

February 3, 2023

The Honorable Joseph R. Biden, Jr.
President of the United States
1600 Pennsylvania Avenue, NW
Washington, DC 20500

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2707 Martin Luther King, Jr. Avenue, SE
Washington, DC 20500

RE: Shut Down Baker Coalition's Request to the Biden Administration to Immediately Terminate its Contract with the Baker County Sheriff's Office

Dear President Biden and Secretary Mayorkas,

The undersigned local and national organizations from the Shut Down Baker Coalition and its supporters write with an urgent request regarding the Baker County Detention Center (Baker) in Macclenny, Florida. The Baker County Sheriff's Office operates Baker under an Intergovernmental Service Agreement (IGSA) with the U.S. Immigration and Customs Enforcement (ICE). Since opening, immigrants detained at this facility have reported a troubling history of intolerable abuse, including chronic medical neglect, barriers to legal access, racial discrimination, excess use of force including retaliation and targeting, and unsafe and unsanitary living conditions. Based on recent reports, the facility conditions are worsening, reaching an unprecedented level that is putting people's lives at risk, as described in the three letters attached at the end from women detained at Baker. As such, we respectfully request that you immediately terminate ICE's IGSA with the Baker County Sheriff's Office and close this facility.

There is extensive evidence that Baker cannot safely care for detained immigrants and the situation is urgent. Earlier this year, dozens of individuals participated in hunger strikes, demanding basic needs like medical care, hygiene and cleaning supplies, and edible food. In response, Baker officials shut off the water, denying them access to clean drinking water, showers, and the ability to take medications or use the bathroom during that time. According to a federal complaint, the strike was met with other significant retaliation including guards threatening to pepper spray participating individuals, telephone connections being cut off, and people being threatened or taken to solitary confinement.¹

¹ See https://static1.squarespace.com/static/5a33042eb078691c386e7bce/t/62d95e2af761ff08f169367f/1658412594632/Public_Copy_Multi-Individual+CRCL+for+Baker+County+Sheriff%27s+Office+July+21,+2022_Redacted.pdf

The hunger strike is not the only report of retaliation and targeting at this facility. Many people have been called racial slurs by Baker staff, and attorneys have witnessed harassment while visiting the facility. When people report this abuse and follow proper procedures for speaking to their attorneys or others, they are often retaliated against through various means such as being placed in solitary confinement with no explanation or through verbal and physical intimidation and assault from guards. One man reported being beaten so badly that he suffered permanent ear and hearing damage, and numerous men have reported guards pinning their knees on their bodies causing suffocation, with one man getting pepper sprayed by a guard while pinned under his knee making it difficult to breathe. ² These actions are unconscionable and demand immediate and swift attention.

In addition, the medical neglect at Baker is inhumane and dangerous with multiple reports of individuals' denied surgery, misdiagnosis by Baker medical staff, one person having suffered a diabetic coma, serious infections, and prolonged, unnecessary physical, mental, and emotional suffering. One woman³ reported being denied her long-term seizure medication without cause or justification, resulting in her having a seizure. Furthermore, women at Baker state that Baker detention staff have not provided them with sufficient feminine care products and distributed only dirty and used clothing. This has caused women to be forced to use blood-stained clothing and bedding, and develop infections.⁴

Unfortunately, people seeking to prevail in their immigration cases and return home to their families have had this hope undermined by Baker County Sheriff's Office. As part of an innovative new partnership⁵, various law school immigration clinics in Florida have tried to provide Know Your Rights presentations and legal assistance to people in Baker, but the facility made it increasingly difficult for the legal clinics to schedule visits. This past September, the Baker County Sheriff's Office denied attorneys in-person access to clients, violating the U.S. Constitution and federal detention standards, and subjecting themselves to a subsequent lawsuit.⁶ Further, the facility is not equipped for adequate legal research and confidential remote legal calls and has recently reported withholding legal mail.⁷ All of these actions combined, deliver harmful consequences for people trying to fight their cases because they may be unable to submit required case documents or prepare adequately for court hearings, leading to unfavorable case outcomes such as deportation and permanent separation from families.

