



U.S. DEPARTMENT OF HOMELAND SECURITY **OFFICE OF INSPECTOR GENERAL**

OIG-24-63

September 27, 2024

FINAL REPORT

Results of an Unannounced Inspection of Baker County Sheriff's Office in Macclenny, Florida





OFFICE OF INSPECTOR GENERAL

U.S. Department of Homeland Security

Washington, DC 20528 | www.oig.dhs.gov

September 27, 2024

MEMORANDUM FOR: Patrick J. Lechleitner
Senior Official Performing the Duties of the Director
U.S. Immigration and Customs Enforcement

FROM: Joseph V. Cuffari, Ph.D.
Inspector General

SUBJECT: *Results of an Unannounced Inspection of Baker County Sheriff's Office in Macclenny, Florida*

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for

Attached for your action is our final report, *Results of an Unannounced Inspection of Baker County Sheriff's Office in Macclenny, Florida*. We incorporated the formal comments provided by your office.

The report contains five recommendations aimed at improving care of detainees at Baker. Your office concurred with all five recommendations. Based on information provided in your response to the draft report, we consider recommendations 1 and 3 resolved and closed. Recommendations 2, 4, and 5 are open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions. Please send your response or closure request to OIGISPFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please contact me with any questions, or your staff may contact Thomas Kait, Deputy Inspector General at (202) 981-6000.

Attachment



DHS OIG HIGHLIGHTS

Results of an Unannounced Inspection of Baker County Sheriff's Office in Macclenny, Florida

September 27, 2024

Why We Did This Inspection

Per *Department of Homeland Security Appropriations Act, 2024* (Pub. L. 118-47), we conduct unannounced inspections of ICE detention facilities to ensure compliance with detention standards. From January 23 to 25, 2024, we conducted an in-person, unannounced inspection of ICE's Baker County Sheriff's Office in Macclenny, Florida, to evaluate its compliance with detention standards.

What We Recommend

We made five recommendations to improve ICE's oversight of detention facility management and operations at Baker.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at:

DHS-OIG.OfficePublicAffairs@oig.dhs.gov.

What We Found

During our unannounced inspection of Baker County Sheriff's Office (Baker) in Macclenny, Florida, we found Baker and ICE staff complied with ICE's *2019 National Detention Standards for Non-Dedicated Facilities* (NDS 2019) for classification, grievances, recreation, segregation, facility conditions, and medical care. However, Baker and ICE staff did not always comply with standards related to the voluntary work program, staff-detainee communication, and use of force.

ICE Response

ICE concurred with all five recommendations. We consider recommendations 2, 4, and 5 resolved and open. Based on the evidence ICE provided of corrective actions taken, we consider recommendations 1 and 3 resolved and closed.



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Background

U.S. Immigration and Customs Enforcement (ICE) houses detainees at roughly 110 facilities nationwide and the conditions and practices at those facilities can vary greatly. ICE Enforcement and Removal Operations (ERO) oversees the detention facilities it manages with private contractors or state or local governments. Regardless of whether detention facilities are owned and operated by ICE, a state or local government, or a contractor, all facilities housing detainees must comply with one of several sets of detention standards that describe a facility's detention responsibilities, explain what detainee services a facility must provide, and identify what a facility must do to ensure a safe and secure detention environment for staff and detainees. As mandated by Congress,¹ we have continued our program of unannounced inspections of ICE detention facilities to ensure compliance with these detention standards.

ICE began housing detainees at the Baker County Sheriff's Office (Baker) in 2009. The Baker County Sheriff's Office operates Baker under an intergovernmental service agreement with ICE, which requires the facility and staff to comply with the *National Detention Standards for Non-Dedicated Facilities, Revised 2019* (NDS 2019).² ICE ERO assigns deportation officers and other employees (ICE staff) to provide an on-site presence at Baker. At the start of our inspection, ICE housed 243 detainees at Baker.³

The Office of Inspector General inspection team included inspectors and contracted medical professionals. While on site, we toured areas of the facility, including general housing units, kitchen, law library, the special management unit,⁴ recreation facilities, and the medical unit. During our inspection, we also collected and analyzed documentation related to detainee requests and grievances, detention files, and special management unit records. The contracted medical professionals' inspection included a visual inspection of all areas where medical staff provide health services, a review of documents and health records, and interviews with key health services staff.

