

October 8, 2026

The Baker Correctional Institution;
The Florida Division of Emergency Management;
The Florida Department of Corrections;
U.S. Immigration and Customs Enforcement;
ICE Jacksonville Field Office;
The GEO Group;
CDR Health; and
Critical Response Strategies

cc: U.S. Department of Homeland Security;
DHS Office of the Inspector General;
DHS Office for Civil Rights and Civil Liberties;
DHS Office of the Immigration Detention Ombudsman;
ICE Office of Civil Rights Compliance; and
ICE Office of Professional Responsibility

VIA EMAIL

Re: Unconstitutional Abusive Conditions of Confinement in Immigration Detention at the Baker Correctional Institution (also known as the North Florida Detention Facility and “Deportation Depot”), in Sanderson, Florida.

Dear Officers of the Florida Division of Emergency Management (“FDEM”), U.S. Immigration and Customs Enforcement (“ICE”), the GEO Group, CDR Health, and Critical Response Strategies (“CRS”),

We write regarding the inhumane and unconstitutional conditions of confinement to which your entities are subjecting about 1,200 people in immigration detention at the Baker Correctional Institution (“BCI” or the “Facility”) in Sanderson, Florida. Your entities have previously been made aware of the abusive conditions at BCI, as people have been filing grievances within the Facility and publicly speaking out about the conditions since this Facility opened in the fall of 2025.¹ Yet the Facility continues to violate detained people’s civil rights on a daily basis. There is

¹ Press Release, Off. of the Gov., *Governor Ron DeSantis Announces Expansion of Florida’s Capacity to Detain and Deport Illegal Aliens*, (Aug. 14, 2025), <https://www.flgov.com/eog/news/press/2025/governor-ron-desantis-announces-expansion-floridas-capacity-detain-and-deport>; David Fischer, *Detainees pepper-sprayed on 2 occasions at Florida ‘Deportation Depot’ immigration detention center*, Associated Press (Jan. 29, 2026), <https://apnews.com/article/florida-immigration-detention-center-1361b8683d76128b13692ef2a037c838>; Angelique Rodriguez, *‘I went through hell’: Former detainee alleges negligence at Deportation Depot*, The Independent Florida Alligator (April 19, 2026), https://www.alligator.org/article/2026/04/i-went-through-hell-former-detainee-alleges-negligence-at-deportation-depot#google_vignette; Christina Burgess, *Advocacy groups raise concerns about conditions at the Baker Correctional Institution*, First Coast News (Sept. 7, 2026), <https://www.firstcoastnews.com/article/news/politics/immigration-news/immigrant-conditions-hunger-strike-baker->

Legal Notice of Unconstitutional Practices at BCI

evidence of a deliberate effort to make immigration detention unbearable so that people abandon their rights and accept departure or removal.² Whether intentional or not, these abusive living conditions are punitive and unconstitutional. Each agency and contractor responsible for detention, operations, medical care, or oversight at BCI must act within its authority to end these unlawful practices.

The undersigned organizations have conducted dozens of interviews with people currently or recently detained at BCI, their loved ones, and attorneys representing people detained at BCI. Those interviews confirm the widespread and pervasive abuses occurring there, including:

1. Life-threatening medical neglect;
2. Lack of adequate food and clean drinking water;
3. Excessive, life-threatening heat;
4. Squalid, unsanitary, and unsafe living conditions;
5. Deprivation of necessities for physical, mental, and emotional wellbeing, such as sleep, family visitation, and outdoor recreation;
6. Verbal and physical abuse and retaliation; and
7. Lack of access to the courts and to confidential communications with attorneys.

Because immigration detention is civil in nature, the conditions of confinement in immigration detention centers must serve legitimate regulatory purposes and must be “nonpunitive in purpose and effect,” or else they are unconstitutional. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also Bell v. Wolfish*, 441 U.S. 520, 535 (1979) (“[U]nder the Due Process Clause, a detainee may not be punished prior to an adjudication of guilt in accordance with due process of law.”). There are no legitimate justifications for BCI’s egregious and abusive conditions. Accordingly, these punitive, harmful conditions violate detained people’s First and Fifth Amendment right of access to counsel and to the courts, their First Amendment right to be free from retaliation, and their Fifth and Fourteenth Amendment right to be free from punitive conditions of confinement. Moreover, these conditions violate the 2026 ICE National Detention Standards.³

People detained at Florida’s other state-run facility, the recently shuttered Florida Soft-Sided Facility South, also known as “Alligator Alcatraz,” repeatedly described similar alarming

[deportation-depot/77-f2cbb021-ca92-4c0b-9c74-689e0f17d311](https://www.motherjones.com/politics/2026/10/out-of-sight-in-north-florida-life-inside-deportation-depot/); Laura Morel, *Out of Sight in North Florida: Life Inside Deportation Depot*, Mother Jones (Oct. 6, 2026), <https://www.motherjones.com/politics/2026/10/out-of-sight-in-north-florida-life-inside-deportation-depot/>.

² Tim Henderson, *Voluntary departures spike as immigrants face squalid detention, pressure to leave*, Stateline (May 26, 2026), <https://stateline.org/2026/05/26/voluntary-departures-spike-as-immigrants-face-squalid-detention-pressure-to-leave/>.

³ U.S. Immgr. & Customs Enf’t, *Detention Management*, <https://www.ice.gov/detain/detention-management> (last visited Sept. 30, 2026) (“Regardless of whether detention facilities are owned and operated by ICE, a state or local entity, or a contractor, all facilities housing ICE detainees must comply with one of several sets of detention standards”); *and see* U.S. Immgr. & Customs Enf’t, *National Detention Standards* (“NDS”) (2026), <https://www.ice.gov/doclib/detention-standards/2026/nds2026.pdf>.

conditions of confinement.⁴ Despite officials' public denials and attempts to conceal their abusive conditions, the Office of the Inspector General ("OIG") of the U.S. Department of Homeland Security ("DHS") recently publicized an inspection report that confirmed many of the accounts of the inhumane conditions.⁵ We urge OIG to conduct similar unannounced inspections at BCI to confirm the abuses at this Facility and hold all responsible accountable for the violations of detained people's rights.⁶

FDEM, ICE, the GEO Group, CDR Health, and CRS must immediately remedy these unconstitutional conditions of confinement or end the use of BCI as an immigration detention facility. The longer these unlawful conditions persist, the more legal and financial liability your agencies and entities assume.⁷

1. Life-Threatening Medical Neglect

One of the most frequent and serious complaints we have received concerns shocking medical neglect at BCI. Facility staff frequently delay or deny necessary medical treatment for people who arrive with pre-existing medical conditions or prescriptions, as well as those who develop serious conditions while detained there. People detained at BCI report that they typically wait anywhere from a few days to two weeks after submitting a sick call to be seen by medical staff—if they are seen at all—during which time they receive no medical attention. And even if they are eventually seen, the Facility frequently fails to then provide the prescribed medication and treatment.

