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June 8, 2022

RE: **Medical Neglect of Antony Martinez 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, Ohio Immigrant Visitation, and Freedom for Immigrants submit this complaint regarding the medical neglect of Antony Martinez (A#: [REDACTED]), an individual detained by Immigration and Customs Enforcement (“ICE”) at Seneca County Jail (“Seneca”) in Tiffin, Ohio. Since we first began communicating with Mr. Martinez in January 2022, he has reported to us on a frequent basis that he is suffering severe medical negligence, and has authorized us to submit this complaint on his behalf.

Mr. Martinez has reported on a regular basis to the free and unmonitored Freedom for Immigrants (“FFI”) National Detention Hotline that **he suffers from hemoptysis and coughs up blood nearly every morning**, and that **his chest and back are in constant pain**.

The Cleveland Clinic unequivocally states that “**coughing up blood can be the sign of a serious medical condition... Seek immediate attention if you are coughing up more than a few teaspoons of blood or your cough is accompanied by... chest pain.**”<sup>1</sup>

On May 9, 2022, Dr. Joan Lederer, licensed physician and board certified in psychiatry, visited Mr. Martinez at the Seneca County Jail and evaluated him in regards to possible psychiatric diagnoses and cognitive functioning. While the evaluation was specifically focused on Mr. Martinez’ needs for mental healthcare, notably Dr. Lederer wrote in her evaluation that she is “**concerned that Mr. Martinez has hypertension and a possible ulcer. He is a young man and this needs to be assessed and treated.**”

### **Violations of the U.S. Constitution and ICE National Detention Standards**

ICE and Seneca County have a constitutional obligation to provide adequate medical care to Mr. Martinez. *See generally Estelle v. Gamble*, 429 U.S. 97 (1976). By refusing to provide basic medical care for Mr. Martinez’s serious medical needs, ICE and Seneca County place Mr. Martinez at a serious risk of harm, show deliberate indifference in violation of the Eighth Amendment, run afoul of the standard of care, and violate his right to due process under the Fifth and Fourteenth Amendments, respectively. *See, e.g., Kingsley v. Hendrickson*, 576 U.S., 135 S. Ct. 2466 (2015).

This level of medical negligence is also a direct violation of ICE’s own National Detention Standards 2019 on “Medical Care”,<sup>2</sup> with which Seneca is required by its federal contract to comply.<sup>3</sup> We are deeply concerned about Mr. Martinez’ worsening health and the severe, potentially lifelong impacts on his physical and mental well-being. On behalf of Mr. Martinez, we demand that he receive adequate medical care, and that ICE immediately release him. Furthermore, we request an immediate investigation into the medical negligence that Mr. Martinez has suffered.

### **Documented History of Medical Negligence at Seneca**

**This is not the first time that unconstitutional medical negligence has been**

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<sup>1</sup> Cleveland Clinic. “Coughing Up Blood.” January 9, 2018.  
<https://my.clevelandclinic.org/health/symptoms/17696-coughing-up-blood>.

<sup>2</sup> ICE. “National Detention Standards: Medical Care.” 2019.  
[https://www.ice.gov/doclib/detention-standards/2019/4\\_3.pdf](https://www.ice.gov/doclib/detention-standards/2019/4_3.pdf)

<sup>3</sup> Department of Justice Immigration & Naturalization Service. “Intergovernmental Service Agreement - Seneca County OH.” June 12, 1996.  
<https://embed.documentcloud.org/documents/1681306-seneca-county-oh-igsa-contract#document/p32/a222374>.

**documented at Seneca.** On October 22, 2021, another individual filed a complaint with Freedom for Immigrants regarding substandard medical care.<sup>4</sup> For nearly three months after the filing of the original complaint, this individual's condition continued to worsen from the ongoing medical negligence until he was deported by ICE.

Then, approximately two months ago on February 15, 2022, Ohio Immigrant Alliance and FFI filed another complaint regarding medical negligence and other abuses on behalf of an additional ten individuals currently or previously detained at Seneca.<sup>5</sup> **This makes Mr. Martinez the twelfth individual in ICE detention to file a complaint in collaboration with us within the past six months regarding the torturous medical negligence at Seneca.**

### ***Timeline of Medical Conditions and Inadequate Medical Care***

Below is an approximate timeline of Mr. Martinez's medical concerns as reported to the free and unmonitored FFI National Detention Hotline:

**January 14, 2022:** Mr. Martinez reported that people detained at Seneca suffer from abuse and negligence. They do not receive proper medical help nor do they receive adequate food. They have difficulty communicating with staff in the facility due to language barriers, and they have no access to COVID-19 boosters.

