

 <p>DEPARTMENT OF HOMELAND SECURITY Immigration and Customs Enforcement</p> <p>REPORT OF INVESTIGATION HB 4200-01 (37), Special Agent Handbook</p>		<p>1. CASE NUMBER 201311024</p> <p>PREPARED BY [REDACTED]</p> <p>2. REPORT NUMBER 002</p>
<p>3. TITLE RODRIGUEZ, Lelis/Unknown/0109 Detainee/Alien - Death (Known Cause -Terminal Illness)/HARLINGEN, CAMERON, TX</p>		
<p>4. FINAL RESOLUTION Referred to Management</p>		
<p>5. STATUS Closing Report</p>	<p>6. TYPE OF REPORT Investigative Findings</p>	<p>7. RELATED CASES</p>
<p>8. TOPIC REPORT OF DEATH OF DETAINEE LELIS RODRIGUEZ</p>		
<p>9. SYNOPSIS On July 31, 2013, the Joint Intake Center, Washington, D.C., received notification of the death of Immigration and Customs Enforcement Detainee Lelis RODRIGUEZ (Alien Number [REDACTED]) RODRIGUEZ, a citizen of Honduras, was born on January 21, 1963, and died on July 31, 2013, at Valley Baptist Medical Center, Harlingen, Texas, as a result of an intracranial hemorrhage and hypertension. He was 50 years old when he died.</p> <p>The Immigration and Customs Enforcement, Office of Professional Responsibility, Office of Detention Oversight completed a Detainee Death Review regarding the death of RODRIGUEZ. This report documents the findings of the review.</p>		
<p>10. CASE OFFICER (Print Name & Title) [REDACTED] - ICE-OPR Special Agent</p>	<p>11. COMPLETION DATE 11-FEB-2014</p>	<p>14. ORIGIN OFFICE ICE OPR Office of Detention Oversight (ODO)-Houston</p>
<p>12. APPROVED BY(Print Name & Title) [REDACTED] - ICE-OPR Special Agent Supervisor</p>	<p>13. APPROVED DATE 11-FEB-2014</p>	<p>15. TELEPHONE NUMBER No Phone Number</p>
<p><small>THIS DOCUMENT IS LOANED TO YOU FOR OFFICIAL USE ONLY AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY. ANY FURTHER REQUEST FOR DISCLOSURE OF THIS DOCUMENT OR INFORMATION CONTAINED HEREIN SHOULD BE REFERRED TO HEADQUARTERS, DEPARTMENT OF HOMELAND SECURITY, TOGETHER WITH A COPY OF THE DOCUMENT.</small></p>		
<p><small>THIS DOCUMENT CONTAINS INFORMATION REGARDING CURRENT AND ON-GOING ACTIVITIES OF A SENSITIVE NATURE. IT IS FOR THE EXCLUSIVE USE OF OFFICIAL U.S. GOVERNMENT AGENCIES AND REMAINS THE PROPERTY OF THE DEPARTMENT OF HOMELAND SECURITY IT CONTAINS NEITHER RECOMMENDATIONS NOR CONCLUSIONS OF THE DEPARTMENT OF HOMELAND SECURITY. DISTRIBUTION OF THIS DOCUMENT HAS BEEN LIMITED AND FURTHER DISSEMINATION OR EXTRACTS FROM THE DOCUMENT MAY NOT BE MADE WITHOUT PRIOR WRITTEN AUTHORIZATION OF THE ORIGINATOR.</small></p>		