What people detained at BCI describe is a system for getting medical treatment that is so slow, inconsistent, and capricious that detained people find themselves at the whims and mercy of staff members to get help. Detained people report that even when they submit sick call request forms, they often have to "beg officers and guards" to take them to the medical unit, and those GEO Officers "may or may not take individuals that beg depending on whether they have empathy or not." One person reported that the ordinary process for getting medical attention is so ineffective and delayed that the rare, empathetic GEO Officers willing to assist "have to be covert about getting you medical attention," and will occasionally "bypass the sick-call form system" for detained people to avoid waiting up to two weeks to be seen. Another detained person shared that detained people often cannot even access sick-call forms because pencils are unavailable, or the sick-call box where they deposit forms requesting care is inaccessible.

One detained person told us that he developed a severely painful, golf-ball sized lump protruding from his throat less than two weeks after being transferred to "Dorm Echo" at BCI—which was extremely hot and beset by mold. After placing a sick-call request and waiting for

⁴ Many of the same agencies and companies that managed operations at Alligator Alcatraz are now managing operations at BCI.

⁵ U.S. Dep't of Homeland Sec., Off. of the Inspector Gen., *Unannounced Inspection of ICE's Florida Soft-Sided Facility ("Alligator Alcatraz") in Ochopee, Florida* (Sept. 11, 2026), <https://www.oig.dhs.gov/sites/default/files/assets/2026-09/OIG-26-22-Sep26.pdf>.

⁶ Churchill Ndonwie, *David Jolly calls for investigation into Florida's 'Deportation Depot'*, Miami Herald (Sept. 20, 2026), <https://www.miamiherald.com/news/politics-government/article317313782.html>.

⁷ It is well-established that private contractors that perform traditionally public functions like operating or managing a detention center or providing medical services to detained persons are "state actors" under 42 U.S.C. § 1983 that are legally and financially liable for the constitutional violations they commit. *See Craig v. Floyd Cnty., Ga.*, 643 F.3d 1306, 1310 (11th Cir. 2011).

medical care, a BCI doctor diagnosed him with an aggressive and difficult-to-treat fungal infection in both ear drums. The doctor prescribed him anti-fungal drops twice a day for 14 days, which he did not receive until over a week later. After getting the drops only once per day for only five days, the Facility stopped giving him the medication altogether. GEO Officers told him to restart the sick-call process to request more medication. His second medical visit was 39 days after his first one. After this second visit, he again had to wait almost a week to get more medication. This time, the Facility stopped providing the medication after three days. Fortunately, he was released from the Facility soon after that, and he was able to treat the fungal ear infections with the proper medications before they could become even more serious.

Even emergency medical situations at BCI are treated with indifference or neglect. In one particularly shocking example, a man who arrived at BCI in mid-April 2026 started experiencing severe headaches, followed by sudden swelling and pain in his leg. He repeatedly asked for medical attention but was told by staff that he would only receive Tylenol. He never received Tylenol from the Facility, however, and he had to get Tylenol from another detained person's allocation. About ten days later, after he repeatedly complained to staff about severe headaches and nausea, he fainted and suffered a serious injury when his head struck the concrete floor. Other detained people began shouting for help, but when staff did not respond, another detained person had to perform CPR on him. When Facility staff finally arrived, he was taken to the Facility's infirmary, where he began having seizures. He was then taken to the hospital, where a CT scan revealed three hemorrhages in his brain and a fractured skull. He was discharged back to BCI only 2–3 days later, where he had yet another seizure and began vomiting. In early May 2026, his speech was slurred, and he reported to his wife that he was still experiencing severe headaches. Several days later, another detained person called his wife to report that he had suffered another seizure and was back in the hospital. Ten days after that, he was discharged from the hospital back to BCI, where he remained in the Facility infirmary for one month. He was nonetheless returned to general population in June 2026. He now suffers from vertigo, can barely walk, and has been diagnosed with brain damage. Shortly after he received a wheelchair, a Facility officer took it away from him. He says that staff fail to regularly provide him with his vertigo medication, which he needs just to get out of bed.

In another disturbing example, a 29-year-old reported that after being detained at BCI for about a month, he passed out one morning and fell to the ground. When he awoke, other detained people told him that he had been unconscious for six or seven minutes, and that no Facility staff made any effort to check on him during that time. Two other detained people, former paramedics, ran over to help him, while GEO Officers just yelled at him for ruining their morning. Shortly after fainting, he developed significant chest pain, and GEO Officers only agreed to call an ambulance after he and other detained people pleaded for help. At the emergency room, doctors ran numerous tests and diagnosed him with an enlarged heart. They told him that he needed to carefully monitor his stress levels and blood pressure. The BCI officers took his hospital medical records, which he never received. When he returned to BCI, he verbally relayed the hospital's report to the CDR Health nurse, an APRN, who advised him that they were not worried about his heart and that his condition was simply caused by dehydration. The nurse documented "dehydration" as the cause of his fainting episode in his BCI medical records, despite the hospital's tests and the doctor's diagnosis.

People detained at BCI also report that BCI frequently ignores people with dangerously high blood pressure. For example, a 65-year-old man reported developing a severe headache at

BCI, was given only Tylenol, and as a result, his condition deteriorated to the point where he began experiencing mental fog and feelings of “heaviness” in his head, classic symptoms of elevated blood pressure. After someone advised him to lie and claim that he had chest pain to increase the likelihood of getting medical attention, which he did, he was taken to the medical unit, and his blood pressure was measured at a dangerous 180/160. Detained people report that members of the medical staff will tell them, “If you feel really unwell, you’re better off lying and saying you have chest pain” to increase the likelihood of receiving any medical attention. Another person detained at BCI reported that his repeated complaints about dangerously high blood pressure went unanswered four or five times before he received any response. Yet another person reported that he has gone for long periods of time without receiving medication to treat his high blood pressure, resulting in hospitalization.

Another detained person complained to Facility staff about intense, persistent kidney pain, high fevers, an irregular heartbeat, chest pain, and a severe, painful rash across his entire face, blurring his vision. Facility staff ignored his formal sick call requests about these conditions, refused to modify his ineffective medication, and denied him an evaluation by an external physician. Yet another detained person entered the Facility with neurocysticercosis—a parasitic infection affecting the brain—and he is currently not receiving necessary medical treatment for that condition. One detained person told us that he sometimes goes for days without receiving his daily mental health medication.

In addition, BCI often fails to provide insulin-dependent diabetics with the proper amount of insulin at the necessary frequency. One detained person reports that he is required to take insulin every three to four hours, but the BCI medical staff have only been providing him with two insulin shots per day. This individual has been in the infirmary since he arrived at BCI one week ago, and the lack of insulin, combined with the inadequate food and malnutrition at the Facility, have made it impossible for him to regulate his blood sugar levels. As a result, he feels weak and exhausted constantly. He further reports that officers have been mocking insulin-dependent people, making jokes about their condition.

