

I. INTRODUCTION

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In 2009, after an extensive record of abuses and deaths

of immigrants in its custody, Immigration and Customs Enforcement (ICE) announced ambitious reform plans and promised a “truly civil” immigration detention system. Yet, more than three years later, ICE continues to subcontract the detention of individuals to county jails and private detention centers where they suffer sexual assault, substandard medical care, lack of due process and abysmal conditions. Among those detained are lawful permanent residents, asylum seekers, crime victims, and survivors of domestic violence and human trafficking – many of them with U.S. citizen relatives and deep ties to local communities. ICE has consistently shown that it is incapable of protecting the basic human rights of immigrants under its care.

Florida’s six main detention facilities house over 2,000 individuals on a given day. This report focuses on conditions at the Baker County Jail where immigrants are subject to confinement indoors 24 hours per day and lack of exposure to sunlight, poor nutrition and hygiene, inadequate medical and mental-health care, isolation from family, arbitrary and unjust punishment, violation of religious freedom, and barriers to legal access. Conditions at Baker, like many detention centers throughout Florida and the United States, demoralize immigrants and devastate families.

Research for the report was conducted by Americans for Immigrant Justice (AI Justice), Karen Winston of Jacksonville Area Legal Aid, and Vanessa Bernadotte along with students from Florida Coastal School of Law’s Immigrant Rights Clinic during a visit to Baker County Jail on June 14, 2012. The visit



included a meeting with ICE and Baker facility staff, a tour of the facility, and individual interviews with immigrants held at the facility. While almost all of the 270 individuals then detained at Baker signed up to speak with the group, the interviewers were able to meet with fifteen individuals—six women and nine men—because of time constraints. AI Justice conducted an additional interview on July 31, 2012 with an immigrant who was transferred to a detention center in South Florida.



II. FACILITY OVERVIEW

170 miles:
Distance between Macclenny and Orlando, Florida

▶ **Location:** 1 Sheriff's Office Drive, Macclenny, Florida 32063

(distance from Jacksonville, Florida 30 miles; distance from Orlando, the closest city with a significant number of immigration attorneys, 170 miles)

▶ **Contractor:** Baker County Sherriff's Office through an Inter-Governmental Services Agreement. Medical services provided by Armor Correctional Health Care. The facility was constructed over 30 years ago as a county jail and reopened in June 2009 as a facility housing immigrants in ICE custody.

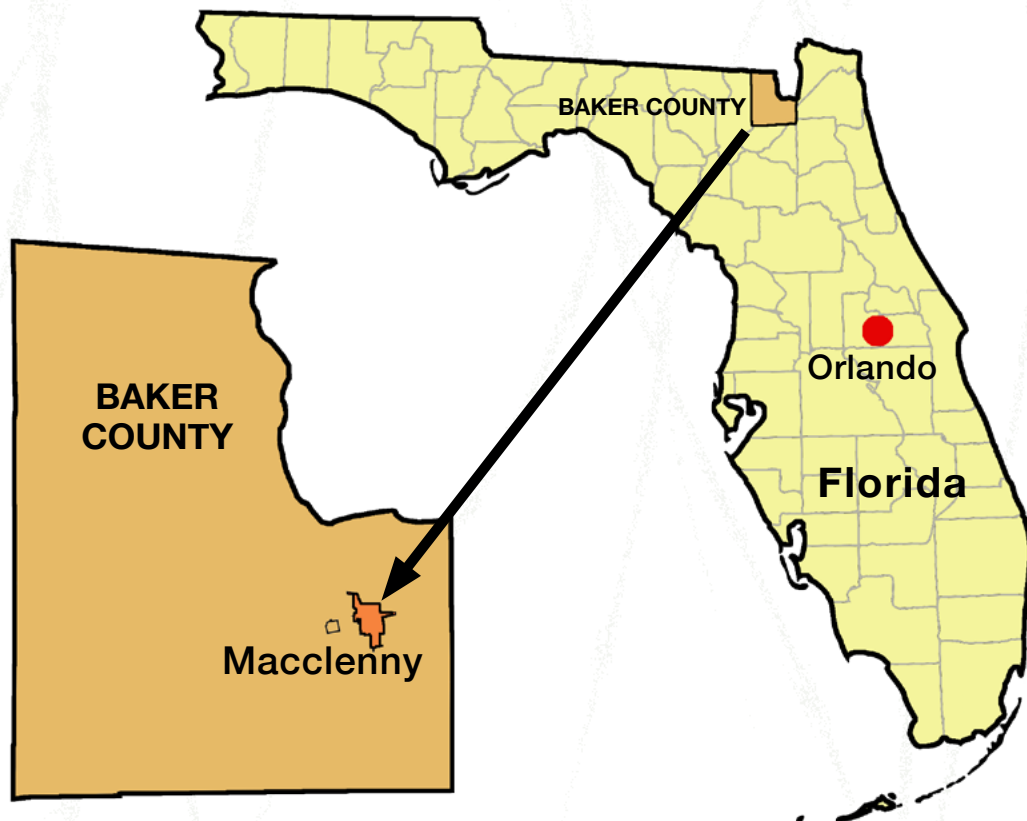
▶ **Maximum population:** 300.

