

From: (b)(6)
To: (b)(6) @cbp.dhs.gov
Cc: (b)(6) (b)(6)
Subject: RE: CRCL Short Form Complaint Number is 18-08-DHS-0342
Date: Thursday, August 2, 2018 3:47:00 PM

Please submit the requested information by September 4, 2018. Thank you.

(b)(6)
Senior Policy Advisor
Office for Civil Rights and Civil Liberties
U.S. Department of Homeland Security Headquarters
Washington, DC

(b)(6)



Homeland Security

With honor and integrity, we will safeguard the American people, our homeland, and our values
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From: (b)(6)
Sent: Thursday, August 2, 2018 3:36 PM
To: (b)(6)
(b)(6)
Cc: (b)(6)
(b)(6)
(b)(6) | MONTES, KRISTY L | (b)(6)
(b)(6)

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Dear CBP and ICE Colleagues,

Based on the below account of a detainee death, CRCL has opened this matter as a Short Form Complaint involving both CBP and ICE.

On May 29, 2018, ICE ERO notified CRCL of the death of ██████████ Hernandez, AKA Roxsana Hernandez ██████████ a 33-year old transgender woman reported to be a citizen of Honduras.

As part of ICE's death notification process, ICE provided CRCL with a timeline of events leading up to Ms. Hernandez's death. The timeline relays that Ms. Hernandez presented for U.S. admission at the San Ysidro Port of Entry (POE) on May 9, 2018, and claimed fear of return to Honduras. She remained in CBP custody until on May 13, she was transferred into ICE custody at the San Luis Regional Detention Center in Yuma, Arizona. On May 15, she was transferred to the El Paso Service

Processing Center in El Paso, Texas and, on May 16, she was finally transferred to the Cibola County Correctional Center in Milan, New Mexico. On May 17, her second day in custody at Cibola, Ms. Hernandez underwent medical screening that was conducted by facility medical staff. Concerned about the detainee's extreme weight loss since her U.S. entry on May 9 (CBP San Ysidro recorded her weight as "160 lbs." and Cibola's Health Services Administrator reported her intake weight as "85 lbs." on May 17), along with low blood pressure, cough and fever (100.8) – and to rule out pneumonia, dehydration and HIV complications – the Cibola medical unit transported her to Cibola General Hospital for further evaluation. There, Ms. Hernandez underwent additional testing for sepsis and hypotension. Cibola General Hospital subsequently transferred Ms. Hernandez by air ambulance to Lovelace Medical Center in Albuquerque, New Mexico where she remained until her May 25, 2018 death.

Also in compliance with ICE's death notification obligations to CRCL, ICE submitted several records created by CBP that discussed Ms. Hernandez's health issues, including a printout of the electronic SIGMA Event, dated May 11, 2018 – two days after she requested entry at the POE. On the top of the form is a hand-written note, "HIV Positive, No meds/fever chills." CRCL also received a MISSION Medical Support report for the same date titled, "New Patient Comprehensive Exam," which was stamped with the name, (b)(6); (b)(7)(C). All information entered on that form is also hand-written, rendering some of it unreadable. The legible notes indicate that Ms. Hernandez reported weight loss, recurring vomiting, persistent coughing with green mucus, and HIV when she was in CBP custody. The report's medications section contains a hand-written "No," and a checked-box next to "Not medically cleared for transport and incarceration." Conversely, another document created by (b)(6) on the same date clears Ms. Hernandez for transport and detention. A Scripps record produced on the same date titled "Physicians Aftercare Instructions," states, "No clinical evidence of TB, Normal Chest X-ray, +Bronchitis" and instructs that "Home Care" should include "Tylenol for fever," "ZPAK (antibiotic)," and "Albuterol inhaler."

On May 13, Ms. Hernandez was transferred from CBP custody in California to ICE custody in an Arizona detention facility, and then ICE transferred her to two additional detention facilities in Texas and New Mexico.

(b)(5)

The purpose of this review is to investigate the Short Form Complaint and information to determine whether CBP's and ICE's actions in this instance complied with civil rights and civil liberties requirements and applicable policies. Specifically, CRCL will investigate whether Ms. Hernandez was provided with the necessary medical care and medication following her health assessment in CBP custody. Therefore, CRCL requests the following information from CBP and ICE, relevant to Ms. Hernandez's custody and death:

CBP

1. (b)(5)
- 2.
- 3.
- 4.

5. (b)(5); (b)(6)
- 6.
- 7.
8. Provide CRCL with Ms. Hernandez's custody records, to include: All detention records in SIGMA and any initiated by or through U.S. Border Patrol; Monitoring logs and cell checks; Meal records; Mrs. Hernandez's requests/complaints, and; Any internal notes and emails discussing her medical care, custody, and transfer to ICE.
9. Provide CRCL with any additional medical documents not discussed in the above narrative.

ICE

1. Did ICE receive Ms. Hernandez CBP records concerning her health conditions when she was transferred from CBP custody into ICE custody? Did they accompany Ms. Hernandez during transport?
2. Provide CRCL with all records related to Ms. Hernandez arrival, intake, custody, and transfer to and from the San Luis Regional Detention Center the El Paso Service Processing Center, and the Cibola County Correctional Center.
3. Provide CRCL with all records related to Mrs. Hernandez's intake and health at the San Luis Regional Detention Center, the El Paso Service Processing Center, and the Cibola County Correctional Center.
4. Provide CRCL with all grievances and requests involving Ms. Hernandez from all three ICE facilities, including those initiated by her or submitted on her behalf.