In sum, these conditions fall severely below the expectations set for immigration detention through the 2026 ICE National Detention Standards, which require all facilities to provide “medically necessary and appropriate medical, dental and mental health care and pharmaceutical services at no cost to the detainee,” “timely responses to medical complaints,” and facility procedures that “ensure that all request slips are received and triaged by the medical staff within 24 hours of receipt of the request.” NDS 2026 § 4.3. These Standards also require that “[e]mergency dental treatment shall be provided for immediate relief of pain, trauma, and acute oral infection.” *Id.*

Likewise, these conditions violate the constitutional guarantees of the provision of adequate medical and mental health care to people in government custody. *Brown v. Plata*, 563 U.S. 493, 511 (2011); *Estelle v. Gamble*, 429 U.S. 97, 104 (1976). It is well-established that the deliberate delay or denial of necessary medical treatment constitutes deliberate indifference to serious medical needs in violation of the Eighth, Fifth, and Fourteenth Amendments.⁸ See *Donald v. Norris*, 131 F.4th 1255, 1266–67 (11th Cir. 2025); *Farrow v. West*, 320 F.3d 1235, 1246 (11th

⁸ Although the Due Process Clause of the Fifth and Fourteenth Amendments, rather than the Eighth Amendment’s prohibition on cruel and unusual punishment, applies to civil detainees in ICE detention, the constitutional standards are the same. *Goebert v. Lee Cnty.*, 510 F.3d 1312, 1326 (11th Cir. 2007).

Cir. 2003) (holding that the failure to provide necessary dental care constituted deliberate indifference to serious medical needs); *Taylor v. Adams*, 221 F.3d 1254, 1259 (11th Cir. 2000) (“[T]he delay of treatment for obviously serious conditions” amounts to deliberate indifference “where it is apparent that delay would detrimentally exacerbate the medical problem”) (quotation omitted); *McElligott v. Foley*, 182 F.3d 1248, 1255 (11th Cir. 1999) (“[D]eliberate indifference may be established by a showing of grossly inadequate care”); *Mercado v. Noem*, 800 F. Supp. 3d 526, 573 (S.D.N.Y. 2025) (holding that the “delayed or absent treatment in response to several serious medical needs, including diabetes, high blood pressure, and seizure[s]” violated the Fifth and Fourteenth Amendment due process rights of people in ICE custody); *Gomez Ruiz v. U.S. Immigr. & Customs Enft*, 834 F. Supp. 3d 835, 847 (N.D. Cal. 2026) (“There is no question that civil immigration detainees are entitled to adequate medical care” under the Fifth and Fourteenth Amendments’ Due Process Clause (quoting *Doe v. Kelly*, 878 F.3d 710, 722 (9th Cir. 2017))).

2. Lack of Adequate Food and Clean Drinking Water

BCI fails to provide people detained there with enough nutritious food. Detained people report receiving only “extremely small, infant-sized food portions that are not filling” and lack adequate protein or nutrients. A significant portion of detained people’s daily caloric intake comes from foods with limited nutritional value, such as sugary beverages or potato chips, and the food that BCI serves is frequently past its expiration date and unfit to eat. GEO Officers also rush people through meals, only allowing them five to ten minutes per meal. Unlike other detention facilities, BCI has no commissary where people can purchase snacks to supplement their diets, and BCI does not allow those outside the Facility to send their loved ones food.

Additionally, GEO Officers frequently deny people even these small meals. One person reported that, on a daily basis, he saw people denied meals for minor things. GEO Officers rush people out of the dorms for meals, often giving people less than a minute to leave the dorm before locking the doors. “If you didn’t get out of the dorm in time when they called for food, you didn’t get food. If you happened to be in the bathroom, you missed it.” And if anyone does anything to upset a GEO Officer while walking to the dining hall, however minimal, GEO Officers frequently send them back to the dorm without food.

As a result, people detained at BCI are constantly hungry, feeling weak, and losing a dangerous amount of weight:

- One person lost 29 pounds in less than two months at BCI and often feels weak.
- Another person lost 44 pounds over seven months.
- Yet another detained person reported becoming “visibly weak and is constantly trembling” despite having no preexisting health conditions upon entering the Facility.
- One detained person states, “We would be rushed to eat breakfast, usually having about 5 minutes after being served to eat while being screamed at to hurry up and being forced to leave [even] if we don’t finish in time, as more wings had to be fed.”
- One person described how the squalid conditions and the lack of nutrients in the food caused his skin to become “flaky and pale,” his fingernails stopped growing, his brown hair turned white, and he constantly felt lethargic and had brain fog. “I couldn’t have had this conversation we’re having now while I was there,” he said during the interview. Since being released from immigration detention and eating nutritious food again, his

hair started to return to its normal brown color, his body is starting to heal, and he can again think clearly.

- One detained person shared that he has witnessed another detained person who “goes around asking everyone for whatever food they have left on their trays. He collects all of it, piles it together, pours whatever sauce they are given over it, and eats it.” The spouse of this detained person told us, “People inside this facility have to invent these extraordinary little survival systems just to meet their most basic needs.”

The meager, foul-tasting, and frequently expired food served at BCI falls well below the 2026 ICE National Detention Standards, which require that all facilities “provide detainees with nutritious, attractively presented meals, prepared and served in a sanitary and hygienic food service operation.” NDS 2026 § 4.1. Furthermore, detained people “shall be served three meals every day, at least two of which shall be hot meals.” *Id.* Food must be “fit for consumption and appropriately presented.” *Id.*

Likewise, “[t]he Constitution requires that prisoners be provided reasonably adequate food,” which means, “[a] well-balanced meal, containing sufficient nutritional value to preserve health[.]” *Hamm v. DeKalb Cnty.*, 774 F.2d 1567, 1575 (11th Cir. 1985). The failure to meet this standard, thereby causing detained people serious physical consequences, is a violation of the Eighth Amendment of the Constitution—which means it also violates civil detainees’ Fifth and Fourteenth Amendment rights. *See Goebert*, 510 F.3d at 1326; *Hill v. Aramark, LLC*, No. 8:23-CV-26-WFJ-NHA, 2023 WL 10975429, at *5 (M.D. Fla. Mar. 26, 2023) (“[T]o state an Eighth Amendment claim based on inadequate nutrition, a plaintiff must allege significant consequent physical harm”); *see also Mercado*, 800 F. Supp. 3d at 572 (finding a violation of ICE detainees’ Fifth and Fourteenth Amendment rights where they were provided “with only two small rations of food per day, leaving many persistently hungry and, in at least one case, causing or contributing to significant weight loss”); *L.T. v. U.S. Immigr. & Customs Enf’t*, No. 5:26-CV-00322-SSS-SPX, 2026 WL 2338452, at *18 (C.D. Cal. Aug. 12, 2026) (holding that “insufficiently nutritious, inedible food often spoiled or rotten, inadequate portions causing weight loss, and unsanitary food preparation and service” violated ICE detainees’ constitutional rights).

BCI is also failing to provide people detained there with adequate access to clean drinking water. Most of the time, the only drinking water available to detained people is from the dorms’ visibly rusty water fountains. Newly detained people are quickly warned not to drink from those fountains because many have gotten sick from drinking that water. One person reported that the fountain water has a “very foul, heavy, musky smell to it” that gives people who drink it severe intestinal discomfort. Others describe the water as tasting “sour.” “It feels like you have a rock in your intestines” after you drink the water, according to one person. Another person who suffers from a kidney condition reported that he has had to drastically restrict his water intake out of safety fears, significantly worsening his condition.

BCI typically only provides clean drinking water to detained people during the five-minute meal period, and sometimes during the limited recreation provided once or twice a week. Detained people try to drink as much water as they can during these short intervals, knowing it is their only access to clean drinking water.