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION CONTINUATION</p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<p>1. CASE NUMBER</p> <p>201311024</p>
	<p>PREPARED BY</p> <p>██████████ ██████████</p>
	<p>2. REPORT NUMBER</p> <p>002</p>
<p>10. NARRATIVE</p> <p>DETAILS OF INVESTIGATION</p> <p>On July 31, 2013, the Joint Intake Center, Washington, D.C., received notification of the death of Immigration and Customs Enforcement (ICE) Detainee Lelis RODRIGUEZ (Alien Number ██████████ ██████████ see also note below). RODRIGUEZ was born on January 21, 1963, and died on July 31, 2013, at the age of 50, at Valley Baptist Medical Center (VBMC), Harlingen, Texas, as a result of an intracranial hemorrhage and hypertension.</p> <p>NOTE: USCIS intends that an alien have only one Alien Number under which all immigration documents and records are filed and recorded from when that alien first enters the United States, until such time citizenship might be granted. Occasionally, due to administrative error, an alien can be associated with more than one Alien Number, which is the case with RODRIGUEZ, who had some records filed under Alien Number ██████████ ██████████ ██████████ and others filed under Alien Number ██████████ ██████████ ██████████</p> <p>RODRIGUEZ was taken from the Rio Grande Valley Staging (RGVS), Los Fresnos, Texas, to VBMC, where he died. RGVS, which is collocated with the Port Isabel Detention Center (PIDC), holds detainees under an Intergovernmental Service Agreement (IGSA) with ICE, signed July 10, 2008. RGVS is operated by Ahtna Technical Services, Incorporated (ATSI).</p> <p>RGVS is a detention facility that accommodates adult male and female detainees of all security classification levels (Level I - lowest threat, Level II - medium threat, Level III - highest threat) for periods under 12 hours. RGVS has a detainee capacity of 202 and serves as a staging area for ICE detainees immediately prior to removal from the United States to their country of citizenship. Processing of detainees at RGVS includes medical screening. The ICE Health Service Corps (IHSC) and contractor InGenesis provide medical care at RGVS.</p> <p>NOTE: The Office of Detention Oversight (ODO) does not conduct compliance inspections of detention facilities designated to hold ICE detainees for less than 72 hours, such as RGVS.</p> <p>RODRIGUEZ was in ICE custody at the Brooks County Detention Center (BCDC), Falfurrias, Texas, from July 22 to 29, 2013, prior to his transfer to RGVS on July 29. BCDC holds detainees under an Intergovernmental Agreement (IGA) with the U.S. Marshals Service, signed March 12, 2013, and is operated by LCS Corrections Services, Incorporated (LCS). BCDC houses security classification Level I - lowest threat adult male and female detainees for periods in excess of 72 hours. BCDC has a detainee capacity of 585 and an emergency capacity of 652. The average length of stay per detainee is four days. Medical care at BCDC is provided by LCS. BCDC is</p>	

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION CONTINUATION</p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<p>1. CASE NUMBER</p> <p>201311024</p>
	<p>PREPARED BY</p> <p>██████████ ██████████</p>
	<p>2. REPORT NUMBER</p> <p>002</p>
<p>10. NARRATIVE</p> <p>accredited by the Texas Commission on Jail Standards.</p> <p>The ICE Office of Enforcement and Removal Operations (ERO), San Antonio, Texas (ERO San Antonio) Field Office Director is responsible for ensuring compliance with the ICE National Detention Standards (NDS) at BCDC. Staging facilities such as RGVS are not covered by the ICE NDS. An Assistant Field Office Director located at PIDC, Los Fresnos, Texas, has direct oversight of ICE operations at BCDC and RGVS.</p> <p>On August 12, 2013, the matter of RODRIGUEZ's death was assigned to ODO for a Detainee Death Review (DDR).</p> <p>On September 9, 2013, a team from ODO traveled to RGVS to perform the on-site portion of the DDR. ODO was assisted by physician assistant (PA) ██████████ ██████████ a medical subject matter expert (SME) employed by Creative Corrections, LLC, a national management and consulting firm contracted by ICE to provide expertise in detention health care and detention management. During the review, ODO and the Creative Corrections SME interviewed staff from RGVS, BCDC, ERO San Antonio, and the United States Border Patrol (USBP), and examined policies, medical records, and detention files pertaining to RODRIGUEZ.</p> <p>ODO established a chronology regarding RODRIGUEZ' immigration proceedings, through the death of RODRIGUEZ on July 31, 2013, while in ICE custody. The Alien file (A File) for RODRIGUEZ was not available for review. The temporary file provided to ODO did not contain all copies of the applications and petitions filed for RODRIGUEZ. ODO obtained an electronic list of immigration benefit applications filed by RODRIGUEZ from the U.S. Citizenship and Immigration Services (USCIS) Computer Linked Application Information Management System (CLAIMS) database (Exhibit 1).</p> <p>On December 31, 1998, at approximately 3:15 a.m., RODRIGUEZ was apprehended by the USBP in Laredo, Texas. On the same date, RODRIGUEZ was released on his own recognizance (Exhibit 2).</p> <p>According to the CLAIMS list (Exhibit 1), on June 7, 1999, RODRIGUEZ filed a Form I 821 (receipt number EAC9920651722), is an "Application for Temporary Protected Status" (TPS), requesting a special immigration status granted to aliens from designated countries, and a Form I 765 (receipt number EAC9920651534), an "Application for Employment Authorization," requesting an Employment Authorization Document (EAD) permitting lawful employment in the United States. At that time RODRIGUEZ filed these documents, both applications were assigned Alien Number ██████████</p>	

DEPARTMENT OF HOMELAND SECURITY


**REPORT OF INVESTIGATION
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201311024

PREPARED BY
2. REPORT NUMBER

002

10. NARRATIVE

An expanded view of the CLAIMS record for receipt number EAC9920651534 (Exhibit 3) reveals the EAD application was approved on January 3, 2000 and was valid until July 5, 2000.

An expanded view of the CLAIMS record for receipt number EAC9920651722 (Exhibit 4) reveals the TPS application was approved on January 11, 2000 and was valid until July 5, 2000.

