



AMERICAN CIVIL LIBERTIES UNION
FOUNDATION

Florida

Katie Blankenship | Deputy Legal Director
American Civil Liberties Union Foundation of Florida
4343 W. Flagler Street, Suite 400, Miami, FL 33134
kblankenship@aclufl.org
www.aclufl.org

September 13, 2022

The Honorable Joseph V. Cuffari
DHS Inspector General
Office of Inspector General/Mail Stop 0305
Attn: Office of Investigations - Hotline
U.S. Department of Homeland Security
245 Murray Lane SW Washington, DC 20528-0305
dhs-oig.officepublicaffairs@oig.dhs.gov

Peter Mina, Officer for Civil Rights and Civil Liberties
Compliance Branch, Dept. of Homeland Security/Mail Stop #0190
2707 Martin Luther King, Jr. Avenue, SE
Washington, DC 20528-0190
CRCLCompliance@hq.dhs.gov
Peter.Mina@hq.dhs.gov

David Gersten, Acting Ombudsman
Office of the Immigration Detention Ombudsman/Mail Stop #0134
U.S. Dept. of Homeland Security
Washington, D.C. 20593
David.Gersten@hq.dhs.gov

Garrett Ripa, Field Office Director
Miami Field Office, Immigration and Customs Enforcement
U.S. Department of Homeland Security
865 SW 78th Avenue, Suite 101

Plantation, FL 33324

Garrett.J.Ripa@ice.dhs.gov

Alejandro Mayorkas, Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King, Jr. Avenue, SE
Washington, DC 20528

RE: Multi-Individual Complaint Regarding Inhumane Conditions and Unlawful Treatment at Baker County Detention Center, Including Retaliation, Physical Assault, Medical Neglect, and Unsanitary Conditions

Dear DHS Inspector General Cuffari, Civil Rights Officer Mina, Acting Ombudsman Gersten, ICE Miami Field Office Director Ripa, and Secretary Mayorkas:

We—the American Civil Liberties Union of Florida (“ACLU of Florida”), Americans for Immigrant Justice, American Friends Service Committee, Detention Watch Network, Immigrant Action Alliance, Florida Immigration Coalition, Freedom for Immigrants, Gainesville’s Interfaith Alliance for Immigrant Justice, LatinoJustice PRLDEF, Poor People’s Campaign Florida, the University of Miami Immigration Clinic, Vilerka Bilbao (Attorney, Bilbao Law, LLC), and Juan Caballero (Director, University of Florida Immigration Clinic)—submit this civil rights complaint on behalf of several individuals currently or formerly detained at the Baker County Detention Center (“Baker”).

These individuals join the many others who have come forward to shed light on intolerable conditions and the mistreatment of detained persons at Baker. We urge the Department of Homeland Security Office of Civil Rights and Civil Liberties to consider this multi-individual complaint along with the multi-individual complaint submitted by advocacy organizations on July 21, 2022¹ and the many other complaints and reports of abuse at Baker.² This complaint provides

¹ See, e.g., Immigrant Action Alliance et al., Multi-Individual Complaint re: Baker County Detention Center for Inhumane Conditions – Physical Assault, Medical Neglect, Verbal Abuse, Racialized Harassment and Targeting, COVID-19 Negligence, and Retaliation (July 21, 2022) (hereinafter “IAA et al. Complaint”), available at <https://tinyurl.com/5xth2x6u>.

² See *id.* This most recent complaint is not alone in identifying abuses at Baker. For years there have been reports of inhumane conditions and mistreatment. See Romy Lerner, *Baker County Jail, Florida: Expose & Close*, Detention Watch Network (Nov. 2012), <https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20Baker%20County.pdf>. These conditions have worsened and abuses have escalated in recent months as Baker has retaliated against immigrants speaking out and protesting the abusive conditions, as described in more detail herein and in the IAA et al. Complaint.

corroborating evidence of these abuses and identifies additional individuals suffering from mistreatment.

Some of the individuals described here wish to remain anonymous due to well-founded fears of retaliation; others are named below as we describe their experiences at the facility. Together, these stories demonstrate that Baker is gravely endangering the health, safety, and welfare of the many individuals detained there each year under the Intergovernmental Service Agreement between U.S. Immigration and Customs Enforcement (“ICE”) and Baker County.

There is extensive evidence that Baker cannot safely care for detained immigrants and people continue to suffer as these conditions continue. This evidence is growing by the day as more and more complaints come in about abuse and very poor conditions at Baker. According to the evidence, the situation has unquestionably worsened in recent months, making the need for action more urgent than ever. Meanwhile, the prospects for meaningful reform seem increasingly bleak. The ACLU of Florida raised concerns about Baker to ICE and Baker County Sheriff’s Office (“BCSO”) in July 2022 and asked officials to take immediate action, but recent complaints indicate there has been no improvement in the conditions at the facility.

Because there is no readily available alternative, we—the ACLU of Florida, Americans for Immigrant Justice, American Friends Service Committee, Detention Watch Network, Immigrant Action Alliance, Florida Immigration Coalition, Freedom for Immigrants, Gainesville’s Interfaith Alliance for Immigrant Justice, LatinoJustice PRLDEF, Poor People’s Campaign Florida, the University of Miami Immigration Clinic, Vilerka Bilbao (Attorney, Bilbao Law, LLC), and Juan Caballero (Director, University of Florida Immigration Clinic)—urge your offices to **recommend the immediate and permanent termination of the IGSA** that allows BCSO—an unfit partner by every metric—to operate the Baker facility. We further urge your offices to recommend the **immediate release—not transfer—of all of the individuals detained in abusive conditions at Baker**. At minimum, we ask that your offices conduct a comprehensive investigation of the abuses at Baker through unannounced inspections, interviews with detained individuals, and a thorough review of medical records, video surveillance footage, and any other evidence relevant to the complaints raised in this letter.

I. Background

The Baker County Sheriff’s Office has detained immigrants at the Baker facility since 2009. Under the terms of the IGSA, Baker must comply with the 2019 version of ICE’s National Detention Standards.³ The IGSA includes a number of specific requirements as well, including the

³ Intergovernmental Service Agreement between ICE and Baker County Sheriff’s Office (“IGSA”) at 5, 72.

requirement that Baker provide interpretive services (at ICE’s expense) for non-English speaking detainees.⁴

Baker has entered into a subcontract with Armor Correctional Health Services (“Armor”) to provide medical care to both people in ICE custody and people in criminal custody. Armor has a well-documented history of engaging in extreme medical neglect at ICE detention facilities, including the Glades County Detention Center.⁵ Based on our interviews of detained individuals and review of medical records to date, this pattern continues at Baker.

