



**FREEDOM
FOR IMMIGRANTS**

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February 15, 2022

Re: Abuses and Torturous Conditions at Seneca County Jail

Dear Field Office Director Lynch, Assistant Field Office Director Jacobs, Sheriff Stevens, Officer Culliton-González, Inspector General Cuffari, and Acting Ombudsman Gersten:

Ohio Immigrant Alliance and Freedom for Immigrants submit this civil rights complaint on behalf of 11 individuals currently or previously in Immigration & Customs Enforcement (“ICE”) detention at the Seneca County Jail (“Seneca”) in Tiffin, Ohio:

- Kristian Javier Caguada (A#: [REDACTED]);
- Magdiel Lopez Rodriguez (A#: [REDACTED]);
- Gabino Medina (A#: [REDACTED]); and
- eight other individuals who wish to remain anonymous due to concerns of retaliation.

Since August 2021, we have received increasingly distressing calls from these 11 individuals through the Freedom for Immigrants (FFI) National Immigration Detention Hotline to report COVID-19 negligence; severe medical neglect with long-term and life-threatening implications for individuals' health; an unsanitary and freezing environment; due process violations and retaliatory restrictions to phone, mail and law library access; and contaminated food. These reports demonstrate a pattern and practice of ongoing and blatant violations of the 2019 ICE National Detention Standards,¹ with which Seneca is required to comply per their contract with ICE.²

The following are only some of the reports of rights violations that we have received, organized by type of abuse.

COVID-19 Negligence

- In April 2020, the American Civil Liberties Union (ACLU) of Ohio successfully sued ICE to release Gelacio Hernandez Velazquez, an individual who is HIV positive, from detention at Seneca. The ACLU of Ohio demonstrated that the conditions of the jail could lead to significant outbreaks of COVID-19 because detained individuals live in close quarters that are not properly kept clean.³
- In September 2020, Mr. Andrew Hango, an individual detained at Seneca, reported to *the Columbus Dispatch* that he was housed in a room with 40 other people and feared for his life due the lack of adequate medical care and his previous medical history of heart attack and stroke, increasing his risk of severe illness from COVID-19.⁴
- On January 15, 2021, ICE reported that four individuals in ICE detention at Seneca had tested positive for COVID-19.
- By January 27, 2021, ICE reported that eight more individuals had tested positive.
- On August 27, 2021, Mr. Kristian Javier Caguada reported that staff in the facility still do not wear masks.

¹ U.S. Immigration & Customs Enforcement. National Detention Standards 2019.
<https://www.ice.gov/detain/detention-management/2019>

² "IGSA Contract - Seneca County OH." 2001.
<https://embed.documentcloud.org/documents/1681306-seneca-county-oh-igsa-contract#document/p32/a222374>

³ Heisig, Eric. "ICE agrees to release two more at-risk detainees from Ohio jails due to coronavirus pandemic."
cleveland.com. April 24, 2020.

<https://www.cleveland.com/court-justice/2020/04/ice-agrees-to-release-two-more-at-risk-detainees-from-ohio-jails-due-to-coronavirus-pandemic.html>

⁴ King, Danae. "ICE detainee in Ohio jail fears COVID as he awaits asylum case." *The Columbus Dispatch*.
September 8, 2020.

<https://www.dispatch.com/story/news/politics/2020/09/08/ice-detainee-in-ohio-jail-fears-covid-as-he-awaits-asylum-case/42396013>

- On October 18, 2021, Mr. Caguada filed a pro se Petition for Writ of Habeas Corpus to the U.S. Northern District Court of Ohio⁵ emphasizing the risk to his life and wellbeing given the conditions at the jail:

“Seneca County Jail is not COVID-19 compliant.”

- Mr. Caguada, October 18, 2021

- On October 21, 2021, Mr. Magdiel Lopez Rodriguez filed a pro se Petition for Writ of Habeas Corpus to the U.S. Northern District Court of Ohio in which he, as Mr. Caguada did, described his concerns regarding his safety:⁶

“Some detainees have not obtained COVID-19 vaccinations, and we do not have social distancing... this jail is putting my life in danger. This has caused mental and physical pain.”