¹ Joint Explanatory Statement Accompanying H.R. 2882, Further Consolidated Appropriations Act, 2024, Div. C, *Department of Homeland Security Appropriations Act, 2024* (Pub. L. 118-47).

² NDS 2019 was designed for non-dedicated immigration detention facilities, or facilities that hold local, state, or federal inmates in addition to ICE detainees. NDS 2019 streamlines many of the standards required at ICE's dedicated facilities, or those that hold only ICE detainees, by eliminating or reducing the number of standards. NDS 2019 says ICE is confident in the ability of its state and local law enforcement partners to care for detainees in an appropriate way.

³ Baker County Sheriff's Office also houses county inmates at the facility.

⁴ Special management units are used to house detainees in segregation. Segregation is the process of separating certain detainees from the general population for disciplinary or administrative reasons.







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Results of Inspection

During our unannounced inspection of Baker in Macclenny, Florida, we found Baker and ICE staff complied with NDS 2019 standards for classification, grievances, recreation, segregation, facility conditions, and medical care. However, Baker and ICE staff did not consistently comply with standards related to the voluntary work program, staff-detainee communication, and use of force (see Table 1 for a summary).

Table 1. Summary of Findings Related to Inconsistent Compliance with Standards

Standard	Non-Compliance
 Voluntary Work Program	Baker Staff Did Not Adhere to All Voluntary Work Program Standards Baker staff missed payments to some detainees participating in the voluntary work program.
 Admission and Release	We Could Not Determine Whether Baker Staff Consistently Provided Detainees with the ICE National Detainee Handbook Every detainee we interviewed said they did not receive the ICE National Detainee Handbook during admission. Facility staff could not consistently provide inspectors with physical or electronic copies of the handbook.
 Staff-Detainee Communication	We Could Not Assess Compliance with Staff-Detainee Communication Standards <ul style="list-style-type: none">• Baker staff could not produce a log showing their responses to detainee requests.• ICE staff did not always appropriately respond to detainee requests.
 Use of Force	Baker Staff Did Not Comply with All Use of Force Standards A Baker staff member involved in one reviewed use of force incident did not wear appropriate protective gear or identify himself on camera before using force, nor did the staff member instruct his team members to do so.

Source: Department of Homeland Security OIG analysis of key findings

Baker and ICE Staff Complied with Inspection Standards for Classification, Grievances, Recreation, Segregation, Facility Conditions, and Medical Care

NDS 2019 requires facilities to classify and house detainees according to risk level. Officers should also complete the initial classification process and housing assignment within 12 hours of a detainee's admission.⁵ Our review of a sample of 15 detainee files confirmed Baker staff

⁵ NDS 2019, Standard 2.2, *Custody Classification System*, Section (II) (A).



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complied with these standards for classification. For grievances, we reviewed Baker's policy, procedures, and grievance log and found facility staff complied with NDS 2019 requirements for responding to detainee grievances in a reasonable amount of time and with an explanation of the basis for the decision.⁶ Of the 40 grievances we reviewed, Baker staff responded to all but one within the required 5 days⁷ and provided explanations of decisions for all.

NDS 2019 also requires that detainees have access to indoor or outdoor recreation areas.⁸ During our facility tour we observed indoor and outdoor recreation areas and determined that Baker met these recreation requirements. Inside, we observed exercise equipment and board games and outside detainees had areas to play soccer and basketball.

NDS 2019 permits facilities to protect detainees and staff from harm by segregating certain detainees from the general population in special management units (segregation).⁹ Facilities may place detainees in administrative segregation when they need to be segregated from the general populations for nonpunitive reasons such as medical observation or protective custody.¹⁰ Facilities may place detainees in disciplinary segregation when their behavior does not comply with facility rules and regulations.¹¹ Detainees housed in both types of segregation must receive a segregation order prior to placement and status reviews at prescribed intervals to determine whether continued placement is appropriate. For detainees in administrative segregation, the segregation order should be signed by a facility administrator and reviewed within 72 hours by a supervisor and reviewed every week for the first 30 days, and every 10 days thereafter. For detainees in disciplinary segregation, the order should be reviewed by an Institutional Disciplinary Panel prior to placement and reviewed weekly by a supervisor and then every 30 days by the facility administrator. Detainees housed in segregation are also allowed privileges such as access to legal materials and visits, telephone calls, and recreation time. At the time of our onsite inspection, Baker had four detainees in administrative segregation, and three in disciplinary segregation. We reviewed detainee segregation files and determined the facility appropriately documented detainee segregation placement and privileges and completed segregation reviews at appropriate intervals. In addition, our contract medical professionals reviewed health records of detainees in segregated housing.

