

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

RAPPAHANNOCK REGIONAL JAIL

1745 Jefferson Davis Hwy
Stafford, VA 22555-3300

I. ACCESS TO LEGAL MATERIALS

The facility was visited on August 9, 2001. The law library at Rappahannock was well-organized and in a well-lit room.¹ There were, however, neither tables nor chairs to facilitate research. There were two computers and one printer located in the room. While there was no designated librarian, the detainees' counselor responsible for granting requests to use the library also is responsible for maintaining the materials in the library. It was unclear whether or not the counselor assisted detainees in their research beyond making photocopies and supervising their time in the library. The library appeared to contain all of the materials required by the Detention Standards, although a list of the materials was not posted.

Of all the facilities visited, Rappahannock was the only one without a clear schedule for library use.² Detainees must depend upon the counselor's schedule in order to access legal material that may be pertinent to their case. Photocopies of legal materials are free for everyone.

II. ACCESS TO TELEPHONES

¹ According to 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" (Section 4.III.G).

Phones are accessible to detainees from 9 a.m. until 11:30 p.m.. They are located within the housing unit and there are six phones for fifty-six inmates, which is consistent with the Standard's ratio of one telephone for every twenty-five detainees³. All calls made from these phones must be collect.⁴ In order for detainees to make a free call to their lawyer or consulate, they must submit a request form to their counselor and use the phone in his or her office. According to one counselor, she accepts phone messages for the detainees and will facilitate access to legal service providers.

According to the detainees in this facility, however, they are having difficulties making phone calls from the telephones in their housing units and requests to the counselors often go unmet.

III. VISITATION

General visitation is allowed twice a week for thirty minutes.⁵ The days and hours for these visits depend on the housing unit and do not necessarily include scheduled hours on the weekend.⁶ Furthermore, this was the only facility that did not make any accommodations for family members for whom normal visiting hours pose hardship. Visitation for family and friends thus could be considered restrictive at this facility. As is customary, all non-legal visits are non-contact. It should also be noted that

³ 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."

⁴ 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..."

⁵ According to the INS Detention Standard entitled "*Visitation*", "The facility's written rules shall specify time limits for visits: 30 minutes minimum under normal conditions. INS encourages more generous limits when possible especially for family members traveling significant distances to visit."

Rappahannock had one of the largest visiting areas with thirty booths total for family and friend visits.

As for legal visitation, Rappahannock also had the largest number of private consultation rooms with eight in total. Of all of the facilities, this was the only one that did not allow legal visits to continue during scheduled meals and also during routine counts.

IV. RECREATION ISSUES

Detainees at Rappahannock have easy access to recreation and enjoy a fair amount of autonomy in choosing when to take their recreation time. Detainees are permitted to access the outdoor recreation areas anytime from 9 a.m. to 10 p.m. (weather- permitting). Individuals in disciplinary segregation however are only allowed 15 to 30 minutes of recreation per day.

V. MEDICAL ISSUES

There were not any evident concerns about medical care for detainees. Nevertheless, according to detainees in the facility, they are unable to get adequate medical attention and are forced to wait a significant period for INS authorization for any specific medical procedures. In our interviews with detainees, inadequate medical attention appeared to be their greatest concern. Their complaints included not receiving refills of necessary medication; submitting countless requests to the medical department without a response; and being unable to see a specialist because INS refuses to authorize the visit. Several detainees claimed that it is virtually impossible to obtain an appointment with the dentist at the facility.

⁶ 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.”

VI. RELIGIOUS ISSUES⁷

As with many of the other facilities, Rappahannock has a small group of volunteers that provide Bible study classes and conduct church services on Sunday. The facility does not employ a chaplain and it was unclear whether or not independent religious counseling is made available to inmates or detainees. Furthermore, detainees are only allowed to retain among their personal belongings religious materials that have been given to them while at Rappahannock.

VII. OTHER CONDITIONS ISSUES

As with Pamunkey, the indigent policy at Rappahannock calls for a 30-day period with zero dollars in the detainees' account before an indigent package, which includes hygiene products, food, and stationary items, is issued. This period of time is considerably long.

⁷ According to the 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 fo the number of practitioners of a given religion, whether their religion is 'mainstream,' whether the religion is 'Western' or 'Eastern,' or other such factors"