



AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION

Florida

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July 26, 2022

(via email at [garrett.j.ripa@ice.dhs.gov](mailto:garrett.j.ripa@ice.dhs.gov) and U.S. Postal Service)

Garrett Ripa, Field Office Director

U.S. Immigration and Customs Enforcement

Miami Field Office

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Suite 101

Plantation, FL 33324

**RE: Request for Immediate Action at Baker County Detention Facility**

Dear Mr. Ripa:

I write on behalf of the American Civil Liberties Union (ACLU) of Florida to call your attention to the urgent situation faced by individuals detained in the custody of U.S. Immigration and Customs Enforcement (ICE) at the Baker County Detention Facility (“Baker”). The ACLU of Florida began investigating the conditions at Baker this spring after receiving an increased number of complaints on a wide range of topics. To date, our investigation has included a tour of the facility, confidential legal interviews with over 25 detained individuals, and a review of medical records and public records. The investigation has made clear that Baker is presently violating multiple ICE standards and policies, as well as the constitutional rights of those detained at the facility.

This letter describes several of the most pressing issues we have discovered at Baker, along with a non-exhaustive list of potential solutions. We are willing and able to provide additional information and evidence of these violations and to engage in further discussions about appropriate next steps. Given the urgency of the situation, however, we ask that ICE take immediate action to improve conditions at Baker within 20 days of the date of this letter.

**I. Background**

Under the terms of ICE’s Intergovernmental Service Agreement (“IGSA”) with the Baker County Sheriff’s Office, Baker must comply with the 2019 version of ICE’s National Detention

Standards (“NDS”).<sup>1</sup> The problems at Baker are long-standing and well-documented, and multiple government agencies have identified numerous areas of deficiency over the years.<sup>2</sup> Even so, many of the reports stemming from those investigations do not accurately reflect the severity of the violations at the facility.<sup>3</sup> As set forth below, our interviews and review of available records demonstrate that the conditions at Baker continue to deteriorate and place detained individuals in danger.

## II. Major Concerns and Proposed Solutions

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

The issues detailed in this letter are not new. Baker has been the subject of numerous complaints and investigations over the years, but very little has improved and instead the situation worsens. Individuals detained at Baker reached a breaking point this spring and initiated multiple hunger-strikes, one involving approximately 100 individuals, protesting inhumane conditions.

In response, Baker retaliated against these individuals. Numerous individuals reported officers threatening 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 access to water for over 24 hours. Not only did Baker take away the drinking water in the housing units, but they also cut off all water in the housing units, making it impossible to shower and flush the toilets. The individuals in the affected units could not even drink water to take their medications. According to one participant, an officer expressly told the hunger strikers they would not receive water until they ate. Feces began to build up in the toilets and individuals became desperate for access to water. Due to this desperation, the individuals were forced to end their peaceful protest.

The denial of water—a basic human necessity—is an illegal, cruel, and wholly inappropriate response to individuals exercising their rights. Baker took other inappropriate

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<sup>1</sup> IGSA at 5, 72.

<sup>2</sup> See e.g., Romy Lerner, Baker County Jail, Florida: Expose & Close, Detention Watch Network (November 2012), Chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20Baker%20County.pdf; Office of Detention Oversight, Compliance Inspection, Enforcement and Removal Operations Miami Field Office, Baker County Sheriff’s Office, Macclenny, Florida, November 29-December 2, 2021, chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ice.gov/doclib/foia/odo-compliance-inspections/2021-BakerCo-MacclennyFL.pdf.

<sup>3</sup> 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., <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>; <https://theintercept.com/2021/01/05/ice-detention-center-oversight-report/>.

actions as well, including taking some participants to solitary confinement and withdrawing other privileges (*e.g.*, commissary access and television). In addition, Baker reportedly blocked the phone numbers of ICE and advocacy organizations that detained individuals had previously contacted to report complaints about the facility. The ACLU of Florida is extremely troubled by these reports, as well as the news that lockdowns and other forms of retaliation have increased since our visit to Baker in June. ICE should immediately investigate these instances and reports of retaliation and inform Baker that any such retaliation and deprivation of basic human necessities and rights will result in the termination of the IGSA between ICE and Baker.

