

**From:** CRCLCompliance  
**To:** (b)(6)  
**Cc:** CRCLCompliance  
**Subject:** Follow-up to DHS CRCL Complaint # 004728-22-ICE  
**Date:** Monday, September 19, 2022 5:36:00 PM  
**Attachments:** 09.19.2022.004728-22-ICE.pdf

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Dear (b)(6)

Please see the attached correspondence from the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties. Thank you.

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security



Homeland  
Security

*This message, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify the sender immediately by reply e-mail, and delete the message.*

REL0000004213



September 19, 2022

*Via electronic mail*

**(b)(6)**

Staff Attorney  
American Civil Liberties Union of Florida  
4343 W. Flagler Street, Suite 400  
Miami, FL 33134

**(b)(6)**

Re: Complaint No. 004728-22-ICE

Dear **(b)(6)**:

On September 9, 2022, the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) received your complaint. Thank you for contacting us with your concerns. Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of DHS. CRCL also reviews allegations that DHS employees, programs, or activities discriminated on the basis of disability under Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794.

The issues you raise are very important to us, and we would like to inform you how your complaint will be processed by CRCL. Initially, we will send your complaint to the DHS Office of Inspector General (OIG) for review. If OIG declines to accept the complaint, it will be returned to CRCL for an appropriate response. Once CRCL opens a formal complaint, either we or the appropriate DHS component will conduct an investigation into your concerns. CRCL may contact you during the course of investigation of your complaint. We will ultimately notify you of the outcome of the investigation.

Please be advised that our complaint process does not provide individuals with legal rights or remedies. Accordingly, CRCL is not able to obtain any legal remedies or damages on your behalf. Instead, we use complaints like yours to find and address problems in DHS policy and its implementation. If you believe your rights have been violated, you may wish to consult an attorney. There may be time limitations that govern how quickly you need to act to protect your interests.

If you have not already done so, please provide CRCL with your complete contact information, including a phone number, email address, and mailing address if available, and your alien number if applicable. You may contact CRCL by email at [crclcompliance@hq.dhs.gov](mailto:crclcompliance@hq.dhs.gov), by facsimile at 202-401-4708, or by mail at the following address:

Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch, Mail Stop 0190  
2707 Martin Luther King Jr Ave, SE  
Washington, DC 20528-0190

For additional information about CRCL's roles and responsibilities, please visit our website at [www.dhs.gov/crcl](http://www.dhs.gov/crcl).

If you are filing a complaint on behalf of someone else, please provide CRCL with the express written consent of the individual if you would like to be informed about the resolution of this complaint, if you have not already done so.

When communicating with CRCL about this matter, please include the complaint number noted at the top of this letter.

Please note that Federal law forbids retaliation or reprisal by any Federal employee against a person who makes a complaint or discloses information to CRCL. 42 U.S.C. § 2000ee-1(e). If you believe that you or someone else is a victim of such a reprisal, please contact us immediately.

Thank you again for contacting CRCL. Communications like yours are essential to our ability to carry out our role of supporting the DHS's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. We look forward to working with you to address your concerns. If you have questions, please contact us either in writing or by phone at 866-644-8360, 866-644-8361 (TTY).

Sincerely,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security

## Privacy Act Statement

**Authority:** 6 U.S.C. § 345 and 42 U.S.C. § 2000ec-1 authorizes the collection of this information.

**Purpose:** The Department of Homeland Security (DHS) will use this information to review and investigate complaints and information from the public about possible violations of civil rights and/or civil liberties relating to DHS employees, programs, or activities.

**Routine Uses:** This information may be disclosed to and used by personnel and contractors within DHS who have a need to know the information in order to review your complaint. The DHS Office for Civil Rights and Civil Liberties (CRCL) may also share your information, as necessary, with appropriate government agencies outside of DHS or with non-government entities to address your complaint, or pursuant to its published Department of Homeland Security/ ALL-029 Civil Rights and Civil Liberties Records System of Records.

