

Congress of the United States
Washington, DC 20515

May 10, 2012

Charles K. Edwards
Acting Inspector General
Department of Homeland Security
245 Murray Drive, SW, Building 410
Washington, DC 20528

Dear Acting Inspector General Edwards,

We were deeply troubled by the April 20th PBS report, 'Crossing the Line,' concerning the death of Anastasio Hernandez Rojas while he was in the custody of the Department of Homeland Security (DHS). His death and the subsequent efforts by the agents involved to minimize the incident suggest a troubling lack of training and accountability within the Department. We understand that there is an ongoing investigation of this incident by the Justice Department, but we believe that this incident may be emblematic of broader structural problems within DHS, and that these broader concerns would benefit from further investigation by your office.

In the case of Mr. Hernandez Rojas, concerns about training and responsibility are evident in the newly available video footage shown in the PBS report. The officers on the scene appeared to continue to attack and attempt to subdue a man that was prone, and according to eye-witnesses, handcuffed. They then made efforts to reduce the number of witnesses by ordering people to move along, and allegedly by deleting videos taken by bystanders.

Despite this appalling behavior on the scene, the efforts to obfuscate these actions were not limited to the officers on the scene. According to the PBS report, the press release that was sent out in the wake of this incident misrepresented what happened, saying that the victim was not handcuffed, while internal interviews of officers at the scene indicated that he had been handcuffed while he was being beaten and tasered. As far as we know this misinformation has not been corrected by Customs and Border Protection. We hope that this new video evidence will be taken seriously as part of your investigation.

However, we are also concerned that this incident is simply part of a larger cultural problem at the Department. For instance, when the ACLU requested information about DHS policies on the use of force, in the wake of this and other deaths resulting from CBP action, the Department returned a document so heavily redacted as to be unusable. We would request that you do a thorough review of this response to make sure that the Department is redacting information that is in fact sensitive, and that DHS is not simply seeking to shield the Department from criticism. It is hard to believe that there is next to nothing the Department can release in terms of guidelines on the use of force when the Justice Department and local police departments regularly release such information.

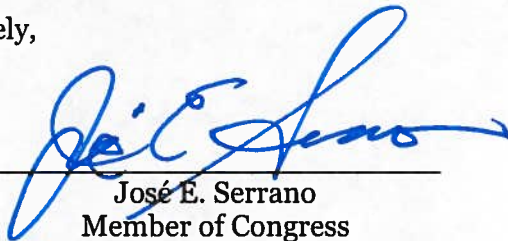
There are serious problems raised by this series of deaths tied to the Department, and the fact that there did not appear to be an effort by the Department to fully investigate the incidents. We

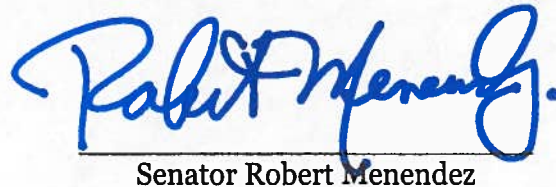
would ask that Office of the Inspector General look into training and accountability at DHS, and that you consider the following questions as you do so.

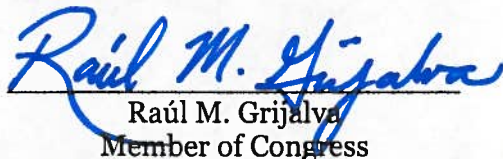
1. What is the official policy on the use of force at DHS, including lethal force? How were these policies developed?
2. What initial and ongoing training is given to CBP employees regarding the use of force? Is this sufficient?
3. What steps does DHS take when there are allegations of excessive force or brutality by CBP employees? What are the disciplinary procedures taken with regard to those agents involved?
4. Given the number of incidents involving the CBP and the use of deadly force, what reforms has DHS put in place? What investigations have been pursued?
5. What effects have the recent rapid expansion of the force had on the training and professionalism of agents?

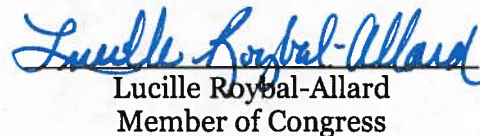
While we have written a similar letter to Secretary Napolitano in the hope that some of these problems could be addressed expeditiously, we believe that an independent investigation would be fruitful. Thank you for your efforts to make sure that the Department of Homeland Security continues to reassess its procedures and makes sure that it complies with them.

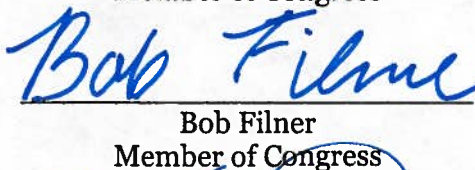
Sincerely,

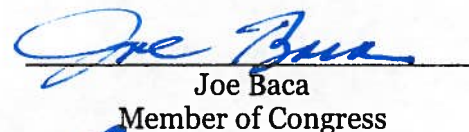

José E. Serrano
Member of Congress

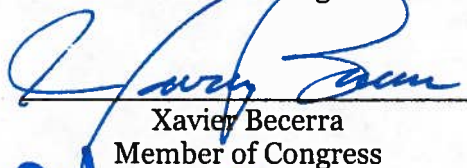

Senator Robert Menendez

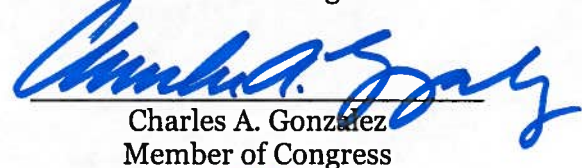

Raúl M. Grijalva
Member of Congress

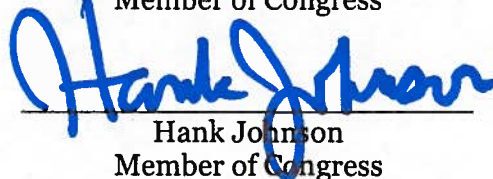

Lucille Roybal-Allard
Member of Congress

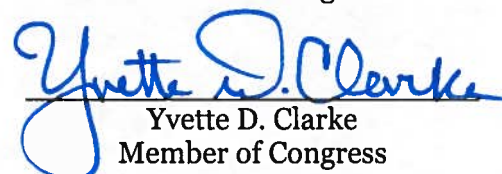

Bob Filner
Member of Congress


Joe Baca
Member of Congress


Xavier Becerra
Member of Congress

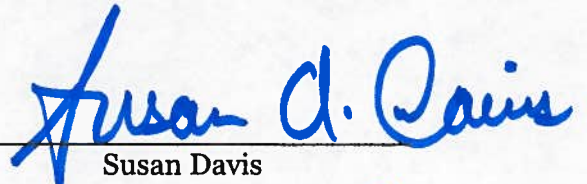

Charles A. Gonzalez
Member of Congress


Hank Johnson
Member of Congress


Yvette D. Clarke
Member of Congress



Jared Polis
Member of Congress



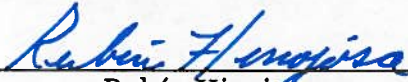
Susan Davis
Member of Congress



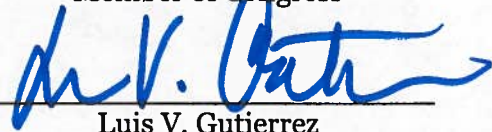
Gregorio Kilili Camacho Sablan
Member of Congress



Albio Sires
Member of Congress



Rubén Hinojosa
Member of Congress



Luis V. Gutierrez
Member of Congress