² *Ibid*, pages 2 and 12.

³ See <https://aijustice.org/free-marlissa/>

⁴ See https://www.aclufl.org/sites/default/files/crcl_complaint_-_baker_county_detention_center_-_final.pdf

⁵ See <https://news.miami.edu/law/stories/2022/09/new-immigration-legal-assistance-program.html>

⁶ See <https://www.aclufl.org/en/aclu-fl-v-bcso-et-al>

⁷ See <https://www.aclufl.org/en/press-releases/aclu-florida-sues-sheriffs-office-denying-immigrants-right-counsel>

In addition, the facility may have violated the Prison Rape Elimination Act (PREA) with multiple women reporting sexual voyeurism to attorneys during a recent visit. Incarcerated women at the Detention Center have reported systemic voyeurism, such as being forced to shower, change or use the bathroom while officers watch, or waking up to officers taking photos of them in their underwear.⁸ A PREA complaint was filed on their behalf at the end of last year.⁹

In the last five years, according to the Florida Detention Database¹⁰, which tracks independent facility complaints, there have been 162 complaints related to Baker, of which 26 have been submitted to the Department of Homeland Security. This year alone, there have been 25 Database complaints and two large-scale, multi-individual civil rights complaints filed with the U.S. Department of Homeland Security (DHS) by local advocacy organizations.

The dangerous conditions at Baker have not improved despite attempts at oversight from the federal government. In 2019, the DHS Office of the Inspector General (OIG) conducted an unannounced inspection of Baker, concluding that Baker continued to have several reoccurring violations with inappropriate segregation, grievances and communication difficulties, and unsafe living conditions.¹¹ The DHS Office of Civil Rights and Civil Liberties (CRCL) conducted onsite investigations of Baker in November 2021 and September 2022. We know that ICE and various oversight bodies have been aware of the long-standing pattern of abuse at Baker for years, and yet multiple investigations and inspections have failed to permanently put a stop to the harms taking place at this detention center. The only thing that can achieve that goal is a decision by DHS to permanently end any contractual relationship with Baker County.

We understand that the Biden Administration is committed to cutting contracts with local governments ill-equipped to care for human beings. With Baker County Sheriff's Office's history of continuously failing to meet ICE's national detention standards, they have proven that they are beyond reform. Therefore, terminating the contract with Baker County would be a critical step toward the Administration's goal of building a more fair, just, and efficient immigration system, and would ensure that immigrants are no longer harmed there. ICE should immediately provide the Baker County Sheriff's Office with written notice of its intention to terminate its Intergovernmental Service Agreement (IGSA) for the care of persons in ICE custody.¹² ICE must also use its prosecutorial discretion to release detained individuals rather than transferring them, to preserve limited government resources and ensure the wellbeing of those detained.¹³ Thank

⁸ <https://prismreports.org/2022/12/16/migrant-women-baker-county-aclu-florida/>

⁹ https://www.acluf.org/sites/default/files/field_documents/women_at_baker_prea_complaint.pdf

¹⁰ <https://www.acluf.org/en/florida-detention-database>

¹¹ <https://www.oig.dhs.gov/sites/default/files/assets/2020-07/OIG-20-45-Jul20.pdf>

¹² Paragraph IX "Period of Performance" of the IGSA permits termination of the contract if written notice of intent to terminate the agreement is provided 120 days in advance of formal termination. See https://www.ice.gov/doclib/foia/detFacContracts/bakerCoFL_DROIGSA-09-0038-P00001_P00022_aug17-2009.pdf

¹³ https://www.ice.gov/doclib/about/offices/opla/OPLA-immigration-enforcement_interim-guidance.pdf

you for your attention to this urgent matter and consideration of our request. If you have any questions regarding this letter or would like to discuss its contents further, please contact Isabel Ruano at isabel@immigrantactionalliance.org or (732) 485-0499.

