

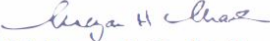



Homeland
Security

August 29, 2016

MEMORANDUM FOR: Sarah R. Saldaña
Director
U.S. Immigration and Customs Enforcement

Gwendolyn Keyes Fleming
Principal Legal Advisor
U.S. Immigration and Customs Enforcement

FROM: Megan H. Mack 
Officer for Civil Rights and Civil Liberties

Susan Mathias 
Assistant General Counsel for Strategic Oversight
Legal Counsel Division Office of General Counsel

SUBJECT: 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

This memorandum discusses the outcome of the investigation the U.S. Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) conducted into medical care and other conditions of detention for U.S. Immigration and Customs Enforcement (ICE) detainees at the Baker County Detention Center (BCDC), located in Macclenny, Florida. Additionally, this memorandum serves to notify ICE that, following a collaborative process between ICE and CRCL, CRCL considers the issues identified by the experts to be resolved and the complaints closed.

Background: From March 14, 2014, through December 31, 2014, CRCL received numerous complaints alleging violations of civil rights and civil liberties in regard to conditions of detention for ICE detainees in custody at BCDC. The complaints raised concerns relating to 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. CRCL opened this investigation based on the information in these complaints.

Protected by Attorney-Client and Deliberative Process Privileges

In response to these complaints, and consistent with CRCL's overall concern about the facility's operations in relation to civil rights and civil liberties issues, CRCL conducted an onsite investigation at BCDC between February 18-20, 2015. We greatly appreciate the cooperation and assistance provided by ICE and BCDC personnel before and during the investigation. As part of the investigation, CRCL engaged the assistance of four subject-matter experts: a medical consultant, a mental health consultant, a corrections consultant and an environmental health and safety consultant. As a result of detainee and staff interviews, document and record reviews, and direct observations, the subject-matter experts submitted two priority medical recommendations, and also identified non-priority concerns regarding the mental health care and general conditions at the facility.

On November 24, 2015, CRCL provided ICE with an Expert Report Memorandum containing two recommendations along with the experts' written reports. On April 28, 2016, CRCL received ICE's responses to the two expert recommendations. First, ICE concurred that morning medications should be administered at a time when detainees are expected to be awake and available. ICE's response indicated that nurses will conduct the morning medication pass between 5:00 a.m. and 5:30 a.m. A majority of the medication distributed to detainees require it be taken with food or after eating. These times coincide with breakfast and eliminate the need for the detainee to wait an hour with the lights off until breakfast. ICE also concurred with the second recommendation that completed sick call request forms should be collected from detainees during nurses' visits, including forms received and completed during the visit, and represented that all BCDC staff has received additional instruction on these updated sick call processes.

Recommendations resolved and complaints closed. To date, ICE has adequately addressed the two expert recommendations. We appreciate the collaborative efforts on these recommendations and ICE's willingness to implement positive changes stemming from this work.

It is CRCL's statutory role to advise Department leadership and personnel about civil rights and civil liberties issues, ensuring respect for civil rights and civil liberties in policy decisions and implementation of those decisions. As a result, we appreciate the work that has been done by ICE and BCDC to address CRCL's concerns. We have taken into account this important work in addressing our concerns, and accordingly, CRCL is formally closing the complaints identified in this memorandum. This memorandum is our final report regarding BCDC. If you have any questions, please contact the Director of the Compliance Branch, Dana Salvano-Dunn, at [REDACTED] or (b) (6).

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