In April, detained people staged a peaceful protest in response to the lack of clean drinking water by refusing to return indoors at the end of recreation. According to one detained person, “we were so thirsty that we said we would only go inside when they brought us clean drinking water.”

Instead of providing them with water, GEO Officers pepper-sprayed and physically assaulted the group, and took some of them to segregation cells. Some detained people fainted while others sustained significant injuries from being beaten.

Once, on a particularly hot day this summer, GEO Officers brought clean ice water in a large jug for people to drink from in the Delta Dorm, to the relief of the thirsty people detained there. Shortly after bringing it, however, a GEO Officer began removing the water jug. People begged the officer to leave the water there longer. In response, the GEO Officer got angry and struck a detained person, who fell to the ground. The GEO Officer called for backup and several other officers arrived. The group of GEO Officers began pepper spraying everyone, covering bystanders and their own officers in pepper spray. Detained people began coughing, and their eyes became teary, inflamed and irritated. The GEO Officers then threw several detained people into segregation cells, including innocent bystanders. According to one detained person, some of the men who were thrown in segregation cells were not permitted to wash off the pepper spray for three days—conduct that supports claims of excessive force and deliberate indifference. *See Danley v. Allen*, 540 F.3d 1298, 1307 (11th Cir. 2008).

Without access to clean drinking water most of the time, people must choose between drinking the contaminated fountain water and getting sick or not drinking water and getting severely dehydrated. This problem is especially urgent given that people are constantly sweating in the extremely hot dorms.

The lack of clean drinking water violates both the 2026 ICE National Detention Standards and amounts to unconstitutional punishment. *See* NDS 2026 § 1.2.II.F (“Potable water shall be available throughout the facility. If the facility is not on a certified community water source, the detention facility contractor will utilize a laboratory to test samples of drinking and wastewater to ensure it is potable”); *see Canupp v. Paul*, 716 F. App’x 836, 840 (11th Cir. 2017) (“There can be no doubt that adequate hydration is among the basic life necessities that prisoners are guaranteed under the Eighth Amendment”); *Spires v. Paul*, 581 F. App’x 786, 793 (11th Cir. 2014) (“The deprivation of potable water for several days is a denial of a basic need and the minimal civilized measure of life’s necessities”); *see also L.T.*, 2026 WL 2338452, at *18 (holding that the “lack of consistent access to safe, potable drinking water” in ICE detention, “forcing detainees to drink dirty, discolored, or foul-smelling tap water,” violated their Fifth and Fourteenth Amendment rights).

3. Excessive, Life-Threatening Heat

Almost everyone we interviewed reported unbearable, life-threatening heat inside BCI. As described by a detained person’s spouse, “right now, what is happening there can honestly be described as torture by heat . . . it is unbearably hot inside.”

BCI was closed as a correctional complex five years ago and sat empty until it reopened for immigration detention in 2025.⁹ It never had proper air conditioning. Since reopening, the Facility has reportedly brought in a few portable air conditioning units and fans to some of the dorms, but the Facility lacks adequate, functioning air conditioning in most living areas, resulting

⁹ *See* Katie Bente, *Florida’s ‘Deportation Depot’: From empty prison to immigration processing hub*, CBS12 (Aug. 14, 2025), <https://cbs12.com/news/local/florida-officials-set-to-speak-at-closed-correctional-institute-desantis-florida-fdle-lt-governor-jay-collins-ron-desantis-kevin-guthrie-florida-major-general-john-d-haas-baker-correctional-institute-august-14-2025>.

in temperatures of 98 degrees or higher during the daytime in the summer months – well above the 88-degree threshold that significantly increases the risk of illness and death. As a result, multiple detained people have fainted from the heat, and people report constant headaches and a feeling of intense pressure in their heads.

Additionally, the building itself significantly deteriorated while sitting empty over the last five years. One detained person explained that approximately 90% of the windows are broken and have no glass in them,¹⁰ and that it is “unbearably hot and stuffy inside” and “difficult to breathe, especially because of the overcrowding.”¹¹ The open windows do little to alleviate the heat during the summer months and instead cause rain to blow into the dorms, soaking mattresses, living areas, and personal belongings.

Detained people have told us that they are “constantly drenched in sweat” and are forced to remove their pants and shirt just to cope with the heat. One attorney described how, during a recent visit to a detained client at the facility, he noticed “fans scattered about, but they were making minimal impact . . . even during the consult, I had completely sweat through my shirt.”

The excessive heat, combined with the lack of hygiene products and the rain and humidity in the dorms, produces “a constant, extremely unpleasant smell of sweat because everyone is sweating continuously from the heat.” Detained people have asked repeatedly for assistance dealing with the heat, but GEO Officers instead verbally insult them, telling them they “stink and don’t clean.” One detained person said that dorms are so hot that officers rarely enter them, and when they do, they remark, “damn it’s hot in here” and “I don’t want to work in here.”

In contrast, the areas where the officers work have air conditioning systems, and officers even wear jackets inside those rooms because they are so cold.

The excessive heat and inadequate ventilation violate the 2026 ICE National Detention Standards, which state that “[t]he facility shall ensure appropriate temperatures, air and water quality, ventilation[.]” NDS 2026 § 1.2.II.1.1. These conditions, especially when coupled with the lack of clean drinking water, also amount to unconstitutional punishment in violation of the Fifth and Fourteenth Amendments. *See Chandler v. Crosby*, 379 F.3d 1278, 1294 (11th Cir. 2004) (“[T]he Eighth Amendment applies to prisoner claims of inadequate cooling and ventilation”); *Groover v. Israel*, 684 F. App’x 782, 786 (11th Cir. 2017) (“[T]here is a point where exposure to extreme heat without adequate cooling or ventilation can give rise to a constitutional claim given the health and safety risks associated with exposure to high temperatures”); *see also Tiede v. Collier*, 796 F. Supp. 3d 275, 326 (W.D. Tex. 2025) (holding that the lack of air conditioning in Texas state prisons violated the Eighth Amendment).

4. Squalid, Unsanitary, and Unsafe Living Conditions

Multiple people described the Facility as resembling an “abandoned building,” noting how, after it sat empty and infested with mold, bugs, and rodents for five years, FDEM hastily began detaining people there before making it habitable.

¹⁰ As a consequence, detainees note that they face the opposite problem in the winter—the Facility becomes extremely cold due to a lack of heat.

¹¹ In most of the dorms, FDEM has squeezed in 50 bunkbeds for 100 people, spaced at a maximum of 1.5 to 2 feet apart across the dorm.

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When it rains, water comes in through the broken windows and through the leaky ceiling. The dorms are constantly hot and humid. Rained-soaked mattresses, shower towels and personal belongings do not dry out.

People detained at BCI have described serious mold and fungal problems in the living areas, reporting black, brown, and green mold covering walls and ceilings. As one person described it, “[he]’d never seen so many colors of mold.” “Any holes in the ceiling where water could drip through, there was mold.” Officers ignore complaints about the mold, refusing to clean it off the walls or treat it to stop more mold from growing. Without proper cleaning supplies, desperate individuals resort to sacrificing their limited supply of shower gel, soap, or toilet paper to try scrubbing away the mold. Detained people have developed serious health issues because of the mold, including respiratory symptoms and fungal ear infections that they attribute to mold exposure.