Sincerely,

Immigrant Action Coalition
American Friends Service Committee
Florida Immigrant Coalition
Americans for Immigrant Justice
Freedom For Immigrants
Detention Watch Network
National Immigration Law Center
Dream Defenders
ACLU, Florida
Gainesville Interfaith Alliance for Immigrant Justice
Florida Poor People's Campaign
Power Up People
Alianza Américas
Arab American Association of New York
Asociación Guatemaltecos Sin Fronteras de Maryland
Attorneys for Immigrants, Inc
Bend the Arc: Jewish Action – Maryland
Bilbao Law
Cabrini Immigrant Services of NYC
Church Women United in New York State
Community Hotline for Incarcerated People, CHIP
DIRE - Legal
Disciples Immigration Legal Counsel
Doctors for Camp Closure
E3LAW
Familias Unidas en Acción
Families for Freedom
Farmworker Association of Florida
Florida Prisoner Solidarity
Florida Rising
Food Not Bombs, Tallahassee
Franciscans for Justice
Heal Thyself, LLC
Healthcare Is an Act of Love
Hope Community Center (HCC)
Human Rights Coalition of Alachua County

Illinois Coalition for Immigrant and Refugee Rights
Immigrant Alliance for Justice and Equity
InReach
Jewish Activists for Immigration Justice of Western Mass
Jewish Voice for Peace, Atlanta Chapter
Justice for Our Neighbors North Central Texas
La Resistencia
Latinas en Poder
Latinx LGBTQI Initiative Inc.
Leon Law Firm
Maryland Against ICE Detention
Miami Climate Alliance
Miami Coalition to Advance Racial Equity
Motivation Motivates
National Farm Worker Ministry
Nicaragüenses en el Mundo Texas
Pedro Thomas Law
Pulso
QLatinx
Robert F. Kennedy Human Rights
Seeds of Resistance
Services, Immigrant Rights and Education Network (SIREN)
Sisters of Mercy of the Americas Justice Team
Social Justice Coalition of Central Lutheran Church
Society of the Flora, Fauna & Friend
Struggle for Miami's Affordable and Sustainable Housing, Inc
Sugar Law Center for Economic & Social Justice
Tallahassee Community Action Committee
The Latino Coalition for Health Equity (LCHE)
UndocuBlack Network
United We Dream
Washington Defender Association
Wayne Action for Racial Equality

CC:

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The Honorable Joseph V. Cuffari
DHS Inspector General
U.S. Department of Homeland Security
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Washington, DC 20528-0305

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U.S. Immigration & Customs Enforcement
Claire.Trickler-McNulty@ice.dhs.gov

September 3, 2022

Baker County Detention Center
1 Sheriff Office Drive
MacClenny, FL 32063

"AMERICA IS A LAND OF SECOND CHANCE"

To whom it may concern,

My name is Bobbeth Morgan, I am writing this letter to share my experience. I am originally from Kingston Jamaica and came to the United States of America in 1997 for a better life. I am a mother of three and recently became a grandmother. Growing up in Jamaica I felt fatherless; However, at the age of nineteen I moved to the United States and became a legal permanent resident. I have been a legal permanent resident for over twenty-five years now. During that period of my life, I have completed college and worked for Kaplan University in the finance department for well over 11 ½ years. I am a homeowner, and I was an active member of my community.

I am a first-time offender. I remember standing in the courtroom shackled with tears in my eyes watching every and everything around spinning. Listening to the judge sentencing me to 54 months felt surreal. The shock stopped the anguish that washed over me. The hardest part to my prison journey was not knowing what was in store for my future, not knowing what to expect or how to keep my family strong. The three years and eight months I spent in prison was the hardest and most challenging time of my entire forty-four years of life. During my incarcerating, I had the opportunity to reinvent myself by choosing to live up to my fullest potential which was by rewriting my life and being intentional about it. Three days before my scheduled freedom, I received the news from my classification officer that Immigration Custom Enforcement placed a hold on me and that they will be picking me up. The door slammed shut in my face, stunned and I slipped into a miserable state of uncertainty.