**January 25, 2022:** Mr. Martinez explained that he suffers from asthma, high blood pressure, and chronic gastritis. Seneca medical staff say his medical problems are not concerning; both the doctor and the nurse do not take him seriously.

**January 25, 2022:** Mr. Martinez reported that people in ICE detention at Seneca have gotten only a first dose of COVID-19 vaccine.

**February 9, 2022:** Mr. Martinez reported that he has foot and knee pain due to shoes that are too small. He asked for new shoes that fit but was told he doesn't "qualify."

**February 15, 2022:** Mr. Martinez reported that he is being treated more harshly as a person in ICE detention than people in county custody by jail staff. He fears for his life, and asked if

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<sup>4</sup> Freedom for Immigrants. "Medical Neglect of Gabino Medina at Seneca County Jail." October 22, 2021.

[https://docs.google.com/document/d/1L6GqmiFfmnFcrxJVzTsOL7N\\_Xoy5eudrqsU2L2vSvO/edit?usp=sharing](https://docs.google.com/document/d/1L6GqmiFfmnFcrxJVzTsOL7N_Xoy5eudrqsU2L2vSvO/edit?usp=sharing)

<sup>5</sup> Ohio Immigrant Alliance and Freedom for Immigrants. "Abuses and Torturous Conditions at Seneca County Jail." February 15, 2022.

<https://docs.google.com/document/d/1JgLnfpvBH37HsfQEckOIrApWAMWIVr9E4SBmFDmyGRI/edit?usp=sharing>

he could be transferred to another detention facility, to no avail.

**March 11, 2022:** Mr. Martinez reported that once after coughing up blood, he was examined by someone who claimed that he was fine. This person did not appear nor identify themselves to Mr. Martinez to be a medical professional.

**March 18, 2022:** Mr. Martinez reported that he still coughs up blood nearly every morning. He has been coughing since 2016 and understands it to be related to his chest and back pain.

**March 19, 2022:** Mr. Martinez reported that he finally received a radiography exam after months of requesting one. He remains very concerned about his psychological state after being placed in solitary confinement; it is retraumatizing him due to a prior incident in which he was kidnapped.

**May 9, 2022:** Mr. Martinez was visited and evaluated in-person by Dr. Lederer. Dr. Lederer stated in her written evaluation:

*“Considering Mr. Martinez’s history, it is understandable that he is suffering from severe PTSD. Probably one of the cruelest things one can do to someone suffering from this is giving them hours of empty time to fill with memories, flashbacks and anxiety. Post Traumatic Stress Disorder is treatable. However, I fear that **this time in prison is increasing and worsening Mr. Martinez’s symptoms and will make treatment more challenging in the future.** At the very least Mr. Martinez needs medical treatment for his insomnia, nightmares and depression... However, the core treatment for PTSD is psychotherapy.”*

As indicated by the ongoing reports from Mr. Martinez over the past six months, Mr. Martinez is not receiving appropriate and necessary medical or psychological care. The absence of such care could lead to a potentially life-threatening situation requiring emergency medical intervention.

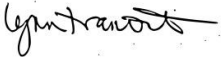
Given these concerns, there is a substantial likelihood that Mr. Martinez will face further harm should he remain detained at Seneca. As such, **we urge ICE to immediately release Mr. Martinez from immigration detention so that he is able to access appropriate and necessary medical and psychological care.**

In addition, we urge the Department of Homeland Security Office for Civil Rights and Civil Liberties, Office of the Inspector General, and Office of Immigration Detention Ombudsman to conduct comprehensive **investigations into Seneca in order to identify other individuals in ICE detention who have been subjected to severe medical neglect** while

detained there.

We remain gravely concerned that the ongoing medical neglect Mr. Martinez is experiencing at Seneca is not only negatively impacting his health and wellbeing but is potentially life-threatening. We look forward to your report in writing regarding the status of this urgent matter by June 22, 2022.

Sincerely,



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