- Mr. Lopez, October 21, 2021

- On November 4, 2021, Mr. Medina reported that his bunkmate had been transferred to another jail for approximately four days and then transferred back to Seneca without being tested for COVID-19 at any point in the process. Within two days of arriving back to Seneca, Mr. Medina’s bunkmate started showing symptoms of COVID-19 including a severe cough. Seneca medical staff dismissed these symptoms because he did not yet have a fever. Five days after Mr. Medina’s bunkmate began showing symptoms, Seneca staff finally gave Mr. Medina’s bunkmate a COVID-19 test.
 - Mr. Medina also reported on November 4 that he had requested a booster shot as soon as he was eligible, but still had not received one.
 - Mr. Medina estimated that at this point there were over 30 individuals in his unit alone and that the jail staff had stuffed cots in between the bunks, resulting in people sleeping two or three feet apart from one another as opposed to the recommended six.
- On November 4, 2021, an individual who wishes to remain anonymous reported that he was coughing and experiencing chest pain. He had taken a COVID-19 test but had not been informed of the result. He already knew of one person he was in contact with who tested positive and he asserted that social distancing was impossible inside the facility. He shared that he had already contracted COVID-19 earlier this year, and had suffered from a negative impact on his cardiovascular health.
- On November 4, 2021, another one of the individuals who wishes to remain anonymous reported that no one was being offered vaccines and that 10 people were housed in his room, resulting in individuals being forced to sleep on the floor.

⁵ 3:21-cv-01968-jgc (Kristian Javier Paguada vs. Garland et al)

⁶ 3:21-cv-01998-pag (Rodriguez vs. Garland et al).

- On November 4, 2021, Mr. Caguada reported that an individual in his dorm first started exhibiting COVID-19 symptoms a full week before the facility finally tested him and he tested positive for COVID-19:

“During this time, we were all sharing space and sleeping in the same area. Our bunk is so overcrowded that they've placed beds on the floor between bunks... Now I have a headache and I feel nauseous. I'm worried that I have COVID and I haven't been vaccinated.”

- Mr. Caguada, November 4, 2021

Less than a week later, on November 10, it was reported by Mr. Caguada’s unit mates to the FFI Hotline that Mr. Caguada had been taken to the infirmary where he tested positive for COVID-19. His unit mates had not been given any information about his state and were very anxious about his wellbeing given that staff had recently come to collect Mr. Caguada’s possessions.

- On November 9, 2021, an individual who wishes to remain anonymous reported that the entire jail was in quarantine and that even a nurse was not allowed to enter onto the premises:

“People are starting to test positive for COVID and coughing everywhere but only a few people are getting tested.”

- Anonymous, November 9, 2021

- On November 10, 2021, another individual who wishes to remain anonymous reported that new people are brought into the jail without being tested for COVID-19.
- On November 10, 2021, Mr. Lopez reported his concerns regarding the direness of the situation:

“COVID-19 cases are spiking. There are no preventive measures to slow down the spread of the virus. We’re discouraged from taking COVID-19 tests because there’s no appropriate medical care for symptoms. Just today, three out of four individuals tested positive.”

- Mr. Lopez, November 10, 2021

- On November 11, Mr. Medina flagged that Seneca’s punitive response to positive COVID-19 test results was likely resulting in a serious undercount of cases:

“I am afraid as the COVID situation is getting out of control. Most people refuse to test because they do not want to go into solitary confinement and are laying in their beds, almost lifeless with all apparent symptoms. I am scared for myself and others in this facility because most have serious health conditions.”

- Mr. Medina, November 11, 2021

- Meanwhile, throughout the month of November, ICE did not report a single new case of COVID-19 among individuals in ICE detention at Seneca.
- On January 6, 2022, an individual who wishes to remain anonymous reported that there were more COVID cases:

“I know of at least four people who have contracted COVID in my unit.”