Multiple government agencies have investigated the conditions at Baker and identified numerous areas of deficiency over the years. Even so, many of the reports stemming from those investigations do not accurately reflect the severity of the violations at the facility.⁶ As set forth below, our interviews and review of available records have demonstrated that the conditions at Baker continue to deteriorate and place detained individuals in danger.

II. Abuses at the Baker County Detention Center

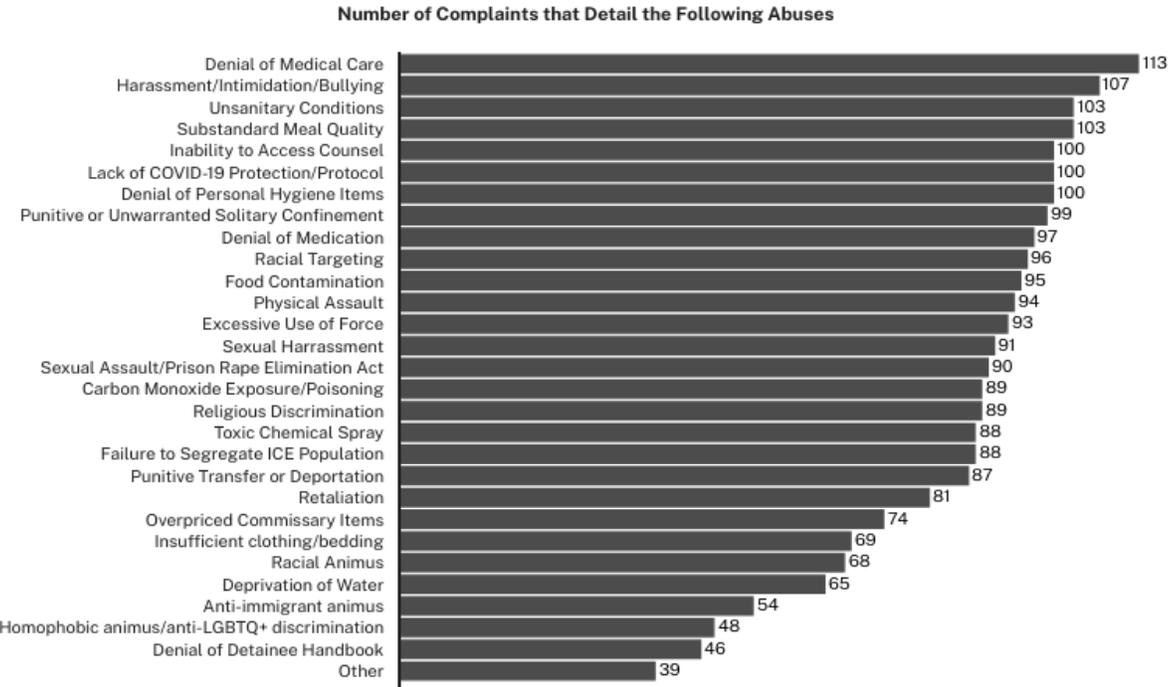
Since at least 2017, the ACLU of Florida has received complaints of abuse at Baker. Throughout this year, we have worked to gather information about the abuses experienced by individuals detained at the facility. Through this investigation, we have identified several patterns of mistreatment or inhumane conditions that show systemic failures at Baker. The following chart provides an overview of the nature and volume of the complaints gathered in the Florida Detention

⁴ IGSA at 4.

⁵ See, e.g., Claim for Damages Under the Federal Tort Claims Act, 28 U.S.C. §§ 1346, 2671-2680, for Mr. Michael Wallace, Apr. 22, 2022, available at https://www.aclufl.org/sites/default/files/michael_wallace_administrative_complaint.pdf; ACLU of Florida, *Immigrant Rights Advocates Submit Civil Rights Complaint to Shut Down Glades County Detention Center, Amidst Reckless COVID-19 Response*, Feb. 22, 2021, <https://www.aclufl.org/en/press-releases/immigrant-rights-advocates-submit-civil-rights-complaint-shut-down-glades-county>; Cary Barbor, *ICE to pause use of Glades Detention Center*, Mar. 25, 2022, <https://news.wgcu.org/2022-03-25/ice-to-limit-use-of-glades-detention-center>.

⁶ Government oversight investigations are often prearranged with detention facilities, giving them prior notice of the upcoming inspection. The inadequacy of federal oversight inspections is also well-documented. See, e.g., Office of Inspector General, *ICE’s Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements* (June 26, 2018), <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>; Ryan Devereaux, *“Theater of Compliance”*: New Report Details How ICE Escapes Detention Center Oversight, *The Intercept*, Jan. 5, 2021, <https://theintercept.com/2021/01/05/ice-detention-center-oversight-report/>.

Database regarding conditions at Baker as of September 13, 2022 along with the primary, systemic problems at Baker, which are described in detail below:



The sections below expand on the following horrific human stories. As the volume of complaints indicate in the graphic above, these are just a small sample of events that demonstrate the same patterns of abuse.

- Guillermo De Leon Serrabi was beaten so severely he suffered lasting ear damage. The incident was never investigated by ICE or BCSO, and he then spent four months in solitary confinement with no explanation.
- Manuel de Jesus Melendez Hernandez was unable to breathe while pinned under a guard’s knee and pepper sprayed while pinned to the floor.
- Hyacinth Bailey was forced to use the restroom while a male guard watched from outside her cell.
- Calistus Flavien was misdiagnosed with Type 1 diabetes when he actually has Type 2 diabetes, never received needed medical intervention, and fell into a diabetic coma as a result.
- Raquel Cuevas bled for nine months straight while detained at Baker due to a preexisting medical condition and slept in blood-soaked sheets for several days since staff refused to provide clean bedding or an adequate number of sanitary napkins.
- Samantha Lindsay similarly had to sleep in blood-soaked sheets because of a cap on sanitary napkins allotted to detained individuals.

A. **Illegal Retaliation in Response to Hunger Strikes and Other Complaints**

One particularly egregious violation of detained individuals' rights took place at Baker this past spring, when detained immigrants initiated multiple hunger strikes to protest the inhumane conditions at the facility. One of the hunger strikes involved approximately 100 individuals. The strikers provided ICE and Baker officials with a list of demands, including access to clean drinking water, cleaning supplies, toothbrushes, nail clippers, and other basic necessities. The same document also listed specific officers who beat and harass detained individuals, with the hope that the officers would be investigated and held accountable for their misconduct.

