

IMMIGRANT
ACTION
ALLIANCE



TOGETHER WE WILL END IMMIGRATION DETENTION

FREEDOM
FOR IMMIGRANTS



Americans for
Immigrant Justice

July 21, 2022

The Honorable Joseph V. Cuffari
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RE: 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

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

The following organizations—Americans for Immigrant Justice (AIJ), Freedom for Immigrants (FFI), Immigrant Action Alliance (IAA), Doctors for Camp Closure, Hope CommUnity Center, American Friends Service Committee Florida, Florida Immigrant Coalition, United We Dream, The Farmworker Association of Florida, The Grey Tea Kettle Chaplaincy Support, Detention Watch Network, Faith in Florida, The Orlando Center for Justice, Sachamama, The Florida Policy Institute, Black Alliance for Just Immigration (BAJI), and Florida Student Power—submit this multi-individual civil rights complaint on behalf of 15 individuals currently or formerly detained at the Baker County Detention Center (“Baker”), and the 100+ individuals who have contacted our organizations for help:

1. Marlissa Joseph (A# [REDACTED] COO: Bahamas
2. Samantha Lindsay (A# [REDACTED] COO: Jamaica
3. Cosme Frias (A# [REDACTED] COO: Dominican Republic
4. Travis Russell (A# [REDACTED] COO: Jamaica
5. Saleem Sabassa (A# [REDACTED] COO: Trinidad and Tobago
6. Petrona Lopez (A# [REDACTED] COO: Guatemala
7. Rodney Martin (A# [REDACTED] COO: Jamaica
8. Eric Martinez (A# [REDACTED] COO: Colombia
9. Jose Humberto Lopez Pleitez (A# [REDACTED] COO: El Salvador
10. Guillermo De Leon Serrabi (A# [REDACTED] COO: El Salvador
11. Delroy Grant¹
12. Anonymous
13. Anonymous
14. Anonymous
15. Anonymous

Individuals detained at Baker are experiencing a range of abuses, including excessive use of force and physical assaults, extreme medical neglect, racist harassment and targeting, retaliation, impediments to accessing legal counsel, and lack of adequate hygiene, food, or COVID-19 safety measures. We urge the Office of the Inspector General and the DHS Office for Civil Rights and Civil Liberties (“CRCL”), pursuant to its authority under 6 U.S.C. § 345, to immediately:

1. Recommend that ICE permanently terminate the IGSA with Baker County, given the extensive evidence that Baker County is unable to safely and responsibly house

¹ This individual has elected to proceed under pseudonym due to concerns of retaliation following the submission of this complaint.

immigrants in ICE detention in compliance with the National Detention Standards and the United States Constitution;

2. Recommend the immediate release of all individuals suffering at Baker while closure is considered, with priority to all individuals detained over 180 days; those who are medically vulnerable, including but not limited to those who may be subject to release pursuant to *Fraihat v. ICE*; and those who have been targeted or suffered retaliation after bravely going public with their experience at Baker;
3. Ensure protection from retaliation for all complaint participants, including stays of deportation for those remaining in ICE custody at Baker and protection from redetainment for those living in community;
4. Ensure accountability by investigating the abuses at Baker through unannounced inspections; interviews with impacted individuals; and a thorough review of medical records, video surveillance footage, and any and all other evidence substantiating the complaints about Baker, holding accountable those legally responsible for their wrongdoing.

This complaint includes direct testimony from 15 individuals currently and formerly detained at Baker. Some of these individuals are anonymous due to concerns about retaliation, but they are willing to be identified to certain parties in the case of a formal investigation. Their testimony clearly demonstrates that conditions at Baker place people's lives in danger and violate the National Detention Standards,² the COVID-19 protocols and guidance issued by ICE and the CDC, and the U.S. Constitution.³ ICE and the Baker County Sheriff's Office staff who oversee the jail have been made aware of significant human rights violations within the facility for over ten years, suggesting that they are unable and unwilling to address these abuses.⁴ All parties to the Intergovernmental Service Agreement are contractually responsible and legally liable for unconstitutional and inhumane conditions that violate the National Detention Standards and the United States Constitution.

² Pursuant to the Intergovernmental Service Agreement, Baker County Detention Center is subject to the 2019 National Detention Standards.

³ 2019 National Detention Standards for Non-Dedicated Facilities, U.S. Immigration and Customs Enforcement, <https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf>. (hereinafter "2019 NDS"); U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations COVID-19 Pandemic Response Requirements (Version 9.0, June 13, 2022), <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>. (hereinafter "PRR"); Interim Guidance on Management of Coronavirus Disease 2019 (COVID-19) in Correctional and Detention Facilities, Center for Disease Control and Prevention (Updated May 13, 2022) <https://www.cdc.gov/coronavirus/2019-ncov/community/correction-detention/guidance-correctional-detention.html>. (hereinafter "CDC Guidance").

⁴ There have been reports on the conditions at Baker since 2012. See Romy Lerner, *Baker County Jail, Florida: Expose & Close*, Detention Watch Network (November 2012), <https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20Baker%20County.pdf>.

Numerous complaints have surfaced about the conditions at Baker over many years, and this spring these complaints began to rise in both volume and gravity. These complaints show persistent patterns of:

- Medical neglect and abuse;
- Racialized harassment, verbal abuse, and targeting;
- Excessive use of force and physical assaults including beatings and the unwarranted use of pepper spray and restraints;
- Lack of COVID-19 precautions, including lack of personal protective equipment (PPE), sanitation, soap and other hygiene products; overcrowding that makes social distancing impossible;
- Unsanitary conditions and denial of basic hygiene and cleaning supplies;
- Lack of edible food and clean drinking water;
- Impediments to access to counsel;
- Arbitrary and retaliatory use of solitary confinement;
- Retaliation and intimidation for public exposure of harm;
- Multiple suicide attempts of people detained at Baker;⁵ and,
- Multiple unresolved investigations of death in Baker custody.⁶

⁵ See, Office of Detention Oversight, *Compliance Inspection Enforcement and Removal Operations Miami Field Office Baker County Detention Center Macclenny, Florida*, U.S. Dep't Homeland Security at 7 (Aug. 2013),

https://www.ice.gov/doclib/foia/odo-compliance-inspections/2013-baker_county_detention_center_compliance_inspection_report_8-6-13_to_8-8-13.pdf.

⁶ Press Release, Immigration and Customs Enforcement, Russian National in ICE Custody Passes Away at Florida Hospital (Dec. 3, 2018),

<https://www.ice.gov/news/releases/russian-national-ice-custody-passes-away-florida-hospital>.; U.S. Immigration and Customs Enforcement (ICE) Detainee Death Report: OWEN, Ben James, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS (Feb. 27, 2020), <https://www.aila.org/File/Related/18121905r.pdf> (last accessed June 7, 2022).; Jim McGauley, *Suspect in Alleged Gas Station Attack Died at County Jail*, The Baker County Press (Apr. 2022), <https://bakercountypress.com/2022/04/alleged-gas-station-attack/>.

When people detained at Baker have publicly exposed the types of harm listed above, retaliation and intimidation have swiftly followed. People detained at Baker have repeatedly engaged in peaceful hunger strikes over the years,⁷ to protest the conditions described herein, and they have been met with severe retaliation, including shutting off running water, solitary confinement, assault, and seemingly retaliatory deportations. One of the individuals named on this complaint was swiftly deported after organizing a public petition signed by over 130 individuals - almost the entire immigration portion of the detention center - detailing off-camera assault, racist treatment, lack of COVID protections, and more. It is therefore crucial for oversight agencies not only to respond to the conditions at the facility but also to ensure safety and due process for those coming forward in public exposure.

We will address the conditions above in turn and begin by offering a brief history of the longstanding issues at Baker.

I. Background on Public Exposure of Harm at Baker

“In all the time that I have been incarcerated, I have never seen people with such hate in their hearts” - Anonymous

In 2009, Baker County Sheriff’s Office (“BCSO”) began detaining immigrants for ICE under a contract with the federal government. Not long into BCSO’s tenure as a collaborator in the ICE detention and deportation system, detained people, community members, and advocates began to ring the alarm bells about the abusive and dangerous conditions at Baker, calling for the jail to be shuttered for good. For example, in 2012, after interviewing men and women at the jail, a national detention abolition organization Detention Watch Network and Florida-based legal service groups demanded the immediate termination of the contract between ICE and Baker County.⁸ ACLU National more recently called upon the Biden Administration for Baker’s closure due to egregious conditions.⁹ For over ten years, ICE and DHS oversight bodies have ignored ongoing calls for intervention and closure, placing the approximately 170 individuals currently detained at Baker at risk.

⁷ See, Office of Detention Oversight, *Compliance Inspection Enforcement and Removal Operations Miami Field Office Baker County Detention Center Macclenny, Florida*, U.S. Dep’t Homeland Security at 5 (Aug. 2013),

https://www.ice.gov/doclib/foia/odo-compliance-inspections/2013-baker_county_detention_center_compliance_inspection_report_8-6-13_to_8-8-13.pdf.

⁸ Romy Lerner, *Baker County Jail, Florida: Expose & Close*, Detention Watch Network (November 2012),

<https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20Baker%20County.pdf>.

⁹ Press Release, American Civil Liberties Union, ACLU Calls on Biden Administration to Shut Down ICE Detention Facilities (Apr. 28, 2021),

<https://www.aclu.org/press-releases/aclu-calls-biden-administration-shut-down-ice-detention-facilities>.

For years, the same violations and abhorrent conditions have been named: poor nutrition and hygiene; medical neglect and inadequate mental health care; punitive use of solitary confinement; numerous incidents of physical abuse, often in retaliation for requests or complaints; violation of religious freedom; barriers to legal access; and pervasive racist and anti-immigrant harassment.

These conditions have had dire consequences. For example, on or around November 30, 2018, a Russian man detained in ICE custody at Baker died of cardiac-related issues.¹⁰ On January 25, 2020, Ben James Owens died by alleged suicide in ICE custody at Baker,¹¹ with ICE and BCSO alerting his wife of his death an entire three days after Ben's passing. Following his death, ICE allegedly failed to conduct the required psychological forensic autopsy.¹² Most recently, Kellen Dupree, detained in county custody, died at Baker on April 26, 2022.¹³ The cause of death remains under investigation. The disregard for the lives of those detained, especially at places like Baker, is abundantly clear.

Despite the lack of meaningful oversight and constant threat of retaliation against those who speak up about abuses, people detained at Baker continue to share their experiences at the jail with community groups and advocates, and peacefully resist through petitions and hunger strikes. In February, women detained at Baker started to research the standards that the detention center is required to meet and drafted a ten-plus page petition that circulated in the facility for detained people to sign (see Appendix A).¹⁴ With nearly 40 signatures, the petition demands better treatment of detained people, including release, starting with those with high-risk COVID-19 comorbidities, and an end to the use of solitary confinement as punishment.

Approximately 100 detained men launched a hunger strike at the beginning of May 2022 to protest the abusive conditions. This strike was accompanied by a packet received by Freedom for Immigrants on May 5, 2022, which included a recent petition signed by over 130 individuals

¹⁰ Press Release, Immigration and Customs Enforcement, Russian National in ICE Custody Passes Away at Florida Hospital (Dec. 3, 2018), <https://www.ice.gov/news/releases/russian-national-ice-custody-passes-away-florida-hospital>.

¹¹ See U.S. Immigration and Customs Enforcement (ICE) Detainee Death Report: OWEN, Ben James, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS (Feb. 27, 2020), <https://www.aila.org/File/Related/18121905r.pdf> (last accessed June 7, 2022).

¹² First Amended Complaint for Injunctive and Declaratory Relief, *Owen v. ICE*, No. 2:22-cv-00550, ECF 58 at 6-7 (C.D. CA Apr. 29, 2022).

¹³ Jim McGauley, *Suspect in Alleged Gas Station Attack Died at County Jail*, The Baker County Press (Apr. 2022), <https://bakercountypress.com/2022/04/alleged-gas-station-attack/>.

¹⁴ *Immigration Clinic Students Uncover Startling Inhumane Conditions at Florida Detention Center*, Miami Law Staff Report, University of Miami School of Law (last accessed July 17, 2022), <https://www.law.miami.edu/news/2022/may/immigration-clinic-students-uncover-startling-inhumane-conditions-florida-detention-0>.

in seven housing units, supporting evidence, and requests for immediate help (Appendix B). The hunger strike was met with swift retaliation, including lockdowns and cutting off access to drinking and toilet water for both men and women for days. As stated, some who participated have since been deported in alleged retaliation, sending a chilling effect throughout the detention center.

This multi-individual civil rights complaint synthesizes the record of complaints, conditions reports,¹⁵ lawsuits,¹⁶ and petitions all highlighting the need for immediate intervention as the horrific conditions at Baker are beyond reform. The violations and mistreatment detailed below are part of a long pattern of abuse those in ICE custody at Baker have been experiencing and reporting since the jail's opening as an immigration prison.

II. List of Abuses at Baker

A. Physical Abuse and Excessive Use of Force

“It was a living hell.” - Eric Martinez

Individuals currently and formerly detained at Baker report that officers and guards regularly use excessive force, violence, verbal abuse, and pepper spray to arbitrarily punish, humiliate, and intimidate—often resulting in serious injury. People detained at Baker are also regularly put in restraints any time they leave the dorm area; for example, to go to the medical department or to a legal visit. This treatment has been documented for years and is contrary to ICE policy, including the National Detention Standards.

Individual reports of physical assault made to complaint signatories spanning a multi-year time frame are provided in detail below. As recently as May 23, 2022, a published Miami Law Staff Report from the University of Miami School of Law, which details client interviews from an April 1, 2022 site visit, states that Alejandra Gonzalez, a second-year clinic student, “reported that one man told her he was pepper-sprayed and beaten over the head for knocking on the door to ask a correctional officer a question. ‘He told me he has a skull fracture from when the guard attacked him and that Baker never treated him,’ said Gonzalez.”¹⁷ Formal

¹⁵ *Shadow Prisons: Immigrant Detention in the South*, Southern Poverty Law Center, 46-50 (Nov. 2016), https://www.splcenter.org/sites/default/files/ijp_shadow_prisons_immigrant_detention_report.pdf; see also Romy Lerner, *Baker County Jail, Florida: Expose & Close*, Detention Watch Network (November 2012), <https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20Baker%20County.pdf>.

¹⁶ See First Amended Complaint for Injunctive and Declaratory Relief, *Owen v. ICE*, No. 2:22-cv-00550, ECF 58 at 6-7 (C.D. CA Apr. 29, 2022).

¹⁷ *Immigration Clinic Students Uncover Startling Inhumane Conditions at Florida Detention Center*, Miami Law Staff Report, University of Miami School of Law (last accessed July 17, 2022),

complaints submitted previously to oversight bodies have received either cursory investigations or none at all. Present day reports from petitions circulated by people detained, hotline reports, and legal visits substantiate physical assault at Baker remains an alarming issue at present day.

1. Testimony of Eric Martinez documenting physical abuse

On January 23, 2019, a group of officers approached Mr. Martinez and said he would be restrained and taken to confinement. Once they restrained him in handcuffs and began to escort him to confinement, one of the officers grabbed the handcuffs and yanked his hands down. Mr. Martinez said, “What’s up with that?” believing they were trying to cause him harm. **The officers rushed him and assaulted him. They then placed Mr. Martinez in a restraint chair, tying him to the chair while he was already handcuffed, causing extreme pain and discomfort.** Then an officer, who Mr. Martinez described as heavy-set, came and **put his knee on Mr. Martinez’s stomach. Mr. Martinez felt like he was going to pass out and tried to yell that he could not breathe. While Mr. Martinez was restrained, Sergeant Griffiths punched him in the face with a closed fist, breaking his nose.** A lawyer from Americans for Immigrant Justice who met with Mr. Martinez in person at Krome months later reported that his nose appeared very crooked at the top of the bridge.

After Mr. Martinez was punched, he began to bleed. An officer put a bag over Mr. Martinez’s head so that they could cover up the blood, making it hard for him to breathe. Baker County guards subsequently filed a false report stating they placed a bag over his head to stop him from spitting, but Mr. Martinez adamantly denies this allegation. He was then taken to the medical area, where he was placed in a medical cell and kept in solitary confinement in the medical bay for about fourteen days. Mr. Martinez initiated a hunger strike to protest the violence and retaliation carried out against him, which went on for about two weeks. While on strike, the nurses mocked him for not eating, and ICE officers would visit him and try to convince him to end the strike. Other officers would laugh at him whenever they walked by. **Mr. Martinez was later moved to the solitary confinement cells, where he remained in confinement for another 45 days, approximately, without reason or justification.** After the assault, Mr. Martinez feared further retaliation and violence from the guards; he knew he was not safe at Baker.

Mr. Martinez reported the violent assault to various groups, including the DHS Office of the Inspector General, which came to interview him about what happened. Moreover, DHS’s investigation of the assault was less than transparent. With the assistance of a lawyer, Mr. Martinez sought video footage of the area where he was assaulted, including through filing a FOIA with ICE and a subsequent appeal of that FOIA request. To date, ICE has failed to respond

<https://www.law.miami.edu/news/2022/may/immigration-clinic-students-uncover-startling-inhumane-conditions-florida-detention-0>.

to this FOIA request, and Mr. Martinez has been denied critical evidence to substantiate his mistreatment.

Meanwhile, high-ranking ICE officers he encountered in detention continued to tell him that action would not be taken against the deputy that assaulted him. One Assistant Field Office Director told Mr. Martinez that Baker Sheriff's Office wouldn't take action against the officers; others commented that it was unlikely charges would be pressed against the officer involved. Other detained men shared with Mr. Martinez that the officers at Baker were bragging about "beating up a Colombian guy," even after he was transferred out of the jail.

Mr. Martinez was later transferred to Krome Service Processing Center in Miami, after which ICE repeatedly attempted to deport him without first providing surgery to repair his broken nose. Although Mr. Martinez was able to delay his deportation and ultimately receive his nose surgery through the support of local advocates, he never received the outcome of the OIG's investigation. Mr. Martinez was deported in early October 2019. Years later, Mr. Martinez continues to demand the video footage of the assault he suffered at Baker and demand a transparent and fair investigation. Remembering his time at Baker, he says, "It was a living hell."

2. Testimony of Rodney Martin documenting physical abuse and extreme medical neglect

Rodney Martin is from Jamaica and was taken into ICE custody in August 2018. In December 2018, while at Krome, Mr. Martin suffered an injury to his foot that resulted in shattered bone fragments, leaving him unable to walk and reliant on a wheelchair. **On May 5, 2020, ICE transferred Mr. Martin from Krome to Baker in a bus that did not accommodate a wheelchair. Four officers pulled Mr. Martin, who was restrained at his hands and waist, from his wheelchair and dragged him up multiple steep and sharp-edged stairs of the bus, causing serious abrasions and scrapes to his back.** Once on the bus, the officers left Mr. Martin on the floor, in the middle of the aisle. They tried to shackle his ankles too but his fractured foot had caused serious swelling in his ankle. Mr. Martin notified the officers that he was in pain and asked for assistance with the wounds on his backside from being dragged onto the bus, but the officers refused to assist him or file a report.

Once the bus arrived at Baker, Mr. Martin saw that the staff had no wheelchair waiting for him. Mr. Martin was left on the bus without air conditioning, enduring the Florida heat for hours. Finally, a group of officers dragged Mr. Martin down the steps, once again causing injury, and left him on the sidewalk outside the jail, shackled and in the glaring sun. Eventually, Baker staff brought out a restraint chair, strapped him in, and brought him inside. The officers took him to a holding cell that had nothing but a mattress on the floor; he spent several days there without

access to a wheelchair, his medications, or medical attention for his fractured foot or injuries sustained during transfer.

The abuses continued. **One day in the holding cell, Mr. Martin was pepper sprayed by a guard who alleged (incorrectly) that Mr. Martin had refused to take his medication.** He continued to request a wheelchair but those requests were ignored. The only way for Mr. Martin to get to any area within the jail, like the dining area, the phones, the medical unit, or the only handicapped-accessible shower in the jail, was to be pushed in a restraint chair by someone else; he had no control over his own movement. **Because the only handicapped-accessible shower was located in the medical unit, the officers often forced Mr. Martin to wait between three and five days to shower; at times, he had to wait an entire week.** The abuse that Mr. Martin suffered during his transfer to Baker and his subsequent detention at the jail was documented in a civil rights complaint filed with DHS CRCL, multiple declarations to the federal district court in *Gayle v. Meade*,¹⁸ and in letters to ICE, noting that his case included multiple violations of Section 504 of the Rehabilitation Act as well as ICE detention standards. **However, ICE ignored the calls for adequate accommodations and Mr. Martin's release and deported him to Jamaica.**

Facilities are required by federal law, including Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, to ensure that detained individuals with a disability have an equal opportunity to participate in, access, and enjoy the benefits of the facility's programs, services, and activities. Such participation must be accomplished in the least restrictive and most integrated setting possible, through the provision of reasonable accommodations, modifications, and/or auxiliary aids and services, as necessary, and in a facility that is physically accessible.¹⁹ Mr. Martin's experience is a clear violation of this standard.

3. Abuse of two Cuban men (anonymous)

"I honestly thought that I was going to die of suffocation."

On March 31, 2020, two Cuban men were transferred to Baker and placed in a holding cell with three other men while they were being processed. The room had one toilet with no privacy, no sink for handwashing, no soap, no toilet paper, and no ability to social distance at the height of the COVID-19 pandemic. The men repeatedly requested to use a more private toilet or to be provided with toilet paper, but these requests were ignored. **After approximately six hours, officers barged into the cell and grabbed one of the men, who was the last to knock**

¹⁸ Declaration of Rodney Martin in *Gayle v. Meade*, 1:20-cv-21553-MGC, ECF 106-2 (S.D. Fla. May 20, 2020); Motion to Intervene by Rodney Martin in *Gayle v. Meade*, 1:20-cv-21553-MGC, ECF 238 (S.D. Fla. July 27, 2020).

¹⁹ 2019 NDS, 4.7 Disability Identification, Assessment, and Accommodation, I., p. 137.

on the door to request toilet paper. Four officers dragged him out of the cell and handcuffed, pepper sprayed, and beat him without warning, cause, or justification.