- Anonymous, January 6, 2022

- On January 7, 2022, an individual who wishes to remain anonymous reported that a lot of people were contracting COVID and that the situation was making everyone “very nervous.”
- On January 10, 2022, ICE finally publicly reported four additional cases among people in ICE detention at Seneca. Two more individuals tested positive over the following week.
- On January 14, 2022, an individual who wishes to remain anonymous reported that he had asked for a booster COVID-19 vaccine shot, but that Seneca did not offer them. When they asked the guards and the infirmary staff, they were told that they “don't know anything about booster shots.”
- On January 27, 2022, another individual confirmed that still no one had received a booster let alone a second dose and that in fact it was still unclear to them which vaccine they had received for their first dose.

Medical Neglect

As detailed in a [complaint filed on behalf of Mr. Medina on October 22, 2021](#) by Freedom for Immigrants, Mr. Medina had been receiving substandard medical care while detained at Seneca for inflammatory bowel syndrome, hypertension, tooth issues, and post-traumatic stress disorder for months. For nearly three months after the filing of the original complaint, Mr. Medina's condition continued to worsen from the ongoing medical negligence until he was deported by ICE.

- On November 4, 2021, Mr. Medina reported that his limbs were going numb and his blood pressure was increasing according to the weekly measurements Seneca was taking (when adequate medical care in fact calls for daily measurements). He also reported rapid heart palpitations and hyperhidrosis.
- On November 18, 2021, Mr. Medina reported suffering convulsions as well as blood in his nose and his stool. His blood pressure was measured at 155/99, which is dangerously close to the level that constitutes a hypertensive crisis.
- On November 19, 2021, Mr. Medina was hospitalized at Mercy Health Tiffin Hospital.

- On November 23, 2021, Mr. Medina reported receiving a verbal diagnosis of diverticulitis and a refusal from Seneca staff to issue him a copy of his own medical records, which is in strict violation of the NDS 2019.
- On December 2, 2021, Mr. Medina reported a large mass growing under his right armpit, which a doctor had told him was a benign form of cancer. He also reported the continued inability to access his own medical records.
- On December 3, 2021, Mr. Medina reported severe pain in his abdomen as well as the continued symptoms of blood in his stool, bloating, and constipation.

Unfortunately, Mr. Medina is not alone in the medical negligence he has experienced while aged at Seneca.

- On September 28, 2021, Mr. Caguada reported medical communications and records are only available in English, not Spanish or other languages spoken by individuals in ICE detention, in clear violation of the NDS 2019.
- In his pro se habeas petition filed on October 21, 2021, Mr. Lopez wrote:

“I have requested a myriad of times to be scheduled for health, dental and mental treatment, but to no avail... The doctor only comes in on Wednesday and no medical staff on the weekends or nights...”

- Mr. Lopez, October 21, 2021⁷

- On December 15, 2021, an individual who wishes to remain anonymous reported that he was not being provided medications he needed; and that the medications he was being provided were being given to him at the incorrect time of day.

In particular, the lack of dental care was noted by multiple individuals as particularly egregious. This is a longstanding and well-documented concern at Seneca; indeed, the 2019 Office of Detention Oversight inspection identified it as a “repeat deficiency.”⁸

- On September 7, 2021, Kristian Javier Caguada informed Immigration Judge Bruce Imbacuan during an Immigration Court hearing about a toothache he was experiencing. Immigration Judge Imbacuan subsequently requested that Seneca County Jail Officer Laurie Thompson arrange that Mr. Caguada be seen by a dentist. Officer Thompson verbally committed to doing so.
 - On September 24, 2021, Mr. Caguada reported to Freedom for Immigrants that he was continuing to suffer severe tooth pain due to an infected molar abscess, and that he had in fact been in pain for four months, since he arrived at Seneca.