On May 8, 2001, the wife of RODRIGUEZ, Susana Maldonado, a citizen of the United States, filed Form I-130 (receipt number EAC0123852524), "Petition for Alien Relative" for RODRIGUEZ under his then-assigned Alien Number of . The petition was denied by U.S. Citizenship and Immigration Services (USCIS) on May 2, 2002 (Exhibit 1). ODO verified the validity of the document via the USCIS CLAIMS database. A copy of this application is not an exhibit in this report, because the physical Alien File was not available. However, copies of "Biographic Information" forms for RODRIGUEZ and Susan Maldonado dated April 30, 2001, filed in support of the Form I-130, were available (Exhibit 5).

On June 14, 2001, a Notice of Hearing in Removal Proceedings pertaining to Alien Number was sent to RODRIGUEZ's last known address of record, informing him that a hearing on his possible removal would be held before the Immigration Court in San Antonio, Texas, on January 31, 2002, that he was required to appear for the hearing, and that the hearing could be held in his absence (Exhibit 6).

On February 1, 2002, an immigration judge, after conducting an in absentia hearing, ordered the removal of RODRIGUEZ for being an alien present in the United States without admission or parole under section 212(a)(6)(a)(i) of the Immigration and Nationality Act (INA) (Exhibit 7).

On January 2, 2005, RODRIGUEZ again filed an application for TPS (receipt number WAC0509978751) (Exhibit 8), and an application for an EAD (receipt number WAC0509978752) (Exhibit 9). Both applications, which were filed under Alien Number were approved on August 16, 2005. These documents are also referenced in the USCIS CLAIMS database (Exhibit 1).

U.S. VISIT records indicate that RODRIGUEZ departed the United States on August 25, 2005, (Exhibit 10). Nevertheless he continued to apply for renewals of TPS and EADs; applications under Alien Number that were administratively closed in 2009, but applications in July 2010 and January 2012 under Alien Number were approved (Exhibit 1).

DEPARTMENT OF HOMELAND SECURITY


**REPORT OF INVESTIGATION
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201311024

PREPARED BY

[REDACTED]

2. REPORT NUMBER

002

10. NARRATIVE

On July 16, 2013, at 11:37 p.m., RODRIGUEZ was apprehended by USBP Border Patrol Agent (BPA) [REDACTED] at or near Hidalgo, Texas (Exhibit 11). The Form I-213, "Record of Deportable/Inadmissible Alien" prepared by BPA [REDACTED] indicates that RODRIGUEZ admitted to illegal entry and presence in the United States, and to having a prior order of removal (Exhibit 11). On July 19, 2013, the Order of Removal entered against RODRIGUEZ on February 1, 2002, was reinstated per INA Section 241(a)(5) (Exhibit 14). RODRIGUEZ indicated he did not wish to contest this determination (Exhibit 14).


RODRIGUEZ was held at USBP Weslaco until his transfer to USBP Harlingen. RODRIGUEZ was on a list of aliens held at USBP Weslaco from July 16 to 19, 2013 (Exhibit 13). On July 19, 2013, at approximately 10:47 p.m., RODRIGUEZ was transported by USBP Weslaco to USBP Harlingen (Exhibit 12). BPA [REDACTED] interviewed and processed RODRIGUEZ at USBP Harlingen.


A review of a "Rio Grande Valley (RGV) Staging Tentative Case Acceptance Request" (Exhibit 15) prepared for RODRIGUEZ by BPA [REDACTED] dated July 18, 2013, documents that BPA [REDACTED] checked "NO" after the question, "Does alien have health problems/issues?" BPA [REDACTED] checked "YES" after the question, "Was the alien prescribed medication?" BPA [REDACTED] did not provide any additional information on the form, which specifically directed, "If YES to any questions above; please explain." BPA [REDACTED] did not obtain answers to all of the health-related questions on the form.

During interviews with BPA [REDACTED] and BPA [REDACTED] both stated RODRIGUEZ did not appear to require medical attention, and RODRIGUEZ did not possess medication when housed at USBP Weslaco or USBP Harlingen. BPA [REDACTED] and BPA [REDACTED] stated USBP Weslaco and USBP Harlingen do not have a medical unit or medical staff on-site; therefore, detainees taking medication or requiring medical care are transported to an outside medical facility. BPA [REDACTED] and BPA [REDACTED] stated that when detainees arrive at USBP Weslaco, detainee property is placed in individual mesh bags tagged with a unique registration number and the name of the detainee.

On July 22, 2013, at 7:20 p.m., RODRIGUEZ came into ICE custody when contractor Trailboss transported RODRIGUEZ from USBP Harlingen to BCDC. On that same date, at 9:00 p.m., RODRIGUEZ arrived at BCDC (Exhibit 16).