In response, Baker retaliated against many of the individuals who participated in the strike. Numerous individuals have reported that officers threatened to withhold privileges from people if they did not resume eating. The officers followed through on those threats. Approximately two days after the hunger strike began, Baker imposed a lockdown in several of the housing units and **refused to provide access to water**. Baker officers not only took away the drinking water coolers in each housing unit; they also cut off running water in the pods, making it impossible to shower and flush the toilets. According to one participant, an officer expressly told the hunger strikers they would not receive water until they ate. The individuals in the affected units had no source of water to take their medications. Feces began to build up in the toilets. Desperate for access to water, the individuals were forced to end their strike.

The denial of water—a basic human necessity—is an illegal and wholly inappropriate response to individuals exercising their rights. Baker took other inappropriate actions as well, including taking some participants to solitary confinement and withdrawing various privileges (e.g., commissary access and television). **These actions are part of a larger pattern of retaliation against individuals who speak out.** We are aware of reports that lockdowns and other forms of retaliation have increased since the ACLU of Florida's visit to Baker in June and the filing of a multi-individual CRCL complaint by advocacy groups in July of 2022.⁷ In addition to retaliating against the individuals who have come forward, Baker appears to be taking steps to stop those communications altogether. Baker has reportedly blocked the phone numbers of federal government help lines and advocacy organizations that detained individuals had previously contacted to report complaints about the facility.

B. **Physical Abuse and Harassment**

1. Overview

⁷ Immigrant Action Alliance et al., Multi-Individual Complaint re: Baker County Detention Center for Inhumane Conditions – Physical Assault, Medical Neglect, Verbal Abuse, Racialized Harassment and Targeting, COVID-19 Negligence, and Retaliation (July 21, 2022), *available at* <https://tinyurl.com/5xth2x6u>.

The 2019 National Detention Standards state that detained individuals are entitled to “the right to protection from personal abuse, corporal punishment, unnecessary or excessive use of force, personal injury, disease, property damage, and harassment.”⁸ The ACLU of Florida has received multiple reports of assault, harassment, and intimidation by Baker officers and guards. Several individuals reported in a joint petition that officers take advantage of a blind spot in the facility with no video cameras to beat and pepper spray detained individuals.⁹ Our interviews and review of medical records have substantiated the allegations. Calistus Flavien, for example, reported watching an officer punch a handcuffed detainee in the stomach in the medical unit, and also saw an officer use pepper spray and physically beat two individuals who had been in an argument. The firsthand experiences of two victims of violence are set forth below.

2. Guillermo De Leon Serrabi

Mr. Serrabi is a 23-year-old immigrant from El Salvador who has been physically assaulted multiple times by officers at Baker. In September 2021, an officer came to escort Mr. Serrabi out of his cell. He told the officer he had not made any medical requests, but the officer told him he could not refuse to go. He was handcuffed and taken to the medical unit, where people who were scheduled to be deported the next day were awaiting COVID tests to be able to fly. Mr. Serrabi did not understand why he was there and told Officer Peacock he would not take the test. After telling him he could not refuse, Officer Peacock pushed Mr. Serrabi onto the floor, put his knee on his right rib, and grabbed his arms even though he was handcuffed. The officer also started insulting him and taunting him with racial slurs. Officer Peacock called for backup and ultimately took Mr. Serrabi to a room where Baker holds individuals in criminal detention.

That October, Mr. Serrabi was thrown into solitary confinement without a hearing or an explanation. While still in confinement, Officer Peacock punched Mr. Serrabi in his head multiple times, wounding his ear severely and causing permanent hearing damage, while other officers watched and laughed. Mr. Serrabi has lost all hearing in his left ear.¹⁰ That day, Mr. Serrabi informed the medical unit that he had sustained ear injuries in the beating. Yet there is no indication in the medical records that the beating was investigated or that Mr. Serrabi received any immediate follow-up care to address his pain and hearing loss. He returned to the medical unit eight days later. At that point, the medical staff documented that Mr. Serrabi had suffered “[d]e

⁸ ICE, National Detention Standards 2019 (“2019 NDS”) at 3.1.

⁹ See IAA et al. Complaint, Appendix A.

¹⁰ See Exhibit A at 2. Exhibit A consists of relevant portions of Mr. Serrabi’s medical records, redacted as necessary; the cited page number refers to the page of the PDF exhibit on which the relevant information appears. The ACLU of Florida has Mr. Serrabi’s full medical records and can provide them upon request.

[h]earing” in his left ear and that his “tympanic membrane [was] no longer intact.”¹¹ Despite this clear evidence that Mr. Serrabi had been beaten severely enough to cause substantial ear damage, Baker does not appear to have investigated the incident. Not only that, but Baker staff never provided Mr. Serrabi medical treatment for his ear or an x-ray for his rib and chest, which were injured when the officer assaulted him and pinned him down in September.

3. Manuel de Jesus Melendez Hernandez

Mr. Melendez Hernandez, an immigrant from El Salvador, reported a similar physical assault at the hands of Baker staff. When he arrived at Baker in January 2022, he asked if he could use the bathroom. When he was not allowed to do so, he asked the guard to call his supervisor or ICE. The guard then entered his cell, threw him on the floor, and pushed his head and back against the floor with his knee, cutting off his airway and inhibiting his ability to breathe. The guard then pepper sprayed him while Mr. Melendez Hernandez was already confined and pinned to the floor. The guard pepper-sprayed him directly in the face and then forced him to shower after beating and spraying him without documenting his injuries. Mr. Melendez Hernandez experienced back pain and later told the nurse that he needed treatment but was offered only Tylenol to address his pain. He was ultimately sent to solitary confinement for approximately 15 days without any explanation of why he was being confined.

C. Violations of the Prison Rape Elimination Act - Voyeurism

Hyacinth Bailey is a 60-year-old immigrant from Jamaica. Earlier this year, an ICE officer engaged in voyeurism by effectively forcing Ms. Bailey to use the bathroom while he watched from outside the doorway. On May 27, 2022, Officer Ward visited Ms. Bailey’s cell to speak to her cellmate. Ms. Bailey needed to use the restroom and accordingly closed the cell door for privacy, but Officer Ward—a male officer—demanded that she keep her cell door open. He did not move and continued staring directly at her as she removed her clothing. With no other option, Ms. Bailey used the bathroom while Officer Ward watched. As her medical records confirm, Ms. Bailey reported to Baker staff after the incident that it had made her feel “violated” and “so ashamed,” particularly since she has been “raped in the past.”¹² The staff observations note that she was “sobbing” as she described what happened and that she continued to “experienc[e] severe distress” days later.¹³

¹¹ *Id.* at 3.