NDS 2019 standards also are intended to protect detainees and facility staff by requiring that facilities maintain high standards of cleanliness and sanitation.¹² While touring the facility, we

⁶ NDS 2019, Standard 6.2, *Grievance System*, Section (I).

⁷ NDS 2019 Standard 6.2, *Grievance System*, Section (II) (A) (2) (a).

⁸ NDS 2019, Standard 5.2, *Recreation*, Section (II) (A).

⁹ NDS 2019, Standard 2.9, *Special Management Units*, Section (I).

¹⁰ NDS 2019, Standard 2.9, *Special Management Units*, Section (II) (A) (1).

¹¹ NDS 2019, Standard 2.9, *Special Management Units*, Section (II) (B).

¹² NDS 2019, Standard 1.1, *Environmental Health and Safety*, Section (I).



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observed clean surfaces throughout the facility, including in the dorms, common areas, and bathrooms.

Our contracted medical professionals reviewed 19 health records, including 18 records from the chronic care rosters, mental health rolls, detainees housed in segregated housing, and 1 set of records that the OIG inspection team requested be reviewed during the visit. These health records included health assessments, chronic care interventions, transfer communication, mental health screening and services, dental services, off-site care, transfer summaries, and other applicable documents. They reviewed documents for completeness, appropriate health care decisions, and timeliness of health care interventions and found that Baker's medical staff complied with all reviewed standards.

Baker Staff Did Not Adhere to all Voluntary Work Program Standards

NDS 2019 requires that detainees receive monetary compensation of at least \$1 per day for work completed in a facility, and the facility must pay detainees owed wages prior to their transfer or release.¹³ During our review of voluntary work program records (including work schedules and accompanying payment receipts) for detainees participating in the program between August 1, 2023, and January 24, 2024, we found that Baker staff missed 15 payments to 6 of 19 detainees participating in the program during that time. Baker no longer housed five of these detainees at the facility and did not issue owed wages to them prior to their release. Once we notified Baker staff about the missing payments, including for one detainee still housed at the facility, they acknowledged the error and issued the owed wages to the detainee still at the facility.

We Could Not Determine Whether Baker Staff Consistently Provided Detainees with the ICE National Detainee Handbook

NDS 2019 requires that upon admission, detainees will receive an ICE/ERO National Detainee Handbook (ICE handbook) that explains detainee rights and responsibilities and should be available in a number of languages.¹⁴ We interviewed nine detainees at the facility, and when shown a copy of the ICE handbook, all nine said they never received a copy in a language they could understand. On the first day of our inspection, we observed physical copies of English and Spanish language ICE handbooks in the intake area. On the last day of our inspection, we noticed physical copies of English language ICE handbooks were unavailable. Facility staff told us detainees could access the ICE handbook in multiple languages on the tablets in their dorms, but we could not confirm this because the facility was updating its tablets to a new vendor at the time of our inspection and both the old and new tablets were not fully operational.

¹³ NDS 2019, Standard 5.6, *Voluntary Work Program*, Section (II) (H).

¹⁴ NDS 2019, Standard 2.1, *Admission and Release*, Section (II) (I).



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We Could Not Assess Compliance with Staff-Detainee Communication Standards Because Baker Staff Could Not Provide Request Responses

NDS 2019 states, “detainees shall have frequent opportunities for formal and informal contact with facility staff, including managerial and supervisory staff. Facility staff will address detainees in a professional and respectful manner.”¹⁵ During our inspection, we requested facility records for detainee requests from the previous 6 months directed to facility staff. However, facility staff could not produce a comprehensive log of detainee requests and indicated they could only provide a log for the entire facility, which included requests from county inmates. As such, we could not assess whether staff responded to requests in a professional or timely manner. Additionally, while onsite we learned that the facility did not have a designated individual tasked with coordinating responses to requests or tracking their completion. Instead, staff within each respective department responded to department-specific requests. While not an NDS 2019 requirement, Baker’s designation of an individual to coordinate and track responses could result in additional oversight or internal controls ensuring staff answer requests in a timely and professional manner.

