



**U.S. Department of Homeland Security**  
U.S. Immigration and Customs Enforcement  
Office of Professional Responsibility  
Inspections and Detention Oversight Division  
Washington, DC 20536-5501

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**Office of Detention Oversight  
Compliance Inspection**

**Enforcement and Removal Operations  
ERO Miami Field Office**

**Baker County Sheriff's Office  
Macclenny, Florida**

**January 25-28, 2021**

**COMPLIANCE INSPECTION**  
**of the**  
**BAKER COUNTY SHERIFF’S OFFICE**  
Macclenny, Florida

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## COMPLIANCE INSPECTION TEAM MEMBERS

[REDACTED]	Acting Team Lead	ODO
[REDACTED]	Inspections and Compliance Specialist	ODO
[REDACTED]	Inspections and Compliance Specialist	ODO
[REDACTED]	Contractor	Creative Corrections
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[REDACTED]	Contractor	Creative Corrections

## FACILITY OVERVIEW

The U.S. Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) Office of Detention Oversight (ODO) conducted a compliance inspection of the Baker County Sheriff's Office (BCSO) in Macclenny, Florida, from January 25 to 28, 2021.<sup>1</sup> The facility opened in 2009 and is owned and operated by Baker County. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at BCSO in 2009 under the oversight of ERO's Field Office Director (FOD) in Miami (ERO Miami). The facility operates under the National Detention Standards (NDS) 2019.

ERO has assigned deportation officers (DOs) to the facility. A captain handles daily facility operations and is supported by █ personnel. Trinity Food Service provides food services, Armor Healthcare provides medical care, and Keefe Group provides commissary services at the facility. The facility does not hold any accreditations from any outside entities. The facility was certified by the Department of Justice Prison Rape Elimination Act in 2018.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity <sup>2</sup>	As needed
Average ICE Detainee Population <sup>3</sup>	█
Male Detainee Population (as of 1/25/2021)	█
Female Detainee Population (as of 1/25/2021)	█

During its last inspection, in Fiscal Year (FY) 2020, ODO found 11 deficiencies in the following areas: Admission and Release (1); Detainee Classification System (1); Staff-Detainee Communication (1); Visitation (1); Environmental Health and Safety (1); Special Management Unit – Administrative Segregation (1); Special Management Unit – Disciplinary Segregation (3); Use of Force (1); and Medical Care (1).

<sup>1</sup> This facility holds male and female detainees with low, medium-low, medium-high, and high security classification levels for periods longer than 72 hours.

<sup>2</sup> Data Source: ERO Facility List Report as of January 18, 2021.

<sup>3</sup> *Ibid.*

## COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population greater than ten, and where detainees are housed for longer than 72 hours, to assess compliance with ICE national detention standards. These inspections focus solely on facility compliance with detention standards that directly affect detainee life, health, safety, and/or well-being.<sup>4</sup>

ODO identifies violations of ICE detention standards, ICE policies, or operational procedures as “deficiencies.” ODO also highlights instances in which the facility resolves deficiencies prior to completion of the ODO inspection. Where applicable, these corrective actions are annotated with “C” under the *Compliance Inspection Findings* section of this report.

Upon completion of each inspection, ODO conducts a closeout briefing with facility and local ERO officials to discuss preliminary findings. A summary of these findings is shared with ERO management officials. Thereafter, ODO provides ICE leadership with a final compliance inspection report to: (i) assist ERO in developing and initiating corrective action plans; and (ii) provide senior executives with an independent assessment of facility operations. ODO’s findings inform ICE executive management in their decision-making to better allocate resources across the agency’s entire detention inventory.

ODO was unable to conduct an on-site inspection of this facility, as a result of the COVID-19 pandemic, and instead, conducted a remote inspection of the facility. During this remote inspection, ODO interviewed facility staff, ERO field office staff, and detainees, reviewed files and detention records, and was able to assess compliance for at least 90 percent or more of the ICE national detention standards reviewed during the inspection.

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<sup>4</sup> ODO reviews the facility’s compliance with selected standards in their entirety.

