

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

RIVERSIDE REGIONAL JAIL

1000 River Road
Hopewell, VA 23860

I. ACCESS TO LEGAL MATERIALS

The facility was visited on July 24, 2001. The law library at Riverside Regional Jail was one of the best facilities observed. It was in a large, well-lit room and contained a separate area with all the immigration materials listed in the INS Standards.¹ This was the only facility with typewriters; it contained four computers, six typewriters and two printers. There was also a librarian responsible for the maintenance of the library and available to offer assistance in research. Detainees, however, are afforded only one hour of library time per week.² A notable concern is that detainees are charged for photocopies regardless of whether they are indigent.

II. ACCESS TO TELEPHONES

Pay phones are located in the pods from which detainees are allowed to make collect calls. Unlike the other facilities, detainees first submit a list of phone numbers that must be approved for them to call. Calls are limited to 15 minutes each, with no restriction on the number of calls that can be placed. There is no method by which detainees may make free calls to legal representatives,

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 Standards 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.”

consulates, Immigration Court, or embassies.³ One detainee expressed, "... there is always a problem on trying to get a phone because we are housed with none [sic] INS inmate [sic] and most of the time we stay on lockdown so much because of them that we can't use the telephone when we need to."

III. VISITATION

This facility allows for one hour non-legal visits, the longest time period of all facilities we visited.⁴ Non-legal visits are non-contact, two days per week from 8 a.m. to 10 p.m..

There were only two private consultation rooms for attorney visitation, which could pose access issues given the relatively large number of detainees and inmates held in the facility. As for legal visitation, we discovered that detainees are being strip-searched after all contact visits, including those visits with attorneys. This type of blanket policy without the option of a non-contact visit by an attorney is prohibited is of considerable concern because it interferes with access to counsel.⁵

IV. RECREATION ISSUES

Detainees are allowed to move in and out of the recreation yard from their housing units throughout the day. However, there have been complaints from detainees in segregation, who are

³ 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 providers in pursuit of legal representation or to engage in consultation concerning his/her expedited removal case..." (Section 2.III.E)

⁴ 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."

⁵ According to the INS Detention Standard entitled "*Visitation*", "if standard operating procedures require strip searches after every contact visit with a legal representative, the facility must provide an option for non-contact visits with legal representatives in an environment that allows confidentiality."

only allowed 15 to 30 minutes once or twice a week.⁶ One detainee complained that the indoor gym has been inaccessible because there have been inmates housed there for the past five months.

V. MEDICAL ISSUES

This facility had the largest number of staff, especially nurses and Emergency Medical Technicians. However, the questionnaires generated the largest number of complaints in the area of medical care. The most common complaint was the time it takes the medical staff to respond to requests. According to complaints, it takes anywhere from one month to six months to see a doctor. Also, after repeated requests to be seen by the dentist, a detainee was told to seek outside help. Another complaint from a detainee concerned his alleged contraction of an infection from previously used undergarments the staff had provided him.

VI. RELIGIOUS ISSUES⁷

The religious services available to detainees are either Christian or Muslim; requests must be made for other religious needs. There is inadequate accommodation of vegetarians. Food service may be delayed or eliminated for detainees who do not eat meat. According to one detainee, if the officer on duty is “good” and there is a problem with the meal, it will be handled right away, if the officer is “bad” it will not be handled at all or delayed for a long time.

VII. OTHER CONDITIONS ISSUES

This facility is the only one in which inmates who participate in the voluntary work program are unpaid. It is considered a privilege to work because individuals in the program are

⁶ 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.”

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 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.”

afforded easier access in and out of living areas. Although Riverside was one of the most pleasant facilities, it received the most complaints from detainees about services.