▶ **Average daily population:** Approximately 250 male and female immigrants; facility also houses pre-trial criminal defendants and individuals serving short sentences.

▶ **Classification:** Most individuals in Baker are classified by ICE as medium to high security.

▶ **Types of cases:** Individuals in removal proceedings and individuals with final orders; lawful permanent residents, asylum seekers, torture survivors, domestic violence survivors and human trafficking survivors, among others.

▶ **Legal Services:** The Immigrant Rights Clinic of Florida Coastal School of Law (IRC) and Jacksonville Area Legal Aid (JALA) provide know-your-rights presentations and represent immigrants through two attorneys and clinic students. IRC and JALA resources are extremely limited, and will likely become more restricted in the near future. No other organization provides free ongoing representation to individuals detained at Baker. Given that over 80% of the population has no legal representation,



these organizations are unable to meet the current need for legal services of persons detained at Baker.

- ▶ **Standards:** 2000 INS National Detention Standards.
- ▶ **Court access:** The Baker County Jail contains a courtroom where hearings are

conducted via tele-video with the Orlando Immigration Court, which is located nearly 200 miles from the facility.

- ▶ **Nearest ICE Field Office:** Miami Field Office, 865 SW 78th Avenue, Suite 101, Plantation, FL 33324.

III. CONCERNS

Baker is the only facility in Florida where immigrants have no access to the outdoors.

INADEQUATE LIVING CONDITIONS

Among the gravest concerns at the Baker County Jail is the almost complete lack of exposure to natural sunlight. Immigrants there are confined indoors 24 hours per day, 7 days per week. The jail lacks an outdoor recreation space, and while non-ICE prisoners are permitted to work outside on jail grounds, immigrants are prohibited from working at all. The area for recreation is a room with concrete walls, floor, and a roof. The room's only window is very high up on a side wall and is covered with mesh to allow in some fresh air. Neither the law library nor sleeping quarters, where immigrants spend most of their time, have any windows.

Baker is the only facility in Florida where immigrants have no access to the outdoors. The organizations involved in drafting this report have been advocating for the construction of an outdoor recreation space for more than two years with no success.

The lack of outdoor recreation was one of the most frequent concerns raised by those interviewed at Baker. Many talked about needing to see the sun and the sky:

- One woman described the dehumanizing sentiment, "We're like dogs, we can't see the sun or the sky, actually even a dog gets to go outside."
- A gentleman lamented, "We are in confinement all the time. We never see the sun. I feel very bad."

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An immigrant at Baker

- A third person said he does not even bother going to recreation since only a Wii video game machine and a ping pong table are provided for entertainment.
- Finally, several men complained that it was difficult for them to exercise since they are not able to go outside and the facility lacks exercise equipment.

Lack of sunlight for prolonged periods is a health risk that may cause seasonal affective disorder (SAD), a type of depression. SAD only compounds the depression and anxiety immigrants experience because of their confinement and fear of deportation. Almost all of the people we spoke to expressed sadness and a sense of hopelessness. Further, while lack of exercise is a physical and mental health risk for everyone, those with heart conditions or other preexisting health issues are particularly adversely impacted by conditions at Baker. Many immigrants at Baker are deprived of meaningful exercise and access to sunlight for extended periods of time. This is especially harsh for those who are detained long-term. Four of the individuals the group interviewed had been detained for over one year; one had been in detention for almost two years without access to the outside or natural light.



Other ongoing problems with living conditions at Baker include hygiene and the quality and sufficiency of food. Women (and legal advocates) have long complained that they are provided insufficient quantities of toilet paper and sanitary napkins. People report that supplies are rationed at Baker in such a way that they often run out and immigrants held there are forced to ask for more. They report that some guards arbitrarily refuse. The women expressed concern that the lack of basic necessities, and the constant need to plead with guards for feminine hygiene supplies, is dehumanizing.

Another frequent complaint at Baker involves the quantity and quality of food. Most immigrants reported that they were often hungry because food portions are small and there are lengthy periods of time between meals. Facility staff concurred that immigrants receive meals three times a day, at approximately 5 AM, 11 AM and 4 PM, which results in a 13-hour period between dinner and breakfast. There is access to a commissary to purchase additional food, but many people cannot afford to do so. Many also complained that the food was of extremely poor quality and it is very salty and heavily peppered. Many reported having experienced gastrointestinal difficulties as a result of consistently eating such poor quality food.

