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October 22, 2021

RE: Medical Neglect of Gabino Medina (A# [REDACTED]) at Seneca County Jail

Dear Field Office Director Adducci, Sheriff Stevens, Officer Culliton-González, and Acting Ombudsman Gersten:

Freedom for Immigrants submits this complaint detailing medical neglect and rights violations committed against Gabino Medina, a person detained by U.S. Immigration and Customs Enforcement (ICE) at the Seneca County Jail (“Seneca”) in Tiffin, Ohio.

I. Introduction

Mr. Medina reported on September 3, 2021 that he is receiving substandard medical care for inflammatory bowel syndrome, hypertension, tooth issues, and post-traumatic stress disorder. If his health conditions are left untreated and uncared for, Mr. Medina risks infection, organ damage, cancer, and death. All of these diagnoses are known to Seneca staff. The medical neglect that Mr. Medina has suffered at Seneca represents a direct violation of ICE’s own National Detention Standards (NDS) 2011 and the US constitution.

ICE has a constitutional obligation to provide adequate medical care to Mr. Medina, including ensuring that its contractors like Seneca County are providing adequate care. See generally *Estelle v. Gamble*, 429 U.S. 97 (1976). By refusing to provide basic medical care for Mr. Medina’s serious medical needs, ICE and Seneca County place Mr. Medina at a serious risk of harm, and run afoul of the standard of care, in violation of his right to due process under the Fifth Amendment. See, e.g., *Kingsley v. Hendrickson*, 576 U.S., 135 S. Ct. 2466 (2015). Thus, we request that the Department of Homeland Security Office of Civil Rights and Civil Liberties (“CRCL”) meaningfully investigate Mr. Medina’s case and conduct a comprehensive investigation of conditions at Seneca to ensure that no other individuals with diagnosed medical issues are subjected to the harm that Mr. Medina has suffered while detained there. Most urgently, we request that Mr. Medina be treated for his inflammatory bowel syndrome and his tooth issues, be evaluated by a psychologist to address his mental health needs, and that medical staff ensure consistent access to medication to treat his hypertension. Finally, if ICE and its contractor Seneca County are unable or unwilling to provide appropriate medical care for Mr. Medina, we request his immediate release from ICE custody.

II. Factual Background

Mr. Medina has been diagnosed with inflammatory bowel syndrome, a condition which causes him severe and debilitating pain in his stomach. The pain, which he experiences under his belly button and on his left side, is often so intense that he is forced to lay down. His medical issues have affected his eating; he needs to eat slowly and in small amounts to avoid the pain of this condition. Mr. Medina often feels nauseous after eating and experiences involuntary regurgitation. Moreover, Mr. Medina has recently found blood in his stool, indicating possible damage to his organs. Mr. Medina’s repeated requests for care were denied for months by medical staff and guards. On August 12, 2021, when Mr. Medina found blood in his stool, he was taken to the hospital for a CAT scan where he was recommended to see a specialist for his lower and upper GI tract. It took the facility over one month to schedule Mr. Medina for an appointment with a GI tract specialist and he is still waiting for the results from the biopsy. The specialist told him that the results would be available within two weeks, but Mr. Medina has been waiting for almost one month. It is urgent for medical staff to offer proper medical care for Mr. Medina’s stomach condition because he risks developing inflammation, bowel obstruction, perforated colon, and colon cancer if it is left untreated.¹

Since early June 2021, Mr. Medina has requested to see a dentist for his teeth issues, but his requests have been ignored. When the filling in his molar fell out, medical staff promised Mr. Medina that he would be seen by a dentist for his dental needs, but he has yet to see a specialist. Mr. Medina reports that in recent months his tooth has appeared infected, so he has requested antiseptic with no results. A neglected dental infection can spread to the jaw, head, and neck and develop into life-threatening conditions such as sepsis.²

¹ www.mayoclinic.org/diseases-conditions/inflammatory-bowel-disease/symptoms-causes/syc-20353315

² www.mayoclinic.org/diseases-conditions/tooth-abscess/symptoms-causes/syc-20350901

Mr. Medina also suffers from post-traumatic stress disorder, a condition for which he was previously receiving medication and seeing a psychologist. At times, Mr. Medina has flashbacks where he relives traumatizing moments again. He suffers from nightmares as a result of this psychological condition. Upon entry into the ICE facility, Mr. Medina requested to see a psychiatrist. He saw the psychiatrist for an initial five-minute conversation and the psychiatrist promised to set him up with another appointment, but he never has. For over six months, Mr. Medina has had neither medication nor regular appointments with mental health specialists who only come to the facility once a week.