## FINDINGS BY NATIONAL DETENTION STANDARDS 2019 MAJOR CATEGORIES

NDS 2019 Standards Inspected <sup>5,6</sup>	Deficiencies
<b>Part 1 – Safety</b>	
Environmental Health and Safety	1
<b>Sub-Total</b>	<b>1</b>
<b>Part 2 – Security</b>	
Admission and Release	0
Custody Classification System	0
Facility Security and Control	0
Funds and Personal Property	0
Use of Force and Restraints	2
Special Management Units	1
Staff-Detainee Communication	0
Sexual Abuse and Assault Prevention and Intervention	0
<b>Sub-Total</b>	<b>3</b>
<b>Part 4 – Care</b>	
Food Service	0
Hunger Strikes	0
Medical Care	1
Significant Self-Harm and Suicide Prevention and Intervention	0
Disability Identification, Assessment, and Accommodation	0
<b>Sub-Total</b>	<b>1</b>
<b>Part 5 – Activities</b>	
Religious Practices	0
Telephone Access	1
Visitation	0
<b>Sub-Total</b>	<b>1</b>
<b>Part 6 – Justice</b>	
Grievance System	0
Law Libraries and Legal Materials	0
<b>Sub-Total</b>	<b>0</b>
<b>Total Deficiencies</b>	<b>6</b>

<sup>5</sup> For greater detail on ODO’s findings, see the *Compliance Inspection Findings* section of this report.

<sup>6</sup> Beginning in FY 2021, ODO added Emergency Plans, Facility Security and Control, Population Counts, Hunger Strikes, and Staff Training as core standards. NDS 2019 does not include Emergency Plans, Population Counts, nor Staff Training as individual standards; however, those specific requirements are resident in other core standards.

## DETAINEE RELATIONS

ODO interviewed 12 detainees, who each voluntarily agreed to participate. Most detainees reported satisfaction with facility services except for the concerns listed below. ODO attempted to conduct detainee interviews via video teleconference; however, ERO Miami and the facility were not able to accommodate this request due to technological issues. As such, the detainee interviews were conducted via telephone.

*Environmental Health and Safety:* A detainee stated the showers and toilets are always clogged and the showers are dirty.

- Action Taken: ODO interviewed the facilities coordinator and found the facility houses detainees in either a two-man cell or four-man cell. Each cell has a toilet, sink, and shower. Sanitation for the cell is the responsibility of the detainees assigned to the cell and the facility provides cleaning supplies for detainees to use. The facility coordinator advised they do receive work requests to unclog drains. ODO confirmed staff enter the maintenance requests in the maintenance work request system for tracking purposes. ODO reviewed photographs of the cells, cleaning supplies, and completed maintenance requests and found the showers adequately cleaned and maintenance requests completed in a timely manner.

*Food Service:* Five detainees complained food served at the facility was not prepared well and the menu was not diverse.

- Action Taken: ODO interviewed the food service director (FSD) and reviewed the 35-day menu for BCSO. A registered dietitian reviewed and approved the menus which indicated the meals are nutritionally adequate and provide 2,500 calories per day. The FSD advised ODO the Food Service Department is conducting a detainee survey to determine what detainees would like on the menu and feedback on how food is prepared. Detainees are able to respond to the survey using the kiosks located in the housing units. The FSD indicated the facility has received five responses to the survey. ERO Miami staff visited each housing unit and explained to the detainees how to access the survey. ODO reviewed photographs of the lunch and dinner meals for January 26, 2021, and found the meals were well prepared and diverse. On January 28, 2021, the FSD informed ODO the facility received 30 additional survey results after ERO Miami staff informed the detainees of the survey and the facility will review the results to help develop the menu.

*Grievance System:* A detainee stated there are no grievance forms available in the housing units.

- Action Taken: ODO spoke to facility staff, who stated grievance forms are available electronically to detainees via a kiosk system in the housing units. On January 28, 2021, facility staff demonstrated to the detainee how to file a grievance via the kiosk system.

*Medical Care:* A detainee stated he needs a tooth extraction and the facility told him it would be two to three months before a dentist could evaluate him.

- Action Taken: ODO reviewed the detainee's medical and dental records and found a sick call request from January 19, 2021, in which the detainee complained of a toothache. On

January 20, 2021, the nurse practitioner (NP) evaluated the detainee and administered antibiotic therapy and pain medication for an abscess and multiple cavities. The NP submitted a request for an external consultation with a community dentist for the detainee. On January 22, 2021 and January 24, 2021, the detainee refused the antibiotics and pain medication, stating he did not like how the medication made him feel. On January 28, 2021, the external dentist evaluated the detainee and extracted his tooth.

