



U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
Office of Professional Responsibility
Inspections and Detention Oversight Division
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Office of Detention Oversight
Follow-Up Compliance Inspection

Enforcement and Removal Operations
ERO Miami Field Office

Baker County Sheriff's Office
Macclenny, Florida

June 7-10, 2021

FOLLOW-UP COMPLIANCE INSPECTION
of the
BAKER COUNTY SHERIFF’S OFFICE
Macclenny, Florida

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FACILITY OVERVIEW

The U.S. Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR) Office of Detention Oversight (ODO) conducted a follow-up compliance inspection of the Baker County Sheriff's Office (BCSO) in Macclenny, Florida, from June 7 to 10, 2021.¹ This inspection focused on the standards found deficient during ODO's last inspection of BCSO from January 25 to 28, 2021. BCSO opened in 2009, is owned by the Baker County Correctional Management Corporation, and is operated by the Baker County Sheriff's Office. The ICE Office of Enforcement and Removal Operations (ERO) began housing detainees at BCSO in November 2009 under the oversight of ERO's Field Office Director in Miami (ERO Miami). BCSO operates under the National Detention Standards (NDS) 2019.

ERO Miami has not assigned deportation officers nor a detention services manager to BCSO. A BCSO captain handles daily facility operations and manages [REDACTED] support personnel. Trinity Food Services provides food services, Armor Correctional provides medical care, and Keefe Commissary Group provides commissary services at the facility. In September 2018, BCSO was audited for the Department of Justice (DOJ) Prison Rape Elimination Act (PREA) and was DOJ PREA Certified.

Capacity and Population Statistics	Quantity
ICE Detainee Bed Capacity ²	238
Average ICE Detainee Population ³	[REDACTED]
Male Detainee Population (as of June 7, 2021)	[REDACTED]
Female Detainee Population (as of June 7, 2021)	[REDACTED]

During its last inspection, in January 2021, ODO found six deficiencies in the following areas: Environmental Health and Safety (1); Medical Care (1); Special Management Units (1); Use of Force and Restraints (2); and Telephone Access (1).

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

² Data Source: ERO Facility List Report as of June 7, 2021.

³ *Ibid.*

FOLLOW-UP COMPLIANCE INSPECTION PROCESS

ODO conducts oversight inspections of ICE detention facilities with an average daily population of 10 or more detainees, 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 wellbeing. In FY 2021, to meet congressional requirements, ODO began conducting follow-up inspections at all ICE ERO detention facilities, which ODO inspected earlier in the FY.

While follow-up inspections are intended to focus on previously identified deficiencies, ODO will conduct a complete review of several core standards, which include but are not limited to Medical Care, Hunger Strikes, Suicide Prevention, Food Service, Environmental Health and Safety, Emergency Plans, Use of Force and Restraints/Use of Physical Control Measures and Restraints, Admission and Release, Classification, and Funds and Personal Property. ODO may decide to conduct a second full inspection of a facility in the same FY based on additional information obtained prior to ODO's arrival on-site. Factors ODO will consider when deciding to conduct a second full inspection will include the total number of deficiencies cited during the first inspection, the number of deficient standards found during the first inspection, the completion status of the first inspection's Uniform Corrective Action Plan, and other information ODO obtains from internal and external sources ahead of the follow-up compliance inspection. Conditions found during the inspection may also lead ODO to assess new areas and identify new deficiencies or areas of concern should facility practices run contrary to ICE standards. Any areas found noncompliant during both inspections are annotated as "Repeat Deficiencies" in this report.

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.

FINDINGS BY NATIONAL DETENTION STANDARDS 2019 MAJOR CATEGORIES

NDS 2019 Standards Inspected ^{4&5}	Deficiencies
Part 1 – Safety	
Environmental Health and Safety	1
Sub-Total	1
Part 2 – Security	
Admission and Release	0
Custody Classification System	0
Funds and Personal Property	0
Use of Force and Restraints	1
Special Management Units	0
Sub-Total	1
Part 4 – Care	
Food Service	0
Hunger Strikes	0
Medical Care	0
Significant Self-harm and Suicide Prevention and Intervention	0
Sub-Total	0
Part 5 - Activities	
Recreation	1
Telephone Access	0
Sub-Total	1
Total Deficiencies	3

⁴ For greater detail on ODO’s findings, see the *Follow-Up Compliance Inspection Findings* section of this report.

⁵ 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. None of the detainees made allegations of discrimination, mistreatment, or abuse. 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 BCSO were not able to accommodate this request due to technology issues. As such, the detainee interviews were conducted via telephone.

Admission and Release: Four out of 12 detainees stated they did not receive the ICE National Detainee and BCSO detainee handbooks upon admission to BCSO.

- Action Taken: ODO reviewed the BCSO Admission Procedures policy and BCSO Booking Checklists and interviewed the BCSO captain. ODO found the BCSO Booking Checklists documented the dates all four detainees received both handbooks during the intake process. On June 8, 2021, a BCSO officer spoke with each detainee and confirmed the detainees possessed both the ICE National Detainee and BCSO detainee handbooks. Additionally, the BCSO officer provided the four detainees with verbal instructions and a demonstration on how to use the electronic kiosks to ensure the detainees could obtain the handbooks electronically.