RODRIGUEZ was booked into BCDC on July 22, 2013 (Exhibit 17). On that same date, documentation prepared by BCDC Correctional Officer (CO) [REDACTED] reflects that at 9:00

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p> <p>HB 4200-01 (37), Special Agent Handbook</p>	<p>1. CASE NUMBER</p> <p>201311024</p> <p>PREPARED BY</p> <p>██████████ ██████████</p> <p>2. REPORT NUMBER</p> <p>002</p>
<p>10. NARRATIVE</p> <p>p.m. on July 22, CO ██████████ screened RODRIGUEZ for suicidal tendencies and medical or mental impairments. CO ██████████ documented that RODRIGUEZ stated he was taking medication for high blood pressure, had a cough, and had fungus on his hands and feet. This information was recorded on the BCDC "Screening Form for Suicide and Medical and Mental Impairments" (Exhibit 18). CO ██████████ also noted on the BCDC "Screening Form for Suicide and Medical and Mental Impairments" that RODRIGUEZ was taking "Suspreme" for blood pressure. However, CO ██████████ wrote in his "Employee Statement" that RODRIGUEZ did not tell CO ██████████ there was medication on RODRIGUEZ or with the personal property belonging to RODRIGUEZ. CO ██████████ also wrote in his Employee Statement that he advised RODRIGUEZ to notify BCDC medical staff regarding the high blood pressure (Exhibit 19).</p> <p>During an interview with ODO, BCDC Warden Javier Aleman stated the screening form completed by CO ██████████ was not received by BCDC medical staff. ODO confirmed the "Screening Form for Suicide and Medical and Mental Impairments" was not forwarded to the medical unit, but had remained in a general file within the BCDC sally port at intake.</p> <p>On July 22, 2013, at approximately 9:15 p.m., BCDC CO ██████████ ██████████ screened RODRIGUEZ at booking for suicidal tendencies and medical or mental impairments. CO ██████████ documented on a BCDC "Screening Form for Suicide and Medical and Mental Impairments" form (Exhibit 20) that RODRIGUEZ stated he was suffering from high blood pressure and a common cold. Both on the form and in her employee statement (Exhibit 21), CO ██████████ documented that when RODRIGUEZ was asked about medication, RODRIGUEZ responded by stating he was not taking anything. CO ██████████ stated her interview of RODRIGUEZ was conducted in Spanish (Exhibit 21).</p> <p>A BCDC property receipt dated July 22, 2013 (Exhibit 22) reflects that property belonging to RODRIGUEZ was inventoried as one T-shirt, one pair of pants, and one pair of shoes. The property receipt also reflects RODRIGUEZ was placed in the P4B dormitory, bunk 34. RODRIGUEZ also had \$20.00 U.S. currency, which is reflected on the BCDC Intake Cash Deposit Form (Exhibit 23).</p> <p>ODO found no records generated by the USBP or BCDC listing medication on the inventory of property belonging to RODRIGUEZ. However, as discussed later in this report, ODO found medication (Exhibit 48) among RODRIGUEZ' property when ODO examined it after his death.</p> <p>On July 23, 2013, RODRIGUEZ received a chest X-ray for tuberculosis that showed no evidence of acute cardiopulmonary disease, and no evidence of acute or active tuberculosis (Exhibit 24).</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p> <p>HB 4200-01 (37), Special Agent Handbook</p>	<p>1. CASE NUMBER</p> <p>201311024</p> <p>PREPARED BY</p> <p>██████████ ██████████</p> <p>2. REPORT NUMBER</p> <p>002</p>
<p>10. NARRATIVE</p> <p>On July 24, 2013, at approximately 12:33 p.m., RODRIGUEZ underwent an intake medical screening by BCDC Certified Medical Assistant (CMA) ██████████ ██████████. ODO confirmed the intake "Medical History and Screening" form was completed two days after RODRIGUEZ was admitted to BCDC, which was within 14 days of arrival as required by the NDS standard for Medical Care. No chronic care issues were identified, and the "Medical History and Screening" form (Exhibit 25) documented a negative response to health history questions, including history of hypertension and current medication. Blood pressure was recorded as 110/70; this reading is the first record of RODRIGUEZ' blood pressure being taken after he was apprehended, and the only record of its being taken while he was at BCDC.</p> <p>RODRIGUEZ signed the consent to disclose information form (Exhibit 26), and the general consent for treatment and the acknowledgement of receipt of information on accessing health care services form (Exhibit 27). A "Health Summary for Classification" form (Exhibit 28), a "Substance Abuse/Social History" form (Exhibit 29), and a "Screening Form for Suicidal and Medical and Mental Impairments" (Exhibit 30) were also completed at the time of the medical history and screening. No concerns were noted.</p> <p>ODO, with assistance from ERO San Antonio, confirmed there are no records reflecting RODRIGUEZ received medical treatment, submitted complaint forms, made sick call or ICE requests, or made phone calls during his detention at BCDC.</p> <p>On July 29, 2013, a "Medical Summary of Federal Prisoner/Alien in Transit" form signed by BCDC CMA Monica Ramirez documents RODRIGUEZ had no medical problems. It does not indicate that RODRIGUEZ was taking medication (Exhibit 31).</p> <p>A BCDC evidence/property receipt dated July 29, 2013, reflects RODRIGUEZ signed and acknowledged receipt of his \$20.00 at the time of his release from BCDC (Exhibit 32). This receipt does not reference any of RODRIGUEZ' other property.</p> <p>On July 29, 2013, at approximately 6:00 p.m., RODRIGUEZ was transported by contractor Trailboss from BCDC to RGVS. On the same date, at approximately 8:15 p.m., RODRIGUEZ arrived at RGVS (Exhibit 33). During an interview, RGVS CO ██████████ ██████████ stated that RODRIGUEZ was placed in a holding cell pending a medical screening evaluation by RGVS medical staff prior to the imminent removal of RODRIGUEZ from the United States to Honduras, his country of citizenship.</p> <p>During a telephonic interview conducted by Creative Corrections PA ██████████ IHSC Licensed</p>	