¹² Exhibit B at 2, 6. Exhibit B consists of relevant portions of Ms. Bailey’s medical records, redacted as necessary; the cited page numbers refer to the pages of the PDF exhibit on which the relevant information appears. The ACLU of Florida has Ms. Bailey’s full medical records and can provide them upon request.

¹³ *Id.*

Another detained individual witnessed the incident and told Officer Ward at the time that his behavior violated the Prison Rape Elimination Act (“PREA”), at which point he ran out of the pod. Ms. Bailey’s medical records confirm that the incident was initially treated as a “PREA crisis” and reported to the facility’s PREA coordinator.¹⁴ However, to the extent that Baker conducted any internal investigation, it appears to have concluded that Ms. Bailey was lying; an ICE officer subsequently told Ms. Bailey that she “told a lie” about Officer Ward’s presence, despite the fact that a witness substantiated the account and Mr. Ward’s presence and actions in the pod that day can be confirmed by video footage.¹⁵

About a month later, Ms. Bailey was asked to sign paperwork closing the PREA allegations, but she refused because she did not agree with Baker’s findings. Ms. Bailey reported to the mental health counselor that she felt “defeated by the system and hopeless because she is a detainee.”¹⁶

D. Improper and Retaliatory Use of Solitary Confinement

Another pattern of abuse at Baker is the improper use of solitary confinement. Individuals at the facility have raised several distinct concerns.

First, the sheer length of time that some individuals have spent in solitary confinement is shocking and violates any standard of decency. For example, Mr. Serrabi was held in confinement after his beating for a total of about **four months**—from October 2021 until January 2022. On January 25, 2022, Baker staff finally recommended that he be released from confinement as he “no longer poses a threat to security, staff or other detainees.”¹⁷ At no point in the prior four months had Baker explained to Mr. Serrabi why it believed he had posed such a danger, nor is it documented in his records. On the contrary, Baker had indicated that the reason for his confinement was his refusal to take a COVID-19 test to facilitate his deportation—not any potential security risk.

Second, individuals at Baker are denied basic necessities and amenities during solitary that they should receive by right - including access to water, access to phones to call counsel, and recreation during their time in confinement. The hunger strikers’ list of complaints referenced the lack of access to clean drinking water in solitary confinement, and noted that all of the cells in that unit are “nasty” and have “never been cleaned.” One individual who wishes to remain anonymous for safety reasons spent several days in confinement. He reported that he was not permitted to leave his cell during that time, even to use the phone. The water in the cell did not work, leaving

¹⁴ *Id.* at 2-3.

¹⁵ *Id.* at 5-6.

¹⁶ *Id.* at 7.

him unable to shower for several days. He was only able to drink small cups of water that the guards brought to his cell.

The ACLU of Florida witnessed the abysmal state of the solitary confinement cells during its visit in June of this year. The ACLU of Florida was permitted to see a single cell, and it was filthy and in terrible condition. An entire wall of the cell was crumbling and falling apart, and when asked why it was in such state, a guard reported that immigrants detained at the cell continued to pick at the crumbling facade and thus Baker refused to fix it and instead left the cell as is, with the entire wall falling apart and debris left on the floor of the cell.

E. Medical Abuse and Neglect

1. Overview

One of the most pressing concerns at Baker is the inability to obtain adequate medical care and medication, often with dire consequences. The ACLU of Florida continues to receive a wide range of complaints demonstrating a persistent pattern of neglect in the medical system at the facility. Some individuals reported not receiving any response to their sick call requests. Others were unable to meaningfully access medical treatment because interpretive services are rarely available. Still others have been denied prescription medication upon arrival at the facility, showing a failure to maintain continuity of care for those transferred from other facilities. We have identified three major patterns of concern. We first describe these patterns, and then highlight the stories of particular individuals who have experienced the facility's failures firsthand.

First, individuals transferred to Baker often do not receive their prescribed medications—for days or weeks after their arrival or even indefinitely. That is true even where ICE and Baker are aware of the person's medication regimen (where, for example, it is documented on the person's Transfer Summary). This often means a major disruption in the continuity of care for individuals who rely on medication to maintain their physical or mental health (*e.g.*, to treat seizure disorders, diabetes, high cholesterol, or anxiety) and runs directly afoul of the National Detention Standards.

Second, individuals with existing or chronic conditions do not receive appropriate treatment while at Baker. The medical staff cut off medications arbitrarily and without warning; fail to conduct the testing needed by individuals with chronic conditions (*e.g.*, daily blood sugar tests for diabetics); and fail to offer meaningful treatment for even the gravest of health issues (*e.g.*, a prior gunshot wound requiring surgery and seizure disorders).

Third, individuals who develop serious medical conditions while at Baker face enormous difficulties obtaining appropriate testing and treatment. We spoke with individuals who developed concerning headaches, severe rashes, blood in their stool or sputum, serious dental issues, and other grave health problems. These individuals either have not received the necessary diagnostic

tests to determine the cause of their symptoms or have received insufficient and/or ineffective care. We heard several reports of officers downplaying the need for medical assistance, which often results in delays in obtaining treatment.

These patterns of neglect are clear violations of the National Detention Standards, which require Baker to provide, among other things, (1) “[m]edically necessary and appropriate medical, dental and mental health care and pharmaceutical services at no cost to the detainee,” and (2) “[s]taff or professional language services” necessary to ensure that individuals who speak limited English have “meaningful access . . . during any medical or mental health appointment, sick call, treatment, or consultation.”¹⁷ Below we describe some of the egregious cases of medical neglect that we have seen at Baker, but these individuals are far from alone.

2. Calistus Flavien

Calistus Flavien is a 38-year-old man from St. Lucia who was detained at Baker from November 2020 until mid-2021 and was eventually deported to his home country. Mr. Flavien experienced egregious medical neglect while at Baker—**to the point where outside doctors refused to authorize his return to the facility**. His story is unfortunately representative of the inadequate medical care that many individuals receive while in Baker custody.

Mr. Flavien’s medical issues began after he was misdiagnosed with Type 1 diabetes when he actually has Type 2 diabetes and requires insulin, which he was wholly denied at Baker. He began experiencing dizziness and weight gain, but did not receive any medical treatment despite his requests, and was even told by a nurse that he was making up his symptoms. It was not until Mr. Flavien submitted approximately **ten** sick call requests that he received any medical attention whatsoever. Even then, he was misdiagnosed, told he was exaggerating his symptoms, and was provided the wrong medication. His condition worsened over time, until he eventually had to be housed in the medical bay and fell into a diabetic coma. Mr. Flavien was then scheduled to be airlifted to an outside hospital. However, an ambulance was called due to a delay in the helicopter’s arrival. During that time as Mr. Flavien waited for emergency medical care, he could not see and experienced severe cognitive impairment.