When the second Cuban man tried to defend his friend who was being beaten, he too was dragged out of the cell, pepper sprayed, and beaten by three officers. The two men were subsequently restrained with restraint chairs and opaque helmet-like masks which restricted their breathing. **After an officer briefly lifted one of the masks to show the other people in the holding cell what could happen to them if they made similar complaints, the officers took both men to a separate room where they sat in the restraints, unable to see or breathe normally, for approximately 20 minutes. “I honestly thought that I was going to die of suffocation,” said one man due to the mask cutting off his clear airway.** These two men were beaten and severely abused for requesting the most basic sanitation materials. Americans for Immigrant Justice filed a civil rights complaint on their behalf with DHS OIG and DHS CRCL, yet the complaint went unanswered, and as far as we are aware, was not investigated.

4. Abuse of Brazilian man (anonymous)

In May 2020, a Brazilian man detained at Baker, who had a metal plate in his shoulder due to a previous injury, was sent to the hospital because his shoulder was in pain from being forced to sleep on the floor at the jail. The doctor at the hospital told him that he likely required surgery. He returned to the jail with his arm in a sling, and the staff forced him to spend 24 hours in medical observation in a cell with padded walls, claiming there was no space in the rest of the jail. The next day he returned to the general population housing unit. **Before entering the unit, a guard ordered him to carry his mattress, and when he explained that he could not due to the injury, guards pinned him to the wall, pulled his arms behind his back, and kicked his legs until he fell on the floor. When the man began to cry in pain, a guard yelled, “Shut up bitch.”** Another guard who witnessed the assault yelled at the man too. The assault caused the metal plate in his shoulder to shift, causing additional injury and extreme pain.

5. Testimony of Guillermo De Leon Serrabi

On October 3, 2021, Guillermo De Leon Serrabi was severely beaten by Officer Peacock after refusing a COVID-19 test required for his deportation. Officer Peacock told him he could not refuse and got angry with him. Mr. De Leon Serrabi told the officer he knew his rights, and they could not force him to take the test. Officer Peacock pushed Mr. De Leon Serrabi onto the floor, hitting his head on the ground, and put his knee on his rib, while Mr. De Leon Serrabi was still handcuffed. Officer Peacock started making racist comments and insulting Mr. De Leon Serrabi. This incident took place in the doctor’s office. He was then taken to solitary confinement, where he alleges Officer Peacock hit him in the head five times with a closed fist and slapped him in the face, insulting him. He was then pushed to the ground where he hit his head on the toilet, losing consciousness temporarily. Two additional guards witnessed the

incident, laughing. This assault followed the July 12, 2021 filing of a previous civil rights complaint on medical neglect and force, for which he received a single interview by DHS on or about April 2022.

In December 2021, while still in confinement, Mr. De Leon Serrabi was assaulted by Officer Collins and Sergeant Gainey. **As a result of the beating, Mr. De Leon Serrabi suffered ear damage and lost hearing in one ear.** Immediately afterwards, he informed Officer Mitchell, the facility's mental health counselor, that he had sustained ear injuries in the beating. **Mr. De Leon Serrabi was continuously held in solitary confinement until January 2022, totaling about four months. After the second beating, he was denied access to the phone.** He was unable to tell his family or his lawyer about what happened.

After the assault, Mr. De Leon Serrabi reports that he filed multiple grievances, which he directed to his ICE deportation officer, Mr. Ward, but they were ignored. The same deportation officer contacted the U.S. attorney in January seeking an indictment against Mr. De Leon Serrabi for refusing deportation. He is still detained at Baker and continues to suffer hearing loss.

On March 10, 2022, Freedom for Immigrants received a call to their abuse reporting hotline from Jose Lopez Pleitez, who reported, out of great concern for his peer, the details of Mr. De Leon Serrabi's assault, which he learned of while both were in solitary confinement from approximately December 29, 2021 to January 13, 2022. According to Mr. Lopez Pleitez, Mr. De Leon Serrabi shared that he was beaten by Officer Collins, with Sergeant Gainey standing at the door watching the entire time. He also told Mr. Lopez Pleitez that a mental health counselor was aware of the assault and had taken extensive notes when he first reported the beating. During the call, Mr. Lopez Pleitez stated that Mr. De Leon Serrabi shared that he attempted to direct complaints to the warden, but they were intercepted by his deportation officer Mr. Ward. He was also denied access to his mother or his attorney while in isolation, only being afforded a single attorney call after more than three months of isolation. All of this left Mr. De Leon Serrabi desperate to tell others the details of what he suffered. Mr. Lopez Pleitez ended the call by stating that he was provided a phone number for a DHS investigator from Mr. Frias, whom he attempted to contact. The number would not go through.

6. Testimony of other individuals suffering physical abuse at Baker

"The aggression against the detainees is very strong...receiving blows, spray, locked all day. Some detainees are put in cells without cameras to beat and mistreat them." - Translation of public petition signed by 130 immigrants in Baker

A petition sent to Freedom for Immigrants on May 5, 2022, which was signed by over 100 people detained, stated that detained people are beaten in a cell with no cameras; this document identified officers Gainey, Colly, Railay, K. Brown, Peacock, Crews, and Caleb. Others have identified Lieutenant Chestnut as one of the officers involved in these beatings. **The**

petition sent to FFI also stated that several officers savagely beat and pepper sprayed a detained person on the evening of January 10, 2022 (see Appendix B).

Multiple other individuals, including Cosme Frías, report that officers take people into a cell that does not have cameras to beat and pepper spray them. Mr. Frías reported in a FFI hotline call on February 4, 2022, that **Officer Railey Jorten physically injured a detained person for asking to use the bathroom.** In a call to the FFI hotline on May 3, 2022, **Jose Lopez Pleitez recounted seeing a guard put his knee on someone’s neck, cutting off their airway, and then placing them in solitary confinement.** Mr. Lopez Pleitez reported an incident in which he was placed in solitary confinement for attempting to mediate a conflict between other detained individuals. He also stated that officers often come to work seemingly inebriated, adding to the unsafe environment.

Mr. Lopez Pleitez reports to FFI that officers also attempt to provoke fights between detained people, and that they have asked him to beat up other detained individuals. He further reports that guards will allow detained individuals to beat each other without intervening or reporting the conflict. This was stated in the petition as well. Mr. Frías also stated that guards ask detained individuals to rough up and intimidate others who they consider to be troublemakers.

The group petition circulated by women dated February 19, 2022 (see Appendix A), describes an incident that took place on January 24, 2022, in which **Deputy Adams verbally abused a detained person and made derogatory statements about her religion. He pushed the woman into another room, causing her to hit her shoulder on the door frame. He then threatened her with solitary confinement, causing her to experience a panic attack.**

7. Unwarranted Use of Force and Physical Abuse Violate the Law and the National Detention Standards

These numerous incidents of excessive force are not only egregious and appalling human rights violations, they are also violations of ICE’s own standards. The 2019 National Detention Standards for Non-Dedicated Facilities state that people detained 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.”²⁰ Legally, harassment refers to behavior that is intended to alarm, intimidate, or cause emotional distress.²¹

The use of force against detained people “is authorized only after all reasonable efforts to resolve a situation have failed. Officers shall use only the force necessary to gain control of the

²⁰ 2019 NDS, 3.1 Disciplinary System, II. Standards and Procedures, M. Notice to Detainees, 1, at 95.

²¹ Harassment, Florida Bar Association, (accessed July 1, 2022), <https://lrs.floridabar.org/practice-areas/harassment>.

detainee; to protect and ensure the safety of people detained, staff, and others; to prevent serious property damage; and to ensure the security and orderly operation of the facility.”²² The standards are clear that “under no circumstances shall force be used to punish a detainee.”²³ The NDS is also clear that physical restraints shall be used to gain control of a dangerous detainee *only* under specified conditions.²⁴ Restraints over a detainee’s neck or face, or in any manner that obstructs the detainee’s airways (mouth, nose, neck, esophagus) is prohibited.²⁵

Excessive use of pepper spray also violates the NDS. *See generally* 2019 NDS, Use of Force and Restraints, II.H. Officers should always consult a medical professional before using pepper spray unless immediate use is unavoidable. Moreover, use of pepper spray against a person who is restrained is illegal, highly dangerous, and could lead to death. In Florida, there are documented cases of the use of pepper spray against restrained or confined individuals that have resulted in death.²⁶

The ongoing pattern of physical assaults at Baker warrants immediate intervention by the various agencies in receipt of this complaint.

B. Retaliation for Peaceful Hunger Strikes and Public Reporting

Retaliation against individuals publicly exposing abusive conditions and treatment is a significant concern at Baker. People detained at Baker have repeatedly engaged in hunger strikes to protest the conditions described herein. Between 2010 and 2013 for example, the Office of Detention Oversight reported five hunger strikes.²⁷ Recent hunger strikes, complaints and public petitions for support have been met with significant retaliation, including retaliatory deportations, placement in solitary confinement, and the shutting off of water throughout the entire facility.

1. Retaliatory Facility Wide Water Shutoff for May 2022 Hunger Strikes

²² 2019 NDS, 2.8 Use of Force and Restraints, at 46. Stating that the use of force against a detainee offering no resistance is prohibited. *Id.*, 2.8 Use of Force and Restraints, at 44.

²³ *Id.*, at 44.

²⁴ 2019 NDS, 2.8 Use of Force and Restraints, at 44.

²⁵ *Id.*

²⁶ Julie K. Brown, “As Florida inmate begged for help, guards gassed him to death, suit says,” *Miami Herald* (Sep. 20, 2016); Amy Bennett Williams, “Pepper spraying inmate with schizophrenia cruel, unusual, suit says,” *News-Press* (Sept. 2, 2016).

²⁷ *See*, Office of Detention Oversight, *Compliance Inspection Enforcement and Removal Operations Miami Field Office Baker County Detention Center Macclenny, Florida*, U.S. Dep’t Homeland Security (Aug. 2013), https://www.ice.gov/doclib/foia/odo-compliance-inspections/2013-baker_county_detention_center_compliance_inspection_report_8-6-13_to_8-8-13.pdf.

Most recently, in May 2022, approximately 100 people began a hunger strike in response to inhumane conditions. On May 3, 2022 seven individuals, including Cosme Frias, Delroy Grant, Jose Humberto Lopez Pleitez, Travis Russell, an anonymous complainant, and two others called Freedom for Immigrants to report that a peaceful hunger strike was taking place due to concerns around incidents of excessive force from the guards, verbal abuse from Baker staff, unsanitary conditions, poor treatment by staff, medical neglect, dirty clothing, bugs and worms like cockroaches in food, no COVID-19 protections, and a recent unexplained death in the facility.²⁸ Those striking were demanding to be released or transferred to a facility with more humane conditions. Individuals involved in the hunger strikes shared that guards responded to this first strike, which took place in early May, **by threatening to cut off the water, to place them on lockdown, and by taking several people to solitary confinement. One individual's phone call to FFI's hotline was cut off abruptly as soon as he stated officials were planning to place them on communication lock down, cutting off all external communication in the coming days. Others reported to Americans for Immigrant Justice that Baker staff threatened to cut off access to the commissary, and that guards threatened to pepper spray people involved in the strike.** At first, ICE officials told strikers that changes would be made to address their complaints, yet in the days that followed conditions remained the same. According to those detained at Baker, the threats of retaliation deterred many from continuing the strike.

Another strike began two weeks later in May, again protesting abysmal conditions, and strikers experienced severe retaliation. **Water was cut off on approximately May 18, 2022, and the units participating in the strike were placed on lockdown, preventing them from leaving their cells or having access to telephones or other forms of communication.** With the water turned off, those on strike could not shower and had no access to drinking water. Cosme Frias reported that Captain Blue told the strikers that they would not have water until they ate something, and guards brought around fruit, trying to persuade people to eat. **Because they could not flush the toilets while the water was turned off, feces began to build up and the strikers were concerned about the unsanitary conditions. People who needed to take medication were not given water to swallow pills. On May 19, the strikers ate something to end the strike because they were desperate for access to water.**

Officers at Baker frequently put the housing units on lockdown in retaliation for complaints or hunger strikes, which means that people are locked in their cells for several hours at a time. When this happens, detained people lose access to the phones, which are located in common areas rather than their individual cells, and to drinking water in this manner as well because drinking water is only available in a cooler located in the common area of the housing units.

²⁸ The death of Kellen Dupress in county custody on April 26, 2022. The cause of death remains under investigation. See, Jim McGauley, *Suspect in Alleged Gas Station Attack Died at County Jail*, The Baker County Press (Apr. 2022), <https://bakercountypress.com/2022/04/alleged-gas-station-attack/>.

On June 27, 2022, Samantha Lindsay reported to AIJ that lockdowns for the women’s housing unit were being implemented for longer periods of time than had taken place in the previous month, with each lockdown lasting for several hours at a time. In conjunction with these lockdowns, she reported that the women were denied cleaning supplies and had received food of worse quality than in the past. Ms. Lindsay called these lockdowns and the accompanying conditions “mass punishment,” a consequence for reporting abuses to national and Florida-based advocacy and legal organizations.

On June 29, 2022, Marlissa Joseph reported to AIJ that lockdowns at the end of the month of June were occurring multiple days a week and lasting five to six hours each, with some lockdowns extending across shifts for even longer. She added that she experienced some lockdowns with durations of ten or more hours. Like others reported, Ms. Joseph stated that she did not have access to drinking water during these lockdowns, forcing her to drink the water out of the cell’s sink, which she said tastes like chemicals. During these lockdowns, the women do not have access to the phones to call their lawyers or loved ones, or to make reports of the punitive conditions. On June 29, 2022, Ms. Joseph intended to go to the law library to work on her immigration case, however, due to an extended lockdown, the officers never called for the law library and never permitted her to leave the cell. These lockdowns imposed by Baker staff have compounding consequences, as they also intentionally cut off access to counsel and legal information, access to drinking water, and access to telephones. Losing access to drinking water, whether through a lockdown or through staff directly shutting off running water, is in direct violation of ICE’s own standards that say that food, and arguably “water” falls within “food,” shall never be used as a reward or punishment.²⁹

2. Retaliatory Deportation for Public Reporting

Some who participated in the initial hunger strike and in leading the petition circulation, such as Cosme Frias, faced life-altering consequences. Leading up to the second hunger strike, Freedom for Immigrants received a letter from Mr. Frias and two others dated May 13, 2022 detailing repression that took place following the initial strike and threats received (Appendix C). The letter also stated that Nakomoto Group was scheduled to come for an inspection May 3-5th, and a sign up list was provided in each housing unit for those interested in speaking with inspectors, which they signed, but the Nakomoto Group never spoke to those who had signed up. Our organizations were later informed that Nakomoto Group was told there was a ‘disturbance’ at the jail and to not visit certain units (i.e the units on hunger strike), to which they complied. The letter included detailed plans for another hunger strike, concerns regarding past and future retaliation, and requests for help:

²⁹ 2011 PBNDS, 4.1.I.13 - Food Shall Never Be Used as a Reward or Punishment. Arguably “water” falls within “food” and punishing hunger strikers by cutting off access violates this policy.

“We ask you to help us. Once we go on hunger strike they are going to lock us down and take our food and water is going to be turned off. We would be with no communication with the outside world and nobody would know what they are doing to us. We are also scared that they are going to retaliate against us for contacting your organization. Me, [anonymous], and Frias Cosme, we are the ones that got this going and we know that if they find out for sure we are going to be punish for sure. We are willing to go through anything. We have already enduring alot of punishment and we would endure whatever necessary but we want the outside world to know and your help to stop this cruel punishment. They already got Mr. Frias appeal dismissed. They denied his appeal in record time 88 days so we know they can do it to us too and that is because our rights were violated and now we are speaking up they want to get rid of us. Please can you help us when it comes to that to make public that our cases are being denied because they violated our rights and now that we are accusing them ICE is trying to deport us as soon as possible so they don’t get in trouble. Please they are finding any way possible to deport us because of what we are doing. Help us please. We are only doing what is right. They have one way or the other violated the rights of every detained here. Please we need your help. From May 16 we are not eating. Please Amanda don’t forget about us. We are scared but we have suffered too much here. We can’t stay quite anymore. May god be with us and provide you what you need to help us. Thank you very much.”

[Anonymous]

[Anonymous]

Cosme Frias

Relevant Timeline of Events:

December 9, 2021: Mr. Frias first contacted Freedom for Immigrants’ (FFI) National Immigration Hotline to report ongoing medical neglect for his life-threatening condition at Glades County Jail.

December 23, 2021: Mr. Frias reported to FFI’s hotline ongoing difficulty obtaining medical care after transfer to Baker County Jail. The option of a civil rights medical advocacy letter submitted on his behalf was presented. Mr. Frias requested time to deliberate due to fear of retaliation.

February 4, 2022: Mr. Frias reported to FFI’s hotline about ongoing blood in his stool and denial of a colonoscopy, among other issues. He also reported that biased comments were made against non-English speakers and an incident of off camera physical assault against another individual.

March 8, 2022: Mr. Frias reported to FFI’s hotline a recent hunger strike in the detention center.

March 10, 2022: Mr. Frias reported to FFI's hotline that he was interviewed by the Department of Homeland Security about a guard who was using excessive force. The interviewer provided Mr. Frias with the number of a separate investigator to follow up with. Mr. Frias subsequently requested assistance, stating the number provided was blocked from inside the Baker Facility.

April 6, 2022: Mr. Frias decided to move forward with a medical advocacy CRCL complaint.

May 3, 2022: FFI submitted a civil rights complaint reporting Mr. Frias' denial of appropriate treatment for a life-threatening medical condition (*See section II.C.5 for additional details*).

May 3, 2022: Mr. Frias and others contacted FFI's hotline to report over 100 people engaging in a facility-wide hunger strike to protest their conditions of confinement. (*See section II.B.1 above.*)

May 5, 2022: A letter to FFI from Mr. Frias accompanied a petition with over 130 signatures detailing complaints about the condition at the Baker County Jail and requests for help (*see appendix C*).

May 12, 2022: Mr. Frias contacted FFI's hotline to ensure the petition had been received.

May 13, 2022: Second letter cited above from Mr. Frias and an anonymous participant in this complaint detailing concerns and expressing fears of retaliation was dated May 13, 2022, but received by FFI on May 23, 2022 (*see appendix C*).

May 13, 2022: FFI's National Hotline Manager Amanda Diaz sent follow-up correspondence to authorities at CRCL, OIG, Miami ICE Field Office, and Baker County Jail stating that Mr. Frias reported being informed by his deportation officer he would be deported by the end of the month, with the timing of events raising serious concern regarding retaliation following Mr. Frias' public exposure of rights violations in the initial civil rights complaint submitted to CRCL. No response to this correspondence was received.

May 18, 2022: Mr. Frias reported to FFI's hotline that he and many others were on a hunger strike as of two days prior. He reported that ICE responded by turning off the water and that he and others on strike had no water to drink, shower, or use the toilet. He said the feces were piling up inside the toilet because it cannot be flushed, and this was unhygienic and dangerous.

May 31, 2022: Email correspondence received by an anonymous formerly detained person stating that Mr. Frias was being taken to Krome for deportation. This individual also wrote that Mr. Frias reported to him that on May 25, 2022, his ICE Deportation Officer A. Young had

threatened him with deportation, saying he would call the Board of Immigration Appeals (BIA) so that his case is denied as soon as possible.

Freedom for Immigrants has since received anonymous hotline reports from individuals at Baker County Jail stating they feared to engage in additional public reporting because many individuals were deported following the hunger strikes and public petitions of May 2022 in clear violation of their rights to due process.

3. Retaliatory and Arbitrary Use of Solitary Confinement

The public petition received May 5, 2022 signed by 130 immigrants detained in Baker speaks extensively to the retaliatory and arbitrary use of solitary confinement (Appendix B), as do letters written to Freedom for Immigrants and client testimonials. University of Miami School of Law's published report detailing an April 1, 2022 interview reads, "One of the first people I spoke with explained that they would likely be 'locked up' for speaking to us," said Benjamin Brooks. "But almost every single detained person was willing and ready to talk — regardless of possible consequences."³⁰

In June 2022, AIJ received multiple complaints of increased lockdowns, cutting off access to water, commissary, and television, and retaliation and targeting against those individuals who spoke recently with legal and advocacy organizations. There are also multiple complaints from detained individuals that Baker County guards threaten individuals with solitary confinement in retaliation for complaints or being vocal about their mistreatment and inhumane conditions.

Further, Baker staff has a pattern of arbitrary, punitive reactions to mundane, innocuous actions. For instance, on February 16, 2022, Freedom for Immigrants received a hotline call stating at the beginning of February that a man who was taken to a holding cell asked if he could use the bathroom in another cell for privacy. He was pepper sprayed, then put in solitary confinement. Travis Russell also shared that at times, Baker staff will only allow his housing unit ten minutes to eat their meals, and if the detained men do not return their tray in time, they are threatened with extended lockdowns and solitary confinement. Travis Russell also reported to AIJ that one morning, shortly after he had woken up, an officer was shouting at him. Mr. Russell responded to the officer and said, "I got you," in order to indicate he understood the officer's direction, and asked the officer to not shout at him. After this, the officers immediately escorted Mr. Russell to solitary confinement, claiming that his response had threatened the officers. He was held in solitary confinement for approximately 72 hours, arbitrarily and without justification.

³⁰ *Immigration Clinic Students Uncover Startling Inhumane Conditions at Florida Detention Center*, Miami Law Staff Report, University of Miami School of Law (last accessed July 17, 2022), <https://www.law.miami.edu/news/2022/may/immigration-clinic-students-uncover-startling-inhumane-conditions-florida-detention-0>.

In confinement, Mr. Russell only had access to a phone once a day and had no access to cleaning supplies. He reports that most cells in solitary confinement do not have hot water, and those detained in solitary confinement with disciplinary charges filed against them do not have any access to the phones.

These patterns of retaliation, especially Baker County's cutting off access to drinking water and local ICE's engaging in retaliatory deportation, are extremely disturbing and require urgent intervention by the Department of Homeland Security. The detention center-wide abuse taking place at Baker has proven to be beyond policy change or reform, and as lives are placed in danger as people are beaten or denied access to water, DHS should immediately reconsider its ongoing relationship with Baker County before another death occurs.