INADEQUATE MEDICAL AND MENTAL HEALTH CARE

Medical care at Baker is provided by Armor Correctional Health Care. According to facility staff, there is a nurse at Baker 24 hours a day, 7 days per week, and a nurse practitioner who works forty hours per week. A doctor comes in once per month. Facility staff report that substance abuse and group counseling are available, as well as individual counseling upon request. A licensed mental healthcare provider works at Baker 40 hours per week, and a psychiatrist visits the facility once a week.

Despite the fact that facility staff reported that there was counseling available, individuals interviewed, including those reporting mental health issues, seemed generally unaware that such services existed. Several people also



complained that lack of privacy in the medical offices impeded their ability to obtain treatment. They reported that they were forced to discuss medical and mental health problems in front of multiple facility staff and others held at the facility. One person said, "Everyone knows what you have here." As a result, at least two people reported that they chose not to discuss mental health issues with mental health staff, even though one reported suffering from anxiety attacks and the other complained of feeling so depressed she cried "all the time."

Several people complained that they did not receive dental care or necessary medical procedures, including surgery, allegedly because ICE refused to approve them. A few also reported that the pain medication they received was inadequate to provide relief.

One individual who was interviewed complained of untreated health problems which caused him pain and discomfort on a daily basis. Even though one of the drafters of this report followed up with ICE regarding this individual, he had still not received treatment for his condition two months later.

ISOLATION FROM FAMILY

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miles from the facility. Most people we spoke to did not receive visits from family or friends. Even when family members are able to visit the facility, the visits are conducted almost exclusively by video, with the individual in detention and his or her family speaking from separate rooms. Facility staff reported that immigrants can request contact, in-person visits with minor children, which are granted in exceptional circumstances. Visitors must be at the facility for video visitation. Many people reported that their families did not visit because the facility was too far away, and travel was too expensive. Several said that it was not worth the expense since they could only see their loved ones via video. Such “visits” by video run counter to ICE standards² that encourage visitation to maintain morale and ties to family and friends. Considering that many relatives and friends may be seeing their loved ones for the last time before they are deported, video visitation should be an unacceptable policy.

To place a telephone call, individuals must purchase a phone card provided by Securus Technologies through the commissary or place a collect call. The minimum cost for a phone card is \$10, and the cost to place a call increases with the distance of the location being called. For example, one person reported that a \$10 card would yield only a 15 minute long call to Miami. Most immigrants complained that the cost of telephone calls

severely restricted the amount of time they could speak with their loved ones, or prohibited them from speaking to them altogether.

Those individuals with children in the custody of the Florida Department of Children and Families are often unable to participate in hearings involving their kids. Facility staff told us that immigrants with child custody or dependency hearings could arrange to appear at hearings via video or telephone, and make free phone calls to caseworkers. However, at least one person reported that this did not happen in practice. One woman told us that she had informed an ICE deportation officer in writing that she had a hearing in dependency court, but never received a response. As a result, she missed the hearing. She reported that another woman had a similar experience. Many in this situation have indicated that, while Baker staff is often accommodating in providing them an opportunity to participate in these proceedings, ICE must approve their participation and this seems to be where communication breaks down.

ARBITRARY SEGREGATION

Immigrants report that they may be placed in disciplinary segregation or solitary confinement for as little as “disrespecting an officer.” We spoke to two people who had been placed in segregation for this reason.

According to the inmate disciplinary report, one of them was being punished for “cussing,” including repeatedly stating “this is bullshit” about conditions at Baker, while demanding to speak to ICE.

Although individuals who are placed in disciplinary segregation are entitled to a hearing under facility rules, the facility is only required to provide a hearing



Many people may be detained for only an immigration violation and those with criminal convictions have completed and served their sentences prior to being detained at Baker.

within seven to ten days. Indeed, one person interviewed had spent three days in segregation without a hearing until he was transferred to another facility. Thus, even immigrants who are ultimately found innocent or guilty of only minor rule violations may spend up to ten days in segregation waiting for their hearing. Further, people reported that the disciplinary regime at Baker encourages guards to falsely accuse immigrants they dislike of rule violations since they know they will be punished regardless of their guilt or innocence. Indeed, one person felt he was being retaliated against for demanding to speak to ICE.