Once Mr. Flavien was admitted to the hospital, the doctors quickly recognized that Mr. Flavien had been misdiagnosed and began providing insulin and other emergency medical care to treat this misdiagnosis and the harm it had caused. The doctors at the hospital refused to release Mr. Flavien back to Baker because of the mistreatment he received there, noting specifically that Baker was not equipped to care for his condition. He was instead transported to another hospital, which eventually transferred him back to Baker. Upon arrival, Baker staff confiscated Mr. Flavien’s medical records, refused to discharge them to him, and again denied him access to his medication, including insulin. Mr. Flavien was transferred to Krome the following day and finally

¹⁷ 2019 NDS at 4.3(II)(A).

began receiving insulin. He continues to suffer side effects and symptoms due the prolonged period of time he was refused treatment and medication for his diabetes and the resulting diabetic coma and harm suffered at Baker. These injuries are likely permanent in nature.

3. Marliisa Joseph

Marliisa Joseph is a 22-year-old woman from the Bahamas who has spoken publicly about her experiences at Baker.¹⁸ She has a history of asthma, seizures, pneumonia, depression, anxiety, and chondrocostal junction syndrome (an inflammatory condition that causes chest pain and swelling near the ribs). Ms. Joseph arrived at Baker in December 2021 with her prescribed inhaler, but Baker staff confiscated the inhaler upon her arrival. When Ms. Joseph asked if she could have the inhaler back, Baker medical staff refused. It was not until months later, in February 2022, that Ms. Joseph finally received her inhaler—and she only received it then because she had contracted COVID-19 and was having substantial trouble breathing. While she had COVID-19, Ms. Joseph was taken to medical isolation for fourteen days. One day, she felt like she was going to pass out and tried to get medical attention. She was ignored until a Baker officer walked by and found her unconscious on the floor.

Ms. Joseph also has a history of seizures. A member of Baker’s medical staff initially prescribed a high dose of Keppra, a seizure medication, but the medication was inexplicably halted when a new doctor began working at Baker. Knowing the risk that she would have a seizure without her medication, Ms. Joseph filed multiple sick call requests. The doctor did not see her for several days. When she eventually met with the doctor, the doctor insisted that she did not need the medication. Without her seizure medication, Ms. Joseph experienced seizure symptoms, and her body at times shook uncontrollably. Her symptoms were visible to other women detained in her same housing unit. Her only option was for her dormmates to wrap a blanket around her in hopes that she does not experience an injurious seizure. Ms. Joseph experienced light sensitivity, dizziness, and sometimes a complete lack of vision due to her ongoing lack of medication.

On August 4, 2022, Ms. Joseph indeed suffered a seizure as she and her family had feared. She was unable to talk, her lips turned blue, and her pulse was extremely high. When Ms. Joseph awoke in the medical bay, the medical staff denied that she had a seizure and instead claimed it was only a panic attack. Minutes after waking up, the medical staff sent Ms. Joseph back to her dorm shortly after the seizure without observation or medical monitoring where she very well could have experienced another seizure episode. She reported her headache and the medical staff refused to provide her medication. Ms. Joseph received no medical treatment in the days following the seizure. Ms. Joseph insisted that it was a seizure and offered to show them her medical records substantiating her seizure condition, but they refused to review. Ms. Joseph made a complaint to ICE about her medical neglect. ICE informed Ms. Joseph that she was taken off her Keppra prescription based on her own wishes. She explained that this was not true, urged ICE to review

¹⁸ See IAA et al. Complaint at 20-22.

her medical records substantiating her seizure condition, and asked ICE to immediately instruct Baker to provide necessary medical care. Of greater concern, on August 5, ICE flatly denied to Ms. Joseph’s counsel that she had suffered a seizure. Finally, on Monday, August 15, over a week after her seizure, Ms. Joseph was provided her seizure medication.

Ms. Joseph continues to suffer side effects and injury from her seizure. During her seizure, she fell from her bed and struck her head. She experienced rib and chest pain following the seizure as well as swelling around her abdomen and ribs. She has suffered chronic headaches since this seizure episode. Despite requests for medical attention, Baker medical staff has not provided any medical care or medication.

Ms. Joseph also developed a lump or growth on her neck that is causing shooting pain throughout her body. Neither the medical department nor ICE has confirmed whether the painful mass is malignant or cancerous.

4. Daniel Nwobi

Daniel Nwobi is a 31-year-old immigrant from Nigeria who has been detained at Baker for approximately six months. He has experienced extreme medical neglect despite his well-documented history of physical and mental health conditions.

First, Mr. Nwobi suffered a gunshot wound to his back about a year before he entered immigration detention and has remained in acute pain ever since. Bullet fragments remain in his left shoulder and continue to cause damage. Baker was promptly made aware of Mr. Nwobi’s condition after his arrival in February 2022. Two days after he arrived, his medical records expressly note that the gunshot wound “shatter[ed] his scapula” and caused “[c]onstant” pain that Mr. Nwobi rated a 9/10 on the pain scale.¹⁹ Yet the medical staff took no action other than to offer Tylenol and “[w]arm pads and heat.”²⁰

Mr. Nwobi’s medical records confirm that he requested medical attention for his shoulder no less than a **dozen** times. Despite his repeated sick calls and the well-documented nature of the gravity of his injury, Mr. Nwobi’s pleas were largely ignored. The most he received from Baker County and Armor was Tylenol and instructions to “exercise”—which would likely only exacerbate his pain and injury.²¹ Mr. Nwobi was even denied an arm sling, despite repeatedly explaining to Baker County and Armor that his arm needed to be elevated and kept out of use.

¹⁹ Exhibit C at 2. Exhibit C consists of relevant portions of Mr. Nwobi’s medical records, redacted as necessary; the cited page number refers to the page of the PDF exhibit on which the relevant information appears. The ACLU of Florida has Mr. Nwobi’s full medical records and can provide them upon request.

²⁰ *Id.* at 3.

²¹ *Id.* at 6.

