

**Congress of the United States**  
**Washington, DC 20515**

December 6, 2019

The Honorable Joseph V. Cuffari  
Inspector General  
Office of Inspector General  
Department of Homeland Security  
245 Murray Lane SW  
Washington, DC 20528

Dear Inspector General Cuffari,

The Congressional Hispanic Caucus (CHC) requests the Department of Homeland Security Office of Inspector General (DHS OIG) to resolve in their ongoing investigation whether U.S. Customs and Border Protection (CBP) misled the American people regarding the circumstances surrounding the death of Carlos Gregorio Hernandez Vasquez. Video surveillance footage obtained by ProPublica shows that CBP inaccurately described how Carlos' body was discovered.<sup>1</sup> The footage reveals that it was Carlos' cellmate who discovered his body, not Border Patrol agents carrying out a welfare check as described in the agency's press release. Furthermore, the video surveillance obtained by ProPublica via the Weslaco Police Department is missing four hours of footage that includes the hours when an agent reported doing welfare checks on Carlos and his cellmate. The misrepresentation of how a minor died in U.S. custody and the suppression of video surveillance that holds the truth is a grave offense. DHS OIG must resolve whether CBP deliberately lied to the American people regarding the circumstances surrounding Carlos' death and whether the agency did so to conceal negligence.

Carlos, a 16-year-old Guatemalan migrant, was gravely ill when placed in detention in a small South Texas holding cell with another sick boy on the afternoon of May 19, 2019. He was diagnosed with the flu and a 103 degree fever. The nurse practitioner who diagnosed him, recommended that he should be checked again in two hours and taken to the emergency room if his condition worsened. None of that happened. He was instead quarantined at a Border Patrol station in nearby Weslaco and was dead by the next morning.

Records show that the Border Patrol fell woefully short of providing adequate care for Carlos while in their custody. Agents and health care workers at the Weslaco holding facility missed obvious signs of his deteriorating condition. The shocking video surveillance shows Carlos on the floor for at least 25 minutes before making his way to the toilet and collapsing on the floor, where he was left for nearly five hours. Per an activity log maintained by the Border Patrol, an agent checked on him three times during the early morning, but reported nothing disturbing about Carlos—despite the fact that he was lying on the floor near the toilet. Agents could have only missed Carlos' emergency if they were not looking. The video makes clear that Carlos was in severe

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<sup>1</sup> Robert Moore, Susan Schmidt, Maryam Jameel, Inside the Cell Where a Sick 16-Year-Old Boy Died in Border Patrol Care <https://www.propublica.org/article/inside-the-cell-where-a-sick-16-year-old-boy-died-in-border-patrol-care> (Last accessed Dec. 6, 2019)

distress, yet he remained in a holding cell rather than a hospital, which in this case was a fatal mistake by CBP.

The Congressional Hispanic Caucus reiterates the disturbing nature of these revelations and urges the DHS OIG to resolve in their ongoing investigation whether CBP misled the American people regarding the circumstances surrounding the death of Carlos Gregorio Hernandez Vasquez and whether the agency did so to conceal negligence. The federal government lying about the death of a minor in their custody is unacceptable and requires immediate and further investigations into the personnel involved in these decisions. If the investigation finds that personnel deliberately lied to the American people, they should be held immediately accountable to the highest degree and if necessary referred to the Department of Justice for prosecution if criminally liable.

Sincerely,



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Joaquin Castro  
Chair  
Congressional Hispanic Caucus



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Ruben Gallego  
First Vice Chair  
Congressional Hispanic Caucus



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Nanette Diaz Barragan  
Congressional Hispanic Caucus  
Second Vice Chair



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Adriano Espaillat  
Whip  
Congressional Hispanic Caucus



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Veronica Escobar  
Freshman Representative  
Congressional Hispanic Caucus



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Gilbert R. Cisneros, Jr.  
Member of Congress



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Raül M. Grijalva  
Member of Congress



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Juan Vargas  
Member of Congress



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Jesús "Chuy" García  
Member of Congress



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Jimmy Gomez  
Member of Congress

  
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Grace F. Napolitano  
Member of Congress

  
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Ben Ray Luján  
Member of Congress

  
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Raul Ruiz, M.D.  
Member of Congress