I was picked up on May 6, 2022, and was taken into the ICE office in Orlando Florida. I was later transported to Baker County Detention Center. Often there is a valley between what we are paying for and God's answer, and the only way to get to his answer is to walk through the valley. The journey at ICE was not easy. I faced disappointment, discouragement, fear, and frustration. After arriving at Baker County Detention Center at 4:50 pm, I was placed in a cell for hours without being attended to and booked at 1 am the next day. I was given recycled under garments, t-shirts, washcloth, socks, and a towel. All the recycled clothing I was issued was not only used, but they were foul smelling and the under wear has blood stains by the private area. I was then placed in another cell and was told I was going to be quarantined for seven days. I had experienced many highs and lows during my three years and eight months in the state system, but what I was faced with at Baker County Detention Center sent me down on my knees begging God for mercy. The cell was so dirty it had multiple centipedes crawling around and the bunk and walls had blood stains all over. I cried asking God to please work a miracle and wake me up from this nightmare.

The next day a nurse came to covid test me, then stated I will be moved to general population. When I arrived, I was stunned to see how filthy the dorm was. A week being in the dorm, I started to get sick, and all my sick calls were ignored because the only thing the nurse kept telling me was, I am okay. It took one nurse who made mention that is not normal that I am complaining about not being able to breathe.

I finally did an ultrasound and found out that I have multiple cysts on my thyroid. I was then taken out for a CAT scan and later found out that I have a nodule in my lungs. I have still not received treatment for my illness up to now. I am scared to lose my life in this place especially due to my difficulty breathing. I never thought I would be sitting here since I am a legal permanent resident. I have seen detainees get third chances but never witnessed a detainee get a second chance and not to mention I have yet seen a black detainee get release.

This place is not safe. It is filled with mold and filled with disrespectful staffs who feels as though they are above the law. I have been assaulted by a lieutenant and after following proper protocols which was first writing a detainee request then a grievance nothing got done. Instead, the captain stated that the lieutenant did not intend to spit on me. This lieutenant has been retaliating against me. On three different occasions she aggressively snatched my clothing from my hands pulling me forward and told me to write her up because nothing will be done about it.

Baker County Detention Center staff is very unprofessional and does not follow what they advertise which is "ZERO TOLERANCE for sexual abuse/assault". One of the sergeants displayed his unprofessionalism behavior and attitude by entering the cell with both me and roommate asleep without announcing himself and telling us to step out so he can enter. I was awoken to the male sergeant taking pictures. When I asked what his motives was in being in the cell with a cell phone; I was not fully coherent when I sat up not realizing that I was exposed being dressed in only my bra because I was asleep. He disregarded the fact that I was not properly dressed and continued to take pictures and took a while before he turned around and stated that I can write it up. My mental state was high because I was so shocked and stunned about the incident. All policy concerning PREA (Prison Rape Elimination Act) was ignored and disregarded. I was disrespected and was not treated with the treatment Baker County Sheriff advertise about zero tolerance. Baker County Detention Center states that all inmate/detainees are safe while housed under their custody, however I did not feel like the policy was implied.

I wrote a request to speak to the mental health counselor about this incident and I felt even more unsafe because the counselor came and spoke to me in front of the entire dorm and even an office. I felt exposed all over again because counseling is supposed to be confidential and there was no confidentiality. I wrote a grievance concerning this matter and no one has addressed this situation. The number that is placed in Baker County Detention Center for PREA is a crisis number and is not a line to report sexual abuse while the staff refuses to take complains.