Food Service: One detainee stated the BCSO did not accommodate his request for a religious diet due to his Muslim beliefs.

- Action Taken: ODO reviewed the detainee's detention record and BCSO food service documentation and interviewed the BCSO chaplain. On December 16, 2020, the detainee arrived at BCSO and did not declare a religious affiliation during the intake process. On March 7, 2021, the detainee submitted a written request for a religious diet due to his Muslim beliefs. On March 8, 2021, the BCSO chaplain responded and informed the detainee his detention file listed his religious affiliation as "None" and asked the detainee to further explain. On the same day, the detainee electronically acknowledged reading the chaplain's response and did not provide a return response. On June 9, 2021, following the ODO interview, the BCSO chaplain spoke with the detainee who stated he wanted to change his religious affiliation from "None" to "Islam." On June 10, 2021, the detainee submitted a written request to change his religious affiliation to Islam and was approved the same day by the BCSO chaplain. On June 11, 2021, ODO verified the detainee submitted an Authorization for Common Fare Participation Form, and on the same day, the BCSO chaplain approved the detainee's request for the BCSO's religious common fare diet.

Food Service: Four out of 12 detainees alleged the meals served at BCSO were tasteless or of bad quality. Additionally, one detainee stated milk and juice were served once every 2 weeks, and another detainee stated he found a hair in his food.

- Action Taken: ODO interviewed the BCSO food service director (FSD) and reviewed food service policies, photographs, and documentation. ODO verified that the BCSO registered dietitian conducted a nutritional analysis of the 35-day master cycle menu and confirmed the menu met the recommended daily allowances and overall nutritional

requirements. The FSD verbally confirmed there were no deviations from the approved menu, and milk, fruit, and a fortified beverage were served in accordance with the menu. Furthermore, the FSD stated the BCSO food service staff did not receive any grievances from detainees regarding foreign materials being in the food, and all food service workers comply with the requirement to adorn hair nets, beard nets, and gloves while working in the food service department. Since ODO was not on-site for this inspection, ODO was not able to sample the food served.

Medical Care: One detainee stated she was experiencing bleeding hemorrhoids and was in pain but had not yet submitted a sick call request.

- Action Taken: On June 7, 2021, ODO referred the detainee to the BCSO medical staff for evaluation. ODO discussed the detainee's medical record with the BCSO health services administrator (HSA) and BCSO compliance manager. During the detainee's medical evaluation, the detainee complained of pain and constipation when defecating. The BCSO nurse examined the detainee and documented positive bowel sounds in all four abdominal quadrants, indicating the detainee had no intestinal blockage. The BCSO nurse administered a laxative to be taken by the detainee twice daily as needed for 7 days and a stool softener to be taken twice daily as needed for 1 month. Additionally, the BCSO nurse educated the detainee on increasing hydration and advised her to submit another sick call request should her symptoms persist.

Medical Care: One detainee stated she did not receive a response from the BCSO medical staff after submitting a written medical request for scabs and boils in her mouth in May 2021.

- Action Taken: ODO reviewed the BCSO medical request logs and discussed the detainee's medical record with the BCSO HSA and BCSO compliance manager. The detainee arrived at BCSO on May 3, 2021, and ODO found no evidence the detainee submitted a sick call request since her arrival at BCSO. On June 8, 2021, following the ODO interview, the BCSO nursing staff evaluated the detainee and observed no signs of scabs, boils, wounds, bleeding, or other abnormalities in the detainee's mouth. The detainee complained to the BCSO nurse she had consumed commissary foods, which were too spicy. On the same day, the BCSO nursing staff submitted a medical diet order form to the BCSO food service department to provide the detainee with a bland diet. Furthermore, the detainee was advised to stop consuming spicy foods from the commissary and to increase her water intake. The BCSO nursing staff offered to refer the detainee for a dental examination, which the detainee declined. The BCSO medical staff ensured the detainee knew how to submit a sick call request and informed her to submit a request should her symptoms persist.

Personal Hygiene: One detainee stated he did not receive a response from the BCSO staff after submitting multiple requests to replace his socks.

- Action Taken: ODO reviewed the BCSO Admission Procedures policy and the detainee's request log and interviewed the BCSO captain. On March 16, 2021, the detainee submitted a written request to exchange his shoes and socks, which he stated were the wrong size. On March 19, 2021, a BCSO officer responded to the request and provided the detainee with replacement shoes and socks. On June 2, 2021, the detainee

submitted a request to BCSO staff to exchange his socks, which he stated had holes in them. On June 8, 2021, following the detainee interview, a BCSO officer provided the detainee with two new pairs of socks.

Personal Hygiene: Four out of 12 detainees alleged the BCSO officers of the opposite sex did not consistently announce their presence before entering the housing units.

