



FREEDOM FOR IMMIGRANTS

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To Captain Fulk, Sheriff Hinton, Field Office Director Adduci, and Officer for Civil Rights & Civil Liberties Quinn:

We submit this complaint to the Department of Homeland Security (DHS) Office for Civil Rights & Civil Liberties (CRCL) detailing 15 serious violations of the Immigration & Customs Enforcement (ICE) 2019 National Detention Standards (NDS) at the Morrow County Correctional Facility (MCCF) in Mount Gilead, OH.

Per the Intergovernmental Service Agreement (IGSA) between ICE and the Morrow County Sheriff's Office, Morrow County is "required to house detainees and perform related detention services in accordance with the most current edition of ICE National Detention Standards" (p. 5).

¹ The National Detention Standards can be found on the ICE website.² As will be demonstrated by this complaint, it is evident that the MCCF is not, in fact, in accordance with the NDS, and thus is not in compliance with the detention IGSA.

As evidence we submit this list of 15 specific and serious violations of the NDS at MCCF. For

¹ Inter-Governmental Service Agreement Between ICE and Morrow County, OH. 2009.
<https://www.documentcloud.org/documents/1676176-morrow-county-oh-igsa-contract.html>.

² ICE 2019 National Detention Standards. www.ice.gov/detention-standards/2019



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this particular complaint, we will focus on the most egregious violations of the NDS, and thus want to emphasize that this list is not comprehensive:

1. Due to overcrowding, individuals detained at MCCF are sometimes forced to sleep in areas that are not allocated as living spaces, for example, the kitchen.
 - Violation of Standard II.I.1: “The facility shall ensure appropriate... detainee living space, in accordance with any applicable state and local jail/prison standards.” (2019 ICE NDS, p. 7)
2. Individuals are provided shoes by staff that do not fit them because the facility has “run out” of the appropriate size.
 - Violation of Standard 4.4.II.B: “Unusable shoes or clothing shall be replaced at no cost to the detainee.” (p. 127)
3. Staff at MCCF routinely take blankets away from individuals detained at MCCF as punishment.
 - Violation of Standard 3.1.II.A.3.: “Staff may not impose or allow imposition of the following sanctions... deprivation of clothing, bedding, or items of personal hygiene.” (p. 91)
4. Individuals with chronic medical conditions, such as diabetes, are provided the same diet as everyone else.
 - Violation of Standard 4.1.II.G.1: “Detainees with certain conditions—chronic or temporary; medical, dental, and/or psychological—shall be prescribed special (therapeutic) diets, supplemental meals, or snacks as appropriate by authorized medical staff.” (p. 102)
5. Phone calls between individuals detained at MCCF and their legal representatives are recorded.
 - Violation of Standard 5.4.II.K: “A detainee’s call to a court, a legal representative, or for the purposes of obtaining legal representation will not be aurally monitored absent a court order.” (p. 161)
6. Individuals detained at MCCF are not provided with necessary medications.
 - Violation of Standard 4.3.II.A: “Every facility shall directly or contractually provide its detainee population with ... medically necessary and appropriate medical, dental and mental health care and pharmaceutical services at no cost to the detainee.” (p. 112)
7. Individuals detained at MCCF are not given any information about the existence of a law library or how to access it.
 - Violation of Standard 6.3.II.P: “The facility shall provide detainees with the rules and procedures governing access to legal materials, communicating their content



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in a language or manner the detainee understands. Such rules and procedures shall include the following information: the scheduled hours of access to the law library; The procedure for requesting access to the law library...” (p. 189-190)

8. Individuals detained at MCCF are not given any information about the existence of a recreation space or how to access it.
 - Violation of Standard 5.2.I: “The facility shall provide detainees with access to recreational programs and activities... If only indoor recreation is available, detainees shall have access for at least one hour each day and shall have access to natural light.” (p. 152)
9. Individuals detained at MCCF are not provided copies of the ICE Handbook or facility handbook.
 - Violation of Standard 6.1.I: “Every detainee will receive a copy of this handbook upon admission to the facility along with a copy of the ICE/ERO National Detainee Handbook.” (p. 180)
10. Individuals detained at MCCF are not regularly provided with clean clothing, bed sheets, or towels, with individuals reporting spending up to 8 days in the same pair of clothes.
 - Violation of Standard 4.4.II.E: Detainees shall be provided with clean clothing, linens, and towels on a regular basis to ensure proper hygiene. Socks and undergarments will be exchanged daily, outer garments at least twice weekly and sheets, towels, and pillowcases at least weekly.” (p. 128)
11. The bathrooms at MCCF are unclean, unsanitary, and unhygienic.
 - Violation of Standard 1.1.II.I.2: “Facility cleanliness and sanitation shall be maintained. All surfaces, fixtures, and equipment shall be kept clean and in good repair. Suitable and sufficient cleaning equipment and supplies shall be available throughout the facility.” (p. 7)
12. Individuals detained at MCCF are not provided with adequate soap or toothpaste.
 - Violation of Standard 4.4.II.F: “Each detainee shall receive, at a minimum, the following items: One bar of bath soap, or equivalent... One tube of toothpaste... The facility shall replenish personal hygiene items at no cost to the detainee on an as needed basis.” (p. 128)
13. Individuals detained at MCCF are not provided with dental care, even in cases where there is severe and chronic pain caused by toothache.
 - Violation of Standard 4.3.II.H: “Emergency dental treatment shall be provided for immediate relief of pain, trauma, and acute oral infection.” (p. 115)
14. Individuals in ICE detention at MCCF are not allowed to work in the commissary, whereas the individuals in county custody are.



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- Violation of Standard 5.6.II.A: “Detainees may participate voluntarily in any facility work program.” (p. 176)

15. Individuals detained at MCCF are not provided any information about the grievance process or how to file grievances.

- Violation of Standard 6.2.II.H: “The grievance section of the facility handbook will provide notice of the following: 1. The opportunity to file a grievance, both informal and formal. 2. The procedures for filing a grievance and appeal, including the availability of assistance in preparing a grievance...” (p. 184)

We are deeply concerned that many of the NDS violations listed above have in fact already been documented by ICE itself, most recently in the Office of Detention Oversight (ODO)’s 2015 Compliance Inspection of MCCF,³ during which they identified 55 deficiencies, including, among others, the absence of a facility handbook, lack of information about the law library or grievance process, and the monitoring of legal calls.

In light of the clear lack of any improvement or progress over the five years since the ICE ODO inspection took place, we demand that the Department of Homeland Security Office for Civil Rights & Civil Liberties, Immigration & Customs Enforcement, and the Morrow County Sheriff’s Office take immediate action to remedy the violations described above.

Sincerely,

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³ ICE ODO Compliance Inspection of Morrow County Correctional Facility, 2015.
<https://www.ice.gov/doclib/foia/odo-compliance-inspections/MorrowCountyCorrectionalFacility-MountGilead-OHMar24-26-2015.pdf>