**Disclosure:** Furnishing this information to CRCL is voluntary; however, failure to furnish the requested information may delay or prevent CRCL from adequately reviewing and investigating your complaint. If necessary, CRCL may also request additional information from you in order to determine the appropriate manner to address your concerns.

To learn more about the Privacy Act, go to [www.dhs.gov/privacy](http://www.dhs.gov/privacy).

**From:** Salvano-Dunn, Dana (b)(6)  
(b)(6)  
**Sent:** 10/6/2022 3:46:24 PM  
**To:** Lopez, Zazy (b)(6)

(b)(6)

**Subject:** FW: Baker County Detention Center  
**Attachments:** Action Plan\_Baker County Detention Center\_10.6.22.pdf

**Flag:** Follow up

Please add to CMS – great job.

**From:** Mina, Peter (b)(6)  
**Sent:** Thursday, October 6, 2022 10:52 AM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C); Salvano-Dunn, Dana (b)(6); FIROZVI, NADIA  
(b)(6)

**Subject:** Baker County Detention Center

Good Morning (b)(6),(b)(7)(C)

Attached for your review and implementation is an Action Plan for Baker County Detention Center in MacLenny, Florida. The plan is intended to address immediate concerns regarding the health and well-being of persons detained at Baker.

As you may be aware, on September 21-22, 2022, CRCL conducted a spot check investigation at the Baker. CRCL previously conducted a full-scale onsite investigation at Baker in November 2021, for which it issued Expert Recommendations in April 2022. The spot check was based upon the abnormally large number of allegations that CRCL received following the onsite: more than 40 separate pieces of correspondence alleging a range of severe civil rights abuses on behalf of dozens of detainees. The claims arising out of Baker have also garnered attention and concern from several members of Congress, who have reached out to CRCL for action. In addition, the ACLU of Florida recently filed a federal lawsuit alleging that Baker officials have blocked lawyers' access to clients, and have canceled "Know Your Rights" presentations, at Baker.

(b)(5)

Thank you,

Peter E. Mina (he/him/his)  
Senior Official Performing the Duties of the CRCL Officer  
Office for Civil Rights and Civil Liberties  
Department of Homeland Security

**(b)(6)**

With honor and integrity, we will safeguard the American people, our homeland, and our values.

This message may contain agency deliberative communications, privacy information or other information that may be privileged and exempt from disclosure outside the agency or to the public. Please consult with the US Department of Homeland Security, Office for Civil Rights and Civil Liberties and the Office of General Counsel before disclosing any information contained in this email.



**Homeland  
Security**

October 6, 2022

**Proposed Immediate Action Plan  
Baker County Detention Center**

*Purpose:* The Department of Homeland Security, Office for Civil Rights and Civil Liberties (CRCL) conducted an in-person spot check investigation of the Baker County Sheriff's Office (Baker) in MacLenny, Florida between September 21-22, 2022 (2022 Spot Check). The 2022 Spot Check was conducted due to the large number, and gravity, of new allegations that raised significant concerns regarding detainee safety. CRCL plans to return to Baker in the next several months to assess the facility's compliance with the detention standards and steps taken to ensure that detainees are being held in safe conditions with adequate access to required services.

*Background:* From November 10-13, 2021, CRCL conducted a three-day, in-person onsite investigation of Baker along with four subject matter experts in the fields of medical care, mental health care, conditions of detention and environmental health and safety (2021 Onsite). On April 26, 2022, CRCL issued an Expert Recommendation Memorandum to ICE (April 2022 Recommendations) noting serious problems in the areas of unnecessary and excessive uses of force, uses of segregation, language access and verbal abuse by staff. ICE's responses to those recommendations were due on July 29, 2022; CRCL has received no responses to date.