ICE Staff Did Not Always Appropriately Reply to Detainee Requests

NDS 2019 states, “[p]rocedures shall permit detainees to make written requests to ICE staff and receive an answer in an acceptable time frame.”¹⁶ NDS 2019 does not specify that time frame. For our analysis purposes, we determined a response time of 5 business days to be acceptable. Our review of a sample of 30 requests found ICE staff replied to 28 requests within an acceptable time frame. Additionally, as stated earlier, NDS 2019 requires that, “[f]acility staff will address detainees in a professional and respectful manner.”¹⁷ We found ICE staff did not respond to one request in a professional and respectful manner. In response to a detainee’s request expressing dissatisfaction with the food options, an ICE staff member responded, “AT LEATS [sic] NOW YOU HAVE CHICKEN. WHEREVER [sic] IS ON THE MENU IS WHAT’S SERVED.”

Baker Staff Did Not Comply with All Use of Force Standards

NDS 2019 lists the guidelines for calculated use of force, including that calculated use of force incidents must be recorded and include an “introduction by Team Leader, stating facility name, location, time, date, etc.; describing the incident that led to the calculated use of force; naming each team member and showing his or her face briefly, as well as naming the video camera operator, and other staff present.”¹⁸ NDS 2019 also states, “[u]se-of-Force Team members and

¹⁵ NDS 2019, Standard 2.10, *Staff-Detainee Communication*, Section (II) (A).

¹⁶ NDS 2019, Standard 2.10, *Staff-Detainee Communication*, Section (I).

¹⁷ NDS 2019, Standard 2.10, *Staff-Detainee Communication*, Section (II) (A).

¹⁸ NDS 2019, Standard 2.8, *Use of Force and Restraints*, Section (II) (B) (2) (b) (1).



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others participating in a calculated use of force shall wear appropriate protective gear.”¹⁹ During our review of all three use of force incidents at Baker for the 6-month period before our inspection, facility staff disclosed a staff member did not adhere to all standards in one use of force incident. Specifically, the incident supervisor did not instruct his staff to wear appropriate protective gear or identify themselves on camera. Failure to adhere to standards involving officer safety could result in otherwise avoidable injuries. The review committee responsible for reviewing use of force incidents at the facility had already identified the staff member’s noncompliance and assigned this individual corrective consultation.

Baker Could Improve Adherence to Standards for Detainees’ Access to Legal Resources

NDS 2019 states, “[t]he facility shall ensure privacy for detainees’ telephone calls regarding legal matters.”²⁰ We sent a questionnaire to eight law firms providing pro bono legal services to detainees at Baker and received responses from seven attorneys at those firms. In three of the seven responses, attorneys said their meetings with detainees were not always confidential because calls sometimes occurred in the housing units where there was little to no privacy and guards regularly interrupted meetings. ICE officials stated the facility has a process for detainees to request a private legal call via the dorm’s electronic tablets. Once the detainee makes a request, facility staff take the detainee to either a phonebooth or the law library to place his or her scheduled legal call. However, attorneys said that guards sit outside the private phonebooths and can overhear the detainee’s private conversations. Requested calls that occur in the law library may not be private as one attorney noted instances where other detainees using the law library could overhear legal conversations. Because of the lack of confidential space, attorneys said their clients used empty dorm rooms to have private legal conversations. During our walk-through of the facility, we spoke with detainees who said that legal conversations often occurred in spaces that were not private and that they would regularly make legal calls in their dorm rooms for additional privacy.

In addition, NDS 2019 provides standards and procedures for detainees’ legal rights and ensures their access to a law library, legal materials, and the opportunity to prepare legal documents.²¹ The facility provided detainees with access to a law library with shared computers where they could work on their legal documents. However, we found that detainees saved documents with sensitive information on the computers’ desktops, which other detainees could access. While NDS 2019 does not require the facility to provide a secure and private electronic format for detainees to save legal work, as a best practice to safeguard detainees’ personally identifiable

¹⁹ NDS 2019, Standard 2.8, *Use of Force and Restraints*, Section (II) (D).

²⁰ NDS 2019 Standard 5.4, *Telephone Access*, Section (II) (J).