## **B. 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. These demeaning conditions endanger people's physical and mental health, particularly in the midst of the ongoing COVID-19 pandemic. Below we detail five of the most pressing issues related to everyday living conditions at the facility.

1. **Failure to provide adequate cleaning supplies.** The ACLU of Florida personally 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 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.<sup>4</sup> 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. We urge ICE to immediately instruct Baker to clean the housing units and booking cells and provide detained individuals with bleach and other appropriate cleaning supplies multiple times each week.

2. **Failure to provide sufficient sanitary napkins.** Baker arbitrarily imposes limits on the number of sanitary napkins, limiting each detained individual to thirty sanitary napkins per month. For people who have heavier menstrual cycles or medical conditions, the monthly allotment is not enough. Women have reported sitting in their own menstrual blood for days and sleeping in blood-stained sheets because officers refused to provide them with additional sanitary napkins. Women have also reported that officers told them to use socks instead of sanitary napkins—despite the fact that the socks issued by Baker are often extremely dirty. These abuses 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."<sup>5</sup> During a recent visit to Baker, ICE Officer Bailey

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<sup>4</sup> NDS 1.1.II.E.

<sup>5</sup> NDS 2.1.II.E (emphasis added).

explained that ICE was aware of this limitation and that the limit was put in place because individuals were “abusing” access to sanitary napkins. When asked how they were abusing the sanitary napkins, Officer Bailey explained that women used them to try to stay warm. 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. ICE should immediately direct Baker to remove any limit on the number of sanitary napkins that detained individuals can receive free of charge and adjust the temperature to a livable and appropriate temperature.

**3. Failure to provide clean and appropriate clothing.** Those detained at Baker must wear a jumpsuit at all times, including during outdoor recreation. The average temperature in Macclenny, Florida exceeds 80 or 90 degrees for many 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 and shorts for detained individuals to use during outdoor recreation, and it 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. ICE should direct Baker to begin providing temperature-appropriate clothing for outdoor recreation (i.e., t-shirts and shorts) and increase the number of times per week that individuals receive clean clothing.

Further, 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 wear used, dirty underwear. In addition, the ACLU of Florida personally observed damaged and tattered clothing and towels with holes as large as a fist. ICE should direct Baker to ensure that individuals regularly receive clothing, bedding, and towels that are clean, free of holes, and fit for ordinary use and provide all detained individuals with clean, unused underwear.

**4. Failure to provide adequate, nutritious meals.** Nearly every detained individual we interviewed complained about the food at Baker, noting that meals are not just small and lacking in nutritional value, but also often expired, contaminated, or otherwise inedible. Breakfast often consists primarily of peanut butter and white bread, and other meals frequently include unrecognizable so-called “mystery meat.” Detained individuals are often served the same meals multiple days in a row, and they sometimes receive rotten or expired food and have found bugs and worms in the food.

Individuals with medical or religious diets have experienced additional problems. Often the requests of individuals with dietary restrictions, including for medical reasons, are denied or

ignored. One diabetic individual noted that the food he receives is the same as the food provided for standard meals, which places his health at risk.

Access to clean drinking water is another pressing concern. Individuals report that the coolers containing drinking water are often dirty. During lockdowns and in solitary confinement, detained individuals are often denied access those coolers. They are instead forced to drink water from the showers or sinks, which many describe as brown, dirty, and smelly.

Baker's failure to provide clean water and adequate, well-balanced meals threatens the physical and mental health of the individuals detained at Baker. Multiple detained individuals reported losing weight and 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 cannot meet their basic human needs. ICE should investigate the lack of water and appropriate food at Baker, along with reviewing meal plans and the contract with Baker's food vendor, to ensure that all detained individuals receive appropriate, balanced meals, and should direct Baker that detained individuals may never be deprived of clean drinking water under any circumstances.