C. Medical Abuse and Neglect

"The justice system in the U.S. does not support women and children. The administration needs to know what foreigners are subject to [at Baker]. This is a shame." - Samantha Lindsay

Protests and public denunciations of conditions underscore a systemic pattern of extreme medical neglect at Baker County Detention Center that has remained unchanged despite extensive complaints documenting Baker County's failure to provide adequate medical care. The signatories have spoken with dozens of individuals detained at Baker this year, and many note the complete failure of Baker County and its medical subcontractor Armor Correctional Health Services ("Armor") to provide adequate medical care and meet the basic standards of health.

1. Testimony of Marlissa Joseph

Marlissa Joseph is a 22-year old woman from the Bahamas, with a history of asthma, seizures, depression, anxiety, and chondrocostal junction syndrome. Prior to her detention at Baker, Ms. Joseph was detained for approximately six months by ICE at the Glades County Detention Center ("Glades"), where she also faced medical neglect, sexual harassment, and unsanitary conditions. Ms. Joseph was transferred to Baker at the end of December 2021, when ICE elected to transfer all women out of Glades. **She traveled to Baker with her inhaler that was prescribed to her for asthma, but upon her arrival the staff took the inhaler, claiming she was not permitted to keep it on her person. Ms. Joseph asked the nurses if she could have her inhaler back; they refused. The Baker medical staff did not provide Ms. Joseph with an inhaler until she contracted COVID-19 in February 2022, despite the fact that her asthma is well documented in her medical records.**

Despite a history of seizures, Ms. Joseph was not provided seizure medications during her entire detention at Glades. By the time she was transferred, she was able to acquire copies of her medical records documenting her history of seizures prior to ICE detention, which she gave

to the Baker medical staff. Once the doctor reviewed them, she provided Ms. Joseph with the seizure medication Keppra, which was prescribed at a high dose and taken twice a day. **In April 2022, a new doctor was assigned to work at Baker, and abruptly stopped Ms. Joseph’s medications. The doctor did not consult with her or conduct any bloodwork; Ms. Joseph only learned it was cut when the nurse at the pill line did not have her medication.**

Abruptly taking a patient off their seizure medication can have devastating consequences, according to Dr. Franklyn Rocha-Cabrero, M.D, a University of California-Irvine Clinical Neurophysiology Fellow. This can include a sudden seizure at a moment when the seizure could be especially damaging to the patient physically (such as while showering or sleeping). It can also cause status epilepticus (a life threatening condition of continuous, ongoing seizures), among other head or body injuries that would negatively affect the health of the patient. It can even lead to death. “Therefore,” says Dr. Rocha-Cabrero, “a medication like Keppra should not be removed without the consent of a treating neurologist. **Patient safety should be the highest priority, even in the most resource constrained environment. It can be life or death.**”³¹

Facing risk of a seizure, Ms. Joseph filed a sick call request to see the doctor, which was ignored. She then filed a grievance about her medications being cut off, and when she ultimately was able to see the doctor many days later, the doctor continued to insist the seizure medication was not needed. Ms. Joseph continues to be at heightened risk of a seizure due to being denied critical medication by Baker County and Armor.

As mentioned above, Ms. Joseph contracted COVID-19 at Baker in February 2022. She began to experience diarrhea and vomiting, and while she did not immediately think it was COVID-19, her roommate reported her illness to the staff, who conducted a test. At first, they told her the test was “normal,” but minutes later, the staff rushed back in and screamed for Ms. Joseph to pack up her belongings. She was restrained and escorted to the medical unit, where she was assigned to a very dirty cell, where she would end up spending two weeks in isolation. **Here, she felt like she was being punished for contracting COVID-19; she had no access to a phone nor her commissary. One day while isolated in the medical unit, Ms. Joseph felt faint and like she was going to pass out. She pressed the emergency button in her cell so she could receive medical attention, but no one came. Not until an officer passed by the cell and found her on the floor did she receive medical attention.** After 14 days, Ms. Joseph was let out of isolation, though she was not tested again for COVID-19 before returning to general population. Ms. Joseph also reported that although others in her housing unit have exhibited COVID-19 symptoms, many are afraid to seek medical attention due to the punitive living conditions those placed in medical isolation face.

³¹ Dr. Franklyn Rocha-Cabrero M.D, correspondence with Immigrant Action Alliance, June 23, 2022.

Finally, Ms. Joseph reports that she and others in ICE custody are restrained any time they leave the housing unit to visit the medical department. She adds that medical staff improperly document medical issues and deny past medical assessments. For example, one woman had her blood pressure taken and it was very high. At her next appointment with medical staff, they denied that reading ever took place and that it was in the person's medical records. Most people in ICE custody at the jail without representation cannot obtain their own medical records because Baker's medical department charges for them, creating a financial barrier to accessing information often needed to support requests for release from detention on medical or humanitarian grounds.

2. Testimony of Samantha Lindsay

Samantha Lindsay is a 39-year old woman from Jamaica who has lived in the United States for about 20 years and has four young children. She has been detained by ICE at Baker for more than two months and faces ongoing issues in accessing necessary medical care for her multiple medical conditions, which include a heart condition, with a diagnosis of angina and a mild heart attack in 2018; chronic high blood pressure for which she takes three medications; stomach ailments caused by a brutal stabbing she suffered several years ago, leading to emergency surgeries on her intestines and an artery; and anemia. She also takes aspirin and requires iron supplements.

Ms. Lindsay's stomach injuries and related surgeries require her to maintain a special diet to avoid inflammation and other irritants on her gastrointestinal system. For example, for breakfast, she should eat eggs, milk, or oatmeal, and avoid bread. Yet, Baker provides her with peanut butter, bread, and jelly each day; no milk is given, and it is rare they provide a hard-boiled egg. **Ms. Lindsay has reported that she is not receiving a medically adequate diet and filed complaints, yet it has not changed. She eats small amounts of the bread and nothing else each morning. Much of what Ms. Lindsay is given for lunch and dinner she is also unable to eat. She reports losing a significant amount of weight since her arrival at Baker as she is barely eating, and being unable to pass bowel movements due to lack of an appropriate diet.**

After filing sick calls and complaints for weeks, including some directed to the Captain and ICE Supervisory Deportation Officer Bailey, Ms. Lindsay was visited by ICE SDDO Bailey, and she asked what has been done by ICE to address her medical needs. SDDO Bailey said that ICE would pull her medical records and review them, promising nothing further. Ms. Lindsay was able to finally see the doctor at the jail on June 9, 2022. The doctor referred her to the gastroenterologist and another specialist, mentioning Ms. Lindsay likely also needs B12 shots and blood transfusions. The doctor did not say when these appointments will be scheduled, or how soon she will receive the care she needs. On or around June 15, 2022, Ms. Lindsay was

taken to an appointment with a hematologist, though the appointment did not include any treatment, and she was told she needs further testing to assess whether she has sickle cell disease. **Ms. Lindsay has not received any follow up care since the operations on her intestines and arteries about a year ago. It's clear that Baker's medical department does not have the capacity to care for her complex medical needs, and her health continues to deteriorate as she remains in detention.**

Ms. Lindsay said, "If I'm sick, my doctor sees me as soon as possible. If my blood pressure is high, my doctor doesn't let me leave the office. But just last week at Baker, I had a headache, and my blood pressure was low. I asked the nurse for help. She said I was on too many medications to be given anything else. **I told her my eyes and head hurt. The nurse told me to go back and relax...If I was on the outside seeing my doctor, he would address my pain.**" She went on to add, "The justice system in the U.S. does not support women and children. The administration needs to know what foreigners are subject to [at Baker]. This is a shame."

3. Testimony of Petrona Lopez

Petrona Lopez is a 52-year old woman from Guatemala who has lived in the United States for almost 40 years and has four children. Ms. Lopez was detained by ICE at Baker from December 2021 to March 2022. She has a number of medical issues which could lead to permanent disability, cancer, or serious illness if left unaddressed, including pre-diabetes, hypertension, chronic sciatica due to an unaddressed spinal disc injury, acid indigestion, anxiety and depression, and a family history of colon cancer. Ms. Lopez was denied adequate medical care while detained at Baker, and her health declined severely as a result.

Ms. Lopez had surgery for her spinal disc injury in 2019 and was referred to physical therapy to ensure full recovery. Ms. Lopez never received physical therapy while in ICE custody, and as a result, she experiences severe mobility impairment. While at Baker, Ms. Lopez requested physical therapy again and again after she was initially informed by competent medical professionals that it would be a vital part of her recovery. **She was often unable to get up in the morning due to the pain.** Ms. Lopez reported to Freedom for Immigrants that she was in so much physical pain that she suffered from feelings of despair and exhaustion. **While at Baker, her physical and emotional pain were reaching the levels where she was struggling with basic memory recall.**

In addition to being denied physical therapy at Baker, she was also regularly denied the minimum medical interventions of warm environment, warm compresses, or even warm pants to relieve the pain her damaged nerves cause when her leg is cold. Multiple individuals detained at Baker have reported that the facility is kept extremely cold, causing discomfort, and in Ms. Lopez's case, exacerbating her chronic pain. **Originally, Ms. Lopez reported, detained**

individuals were promised sweatpants by Baker staff, but then nothing came, and they were told there would be no blankets either. The clothes that are provided are dirty.

Baker staff also denied Ms. Lopez adequate mental health treatment. **Ms. Lopez reported that she asked an officer whether it would be possible to see a psychologist after the death of her mother a week before. The officers denied her assistance, and only answered, “Everyone dies.”**

4. Testimony of Saleem Sabassa

Saleem Sabassa was repeatedly denied care for asthma while detained at Baker. Prior to being detained, Mr. Sabassa used an inhaler several times a week to treat shortness of breath. **He had been hospitalized for asthma attacks several times before being detained, meaning that his asthma is severe. He requested access to an inhaler multiple times: in January, April, and May of 2021. Each time, his request was denied. As a result, he experienced repeated episodes of shortness of breath, up to two hours at a time, as well as chest pains.** On April 29, 2021, Mr. Sabassa reported to the FFI Hotline that a nurse at Baker explained the decision to deny him an inhaler by claiming that the symptoms were because of his mental health, not a physical condition. Freedom for Immigrants filed a civil rights complaint on his behalf on July 28, 2021, alleging racist actions and medical abuse.³² No improvements were made throughout his stay in ICE custody at Baker County Detention Center.

5. Testimony of Cosme Frías

Cosme Frías suffered severe medical neglect at Baker. Mr. Frías noticed blood in his stool in November 2021 while detained at Glades County Detention Center, and was examined by a physician there and **told that he might have colon cancer and urgently needed a colonoscopy. The medical officials also stated they would run additional tests to ensure he did not have cancer. Neither the tests or colonoscopy were received at Glades. Mr. Frías was later transferred to Baker, where he was never provided a colonoscopy, despite numerous internal complaints and demands for medical treatment.** As reported above, Mr. Frías filed a CRCL complaint on May 3, 2022.³³ On May 18, 2022, he reported that he had a colonoscopy

³² Saleem Sabassa Medical Advocacy Letter to Garrett Ripa, Field Office Director, Sheriff Scotty Rhoden, and Katherine Culliton-González, Officer for Civil Rights and Civil Liberties (July 28, 2021), <https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/62d584c7bfdb005451b39deb/1658160327287/Medical+Negect+and+Racial+Discrimination+at+Baker+County+Sheriff%E2%80%99s+Office+Reported+by+Mr.+Saleem+Sabassa+%28A%23-+044-251-080%29.pdf>.

³³ Cosme Adolfo Frias Medical Advocacy Letter to Garrett Ripa, Field Office Director, Sheriff Scotty Rhoden, Captain Evelyn Blue, David Gersten, Office of the Immigration Detention Ombudsman, and Katherine Culliton-González, Officer for Civil Rights and Civil Liberties (May 3, 2022), <https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/62d0463a9502bc1cb04da876/16578>

appointment scheduled for June 9, 2022, but that he was worried he would be deported before then. On May 25, 2022, ICE Deportation Officer A. Young threatened Mr. Frías with deportation, saying he would call the Board of Immigration Appeals (BIA) so that his case would be denied as soon as possible. At that point, Mr. Frías had been at Baker without treatment for more than four months. **At the end of May, Mr. Frías was deported--likely due to Officer Young's retaliation for filing a complaint requesting medical care and/or for his leadership in organizing the hunger strike and mass petition public reporting.**

6. Additional reports of medical neglect

Individuals detained at Baker have reported many cases of being denied medical care even when in acute distress. On May 31, 2022, Mr. Frías reported that on May 23, 2022, **a man informed an officer that he was experiencing severe medical distress. The officer ignored him, and an hour later the man could not stand up because of the pain. The medical staff laughed at him. A few moments later the man had to be taken into emergency surgery.**

Delroy Grant reported in May 2022 that he had a slip and fall incident at Baker in late 2021, in which he injured his wrist and tore the ligament. The injury caused him pain and made it difficult to perform everyday tasks. It took several months for him to get an X-ray, after which the medical staff recommended he get an MRI. A month later, in March 2021, he finally had an MRI that showed the torn ligament. **At this point, it had been about five months since the original injury. Baker medical staff then labeled the wrist injury and related, required treatment as an elective surgery and refused to schedule it. At the filing of this complaint, Mr. Grant is still awaiting surgery or further medical attention on his injured wrist.**

Travis Russell shared on July 15, 2022, that sick call forms often take days to be processed, delaying detained people from even receiving initial medical attention when a medical need arises. In one instance, Mr. Russell submitted a sick call request and it took approximately five days for it to be processed, and once it was, the medical staff called Mr. Russell at an early hour of the day when he was still asleep, preventing him from accessing the medical appointment he had requested days prior.

The University of Miami School of Law Immigration Clinic witnessed ongoing, medical neglect firsthand during their April 1, 2022 site visit at Baker. Law student Ivan Rudd reported a stark example, "I witnessed a man covered head to toe in a severe rash with multiple open wounds. Because the medical team was not giving him enough medicated cream to treat the rash,

he would save butter from meals and rub it across his body on the worst parts of the rash to soothe himself.”³⁴

The immigration clinic also documented that a man with no prior history of epilepsy suffered a grand mal seizure, during which he fell and hit his head. After the seizure, the man was never tested to see if it had stemmed from an underlying condition. The law students observed firsthand that he had open wounds from the episode that had not healed. Baker’s medical staff is underprepared to treat the physical and psychiatric injuries that guards inflict on the detained men and women, through physical assault, other forms of harassment or abuse, or ongoing neglect.

Multiple people detained at Baker have reported that dental care is inadequate and difficult to access. **Some people have reported not being able to get seen for a toothache even when their teeth are bleeding and causing severe pain.**

7. Medical Neglect Violates Detention Standards and the U.S. Constitution

ICE and Baker County have a constitutional obligation to provide adequate medical treatment to people under their care. *See generally Estelle v. Gamble*, 429 U.S. 97 (1976). The medical conditions experienced by people detained at Baker--including asthma, seizures, high blood pressure, broken bones, heart disease, mental health conditions, and other conditions--could result in further significant health impacts or the unnecessary and unwanted infliction of pain if not treated. The law does not require harm to health to have already occurred in order to mandate action. The exposure to a risk that may cause harm in the future, is a basis for deliberate indifference.

By refusing to provide appropriate and timely medical care, ICE and Baker County place detained people at a serious risk of harm, run afoul of the standard of care, and violate their rights under the Eighth Amendment by showing deliberate indifference and placing them at a serious risk of harm, constituting cruel and unusual punishment. *See generally Estelle v. Gamble*, 429 U.S. 97 (1976). These conditions meet the Eighth Amendment’s threshold of constituting “serious medical need” eligible for care for the following reasons. First, a reasonable doctor or patient would perceive these conditions as important and worthy of comment or treatment. Second, these conditions significantly affect daily activities. People detained at Baker are frequently in pain or unable to go about their daily lives due to untreated medical issues.

³⁴ *Immigration Clinic Students Uncover Startling Inhumane Conditions at Florida Detention Center*, Miami Law Staff Report, University of Miami School of Law (last accessed July 17, 2022), <https://www.law.miami.edu/news/2022/may/immigration-clinic-students-uncover-startling-inhumane-conditions-florida-detention-0>.

The failure to provide basic medical care also violates the 2019 National Detention Standards, which states that detained people shall receive “medically necessary and appropriate medical, dental and mental health care and pharmaceutical services,” as well as “timely responses to medical complaints.”³⁵ Baker County, and its medical subcontractor, Armor, are entirely failing to meet this standard and must be held accountable for the same. Their failure to provide adequate medical care and ensure continuity of care puts individuals lives at risk and represents an urgent issue requiring intervention by the Department of Homeland Security.

D. Unsanitary, Inhumane, and Unsafe Conditions

One of the gravest and most long-standing issues at Baker is the unsanitary and inhumane living conditions, which put detained individuals at further risk. These issues are well documented through numerous complaints, many of which are shared here. These issues can be broken down into four main categories:

- Failure to provide nutritious and well-balanced meals and clean water, including failure to meet medically necessary and religious-based dietary restrictions and serving rotten and expired food and dirty drinking water;
- Insufficient access to basic hygiene products like toilet paper and sanitary napkins;
- Dirty and bug-infested living quarters without regular cleaning or access to cleaning supplies;
- Failure to provide clean and adequate clothing, underwear, bedding, and towels.

1. Inadequate and Contaminated Food and Water

“I wouldn’t feed it to my dog” - Anonymous
“Here, dogs eat better than us” - Petrona Lopez

One of the most consistent complaints from individuals detained at Baker concerns the food and water. Individuals are served rotten and expired food with worms in it, and even when the food is not visibly contaminated or expired, it is often inedible, repetitive, insufficient, and unhealthy. Often, the food smells so bad as to be inedible. The portions are very small, a complaint that detained people have been reporting at the facility since 2012.³⁶ Meals tend to include a “mystery meat,” rice, and beans that are all combined together, described by one person

³⁵ 2019 NDS, 4.3 Medical Care, II. Standards and Procedures, at 112.

³⁶ Romy Lerner, Baker County Jail, Florida: Expose & Close, Detention Watch Network at 4 (November 2012), <https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20Baker%20County.pdf>.

as “blended leftovers.” On other days, they only receive beans and bread. The meals do not have sufficient protein and often consist primarily of starches.

Many who follow specific diets, whether for medical, religious, or other reasons, report that Baker’s food has not met their dietary needs. **To compound the issues with the food, most people in ICE custody at Baker have no choice but to eat what they are served because the commissary is too expensive for them to purchase supplemental food on a regular basis.** For example, a packet of milk costs about \$7, coffee costs \$7, one single serve juice costs almost \$2, and a packet of mayonnaise costs about \$2.50.

Some examples of Baker’s failure to meet dietary needs include:

- Travis Russell, who at the time of this complaint’s filing has been detained at Baker for approximately nine months, reports that the breakfast provided to him has been the same every day during his detention - bread and peanut butter.
- Petrona Lopez is pre-diabetic and requires a specialized diet. While at Baker, she did not receive this diet, and often reported stomach pains and indigestion. **She found it difficult to eat at all and was extremely concerned about developing diabetes as a result of the lack of nutritious food.**
- There are multiple report of bugs being found in the food at Baker:
 - According to a petition authored by detained people at Baker and received by FFI, on February 2, 2022, detained people found worms in their food (see Appendix B).
 - On February 3, 2022, Petrona Lopez reported that the meal included a piece of meat that was unrecognizable and inedible.
 - On February 15, 2022, Petrona Lopez reported to Freedom for Immigrants that **a woman found a worm cooked into the meat she was served.** Ms. Lopez was concerned about continuing to eat meals after this incident because of the health risks.
 - On February 17, 2022, Marlissa Joseph reported to AIJ and Immigrant Action Alliance that she had found worms in her food. After she had eaten, she began to feel ill and started vomiting.
 - **On February 18, 2022, a group of people, including Cosme Frías, found worms in their food. The next day, they decided not to eat, and in response, Captain Blue from the Baker County Sheriff’s Office threatened to “lock them up,”** restrict access to the vending machines, and take away commissary, adding that nothing would change if they did not eat. Other detained people who complained to Captain Blue about the food were told by her, **“Drink hot water to get [the food] down.”**
 - **Jose Lopez Pleitez reported finding a cockroach in one of his meals; on another occasion, he found a worm in his food.**

- On April 1, 2022, people reported worms and bugs in their food to University of Miami Law School students during on site interviews.³⁷

Additionally, there are serious concerns about access to clean drinking water. Men detained at Baker report that Baker staff often refuse to provide drinking water for up to eight hours, and that water is taken away as a form of punishment and retaliation (discussed in detail above). When water is provided, the water coolers are dirty and have hair on them. One of the water coolers has a dirty, blackened spigot because the officers drag the cooler across the ground. On April 18, 2022, **individuals asked staff to wash the water cooler and change the water because it was so dirty. The officer appeared visibly angry at this request and took away the cooler, only to bring it back later even dirtier than before and covered in hair.** Mr. Lopez Pleitez reports that the water provided in solitary confinement is also often dirty.

On or around May 1, 2020, a group of detained people transferred from Glades to Baker were told to clean the housing unit they were assigned. While cleaning, they asked for drinking water. **The officers told them to drink out of the sink, but the sinks were not working.** Individuals also report that the sink and shower water is brown and has a noxious odor, making it unfit to serve as a replacement for drinking water.

2. Insufficient Toilet Paper and Basic Sanitary and Hygiene Products

Individuals at Baker report not having access to sufficient toilet paper, with only two small rolls provided each week. Officers refuse to provide extra upon request. Petrona Lopez reported to FFI that while detained at Baker, she found it difficult to use the restroom because of the lack of sufficient toilet paper, and that detained people resort to rationing toilet paper. Similarly, Baker staff only provide the women with 30 sanitary napkins a month—insufficient for the many women who experience heavy cycles or have medical issues requiring access to more sanitary napkins. Ms. Lopez stated about the denial of menstrual products, “It’s like they [the guards] don’t care.” **When women have asked for more sanitary napkins, officers have told them to use their Baker-issued socks or clothing, which are often dirty when they receive them.**

Marlissa Joseph added that when she and other women first arrived at Baker in late December 2021, **it was as if the jail had no experience in detaining women; the women were given one small box of pads to share between all of them.** The officers also threatened the women and said that if they were found with more than two pads in their possession at any given time, it would be considered a possession of contraband.

³⁷ *Immigration Clinic Students Uncover Startling Inhumane Conditions at Florida Detention Center*, Miami Law Staff Report, University of Miami School of Law (last accessed July 17, 2022), <https://www.law.miami.edu/news/2022/may/immigration-clinic-students-uncover-startling-inhumane-conditions-florida-detention-0>.