Though Mr. Medina has been diagnosed with high blood pressure, he is not receiving reliable medication. At times, his blood pressure is so high that his ankles have begun swelling. He also experiences headaches, dizziness, and blurred vision. His repeated requests for medication were ignored. He began receiving medication on October 14, 2021, over six months after his initial requests. The consequences of untreated hypertension are dire; Mr. Medina risks damage to his arteries, heart, brain, and kidneys, ultimately leading to death if left untreated.³ His high blood pressure also places him at elevated risk for severe illness or death were he to contract COVID-19.

In addition, Mr. Medina has also experienced neglect and refusal of treatment for his other health conditions. Mr. Medina reports that medical staff have refused to treat a fungus growing on his toe, explaining that the treatment would have been too expensive for the facility. Although he is currently receiving medication for his arthritis and sinus issues, Mr. Medina reports that he has not had regular, reliable access to his medication.

Mr. Medina has submitted weekly grievances and detainee information requests detailing his medical needs, but his requests have not been met. Below is a timeline of relevant events:

- In the 1990s, Mr. Medina's stomach complications began. He was prescribed redinodine and zantac.
- In 2012, Mr. Medina was diagnosed with inflammatory bowel syndrome and had an operation. Around this time, Mr. Medina was also taking medication for his diabetes, hypertension, and high cholesterol. These conditions subsided because he had more regular access to healthy food and recreational activities in criminal custody than he does now in civil immigration detention.
- On March 10, 2021, while in ICE detention at Calhoun County Jail, Mr. Medina started experiencing pain in his stomach once again. He was told by a nurse that the facility cannot not handle his medical conditions and that he would be transferred to a "better-equipped" ICE facility.
- On May 2, 2021, Mr. Medina was transferred to Seneca County Jail and requested to see a specialist to no avail. He was told that he does not have any urgent need to see a doctor for his stomach condition.
- On June 4, 2021, Mr. Medina requested to see a dental specialist for his chipped molar. He was told he would have an appointment with a dentist but never did.
- On June 16, 2021, Mr. Medina filed an inmate health service request to see a

3

www.mayoclinic.org/diseases-conditions/high-blood-pressure/in-depth/high-blood-pressure/art-20045868

specialist for his inflammatory bowel syndrome. Staff closed the request citing no urgent need for Mr. Medina to see a specialist at this time.

- On July 21, 2021, Mr. Medina requested to see a mental health specialist. He was not given an appointment with a psychologist.
- In early August 2021, Mr. Medina found blood in his stool every time he went to the bathroom. He submitted multiple medical call requests to which officers responded that there was no urgency in his requests.
- On August 12, 2021, Mr. Medina again found blood in his stool. He requested medical help from the nurse, but officers arrived instead. After seeing the amount of blood that Mr. Medina had lost, the officers contacted the doctor who requested that he be taken to the emergency room.
- After conducting a CAT scan, the doctor recommends that he see a specialist for his lower and upper GI tract.
- On August 18, 2021, Mr. Medina submitted another request to see a mental health professional. He was not given an appointment with a psychologist.
- On August 19, 2021, Mr. Medina again found blood in his stool. He requested medical help from the nurse, but the nurse wasn't available. Mr. Medina submitted a medical call request and medical staff responded that they were aware of the situation and attempting to find a solution.
- On August 31, 2021, Mr. Medina called Freedom for Immigrants' National Abuse Reporting Hotline reporting he is experiencing medical neglect for his severe abdominal and colon pain. He requested his medical records from the facility to no avail.
- On September 8, 2021, Mr. Medina was scheduled for an appointment to see the GI specialist, but the facility cancelled the appointment.
- On September 22, 2021, Mr. Medina was taken to Mercy General Hospital where a specialist conducted a biopsy on him. He was told that he has hypertension and respiratory issues.
- On September 28, 2021, Mr. Medina called the Freedom for Immigrants' National Abuse Reporting Hotline stating that he has high blood pressure and a debilitating headache.
- On September 29, 2021, Mr. Medina was told by medical staff that the facility cannot treat the fungus growing on his toenail because of the expense of the treatment.
- On October 6, 2021, Mr. Medina reported a blood pressure test of 151/93. Despite his shaking, blurred vision, and a debilitating headache, the nurse refused to give him high blood pressure medication.
- On October 19, 2021, Mr. Medina called Freedom for Immigrants' National Abuse Reporting Hotline reporting that he has started receiving medication for his blood pressure, which has caused tingling in his hands and feet and numbness in his arms, legs, and feet.