My rights are being violated by Baker County Staff. While sitting on the toilet undressed, coming from the shower in my undergarments I am being watched from staff from the staff tower. Per Baker County Sexual abuse brochure, it is prohibited for staff or inmate to be staring at me while I change clothes or use the toilet. I was advised by Civil Rights Civil Liberties Union that they went to the tower and could see inside of the cells. CRCL questioned Baker County Staff and asked what the procedure is when a detainee needs privacy and Baker County staff lied and said that each cell has a personal curtain which is false. This clearly shows that Baker County staff shows staff misconduct and or staff misconduct of sexual nature. These occurrences of indecent exposure, invasion of privacy or staff voyeurism for reason unrelated to official duties of a sexual gratification. This violates the PREA Act 2003 public law 108-97. Baker County is violating the PREA standards and is non-compliant.

There are many more injustices being done here. The supervisor for ICE refuses to document accurate medical diagnoses which has been given by Doctor's and Specialist from the outside. Ice supervisor continued to give false Notice of Custody Determination letter; she refuses to release detainee under the fraihat due to their sickness that fall under the guideline. As stated, before I have many illnesses which falls under fraihat which makes me eligible to be release. My lawyer filed the necessary paperwork with all my medical records on June 2022. I later received Notice of Custody Determination dated May 11, 2022, on September 28, 2022. The Notice of Custody Determination has none of my medical diagnoses which is on my medical records. The supervisor for ICE of Baker County, stated on the Custody Determination letter that I have Chronic condition which is Obesity but did not include that I have multiple cysts on my thyroid, nodule in my lung, arthritis, and stomach issues, which Ice had to approved to see a Doctor's on the outside. She however denies me and stated I am a threat to public safety. I am afraid of Deportation Retaliation and them wanting to quickly deport me.

With Concern


Bobbeth Morgan

September 30, 2022

Baker County Detention Center
1 Sheriff Office Drive
Macclenny Fl, 32063

“ GOD DID NOT BRING ME THIS FAR TO LEAVE ME NOW. “

To whom this may concern,

My name is Hyacinth Marlene Bailey. I am a mother of five, a grandmother of seven and I am originally from Kingston Jamaica. I am sixty years old. I left Jamaica and moved to the United States in 1986. I moved to the United States for a better life and to get away from the abuse I was facing back in Jamaica. The abuse I went through was both physical and mental abuse. I made a mistake many years ago, which I am still getting punished for.

I was deported back to Jamaica many years ago and was taken away from my children, resulting in me not being able to raise my own children. After losing my first child and having to send for her body to Jamaica made me risk my life to cross the American borders to be with my children because I refuse to suffer the trauma of burying another child. All my children are in the United States, I could have raised them in Jamaica, but as every mother, I wanted the best for my children. I was not going to risk my children's lives and have them grow up in a country I was trying to run away from. I was not going to let my children suffer the abuse I suffered in Jamaica. As mentioned, I have gone through the Immigration System for the same mistake many years ago; however, this time I am fighting with all my might to be with my children and grandchildren again.

I came into Immigration Customs Enforcement custody with a broken back and many more illnesses, such as sickle cell, hypertension, high cholesterol, pre-diabetic, and much more illnesses. I have been detained for approximately six months and all I have experienced was medical negligence, worn used clothing with blood stains, eaten undercooked meals and most importantly suffered disrespect from the staff. For the six months I have been in ICE custody I can count on one hand how many times I ate the food provided for me.

I am a survivor and victim of rape. Although I was raped many times, years ago, I still feel as though it was just yesterday. In May 2022, I became a PREA (Prison Rape Elimination Act) victim from one of the ICE deportations officers while in Baker County Detention Center custody which advertises, “ZERO TOLERANCE for sexual abuse or assault”. I faced retaliation for speaking out and was even called a liar. In September one of the sergeants entered the cell I am assigned to with another detainee without announcing himself and all I saw when I opened my eyes was the sergeant holding a cell phone in his hands taken pictures in a selfie angle. At this point I concluded that maybe the ICE officer felt as though it was okay to watch me use the toilet because we detainees are being watched everyday from staff from the control room anyhow. When these incidents occurred, I started to think about all the rapes I experienced in Jamaica. I really wanted to give up, but I kept praying and kept reciting, “God did not bring me this far to leave me now”.