Similarly, on December 27, 2021, the FFI hotline received a report that 15 women transferred into Baker from Glades County Detention Center were refused sanitary pads or toilet paper by Baker staff. The women were forced to use socks in lieu of sanitary pads and paper bags in the place of toilet paper.

The University of Miami School of Law Immigration Clinic's May 23, 2022 public report also documents this occurrence, stating, "Women in Baker have extremely limited access to hygiene products and are given only two rolls of toilet paper for the month. After they use the two rolls, guards tell detained women to use their socks or undershirts as toilet paper," said Christin Swanepoel, a 2L law student.³⁸ One detained person told the clinic that their toilet paper had been restocked shortly before the visit, and it would likely be removed after students left. Another law student reported that their client, who was ultimately released from detention after winning her case, was forced to use a sock as a feminine hygiene product.³⁹

On access to hygiene, many have shared that they do not have access to nail clippers or any shaving tools. Those who do have access to nail and hair clippers are not given any cleaning supplies to sanitize them between uses. The toothbrush the jail provides is a small disposable, fingertip toothbrush; many report that it slides off their fingers and is not adequate for teeth cleaning. **There are no real toothbrushes available--there are only miniature toothbrushes available for purchase from the commissary for more than three dollars.**

3. Uncleanliness and Lack of Cleaning Supplies

"This place is filthy," said one woman interviewed for this complaint. The booking cells are especially troubling, **with garbage and old food allowed to remain on the floor and dirty walls.** The beds and pillows provided are made up of old, dirty, thin plastic cots. **There is no sign that the "beds" are cleaned, sanitized, or replaced after excessive use. They were stained and foul-smelling.**

Individuals at Baker report to complaint signatories and within public petitions that their showers and housing units are filthy, that **there are worms that come up through the shower drains**, and that housing units are not regularly cleaned. Petrona Lopez reports that the shower drains are blackened with dirt. Individuals are forced to clean the showers in their cells, but Baker County staff do not provide sufficient cleaning supplies, like bleach. Instead, they only intermittently provide vinegar to clean the units, and **participants in this complaint report that they are forced to clean the toilets in their cells with their bare hands, due to lack of gloves**

³⁸ *Id.*

³⁹ *Id.*

or other supplies. Unlike at other jails and ICE detention centers, no one is paid to clean the showers, tables, and other shared areas.

4. Lack of Access to Clean Clothing, Bedding, and Towels

The clothing, bedding, and towels provided at Baker are unsanitary and unfit for use. **Detained individuals are provided used underwear that has not been washed with bleach and it has holes and stains. This is completely unsanitary, and Samantha Lindsay reported getting a rash from the used underwear she was forced to wear.** Petrona Lopez also reported that the clothes they are given, including underwear, are dirty and smell bad. Women are often refused underwear altogether and instead are provided used, men's boxer shorts, making it next to impossible to maintain hygiene when on their cycle. **Several of the men report that they also receive used, unclean underwear and that they have gotten genital infections they believe are caused by their boxers not being washed regularly or adequately.**

The towels and washcloths provided are stained and falling apart, with holes and large tears. The bedding is used and in need of replacement, and individuals are only provided one thin blanket, making it impossible to stay warm in the frigid temperatures maintained inside the detention center.

If detained people want to purchase (prohibitively expensive) additional clothing from the commissary, like long underwear, they are required to hand wash them. Baker does not provide additional clothing to wear during recreation, so those who choose to go to recreation are forced to wear their regular uniform, getting it dirty and sweaty without the option to wash it afterwards.

5. Lack of Protections Against COVID-19

With the pandemic far from over and ICE's refusal to protect immigrants from the virus through releases, the continuation of COVID-19 protocols and protections in detention centers is of great importance. However, **Baker County Detention Center fails to comply with common COVID-19 protections and protocols regarding PPE, sanitizing, and testing and quarantine,** despite their obligations under ICE's own Pandemic Response Requirements (PRR) and the *Gayle v. Meade* settlement for those class members who have been transferred into Baker.⁴⁰

⁴⁰ See *Gayle v. Meade*, 2020 WL 3041326 (S.D. Fla. June 6, 2020), reconsideration denied, No. 20-21553-CIV, 2021 WL 1255627 (S.D. Fla. Mar. 24, 2021); see also U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations COVID-19 Pandemic Response Requirements (Version 9.0, June 13, 2022), <https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>.

In recent months, people at Baker report that the jail is maintaining very few protocols to protect the detained population against COVID-19 infection and that there is a significant rise in cases, demonstrating a disregard for ICE's own PRR as well as the agency's own obligations towards *Gayle* class members currently detained at Baker who remain subject to the litigation's settlement agreement. Some cells are overcrowded with four people assigned to one cell, which does not allow for social distancing.

This central concern is named in both the February 10, 2022 and May 3, 2022 petitions received by Freedom for Immigrants, as well as multiple individual reports:

- On February 3, 2022, Petrona Lopez reported a significant spread of COVID-19 in the facility. On February 11, 2022, Ms. Lopez reported to FFI's Hotline that **officials placed someone who was COVID-19 positive in the room with her and others who were not infected with the coronavirus, including at-risk people like herself.**⁴¹ Ms. Lopez also reported **that a dangerous chemical was being sprayed.** She informed Freedom for Immigrants that Baker staff was spraying a chlorine product in the rooms approximately every 15 days. Though she had a mask, the chlorine got inside it, causing her and others to experience headaches. Ms. Lopez expressed concern for her health due to the lack of ventilation in the rooms.⁴²
- On February 4, 2022, Delroy Grant reported to FFI's Hotline that Baker staff do not provide any cleaning supplies or sanitary equipment, and that they are given one disposable mask once or twice a month, which those detained are expected to use for those weeks.
- On February 4, 2022, Cosme Frías reported to FFI's Hotline that medical staff and providers do not use gloves or hand sanitizer when they are drawing blood or attending to patients.
- On May 3, 2022, Travis Russell reported to FFI's Hotline that staff do not use personal protective equipment (PPE) to distribute medicine, food, or at any other time. Previously, PPE was available right near the front door of the facility for everyone, but Baker had ceased to make PPE available. He also stated healthcare workers refuse to use the PPE they have available to them.

⁴¹ ICE's own Pandemic Response Requirements state that, "Detainees who test positive will be isolated as described in the PRR until medically cleared in accordance to CDC guidelines." See U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations COVID-19 Pandemic Response Requirements at 18 (Version 9.0, June 13, 2022),

<https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities.pdf>.

⁴² Note that the ICE PRR requires the following, "Facilities shall report confirmed or suspected cases of detainees suffering adverse reactions to cleaning supplies or chemicals to the local ERO Field Office Director and Deputy Field Office Director (or their designees) and Field Medical Coordinator. ICE will promptly investigate reports of adverse reactions to cleaning supplies or chemicals used for disinfection of COVID-19." See *Id.* at 35.

Baker staff provide detained people one disposable mask once or twice a month with the expectation that the one single mask lasts them for weeks. Many Baker staff do not wear masks, increasing the risk that COVID-19 is spread between housing units or brought in from the community. The jail reportedly maintains one quarantine unit; however, the procedures relating to quarantine are unclear and inconsistent.

Access to hygiene and cleaning supplies became particularly important with the COVID-19 pandemic, yet Baker does not provide bleach for cleaning of the housing units or sufficient amounts of soap for handwashing. Baker does not provide the detained population with hand sanitizer. The lack of access to a sufficient stock of hygiene supplies, including soap and hand sanitizer, directly contravenes ICE's PRR policies, which require that these supplies not only be available and on hand for detained people to access, but that there also be a plan in place to restock as necessary.⁴³ ICE's PRR further state that access to soap and running water for handwashing be unlimited and at no-cost to detained people, so intentional shutoffs of water for extended periods of time, including in the sinks and showers of people's cells, by Baker staff are in direct violation of these COVID-19 protection policies.⁴⁴

E. Racialized Harassment and Targeting

"It's comical. The way you're shaking out your socks is similar to the way you and your family got whipped back in the day." - Officer's comment to Mr. Saleem Sabassa while doing laundry.

Individuals detained at Baker have reported that repeated incidents of racist abuse and harassment are a systemic problem at Baker County Detention Center, which fit within a long pattern of abuse and anti-Black racism that Black immigrants experience within ICE custody, in general, and at Baker under the Miami Field Office's oversight, in particular.

Marlissa Joseph reports experiencing targeted racial harassment from a woman who works at the commissary office. After a group of detained women complained about this staff person, on May 18, 2022, **she called Ms. Joseph the N-word and attempted to assault her. Others had to hold the staff person back to prevent her from attacking Ms. Joseph. After this incident, guards threatened to place Ms. Joseph in solitary confinement for 30 days despite the fact that she was the victim of the attack. On a separate occasion, another officer also called Ms. Joseph the N-word.** She reports that guards have labeled her as a troublemaker and target her. FFI received a similar report to its hotline in May 2022, when one man reported that staff have made racially biased comments and stated that the guards do not care about the wellbeing of detained people. On July 15, 2022, Travis Russell reported that he has heard Baker staff make racist and anti-immigrant comments against individuals in ICE

⁴³ *Id.* at 32.

⁴⁴ *Id.* at 33.

custody, including call men the N-word and making statements like, “Go back where you came from!” and “If you don’t like it here [at Baker], sign and go back to your country.”

Mr. Saleem Sabassa also experienced targeted racist harassment. On April 27, 2021, Officer Brickman told Mr. Sabassa, while he was folding laundry, that the way he was shaking out his socks was similar to the way “you and your family got whipped back in the day.” To mention whipping to a Black person is undeniably and completely racist. Officer Brickman made this comment to deliberately intimidate, threaten, and assert his power over Mr. Sabassa. Mr. Sabassa called the ICE ERO Detention Reporting and Information Line (DRIL) by dialing 9116# to report the harassment to ICE four times, but he has not received a response.

There is also a clear pattern of discrimination against people who do not speak English. Mr. Lopez Pleitez reported to the hotline on March 10, 2022 that **guards tell Spanish speakers to “learn English or don’t speak at all.” One person detained in the women’s housing unit reported that Officer Baron slammed the door in the face of a woman who did not speak English well.** One officer yelled, “Can someone translate for this child who doesn’t speak English?” Mr. Cosme Frías reported to the hotline on February 4, 2022 that ICE officers discriminate against non-English speakers and make comments about how they need to speak English because “this is America,” or go back to their home countries.

The 2019 National Detention Standards clearly state that detained people have “the right to freedom from discrimination based on race, religion, national origin, color, gender, sex, age, sexual orientation, disability, or political beliefs.”⁴⁵ The abuse experienced by people at Baker is clearly motivated by race and national origin, in the case of Spanish speakers.

Moreover, Ms. Joseph and Mr. Saleem Sabassa’s experiences fit within a pattern and practice of documented anti-Black racism in ICE detention facilities and under the Miami Field Office, specifically. Multiple civil rights complaints and DHS oversight memos have already called for an investigation of ICE officers’ and private prison guards’ illegal use of threats, verbal harassment, coercion, and direct force against Black people detained in detention centers. A 2019 report on South Florida detention facilities under the Miami Field Office cites disproportionate use of force and racial slurs directed at Black immigrants by ICE officers.⁴⁶ On October 6, 2021, UndocuBlack Network, Haitian Bridge Alliance, Freedom for Immigrants, and the National Immigration Project of the National Lawyers Guild submitted a CRCL complaint on behalf of several individuals detained at Krome Service Processing Center, which detailed, amongst other harms, that detained individuals were being bullied into signing deportation

⁴⁵ 2019 NDS, Standard 3.1 Disciplinary System, M. Notice to Detainees, at 95.

⁴⁶ Southern Poverty Law Center and Americans for Immigrant Justice, *Prison By Any Other Name: A Report on South Florida Detention Centers* (December 9, 2019), https://www.splcenter.org/sites/default/files/cjr_fl_detention_report-final_1.pdf.

papers, sometimes with accompanying racist verbal abuse.⁴⁷ On November 18, 2021, a memo was sent to DHS on anti-black racism at Glades Detention Center, including veiled death threats, verbal abuse, assault, pepper spray, and allegations of expedited deportations for public reporting.⁴⁸

Unfortunately, Baker serves as another example of this systemic failure in ICE detention, demonstrating that immigrants of color are especially vulnerable for mistreatment, with no access to appropriate oversight by those in positions of authority. The mistreatment which the complaint participants have experienced also falls within the pattern of racialized abuse by detention center staff, a practice which ICE leadership has effectively condoned.⁴⁹

F. Impediments to Accessing Legal Counsel and the Courts and Language Barriers

Individuals detained at Baker also face considerable challenges communicating with their attorneys. Many individuals are fighting deportation, seeking asylum, or pursuing other forms of immigration relief. Their cases often involve sensitive, highly confidential information—for example, about specific dangers they would face if deported. Yet Baker does not provide any opportunity for detained individuals to have private, confidential remote visits with attorneys. Instead, scheduled attorney calls take place in the law library, where an officer is typically stationed and can overhear the entire conversation. Other detained individuals are also often present in the law library, further undermining the confidentiality of legal calls.

Baker's law library fails to provide detained people with the materials they need to have meaningful access to the courts. There are no books or other printed materials in the library. Non-profit legal organizations and law school clinics have observed through tours of Baker that 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. This leaves detained individuals unable to conduct

⁴⁷ Letter to ICE Field Office Director Ripa, CRCL Officer Culliton-Gonzalez, and Project Manager Majeski re: COVID-19 Negligence, Sexual Assault, Retaliation, Verbal Abuse, Religious Discrimination, Anti-Blackness, and Deplorable Conditions at Krome North Services Processing Center in Miami, Florida (October 6, 2021), <https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/615defe5e76a986c1af29d7a/1633546214397/Multi-Individual+CRCL+Anti-Blackness+and+Other+Abuse+of+Black+immigrants+at+Krome+Oct+2021.pdf>.

⁴⁸ Memorandum to U.S. Department of Homeland Security, Racism at Glades County Detention Center (November 18, 2021), https://www.aclufl.org/sites/default/files/field_documents/memo_to_dhs_re_racism_at_glades_detention_center_11.18.21.pdf.

⁴⁹ *The State of Black Immigrants*, Black Immigrants for Just Immigration (last accessed July 1, 2022), <http://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf>.

meaningful legal research and prepare the documents necessary to pursue their cases.

There is also a significant issue with access to translation services. Neither Baker County Sheriff's Office or Armor medical staff, the contractor providing medical care at the jail, consistently rely on translation services to speak with detained individuals, and the vast majority of staff do not have foreign language skills. The failure to communicate effectively with detained individuals has impeded access to sufficient medical care and information about their immigration cases. Further, there is a failure to provide documentation in the individual's native language, meaning that detained individuals are often pressured to sign legally binding documents that are impossible for them to understand.

III. Blocked Grievances and Inspections

"I'm going to keep calling Washington, and I know I have family who love me who will call them too." – Marlissa Joseph

With requests going unanswered and inhumane conditions continuing, many at Baker have turned to filing grievances and calling oversight groups in Washington D.C. to report complaints. However, this has not been without risk or threat. For example, one woman reported that after she filed a grievance, Captain Blue, who is the head of corrections at Baker, came into the women's housing unit and asked, "Why are you calling Washington?" as if to intimidate the women and alert them that Baker staff know complaints are being filed against them.

On June 8, 2022, Marlissa Joseph reported to AIJ that Baker officers told her and others in her housing unit to stop filing complaints. When the Baker staff does respond to grievances, they write arbitrarily that the complaints are invalid, unsubstantiated, and that nothing is wrong. Similarly, Marlissa Joseph shared with AIJ in early June 2022 that one Baker officer brushed off a complaint and responded, "This is a jail." Problems with the grievance process were also noted during an unannounced inspection by the Office of Inspector General (OIG) in July 2020. Specifically, staff did not respond to grievances in a timely manner—which could discourage detained people from filing further grievances.⁵⁰ This clearly hampers detained people's ability to testify to—and do anything to rectify—conditions. Despite this finding by the OIG, serious problems with the grievance process persist. For instance, in early May of this year, one man reported that Baker staff do not deliver filed complaints to the appropriate staff, meaning the issues go unaddressed.

⁵⁰ See, Office of the Inspector General, U.S. Dep't of Homeland Security, OIG-20-45, Capping Report: Observations of Unannounced Inspections of ICE Facilities in 2019 at 7 (Jul. 1, 2020), <https://www.oig.dhs.gov/sites/default/files/assets/2020-07/OIG-20-45-Jul20.pdf>.

One officer reportedly slammed the housing unit door shut in the face of one woman, Samantha Lindsay, to which she responded that she would “call Washington” and make a complaint. **The officer who slammed the door returned to the unit, screaming, and spit in Ms. Lindsay’s face.** Later, Captain Blue came and said in a mocking tone, “What do you want me to do, fire her?”

People detained report in public petitions that Baker staff actively block calls to organizations that receive reports of abuses and support detained people as well as oversight agencies responsible for investigating complaints of detained immigrants. Likewise, Samantha Lindsay reported that Baker restricts and manipulates their access to the free lines that ICE requires the detained population have access to; for example, the free phone line to make reports to the DHS Office of Inspector General, DHS Office of Civil Rights and Civil Liberties, and other non-governmental organizations. One day, in May 2022, she attempted to call a reporting line based in Washington D.C., and on her third attempt, her call was cut, and she was no longer able to get through. The next morning, her calls still would not go through; once she entered the dial code, a message played that said “restricted.” This continued for the rest of the day. Ms. Lindsay wrote a complaint to ICE about this issue, and the line was restored afterwards.

A. Lack of Appropriate Oversight

Baker impedes detained people’s rights to report on egregious conditions at the facility, and external entities that are charged with providing oversight have repeatedly failed to bring any remedy or reform. Although oversight bodies, including the Office of Detention Oversight (ODO) and CRCL have conducted inspections over the years—acknowledging detained people’s complaints regarding “assault prevention and intervention, religious accommodation, appropriate food, medical and mental health care, use of force, segregation, grievance systems, law libraries and legal materials, recreation, visitation, and telephone access”⁵¹ and lack of nutrition (small food portions), mistreatment, and delayed dental care⁵²—these inspections have required only minor changes at the facility and have not addressed the recurring issues detained people raise.

Many of the inspections are pre-arranged, giving the facility time to make temporary changes. Multiple people have reported that when inspection groups or lawyers from non-profits outside the Jacksonville area visit the jail, the kitchen staff cook something decent, like chicken,

⁵¹ *Baker County Detention Center, Complaint Nos. 14-10 ICE-0292, 14-11-ICE 0329, 14-10-ICE-0385, 14-06-ICE-0386 and 15-03-ICE-0136 Complaint Closure and Final Recommendations* at 1, (Aug. 29, 2016),

https://www.dhs.gov/sites/default/files/publications/baker-county-detention-center_08-29-16_0.pdf.

⁵² *See, Office of Detention Oversight, Compliance Inspection Enforcement and Removal Operations Miami Field Office Baker County Detention Center Macclenny, Florida*, U.S. Dep’t Homeland Security at 9 (Aug. 2013),

https://www.ice.gov/doclib/foia/odo-compliance-inspections/2013-baker_county_detention_center_compliance_inspection_report_8-6-13_to_8-8-13.pdf.

and start painting and posting flyers. **When the inspectors leave, “they go back to serving cold slop,”** one woman added.

In 2010, shortly after Baker County Sheriff’s Office began detaining immigrants through an intergovernmental service agreement with ICE, the ODO conducted a pre-arranged inspection and found that the facility violated nine out of 21 detention standards, with 23 total areas of deficiency.⁵³ Even though Baker was notified of these areas of deficiency, they once again failed to meet standards during a 2013 ODO inspection.⁵⁴

Similar to many inspections of Baker, the 2013 ODO report focuses on documentation practices and other minor deficiencies, such as inadequate supplies in the barber shop and a failure to track detained people’s nationalities when they made requests to ICE.⁵⁵ **This is despite the fact that during the inspection detained people reported serious concerns like lack of nutrition (small food portions), mistreatment, and delayed dental care.**⁵⁶ These were given a cursory check and dismissed. Furthermore, despite this focus on small deficiencies, the ODO inspection revealed signs of serious issues at the facility that appear to have been dismissed. For instance, there were **five documented hunger strikes** between 2010 and 2013 in which detained people peacefully protested the conditions.⁵⁷ Furthermore, the ODO inspection revealed that **six people had attempted suicide between 2010 and 2013 and 24 individuals were on suicide watch.**⁵⁸

During this same period, Detention Watch Network (“DWN”) called for the facility’s closure. DWN and their Florida partners’ site visit and interviews revealed that, due to privacy concerns including being forced to discuss their health in front of multiple facility staff and other detained people, individuals chose not to seek mental health care at Baker at all, “even though one reported suffering from anxiety attacks and the other complained of feeling so depressed she cried ‘all the time.’”⁵⁹ This points to **a serious–potentially deadly–disconnect between what ODO evaluated during the inspections and the conditions people experience day-to-day at Baker.**

In 2016, CRCL investigated medical care and other conditions at Baker. For over nine months during 2014, CRCL had received “numerous complaints alleging violations of civil

⁵³ *Id.* at 2.

⁵⁴ *Id.*

⁵⁵ *Id.* at 13, 22.

⁵⁶ *Id.* at 9.

⁵⁷ *Id.* at 5.

⁵⁸ *Id.* at 7.

⁵⁹ Romy Lerner, *Baker County Jail, Florida: Expose & Close*, Detention Watch Network at 4 (November 2012), <https://www.detentionwatchnetwork.org/sites/default/files/reports/DWN%20Expose%20and%20Close%20Baker%20County.pdf>.

rights and civil liberties in regard to conditions of detention for ICE people detained in custody at BCDC.”⁶⁰ Complaints covered a host of problems at Baker, including **“assault prevention and intervention, religious accommodation, appropriate food, medical and mental health care, use of force, segregation, grievance systems, law libraries and legal materials, recreation, visitation, and telephone access.”**⁶¹ Despite this range of concerns, CRCL’s three-day on-site visit in February 2015 only resulted in two “priority medical recommendations”, specifically, the time at which medicine was distributed and the process for collecting sick call notes. In August 2016, CRCL issued a memo stating that “following a collaborative process between ICE and CRCL, CRCL considers the issues identified by the experts to be resolved and the complaints closed.”⁶² Nonetheless, egregious medical abuse and neglect continued, as shown in the testimonies above, as did the numerous other abuses detained people reported to CRCL in 2014.