DEPRIVATION OF RELIGIOUS RIGHTS

Muslims detained at Baker have limited to no access to religious services because there is no Imam visiting the facility regularly. Follow-up from the drafters of this report led to an Imam visiting the facility after the interviews, but according to Muslims held at the facility, the Imam only visited once. According to one person, they asked if they could gather and conduct their own services, but they were not permitted to do so. A couple of people complained that they were not allowed to have prayer beads or mats, although rosaries and crosses were permitted.

DUE PROCESS CONCERNS

Immigrants at Baker face significant barriers to preparing for their removal proceedings. Because most lack the resources to hire an immigration attorney, approximately 80% of immigrants are not represented. Out of the sixteen individuals the group interviewed, only three were represented by counsel. Access to the law library and to current law is critical to the majority of immigrants forced to represent themselves.

Immigrants indicated that the law library did not contain sufficient books and legal materials. Baker utilizes a Lexis Nexis C.D. program for case research. Many immigrants stated that these disks are outdated and not user friendly, making case law research extremely difficult. The law library does not have any internet access which makes on-site country conditions research for those claiming

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An immigrant at Baker

asylum or hardship impossible. One person expressed his concern as follows: “I am unrepresented and without legal materials I cannot put forth an argument in my case.”

Immigration hearings are conducted via video from Baker to the Orlando Immigration Court. Immigrants are shackled at the ankles and remain in prison-style jumpsuits when they appear via video. Technical difficulties in the audio technology used causes delays or pauses in audio, compromising the accuracy of translations which may in turn negatively impact the Immigration Judge’s determination of an individual’s credibility in presenting his or her case. Video hearings also present a dilemma for immigration attorneys as they must choose between being with their client at Baker, or at the Orlando Immigration Court with the Immigration Judge.

MISTREATMENT

During our interviews, immigrants reported verbal mistreatment by some guards. One person stated, “Some officers treat us with contempt and the attitude that ‘you are a criminal and deserve no respect, just punishment.’” Many people may be detained for only an immigration violation and those with criminal convictions have completed and served their sentences prior to being detained at Baker. Another person indicated, “even though some of us have committed crimes, we have paid our debt to society and served our time...this is extra punishment.”

Women who were interviewed reported that they feel unsafe and do not have adequate privacy. This fear is increased by the fact that the majority of the guards at Baker are male and there is an inadequate number of female staff assigned to the women’s dorm.



IV. RECOMMENDATIONS



ICE should terminate its contract with Baker County and cease housing immigrants in ICE custody at the facility. The facility has had consistent problems with medical care, lack of outdoor recreation, mistreatment by guards and access to lawyers and visitation. No one should be held under these circumstances and ending the contract with Baker County would be a first step towards reducing ICE's use of county jails for immigration detention.

While taking steps towards contract termination, ICE must immediately:

- ▶ Build outdoor recreation space;
- ▶ Make in-person (preferably contact) visitation standard practice, especially for visits with children;
- ▶ Allow immigrants to use any calling cards they choose and provide cheaper calling cards;
- ▶ Increase access to the law library, provide updated legal materials, and ensure that equipment is properly functioning and repaired quickly;
- ▶ Assign an Immigration Judge to conduct removal hearings in-person at the facility, or, in the alternative, transport immigrants to Orlando for hearings;
- ▶ More oversight to ensure that medical complaints are taken seriously and persons are given timely and proper treatment; ensure privacy for the medical visits;
- ▶ Terminate contract with current food services provider and provide more frequent and nutritious meals;
- ▶ Revise disciplinary rules so that hearings involving administrative segregation take place within 24 hours;
- ▶ Encourage an Imam to visit the facility regularly and allow immigrants to conduct their own services in between visits.

This report is part of a series about conditions at ten prisons and jails where immigrants are detained by ICE. To read the other reports and the Executive Summary of overall concerns and recommendations, please go to detentionwatchnetwork.org/exposeandclose



Except where a publication is cited, the information reported here is based solely on claims made by detained individuals without independent corroboration.

ENDNOTES

- ¹ This report was written by Romy Lerner, supervising attorney at Americans for Immigrant Justice (AI Justice), and Karen Winston an Equal Justice Works Fellow with Jacksonville Area Legal Aid (JALA). Research was conducted by Romy Lerner, Karen Winston, Vanessa Bernadotte, Clinical Teaching Fellow at Florida Coastal School of Law's Immigrant Rights Clinic, and the following clinical students: Jacqueline Correa, Cynthia Barnes, Charles Abasa-Nyarko, Lisette DeLeon, Julia Goncharova, Nancy Cardoza, Chiedu Okeke, and Daniel Roberson.
- ² ICE Performance-Based National Detention Standards 2011, Part 5, Chapter 7, "Visitation." P. 311. <http://www.ice.gov/doclib/detention-standards/2011/pbnds2011.pdf>