People detained at BCI have also reported significant infestations of insects and vermin, including fire ants, spiders, roaches, and rats. Bugs get into the Facility through cracks in the walls or through the broken windows and then crawl on detained people while they are lying in their beds or sitting on benches. “Once sunlight hit, you’d see lines of ants coming in from the cracks in the ceiling.” Multiple people have been bitten by spiders, and at least one person’s hand became infected from a spider bite. Desperate for a reprieve from the bugs, some people figured out that spreading toothpaste around the edge of their mattress helps keep some bugs off them. Even though they frequently run out of toothpaste, it is worth the sacrifice, given the severity of the insect problem. As with the mold, GEO Officers ignore complaints about the bugs and vermin.

Further, FDEM only cleans the living areas once or twice a week. Reportedly, a company called Doodie Calls performs these cleanings, and multiple detained people have said that these cleanings are severely insufficient. While the floors are less dusty after the cleanings, people report that the floors remain streaked with mud, as if the cleaning staff just mopped the floor with water. And the dust and grime quickly return after a day or two, given how overcrowded the dorms are and how much everyone is sweating. Additionally, Doodie Calls does not clean the mold off the walls or do more than simply mop the floors, so the “ecosystem of mold and bugs” remains pervasive in the living areas.

Some people have resorted to using old clothes and their sink taps to try to wash the urine off the floors around the toilets, but these measures are woefully inadequate, and detained people who have tried to volunteer to perform additional cleaning themselves are told by the GEO Officers that they are “not prisoners but temporarily housed individuals” who are prohibited from performing cleaning jobs.

Crucially, people detained at BCI lack basic hygiene products. They are given only tiny containers of shampoo, shower gel, and soap every four to five days at most (and frequently less often), making it impossible for them to keep themselves clean, especially in such dirty quarters. In addition, they receive minimal amounts of toothpaste and deodorant. The lack of personal hygiene supplies, combined with the excessive heat at the Facility, produces a constant, overwhelming stench of sweat and body odor that permeates the entire Facility.

One detained person repeatedly filed grievances about the lack of hygiene products. He received written responses from the Facility administration assuring him that there was no shortage of hygiene products at the Facility, so he asked the GEO Officers in his unit for additional hygiene products, pointing to his grievance response, but the GEO Officers in his unit told him that they

had no additional hygiene products to give him. He then filed another grievance, again requesting more, only to receive the same response from the administration. Detained people report this is a persistent pattern with the grievance system at BCI, which routinely ignores complaints and fails to fix problems.

In addition, there is an insufficient number of operational showers and toilets for this overcrowded Facility, which is reportedly holding more than the maximum capacity of 1,165 people.¹² Some dorms have only three working showers and toilets per 100 people, resulting in long waits and dangerously unsanitary conditions. For example, people reported ongoing plumbing issues in the Echo Dorm, including human waste frequently coming back up the pipes.

Moreover, there are no doors or adequate privacy partitions for the showers or toilets. People have tried hanging bed sheets to create privacy while showering or using the restroom, but officers periodically remove these bed sheets, leaving them exposed. Routine exposure to staff of the opposite sex while showering or using the toilet, absent an adequate justification, implicates detained people's right to bodily privacy. *See Fortner v. Thomas*, 983 F.2d 1024, 1030 (11th Cir. 1993). It also implicates regulations imposed in the Prison Rape Elimination Act of 2003, 34 U.S.C. §§ 30301–30309.

Insufficient laundering is also a reported concern, exacerbating the dirty living areas and the lack of personal hygiene products. When a group of people were first moved into the Echo Dorm around late March, they were told to bring their used bedding with them. One of those people reported that he was unable to wash his sheets and pillowcase again until he was moved back to the Delta Dorm in June, at which point the bedding was stained brown from sweat and dirt. He had tried handwashing them in the shower while in the Echo Dorm, but that did not work, as the water pressure was too weak. He would also get in trouble for trying to hang them to dry, and the humidity kept everything wet.

Lastly, people report that there are four nail clippers for the entire population (roughly 1,200–1,400 people) to share,¹³ and that these clippers are not properly disinfected between uses, risking the spread of disease. Many people have gotten toe infections because of this. The lack of disinfectants is particularly concerning because the nail clippers could easily come into contact with blood, and the Facility does not test detained individuals for transmissible diseases like hepatitis C or HIV.

As a result of the harmful living environment within the Facility, many people develop serious medical conditions while detained at BCI:

- One person reported that he “suffered multiple infections of [his] feet, toes and ears” due to the unsanitary conditions of the showers and toilets.
- As noted above, one person developed a severely painful, golf-ball-sized lump in his throat and an aggressive fungal infection in both of his ear drums, in less than two weeks after being transferred to the Echo Dorm, which was extremely hot and humid and covered in mold.

¹² See Fla. Dep't of Corr., *Baker Correctional Institution*, <https://www.fdc.myflorida.com/institutions/institutions-list/279> (last visited Sept. 23, 2026).

¹³ One person told us that during his two months at the Facility, he has only been able to trim his fingernails once.

- One person reported that tiny wounds and little scrapes would take forever to heal. “You could stub your toe, and it would take two to three weeks to heal, if it didn’t escalate into an infection.”

These conditions violate the 2026 ICE National Detention Standards, which require that “[f]acility cleanliness and sanitation shall be maintained. All surfaces, fixtures, and equipment shall be kept clean and in good repair.” NDS 2026 § 1.2.II.I. The ICE National Detention Standards also require that detained people receive adequate personal hygiene items, and that they be able to shower and use the toilet “without being viewed by staff of the opposite sex, except in exigent circumstances[.]” *Id.* § 4.4.II.F.–G. These conditions also amount to a deprivation of “the minimal civilized measure of life’s necessities” constituting cruel and unusual punishment in violation of the Eighth, Fifth and Fourteenth Amendments. *Rhodes v. Chapman*, 452 U.S. 337, 347 (1981); *see also Chandler v. Baird*, 926 F.2d 1057, 1063–64 (11th Cir. 1991) (holding that the denial of “basic hygiene articles” such as “soap, toothbrush, toothpaste, and [clean] linen” violated the Eighth Amendment); *Quintanilla v. Bryson*, 730 F. App’x 738, 747 (11th Cir. 2018) (holding that a prisoner’s “allegations of near-constant exposure to unhygienic conditions,” including “an excessive vermin and insect infestation,” that included “rats, mosquitoes, and spiders” stated an Eighth Amendment violation “because they allege a deprivation of the basic elements of hygiene”); *Smith v. Leonard*, 244 F. App’x. 583, 584 (5th Cir. 2007) (per curiam) (holding that a prisoner’s allegation that the defendant failed to remove toxic mold from his cell, causing him to suffer “headaches, sinus problems, trouble breathing, blurred vision, irritated eyes, and fatigue,” sufficiently stated an Eighth Amendment claim); *Pablo Sequen v. Albarran*, 810 F. Supp. 3d 1084, 1130 (N.D. Cal. 2025) (finding that “[t]he unsanitary conditions and denial of basic hygiene resources” in ICE detention were unconstitutional); *Mercado*, 800 F. Supp. 3d at 572 (holding that the denial of “basic hygiene items, such as clean clothing, and adequate soap, sanitary wipes, toilet paper, toothbrushes, and menstrual products” violated the Constitution); *L.T.*, 2026 WL 2338452, at *18 (holding that ICE’s “failures to maintain cleanliness, including unremediated mold” violated the Constitution).