**5. Excessively cold temperatures.** As mentioned above, individuals detained at Baker have repeatedly noted the excessively cold temperatures in the housing units. The rooms are so cold that women were forced to place sanitary napkins onto their arms and legs to stay warm. This situation is especially dire for individuals with certain medical conditions, such as sickle cell anemia, which make them more vulnerable to the cold. Baker exacerbates the problem by providing a single, thin blanket and one sweatshirt to detained individuals. Because there is no justification for keeping the temperature in the facility so far below an appropriate level, ICE should instruct Baker to set a consistent appropriate temperature for all housing units.

### **C. Medical Neglect**

Another pressing concern among individuals detained at Baker is the inability to obtain adequate medical care, often with dire consequences. Baker entered into a subcontract with Armor Correctional Health Services to provide medical care to both people in ICE custody and county inmates. Armor has a well-documented history of engaging in extreme medical neglect at ICE detention facilities, including the Glades County Detention Center,<sup>6</sup> and based on our interviews of detained individuals and our review of medical records to date, this pattern continues at Baker.

We received 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

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<sup>6</sup> See, e.g., [https://www.aclufl.org/sites/default/files/michael\\_wallace\\_administrative\\_complaint.pdf](https://www.aclufl.org/sites/default/files/michael_wallace_administrative_complaint.pdf); <https://www.aclufl.org/en/press-releases/immigrant-rights-advocates-submit-civil-rights-complaint-shut-down-glades-county>; <https://news.wgcu.org/2022-03-25/ice-to-limit-use-of-glades-detention-center>.

sick call requests. Others were unable to meaningfully access medical treatment because interpretive services are rarely available. We have identified three major patterns of concern.

First, individuals transferred to Baker often do not receive their prescribed medications for days or even weeks after their arrival, and sometimes they are denied medications 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 pre-existing or chronic conditions do not receive appropriate treatment while at Baker. The medical staff cuts off medications arbitrarily and without warning; neglects to provide sugar tests for diabetics; and fails 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, rashes, blood in their stool or sputum, dental issues, and other 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 and medical staff downplaying the need for medical assistance, which often results in delays in obtaining treatment.

These patterns of medical 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."<sup>7</sup> ICE should direct Baker to immediately ensure translation services are available at each and every medical appointment. It should also reevaluate whether Baker and its subcontractor Armor are capable of adequately and responsibly caring for the medical needs of detained persons and cease housing people at Baker should Baker and Armor be unable to provide sufficient medical care for the health and safety of all in their charge.

#### **D. Lack of Translation Services**

The IGSA requires Baker to provide interpretive services (at ICE's expense) for non-English speaking detained individuals.<sup>8</sup> A high percentage of detained immigrants at Baker speak languages other than English. ICE's standards require Baker to "ensure meaningful access to facility programs, services, and activities for detainees with limited English proficiency."<sup>9</sup>

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<sup>7</sup> NDS 4.3.II.A.

<sup>8</sup> IGSA at 4.

<sup>9</sup> NDS 2.1.II.A.

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.<sup>10</sup>

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 secure translation services. 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 cases or status, 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.”<sup>11</sup>

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. 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. 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 medical care.

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

ICE should enforce the provisions of the IGSA and the NDS that require interpretive services and direct Baker to make such services available to all detained individuals in the housing units, medical unit, and at all other times when necessary to ensure adequate communication with detained individuals. ICE should further ensure that all of its detention officers provide translation services during every meeting with a non-English speaking detained individual and ensure that no one is asked to sign a form without a translation.

#### **E. Impediments to Access to Counsel**

Baker also significantly interferes with 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

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<sup>10</sup> IGSA at 4.

