the Detention Standards, the new facility is slated to house only male detainees. Given that disparities have already been discovered between telephone access for men and women,

⁵ According to the INS Detention Standard entitled "*Recreation*", "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" (Section 13.III.B.1).

⁶ According to INS Detention Standards entitled "*Religious Practices*", "Detainees of different religious beliefs will be provided reasonable and equitable opportunities to participate in the practices of their respective faiths. These opportunities will exist for all equally, regardless of the number of practitioners of a given religion, whether their religion is 'mainstream,' whether the religion is 'Western' or 'Eastern,' or other such factors" (Section 28.I).

⁷ According to the INS Detention Standard entitled "*Religious Practices*", detainees are afforded "access to personal religious property, consistent with facility security."

the jail should also now concentrate its efforts on equalizing legal access and conditions of confinement for male and female detainees.