- Action Taken: ODO interviewed the BCSO captain and reviewed the BCSO PREA policy. The BCSO captain stated the BCSO housing unit officers were trained to loudly announce their presence when entering the initial common areas of the detainee housing units of the opposite sex, affording the detainees an opportunity to cover themselves in their cells or respond accordingly for additional time. On June 9, 2021, the BCSO captain informed ODO she had verbally instructed the BCSO shift supervisors to reiterate the entrance procedure with the BCSO housing unit officers during pre-shift briefings.

Recreation: Six out of six female detainees stated BCSO did not provide them 1 hour of outdoor recreation for 5 days per week.

- Action Taken: ODO reviewed the BCSO recreation schedule and BCSO Inmate Recreation Report and interviewed the BCSO captain. ODO verified the BCSO recreation schedule included one hour of daily outdoor recreation time for each housing pod, Monday through Friday; however, between May 4, 2021, and June 6, 2021, the BCSO Inmate Recreation Report recorded only 6 days of outdoor recreation offered to the female detainees. The BCSO Inmate Recreation Report electronically records the following information: the time when the BCSO officers offered outdoor recreation to the detainees, the detainee's decision to accept or refuse the outdoor recreation, and the time recreation ended. The captain stated the BCSO officers may not have used the electronic recording system consistently and added that occasional weather restrictions may affect the detainees' recreation schedule. ODO annotated this deficiency in the Compliance Inspection Findings section of this report.

FOLLOW-UP COMPLIANCE INSPECTION FINDINGS

SAFETY

ENVIRONMENTAL HEALTH AND SAFETY (EHS)

ODO interviewed the BCSO administrative lieutenant, reviewed the BCSO Corrections Division Emergency Plans and Emergency Guidelines, and found the BCSO's written emergency plans did not include procedures to ensure the safety and security of detainees with disabilities during an emergency response (**Deficiency EHS-25⁶**). **This is a repeat deficiency.** Prior to the completion of the inspection, BCSO amended its written emergency guidelines to include procedures for

⁶ "The facility will develop written plans and procedures for handling emergency situations reasonably likely to occur. 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).

detainees with disabilities.

ODO reviewed the BCSO Monthly Fire/Safety Inspection Checklist for 5 consecutive months and found the inspection documentation for all 5 months contained the same exact comments with only a date change. Proactive findings observed during monthly fire inspections should include corrective actions and documentation of completed work orders specific to each inspection component. ODO identified this as an **Area of Concern**.

SECURITY

USE OF FORCE AND RESTRAINTS (UOFR)

ODO interviewed the BCSO compliance manager, reviewed the BCSO Response to Resistance Operating Guidelines, and found BCSO had not updated its policy to maintain all written UOF documentation for a minimum of 6 years. Specifically, the BCSO policy stipulated that UOF documentation would be maintained for 30 months in accordance with its previous contractual obligation to NDS 2000, and BCSO could not provide written UOF documentation beyond the 30-month timeframe (**Deficiency UOFR-87**⁷).

CARE

MEDICAL CARE (MC)

ODO reviewed [REDACTED] detainee medical records and the BCSO corrective actions submitted after ODO's previous inspection in January 2021 and found the BCSO medical staff had improved and successfully completed initial physical examinations of detainees within 14 days of their arrival to BCSO. However, ODO found the detainees submitted [REDACTED] refusal slips, cancelling their initial medical requests for other health procedures at BCSO, such as sick call appointments, medication administration, vital sign checks, and laboratory tests. ODO noted the amount of detainee refusals for services requested as an **Area of Concern**.

ACTIVITIES

RECREATION (R)

ODO interviewed [REDACTED] BCSO female detainees and the BCSO captain, reviewed the BCSO Inmate Recreation Report, and found BCSO did not provide female detainees with outdoor recreation for at least 1 hour per day, 5 days per week, between May 4, 2021, and June 6, 2021 (**Deficiency R-2**⁸).

⁷ "Facilities shall maintain all written use-of-force documentation for a minimum of six years..." See ICE NDS 2019, Standard, Use of Force and Restraints, Section (II)(J)(4).

⁸ "...Weather permitting, each detainee shall have access for at least one hour per day, five days per week; or, six or more hours per week, at least four days per week." See ICE NDS 2019, Standard, Recreation, Section (II)(A)(1).

CONCLUSION

During this inspection, ODO assessed BCSO's compliance with 12 standards under NDS 2019 and found BCSO in compliance with 9 of those standards. ODO found three deficiencies in the remaining three standards, one of which was a repeat deficiency. Furthermore, ODO cited two Areas of Concern, one in the Environmental Health and Safety section and the other in the Medical Care section. ODO recommends ERO Miami work with BCSO to resolve any deficiencies that remain outstanding in accordance with contractual obligations. ERO provided ODO with the uniform corrective action plan for ODO's last inspection of BCSO on May 24, 2021.

Compliance Inspection Results Compared	First FY 2021 (NDS 2019)	Second FY 2021 (NDS 2019)
Standards Reviewed	19	12
Deficient Standards	5	3
Overall Number of Deficiencies	6	3
Repeat Deficiencies	0	1
Areas of Concern	3	2
Corrective Actions	0	0