<sup>11</sup> IGSA at 4.

there is a single phone available for all legal calls with detained immigrants and an officer is ordinarily stationed inside the room and can overhear the conversation. Other detained individuals are also often present in the law library, further undermining the confidentiality of legal calls. The single phone available for legal calls 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. ICE should instruct Baker to provide a private location where detained persons can have scheduled, confidential legal conversations outside the presence of guards or other detained persons.

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. ICE should review Baker's protocols to ensure individuals' access to the most comprehensive materials available and ensure that detained individuals are able to conduct research and prepare legal documents without undue interference from officers.

#### **F. Physical Abuse, Harassment, Intimidation, and Voyeurism**

Finally, we are gravely concerned about reports of assault, harassment, and intimidation by Baker officers and guards. As to physical violence, one individual we interviewed lost hearing in one ear after he was punched in the head by Baker guards, and the medical records substantiate the ear damage caused by the beating. Other individuals reported in a joint petition that officers take advantage of a blind spot with no video cameras to beat and pepper spray detained individuals.

Beyond physical violence, many individuals reported instances of racial and anti-immigrant harassment and bullying. We heard reports of officers using derogatory terms toward individual detainees—e.g., using racial epithets for Black and Latin American individuals. Officers are often particularly cruel to detained individuals who do not speak English, frequently mocking them, dismissing them, and making no effort to understand or address their concerns. The ACLU of Florida witnessed such an incident firsthand. During their recent site visit, ACLU of Florida staff witnessed an officer slam the housing unit door in a detained individual's face who was asking for assistance in Spanish. The officer rolled his eyes, said "no tengo," and closed the door in the individual's face as they were trying to speak to the officer. The officer then laughed and rolled his eyes. 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.

Finally, we learned about an instance of voyeurism where a male ICE officer stood directly outside a woman's cell and watched her while she used the toilet, despite her requests for privacy and asking him to stop. This abuse was the subject of a Prison Rape Elimination Act ("PREA") complaint, but the officer remains at Baker with access to the women's dormitory.



This gross abuse of power is a textbook violation of the NDS and PREA. The NDS defines voyeurism as “the inappropriate visual surveillance of a detainee for reasons unrelated to official duties,” and provide as an example “staring at a detainee who is using a toilet in his or her cell to perform bodily functions.”<sup>12</sup>

ICE should fully investigate any reported instances of abuse, harassment, intimidation, and voyeurism and take all appropriate actions, including terminating the contract with Baker County Sheriff’s Office. ICE should also reiterate to Baker that such incidents constitute clear violations of the NDS and the constitutional rights of detained individuals.

### **III. Next Steps**

As detailed above, our investigation has revealed serious violations of ICE’s detention standards, as well as provisions of the IGSA between ICE and Baker County, the PREA, and the United States Constitution. Our investigation remains ongoing, but it is already beyond dispute that the conditions at Baker gravely threaten the health and safety of the individuals detained at the facility. We therefore urge ICE to take action to improve these conditions within 20 days of receipt of this letter. Should these violations persist, the ACLU of Florida intends to take all appropriate actions to protect the health, safety, and constitutional rights of those detained at the facility and encourages ICE to permanently terminate the contract with Baker County Sheriff’s Office.

As noted above, we are willing and able to provide additional information and evidence at your convenience. We request an opportunity to meet as soon as practicable to discuss the patterns of violations that we have observed, as well as potential short and long-term solutions. Please contact Katie Blankenship, Deputy Legal Director ([kblakenship@aclufl.org](mailto:kblakenship@aclufl.org)) and Silvana Caldera, Policy Strategist ([scaldera@aclufl.org](mailto:scaldera@aclufl.org)) with any questions and to discuss further. Thank you for your attention to these urgent issues.

Sincerely,

A handwritten signature in black ink that reads "Katie Blankenship". The signature is written in a cursive style and is enclosed within a large, hand-drawn oval.

Katie Blankenship  
Deputy Legal Director

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<sup>12</sup> NDS 2.11.II.B.2(h).

CC:

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