²¹ NDS 2019 Standard 6.3, *Law Libraries and Legal Materials*.



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information, the facility could implement privacy measures such as showing detainees how to password protect Microsoft Word documents or distributing flash-drives.

Recommendations

We recommend the Executive Associate Director of Enforcement and Removal Operations, responsible for Baker, direct the Miami Field Office to:

Recommendation 1: Implement controls to ensure detainees participating in the voluntary work program are paid consistent with the program standards for work completed and ensure that they are issued owed wages prior to transfer or release.

Recommendation 2: Pay the five unpaid detainees who were released without pay or provide an explanation of the circumstances that prevent payment.

Recommendation 3: Ensure all detainees receive an ICE National Detainee Handbook in a language they understand during intake.

Recommendation 4: Implement internal controls that ensure timely and appropriate responses to the detainee request process.

Recommendation 5: Ensure ICE staff respond appropriately to detainee requests.

Management Comments and OIG Analysis

ICE provided written comments in response to the draft report and concurred with all five recommendations. Appendix B contains ICE's management comments in their entirety. We also received technical comments from ICE on the draft report. Based on the evidence ICE provided of corrective actions taken, we consider recommendations 1 and 3 resolved and closed. Recommendations 2, 4, and 5 are resolved and open. A summary of ICE's management comments and our analysis follows.

ICE Response to Recommendation 1: Concur. On May 15, 2024, ICE ERO Miami staff implemented a process that incorporates new questions to be asked upon the notification of release of a detainee. The new process requires Baker staff to review detainee records to ensure all detainees are paid money owed prior to release or transfer from custody.

OIG Analysis: Facility staff provided examples of the new notification for release for three detainees. The notifications included language instructing facility staff to ensure the facility has made payments prior to detainee release or transfer. We consider these actions responsive to the recommendation, which is resolved and closed.



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ICE Response to Recommendation 2: Concur. On May 15, 2024, ICE ERO Miami staff paid two of the detainees who were still in custody at Baker. ICE ERO Miami staff were also able to find and pay two more detainees by locating family members through their last known contact information. ICE ERO Miami staff could not contact the fifth detainee. They tried to mail a letter to the address of record, but it was returned undeliverable. ICE ERO Miami staff also reached out to the unpaid detainee's embassy, but they had not received a response.

OIG Analysis: We consider these actions responsive to the recommendation, which is resolved and open. We will close the recommendation when ICE staff provide payment records for the four detainees they located and documentation of their communication with the embassy for the detainee they could not locate.

ICE Response to Recommendation 3: Concur. On May 15, 2024, ICE ERO Miami staff confirmed Baker staff issues all detainees a copy of the ICE National Detainee Handbook during intake. The handbooks are readily available in Spanish and English and if a detainee needs another language, Baker staff can print the handbook in a language the detainee understands. Detainees can also access the handbook in English and Spanish on their tablets.

OIG Analysis: ICE staff provided photographs of the electronic English and Spanish versions of the handbook available to detainees on their tablets. They also provided three examples of reports of property issued to detainees, which showed detainees signed acknowledging receipt of a handbook. We consider these actions responsive to the recommendation, which is resolved and closed.

ICE Response to Recommendation 4: Concur. ICE ERO Miami staff have implemented an ICE deportation officer duty roster that assigns deportation officers to be the lead on overseeing the detainee request system on a weekly basis. The assigned deportation officer's responsibility is to continuously monitor the system and respond or route detainee requests accordingly. This new approach reduces the response time for detainee requests.

OIG Analysis: ICE ERO provided a sample of the deportation officer duty roster for 4 weeks in August and September, but the rosters did not clearly show who reviews requests. We consider ICE's actions responsive to the intent of the recommendation, which is resolved and open until ICE provides a more detailed explanation of the deportation officer duty roster.

ICE Response to Recommendation 5: Concur. On September 16, 2024, ICE ERO Miami management provided the detained case management unit training and guidance that specifies detention officers must respond timely and appropriately to detainee requests. ICE ERO Miami leadership will monitor staff compliance with this requirement.

OIG Analysis: ICE provided documentation that deportation officers for the ERO Jacksonville sub-office attended a refresher training on how to properly answer detainee requests on the tablet system. We consider these actions partially responsive to the intent of the



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recommendation, which is resolved and open until ICE provides documentation that they are responding appropriately to detainee requests.