DEPARTMENT OF HOMELAND SECURITY


**REPORT OF INVESTIGATION
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201311024

PREPARED BY

[REDACTED]

2. REPORT NUMBER

002

10. NARRATIVE

Vocational Nurse (LVN) [REDACTED] stated that, on July 29, 2013, at approximately 9:30 p.m., she examined RODRIGUEZ at RGVS. LVN [REDACTED] stated she documented RODRIGUEZ had a headache, blood pressure of 172/90 that required re-checking, and no other medical concerns. However, PA [REDACTED] was unable to obtain documentation supporting LVN [REDACTED] statement. LVN [REDACTED] stated RODRIGUEZ reported he had high blood pressure, and that medication for the condition was in his property. LVN [REDACTED] stated RODRIGUEZ told LVN [REDACTED] he informed BCDC correctional and medical staff about his hypertension medication. LVN [REDACTED] stated she searched the property bag belonging to RODRIGUEZ and found an envelope containing Enalapril tablets (for hypertension) in a unit dose package labeled in Spanish. She said she left the medication in his property bag.


Rodriguez returned to the holding cell and was told his blood pressure would be checked again in one hour (Exhibit 42). On July 30, 2013, at approximately 12:10 a.m., CO [REDACTED] documented in an incident report (Exhibit 35) that he escorted RODRIGUEZ to the medical staging area to check his blood pressure.


On July 30, 2013, at approximately 12:04 a.m., blood pressure for RODRIGUEZ was re-checked by LVN [REDACTED]. LVN [REDACTED] recorded a resting blood pressure of 200/110, pulse 70, and respirations 20 (Exhibit 34). LVN [REDACTED] documented that RODRIGUEZ complained of a headache and dizziness and stated it had been 45 days since he had taken his medication. RODRIGUEZ appeared calm and coherent.


LVN [REDACTED] documented in her notes (Exhibit 34) that she found RODRIGUEZ on the floor after CO [REDACTED] notified her that RODRIGUEZ had fallen out of a chair and onto the floor. LVN [REDACTED] evaluated RODRIGUEZ and noted no injuries. LVN [REDACTED] documented vital signs for RODRIGUEZ as blood pressure 201/146, pulse 78, respirations 20, and oxygen level saturation of 98 percent. RODRIGUEZ was placed on oxygen. RODRIGUEZ complained of right side headache, right shoulder pain, and LVN [REDACTED] noted (Exhibit 34) twitching of the right arm and right leg. An automated external defibrillator (AED) was brought to the area with other emergency equipment.


LVN [REDACTED] called Los Fresnos Emergency Medical Services (EMS) and completed the required United States Public Health Service (USPHS) referral forms, consisting of the "Treatment Authorization Request" (TAR) form (Exhibit 36), "Transportation Request" form (Exhibit 37), and "Treatment Authorization and Consultation" form (Exhibit 38).

On July 30, 2013, at approximately 12:40 a.m., Los Fresnos EMS arrived at RGVS and