Mr. Nwobi reports that Baker County repeatedly denied his requests for surgery, telling him that they would only consider scheduling follow-up appointments and surgery if Mr. Nwobi could pay for it out of pocket. This is directly contrary to the 2019 National Detention Standards, which state that “[e]very facility shall directly or contractually provide . . . [m]edically necessary and appropriate medical, dental and mental health care and pharmaceutical services at no cost to the detainee[.]”²²

In addition to the neglect of his serious physical health issues, Mr. Nwobi has been denied access to necessary medication for his known mental health conditions. Mr. Nwobi’s ICE Transfer Summary noted that he suffered from bipolar disorder and schizophrenia. Baker first documented Mr. Nwobi’s history of mental health issues in February 2022.²³ He also submitted a sick call request in March 2022 notifying Baker that he was “having problems sleeping,” was “depressed,” and was “having a hard [sic] time coping without [his] medications.” It took two months after Mr. Nwobi’s plea for Baker to finally prescribe mental health medication.²⁴

5. Hyacinth Bailey

As noted above, Ms. Bailey is a 60-year-old woman with several known medical conditions, including sickle cell disease, high cholesterol, and a serious back injury that requires her to wear a brace at all times. She arrived at Baker in April 2022 with a transfer summary that expressly noted her sickle cell history. During her time in detention, she has developed additional worrying symptoms, including rectal bleeding and severe dental pain.

Despite this documented medical history, Ms. Bailey has repeatedly been denied the treatment she needs. In May, for example, Ms. Bailey requested extra blankets because her sickle cell crises make her extremely sensitive to the cold temperatures inside the Baker facility. Her medical records summarily state that she “does not meet criteria for an extra blanket.”²⁵ In July, Ms. Bailey requested an extra mattress to address her excruciating back pain; the mattresses at Baker are made of synthetic material and are notably thin, worn out, and uncomfortable. Ms. Bailey explained to the medical staff that she “broke [her] back seven months ago” and “just cannot get any relief.”²⁶ Yet she was not provided an additional mattress.²⁷

6. Assad Wood

²² 2019 NDS at 4.3(II)(A).

²³ Exhibit C at 4.

²⁴ *Id.* at 6.

²⁵ Exhibit B at 9.

²⁶ *Id.* at 4.

²⁷ *Id.* at 8.

Assad Wood is a 49-year-old man from Jamaica who was detained at Baker until August 2022 and was eventually transferred to Krome North Service Processing Center. Mr. Wood has a well-documented history of medical conditions including avascular necrosis and a previous hip surgery.²⁸ Due to these conditions, Mr. Wood suffers severe pain and was prescribed cyclobenzaprine, a pain medication.²⁹ However, Baker medical staff discontinued his medication without explanation.³⁰ Despite pleas from Mr. Wood detailing his pain, Baker staff only administered ibuprofen or acetaminophen.³¹ After putting in several complaints about the change in medication,³² Baker staff told Mr. Wood he complains too much and should stop putting in sick call requests.

F. Unsanitary and Inhumane Living Conditions

The individuals detained at Baker overwhelmingly express concerns about unsanitary conditions throughout the facility, including in the housing pods and booking cells. Baker makes it extraordinarily difficult for people to maintain personal hygiene and to live in a clean and appropriate environment. The situation continues to worsen: In recent weeks, women detained at Baker have reported that there are **three** women assigned to some of the cells in their pods, despite each cell having only two bunks. Baker has thus deliberately assigned women to **sleep on the floor**, without offering any kind of temporary bed. These demeaning conditions endanger people's physical and mental health, particularly in the midst of the ongoing COVID-19 pandemic. Below we detail four of the most pressing and longstanding issues related to everyday living conditions at the facility.

1. Contaminated and Insufficient Food and Water

Detained individuals at Baker frequently complain about the quality of food and water; individuals who have been detained at the Glades County Detention Center and other facilities consistently complain that the food at Baker is the worst. Individuals have reported being served food that is rotten, moldy, raw, and contains bugs. One individual reported losing more than thirty pounds in six weeks. ACLU of Florida staff, during a site visit, witnessed piles of uneaten food

²⁸ Exhibit D at 1, 2. Exhibit D consists of relevant portions of Mr. Wood's medical records, redacted as necessary; the cited page numbers refers to the pages of the PDF exhibit on which the relevant information appears. The ACLU of Florida has Mr. Wood's full medical records and can provide them upon request.

²⁹ *Id.* at 3-51.

³⁰ *Id.* at 51.

³¹ *Id.* at 51-56.

³² *E.g., id.* at 57.

trays piled up by the doors. Detained individuals told ACLU staff that they are forced to get the majority of their food from the commissary, which can cost upwards of \$70 per week.

Detained individuals' requests for special diets for medical, religious, or other reasons are often denied by Baker staff. Baker personnel appear to approach such requests with suspicion; one staff member suggested to ACLU of Florida staff that the reason the requests are denied is that people abuse the process to get food they would rather eat. The quality of the special diets is also poor. Several detained individuals have informed the ACLU of Florida that the Kosher diet often includes meat that Baker staff refuse to confirm is Kosher. Other religious or medical diets are small in portion and do not contain sufficient protein.

As witnessed directly by ACLU of Florida staff, kitchen staff at Baker do not consistently wear masks, hair nets, or gloves. Individuals have also informed us that kitchen staff combine two- to three-day-old leftovers with new food they have prepared, mixing it all together. Many believe that this practice explains why they frequently find worms in their trays. ACLU of Florida staff witnessed the "mystery meat" issue when one individual brought them his dinner, and it was unrecognizable as food. The ACLU of Florida also noticed expired food in the kitchen coolers.

Finally, access to clean drinking water is a persistent problem at Baker. The water coolers provided in the pods are not cleaned frequently, despite repeated complaints. Individuals report seeing dirt, hair, and insects in the water coolers. The only alternative is to drink water from the taps, which is frequently brown and has smelled like sewage in recent weeks. This problem exists both in the housing pods and in isolation units. Jose Luis Mejia Encarnacion reports that he spent 27 days in quarantine after his arrival at Baker in January 2022. He was not offered drinking water and was instead forced to drink water from the sink, which many report is brown and caused him significant stomach pain and heartburn.

Baker's failure to provide clean drinking water and adequate meals threatens the physical and mental health of the individuals detained at Baker. Multiple detained individuals reported losing weight and regularly falling asleep hungry, particularly those who are unable to afford expensive food items from the commissary. No person in ICE custody should be forced to go without food or water because the facility refuses to meet their most basic human needs.

2. Insufficient Toilet Paper and Basic Sanitary and Hygiene Products

Baker arbitrarily imposes limits on the number of sanitary napkins, limiting each detained individual to thirty sanitary napkins per month. For women who have heavier menstrual cycles or medical conditions, the monthly allotment is not enough.

