

Congress of the United States
Washington, DC 20515

November 4, 2019

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

Dear Dr. Cuffari:

We are alarmed by reports that U.S. Immigration and Custom Enforcement (ICE) failed to preserve surveillance footage related to the death of Roxsana Hernandez. This video footage would have shown Ms. Hernandez's final days in ICE detention before she was transferred to the hospital and died.

Roxsana Hernandez, 33, was a trans woman from Honduras who presented herself at the San Ysidro Port of Entry in California on May 9, 2018. On May 13, she was transferred to ICE custody at Cibola County Correctional Center in New Mexico. On May 17, Ms. Hernandez was admitted to Cibola General Hospital and later transferred to Albuquerque's Lovelace Medical Center. She remained at Lovelace Medical Center in intensive care until she died on May 25.¹ The New Mexico Office of the Medical Investigator found Hernandez died of a rare disease contracted due to AIDS, following a "rapidly progressive illness."²

Ms. Hernandez's family and attorneys contend her death was preventable because she received inadequate medical care.³ In addition, they allege Ms. Hernandez was physically abused while detained at the Cibola County Corrections Center.⁴ An independent autopsy found evidence of physical assault and abuse, including deep bruising on Ms. Hernandez's rib cage and deep contusions on her back. Her wrists also showed bleeding consistent with handcuff injuries.⁵

Video surveillance would have been crucial in determining how Ms. Hernandez was treated while in ICE detention, but this video was deleted. According to an August 22, 2018 email, an official with ICE's Office of Professional Responsibility requested a CD of video surveillance

¹ <https://www.nbcnews.com/feature/nbc-out/transgender-migrant-honduras-dies-u-s-custody-n878596>

² <https://www.washingtonpost.com/immigration/2019/10/25/ice-knew-detainees-death-was-under-scrutiny-allowed-video-be-deleted-anyway-lawyers-say/>

³ <https://www.washingtonpost.com/nation/2018/11/27/transgender-asylum-seeker-was-beaten-before-her-death-according-new-autopsy/>

⁴ Ibid.

⁵ Ibid.

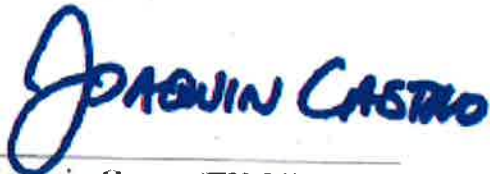
watched onsite at the Cibola County Corrections Center.⁶ However, a staff member from ICE's Albuquerque office replied on August 28 saying "the requested video was no longer available since footage is held in memory up to around 90 days."⁷

We ask that the Department of Homeland Security Office of the Inspector General investigate:

- (1) Whether Ms. Roxsana Hernandez received adequate medical care while in ICE custody;
- (2) If Ms. Hernandez was abused while in ICE custody;
- (3) The extent to which ICE protocols for reviewing a detainee's death were followed in the case of Ms. Hernandez; and
- (4) Whether ICE's protocols for internal reviews of detainee deaths are sufficient, including any policies on retaining video surveillance.

Thank you for your attention to this important matter.

Sincerely,



Joaquin Castro (TX-20)
Chairman
Congressional Hispanic Caucus



Xochitl Torres Small (NM-2)
Member of Congress



Ben Ray Lujan (NM-03)
Member of Congress



Deb Haaland (NM-1)
Member of Congress



Rep. Bennie G. Thompson (MS-2)
Chairman
Committee on Homeland Security



Jerrold Nadler (NY-10)
Chairman
House Committee on the Judiciary



Zoe Lofgren (CA-11)
Chairwoman
House Judiciary Immigration and
Citizenship Subcommittee

⁶ <https://www.lgbtqnation.com/2019/10/ice-destroyed-video-footage-transgender-asylum-seeker-mysteriously-died-custody/>

⁷ *ibid.*