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p> <p>HB 4200-01 (37), Special Agent Handbook</p>	<p>1. CASE NUMBER</p> <p>201311024</p> <p>PREPARED BY</p> <p>██████████ ██████████</p> <p>2. REPORT NUMBER</p> <p>002</p>
<p>10. NARRATIVE</p> <p>transported RODRIGUEZ to VBMC. Prior to departure, vital signs for RODRIGUEZ were recorded as blood pressure 190/117, pulse 74, respirations 20, and oxygen level saturation of 90 percent (Exhibit 34).</p> <p>Los Fresnos EMS could not locate an EMS report or other documentation concerning the transport of RODRIGUEZ from RGVS to the VBMC Emergency Department, when requested by ODO.</p> <p>According to documentation obtained from VBMC, on July 30, 2013, at approximately 1:14 a.m., Los Fresnos EMS arrived at VBMC (Exhibit 39). The VBMC documentation also indicated that when EMS arrived at RGVS, RODRIGUEZ was answering questions, but, "on arrival to ER patient has decreased mental status."</p> <p>On July 30, 2013, at approximately 2:30 a.m., IHSC Registered Nurse (RN) ██████████ ██████████ documented (Exhibit 40) receipt of a phone call from a member of the VBMC Emergency Room staff providing information that an MRI (Magnetic Resonance Imaging) showed RODRIGUEZ had a hematoma (a localized collection of blood outside the vessels) extending into the right side of his brain approximately seven to eight millimeters.</p> <p>On July 30, 2013, at 2:23 a.m., RODRIGUEZ was admitted to the VBMC Intensive Care Unit (ICU) with a preliminary diagnosis of intracranial hemorrhage (Exhibit 41).</p> <p>On September 17, 2013, IHSC completed a Root Cause Analysis Report (Exhibit 42) regarding RODRIGUEZ that documents that on July 30, 2013, at approximately 3:50 a.m., doctors at VBMC ICU diagnosed RODRIGUEZ with an intracranial hemorrhage with a Glasgow Coma Scale of 4. Blood pressure for RODRIGUEZ was recorded as 158/77. RODRIGUEZ had been placed on a ventilator.</p> <p>On July 30, 2013, at approximately 2:30 p.m., RODRIGUEZ was pronounced brain dead by VBMC (Exhibit 43).</p> <p>On July, 31, 2013, ICE Supervisory Detention and Deportation Officer (SDDO) ██████████ ██████████ ██████████ of PIDC wrote a letter (Exhibit 44) to Dr. ██████████ of VBMC, stating that Dr. ██████████ had informed him the Honduran Consulate did not want to take RODRIGUEZ off the ventilator until they made contact with family members. SDDO ██████████ also stated Dr. ██████████ informed him it was VBMC's intention to shut down the ventilator since RODRIGUEZ had been pronounced brain dead on July 30, 2013, at 2:30 p.m. by Dr. ██████████ ██████████ however, VBMC kept RODRIGUEZ on ventilator to see if his family wanted to donate his organs. SDDO ██████████ requested Dr. ██████████ contact the</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p> <p>HB 4200-01 (37), Special Agent Handbook</p>	<p>1. CASE NUMBER</p> <p>201311024</p> <p>PREPARED BY</p> <p>██████████ ██████████</p> <p>2. REPORT NUMBER</p> <p>002</p>
<p>10. NARRATIVE</p> <p>Honduran consulate prior to removing RODRIGUEZ from the ventilator.</p> <p>On July 31, 2013, at approximately 5:52 p.m., in an email (Exhibit 45) to the Honduran Consulate, Houston, Texas, VBMC Dr. ██████████ wrote that RODRIGUEZ had never improved after admission, noting again that he was pronounced brain dead on July 30, 2013, at 2:30 pm. Dr. ██████████ stated the intention to remove RODRIGUEZ from the ventilator 24 hours after the declaration of brain death. After talking to ICE and the Consulate, RODRIGUEZ was removed from the ventilator at 5:52 p.m. on July 31, 2013. The dates and times of RODRIGUEZ's brain death and cardiac death were also documented on VBMC's "Patient Expiration Record" (Exhibit 46).</p> <p>On July 31, 2013, at approximately 6:45 p.m., the VBMC morgue received RODRIGUEZ's body, as recorded on a VBMC "Paraprofessional Progress Notes" form (Exhibit 47).</p> <p>On August 12, 2013, VBMC released RODRIGUEZ's body to the Elizondo Funeral Home (Exhibit 47).</p> <p>On August 30, 2013, a death certificate (Exhibit 48) was issued by the State of Texas, recording the time of death as 5:52 p.m. on July 31, 2013, listing the immediate cause of death as intracranial hemorrhage with underlying cause of hypertension. An apostille was issued by the State of Texas on September 3, 2013, noting it was requested for use in Honduras (Exhibit 49).</p> <p>On September 17, 2013, ODO visited the Honduran Consulate, Houston, Texas, and conducted an inventory of property received by the consulate from ERO San Antonio on August 5, 2013 (Exhibit 50). The property was in a red mesh bag with a Department of Homeland Security, U.S. Customs and Border Protection "Baggage Check" bearing the number 4678014, and the name "RODRIGUEZ, Lelis." The bag contained one pair of boots, one shirt, one flashlight, nine identity documents, including an Employment Authorization document valid from March 23, 2012, to July 5, 2013, two credit cards, one religious card, and a copy of an ERO incident report (photo Exhibit 51). There was also a medication blister pack for 15 tablets with nine remaining Elite Enalapril tablets, which is a medication used to treat hypertension (photo Exhibit 52).</p> <p>CRIMINAL HISTORY</p> <p>Not Applicable</p> <p>MEDICAL COMPLIANCE REVIEW</p>	