Raquel Cuevas, for example, is a Nicaraguan woman who has bled for months on end while detained at Baker. Ms. Cuevas' bleeding is caused by a preexisting medical condition for which she has repeatedly asked for medical attention but received little care. She continues to bleed constantly and heavily. When she informed Baker staff about her condition, she was forced to strip

off her clothes to prove she was bleeding and **still** was not given any medication or additional supplies. Instead, officers advised her to use socks instead of sanitary napkins—despite the fact that the socks issued by Baker are often extremely dirty. With no other choice, Ms. Cuevas used the socks but bled through them onto her bedding. Baker staff refused to provide clean bedding, forcing her to sleep on blood-soaked sheets for several days.

Samantha Lindsay, a Jamaican woman, similarly had to sleep in blood-soaked sheets because of the arbitrary sanitary napkin cap. She went three full days without sanitary napkins. When she informed Baker staff of the menstrual blood running down her legs and her desperate need for sanitary napkins, she too was told to use socks. These experiences are dehumanizing and directly contravene ICE’s standards, which require Baker to “provide detainees with articles necessary for maintaining proper hygiene” and to “replenish all hygiene supplies as needed at no cost to the detainee.”³³

There is no plausible justification for the cap on sanitary napkins. During the ACLU of Florida’s tour on June 7, 2022, an ICE officer told ACLU staff that they instituted the cap because the women were “abusing” the sanitary napkins. When asked how they were abusing them, the officer stated that the women were using pads to cover their bodies to protect them from the extreme cold inside the center. During interviews, detained individuals consistently reported that Baker maintains an extremely low internal temperature and that people are freezing and unable to keep warm. Despite multiple requests to raise the temperature, Baker has refused, even knowing that women were so desperate to stay warm that they were affixing sanitary napkins to their arms and legs. Instead of addressing the freezing temperatures, Baker limited access to sanitary napkins. Neither ICE nor Baker County staff seemed concerned that detained individuals needed sanitary napkins adhered to their body to try to stay warm, and instead decided to cut off access to sanitary napkins and refused to adjust the temperature.

There is a lack of access to other hygiene products as well. For example, Baker provides detained individuals with fingertip toothbrushes that are plainly insufficient for proper dental care. Individuals can opt to purchase a slightly larger toothbrush from the commissary, but only if they have the funds to do so.

3. Uncleanliness and Lack of Cleaning Supplies

The ACLU of Florida directly observed that the housing units and booking cells at Baker are unacceptably dirty. The booking cells had trash and old food on the floor, the walls and floors were dirty and stained, and the cots were old, dirty, and foul-smelling. In the housing units, detained individuals are unable to keep their cells clean and free of pests due to Baker’s failure to use or to provide them with adequate cleaning supplies. Several individuals told us they have discovered worms and cockroaches in their showers. Despite being on notice of this problem, it

³³ 2019 NDS at 2.1(II)(E) (emphasis added).

does not appear that either ICE or Baker has taken steps to “control[] and eliminate[]” pests at the facility, as the National Detention Standards require.³⁴ On the contrary, Baker does not clean the housing units and has recently stopped providing *any* amount of bleach or actual cleaning supplies to detained individuals so that they can clean their housing units. Instead, Baker only provides vinegar once a week. This recent change results in even dirtier conditions in the housing units.

4. Failure to Provide Clean and Appropriate Clothing

Those detained at Baker must generally wear a jumpsuit at all times, including during outdoor recreation. The average temperature in Macclenny, Florida exceeds 80 or 90 degrees for several months of the year. It is therefore unsurprising that jumpsuits are frequently covered in sweat and grime after just one hour outside of recreation time. Baker, however, refuses to issue t-shirts for detained individuals to use during outdoor recreation and charges \$11 for a pair of shorts—a price many individuals cannot afford. Moreover, Baker refuses to provide fresh jumpsuits to detained individuals more than twice a week. Individuals are therefore forced to wear dirty, smelly jumpsuits for multiple days in a row.

Furthermore, all individuals detained at Baker are issued used underwear, and women are often refused underwear and instead given used men’s boxer shorts. The underwear, like other clothing items, are dirty and completely worn through. Even when detained individuals receive laundered items, they are rarely clean. Several individuals reported that the underwear, jumpsuits, and towels they receive from Baker are often stained, still wet, smell of mold and urine, and are generally unclean. Multiple individuals believe they developed rashes or genital infections because they were forced to use used, unwashed underwear. Jose Lopez Pleitez, for example, believes he contracted a rash and infection from dirty, unwashed underwear. In addition, the ACLU of Florida directly observed damaged and tattered clothing and towels with holes as large as a fist and female immigrants denied access to underwear and instead forced to wear used and tattered boxer shorts.

G. Racialized Harassment and Targeting

Several individuals reported harassment and bullying by Baker staff, often reflecting racialized and anti-immigrant biases. Multiple individuals reported the use of racial slurs. Assad Wood, for example, reports that, when he arrived at the facility, Baker officers referred to him as a “monkey.” Mr. Wood also reports that he has been told to uncover his hair, which he covers for religious reasons and has made clear to Baker staff. Another individual who wishes to remain anonymous reports that a Baker officer called him a “wetback” soon after his arrival. Another reports that an officer calls detained individuals “dirty Mexicans” and “dirty chicos.”

Many other individuals described the especially poor treatment received by detained individuals who do not speak English. Jose Luis Mejia Encarnacion, a Dominican immigrant,

³⁴ 2019 NDS at 1.1(II)(E).

reports that Spanish-speaking detained individuals are humiliated for not speaking English and not provided the same access to services as English-speaking individuals. He explained that officers discriminate against him and take advantage of his inability to assert his rights in English. He also reported that officers gave preference to English speakers over Spanish speakers when allocating the limited time for phone calls during his initial quarantine period.

The racialized harassment at Baker is pervasive. During our recent site visit, ACLU of Florida staff witnessed an officer dismiss a detained individual who was asking for assistance in Spanish. The officer rolled his eyes, said “no tengo,” closed the door in the individual’s face as they were trying to speak to him, and rolled his eyes. The officer then laughed at the individual with another guard. If Baker County officers feel comfortable exhibiting this sort of callous and dismissive behavior in front of the ACLU of Florida, it is troubling to imagine how they treat individuals when they do not have outside visitors present.