*Religious Practices:* A detainee stated he is Rastafarian, but the facility switched him to Catholic without his knowledge and consent.

- Action Taken: ODO interviewed the chaplain and reviewed the detainee's detention file and found the detainee did not specify a religious preference during intake. On January 27, 2021, the chaplain met with the detainee and updated the detainee's religious preference to Rastafarian.

*Religious Practices:* A detainee stated he has not seen a chaplain or received any religious material or information.

- Action Taken: ODO reviewed the detainee's detention file and found the detainee stated he was Catholic during intake. The chaplain stated the detainee has not submitted any religious requests for services. On January 27, 2021, the chaplain met with the detainee and provided religious service information.

*Staff-Detainee Communication:* A detainee stated he needs to speak with his DO about an upcoming criminal court case, but he has been unable to reach him.

- Action Taken: ODO interviewed the detainee's DO regarding communication with the detainee. The DO stated he is aware of the upcoming court case and has been in contact with the detainee's lawyer and explained that a signed writ by a judge was required before ICE could release the detainee for court. The DO stated he is in constant contact with the detainee, and he is aware of the information needed before ICE can release him for court. ODO reviewed the detainee's detention file and found the detainee has not submitted any requests to ERO.

*Staff-Detainee Communication:* A detainee stated a power of attorney form was mailed to him; however, he was not allowed to receive it.

- Action Taken: ODO interviewed a DO about the power of attorney form. The DO interviewed the mailing clerk and determined the facility scans all mail received from friends and family into the Digital Mail Center, which the detainee can then view on the facility kiosk system. The detainee may submit a request for a hard copy of the form, and once the program coordinator or the chief of security approves the request the facility will provide the detainee a copy. On January 27, 2021, the DO showed the detainee how to request a hard copy of the form.

*Staff-Detainee Communication:* A detainee stated facility staff call the detainees "dogs" every morning for breakfast.



- Action Taken: ODO interviewed ERO Miami about the complaint. ERO Miami stated they have not received any new complaints or requests from detainees pertaining to verbal abuse from facility staff. In addition, ERO Miami stated they are at the facility almost daily and any claims of abuse would be referred to the Joint Intake Center (JIC) for investigation. ODO reviewed the grievance logs and detainee requests and found ERO Miami promptly referred staff misconduct complaints to the JIC for investigation. ODO notes there have not been any substantiated abuse cases during the inspection period from June 2020 to January 2021.

*Telephone Access:* A detainee stated he cannot call anyone because the phone numbers are on his cellphone and he needs access to his cellphone to obtain the phone numbers.

- Action Taken: ODO discussed the complaint with facility staff and facility staff escorted the detainee to the property room to access his cellphone. ODO reviewed the detainee's detention file and found the detainee had not submitted any requests related to accessing his cellphone.

*Telephone Access:* A detainee stated he does not have access to a consulate phone list to call his appropriate consulate office.

- Action Taken: ODO discussed the complaint with facility staff who confirmed consulate contact information is available via the facility kiosk system; however, there are no instructions to inform detainees on how to locate the consulate phone lists. ODO noted this as an Area of Concern in the *Telephone Access* section of the report. Facility staff informed detainees of the information by updating the detainee handbook on January 26, 2021.

*Telephone Access:* A detainee stated there is no indigent program at the facility for free phone calls.

- Action Taken: ODO interviewed facility staff who stated detainees can make emergency phone calls at any time by request; however, there are no instructions for indigent detainees to obtain a free phone call. ODO noted this as an Area of Concern in the *Telephone Access* section of the report. On January 27, 2021, the facility provided ODO with an updated copy of the facility handbook and a photo of the instructions in the housing unit for indigent detainees to obtain a free phone call.

*Visitation:* A detainee stated the facility only allows video visits due to COVID-19 and it costs money.

- Action Taken: ODO interviewed facility staff and found visitation ceased due to safety concerns from the COVID-19 pandemic. During the pandemic, the facility is allowing video visitation; however, it does require payment from a detainee's commissary account. ODO noted this as an Area of Concern in the *Visitation* section of the report.

# COMPLIANCE INSPECTION FINDINGS

## SAFETY

### ENVIRONMENTAL HEALTH AND SAFETY (EH&S)

The facility's emergency plans did not include procedures for detainees with disabilities to ensure their safety and security during an emergency and facility response (**Deficiency EH&S-25<sup>7</sup>**).