Meanwhile, Nakamoto group inspections occur annually, but they have been accused of “rubber-stamping” this facility with a “meets standards” rating, despite all of the concerns raised above.⁶³ The Office of the Inspector General (OIG) has stated that inspections by the Nakamoto Group are “not consistently thorough” and that “its inspections do not fully examine actual conditions.”⁶⁴ Furthermore, Nakamoto inspections are announced ahead of time and performed by a staff of former wardens and jail superintendents.⁶⁵ The most recent Nakamoto inspection happened in early May 2022, during a mass hunger strike, according to reports from detained people to the Freedom for Immigrants Hotline, though it appears the report has yet to be made public. During Nakamoto’s visit, Baker staff reportedly only selected people from the one pod that had “given up” and become resigned to the conditions at the jail. Because it was a pre-planned inspection, Baker staff were able to select detained people they thought would speak well of the jail, while others who had signed up to speak with inspectors were not permitted to do so. Detained people reported to Americans for Immigrant Justice that interviews took place in

⁶⁰ *Baker County Detention Center, Complaint Nos. 14-10 ICE-0292, 14-11-ICE 0329, 14-10-ICE-0385, 14-06-ICE-0386 and 15-03-ICE-0136 Complaint Closure and Final Recommendations* at 1, (Aug. 29, 2016),

https://www.dhs.gov/sites/default/files/publications/baker-county-detention-center_08-29-16_0.pdf.

⁶¹ *Id.*

⁶² *Id.*

⁶³ Rebekah Entralgo, *Federal contractor was reportedly misleading about conditions in ICE facilities*, ThinkProgress (Jul. 30, 2019),

<https://archive.thinkprogress.org/federal-contractor-was-reportedly-misleading-about-conditions-in-ice-facilities-f7dab2ebfa00/>.

⁶⁴ Office of the Inspector General, U.S. Dep’t of Homeland Security, *OIG-18-67, ICE’s Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systematic Improvements* at 4 (June 26, 2018),

<https://www.oig.dhs.gov/reports/2018/ices-inspections-and-monitoring-detention-facilities-do-not-lead-sustained-compliance>.

⁶⁵ Monsy Alvarado, et al., *Deaths in custody. Sexual violence. Hunger strikes. What we uncovered inside ICE facilities across the US.*, USA Today News (last updated Apr. 23, 2020),

<https://www.usatoday.com/in-depth/news/nation/2019/12/19/ice-asylum-under-trump-exclusive-look-us-immigration-detention/4381404002/>.

the booking area rather than the dorms, so inspectors did not have the opportunity to interview additional individuals who wanted to report abuses.

In the previous Nakamoto inspection, from 2021, Nakamoto found 13 deficient areas at Baker, including three deficiencies in environmental health and safety, one deficiency in sexual abuse and assault prevention, and two in suicide prevention and intervention—yet seemingly rubber stamped their approval of the facility as “meets standards” as they have in the past. The inspection provides no details whatsoever on these deficiencies.⁶⁶ With all detention center inspections, whether conducted by Nakamoto or others, the OIG found that **“ICE does not adequately follow up on identified deficiencies or systematically hold facilities accountable for correcting deficiencies.”**⁶⁷

An unannounced inspection in 2019 by the OIG itself was slightly more rigorous, yet once again did not result in the necessary changes. For instance, the OIG found “segregation practices that infringe on detainee rights” and “living conditions... that violate ICE standards.”⁶⁸ The report concluded that the noncompliance with detention standards of care at Baker and three other facilities “inhibit the facilities’ ability to establish environments that protect the rights, health, and safety of people detained.”⁶⁹ Ultimately, however, the OIG’s focus was on Baker’s documentation practices—improperly logged “segregation activities,” for instance—rather than core issues like those that detained people have brought forward in this complaint, such as medical neglect and racist, anti-immigrant abuse. Furthermore, the findings were addressed to ICE, which reportedly agreed with the report recommendations and described corrective actions to address the issues. When ICE indicated they would address the issues, the OIG considered their recommendations “resolved and open.”⁷⁰ This type of internal policing leaves no real way for detained people, advocates, or the general public to know if the appropriate corrective measures were taken. Meanwhile, deplorable conditions such as those documented in our complaint remain unchanged.

It is clear that numerous oversight bodies have inspected Baker, yet eyewitness accounts continue to detail abhorrent conditions that not only infringe on detained people’s rights but put

⁶⁶ *Annual Inspection of the Baker County Detention Center* at 2, (May 20, 2021), https://www.ice.gov/doclib/facilityInspections/BakerCoDetCntr_CL_05-20-2021.pdf.

⁶⁷ Office of the Inspector General, U.S. Dep’t of Homeland Security, *ICE’s Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systematic Improvements* at 4 (June 26, 2018), <https://www.oig.dhs.gov/reports/2018/ices-inspections-and-monitoring-detention-facilities-do-not-lead-sustained-compliance>.

⁶⁸ Office of the Inspector General, U.S. Dep’t of Homeland Security, *OIG-20-45, Capping Report: Observations of Unannounced Inspections of ICE Facilities in 2019* at 4 (Jul. 1, 2020), <https://www.oig.dhs.gov/sites/default/files/assets/2020-07/OIG-20-45-Jul20.pdf>.

⁶⁹ *Id.* at “DHS OIG Highlights”.

⁷⁰ *See, Id.* at 15.

their lives in danger. It is therefore clear that radical change is needed. **It is not a matter of applying the old formula and finding the right oversight body when those charged with holding the facility accountable have failed. ICE must end its contract with Baker County immediately.**

IV. Recommendations & Conclusions

Given that significant human rights violations have been well documented at Baker for many years, including in investigations by oversight bodies, yet no significant changes have been made to ensure the rights and welfare of detained people, we reiterate that Baker County Detention Center must be closed as they have proven unable or unwilling to ensure the safe and appropriate care they are contracted to uphold. Given the litany of recent complaints and allegations reported above, we make the following recommendations and ask for your immediate intervention into the ongoing harms occurring at the Baker County Detention Center:

- 1.) Recommend that ICE permanently terminate the IGSA with Baker County, given the extensive evidence that Baker County is unable to safely and responsibly house immigrants in ICE detention in compliance with the National Detention Standards and the United States Constitution;
- 2.) Recommend the immediate release of all individuals suffering at Baker while closure is considered, with priority to all individuals detained over 180 days; those who are medically vulnerable, including but not limited to those who may be subject to release pursuant to *Fraihat v. ICE*; and those who have been targeted or suffered retaliation after bravely going public with their experience at Baker;
- 3.) Ensure protection from retaliation for all complaint participants, including stays of deportation for those remaining in ICE custody at Baker and protection from re-detainment for those living in community;
- 4.) Ensure accountability by investigating the abuses at Baker through unannounced inspections; interviews with impacted individuals; and a thorough review of medical records, video surveillance footage, and any and all other evidence substantiating the complaints about Baker, holding accountable those legally responsible for their wrongdoing.

We appreciate your prompt attention to this issue. Should you have any questions, please contact Rebecca Talbot of Immigrant Action Alliance at rebecca@immigrantactionalliance.org, Andrea Jacoski of Americans for Immigrant Justice at ajacoski@aijustice.org, or Sofia Casini of Freedom for Immigrants at scasini@freedomforimmigrants.org.

Sincerely,



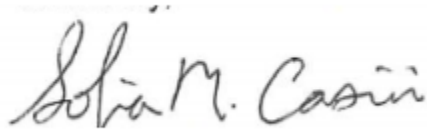
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Appendix A: February 22, 2022 Petition requesting support with 37 signatories

Appendix B: Petition received May 5, 2022 by FFI requesting external support with 130 signatories sent to Freedom For Immigrants

Appendix C: Letters sent by complainants to FFI detailing conditions and retaliation

Appendix A

Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker County Detention Center

February 22, 2022

To Whom May This Concern;

The ICE Civil male and female detainees has unanimously come together to speak of our living conditions in Baker County Detention Center. This petition will include incidents of maltreatment, medical neglect, malpractice, and unsanitary living conditions. All of which violates our Constitutional Rights and violates the orders directed by The Supreme Court. The Lack of Implementation of COVID SAFETY PRECAUTIONS AND PROTOCOLS is prevalent in this Facility causing great harm to all who are detained here. There are numerous cases of infection of the virus that occurred here in this facility after the quarantine period in various dorms. Both Criminal and Civil detainees alike are placed in perilous conditions and savage ignorance of Health Wellness and General Safety to all.

We have compiled documents and evidences that will solidify our claims. We have high hopes that our voices will be heard by those who will advocate for us and would bring us justice to this indignity and inhumane living conditions. We all pray for **PERMANENT CHANGES FOR BETTER QUALITY OF LIVING DURING OUR CONFINEMENT OR GIVE US THE OPPORTUNITY TO BE DETAINED AT HOME WITH OUR FAMILIES WITHIN A SAFER ENVIRONMENT AND UNDER HUMANE CONDITIONS.**

We, the Petitioners, who have legal grounds that our continued detention in the face of the Facility's failure to provide the necessary medical treatment for the Petitioners' medical and psychological conditions and basic protections from COVID-19 violates the Due Process Clause. Petitioners' are attaching exhibits and alleges as follows:

CUSTODY

1. Petitioners are in the Physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at BAKER COUNTY DETENTION CENTER IN MacCLENNY, FLORIDA. ICE has contracted with the Geo Group to house immigration detainees such as the Petitioners. Petitioners are under the direct control of Respondents and their agents such as Baker County Detention Center.

JURISDICTION

2. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101 et seq., as amended by the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act (APA"), 5 U.S.C. § 701 et esq.

LEGAL FRAMEWORK FOR PETITION SOUGHT

3. Petitioners has exhausted all administrative remedies available See 42 U.S.C. § 1997e(a) (2018)("No action shall be brought with respect to prison conditions under section 1938 of this title... by a prisoner... until such administrative remedies as are available are exhausted."), See Ross, 136 S. Ct. at 1858 (Under § 1997e(a), the exhaustion requirement hinges on the 'availab[ility]' of administrative remedies: An inmate, that is, must exhaust all available remedies, but need not exhaust unavailable ones."). As Justice Sotomayor recently explained in a dissent to a denial to vacate a stay: [I]f a plaintiff has established that the prison grievance procedures at issue are utterly incapable of responding to a rapidly spreading pandemic like COVID-19, the procedures may be 'unavailable' to meet plaintiff's purposes, much in the way they would be if prison officials ignored the grievances entirely.

**Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker
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4. In *Fraihat vs. ICE*, the Court mentioned that "[ICE shall make timely custody determinations for detainee with Risk Factors..." The above relief shall extend to detainees with Risk Factors Regardless of whether they have submitted requests for bond or parole, have petitioned of habeas relief, have requested other relief, or have had such requests denied[.]"

5. Pursuant to *Fraihat vs ICE*. " [ICE] shall identify and track all ICE detainees with Risk Factors within ten days of this Order [.]" P.38" [ICE] shall make timely custody redeterminations for detainees with Risk Factors, per the latest Docket Review Guidance [.]' P.38

The Court identifies the following people who are detained in ICE custody who have one or more of the Risk Factors placing them at heightened risk of severe illness and death upon contracting the COVID-19 virus. Risk Factors:

- Being Pregnant
- Being 55 years of age or older
- Or if they have the following condition(s):
 - Heart disease (including history of congestive heart failure, heart attack, heart surgery, heart rhythm problems, chest pain, heart infection)
 - High blood pressure
 - Respiratory disease (including asthma, bronchitis, emphysema, or other conditions that make it difficult to breath)
 - Diabetes
 - Cancer
 - Liver disease
 - Kidney disease
 - Autoimmune disease (including psoriasis, rheumatoid arthritis, lupus, or other conditions that affect the immune system)
 - Mental illness (including depression, anxiety, PTSD, bipolar, schizophrenia)
 - They have previously had an organ transplant
 - They are HIV/AIDS positive
 - Seizures

Based on the *Fraihat vs. ICE* standard, Petitioner is considered high risk due to their diagnosed severe medical and psychological illness and shall be released from custody while their case is pending.

THE LAW IS CLEAR - the Government cannot put a civil detainee into a dangerous situation, especially where that dangerous situation was created by the Government. A civil detainees constitutional rights are violated if a condition of is confinement places him in at substantial risk of suffering serious harm, such as harm caused by the pandemic.

6. "[W]hen the State by the affirmative exercise of its power so restrains an individual liberty that renders him unable to care for himself, and at the same time fails to provide for his basic human needs - e.g., food, shelter, clothing, medical care and reasonable safety - it transgresses the substantive limits on State action set by the Due Process Clause." *DeShaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489U.S.189,200 (1989). **The Supreme Courts words apply with full force here. Baker County Detention Center staff and officers are in violation of the agreement between Court and ICE where the appointed custodian (Baker County Detention Center) of detainees have failed to provide adequate safety and prevention of COVID transmission by having limited sanitation and lack of implementation of COVID protocols and precautions.**

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CLAIMS TO PETITION

COUNT ONE

STATUTORY VIOLATION

7. Petitioners re-alleges and incorporates by reference paragraphs 1 through 6 above.

8. The Eighth Amendment prohibits the infliction of cruel and unusual punishment. *Robinson v. California*, 370 U.S. 660 (1962). Under that provision, the Government may not impose punishments that shock the conscience, involve unnecessary and wanton infliction of pain, offended evolving notions of decency, or are grossly disproportionate to the offense for which they are imposed. See *Estelle v. Gamble*, 429 U.S. 97, 102-03 (1976); *Gregg v. Georgia*, 428 U.S. 153, 173 (1976); *Trop v. Dulles*, 356 U.S. 86, 101 (1958). Various Conditions" alone or in combination, may deprive inmates of the minimal civilized measure of life's necessities.

Such conditions could be cruel and unusual under the contemporary standard of decency." *Rhodes v. Chapman*, 452 U.S. 337, 347 (1981). On that basis, courts have held that government actors violate the Eighth Amendment when they are deliberately indifferent to a CIVIL detainees serious medical and mental needs. See, e.g. *Estelle*, 49 U.S. at 106.

9. Petitioners continued detention by Respondents is unlawful and contravenes 8 U.S.C. §123(a)(6) as interpreted by the Supreme Court in *Zabdyvas*.

10. In *Bell v. Wolfish*, 441 U.S. 520 (1979), the Court ruled that the obligation to provide such care to pretrial detainees arises from the Due Process Clause guarantees the 14th Amendment, and that failure to provide such care will essentially constitute a form of punishment imposed on persons not convicted a crime, which is impermissible.

Petitioners who are deemed medically vulnerable due to being diagnosed with various psychiatric illnesses and medical illnesses related to the function of their immune system, places them at heightened risk for severe illness and death upon contracting the COVID 19 virus. According to *Fraihat vs. ICE*, mandatory detention does not apply to medically vulnerable individuals such as the Petitioners.

11. Petitioners continued detention violates the Petitioners right to substantive due process through deprivation of the core liberty interest in freedom from bodily restraint such as detention with very limited civil rights here in Baker County Detention Facility. Petitioners are confined more than 22-24 hours a day with no ventilation and recreational freedom to support their health and wellness, physically, mentally and emotionally. All ICE detainees are deprived of normal living conditions and are subjected to prison conditions even after serving time sentence for their crimes. Therefore, ICE CIVIL DETAINEES are being punished under double jeopardy which is illegal.

COUNT TWO

SUBSTANTIVE VIOLATION

12. Petitioners re-alleges and incorporates by reference paragraphs 1 through 11 above.

13. The Due Process Clause of the Fifth Amendment require that the deprivation of Petitioners' liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioners in order to effectuate removal, ICE established that people of all ages who are detained with a physical or mental impairment that substantially limits a major life activity should be considered for release on their own recognizance. See the CDC and the Court order in *Fraihat vs. ICE*, 445F.Supp.3d 709, (C.D. Cal., 2020), and the ERO/COVID 19 Pandemic Response Requirement update 3/16/2021.

14. Government detention violates the Clause unless it is ordered in a criminal proceeding with adequate procedural safeguards or a special justification outweighs the individual's liberty interest. The instant proceedings are civil and assumed to be NONPUNITIVE, and the government proffers no sufficiently strong justification for indefinite civil detention under this statute. *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206. Once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent. Finally, the

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aliens' liberty interest is not diminished by their lack of a legal right to live at large, for the choice at issue here is between imprisonment and supervision under release conditions that may not be violated and their interest is strong enough to raise serious constitutional problem with indefinite detention. The Fifth Amendment's Due Process Clause forbids the Government to "depriv[e]" any" person... of ... liberty... without due process of law." Freedom From imprisonment- from the government custody, detention, or other forms of physical restraint- lies at the heart of the liberty that Clause protects. See *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). And this Court has said that government detention is ordered in criminal proceeding with adequate procedural protections, see *United States v. Salerno*, 481 U.S. 739, 746 (1987), or certain special and "narrow" no punitive "circumstances,"

15. The proceedings at issue here are civil, not criminal, and we assume that they are no punitive in purpose and effect. There is no sufficiently strong special justification here for indefinite civil detention- at least administered under this statute. The statute says the Government, has two regulatory goals: "ensuring the appearance of aliens at future immigration proceedings" and "[p]reventing danger to the community. Brief for Respondents in No. 99-7791, p.24. As this Court said in *Jackson v. Indiana*, 406 U.S. 715 (1972), where detention's goal is no longer practically attainable, detention no longer "bear[s] [a] reasonable relation to the purpose for which the individual [was] committed." *Id.*, at 738. The Constitution demands greater procedural protection even for property. See *South Carolina v. Regab*, 465 U.S. 367, 393 (1984) (O'CONNOR, J., concurring in judgment); *Philipps v. Commissioner*, 238 U.S. 589, 595 (1915) (Brandeis, J.). The serious constitutional problem arising out of a statute that, in these circumstances, permits an indefinite, perhaps permanent deprivation of human liberty without any such protection is obvious. See *Plyer v. Doe*, 457 U.S. 202, 210 (1982); *Matthews v. Diaz*, 426 U.S. 67, 77 (1976); *Kwong Hai Chew v. Colding*, 344 U.S. 590, 596-598, and n.5 (1953); *Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886); *CF. Mezei, Supra*, at 212. The Court held that punitive measures could not be imposed upon aliens ordered removed because "all persons within the territory of the United States are entitled to protection of the Constitution. 163 U.S., at 238 (citing *Yick Wo*, supra, at 369 (holding that equal protection guarantee applies to Chinese Alien)); see also *Witkovich*, 353 U.S., at 199, 201 (construing statute which applied to aliens ordered deported in order to avoid substantive constitutional problems).

Finally, the Government argues that, whatever liberty interests the aliens possesses, it is "greatly diminished" by their lack of legal right to "liv[e] at large in this country". Brief for Respondents in No. 99-7791, at 47; see also post, at 703 (SCALIA, J., dissenting) "Due Process does not invest any alien with a right to enter the United States, nor confer on those admitted the right to remain against the National Will." Nothing in the Constitution requires admission or Sufferance of Aliens hostile to our scheme of Government." *Id.*, at 222-223(emphasis added).

As persons within our jurisdiction, the aliens are entitled to the protection of the Due Process Clause. Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint of detention. Still, both removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious. Where detention is incident to removal, the detention cannot be justified as punishment nor can the confinement or its conditions be designed in order to punish. See *Wong Wing v. United States*, 163 U.S. 228(1896). Whether a due process right is denied when removable aliens who are flight risks or dangers to the community are detained turns, then, not on the substantive right to be free, but on whether there are adequate procedures to review their cases, allowing persons once subject to detention to show that through rehabilitation, new appreciation of their responsibilities, or under other standards, they no longer present special risks or danger if put at large. *Id.*, at 482; see also *Board of Pardons v. Allen*, 482 U.S. 369 (1987). We rejected in *Morrissey* the suggestion that the State could justify parole revocation "without some informal procedural guarantees," 408 U.S., at 483, but "[g]iven the previous conviction and the proper impositions of conditions," we recognize "the State has an overwhelming interest in being able to return the individual to imprisonment without the burden of a new adversary criminal trial," *ibid.*

CONCLUSION

As ICE CIVIL Detainees who are detained in Baker County Detention Center, we have been subjected to prison or jail conditions and lifestyle which is believed to be PUNITIVE by nature as if to those under CRIMINAL PROCEEDINGS and not CIVIL PROCEEDINGS. This way of living is comparable to the theory of DOUBLE JEOPARDY where as treatment is continuous of the lifestyle as if SERVING CRIME TWICE. This is unjustifiable and impermissible.

For these reasons, Petitioners should have proper treatment and safe environmental conditions to be provided for by Baker County Detention Center Staff Members and that, they shall have a better outlook of what Professionalism

**Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker
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is. If this cannot be realized, HUMANITARIAN PAROLE/RELEASE OR DETENTION AT HOME BE GRANTED FOR ICE CIVIL DETAINEES PENDING REMOVAL OR CASE PROCEEDINGS. Furthermore, Petitioners will reside with their ICE/DHS approved sponsors with or without physical monitors (such as ankle monitors) of which it is the Petitioners' burden to identify such sponsors. Moving forward, it will be the Petitioners' responsibility to adhere to all terms and conditions to said release.

Sincerely,
BAKER COUNTY DETENTION CENTER
ICE CIVIL DETAINEES

(1) Executive Order On The Revision of Civil Immigration Enforcement Policies, January 20, 2021, available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-the-revision-of-civil-immigration-enforcement-policies-and-priorities/>

(2) Review of Interim Revisions to the Civil Immigration Enforcement and Removal Policies and Priorities, January 20, 2021, available at https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement_memo_signed.pdf

(3) Interim Guidance: Civil Immigration Enforcement and Removal Priorities, February 18, 2021, available at: https://www.ice.gov/doclib/news/releases/2021/021821_civil-immigration-enforcement_interim-guidance

(4) Interim Guidance: Revised Civil Immigration Enforcement and Removal Priorities, September 30, 2021, available at: https://www.ice.gov/doclib/news/releases/2021/093021_revised-civil-immigration-enforcement_interim-guidance

(5) Guidance on shielding and protecting people who are clinically extremely vulnerable from COVID-19. <https://www.gov.uk/government/publications/Guidance-on-shielding-and-protecting-people-who-clinically-extremely-vulnerable-from-COVID-19/>

(6) ICE DIRECTIVE 002-02, IMPLEMENTATION OF SECTION 1367 INFORMATION PROVISIONS (NOV. 1, 2013)

(7) DHS INSTRUCTION NUMBER 002-02-001, IMPLEMENTATION OF SECTION 1367 (NOV. 7, 2013)

(8) HELLENICINES, L.T.D.V. RHODIS, 398 U.S. 306, 905. CT 1731,761,EDZD252

(9) CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT; No. 99-7791.