⁷ 3:21-cv-01998-pag (Rodriguez vs. Garland et al).

⁸ https://www.ice.gov/doclib/foia/odo-compliance-inspections/senecaCoJailTiffinOH_May_21-23_2019.pdf

- On November 4, 2021, Mr. Caguada reported that he continued to experience dental negligence, resulting in extreme pain across the entire left side of his face, preventing him from eating or sleeping normally.
- On October 7, 2021, Mr. Lopez reported experiencing tooth pain that was so excruciating that he was unable to sleep.
 - On November 11, 2021, Mr. Lopez reported that in response to requests for dental care, Seneca staff stated that “there is no dentist available” and he was given salt water.
- On November 12, 2021, Mr. Medina reported the dental negligence he was experiencing, noting that he had been requesting dental care since a molar filling fell out on June 4, 2021. In response to repeated requests for dental care to address severe tooth pain, Seneca medical staff tell him that “ICE has to approve it” whereas the ICE officer tells him that the Seneca medical staff have to approve it. He had merely been given salted water.
 - On December 14, 2021, Mr. Medina reported that the dental negligence was continuing despite suffering severe bleeding, for which he was given mouthwash.

The nonexistence of psychological care has also been uplifted as a serious concern:

- On October 7, 2021, Mr. Lopez reported that despite a prior diagnosis and medication prescription for major depression, he had been unable to see a psychologist despite requesting to do so upon his arrival to Seneca on September 9, 2021. He cited this in a pro se petition for habeas filed on October 21:

“I have not been given my mental health medications since I was arrested by ICE.”

- Mr. Lopez, October 21⁹

- On November 1, 2021, Mr. Caguada reported that various individuals’ mental health was deteriorating due to the lack of access to a psychologist.
- On November 10, 2021, Carlos Fernando Galindo Hernandez reported that despite a diagnosis of post-traumatic stress disorder, he had only been able to see a psychiatrist once since arriving.

Unsanitary and Freezing Environment

- On September 28, 2021, Mr. Caguada reported concerns regarding the unsanitary conditions:

“Everything's dirty - the bathrooms, the tables. It's hard on the heart.”

- Mr. Caguada, September 28, 2021

⁹ 3:21-cv-01998-pag (Rodriguez vs. Garland et al).

- On October 7, 2021, Mr. Medina reported that the housing unit “hot pot” had exploded as a result of its wires slowly wearing down. There was a loud pop and a spark and the electricity in their entire unit went down. Thankfully no one was hurt, but someone nearby could easily have gotten electrocuted. A guard took away the hot pot and they no longer had any way to heat up the meals they make with commissary items to supplement the meager portions provided.
- On November 4, 2021, an individual who wishes to remain anonymous reported that jail staff does not clean up the garbage.
- On November 4, 2021, another individual who wishes to remain anonymous reported that the temperature in the facility was intolerably cold:

“It’s really, really cold... we are freezing to death.”

- Anonymous, November 4, 2021

- On November 9, 2021, an individual who wishes to remain anonymous reported that three sinks were clogged with no running water and that there were no cleaning materials or paper towels provided.
- On November 11, 2021, Mr. Lopez reported that the heater was not working for weeks during low temp but the AC remained on. They were not issued jackets.
- On November 29, 2021, Mr. Medina reported that there was not adequate disinfectant for cleaning. Mr. Medina also reported that workers in the kitchen do not wear hair covers or face masks.
- On December 14, 2021, Mr. Medina reported that they do not have hot running water, so the showers were cold. He also reported that they had gone 8 days without heating, despite it being approximately 20 degrees Fahrenheit outside.
- On December 16, 2021, Mr. Medina expressed concern about the “unbearable” conditions of the women’s unit at Seneca, which is housed in a “gym.” The women have no privacy, even when they shower or use the restroom. Some are sleeping on the floor on cots.
- On December 21, 2021, Mr. Lopez reported that he is constantly suffering from the cold but is offered no relief.
- On January 5, 2022, Mr. Medina reported that certain critical hygiene items like dental floss, mouth wash, and skin care had been removed from the list of commissary items available for purchase.
- On January 7, 2022, an individual who wishes to remain anonymous reported that the facility is “extremely cold” and “very dirty.”
- On January 7, 2022, Mr. Medina reported that despite it being approximately 40-45 degrees Fahrenheit inside the jail, he has only been provided with a short-sleeved scrub top, pants, socks and sandals as clothing. The only potential source of warmth that is offered in addition to the inadequate clothing are thin blankets that are worn and tattered;