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Appendix A: Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Pub. L. No. 107-296) by amendment to the *Inspector General Act of 1978*.

DHS OIG initiated this inspection at Congress' direction.²² DHS OIG analyzes various factors to determine which facilities to inspect. We review OIG Hotline complaints and prior inspection reports, and past and future inspection schedules of other ICE and DHS inspection organizations. We also consider requests, input, and information from Congress, the DHS Office of Civil Rights and Civil Liberties, nongovernmental organizations, and media outlets to determine which facilities may pose the greatest risks to the health and safety of detainees. Finally, to ensure we review facilities with both large and small detainee populations in geographically diverse locations, we consider facility type (e.g., service processing centers, contract detention facilities, and intergovernmental service agreement facilities) and applicable detention standards.

For this inspection, we generally limited our scope to NDS 2019 standards for health, safety, activities, medical care, grievances, classification, use of segregation, and use of force. Our medical contractors also used the National Commission on Correctional Health Care's 2018 *Standards for Health Services in Jails* when reviewing medical-related policies and procedures at the facility.

We conducted our unannounced in-person inspection of Baker from January 23-25, 2024. During the inspection, we:

- conducted an in-person walk-through of the facility. We viewed areas used by detainees, including intake processing areas; medical facilities; residential areas, including sleeping, showering, and toilet facilities; legal services areas, including law libraries; and recreational facilities;
- reviewed the facility's compliance with key health, safety, and welfare requirements of the NDS 2019 for classification, segregation, voluntary work program, access to legal services, access to medical care, and medical and nonmedical grievances;
- interviewed ICE and detention facility staff members, including key ICE operational and detention facility oversight staff and detention facility medical, classification, grievance, and compliance officers;
- interviewed detainees held at the facility; and

²² Joint Explanatory Statement Accompanying H.R. 2882, Further Consolidated Appropriations Act, 2024, Div. C, *Department of Homeland Security Appropriations Act, 2024* (Pub. L. 118-47).



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- reviewed documentary evidence, including medical files, detainee files, and grievance and communication logs and files.

We contracted with a team of qualified medical professionals to conduct a comprehensive evaluation of detainee medical care at Baker. We incorporated information provided by the medical contractors in our findings.

We conducted this inspection under the authority of the *Inspector General Act of 1978*, 5 United States Code §§ 401–424, and according to the *Quality Standards for Inspections and Evaluations*, issued by the Council of the Inspectors General on Integrity and Efficiency.

DHS OIG’s Access to DHS Information

During this inspection, ICE provided timely responses to our requests for information and did not delay or deny access to information we requested.



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Appendix B: ICE Comments on the Draft Report

Office of the Chief Financial Officer

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement

BY ELECTRONIC SUBMISSION

September 18, 2024

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

FROM: Jennifer Cleary JOHN T. KIRSCH For
Chief Financial Officer and
Senior Component Accountable Official
U.S. Immigration and Customs Enforcement

SUBJECT: Management Response to Draft Report: "Results of an
Unannounced Inspection of Baker County Sheriff's Office in
MacClenny, Florida"
(Project No. 24-002-ISP-ICE(b))

Thank you for the opportunity to comment on this draft report. U.S. Immigration and Customs Enforcement (ICE) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

ICE leadership is pleased to note OIG's positive recognition that the Baker County Sheriff's Office in MacClenny, Florida complied with the 2019 National Detention Standards for Non-Dedicated Facilities (NDS 2019)¹ for classification, grievances, recreation, segregation, facility conditions, and medical care. ICE remains committed to achieving industry-leading detention standards in providing safety, security, and a humane environment for noncitizens entrusted to its care.

The draft report contained five recommendations with which ICE concurs. Attached find our detailed response to each recommendation. ICE previously submitted technical

¹2019 National Detention Standards for Non-Dedicated Facilities, <https://www.ice.gov/detain/detention-management/2019#:~:text=NDS%202019%20also%20incorporates%20substantive.and%20intervention%2C%20and%20language%20access.>

www.ice.gov



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comments addressing several accuracies, contextual, and other issues under a separate cover for OIG's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Attachment



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Attachment: Management Response to Recommendations Contained in OIG 24-002-ISP-ICE(b)

OIG recommended the ICE Executive Associate Director of Enforcement and Removal Operations (ERO), responsible for Baker to direct the Miami Field Office to:

Recommendation 1: Implement controls to ensure detainees participating in the voluntary work program are paid consistent with the program standards for work completed and ensure that they are issued owed wages prior to transfer or release.

