



## Office for Civil Rights and Civil Liberties

### Summary of CRCL's Recommendations and ICE's Response *Voyeurism and Privacy Concerns at Baker County Facility*

On January 19, 2024, U.S. Immigration and Customs Enforcement (ICE) responded to a *Recommendation Memorandum* issued in September 2023 by the Office for Civil Rights and Civil Liberties (CRCL) about allegations of voyeurism and lack of privacy of detained noncitizens in ICE custody at the Baker County Facility (Baker). ICE concurred with six of CRCL's recommendations, partially concurred with seven, and non-concurred with two.

#### Background

In September 2022, CRCL conducted a spot check investigation at Baker into allegations that staff in the central command tower could observe women using the toilet and in a partial state of undress. After finding concerns related to the allegations, CRCL requested in October 2022 that ICE take immediate action to address numerous identified issues. In December 2022, ICE detailed several corrective actions, and CRCL closed its investigation. Subsequently, CRCL received additional allegations in February 2023 about continued privacy concerns related to video cameras reportedly visible from toilets in individual cells. As a result, CRCL conducted another onsite investigation in May 2023 to review the ongoing allegations of lack of privacy. CRCL was especially concerned, as the allegations implicated ICE's responsibilities under the DHS Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities (DHS Standards).

#### Investigation

During the May 2023 onsite investigation, CRCL assessed the sightlines from the central command tower into the housing units, interviewed Baker staff and noncitizens, and evaluated whether noncitizens were receiving appropriate privacy in the medical/intake cells. CRCL found that despite the prior corrective actions taken by ICE and Baker, significant privacy and potential voyeurism concerns remained for noncitizens in the housing units and in the individual cells in the intake/medical unit. CRCL also determined that the lack of privacy and ongoing risk of voyeurism could violate the DHS Standards.

#### Recommendations

On September 22, 2023, CRCL sent ICE a *Recommendation Memorandum* with 15 recommendations regarding the lack of privacy at Baker. On January 19, 2024, ICE concurred with six recommendations, partially concurred with seven recommendations, and non-concurred with two.

ICE agreed to ensure that noncitizens understood when they could be seen while in their cells and pods. ICE agreed to provide additional language in its handbook requiring noncitizens to close their cell door when showering or using the toilet and identifying the need for detained noncitizens to remain fully clothed at all times except when showering or undressing. In addition, ICE agreed to make the handbooks available in English, Spanish, and French. ICE also agreed to update the handbook after it identifies a permanent solution for making cross-gender staff announcements for non-English and non-Spanish speakers.

*CRCL provides the public with documents related to complaint investigations. After it has been prepared and reviewed, CRCL will post a redacted version of this Recommendation Memorandum on our [website](#) that will contain additional information about the complaint investigation and CRCL's findings and recommendations.*

March 4, 2024