Argued February 21, 2001-- Decided June 28, 2001*

Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker County Detention Center

BAKER COUNTY DETENTION CENTER ICE CIVIL DETAINEES [PETITIONERS]

NAME:

ALIEN NUMBER

SIGNATURE

NAME:	ALIEN NUMBER	SIGNATURE
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
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Appendix B

In the matter of All detainees here at Baker county Detention center, held by ICE and the punishment we are receiving by this Detention center and by ICE.

we ask for help regarding what are we being put to indore here in this place, because otherwise we have asked ICE indiviusals for help and to stop treating us in this maner. We are being punished mentally and physically and by the conditions we are living in here.

If we try to reach help they (Baker county and ICE) block numbers of organizations that help immigrants and every complain we make stays in the same circle from the ICE director Mrs. Bailey and the directors of this place, the medical services we are provided don't meet are needs, they don't have the resources to meet the medical conditions of the detainees.

There are some cases where detainees have been given medication they don't even need, because they can't be certin what illness they have, do to the lack of exams or equipment to test patients or they give the wrong results, we are not allow to have are medical records in person and many other medical problems that which we will address in another page.

As we have told and wrote before the hygiene and covicd conditions here don't meet the regulations -

impose do to the pandemic, but when it comes to our benefit we don't have visitation from family do to the covid 19.

We have informed the miami university law clinic of this situation and we also want to know if we can have or speak to attorneys of the way the ICE procedure that are being practice here, we believe that they (ICE and Judge) are not following the laws passed by the new administration and are conducting illegal deportations of Venezuelians and Nicaraguains through different countrys, also there is alot of cases where the detainees don't have violent crimes or are a threat to society and according to the new laws that president Biden has passed he ask ICE (I quote)

Biden administration tells ICE prosecutors to dismiss cases of immigrants who didn't cross border recently or aren't threats to public safety as country braces for influx when title 42 is dropped.

We want attorneys to help us understand why so many people are being deported that don't have criminal records or are a threat to public safety how is it possible that the ICE (Judge) Jon alberdi is deporting so many people with out having justification, are we being misguided to believe we have no hope, there is alot and most of cases of parents that have been here all their life and have a family. ICE is taking away everything a man or female has. →

worth living for, alot of detainees have mental conditions because they are about to lose their lives in their countrys, it's very hard to prove that you are going to be killed in your native country and yet you are aware of cases of detainees that were in the same life style you were, who have been killed as soon as they arrived in their countrys, how can this be happening this is a cruel punishment is wores then completing a 20 year sentence in prison this is life threatening.

In this detention center their is no resources to allow us to understand and know our rights or legal assistants like books of laws and procedure. there is nothing to help us make our cases to ICE Everything is set up for us to get deported even that legal mail system is being use to delay legal paper work so we don't have enough time to send motions or briefs on time, some cases BIA has sent the transcript the begining of the month and we don't received it until only one week before the brief due date. so we don't have time to send it because bx ICE standards we are given three weeks to do and send a brief or motions are delay including court dates, we don't get a notice of court dates until it's to late to hire a attorney or after the detainee already had his court hearing.

There is just so much going on here that we can see I wonder the ones we can't see.

We are trying to get help and to let people know what is being done here but there is nothing we can do by ourselves, because we lack resources to enable us to do such things; there is others here that been fighting there civil case as is catagorize by ICE that been here or in ICE custody for 5 years others for 2, 4 and 3 1/2 years how is that not cruel punishment, they are enduring this treatment because if they get deported they are going to be killed and yet instead of finding refuge and help they are being treated with cruelty in the VIII Amendment of the Constitution it saids.
(I Quote) Amendment VIII

Excessive bail or fines; cruel and unusual punishment
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

That is in the bill of rights but yet ICE which is a civil case are imposing high bails like it's a criminal case it is worse then in Criminal cases you only pay 10% here you have to pay all 100% of your bail are we being used for money purposes it also says the cruel and unusual punishment shall not be inflicted and here they punish us mentally and physically and by the conditions we live in -

the food the medical treatment, the verbal abuse we recieved and the harm that they let happen here between inmates. nobody is safe from the Guards and from other ~~XXXXXX~~ detainees.

Even the list of pro-bono assistants don't work because you have to call them on the payphones and they don't pick up. We don't even know if the phone numbers are accurate.

We really need to find out if the procedure here is according to ICE reformat if they are following the new laws imposed by Biden because as far as we can see they are deporting detainees that never been in trouble and have family's because we don't have a law libery where there is laws of immigration and that are being updated everytime a new law is passed wether is for good or for bad there is not one law they have passed that we have been inform off. Unlike krome in miami they have law Books and procedure and a update system of the new laws that are being passed, we have a right to have access to legal libery and here they justify there selfs by having 1 computer which have no laws to search that would help us put together a argument in your benefit is set up for you not to have or built a case.

We also want to know if the 2 amendment -

does not apply to our cases since this is a civil case shouldn't we be intitled to have a jury trial it saids that in civil cases,

we have the right to have a jury trial is this true when it comes to ICE.

Also about 60% of the detainees here were never told by the counsels in the criminal cases that it's consequences for being found guilty or a plea deal where going to be deportation it said in the ICE procedure that and I (quote)

12. padilla v. kentucky, 559 U.S. 356 (2010) (counsels failure to provide advice about immigration consequences stemming from a criminal conviction constitutes ineffective assistance of counsel, violating the sixth Amendment); Chaidez v. united states, 568 U.S. 342, 133 S. Ct. 1103, 185 L. Ed. 2d 149 (2013) (padilla does not apply to convictions entered before march 2010). for a detailed discussion of the right to representation by counsel, see supra 4.01.

Alot of detainees like I mention before have been represented by counsels that never told them there papers were going to be taken away but years have past and is hard for them to go back and re open there state cases. we are being cheated out of alot of rights and procedures just because we don't know about them. ICE is taking parents away from there kids, taking everything

away, everything they have worked for, most of us have built our lives here for more than 20 years and don't have crimes that are a threat to public safety and new administration told ICE persecutors to dismiss all the cases of these detainees that are not a threat or have been here for a long period of time.

But Judge Von Alberdi is not enforcing these new laws they are still deporting detainees in accordance with the old laws that the former trump administration set in motion.

Deportation Regarded as a civil proceeding courts have long recognized the grave consequence of expelling a person from the United States. The Supreme Court has described deportation as a drastic measure and at times the equivalent of banishment or exile. It is the forfeiture for misconduct of a residence in this country, such a forfeiture is a penalty.⁴ The expulsion of a noncitizen may separate him or her from his or her home and family and deprive him or her of all that makes life worth living.⁵

Traditionally, courts did not regard deportation as a punishment for crime.⁶ That may change, given penalties enacted by IIRAIRA and a higher burden of proof imposed on certain noncitizens in removal.

Can we please get help to find out and to let the people outside this detention center know what they are doing to us here and to help us stop these people from causing us so much cruel punishment in so many ways and to stop illegally deporting all these migrants who are eligible to be released and to release detainees that ICE can't deport which have been held here for more than 180 days after a final order of removal. Thank you may the Lord bless you.

Peticiones que le pedimos a los órganos competentes que nos puedan ayudar a resolver los siguientes problemas, en la detención de Baker County Jail.

- **MEDICO**

- ✓ El personal que trabaja en el médico no usa guantes ni mascarillas. Las enfermeras cuando vienen a pasar las medicinas de las personas detenidas les pasan las pastillas sin usar ningún tipo de guantes o protección y así mismo tocan el teclado de la computadora.
- ✓ Muchos detenidos han puesto Sick-Call para ver al médico porque han agarrado infecciones en el pene (Rochas). La solución que tratan de dar es crema de hongos para los pies y eso no ayuda en nada.
- ✓ No tenemos Clínica Dental, para ser atendidos por algún problema dental hay que esperar más de dos meses. Personas cuando tienen infección no quieren dar antibióticos antes de que sea visto por un dentista y sea recetado por él. Únicamente les dan Tylenol a las 4:00 am y las 8:30 pm. Los dolores fuertes de muelas para los médicos de aquí no son una emergencia a menos que estén en un derrame de sangre.

- **ALIMENTACION**

- ✓ Desayuno: Lunes - Domingo; PEANUT BUTTER y JELLY sándwich todas las mañanas, y cada 15 días no dan una leche. Cuando debe ser cada mañana y esto solo sucede cuando la leche ya tiene un día o dos días para vencerse. Igualmente para con los huevos. (Le informamos a la Capitana Blue que todos los días nos daban el mismo desayuno de PEANUT BUTTER sándwiches para ver en que nos podía ayudar porque muchas personas tienen problemas estomacales con ese alimento y la Respuesta Recomendada por ella fue "TOMEN AGUA CALIENTE PARA QUE LES BAJE", Cuando esperábamos una mejor respuesta de una persona con Gran Rango en esta Institución).
- ✓ El día 18 de febrero del 2022, encontramos gusanos en los platos de comida a la hora de la cena. El día siguiente tomamos la decisión de no agarrar la comida en el almuerzo y unos minutos más tarde vino la Capitana Blue amenazándonos que nos iba a trancar y quitarnos la comisaría y que lo que estábamos haciendo no iba a resolver ni a cambiar nada.
- ✓ Todas las comidas extras de dos o tres días las guardan y las mezclan con las comidas "frescas", la mayoría de las veces siempre ponen todo junto, la comida

de dos días anteriores. Eso debe de ser las razones por la cual se crean gusanos en la comidas. Por Ejemplo: Ponen la comida de los días antes; arroz, frijoles, carnes, pastea y soya, todo junto en un solo plato, porque fue lo que sobro de tres días antes.

✓ Por lo menos 4 veces a la semana nos dan solo frijoles con dos piezas de pan. Cuando se supone que toda comida es "balanceada" por un nutricionistas profesional.

✓ Dietas: La alimentación de las personas de dietas religiosas solo reciben arroz o frijoles. No están dando la comida adecuada y sin nada de proteínas (No recibimos pollo, ni pescado en absoluto).

✓ La bebida en la hora del almuerzo y la cena no la están dando adecuadamente, solo tiene un poco de color y sin nada de sabor. y para ya no repartirla más la esconden en el pasillo o la librería.

✓ Termo de agua siempre viene con la boquilla negra o sucia, porque siempre en arrastrado por el suelo a toda hora. Eso puede traer como consecuencia que algún detenido pueda agarrar una bacteria en el estomago.

- **CORONA VIRUS**

✓ No hay prevención de Corona Virus 19 con el distanciamiento social, cuando tenemos 3 y hasta 4 personas por en una misma celda por sobre población que hay en la Detención.

✓ Ningún oficial ni enfermeras y oficiales de ICE no usan mascarillas para evitar el contagio se propaguen con los detenidos.

✓ Gel Antibacterial: debería de haber en cada entrada de los dormitorios, para prevenir cualquier enfermedad de Corana Virus. Aquí no EXISTE.

- **HIGIENE**

✓ Limpieza: Mapo (trapeador) es no apto para hacer una limpieza adecuada al suelo de las celdas y el dormitorio: en mejores palabras están destrozados y podridos. Usados por más de dos años.

✓ Químicos de Limpiezas: muchas veces cuando no tienen químicos, solo llenan las cubetas de los mapos solo con agua. (Dos semanas seguidas lo hicieron con solo agua desde Febrero 18 hasta Marzo 4).
Así mismo para limpiar las mesas donde comemos todos los días, NUNCA LAS LIMPIAN.

- ✓ Limpieza de las Duchas: solo suplen químicos para limpiezas de las duchas y toilets cada 15 días. No nos suplen guantes para limpiar y muchas personas han agarrado infecciones en hongos en las uñas.
- ✓ Artículos de Higiene Personal: son entregados cada miércoles, pero siempre falta algo, en una semana no entregan jabón, la otra no entregan shampoo, o si no loción. SIEMPRE FALTA ALGO.
- ✓ Presto barbas: No hay presto barbas para hacerse el higiene personal como en la cara y otras partes del cuerpo. En otras instituciones como Krome, Glades o Stwerd no suplían presto barbas sin ningún tipo de problema.
- ✓ Barbería: la máquina de cortar el cabello es una sola y no nos dan ningún tipo de químico para limpiarla lo mismo con la maquina rasuradora. Y un solo corta unas para todos y no hay nada para desinfectarlo.

- **BESTIMENTA**

- ✓ La lavandería trabaja solo martes y viernes, bueno si es que trabajan. La ropa SIEMPRE llega sucia porque no usan detergentes ni cloro para las ropas blancas que son unos suéteres que entregaron hace 6 semanas y ya están totalmente negros.
- ✓ Nosotros tenemos ropas blancas (pijamas) personales, no nos dan el privilegio de enviarla a la lavandería y nos toca lavarlas nosotros mismos y guindarlas dentro de las celdas y muchos oficiales no les gusta que tiendan ropa en las celdas.
- ✓ Artículos de Dormir: solo nos entregan: 1 Cobija, 1 cubre cama, 1 funda de almohada y no nos dan sabanas para cubrirnos (la cobija directamente al cuerpo da picazón).
- ✓ Ropa interior: El 80% están destrozados por la parte inferior y las ligas.
- ✓ Medias o Calcetas: están destrozadas que no sirven, metes el pies por u n lado y sale por el otro lado.
- ✓ Calzados: lo único que tenemos son chancletas de duchas no aptas para usarlas a diario, muchas personas le producen ampollas y también producen dolores en los talones, pantorrillas. caderas y espalda porque son muy duras.
- ✓ Únicamente nos prometieron tenis para solo usarlos en la yarda y eso no es higiénico porque muchas personas tienen hongos en los pies y se los pueden transmitir a los demás. Estamos pidiendo que nos den tenis personales como los hacen en KROME, GLADES y STWERD. (Actualmente ya estos zapatos están destrozados y nios obligan a usarlos para poder entrar a la cancha).

- ✓ Los detenidos tienen que hacer deporte en la recreación con ropa interior porque no tenemos pantalones cortos y no queremos sudar el uniforme que nos dan.

- **AGRESION DE LOS OFICIALES**

- ✓ La agresión en contra de los detenidos son muy fuertes; como si fueran presos de prisiones federales o estatales pagando una condena, recibiendo golpes, espray, trancados todo el día.
A algunos detenidos los meten a unas celdas sin cámaras para darles golpes y maltratarlos. OFICIALES Gainey, Colly, Railay, K. Bronw, Crews, Collins, Caleb y Peacock.
- ✓ Los oficiales cuando hay un problema entre los detenidos a ellos no les importa solventar los problemas, los que ellos dicen es que los metamos a un cuarto para que las cámaras no los vean y los golpeemos entre varios y después que nosotros lo llamemos para que se lo lleven del dormitorio.
- ✓ El día 10 de Enero del 2022 alrededor de 7:00 PM entre varios oficiales golpearon salvajemente y rociaron con gas pimienta a un detenido en el área del Booking.

- **SEGURIDAD DE EVACUACION**

- ✓ En los dormitorios nosotros no tenemos un mapa para saber las salidas de emergencias de evacuación. Tampoco tenemos luces de Emergencias, ni letreros lumínicos que indiquen la salida.

- **BENEFICIOS**

- ✓ Estamos agradecidos porque hemos logrado que pongan las llamadas telefónicas gratis que recibimos a causa del Corona Virus. Pero también necesitamos que nos ayuden con las llamadas internacionales que sean gratis porque la mayoría de nosotros tenemos los familiares fuera de los Estados Unidos.
Las tabletas que aquí proveen tenemos que pagar \$5 mensuales para poder hacer uso de ellas. En otras instituciones son totalmente gratis como KROME, GLADES o STWERD.
- ✓ Comisaria: todos los artículos de venta que tiene en la comisaria están sumamente costosos en comparación a cualquier Institución.

- **ORGANIZACIONES**

- ✓ Estas Organizaciones son las que hemos llamados buscando ayuda:

- ❖ Americans for Immigrant Justice: A ellos no los dejan entrar porque no son de este distrito.
- ❖ Miami Law, University of Miami School of Law: aquí tienen sus números bloqueados. Pero ellos hicieron el esfuerzo en venir para brindarnos ayuda. **NECESITAMOS QUE LOS APOYEN.**
Todas las personas de la Universidad de Miami School of Law que vinieron el día 1 de abril fueron testigos y observaron la agresión de los oficiales presentes, las comidas inhumanas, los "CEPILLOS DE DIENTES" (de hecho se llevaron una muestra), uniformes sin botones, calzados, no protección contra el Corona Virus, suéteres mugrientos, higiene y sobre población.
- ❖ Homeland Security: No hacen nada por nosotros.
- ❖ ICE: No hacen nada por nosotros.

Medical

- Most of the medical personnel that works here do NOT use gloves or mask. When the nurses are giving out medications they are touching the pills without gloves and they are using their laptops at the same time, there is no cleaning of the hands between the pills and the keyboard.
- There have been several detainees that were infected with some kind of rash on their penises (which they think came from wearing boxers that were not washed and sanitized properly. Our boxers are switched on Tuesdays & Fridays for what are supposed to be clean ones, but the T-shirts and sweaters are usually dirty, so boxers are likely dirty too.) They would put in sick calls to see the doctors but they would only be given some kind of cream by the nurse for a foot infection, which did not help.
- We do not have a dental clinic at this facility. Sometimes we have to wait 2-4 months to be seen by a dentist. If someone in the facility has a tooth infection it is hard to get antibiotics until we get seen by a dentist, all they want to do is give us Tylenol at 8:30pm & 4am. That's 16 hours but we get that there is no form of pain relief.
- On Feb. 18th 2022 we found a worm on the food at lunch time. So the next day all the pe

decided to not eat, breakfast or lunch or dinner. Between lunch and dinner Captain Blue came to the pods threatening to turn off the vending machines, take our commissary and lock us in our cells. She told us that we are not at Burger King, and what we are doing would not change or resolve anything.

- For breakfast we get 2 slices of bread, a Peanut Butter, a jelly, a piece of cake and an apple almost every day. 1 day out of every month we get 2 boiled eggs and cereal with milk another day in the month. Most of the time the milks are set to expire the following day.

- A lot of our meals seem to be mixed with left overs from 2 or 3 days before. we get a lot of beans and rice, and sometimes it is mixed with freshly made pasta. Sometimes we get ~~just~~ just get Rice and vegetables for lunch or dinner.

- The Religious diets we get here are not the appropriate ones. for example Seventh Day Adventist are eligible for kosher diets but they only give us Vegetarian trays, Rice and beans everyday and sometimes a vegetable patty. This is what they serve us for lunch and dinner.

- We do not get any drinks with our lunch and dinner ~~all~~ all we have to drink is water from an igloo that is allium dirt, inside and outside. Sometimes we see the

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Personal Hygiene: We ~~receive~~ ^{receive} personal Hygiene items once a week, every Wednesday. We are supposed to get Toilet paper, Soap, Shampoo, lotion & Toothbrush. Most of the time there is always something missing. One week it is soap, next week its lotion and so on. We only get 2 Rolls of toilet paper and if you use them up before the next Wednesday they will not give anymore. Sometimes we end up having to buy a roll for a Soap from someone in dorm. They don't give us a real Toothbrush just a plastic thing that goes on your finger that slips off when it gets wet in your mouth, and if you don't have money to buy a Toothbrush off commissary you go with out. Sometimes there is no Tooth brush on commissary for weeks.

They do not give us any deodorant, ~~as~~ they are only sold on commissary and we only one small scap for bathing

Barber Shop: They do not have a barber here, someone in each dorm has to cut hair, or we go with out.

A lot of times there is only one set of clippers for the entire facility and there is nothing to clean clippers between uses. They do not give us razors here. Not for the females either so they have to use the same clippers ~~as~~ the men use. Sometimes they have an electric shaver and no way to disinfect between uses. We need Razor like they have at other facilities like

Kennedy, Caldas and Stewart

Clothing: We do laundry exchange on Tuesdays and Fridays, and if we are at rec or medical they do not come back so we can get clean clothes. The tee shirts always look like they have not been washed, a lot of dirt marks and sometimes bad smelling. Its like they are not using any soap to wash the clothes, and they tell us thats how they are and refuse to switch them. Our boxers are old with holes, waist bands stretched out and we have no choice but to wear them. The socks also have holes in them and are dirty sometimes.

They sell long johns ^{thermals} on commissary but they do not do personal laundry here so we have to wash ourselves with the soap they give us. Another thing about ~~6~~ 6 weeks ago they got us white sweaters that they exchange on wednesdays. Now when we get the sweaters they are stained and no longer white. Look like they are washed with soap or bleach.

Bedding: When get here they only give us a pillow case, a fitted sheet for the mat and a blanket. We don't get a regular flat sheet to cover with we have to use the blanket. The blanket is made of a material that makes some people itch and they will not give any other covering we have

blankets but will not issue one even if Medical gives you a pass. They will tell us that security overrides Medical's decision which doesn't make any sense because those were the blankets that were in the facility before. They also took our pillows and gave us this square thing made out of the same material the mats are made of. They make our necks hurt.

Shoes: Here we are issued clogs or sandals. The sandals make our feet hurt. They usually don't have the right size to fit us. There are people who wear a size 9 that they give a 15 and say that all they have. Our clogs or sandals break or get ~~to~~ torn up it's really hard to get them replaced. They just got shoes around the beginning of March 2022 but ~~we~~ we are only allowed to use at rec. The shoes are used by the entire facility, immigration and county people so there are like 10 people wearing the same shoes everyday. Another thing we have to be fully dressed in our uniforms for rec. We use to play in our boxers and tee shirts, but they said we have to wear uniforms all the way up. When we exercise inside we can pull our uniforms half we ~~take~~ down and have on tee shirt

but we can't even do that outside. We have to keep uniforms all the way up and they get sweaty.

Drinks: We only get water to drink here. They put an igloo with ice & water in the dorm. It is always dirty inside and outside. They never clean them ~~just~~ just add more ice and water. There is always hair and other unknown particles floating in the cooler. The nozzle the water comes out of is dirty and black from either dirt or mold. It is very dirty from being pushed on the floor.