 <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION CONTINUATION</p> <p>HB 4200-01 (37), Special Agent Handbook</p>	<p>1. CASE NUMBER</p> <p>201311024</p> <p>PREPARED BY</p> <p>██████████ ██████████</p> <p>2. REPORT NUMBER</p> <p>002</p>
<p>10. NARRATIVE</p> <p>Creative Corrections SME ██████████ performed the medical compliance review. SME ██████████ determined the health care provided to RODRIGUEZ at BCDC did not comply with the ICE NDS. The report from Creative Corrections is attached (Exhibit 53).</p> <p>INVESTIGATIVE FINDINGS</p> <p>The ICE NDS standard for Medical Care requires detainees have access to medical services that promote detainee health and general well-being, and that their health care needs are met in a timely and efficient manner. The ICE NDS standard for Funds and Personal Property requires that all facilities provide for the control and safeguarding of detainee's personal property. This will include the secure storage of funds, valuables, baggage and other personal property, a procedure for documentation and receipting of surrendered property, and the initial and regularly scheduled inventories of all funds, valuables and other property. During the course of the review, ODO determined BCDC failed to fully comply with the Medical Care NDS and the Funds and Personal Property NDS. Deficiencies and areas of concern were identified in multiple components of the Medical Care NDS.</p> <p>1. ICE NDS, Medical Care, section (III)(D), states, "All new arrivals shall receive initial medical and mental health screening immediately upon their arrival by a health care provider or an officer trained to perform this function. This screening shall include observation and interview items related to the detainee's potential suicide risk and possible mental disabilities, including mental illness and mental retardation."</p> <p>The detainee was provided an initial medical and mental health screening two days after admission to BCDC. Procedures were not in place requiring screening upon arrival. The screening timeframe set by the facility is 72 hours.</p> <p>Additionally, though not determined deficient with respect to the care provided to detainee RODRIGUEZ at BCDC, ODO identified compliance concerns relating to the following sections of the Medical Care standard:</p> <p>2. ICE NDS, Medical Care, section (III)(H), states, "Detention staff will be trained to respond to health-related emergencies within a 4-minute response time. This training will be provided by a responsible medical authority in cooperation with the OIC and will include the following... The administration of first aid and cardiopulmonary resuscitation (CPR)."</p> <p>Only four of seven medical staff whose training records were reviewed by ODO contained</p>	

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION CONTINUATION</p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<p>1. CASE NUMBER</p> <p>201311024</p>
	<p>PREPARED BY</p> <p>██████████ ██████████</p>
	<p>2. REPORT NUMBER</p> <p>002</p>
<p>10. NARRATIVE</p> <p>documentation of training in CPR and first aid. This did not specifically affect the care provided to RODRIGUEZ, because emergency response was not required at BCDC.</p> <p>3. ICE NDS, Medical Care, section (III)(A) states, "All facilities will employ, at a minimum a medical staff large enough to perform basic exams and treatments for all detainees. The OIC, with the cooperation of the Clinical Director, will negotiate and keep current arrangements with nearby medical facilities or health care providers to provide required health care not within the facility. These arrangements will include securing appropriate custodial officers to transport and remain with the detainee for the duration of any off-site treatment or hospital admission."</p> <p>Medical services at BCDC are primarily provided by low-level medical professionals, such as LVNs and CMAs. Oversight and clinical supervision of on-site medical staff are limited to that which can be provided by the physician and the HSA, who is a registered nurse. The only physician at BCDC is present at the facility two hours per week. There are no physician assistants or nurse practitioners, and there are no mental health personnel. At the time of the review, BCDC had a total inmate and detainee population of 652, which included 63 chronic care patients. The detainee population in fiscal year 2013 has averaged 208, with total detainee admissions numbering in excess of 25,000. Given the intake volume and average daily population, staffing is cited as a concern. Adequate staffing by medical professionals of appropriate levels is critical to ensuring the health care needs of detainees are met in a timely manner. Interviews with BCDC medical staff and a review of BCDC medical records confirm RODRIGUEZ was not seen by the physician contracted by this facility.</p> <p>4. ICE NDS, Funds and Personal Property, section (III)(C) states, "All detention facilities shall have policies and procedures to account for and safeguard detainee property at time of admission."</p> <p>"Medical staff will determine the disposition of all medicine accompanying an arriving detainee."</p> <p>BCDC failed to verify and inventory medication in the possession of RODRIGUEZ upon arrival at BCDC after RODRIGUEZ notified BCDC staff he was on hypertension medication. ODO confirmed the property bag belonging to RODRIGUEZ contained Enalapril tablets, which are used to treat hypertension.</p> <p>NOTE: During the course of this investigation, ODO observed overcrowding of detainees in holding cells at USBP Weslaco and USBP Harlingen, and confirmed the placement of CBP detainees in holding cells in excess of 12 hours at USBP Weslaco and USBP Harlingen. ODO</p>	

DEPARTMENT OF HOMELAND SECURITY



**REPORT OF INVESTIGATION
CONTINUATION**

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201311024

PREPARED BY

██████████ ██████████


2. REPORT NUMBER

002

10. NARRATIVE

reported this information to the U.S. Customs and Border Protection, Office of Internal Affairs, and the Department of Homeland Security, Office for Civil Rights and Civil Liberties.