the Seneca staff refuse to provide any extras when asked. Mr. Medina shared that some individuals tried wrapping towels around their heads in an attempt to stay warm but were impeded by the guards.

Due Process Violations & Retaliatory Restrictions to Phone, Mail & Library Access

- On August 31, 2021, Mr. Medina reported that not only does Seneca place limits on the length of calls, but the system gives no warning before disconnecting the call.
- On September 3, 2021, Mr. Caguada expressed concern about the restricted phone access.
- On September 17, 2021, an individual who wishes to remain anonymous reported that the officers at Seneca listen in on phone calls and force people to hang up sometimes. He also reported that it is often hard to connect with his attorney because Seneca does not facilitate free legal calls as is required by the NDS 2019.
- On November 4, 2021, another individual who wishes to remain anonymous reported that when calls are “dropped,” it is in fact Seneca jail staff that are terminating calls early.
- On November 4, 2021, an individual who wishes to remain anonymous reported not being able to connect with his consulate as is required by the NDS 2019.
- On November 4, 2021, Mr. Medina reported that he had been requesting a copy of his custody review denial for over a week without results, and that he was being refused access to the law library on an ongoing basis.
- On November 29, 2021, Mr. Medina reported experiencing retaliation and flagged again the inability to make free and privileged legal calls:

“In this facility, you can’t call your attorney in privacy or for free - only on the wall phone,”

- Mr. Medina, November 29, 2021

- On December 3, 2021, Mr. Medina reported that given that he had been paying for phone calls to his attorney, he had requested reimbursement, but his request was denied.
- On January 5, 2022, Mr. Medina reported that stamps and legal envelopes had been removed from the list of commissary items available for purchase, and that staff had started to refuse the dissemination of grievance forms as a form of retaliation.

The above restrictions to phone, mail, and law library access raise serious concerns not only about due process violations but also about how many other abuses go unreported.

Poor Quality of Food

- On November 4, 2021, an individual who wishes to remain anonymous reported the poor and contaminated quality of the food, finding inedible and unsanitary items such as hair.

- On November 10, 2021, Mr. Medina reported that guards wear the same gloves to both pick up trash and serve food.
- On December 16, 2021, Mr. Medina reported that another detained individual was retaliated against by a guard who had overheard them express discontent about the quality of the food, and put into solitary confinement as punishment.

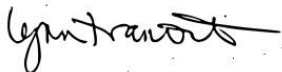
Conclusion

Given the clear pattern and practice of abuse and torturous conditions at Seneca County Jail as documented above, we demand the following:

1. That the Department of Homeland Securities (DHS) Office of Civil Rights and Civil Liberties (CRCL) and/or the Office of Inspector General (OIG) immediately open investigations into the abuses and torturous conditions at Seneca County Jail;
2. That CRCL and OIG recommend the ICE detention contract termination and overall closure of Seneca County Jail, because it is dangerous and inhumane for any individual to be caged in such conditions; and
3. **That all individuals detained at Seneca County Jail be immediately released to their communities and loved ones.** Until then, we will remain vigilant and concerned regarding the health and safety of those detained at Seneca given the lengthy and documented history of egregious and unlivable conditions and inadequate medical care. ICE and Seneca County have proven themselves unable and unwilling to provide those in their custody with any semblance of safety.

Please provide us a response in writing regarding these matters by March 1, 2022.

Sincerely,



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