Being the oldest detainee in the dorm, I am always trying to motivate the younger ladies even though I am breaking down inside myself each day. When I am alone, I cry to myself, and I used to look at my back brace which was taken away from me for no reason and ask God is all this worth it? Am I worth it? Why am I going through all this pain? When will I ever be genuinely happy and be able to be with my family again? I cry to myself because only God knows how much pain in my body I am going through, but my voice is silenced because I know that nobody cares.

For the six months I have been at Baker County Detention Center, I have seen about five detainees get a third chance for new crimes, then I look at long timers seeking a second chance get denied, turned away and most importantly separated from their family, which leaves me hopeless. All I am seeking is mercy and a fair second chance to raise my grandchildren and see my children again. Being sixty years old and having officers who could have been my children or even my grandchildren scream at me and slam a door in my face is mentally killing my already weakened and fragile body.

I am afraid to have this letter read by many people because I know that there will be many worse retaliations such as trying to quickly deport me and treating me worse. However, If I am going to lose my life in this place due to my weak immune system, at least I can try to bring justice for the other detainees. But honestly, I really want the ICE authorities to answer this one question for me. Who run away from good?

Thank you for taking the time to read out my cry for help.

Sincerely, 

Hyacinth Marlene Bailey

September 8, 2022

Baker County Sheriffs Office
1 Sheriff Office Dr.
MacClenny, FL32063

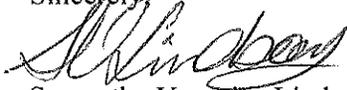
To whom this may concern,

I hope that this letter finds you in good strength and faith. I am writing this letter to you to the best of my ability, to make you aware of all the terrible and harsh experiences that I have encountered while being in Immigration Customs Enforcement custody. My name is Samantha Veronica Lindsay, I was born in Kingston Jamaica; all I have ever experienced in Jamaica was death and traumas which lead me to leave the tragedies behind and move to America for a better life, and most importantly education. I was enrolled at Indian River State College and majored in Early Childhood education, human and social Biology, medical assistance. While pursuing my career, I became a single mother while enforcing my parenthood responsibilities. While being a single mother, working part time and continuing my education; I was convicted a crime.

Apart from my criminal conviction I have serious medical conditions which have been diagnosed by medical staff. I was diagnosed with, heart disease, chronic high blood pressure, anemia, and gastro condition. I am a 40-year-old lady who has been through so many trials in life. I am already suffering with many medical conditions and being a detainee is even making matters worse. Due to the disrespect, mistreatment, abuse by the staffs, being forced to use the bathroom in front of the control room is even making my illnesses even more detrimental. Notifying ICE is never rectifying the problem because nothing gets done, just many more retaliations and disrespect. I was disrespected by a deputy while on my attorney phone call and nothing got done even after I reported the matter. Instead of disciplining the deputy they restricted my phone number from making phone calls to my family.

Other females and I must be sitting in our monthly blood for at least 4 days before anyone would provide us with sanitary napkins, tampons, or hygienic products so that we can be able to clean ourselves and keep us protected from the Covid-19 virus. Most times they don't even want to give us any hygienic supply when we need feminine product or hygiene's. We are supplied with used under garment to wear. Most of these garments have blood stains in them. The food that we are given from the kitchen is not edible. The food is served to us spoiled, uncooked or raw. The water that they give us to drink are dirty or has insects in the water. We are forced to use a sink that smells like sewage to wash our hands and bathe with. We have wrote request and grievances for ICE officers to be aware of all these issues and they refuse to do anything about these matters that is concerning our wellbeing. ICE have no compassion or mercy. It feels as if we are serving our time for our crime all over and that feels like double jeopardy. I know that ICE will retaliate by trying to deport me even quicker, but something must get done and I will continue to speak up for the afraid voices.

Sincerely,



Samantha Veronica Lindsay