5. Deprivation of Necessities for Physical, Mental, and Emotional Wellbeing, Such as Sleep, Family Visitation, and Outdoor Recreation

People detained at BCI are further deprived of “the minimal civilized measure of life’s necessities” through sleep deprivation, the denial of family visitation, and minimal outdoor recreation and other activities. *Rhodes*, 452 U.S. at 347.

One person described the conditions at BCI as “torture by chronic sleep deprivation and interruption.” He stated that according to the Facility’s schedule, lights are turned off at 11:00 p.m., but at approximately 12:15 a.m. every night, the lights are turned on again and officers loudly shout the names of the people who are being transferred to another facility. This happens again at 3:15 a.m. Officers wake people up for breakfast each morning between 3:00 a.m. and 5:00 a.m., depending on what time their dorm goes to breakfast, preventing them from receiving more than a couple of hours of uninterrupted sleep. Another person stated that “noise levels are extreme throughout the night, leaving him completely sleep deprived,” as GEO officers walk through the dorms with their radios on loud throughout the nights. Sometimes the GEO officers leave the lights on all night for a few nights in a row as punishment. Detained people cannot sleep during the daytime, either, because of the constant light and noise in the Facility. One person told us that this chronic sleep deprivation is becoming “incredibly difficult to endure” and that his “nerves are really beginning to give out.”

Sleep deprivation is widely considered torture,¹⁴ and it amounts to cruel and unconstitutional punishment in violation of the Fifth and Fourteenth Amendments. *See Harper v. Showers*, 174 F.3d 716, 720 (5th Cir. 1999) (“[S]leep undoubtedly counts as one of life’s basic needs. Conditions designed to prevent sleep, then, might violate the Eighth Amendment”); *Mercado*, 800 F. Supp. 3d at 571 (“Sleep is a basic human need. Conditions that prevent or interfere with sleep in some circumstances may rise to the level of a constitutional violation”).

In addition, BCI prohibits all family visitation. One person who has been detained there for five months says that no family visitation has been allowed for the entire time he has been there. He says that people at BCI are allowed only brief, outgoing phone calls, and they have no tablets or means of sending any digital messages. In addition, BCI does not allow people detained there to even possess photos of their loved ones.

This is a direct violation of the 2026 ICE National Detention Standards, which require facilities to “allow authorized persons to visit detainees, subject to security and operational constraints. This includes family and friends. . .” NDS 2026 § 5.5. Additionally, the Supreme Court has acknowledged that total bans on family visitation may be unconstitutional. *See Overton v. Bazzetta*, 539 U.S. 126, 134, 137 (2003) (observing that a “permanent ban on all visitation” could violate an inmate’s right to association under the First Amendment or constitute cruel and unusual punishment under the Eighth Amendment).

People detained at BCI also lack meaningful environmental stimuli in the dorms, where they spend most of their time: their daily activities are limited to playing cards or chess (with only two chessboards and two decks of cards for an entire 100-person dorm); watching television in a hot, unventilated room; or waiting for a turn to make a 15-minute telephone call on one of the handful of working phones.

BCI only facilitates outdoor recreation once or twice per week for up to an hour, in violation of the ICE National Detention Standards, which require outdoor recreation for “at least one hour per day, a minimum of five days per week.” NDS 2026 § 5.2.II.A. Detained people report that even these limited opportunities for outdoor recreation are frequently shortened or canceled. The outdoor “yard,” moreover, consists of only a tiny patch of ground with three deflated soccer balls and no exercise equipment, and this yard is in direct sunlight without adequate shade structures.

According to one person, people at the Facility have resorted to “us[ing] the edges of their bunk beds as makeshift parallel bars and plastic bags filled with water as improvised weights. They perform push-ups on dirty floors, do squats, and try to maintain a routine that resembles the lives they had before entering the facility. For many, physical exercise is one of the few remaining ways to preserve their physical and mental well-being, maintain their dignity, and cope with the psychological strain of living in an overcrowded, confined environment.”

As the Supreme Court has recognized, exercise is a basic human need that must be provided under the Constitution. *Wilson v. Seiter*, 501 U.S. 294, 304 (1991); *see also Christmas v. Nabors*, 76 F.4th 1320, 1332 (11th Cir. 2023) (holding that the denial of outdoor recreation can constitute cruel and unusual punishment under the Eighth Amendment); *Gomez Ruiz*, 834 F. Supp. 3d at 849–50 (holding that insufficient outdoor recreation for individuals in ICE custody violated their

¹⁴ Tabor C, Peeler KR. *Sleep Is a Human Right, and Its Deprivation Is Torture*, AMA J ETHICS (Oct. 2024), <https://pubmed.ncbi.nlm.nih.gov/39361392/>.

constitutional rights and ordering that “Plaintiffs should receive, weather permitting, a minimum of one hour of outdoor access per day seven days a week.”).

6. Verbal and Physical Abuse and Retaliation

People detained at BCI are regularly subjected to threats, verbal abuse, derogatory and racist language, and retaliation—sometimes violent retaliation—in response to their requests or complaints about the conditions. For example:

- People detained at BCI reported that GEO Officers regularly threaten to “fuck us up” when they lodge complaints or make basic requests.
- One person reported how a GEO Officer called detained people names like “mamabicho” [a vulgar slang term that translates to “cocksucker”] and “basura” [which translates to “trash”]. When he told a guard, “you should treat us with respect, so we will respect you,” the guard responded, “Shut up, you people are trash.”
- A detained man said that officers frequently tell them, “You people are horrible trash, no wonder your families don’t want you.”
- Officers often mock people with medical conditions and disabilities.
- As recounted above, GEO Officers assaulted and pepper sprayed detained people simply for requesting clean drinking water and then punished them with confinement. Some men were not permitted to wash off the pepper spray after the incident, and one man had a swollen eye and a black-and-blue face after he was punched by an officer during that incident.
- One person said that an “Agent Cone” has sent him to solitary confinement multiple times for simply asking her questions.
- One person recounted that when he and several others had complained multiple times about conditions, such as the food and water, GEO Officers came into his wing, confiscated everyone’s bedding and pillows, shut off the phones in that unit, and locked the gate of their wing, isolating them from the rest of the dorm for the day.
- Another man reported that GEO Officers often “flip their badges so no one can see their names.”
- In another instance, a person was punished with the revocation of his phone privileges for raising complaints about medical care.
- Several people reported that GEO Officers frequently deprive people of meals if they complain or make requests.

Moreover, BCI frequently subjects detained people to solitary confinement as a form of punishment. People are locked in confinement cells for days and prohibited from showering. Detained people report that this is often done in retaliation for complaining about conditions at BCI.