□

<div style="text-align: center;">  <p>DEPARTMENT OF HOMELAND SECURITY</p> <p>REPORT OF INVESTIGATION Exhibit List</p> <p>HB 4200-01 (37), Special Agent Handbook</p> </div>	<p>1. CASE NUMBER</p> <p>201311024</p>
	<p>PREPARED BY</p> <p>██████████ ██████████</p>
	<p>2. REPORT NUMBER</p> <p>002</p>
<p>Exhibit List</p> <ol style="list-style-type: none"> 1. USCIS Electronic Record of Application Filings. 2. Record of Deportable /Inadmissible Alien, Notice of Custody Determination (1998). 3. CLAIMS record, receipt number EAC9920651534. 4. CLAIMS record, receipt number EAC9920651722. 5. Biographic Information sheets. 6. Notice of Hearing in Removal Proceedings. 7. Order of Removal from Immigration Judge. 8. I-821, Application for Temporary Protected Status. 9. Application for Employment Authorization. 10. EARM case comments page. 11. I-213, Record of Deportable/Inadmissible Alien. 12. Manifest of Persons and Property Transferred (USBP Weslaco to USBP Harlingen). 13. USBP Weslaco Detention Record. 14. I-871, Notice of Intent/Decision to Reinstate Prior Order. 15. Rio Grande Valley Staging (RGV) Tentative Case Acceptance Request. 16. After Action Log Sheet, Record of Persons and Property Transferred. 17. BCDC Booking Report. 18. BCDC Screening Form for Suicide and Medical and Mental Impairments, completed by CO ██████████ 	

DEPARTMENT OF HOMELAND SECURITY



REPORT OF INVESTIGATION
Exhibit List

HB 4200-01 (37), Special Agent Handbook

1. CASE NUMBER

201311024


PREPARED BY

[REDACTED]

2. REPORT NUMBER

002

- 19. LCS Employee Statement from BCDC CO [REDACTED]
- 20. BCDC Screening Form for Suicide and Medical and Mental Impairments, completed by CO [REDACTED]
- 21. BCDC Employee Statement by CO [REDACTED]
- 22. BCDC Property Withheld Receipt.
- 23. BCDC Intake Cash Deposit Form.
- 24. Chest X-Ray Record.
- 25. BCDC Initial Medical Intake Screening.
- 26. LCS Consent to Disclose Case Information Form.
- 27. LCS Consent for Medical Treatment Form.
- 28. LCS Health Summary for Classification Form.
- 29. LCS Substance Abuse/Social History Form.
- 30. BCDC Screening Form for Suicide and Medical and Mental Impairments, completed by CMA [REDACTED]
- 31. Medical Summary of Federal Prisoner/Alien in Transit.
- 32. BCDC Evidence/Property Cash Receipt.
- 33. After Action Log Sheet, Record of Person and Property Transferred (USBP Harlingen to RGVS).
- 34. IHSC Chronological Record of Medical Care.
- 35. ATSI Incident Report from RGVS CO [REDACTED]
- 36. USPHS TAR.

 <p style="text-align: center;">DEPARTMENT OF HOMELAND SECURITY</p> <p style="text-align: center;">REPORT OF INVESTIGATION Exhibit List</p> <p style="text-align: center;">HB 4200-01 (37), Special Agent Handbook</p>	<p>1. CASE NUMBER</p> <p>201311024</p>
	<p>PREPARED BY</p> <p>██████████ ██████████</p>
	<p>2. REPORT NUMBER</p> <p>002</p>
<p>37. IHSC Medical Transportation Request Form.</p> <p>38. IHSC Treatment, Authorization and Consultation Form.</p> <p>39. VBMC Medical Records (Date/Time of Arrival).</p> <p>40. IHSC Medical Records by RN ██████████</p> <p>41. VBMC Medical Records (admitted to ICU).</p> <p>42. Division of Immigration Health Services Root Cause Analysis Report.</p> <p>43. VBMC Medical Records (diagnosis).</p> <p>44. Letter from SDDO ██████████ to Dr. ██████████</p> <p>45. Email from VBMC Dr. ██████████ to Honduran Consulate.</p> <p>46. VBMC Patient Expiration Record.</p> <p>47. VBMC Paraprofessional Progress Notes.</p> <p>48. Death Certificate from State of Texas.</p> <p>49. Apostille from State of Texas.</p> <p>50. Property Inventory taken at Honduran Consulate.</p> <p>51. Photos of property inventory.</p> <p>52. Photos of medication found with property.</p> <p>53. Creative Corrections Detainee Death Review.</p>	