Cleaning: ~~The~~ The only thing we get to clean is a ~~dirty~~ dirty mop bucket, a dirty mop and a dirty dust mop. The water in the mop bucket is usually dirty because they never clean the buckets or wash the mop heads. The mop heads are so old that sometimes it is just a half of the mop head they give us to mop with. The dust mop especially is extremely dirty everyday. They never wash them either. They have no regular brooms to sweep anymore they broke and they just never replaced them. Sometimes it is just water in the mop bucket, no chemicals, never any bleach. Our tables are only cleaned once a day if they

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are cleaned at all. Sometimes they will spray the tables early in the morning before we eat and that's it. We have to make our own soap and water and use toilet paper to wipe down the tables after we eat. We only get to clean our toilets every 2 weeks and when they do come with chemicals for us to clean they do not give us any gloves. We have to clean with our ~~own~~ hands unprotected. There is no hand sanitizer dispenser to clean our hands when we go in and out of the dorm.

We are not to get visits with our families here. There is something always wrong with the kiosk. Either you can see them or they ~~cannot~~ cannot see you. If it's not that they can see you but yet cannot see them. Some times it's ~~hard~~ hard to hear them even when we make regular phone calls that we have to pay for.

**Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker
County Detention Center**

February 19, 2022

To whom this may concern,

This is a detailed accounting of events that had happened January 24, 2022; at approximately 12:00-12:30 pm. This circumstance happened at Baker County Detention Facility, B-Dorm; Pod 1 day room. The involved parties are as follows:

- Deputy Adams
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

I am writing an official statement that is considered grievable by nature. I was called over to assist with communication between Deputy Adams and [REDACTED]. I immediately walked over to the door and she had me explain further that there was an error with the requested bible and the one that was provided by Deputy Adams. I **RESPECTFULLY** said in these exact words, "She is trying to say that she received the wrong bible and that this is not what she requested." He immediately responded that he didn't receive that request; with a rude and condescending demeanor. Before we could even speak, Deputy Adams quickly said in these exact words, "It's a bible, just read the fucking bible." He was loud and audible enough for the entire dorm to hear.

I calmly recollected my composure and responded respectfully, "Sir, why are you disrespecting me?" Without further adieu, I continued, "Sir, have a nice day." I decided to walk away and sit back at the lunch table with no desire to go further with the discussion.

My fellow dorm mate, [REDACTED], [REDACTED] and [REDACTED] asked what just transpired. I told them "it's okay, I will just write Lieutenant Chestnut" after verbalizing the brief encounter I just had with Deputy Adams in the presence of [REDACTED]. He then escalated the situation by inappropriately calling me to come to him, all the more louder than necessary stating "INMATE! COME HERE!"

I was instantly intimidated and uncomfortable with his demeanor and body language that I **FEARED** being physically near Deputy Adams. I respectfully requested for him to please step in the dorm a little bit further in order for us both to be under the area coverage of the camera. I felt unsettled, insecure and unsafe and once again requested Deputy Adams to be in the camera's view before I come in close proximity to him. He then became more aggressive and agitated and verbally said, "Are you trying to be a smart mouth right now! **COME HERE! THAT'S AN ORDER!**"

At this point, all my dorm mates are spectators of the circumstance. We were all witnessing the increasingly aggressive behavior of the deputy as I slowly walked towards him in fear. I placed my back against the wall and tucked my arms under my chest to signify no aggression or intent to be aggressive towards authority. He continued to badger me and my beliefs stating in his own words, "I don't believe in religion, I don't believe in that so I don't care." In my recollection, he said more discriminatory statements against me and my beliefs that not only offended me but also those spectators who share the same faith as I do. I truly felt alienated and discriminated, making me feel violated and socially indifferent. **This caused flashbacks, PTSD and a deep fear of authority and abuse.** Deputy Adams ordered me to step out of the dorm which I instinctively hesitated due to fear, as I slowly turned facing towards the door, Deputy Adams physically pushed my back causing me to jerk forward and hustled me to the next room where I would be alone with the officer. As I jerked forward, my right shoulder

**Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker
County Detention Center**

hit the door frame on the way out. We then proceeded to the open room next door. My FEAR and ANXIETY was indeed indescribable and great at this point.

I was then threatened with confinement and isolation in a single person cell, without rights to the use of the phone and the kiosk. He also stated that I will not be able to complain to anybody because I will be confined. I responded, "All I said was okay sir." He answered by asking me if I was "trying to be a smart ass." The fear and intimidation was embedded on my psyche that day as I felt afraid, my hands were shaking, and I felt my heartbeat racing. He stepped out of the room for about fifteen minutes and returned with a different demeanor, trying to explain himself, his actions, and the situation in his view. I told him that "It is okay sir, it's okay." I was then returned to my pod after I asked to speak to the Lieutenant in charge. Response to my request was ignored completely. An hour after returning to the pod, I was taken to medical by staff due to uncontrollable shaking and severe acute panic attack. That day has now taken its seat in my forefront memories. I will never be able to trust Authority and its Enforcers moving forward. I have distrust in the Government even more due to this incident.

This is an example of the abuse of power and authority by Baker County Detention Facility staff members and officers. This matter should be addressed appropriately within a reasonable time frame and justifiable means. To this day, an update of the investigation has still not been produced. The indignity and inhumane treatment continues.

Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker County Detention Center

February 22, 2022

To Whom May This Concern;

The ICE Civil male and female detainees has unanimously come together to speak of our living conditions in Baker County Detention Center. This petition will include incidents of maltreatment, medical neglect, malpractice, and unsanitary living conditions. All of which violates our Constitutional Rights and violates the orders directed by The Supreme Court. The Lack of Implementation of COVID SAFETY PRECAUTIONS AND PROTOCOLS is prevalent in this Facility causing great harm to all who are detained here. There are numerous cases of infection of the virus that occurred here in this facility after the quarantine period in various dorms. Both Criminal and Civil detainees alike are placed in perilous conditions and savage ignorance of Health Wellness and General Safety to all.

We have compiled documents and evidences that will solidify our claims. We have high hopes that our voices will be heard by those who will advocate for us and would bring us justice to this indignity and inhumane living conditions. We all pray for **PERMANENT CHANGES FOR BETTER QUALITY OF LIVING DURING OUR CONFINEMENT OR GIVE US THE OPPORTUNITY TO BE DETAINED AT HOME WITH OUR FAMILIES WITHIN A SAFER ENVIRONMENT AND UNDER HUMANE CONDITIONS.**

We, the Petitioners, who have legal grounds that our continued detention in the face of the Facility's failure to provide the necessary medical treatment for the Petitioners' medical and psychological conditions and basic protections from COVID-19 violates the Due Process Clause. Petitioners' are attaching exhibits and alleges as follows:

CUSTODY

1. Petitioners are in the Physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at BAKER COUNTY DETENTION CENTER IN MacCLENNY, FLORIDA. ICE has contracted with the Geo Group to house immigration detainees such as the Petitioners. Petitioners are under the direct control of Respondents and their agents such as Baker County Detention Center.

JURISDICTION

2. This action arises under the Constitution of the United States, and the Immigration and Nationality Act ("INA"), 8 U.S.C. §1101 et seq., as amended by the illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedure Act (APA), 5 U.S.C. § 701 et esq.

LEGAL FRAMEWORK FOR PETITION SOUGHT

3. Petitioners has exhausted all administrative remedies available See 42 U.S.C. § 1997e(a) (2018)("No action shall be brought with respect to prison conditions under section 1938 of this title... by a prisoner... until such administrative remedies as are available are exhausted."), See Ross, 136 S. Ct. at 1858 (Under § 1997e(a), the exhaustion requirement hinges on the 'availab[ility]' of administrative remedies: An inmate, that is, must exhaust all available remedies, but need not exhaust unavailable ones."). As Justice Sotomayor recently explained in a dissent to a denial to vacate a stay: [I]f a plaintiff has established that the prison grievance procedures at issue are utterly incapable of responding to a rapidly spreading pandemic like COVID-19, the procedures may be 'unavailable' to meet plaintiff's purposes, much in the way they would be if prison officials ignored the grievances entirely.

**Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker
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4. In *Fraihat vs. ICE*, the Court mentioned that "[ICE shall make timely custody determinations for detainee with Risk Factors..." The above relief shall extend to detainees with Risk Factors Regardless of whether they have submitted requests for bond or parole, have petitioned of habeas relief, have requested other relief, or have had such requests denied[.]"

5. Pursuant to *Fraihat vs ICE*. " [ICE] shall identify and track all ICE detainees with Risk Factors within ten days of this Order [.]" P.38" [ICE] shall make timely custody redeterminations for detainees with Risk Factors, per the latest Docket Review Guidance [.]' P.38

The Court identifies the following people who are detained in ICE custody who have one or more of the Risk Factors placing them at heightened risk of severe illness and death upon contracting the COVID-19 virus. Risk Factors:

- Being Pregnant
- Being 55 years of age or older
- Or if they have the following condition(s):
 - Heart disease (including history of congestive heart failure, heart attack, heart surgery, heart rhythm problems, chest pain, heart infection)
 - High blood pressure
 - Respiratory disease (including asthma, bronchitis, emphysema, or other conditions that make it difficult to breath)
 - Diabetes
 - Cancer
 - Liver disease
 - Kidney disease
 - Autoimmune disease (including psoriasis, rheumatoid arthritis, lupus, or other conditions that affect the immune system)
 - Mental illness (including depression, anxiety, PTSD, bipolar, schizophrenia)
 - They have previously had an organ transplant
 - They are HIV/AIDS positive
 - Seizures

Based on the *Fraihat vs. ICE* standard, Petitioner is considered high risk due to their diagnosed severe medical and psychological illness and shall be released from custody while their case is pending.

THE LAW IS CLEAR - the Government cannot put a civil detainee into a dangerous situation, especially where that dangerous situation was created by the Government. A civil detainees constitutional rights are violated if a condition of is confinement places him in at substantial risk of suffering serious harm, such as harm caused by the pandemic.

6. "[W]hen the State by the affirmative exercise of its power so restrains an individual liberty that renders him unable to care for himself, and at the same time fails to provide for his basic human needs - e.g., food, shelter, clothing, medical care and reasonable safety - it transgresses the substantive limits on State action set by the Due Process Clause." *DeShaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489U.S.189,200 (1989). **The Supreme Courts words apply with full force here. Baker County Detention Center staff and officers are in violation of the agreement between Court and ICE where the appointed custodian (Baker County Detention Center) of detainees have failed to provide adequate safety and prevention of COVID transmission by having limited sanitation and lack of implementation of COVID protocols and precautions.**

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CLAIMS TO PETITION

COUNT ONE

STATUTORY VIOLATION

7. Petitioners re-alleges and incorporates by reference paragraphs 1 through 6 above.

8. The Eighth Amendment prohibits the infliction of cruel and unusual punishment. *Robinson v. California*, 370 U.S. 660 (1962). Under that provision, the Government may not impose punishments that shock the conscience, involve unnecessary and wanton infliction of pain, offended evolving notions of decency, or are grossly disproportionate to the offense for which they are imposed. See *Estelle v. Gamble*, 429 U.S. 97, 102-03 (1976); *Gregg v. Georgia*, 428 U.S. 153, 173 (1976); *Trop v. Dulles*, 356 U.S. 86, 101 (1958). Various Conditions" alone or in combination, may deprive inmates of the minimal civilized measure of life's necessities.

Such conditions could be cruel and unusual under the contemporary standard of decency." *Rhodes v. Chapman*, 452 U.S. 337, 347 (1981). On that basis, courts have held that government actors violate the Eighth Amendment when they are deliberately indifferent to a CIVIL detainees serious medical and mental needs. See, e.g. *Estelle*, 49 U.S. at 106.

9. Petitioners continued detention by Respondents is unlawful and contravenes 8 U.S.C. §123(a)(6) as interpreted by the Supreme Court in *Zabdyvas*.

10. In *Bell v. Wolfish*, 441 U.S. 520 (1979), the Court ruled that the obligation to provide such care to pretrial detainees arises from the Due Process Clause guarantees the 14th Amendment, and that failure to provide such care will essentially constitute a form of punishment imposed on persons not convicted a crime, which is impermissible.

Petitioners who are deemed medically vulnerable due to being diagnosed with various psychiatric illnesses and medical illnesses related to the function of their immune system, places them at heightened risk for severe illness and death upon contracting the COVID 19 virus. According to *Fraihat vs. ICE*, mandatory detention does not apply to medically vulnerable individuals such as the Petitioners.

11. Petitioners continued detention violates the Petitioners right to substantive due process through deprivation of the core liberty interest in freedom from bodily restraint such as detention with very limited civil rights here in Baker County Detention Facility. Petitioners are confined more than 22-24 hours a day with no ventilation and recreational freedom to support their health and wellness, physically, mentally and emotionally. All ICE detainees are deprived of normal living conditions and are subjected to prison conditions even after serving time sentence for their crimes. Therefore, ICE CIVIL DETAINEES are being punished under double jeopardy which is illegal.

COUNT TWO

SUBSTANTIVE VIOLATION

12. Petitioners re-alleges and incorporates by reference paragraphs 1 through 11 above.

13. The Due Process Clause of the Fifth Amendment require that the deprivation of Petitioners' liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioners in order to effectuate removal, ICE established that people of all ages who are detained with a physical or mental impairment that substantially limits a major life activity should be considered for release on their own recognizance. See the CDC and the Court order in *Fraihat vs. ICE*, 445F.Supp.3d 709, (C.D. Cal., 2020), and the ERO/COVID 19 Pandemic Response Requirement update 3/16/2021.

14. Government detention violates the Clause unless it is ordered in a criminal proceeding with adequate procedural safeguards or a special justification outweighs the individual's liberty interest. The instant proceedings are civil and assumed to be NONPUNITIVE, and the government proffers no sufficiently strong justification for indefinite civil detention under this statute. *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206. Once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent. Finally, the

**Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker
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aliens' liberty interest is not diminished by their lack of a legal right to live at large, for the choice at issue here is between imprisonment and supervision under release conditions that may not be violated and their interest is strong enough to raise serious constitutional problem with indefinite detention. The Fifth Amendment's Due Process Clause forbids the Government to "depriv[e]" any "person... of ... liberty... without due process of law." Freedom From imprisonment- from the government custody, detention, or other forms of physical restraint- lies at the heart of the liberty that Clause protects. See *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). And this Court has said that government detention is ordered in criminal proceeding with adequate procedural protections, see *United States v. Salerno*, 481 U.S. 739, 746 (1987), or certain special and "narrow" no punitive "circumstances,"

15. The proceedings at issue here are civil, not criminal, and we assume that they are no punitive in purpose and effect. There is no sufficiently strong special justification here for indefinite civil detention- at least administered under this statute. The statute says the Government, has two regulatory goals: "ensuring the appearance of aliens at future immigration proceedings" and "[p]reventing danger to the community. Brief for Respondents in No. 99-7791, p.24. As this Court said in *Jackson v. Indiana*, 406 U.S. 715 (1972), where detention's goal is no longer practically attainable, detention no longer "bear[s] [a] reasonable relation to the purpose for which the individual [was] committed." *Id.*, at 738. The Constitution demands greater procedural protection even for property. See *South Carolina v. Regab*, 465 U.S. 367, 393 (1984) (O'CONNOR, J., concurring in judgment); *Philippis v. Commissioner*, 238 U.S. 589, 595 (1931) (Brandeis, J.). The serious constitutional problem arising out of a statute that, in these circumstances, permits an indefinite, perhaps permanent deprivation of human liberty without any such protection is obvious. See *Plyer v. Doe*, 457 U.S. 202, 210 (1982); *Matthews v. Diaz*, 426 U.S. 67, 77 (1976); *Kwong Hai Chew v. Colding*, 344 U.S. 590, 596-598, and n.5 (1953); *Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886); *CF. Mezei, Supra*, at 212. The Court held that punitive measures could not be imposed upon aliens ordered removed because "all persons within the territory of the United States are entitled to protection of the Constitution. 163 U.S., at 238 (citing *Yick Wo*, supra, at 369 (holding that equal protection guarantee applies to Chinese Alien)); see also *Witkovich*, 353 U.S., at 199, 201 (construing statute which applied to aliens ordered deported in order to avoid substantive constitutional problems).

Finally, the Government argues that, whatever liberty interests the aliens possesses, it is "greatly diminished" by their lack of legal right to "liv[e] at large in this country". Brief for Respondents in No. 99-7791, at 47; see also post, at 703 (SCALIA, J., dissenting) "Due Process does not invest any alien with a right to enter the United States, nor confer on those admitted the right to remain against the National Will." Nothing in the Constitution requires admission or Sufferance of Aliens hostile to our scheme of Government." *Id.*, at 222-223(emphasis added).

As persons within our jurisdiction, the aliens are entitled to the protection of the Due Process Clause. Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint of detention. Still, both removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious. Where detention is incident to removal, the detention cannot be justified as punishment nor can the confinement or its conditions be designed in order to punish. See *Wong Wing v. United States*, 163 U.S. 228(1896). Whether a due process right is denied when removable aliens who are flight risks or dangers to the community are detained turns, then, not on the substantive right to be free, but on whether there are adequate procedures to review their cases, allowing persons once subject to detention to show that through rehabilitation, new appreciation of their responsibilities, or under other standards, they no longer present special risks or danger if put at large. *Id.*, at 482; see also *Board of Pardons v. Allen*, 482 U.S. 369 (1987). We rejected in *Morrissey* the suggestion that the State could justify parole revocation "without some informal procedural guarantees," 408 U.S., at 483, but "[g]iven the previous conviction and the proper impositions of conditions," we recognize "the State has an overwhelming interest in being able to return the individual to imprisonment without the burden of a new adversary criminal trial," *ibid.*

CONCLUSION

As ICE CIVIL Detainees who are detained in Baker County Detention Center, we have been subjected to prison or jail conditions and lifestyle which is believed to be PUNITIVE by nature as if to those under CRIMINAL PROCEEDINGS and not CIVIL PROCEEDINGS. This way of living is comparable to the theory of DOUBLE JEOPARDY where as treatment is continuous of the lifestyle as if SERVING CRIME TWICE. This is unjustifiable and impermissible.

For these reasons, Petitioners should have proper treatment and safe environmental conditions to be provided for by Baker County Detention Center Staff Members and that, they shall have a better outlook of what Professionalism

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is. If this cannot be realized, HUMANITARIAN PAROLE/RELEASE OR DETENTION AT HOME BE GRANTED FOR ICE CIVIL DETAINEES PENDING REMOVAL OR CASE PROCEEDINGS. Furthermore, Petitioners will reside with their ICE/DHS approved sponsors with or without physical monitors (such as ankle monitors) of which it is the Petitioners' burden to identify such sponsors. Moving forward, it will be the Petitioners' responsibility to adhere to all terms and conditions to said release.

Sincerely,
BAKER COUNTY DETENTION CENTER
ICE CIVIL DETAINEES

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- (1) Executive Order On The Revision of Civil Immigration Enforcement Policies, January 20, 2021, available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-the-revision-of-civil-immigration-enforcement-policies-and-priorities/>
- (2) Review of Interim Revisions to the Civil Immigration Enforcement and Removal Policies and Priorities, January 20, 2021, available at https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement_memo_signed.pdf
- (3) Interim Guidance: Civil Immigration Enforcement and Removal Priorities, February 18, 2021, available at: https://www.ice.gov/doclib/news/releases/2021/021821_civil-immigration-enforcement_interim-guidance
- (4) Interim Guidance: Revised Civil Immigration Enforcement and Removal Priorities, September 30, 2021, available at: https://www.ice.gov/doclib/news/releases/2021/093021_revised-civil-immigration-enforcement_interim-guidance
- (5) Guidance on shielding and protecting people who are clinically extremely vulnerable from COVID-19. <https://www.gov.uk/government/publications/Guidance-on-shielding-and-protecting-people-who-clinically-extremely-vulnerable-from-COVID-19/>
- (6) ICE DIRECTIVE 002-02, IMPLEMENTATION OF SECTION 1367 INFORMATION PROVISIONS (NOV. 1, 2013)
- (7) DHS INSTRUCTION NUMBER 002-02-001, IMPLEMENTATION OF SECTION 1367 (NOV. 7, 2013)
- (8) HELLENICINES, L.T.D.V. RHODIS, 398 U.S. 306, 905. CT 1731.761.EDZD252
- (9) CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT; No. 99-7791.
Argued February 21, 2001-- Decided June 28, 2001*

**Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker
County Detention Center**

September 10th, 2020

RE: CONDITIONS AT BAKER COUNTY DETENTION CENTER

This Petition has been raised by the detainees of the Baker County Jail, used as a detention Center by DHS/ICE and the U.S. Marshall's service. The Jail is run and managed by The Baker County Sheriff's department and Deputies perform the role of Corrections Officers, a task they are not trained for and ill-qualifies to perform.

The BAKER County Jail and DHS/ICE have disregarded the guidelines agreed in the *Gayle vs. Meade 2020 76040* Case Order. Staff at the Jail are not following CDC guidelines nor use or allow inmates/Detainees to use PPS equipment or products.

In the *Fraihat vs. ICS Class Action April 20, 2020*, "At Risk" of contracting COVID-19 Detainees are to be released by ICE. "At Risk" is determined to be those over 55 years of age with underlying health issues. Several inmates/Detainees have contracted the disease whilst held in custody, contracted from Officers, despite several written appeals to ICE and the Motions to the Immigration Court.

There is no social distancing by Officers or inmates/Detainees, nor are hand washing or basic hygiene products available. PODS are made up of up to 32 inmates/Detainees with up to 4 people held in one "cell". The Cell has a single shower and toilet. there are no cleaning implements and cleaning products are provided for 2 minutes every week when a "sergeant" sprays bleach in the shower and toilet, then sprinkles "Ajax" on the Floor and leaves. No cleaning paper or implements are available. Overly used brushes that are NOT SANITIZED are placed in an open crate lined with a plastic bag and taken in the dorm for INTERCELL USE BETWEEN ALL DORM MATES. Cells are not sanitized, disinfected nor inspected for cleanliness. Uniforms are exchanged twice a week and underclothes are washed twice a week - always returned wet OR PARTIALLY DRY THAT CAUSE A STRONG MOLDY SMELL.