Such retaliation and threats of violence in response to protected speech about Facility conditions violate the ICE National Detention Standards, which prohibit “harass[ment]” or “retaliat[i]on” against a detainee for filing a complaint.” NDS 2026 § 6.2.II.D. They also violate the First Amendment. *See O’Bryant v. Finch*, 637 F.3d 1207, 1212 (11th Cir. 2011); *see also Williams*

v. Radford, 64 F.4th 1185, 1193 (11th Cir. 2023) (holding that placing an inmate in confinement in retaliation for protected speech violates the First Amendment); *Burton v. Espino*, --- F. 4th --- No. 24-12549, 2026 WL 2482014, at *6 (11th Cir. Aug. 25, 2026) (holding that “refusing an inmate needed medical treatment as a means of punishing him for having filed prison grievances” violates the First Amendment); *Pittman v. Tucker*, 213 F. App’x 867, 871 (11th Cir. 2007) (holding that threats of possible violence in response to grievances can amount to retaliation in violation of the First Amendment).

7. Lack of Access to the Courts and to Confidential Communication with Attorneys

BCI systematically denies people in its custody reasonable access to the courts and to counsel, in violation of the 2026 ICE National Detention Standards and the Constitution.

Incoming and outgoing mail is often severely delayed at the Facility, causing detained people to miss critical court deadlines, and leading to adverse rulings in their immigration cases. This is unconstitutional. *See Lewis v. Casey*, 518 U.S. 343, 348 (1996) (holding that the denial of access to the courts violates an inmate’s constitutional rights where the inmate can show an “actual injury,” “such as the inability to meet a filing deadline or to present a claim”).

Incoming “non-legal” mail: Many people in immigration detention do not have attorneys handling their removal cases, and they depend entirely on their family members’ assistance in handling their immigration cases in court. This requires the family members to mail court documents to their detained relatives at BCI for signatures on an expedited timeline. But CRS has refused to deliver these critical legal documents to people detained at BCI, instead returning them to family members undelivered and unsigned. This has caused numerous people to miss court deadlines and to suffer adverse orders in their removal cases. Timely delivery of mail is critical where the Facility also denies family members the ability to visit their loved ones in person to obtain any necessary signatures for their cases.

Incoming legal mail: Even when people have attorneys who can send legal mail for their removal cases—which CRS does deliver to detained people—CRS takes at least a week or two to deliver those incoming papers. Such delays harm one’s ability to meaningfully defend against deportation on an expedited timeline.

Additionally, officers open legal mail before delivering it to people detained at BCI, in clear violation of their First Amendment rights. *See Christmas*, 76 F.4th at 1328 (“‘A simple rule has governed prison mail procedures in our Circuit for nearly 50 years: a prison official may not open an inmate’s properly marked legal mail outside of his presence.’ If a prison official does so, that official violates the inmate’s First Amendment ‘right to free speech.’” (quoting *Mitchell v. Peoples*, 10 F.4th 1226, 1228 (11th Cir. 2021))).

Outgoing mail: CRS also frequently fails to timely send out mail from people detained at BCI, including important legal documents that people are trying to send out for their removal cases. For example, one person reported that, after having handed officers his legal mail to send out, it was returned to him two weeks later, having never been sent out of the Facility. He had not been informed of any issues during those two weeks, but then learned that the officer had typed in the delivery zip code incorrectly and had not attempted to correct the address with him. The only way to know if your mail is actually sent out, he reported, is to call the intended recipient to see if they get it, or to wait and see if the Facility gives it back to you undelivered after two weeks. Another person who was unable to obtain counsel for his removal proceedings and was representing himself

pro se, gave BCI officers his documents to mail to the immigration court to meet a filing deadline. But the Facility did not mail them out in a timely manner, causing the detained person to be ordered removed for “abandoning” his application. Another person reported that CRS mixed up his time-sensitive and confidential outgoing legal mail with another detained person’s outgoing mail, sending them to the wrong recipients. His recipient did not receive his private declaration for his immigration case, but instead got the other person’s habeas documents. When he asked CRS officers about this in an attempt to get his declaration to its intended recipient, the officers just shrugged and told him to start over and try again.

This confusion and delay severely undermine detained people’s ability to defend against deportation, causing irreparable harm to people who are then ordered removed without a meaningful opportunity to defend against deportation. This problem is compounded by the fact that ICE frequently requests expedited responses from detained respondents in 24 to 48 hours’ time in immigration proceedings. Given that CRS takes two weeks or more to process mail at BCI, detained people often miss response or appeal deadlines before they receive the documents they need to act.

Outgoing legal phone calls: Detained people also lack reasonable access to outgoing confidential legal calls at BCI, in violation of the ICE National Detention Standards and their First and Fifth Amendment rights to communicate with counsel. *See* NDS 2026 § 5.4.II.J; *H.C.R. v. Mullin*, 825 F. Supp. 3d 1267, 1298–1302 (M.D. Fla. 2026) (finding likely success on the First Amendment challenge to outgoing legal-call restrictions at Florida Soft Sided South and granting preliminary relief). Although attorneys can request calls and in-person visits with people detained at the Facility, “[t]hose are, for lack of a better word, incoming modes of communication,” and detained people “must have timely access to counsel via an outgoing method of communication.” *Id.* at 1300. This is especially crucial at immigration facilities like BCI, “given the time-sensitive nature of legal calls” for noncitizens in removal proceedings. *Id.* The urgency of outgoing legal calls is compounded by the fact that attorneys have experienced significant delays in scheduling legal calls or visits with their clients at BCI. Several people, including attorneys, reported that wait times for legal meetings are typically four days or more.

Further, detained people have confirmed that all outgoing calls from the phones in the dorms are monitored, limited to 15 minutes, and frequently cut out due to technical problems or being switched off as punishment by GEO Officers. Additionally, there are only eight phones in a dorm of 100 people, some of which are often broken, so there are never enough phones available in the dorms for everyone to adequately access their attorneys, leaving people to fight over phone time.

While people detained at BCI might technically be able to request confidential outgoing legal calls, (as of approximately July 2026), most people detained there and most GEO Officers—who control access to these calls—are unaware of that process. There are no postings at BCI about the right to make confidential outgoing legal calls, nor does anyone receive a detainee handbook at BCI, in which such information should appear. Most detained people we spoke with believe that it is not possible for them to make outgoing legal calls from BCI. But as one person explained, he learned that this was technically possible after a CRS Officer corrected a GEO Lieutenant who had just told him that detained people were not allowed to make confidential, outgoing legal calls. The CRS Officer confirmed that, per the National Detention Standards, immigration detainees have a right to confidential outgoing legal calls. This GEO Lieutenant and the detained person were both surprised to learn that BCI should have been facilitating confidential outgoing legal calls all along.

As this man then learned, he could fill out a form requesting a confidential legal call, get that request to CRS and legal, and then wait three or four days for a response. After learning about this process, he asked other GEO Officers to help him request a confidential outgoing legal call—citing his right to outgoing legal calls in the National Detention Standards—but those GEO Officers told him that he was lying about that right. Given how difficult the process was to access confidential outgoing legal calls through officers who did not know about the process, and given how it took several days to schedule them (which was too long of a wait given how his immigration case was changing daily), he stopped trying to access those calls, and he returned to using the monitored phones in the dorms to communicate with his attorney about urgent matters in his immigration case.

