

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

ARLINGTON COUNTY JAIL

1435 Courthouse Road
Arlington, VA 22201

I. ACCESS TO LEGAL MATERIALS

The facility was visited on July 13, 2001. The law library at Arlington County Jail was impressive. It was spacious and included a substantial and sufficient number of tables and chairs to facilitate detainee legal research and writing.¹ The library also included four computers and two printers, a relatively large number for the facilities visited. While the librarian was new to her job and unable to comment on the availability of immigration materials, an inmate working in the library stated that the library had not received any new immigration materials from INS and that their holdings of immigration materials were limited.

Of all of the facilities visited, Arlington had the most liberal library schedule, affording a total of three hours per week to inmates and detainees alike.² Moreover, the Arlington inmates assigned to work in the library appeared to have relevant experience in conducting legal research. Nevertheless, it was not possible to ascertain how useful they would be to INS detainees needing to conduct research specifically in the area of immigration law. As for obtaining photocopies of

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 “*Access to Legal Material*”, “The facility shall devise a flexible schedule to permit all detainees, regardless of housing or classification, to use the law library on a regular basis. Each detainee shall be permitted to use the law library for a minimum of five (5) hours per week.”

legal materials, detainees can make free photocopies in the law library if they are considered indigent.³

II. ACCESS TO TELEPHONES

Arlington's telephone access policy also was reasonable. The telephones are located within the housing units and may be used at any time from 4:30 a.m. to 11:30 p.m. The number of telephones, however, were insufficient for the number of individuals in each housing unit. Each unit, which holds 64 people at capacity, contains three telephones for personal calls but only one telephone for legal calls.⁴ Furthermore, the legal telephone was situated in the center of the housing unit, too close to the television area, and an insufficient distance from other inmates and detainees to ensure privacy.⁵ It should also be noted that written notice regarding telephone use was not posted in the housing unit but available in the inmate handbook (in both English and Spanish). Nevertheless, the free legal phone in each housing unit was a step ahead of other facilities visited and the liberal telephone access policy was unlike any other policy observed.⁶

³ In this facility, detainees and inmates are considered indigent when they have had \$1.00 or less on account for one week.

⁴ According to the INS Detention Standard entitled "*Telephone Access*", "To ensure sufficient access, the facility shall provide at least one telephone for detainee use for every 25 detainees held."

⁵ 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"

⁶ According to the INS Detention Standards 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 providers in pursuit of legal representation or to engage in consultation concerning his/her expedited removal case..."

III. VISITATION

Arlington allows two non-legal visits per week, for durations of twenty minutes each.⁷ While this particular restriction falls below the pertinent INS Detention Standard, the overall visitation policy is the most accommodating of the facilities visited. Unlike the other five facilities visited, Arlington has visiting hours seven days a week, including a full day schedule for Saturday and Sunday.⁸ As with all of the facilities, only non-contact visits were allowed for family and friend visits. In addition, detainees in administrative and disciplinary segregation are not allowed any visits from family and friends.

No specific problems with the legal visitation policy were encountered.

IV. RECREATION ISSUES

Arlington has a good recreation policy due to the fact that each housing unit has its own adjacent recreation yard and individuals can move freely in and out of the recreation yard. Recreation did not appear to be a concern for detainees or inmates.

V. MEDICAL ISSUES

Problems with medical care for detainees were not encountered. The facility has a full-time social worker on site and a part-time psychiatrist. While the quality of these services cannot be confirmed, the availability of these mental health services surpasses any of the other medical departments visited.

⁷ The INS Detention Standard entitled "*Recreation*" calls for at least 30 minutes recreation as a minimum under normal conditions.

⁸ According to 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."

VI. RELIGIOUS ISSUES⁹

Arlington County Jail's religious services were the most diverse of the facilities visited with services offered for Catholic, Baptist, Muslim and Buddhist denominations.

VII. OTHER CONDITIONS ISSUES

No other remarkable conditions issues were found. Presently, there are no group rights presentations being conducted at this facility. It is also noteworthy to mention that Arlington was one of the few facilities with a voluntary work program in which detainees could earn monetary compensation for their work.

⁹ According to INS Detention Standard 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."