III. ICE and Seneca County deliberately denied proper treatment to Mr. Medina in violation of the law.

Seneca County Jail is contracted to uphold the National Detention Standards (NDS). These standards prohibit discrimination and mandate that "all detainees shall have access to

appropriate medical, dental, and mental health care, including emergency services.”⁴ However, it is evident that Mr. Medina has not had access to the necessary health services to care for his inflammatory bowel syndrome, hypertension, dental problems, and post-traumatic stress disorder.

ICE and Seneca County’s failure to treat Mr. Medina’s inflammatory bowel syndrome, provide access to a psychiatrist and dental health specialist, and ensure access to hypertension medication constitutes a deliberate denial of Mr. Medina’s pain and places him at substantial risk of serious harm. Furthermore, ICE’s specific failure to address Mr. Medina’s health needs, in contrast with his experience in prison, violate *King v. County of Los Angeles*’ requirement that civil detention not reflect conditions “identical to, similar to, or more restrictive” than criminal conditions.”⁵ The aforementioned delays and denials of care evidence illegal denial of treatment and a failure to accommodate his health needs.

ICE and Seneca County are responsible to Mr. Medina for treating his inflammatory bowel syndrome, hypertension, dental problems, and post-traumatic stress disorder, because these conditions could result in further significant injury, illness, death or the unnecessary and wanton infliction of pain if not treated. The law does not require harm to health to have already occurred in order to mandate action by Seneca County. The exposure to a risk that may cause harm in the future is a basis for deliberate indifference.

Under *Fraihat v. ICE*, Mr. Medina’s high blood pressure qualifies him for release. The court order in *Fraihat v. ICE*, 445F. Supp. 3d 709, requires ICE to release people in ICE detention with health conditions that place them at increased risk of severe illness and death from COVID-19. These health conditions defined by the Center for Disease Control (CDC) and the *Fraihat* litigation include being 55 or older, “hypertension or high blood pressure,” “respiratory disease,” “diabetes,” “autoimmune disease including... arthritis” and “severe psychiatric illness.” Mr. Medina’s documented health conditions qualify him as a priority for release under *Fraihat*. A *Fraihat* release request was submitted by Southern Poverty Law Center on August 23, 2021, which was denied. On September 7, 2021, Freedom for Immigrants submitted a redetermination request appealing the decision and has not received a response.

IV. Immediate Recommendations

We request a response in writing within a week that addresses the following:

1. Mr. Medina be evaluated by competent medical personnel for his inflammatory bowel syndrome and provided appropriate treatment immediately;
2. Mr. Medina be assigned a psychiatrist and be provided with appropriate medication to address his mental health needs;
3. Mr. Medina be evaluated by a dental health professional to prevent the worsening of an infected tooth;

⁴ <https://www.ice.gov/doclib/detention-standards/2019/nds2019.pdf>

⁵ *King v. County of Los Angeles*, 885 F.3d 548, 557 (9th Cir. 2018) (quoting *Jones v. Blanas*, 393 F.3d 918, 932 (9th Cir. 2004))

4. Mr. Medina be provided immediate medication to treat his high blood pressure appropriately to prevent related illness or death;
5. Mr. Medina be released so that his high blood pressure can be addressed in a safe, appropriate external community based setting, given the elevated risk of severe illness and death were he to contract COVID-19; and
6. Mr. Medina be given his medical records, as provided under NDS 2000, Sect III. M, “Copies of health records may be released by the facility health care provider directly to a detainee.”

Please provide a report in writing to both us and Mr. Medina regarding the status of this matter by October 28, 2021.

Sincerely,



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