H. Impediments to Accessing Language Services

A high percentage of detained immigrants at Baker speak a language other than English. ICE’s standards require Baker to “ensure meaningful access to facility programs, services, and activities for detainees with limited English proficiency.”³⁵ And as noted, the IGSA expressly requires Baker to provide interpretive services for non-English speaking detained persons; indeed, ICE agreed to cover the costs of those interpretive services.³⁶

Our investigation has revealed clear violations of these requirements. The kiosks where detained individuals can submit requests and grievances are only accessible in English and Spanish, and thus cannot be used by people who do not speak either language. Officers routinely make decisions about individuals who do not speak English without making any effort to communicate with them. For example, we are aware of an individual who was sent to solitary confinement and never made aware of the reason why, since he could not understand the officers. In seeking assistance from officers or asking questions about their situations, detained individuals are often forced to rely on other detained individuals for translation—again in direct contravention of ICE standards. The IGSA, for example, states that Baker “shall not use detainees for translation services” except in “emergency situations.”³⁷

In addition, detained individuals do not consistently receive interpretive services even at medical appointments where life-threatening matters are discussed and important medical decisions are made or while making important decisions about their immigration cases. Although we were told during our tour that the medical unit uses a phone line translation service, many detained individuals informed us that they are not offered that service during their appointments.

³⁵ 2019 NDS at 2.1(II)(A).

³⁶ IGSA at 4.

³⁷ *Id.*

Medical records corroborate that the medical staff frequently fails to use any interpretive services. As a result, many individuals with limited English proficiency have been unable to adequately explain their medical issues and receive appropriate treatment.

Individuals also report that their deportation officers and others come into the housing units requesting their signature to important documents regarding their immigration cases and pending deportation without providing a translation of the document. Individuals who refuse to sign are subject to retaliation and intimidation. Individuals report that they are worried they have signed their rights away but were too afraid not to sign.

I. Impediments to Accessing Legal Counsel

Baker also significantly interferes with detained individuals' access to counsel. Many individuals are fighting deportation, seeking asylum, or pursuing other forms of immigration relief. Their cases often involve sensitive, confidential information—for example, about specific dangers they would face if deported. Yet Baker does not ensure that detained individuals can have private, confidential remote visits with attorneys. Instead, scheduled attorney calls take place in the law library, where an officer is ordinarily stationed and can overhear the conversation. Other detained individuals are also often present in the law library, further undermining the confidentiality of legal calls. The phone is surrounded by a plastic partition, but the partition does not reach the ceiling and therefore does nothing to prevent others from overhearing legal calls.

The access-to-counsel situation at Baker grew even more alarming this past week, when the facility refused to allow attorneys and law students to conduct long-scheduled, pre-approved legal visits and a Know Your Rights presentation. The ACLU of Florida and Florida State University Farmworker and Immigration Rights Clinic had obtained approval from both ICE and BCSO to visit Baker on September 9, 2022 as part of the newly established Baker Legal Assistance Program. On the morning of September 7—two days before the scheduled visit—Baker Chief of Security Captain Evelyn Blue sent an email “postpon[ing]” the visit until further notice.³⁸ She further stated that another visit scheduled for September 30 as part of the same Legal Assistance Program would be “reevaluated closer to that date.” Baker refused to provide any explanation for its actions and grew increasingly hostile in its communications. Undersheriff Randy Crews stated in an email: “[S]imply stated there will be no visits tomorrow. Your continuous badgering will not change that.”

On the morning of the scheduled visit, the ACLU of Florida and FSU Clinic arrived at the facility in person and were refused entry. A supervisor informed the group that the facility did not have the space required to conduct legal visits—despite the fact that Baker had previously approved the use of the law library and pods for legal visits and that the attorney-client rooms were

³⁸ See Exhibit E, Letter to Sheriff Scotty Rhoden Re: Denial of Access to Baker County Detention Center, Sept. 9, 2022, including Exhibits 1-6.

visibly unoccupied. Baker refused to reconsider its decision, even after receiving a demand letter explaining that the denial of access violated both the National Detention Standards and the First and Fourteenth Amendments to the U.S. Constitution. Baker has yet to provide any justification for its actions, raising serious concerns that it will continue to deny access to the Baker Legal Assistance Program and other attorneys in the future.

In addition, Baker's law library does not enable individuals to conduct meaningful legal research and prepare the documents necessary to pursue their cases. There are no books or other printed materials in the library. There is also no access to paper, pens, or pencils. The only resource available is a computer with a dated version of LexisNexis to which select court decisions have been uploaded. The database is difficult to navigate, and court decisions appear to be available exclusively in English. Moreover, officers are reportedly stationed right next to the computer and closely monitor individuals' research. During our tour, the ACLU of Florida heard ICE and Baker officers joke that detained individuals had become less likely to use the library as a result.

These issues significantly impede individuals' ability to access counsel and the courts. Jose Luis Mejia Encarnacion, a 54-year-old man from the Dominican Republic, has encountered numerous access-to-counsel issues. On one occasion, he reports that Sergeant Crews stood just steps away from him while he worked in the law library, in an effort to intimidate him. That same day, Sergeant Crews had entered his cell during count and taken his legal documents; another Baker officer later returned the documents to his custody.

II. Recommendations

In light of the pervasive issues detailed in this letter, we—the ACLU of Florida, Americans for Immigrant Justice, American Friends Service Committee, Detention Watch Network, Immigrant Action Alliance, Florida Immigration Coalition, Freedom for Immigrants, Gainesville's Interfaith Alliance for Immigrant Justice, LatinoJustice PRLDEF, Poor People's Campaign Florida, the University of Miami Immigration Clinic, Vilerka Bilbao (Attorney, Bilbao Law, LLC), and Juan Caballero (Director, University of Florida Immigration Clinic)—urge the CRCL and OIG to recommend the **immediate and permanent termination** of the IGSA that allows Baker County to operate the Baker facility. Our investigations, which are ongoing, have already confirmed that the County cannot safely or responsibly care for individuals subject to immigration detention. Both Baker County and ICE have been fully aware of the dangers created by their failure to provide adequate care to the people detained in their custody. Individuals have filed many internal grievances over the years, and many individuals have engaged in hunger strikes and come forward publicly to draw attention to the egregious conditions at the facility. Baker County and ICE's reactions to the overwhelming evidence of negligence and mistreatment have been utterly deficient. We further urge CRCL and OIG to recommend the **immediate release** of all individuals detained in abusive conditions at Baker.

At minimum, we ask that CRCL and OIG conduct a comprehensive investigation of the abuses at Baker through unannounced inspections, interviews with detained individuals, and a thorough review of medical records, video surveillance footage, and any other evidence relevant to the complaints raised in this letter.

We appreciate your prompt attention to these issues. Should you have any questions, please contact Katherine Blankenship at kblankenship@aclufl.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Blankenship". The signature is fluid and cursive, with a large loop at the end of the last name.

Katherine H. Blankenship
Deputy Legal Director
ACLU of Florida
kblankenship@aclufl.org