Response: Concur. On May 15, 2024, ICE ERO Miami reviewed its processes and implemented a process that incorporates new questions to be asked by Baker staff upon being notified of a potential release of a non-citizen. Additionally, the new process dictates that Baker staff reviews non-citizen records for all monies owed prior to release and to ensure all non-citizens are paid before being released or transferred from custody.

On September 12, 2024, ICE ERO provided OIG documentation of these actions. ICE requests the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 2: Pay the five unpaid detainees who were released without pay or provide an explanation of the circumstances that prevent payment.

Response: Concur. On May 15, 2024, ICE ERO Miami reviewed its processes, identified and attempted to pay all the non-citizens who were trustees and participated in the voluntary work program. ICE ERO Miami was able to pay two of the individuals who were still in custody at Baker. ICE ERO Miami was successful in locating two more non-citizen's family members through last known contact information and mailed their funds through the U.S. Postal System to their respective family members. The contact information in the United States for the last non-citizen is not valid as the non-citizen no longer reside at that address and the contact letter ICE ERO Miami sent to that address was returned undeliverable by the U.S. Postal Service. Efforts were made to contact the non-citizen through the embassy of the non-citizen, but to date there has been no response. When a response is received from the embassy, ICE ERO Miami will send the payment through the embassy to the non-citizen and update its record.

On September 12, 2024, ICE ERO provided OIG documentation of these actions. ICE requests the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 3: Ensure all detainees receive an ICE National Detainee Handbook in a language they understand during intake.



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Response: Concur. On May 15, 2024, ICE ERO Miami reviewed its processes and procedures and confirmed that Baker issues all non-citizens a copy of the ICE National Detainee Handbook during intake. These handbooks are readily available in the English and Spanish languages. If they encounter a detainee who speaks a different language, Baker's staff have the capability to print the handbook in that specific language the non-citizen understands. Additionally, non-citizens have access to the English and Spanish versions of the handbook in their tablets that are readily available inside of the housing area.

On September 12, 2024, ICE ERO provided OIG documentation of these actions. ICE requests the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 4: Implement internal controls that ensure timely and appropriate responses to the detainee request process.

Response: Concur. ICE ERO Miami has implemented an ICE Deportation Officer (DO) duty roster. A DO is assigned on a weekly basis to be the lead on overseeing the detainee request system. DO's responsibility is to continuously monitor the system and respond or route detainee requests accordingly. This new approach increases oversight in detained case management and reduce the response time on detainee requests.

On September 12, 2024, ICE ERO provided OIG documentation of these actions. ICE requests the OIG consider this recommendation resolved and closed, as implemented.

Recommendation 5: Ensure ICE staff respond appropriately to detainee requests.

Response: Concur. On September 16, 2024, ICE ERO Miami management provided the Detained Case Management unit training and guidance that specifies DOs must respond timely and appropriately to non-citizen requests. ERO Miami leadership will monitor staff compliance with this requirement. This new approach increases oversight in detained case management.

On September 17, 2024, ICE ERO provided OIG documentation of these actions. ICE requests the OIG consider this recommendation resolved and closed, as implemented.



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Appendix C:

Office of Inspections and Evaluations Major Contributors to This Report

Steven Staats, Chief Inspector

Adam Brown, Lead Inspector

Brittany Scott, Senior Inspector

Benjamin Diamond, Senior Inspector

Joshua Bradley, Inspector

Dorie Chang, Communications Analyst

Michael Nasuti, Independent Referencer



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Appendix D: Report Distribution

Department of Homeland Security

Secretary
Deputy Secretary
Chief of Staff
Deputy Chiefs of Staff
General Counsel
Executive Secretary
Director, GAO/OIG Liaison Office
Under Secretary, Office of Strategy, Policy, and Plans
Assistant Secretary for Office of Public Affairs
Assistant Secretary for Office of Legislative Affairs
ICE Audit Liaison

Office of Management and Budget

Chief, Homeland Security Branch
DHS OIG Budget Examiner

Congress

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