In the approximately 10 months following the 2021 Onsite, CRCL received more than 40 separate pieces of correspondence on behalf of more than two dozen named and anonymous detainees at Baker, from which CRCL opened 25 new complaint investigations. CRCL was especially concerned that these new allegations showed consistent patterns of earlier-identified concerns: verbal, emotional and physical abuse by facility staff; racial discrimination; significant language access issues; and continued barriers to legal access. In addition, the correspondence raised new and highly concerning allegations: numerous accounts of retaliation by staff in response to detainees filing grievances, making sick call and other requests, and speaking with outside human rights and legal aid organizations; as well as allegations of inadequate medical care and/or medical neglect on behalf of 17 named, and other anonymous, detainees.

*Recommendations:* Accordingly, CRCL recommends that ICE take the following immediate actions to address the most significant concerns:

**Immediate Actions**

- **(b)(5)**
- **(b)(5)**

~~Protected by the Deliberative Process Privilege~~

• **(b)(5)**

**High Priority Actions**

**Racial Discrimination, Retaliation and Harassment:** CRCL’s SMEs concluded that there is a pervasive culture of racial discrimination, abuse and neglect of the detainee population at Baker, including verbal abuse by staff, retaliation, and a general lack of care in ensuring detainees receive vital programs and services. *Accordingly, within thirty (30 days) of receipt of this Action Memo, ICE should:*

- **Ensure that Baker provides mandatory discrimination, retaliation and harassment training for all staff.**

**Language and Legal Access:** Language access devices are not being regularly used in interactions with LEP detainees and Baker lacks adequate legal resources, legal access and legal privacy. *Accordingly, within sixty (60 days) of receipt of this Action Memo, ICE should:*

- **Ensure Baker is providing adequate language access services, including language translation in all interactions with Limited English Proficiency (LEP) detainees.**
- **Ensure Baker is providing adequate legal resources and legal access for all detainees and is ensuring detainees’ legal privacy.**

*Response:* CRCL requests a response from ICE regarding implementation by **October 31, 2022.**

**Additional Supporting Information**

*Immediate Health and Safety Concerns*

**(b)(5)**

**Medical Concerns.** Medical records with chronic and/ or complex medical conditions (CCMCs) did not document regular and adequate care. The SME found the following deficiencies: (1) CCMCs are not being routinely evaluated during visits by the medical provider; (2) medical provider documentation lacks a detailed history, full examination and/or care plan for each CCMC; (3) CCMCs are not

~~*Protected by the Deliberative Process Privilege*~~



consistently documented on the problem list in detainee medical files, impacting communication between care givers and continuity of care; and (4) CCMCs are not adequately tracked within the facility's Electronic Medical Record (EMR) to ensure each detainee is receiving care per the clinical practice guidelines. *Accordingly, ICE should not admit or transfer any new detainees with chronic and/or complex medical care needs to Baker until the chronic care concerns identified are remedied.*

### ***High Priority Conditions Concerns***

**Culture of Discrimination, Retaliation and Harassment.** In interviews, detainees across different housing units made near-identical statements regarding verbal abuse by staff, including: “if you don't like it, go back to your country,” “no one would care if you died,” and that they were referred to as “monkeys” or “wet-backs.” Detainees also described staff frequently using profanity and an attorney reported hearing a staff member tell their client to “go the f-back to their dorm” on a legal call. Further, these remarks were consistently attributed to the same named Baker personnel, and many detainees stated that, although they had filed grievances as a result of this treatment and behavior, nothing had changed. Detainees also made serious and internally-consistent allegations of retaliation for reporting grievances, making sick call and other requests, and for speaking with the press or legal welfare organizations. Examples of retaliation included threatened and punitive uses of segregation; denial of privileges such as blocking pin access to prevent detainees from making phone calls; and cutting off all sources of water for a period of more than 12 hours. *Accordingly, ICE should ensure that Baker provides mandatory discrimination, retaliation and harassment training for all staff within thirty (30 days) of receipt of this Action Memo.*