## SECURITY

### USE OF FORCE AND RESTRAINTS (UOF&R)

ODO found seven out of 20 use of force files, in which the facility review team did not document the date of the incident review; therefore, ODO was not able to determine if the facility completed the review within five working days of the incident or the detainees' release from restraints (**Deficiency UOF&R-90<sup>8</sup>**).

ODO found four out of 20 use of force files, in which the facility administrator did not sign the review team's report to acknowledge their finding (**Deficiency UOF&R-91<sup>9</sup>**).

### SPECIAL MANAGEMENT UNITS (SMU)

ODO found facility staff did not conduct rounds at least every [REDACTED] on an irregular basis in 41 separate instances (**Deficiency SMU-84<sup>10</sup>**).

## CARE

### MEDICAL CARE (MC)

ODO found six out of 14 detainee medical files, in which detainees did not receive a physical examination within 14 days of their arrival at the facility (**Deficiency MC-27<sup>11</sup>**).

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<sup>7</sup> "Plans will include procedures for detainees with disabilities to ensure their safety and security during the facility response." See ICE NDS 2019, Standard, Environmental Health and Safety, Section (II)(B).

<sup>8</sup> "The facility review team shall complete and submit its report to the facility administrator within five working days of the incident or the detainee's release from restraints." See ICE NDS 2019, Standard, Use of Force and Restraints, Section (II)(J)(5).

<sup>9</sup> "The facility administrator shall review and sign the report, acknowledging its finding that the use of force was appropriate or inappropriate." See ICE NDS 2019, Standard, Use of Force and Restraints, Section (II)(J)(5).

<sup>10</sup> "SMU staff shall observe and log observations at least every [REDACTED] on an irregular schedule." See ICE NDS 2019, Standard, Special Management Units, Section (II)(K).

<sup>11</sup> "The facility will conduct and document a comprehensive health assessment, including a physical examination and mental health screening, on each detainee within 14 days of the detainee's arrival at the facility." See ICE NDS 2019, Standard, Medical Care, Section (II)(E).

## **ACTIVITIES**

### **TELEPHONE ACCESS (TA)**

ODO reviewed the facility's posters and found the pro bono legal service providers list is not current (**Deficiency TA-13<sup>12</sup>**).

ODO found the facility does not provide information to indigent detainees how to obtain a free phone call. ODO notes this as an **Area of Concern**. ODO notes the facility updated the facility handbook and posted instructions for indigent detainees to obtain a free phone call.

ODO found the facility does not have clear instructions posted or orientation information during intake on how detainees can locate the consular phone list on the kiosk system to make a free call to a consular office. ODO notes this as an **Area of Concern**.

### **VISITATION (V)**

During the inspection, ODO found the facility ceased in-person visitation due to safety concerns related to the COVID-19 pandemic.<sup>13</sup> Detainees can use a tablet for video visitation; however, payment is deducted from the detainee's commissary account. ODO notes a third-party provider supplies the tablets for visitation and the facility has no control over video visit costs. ODO noted this as an **Area of Concern**. Facility leadership stated in-person visitation would resume once in-person visitation is safe to occur.

## **CONCLUSION**

During this inspection, ODO assessed the facility's compliance with 19 standards under NDS 2019 and found the facility in compliance with 14 of those standards. ODO found six deficiencies in the remaining five standards. ODO recommends ERO Miami work with the facility to resolve any deficiencies that remain outstanding in accordance with contractual obligations.

<b>Compliance Inspection Results Compared</b>	<b>FY 2020 (NDS 2000)</b>	<b>FY 2021 (NDS 2019)</b>
Standards Reviewed	18	19
Deficient Standards	9	5
Overall Number of Deficiencies	11	6
Repeat Deficiencies	5	0
Areas of Concern	0	3
Corrective Actions	3	0

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<sup>12</sup> "All Field Offices are responsible for ensuring facilities which house ICE detainees under their jurisdiction are provided with current pro bono legal service information." See ICE NDS 2019, Standard, Telephone Access, Section (II)(E).

<sup>13</sup> The Visitation standard is not a core standard; therefore, ODO did not review the Visitation standard in its entirety. This portion of the Visitation standard was reviewed as a result of a detainee complaint.