Common areas such as tables, telephones and vending machines are filthy and a spray bottle with watered down detergent is provided to "disinfect" the equipment. There are no gloves provided and face masks are supplied every three weeks. More often than not or shall we say, 1-2 times a week, communication with the "outside world" is spasmodic as equipment often fails. There are no free calls or video visits where nearly all other county jails in Florida provide free calls and video visits. Telephone calls are disproportionately expensive with a fifteen minute local call costing an average of \$5.00. Two calls a week exhausts the \$10.00 phone card bought on the facility commissary. Mail is no longer delivered, Deputies deciding scanning is easier for them to process, however the print is so small in the Mail reading application that it is impossible to read.

These issues and others have been raised with many and various officers and the Jail's Senior Officer, Captain Blue and Sergeants. ICE Deportation officers have been altered and written complaints go unheeded.

Both the BAKER County Jail and DHS/ICE appear to be avoiding the health and safety of inmates/Detainees and disregard basic human rights.

Food/Meals at the facility are below PAR and do not meet the minimum requirements of 1,300 calories per day per person. Meals lack substance and quality, are always the same and do not include any fresh fruit or vegetables.

Air conditioning is kept at a balmy 50 degrees to "avoid infections" which is an irony beyond comprehension. A typical day comprises of staying in your bunk with a thin, well worn cotton "blanket" (read a sheet). Inmates/Detainees spend much of their time in their bunks trying to keep warm.

Baker County jail (BAKER) is just that a tiny County jail. It is not designed for Immigration Detainees nor is the local Sheriff's department qualified or trained to deal with the vastly different and infinitely various types of international detainees it holds. BAKER is designed to hold local County inmates and the County struggles with its inmate population. In fact, the County was set to close the facility before ICE offered a Contract to house Federal Detainees.

These intolerable conditions are better placed in a Russian gulag, not a U.S. Federal detention Facility. County Jails such as Orange County and Osceola County have better Medical services, better quality clothing, food and inmate services and are well better managed. Inmates receive four free telephone calls and four free video visits each

**Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker
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week. Their Commissary although operated by the same Company "Keefe" is less expensive and has a wider range of items. More is expected of a Federal facility.

Telephone calls cost an average of \$5.00/call and there are no free calls available to indigent Detainees. In County Jails throughout Florida inmates receive four free domestic calls and 4 free video visitations. The KROME Federal facility for example, provides up the seven free calls each week and seven free visitations.

Medical and Health services are sub standard and holding beds are in cells that are filthy and not cleaned. Inmates/Detainees confined under Medical supervision are not provided cleaning products nor are they permitted to clean the cell.

Detainees are that in name only. Forced to wear bright orange jumpsuits with, they are treated as any other inmate at the Baker County Jail. Handcuffed for any movement outside their cells, they receive exactly the same accommodations, treatment and food as a regular arrested inmate.

The food is inedible; always mushy and bread tossed onto the top becomes wet and soggy, unable to eat. There is no fresh food such as fruit and no variation from rice, beans or patties. Repeated requests to vary the Menu is ignored or told to write to Immigration and Customs Enforcement (ICE). Requests to ICE advise to communicate with the Kitchen, with each "passing the buck". There is little or no salt or sugar in food and it is, in effect, tasteless. Servings are meager and do not constitute a full meal for a grown adult human being.

There is no outdoor recreation - at all. Nor is sunshine permitted in PODS. In fact there is NO sunlight at all. "Recreation" is a one hour visit to a concrete tomb that has two video game consoles - that do not have any games installed, nor operate anyway, a ping-pong table that has bats but no balls and two exercise bikes. no outdoor time is permitted.

Repeated requests to use the "Law Library" a computer and Printer are frustrating because a Detainee has to make multiple requests to multiple officers who may relent and allow one hour use of the resource. There is no paper to print and the printer seldom operates anyway. For Detainees without legal Counsel, "Pro-se" Motions or documents for Court take weeks to complete, often missing the deadline for receipt by the Court - who rush hearings through on a weekly basis.

Officers are uncommunicative, aggressive, untrained and unresponsive. Any attempt to request individual services, such as Law Library time, requests for information or simply schedule changes are met with unhelpful and aggressive responses. One female Sergeant, extremely aggressive, often barges into cells, screaming at Detainees to "take down that cover on vents, on a light or an ad-hoc clothesline, tearing it down herself or handcuffing the Detainees (who usually cannot speak English) and hauling them off to solitary confinement. Clothes from the Laundry usually are returned wet and ad-hoc clotheslines are erected to dry underclothes and Towels. Clothes are ragged and worn through, socks are "anklets socks that offer no warmth or protection and footwear is worn slick, making slips and falls inevitable and frequent. Towels and bed "blankets" (really a heavy cotton sheet) are threadbare and stained. No clothing or bed linen offer protection against the 50 degree temperature of the air-conditioning that keeps Detainees confined to their bunks for the majority of the day or night. it is simply too cold to remain outside your cell. Repeated requests result in much mirth from Officers who find it hilarious that you suffer.

Detainees understand they are in federal detention for violation of the Immigration and Naturalization Act (INA, however are not Criminals. They are supposed to be detained in a Federal facility - in Federal detention - not a dirty, tiny and grossly mismanaged County Jail that cannot provide basic management of these Fathers and Mothers in Federal custody. Detainees, by their signatures on the attached pages, request release from custody. If the Department of Homeland security requires custody, Detainees must be held in a properly resourced and functional Federal Facility. Detainees request release from custody to be called to appear in Court as part of a tried, proven and legal system of Justice. The ICE/DOJ Immigration Courts deny natural justice to Detainees and do not allow access to the documentation they demand to resolve individual Detainee's cases.

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February 25, 2022

Retaliation and unprofessional service is rendered by deputies in Baker County Detention Center. An incident occurred February 2022; Thursday night at approximately 10:00pm in B dorm; Pod 1 when the detainees was subjected for a routine "shake down". Detainee's personal letters/correspondence from personal property was confiscated by Female Deputy Gould and was handed over to Sgt Smith. The articles were returned Sunday night. The following day, detainee was informed that Deputy Gould had shared contents of the personal correspondence to other detainees from other pods. This is a form of humiliation and retaliation by Deputy Gould and this behavior is unacceptable. This is foul beyond words and is a disgrace all authority bestowed on her. This is a form of abuse as well and has caused grief and devastation to the detainee.

There are no COVID standards of prevention and control of transmission COVID Virus. The Facility does not put any sense of urgency to implementing the COURT ORDER; GAYLE v. ICE and when staff was asked to provide pamphlets and reading material on the court order, Staff seems to avoid the conversation or will brush off any other questions. ICE deportation officers responds in a condescending manner turning tables on detainees for not following the precautions as well. We the detainees MUST be INFORMED and EDUCATED repeatedly by Baker County Staff and that they should be beacons of the protocols for the prevention of the spread of the COVID virus. Officers who stand as authority over the detainees should be examples of good behavior and good conduct and not those who have none.

January 23, 2022, a detainee, [REDACTED] had devastating news. She had just learned that her father has passed away. Staff came in the pod as she was mourning over the death of her father and they told her to stop making so much noise in the pod or else they send her to confinement. There are numerous times where detainees are beyond dehydrated because we have to wait almost a whole next shift just to wait on the water cooler to be brought back in to us. When we complain and tell them that we are very much so dehydrated the officers here at Baker County Detention Center tells us to drink out of the sink in our cells; that barely works and tastes like chemicals. The younger Deputy Rhoden takes the television immediately while on shift for unreasonable purposes. His excuse for the punishment was that we detainees had our sweaters over our uniforms. There was no warning or direct orders given for us to wear our sweaters underneath our jumpsuits. We resorted to begging for the television to be turned on because this was the hour the news is on. The television was turned off for well over six hours.

There are a lot of medical malpractice and negligence going on in this Detention Center. For starters, during medication pass the nurses are not wearing gloves while dispensing medication nor are they wearing a mask. They fail to sanitize their hands in between medication pass. Medications are in cups without label causing confusion to both the detainee and nurses. Medical staff fails to order chronic medication on time, therefore detainees have to wait for days sometimes week without medication or they miss important doses. Detainee [REDACTED] had to contract covid for her asthma inhaler to finally be ordered after two months of being detained at Baker County Detention Facility. Medical staff has a slow response to emergencies such as seizures or other emergencies. Detainee Emirjoni Como has been waiting for two months for a dental appointment; she has several holes in her tooth which needs to be pulled out as soon as possible, to prevent further decay or spreading of the infection. Ordered diagnostic test are not done in a timely fashion, this causes delay to treatment and care for patients. It is vital to patients health and recovery to have consistency to medication regiments schedule and implementation to achieve their therapeutic effects that medication is intended for. Inconsistency causes detrimental effects to patients' health especially those with life threatening or chronic conditions.

Food served in the Detention Center is far from attractive and appealing which is contradicting to what is written in the handbook, all means do not compose of the necessary daily dietary caloric needs for an individual. Most days an estimated 1200 calories or below are being served to all detainees. There is insufficient protein in the entire menu. Most meals consist of carbohydrates, such as; rice, beans, noodles, breads and cakes which have barely any nutritional value. Meals are often overcooked or undercook and most times served cold. Leftovers are often given and mixed all together with the other leftovers and kitchen manager calls the meal "GOULACHE". There are no fresh vegetables and vegetables are often usually over cooked. We have witnessed kitchen staff to have unsanitary practices where detainees who work in the kitchen are inconsistent with wearing appropriate head gear, gloves and they fail to snap all buttons on their uniform showing chest hair and they are not wearing masks increasing incidents of droplet transmission of infections. Worms and foreign objects were found in the beef patty and the mash potatoes. Kitchen manager confirmed it was what we assumed to be.

Commissary is extremely expensive and numerous times food packages are open or has mold when given to detainees. The commissary staff often ignores complaints of vending machine items being passed their expiration

**Emergency Petition For Proper and Humane Treatment of ICE CIVIL DETAINEES in Baker
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date. During the complaints we are told that it is not that long overdue it is edible. The vending machines in pods often malfunction and signs are posted on the machine that if items are not delivered there will be no refund. Putting complaints in the kiosk for refunds are often ignored or unanswered.

The toiletry (Fastenal) machine in the pod always malfunctions, failing delivery of items. A detainee was given a Disciplinary Reports because of asking for toilet paper. She was maltreated inhumanely as if done something serious or punishable. As a result, Detainee was returned to the pod very distraught and disheveled. She had flashbacks of her diagnosed PTSD. She was maltreated by Lt. Collins. She was called a "liar" several times in a very loud voice and threatened confinement without giving the detainee a chance to explain herself.

Punishment for individuals is forced upon every innocent and suffering detainee by taking TV privileges, phone privileges and commissary privileges for petty and unreasonable reasons. The detainees are subjected to begging the officers such as the younger Deputy Rhoden to give back our privileges after a half a day of punishment. Detainees were punished because of wearing the sweater over our jumpsuit. Jumpsuits are uncomfortable and detainees are given an ultimatum that jumpsuits are the only proper attire for working out or exercising. Regardless, it be soiled with sweat and dirt, unsafe attire for exercising detainees are instructed to wear the same jumpsuit that we wear on a daily basis.

When jumpsuits that are ripped are provided for to detainees, we are not allowed to switch the jumpsuits according to Lt. Chestnut. Often times, jumpsuits are ripped, missing buttons or have holes. This is the same for all linen and uniforms provided by the facility. We are not allowed to have a top sheet to place a barrier between the blankets and our bodies causing irritation to skin and causing rashes. Towels are not properly washed as they smell like urine or wet dog. Towels are also unable to cover the body or dry the body properly to prevent fungus from developing on the crevices of our body.

Deportation officers often give us false hope and dishonestly answers our inquiries. We are not given or provided for with envelopes or information as to where we should send our appeals or other documents vital to our case. More often than not, we are confused with what we should do especially those who have no legal counsel. The stipulations and instructions written in the handbook are often changed under the discretion of the officers. For example, we were told by an officer during the second shift that rules change at night and when detainees raise questions or objections to rules broken by the officers themselves, detainees are often told that rules are modifiable or changed without prior notice. Detainees are subjected to rules that apply to the liking of the officers. We are not provided for with a standard set of rules and regulations and often get in trouble for questioning the officers regarding what is stated in the handbook. It is unfair and unjust for all detainees to live in an environment where the rules are broken by those who are supposed to implement it themselves

NOMBRES Y APELLIDOS

ID #

NUMERO A

FIRMA

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[Redacted]

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NOMBRES Y APELLIDOS

ID #

NUMERO A

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NOMBRES Y APELLIDOS

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Appendix C

Letter 1: written May 13, 2022 from Cosme Frias and others to Freedom for Immigrants raising concerns of retaliation following May 3 hunger strike.

May 13, 2022

FRIAS, COSME ADOLFO
BAKER COUNTY DETENTION CENTER
P.O. BOX 1629
Macclenny, FL 32063

Dear AMANDA DIAZ

PRIMERO QUE NADA QUIERO DARLE LAS GRACIAS POR SU PROFUNDO APOYO Y CONSIDERACION HACIA MI PERSONA Y TODOS MIS COMPAÑEROS DETENIDOS EN ESTE CENTRO PENITENCIARIO.

LE DEJO SABER EN ESTA CARTA QUE NO HE PODIDO RECIBIR LOS PAPELES QUE USTED ME ENVIÓ EL DÍA 3 DE MAYO. ÚNICAMENTE ME PUDIERON PONER LA FOTOS DE AQUELLOS PAPELES EN LA COMPUTADORA DE ESA MANERA ME PUEDE ENTERAR. ASÍ MISMO PASÓ CON LOS DOCUMENTOS QUE ME ENVIÓ EL SEÑOR CONRAD Y LA SEÑORA JOAN ANDERSON DE LA ORGANIZACION DE BAKER FRIENDS. PERO EL DÍA 12 DE MAYO RECIBÍ DOCUMENTOS DE PARTE DE LA SEÑORA LILY HARTMANN DE AMERICANS FOR IMMIGRANT JUSTICE Y AQUÍ LE ADJUNTARÉ DOS COPIAS FIRMADAS PARA ASÍ AUTORIZARLE A USTED CON PRIVACY WAIVER.

YO LE ENVIÉ A LA SEÑORA LILY HARTMANN MIS DOCUMENTOS ALLÍ SE ENCUENTRAN; NOTICE TO APPEAR, BRIEFING SCHEDULE DE MI APELACION Y LA NEGACION DE LA APELACION. PARA ASÍ VEAN TODA LA INJUSTICIA QUE HA HECHO CONMIGO, QUE EN TIEMPO RECORD ME HAN NEGADO TODO EN 88 DÍAS, CUANDO TODO EL MUNDO DEMORA ALREDEDOR DE 8 MESES. POR FAVOR LE SUPLICO AYUDARME A CONSEGUIR UNA ASISTENCIA DE PROBONO, MI SITUACION ECONOMICA AHORA MISMO ES GRAVE Y NO PUEDO SEGUIR PAGANDO POR ESO PIDO ESTA SUPLICA.

Es difícil yo recibir información porque todas las ^{CARTAS} VAN A LA DETENCION DE KROME, PORQUE EL SISTEMA APAREZCO COMO ESTUVIERA EN KROME. TAMBIEN VEO QUE MI INFORMACION MI NOMBRE ES COSME ADOLFO FRIAS DE 58 AÑOS DE EDAD, NACIDO EN 09/27/1964 Republica Dominicana.

Tambien le agradecemos mucho Al Señor Conrad porque él ha estado muy pendiente de nosotros, por su paciencia y apoyo. Porque hemos llamados a muchas ORGANIZACIONES Y NADIE NOS HA ESCUCHADO COMO USTEDES. ESPECIAMENTE AQUÍ EN JACKSONVILLE NO NOS ESCUCHAN. NUESTROS FAMILIARES TAMBIEN NOS HAN TRATADO DE AYUDAR DESDE AFUERA PERO TAMBIEN SE LES HACE DIFÍCIL.


EL DÍA 4 DE MAYO ME LLEVARON AL HOSPITAL SOLAMENTE COMO SI FUERA A pasear. Solo llené unos papeles y me dijeron que luego me avisaban "QUE ME IBAN AVISAR"? NUNCA LO ENTENDÍ PORQUE NO ME HICIERON NINGUN TIPO DE EXAMEN. ÚNICAMENTE ME TOMARON LA PRESIÓN, EL HOSPITAL SE LLAMA SHANDS HOSPITAL, JACKSONVILLE.

ESTOY SEGURO QUE NISIQUIERA LE HAN DADO HA USTED LA RESPUESTA QUE PEDIA PARA EL DÍA 11 DE MAYO.

EL DÍA 3, y 4 de MAYO HICIMOS HUELGA DE HAMBRE PARA PONER PRESIÓN Y NOS ACOMODARAN LAS COSAS PERO CREO QUE FUE PEOR EL REMEDIO QUE LA ENFERMEDAD, AHORA HAN TOMADO MAS REPRESIONES MAS FUERTES CONTRA NOSOTROS. QUIZAS USTED ALGUN MOMENTO PENSARÁ QUE ESTAMOS EXAGERANDO, PERO NO. ES LA REALIDAD INHUMANA QUE EXISTE AQUI. ENTONCES TODOS LOS DETENIDOS SE HAN PUESTO DE ACUERDO A UNA NUEVA HUELGA DE HAMBRE APARTIR DEL DÍA 16 DE MAYO PARA EXIGIR LIBERTAD O TRASLADO A UNA DETENCION DE ICE. LE PEDIMOS AYUDA A USTED NUEVAMENTE PARA QUE ESTOS DÍAS NO SEAMOS ACIBILLADOS POR LOS GUARDIAS. NO PARAREMOS LA HUELGA HASTA QUE COMIENCEN LOS CAMBIOS.

SE PUEDE COMUNICAR CONMIGO ATRAVES DE CORREO ELECTRONICO DESCARGANDO LA APLICACION SECURUS MOBILE MI NUMERO DE ID #22000095.

ME DESPIDO DE TODO CORAZON, CUIDESE MUCHO!

Sinceramente,


COSME FRIAS
#040-025-453

Hello I am also writing this letter to let you know that when this group name The Nakamoto Group were scadule to come on May 3, 4, and 5th to baker county Detention center, they had put a list a piece of paper so if somebody wanted to talk to them, to write there name down, we all put our name down and sense I am a trustee, they pull me out to clean and set up 4 chairs then the lieutenant youmans told us to pick up 4 people to call falk to them but told us not to tell them about the food situation because that was being addressed and untill today the food is getting worse everyday. then we was waiting but they never came to talk to us we don't know exactly what happen but we think sense we was in the hunger strike for 2 days we think that they the Baker county staff told them the we was starting a ride it and the if they came, it was not under Baker responsibility to ensure there safety, that if anything happen it was under they own responsibility because they new that if The Nakamoto Group came to talk to us they Baker county would have been in great trouble because the Nakamoto group would have find out what is going on here so we think they came up with excuses to not let them come in is there a way to let them know and to find out what happen, why the group didn't wanted to come in thank you ma'am

we also wanted to thank you for hearing our plea I personally wanted to thank you from the bottom of my heart and we wanted to let you know that starting Monday May 16 2022 we the ICE detainees on Baker county are going on a hunger strike everybody has come together to not eat until we are move out of this place we ha ask the ICE Director here Mrs, Bailey to help us to fix the conditions but she said she would and never happen, so everybody is scare fire of that abuse we are induring here is there anyway you can help us accomplish what we need which is to get transfer to a ICE facility or to be release under anytype of supervision so we can fight our cases in a place where our human needs are being provided, if they can't provide for us or keep us safe from the Guards and from other detainees and from the environment, and we know the they have violated our rights here buy not providing us with medical treatment we are going to do this not to ask for better conditions here but to get move to a real ICE facility or to be release under ankle monitor they have violated our rights are they not going to have any consequences for there actions we ask you to please help us once we go on the hunger strike they going to lock us down and take our food and water is going to be turn off we would be with no communication with the outside world and -

nobody would know what they are doing to us we are also scare the they are going to retaliate against us for contacting your organization me

[REDACTED]

[REDACTED] frias cosine [REDACTED] we

are the once the got this going and we know that if they find out for sure we are going to be punish for sure we are willing to go throug enything we have already indure alot of punishment and we would indore what ever necessary but we want the outside world to know and your help to stop this cruel punishment, they already got mr. frias appeal dismiss they denied his appeal in record time 88 days so we know that they can do it to us too and that is because our rights were violated and now we are speaking up they want to get rid of us can you help us when it comes to that to make public that our cases are being denied because they violated our rights and now the we are acasing them ICE is trying to deport us as soon as possible so they don't get in trouble please they are finding anyway possible to deport us because of what we are doing help us please we are only doing what is right they have one way or the other violated the rights of every detainee held here please we need your

help from may 16 we are not eating please
Amenda don't forget about us we are scare
but we have sufer to much here we can't
stay quiet anymore may God be with us and
provide you with what you need to help us
thank you very much

GOD bless you

[REDACTED]
[REDACTED]
cosme frias thank you.

Notice of Audit

The Nakamoto Group will be onsite at the Baker County Detention Center May 3rd, 4th, and 5th, to conduct a security audit of the 2019 ICE Standards. Detainees wishing to speak with auditors during their visit are requested to sign up utilizing the sign-up sheet posted in each of the housing units.

Aviso de auditoría

El Grupo Nakamoto estará en el lugar en el Centro de Detención del Condado de Baker el 3, 4 y 5 de mayo, para realizar una auditoría de seguridad de los Estándares ICE 2019. Se ruega a los detenidos que deseen hablar con los auditores durante su visita que se inscriban utilizando la hoja de inscripción publicada en cada una de las unidades de vivienda.

Appendix C

Letter 2: Sent by Cosme Frias and others to Freedom for
Immigrants received May 5th along with Appendix B

Hello ms Amanda DIAZ My name is [REDACTED] and I'm here with cosme frias and with [REDACTED] we have been trying to get help from different organizations but have recieved no answer, we send Mr. Conrad of freedom for immigrants this package, he and cosme frias have been talking and we send him a package, but we don't know if it got there due to the interference of the staff of Baker county detention center, so we took to send you another package with the hope that we the detainees held here for ICE will get some help and deliverance from this cruel treatment here at this detention center please feel free to contact any of us iether Mr. frias or [REDACTED], or me . thank you very much we pray we would recieved help from you and we in behave of all detainees here thank you for your time may the Lord bless you.