**Language Access for LEP Detainees.** CRCL's SMEs concluded that, although Baker staff has access to hand-held Radio Frequency Identification devices (RFID) with language translation services, these devices are not being regularly. Instead, staff either rely upon other detainees in housing units to translate conversations with LEP detainees, or entirely ignore their attempts to converse. Further, LEP detainees report that the kiosks and tablets either lack sufficient language functionality, or they do not understand how to use these resources in a language they understand. Instead, LEP detainees are relying on other detainees to enter requests and translate staff responses leaving little meaningful language access at Baker. . *Accordingly, ICE Ensure Baker is providing adequate language access services, including language translation in all interactions with Limited English Proficiency (LEP) detainees within sixty (60 days) of receipt of this Action Memo.*

**Legal Access.** Baker's law library consists of two (2) computers with only a few legal resources installed, such as the legal research tool Lexis-Nexis. Detainees reported that they never had any training on how to use the law library, no training on Lexis-Nexis, and that resources were only provided in English and Spanish. Detainees also reported that they do not have access to thumb drives, or any way to store their confidential legal documents and that there is a lack of privacy in the law library, allowing both staff and other detainees to overhear legal calls. Detainees further stated that they have been denied timely access to attorney calls, including in the days prior to court hearings, and that meetings with legal advocacy groups and “Know Your Rights” presentations have been canceled without notice or cause. *Accordingly, ICE should ensure that Baker is providing adequate legal resources and legal access for all detainees and is ensuring detainees' legal privacy within sixty (60) days of the receipt of this Action Memo.*

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**From:** CRCL Compliance Branch Director: (b)(6)  
(b)(6)  
**Sent:** 6/15/2023 11:35:27 PM  
**To:** (b)(6)  
**Subject:** Complaint No. 004728-22-ICE  
**Attachments:** 004728-22-ICE Close Letter Final 6.15.23.pdf

Dear (b)(6) -

Attached, please find correspondence from the DHS Office for Civil Rights and Civil Liberties related to your complaint. Thank you, and if you have any questions, please let us know.

Regards,

Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security





**Homeland  
Security**

June 15, 2023

*Via Electronic Mail*

**(b)(6)**

Staff Attorney  
American Civil Liberties Union of Florida  
4343 W. Flagler Street, Suite 400  
Miami, FL 33134

**(b)(6)**

Re: Complaint No. 004728-22-ICE

Dear **(b)(6)**

The U.S. Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) received correspondence from you on September 9, 2022, regarding the Baker County Sheriff's Office in Macclenny, Florida. Specifically, you alleged that Baker had "abruptly cancel[ed] long-scheduled legal visits and Know Your Rights trainings with clients, prospective clients, and other persons detained at the facility" and that, despite "multiple phone and email requests for an explanation of the decision, none ha[d] been provided." The correspondence further alleged that these denials of legal access violated the 2019 National Detention Standards, Baker's Intergovernmental Service Agreement with ICE, and the First and Fourteenth Amendments to the U.S. Constitution.

Under 6 U.S.C. § 345 and 42 U.S.C. § 2000ee-1, CRCL reviews and assesses information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of DHS. CRCL investigated your complaint and has completed our review. As part of our investigation, CRCL requested and reviewed information and records from ICE, performed an in-person investigation at Baker and conducted phone and in-person interviews of dozens of noncitizens detained there. We regret the length of time it has taken to complete the investigation and appreciate your patience in awaiting information about the outcome. CRCL concluded that your allegations regarding legal access were substantiated and has issued findings and recommendations to ICE addressing these concerns.

This concludes CRCL's review of your complaint. We appreciate your bringing this matter to our attention. Inquiries like yours help DHS meet its obligation to protect civil rights and civil liberties.

If in the future you have concerns relating to civil rights and civil liberties violations by DHS, please contact CRCL by phone at 866-644-8360, by email at [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov), or visit our online complaint portal at <https://engage.dhs.gov/crcl-complaint>.

Sincerely,

**(b)(6)**

Dana Salvano-Dunn  
Director, Compliance Branch  
Office for Civil Rights and Civil Liberties  
U.S. Department of Homeland Security