Furthermore, CRS facilitates these “confidential” outgoing legal calls, along with attorney-scheduled legal phone calls or legal videoconferences (which also take three to four days to schedule), in an area that is not private. Attorneys report that they can overhear other conversations happening around their clients during these legal meetings. People detained at BCI described the area where they are taken for legal meetings as like bathroom stalls, where the thin walls do not reach the ceiling, allowing guards and other detained people to hear every word the detained person and his attorney are saying. Detained people further report that guards stand right outside the cubicles during legal calls, actively listening to their conversations, and that if the officer thinks the detained person is not really talking to an attorney, the officer will interrupt and end the call. These cubicles are also in a busy area where a lot of ICE officers walk through, further justifying the need for privacy for these calls. One man told us that during one of his legal calls, his attorney said, “whisper to me” and “speak to me in vague terms,” because the attorney knew that officers were listening in. This lack of confidentiality violates the ICE National Detention Standards, which require privacy and confidentiality for legal calls and in-person and virtual legal meetings. NDS 2026 § 5.4.II.J. The lack of privacy for outgoing legal calls also violates the First Amendment. *See H.C.R.*, 825 F. Supp. 3d at 1298–1302.

No information about attorney access: Lastly, the Facility fails to post information within the Facility about how detained people can access attorneys. This, too, is a violation of the First Amendment right of access to counsel. *See H.C.R.*, 825 F. Supp. 3d at 1305 (“[F]ailure to notify Detained Plaintiffs of how they may contact and consult with attorneys alone denies them access to counsel”).

Similarly, FDEM and ICE’s websites have no information about this Facility’s existence, let alone instructions for attorneys or family members of *pro se* litigants to send mail to or schedule calls with people detained at BCI. This is especially disconcerting given that FDEM and ICE were recently required by a federal court judge to post this information for the Florida Soft-Sided Facility South in that similar lawsuit. *See id.* at 1303–05 (holding that the lack of information for detainees about how to access counsel from within Florida Soft-Sided Facility South, and the lack of public information for attorneys about how to access clients at that facility on FDEM and ICE’s websites, violated the First Amendment).

In sum, the Facility fails to provide detained people with constitutionally adequate access to the courts or to counsel.

Conclusion and Request for Action

At minimum, FDEM, ICE, the GEO Group, CDR Health, and CRS must immediately change their practices to comply with the 2026 ICE National Detention Standards and the

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Constitution. These entities are legally and financially liable for the unconstitutional harm they are inflicting on thousands of people at BCI, and this liability grows each day these constitutional violations persist.

To achieve compliance with the 2026 ICE National Detention Standards and the Constitution, these entities must *at least* ensure the following:¹⁵

- Release all individuals who have serious medical conditions or require ongoing medical attention or medication management;
- Provide all necessary medical care, including:
 - Initial medical, mental health and dental screening;
 - Medically necessary and appropriate medical, dental and mental health care and pharmaceutical services;
 - Comprehensive, routine and preventive health, mental health, and dental care, as medically indicated;
 - Emergency care;
 - Specialty health care, as medically required;
 - Timely responses to medical complaints; and
 - Hospitalization as needed within the local community;
- Provide three adequate meals per day with proper nutrition on a regular schedule, at least two of which are hot meals, with no more than 14 hours between meals;
- Have a registered dietician conduct a complete nutritional analysis of the master-cycle menu planned by BCI, and adjust the menu to comply with the nutritional requirements from the 2026 National Detention Standards and the Constitution;
- Provide clean drinking water in all housing units at all times;¹⁶
- Maintain safe, appropriate temperatures and adequate ventilation throughout the entire Facility, including in all housing units, at all times;
- Maintain cleanliness and sanitation throughout the Facility at all times, including using disinfectant and appropriate cleaning chemicals to clean the housing units, toilets, showers, and all food service areas. Maintain suitable and sufficient cleaning equipment and supplies throughout the Facility and make them available for detained people to clean their own living areas;
- Provide access to showers at least three times per week;

¹⁵ DHS's Office of the Inspector General ("OIG") has confirmed that BCI is required to abide by the National Detention Standards. See <https://www.oig.dhs.gov/sites/default/files/assets/2026-09/OIG-26-22-Sep26.pdf>.

¹⁶ Additionally, "[i]f the facility is not on a certified community water source, the detention facility contractor will utilize a laboratory to test samples of drinking and wastewater to ensure it is potable. The facility shall immediately notify ICE/ERO in the event a report or notification is received showing the water supply violates health-based standards that may lead to water-related illnesses. A copy of the testing and safety certification shall be maintained on site." U.S. Immgr. & Customs Enf't, *National Detention Standards* (2026), <https://www.ice.gov/doclib/detention-standards/2026/nds2026.pdf>.

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- Provide adequate hygiene supplies (at minimum: bar soap or equivalent, shampoo or equivalent, a toothbrush, toothpaste, a comb, skin lotion, and deodorant), replenished as necessary;
- Provide eight continuous hours each night with lights dimmed and noise minimized, except for documented emergencies or necessary safety checks, and reschedule routine transfers and meals to avoid repeated sleep disruptions;
- Facilitate timely visitation for legal and non-legal visits;
- Facilitate at least one hour of outdoor recreation a minimum of five days per week, weather permitting;
- Provide National ICE Detainee Handbooks to everyone upon intake at BCI;
- Provide timely access to confidential communications with attorneys, in accordance with the constitutional requirements articulated in cases such as *H.C.R. v. Mullin*, 825 F. Supp. 3d 1267 (M.D. Fla. 2026), as follows:
 - Provide at least one operable and timely accessible telephone for confidential, outgoing legal calls, for every 25 people detained at BCI;
 - Provide at least one legal visitation room that is fully enclosed and soundproof for every 100 detained people at BCI;
 - Post in locations accessible and visible to all detained people written information about protocols for attorney-client communications in at least English, Spanish, and Haitian Creole;
 - Post attorney access protocols publicly on ICE and FDEM websites;
 - Deliver all incoming mail to detained people within one business day from when the Facility receives it, regardless of whether it comes from an attorney;
 - Prohibit staff from opening legal mail outside of the recipient's presence;
 - Send out for delivery all outgoing mail within one business day from when it is given to Facility staff;
- End overcrowding at BCI and ensure that the Facility's population does not exceed 1,165 detained people;
- End retaliation and verbal harassment, treat all detained people in a respectful and professional manner;
- Prohibit staff from harassing, disciplining, punishing, or retaliating against a detained person for filing a complaint, and promptly investigate and discipline staff members who violate this prohibition.

We further request that DHS OIG immediately inspect BCI to ensure its compliance with the 2026 ICE National Detention Standards, and we request that DHS OIG issue a report detailing its findings from that inspection shortly after conducting the inspection.

If this facility will not operate in compliance with the 2026 ICE National Detention Standards and the Constitution, ICE should immediately end its use of BCI as an immigration detention facility.

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Please respond to Amy Godshall at agodshall@aclufl.org by October 22, 2026, describing what protective measures and other steps each of the above-named entities have taken and will take to remedy these urgent violations.

We appreciate your prompt attention to these very serious matters.

Sincerely,

American Civil Liberties Union

American Civil Liberties Union Foundation of Florida

The Southern Poverty Law Center

Americans for Immigrant Justice

Legal Notice of Unconstitutional Practices at BCI

Sent via the following addresses:

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