



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

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Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

September 14, 2021

MEMORANDUM FOR: (b) (6), (b) (7)(C)  
Assistant Commissioner  
Office of Professional Responsibility  
U.S. Customs and Border Protection

FROM: (b) (6), (b) (7)(C)  
Special Agent in Charge  
Office of Investigations  
Houston Field Office

SUBJECT: Carlos Gregorio Hernandez-Vasquez  
U.S. Border Patrol Weslaco Station  
Weslaco, Texas

CASE NUMBER: I19-CBP-RGV-15636

Attached is our Report of Investigation (ROI) on the above subject.

The ROI is furnished to you to evaluate and make an administrative decision regarding the above listed subject. Should you take any administrative action in response to our ROI, please inform this office so we can update our records. Please destroy the ROI upon disposition of this matter.

Should you have any questions regarding the contents of the ROI or need additional information, you may contact me at (b) (6), (b) (7)(C).

Attachment

**DEPARTMENT OF HOMELAND SECURITY  
OFFICE OF INSPECTOR GENERAL**

**REPORT OF INVESTIGATION**

**I19-BP-RGV-15636**



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**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**REPORT OF INVESTIGATION**

<i>Case Number:</i>	I19-BP-RGV-15636
<i>Case Title:</i>	Carlos Gregorio Hernandez-Vasquez U.S. Border Patrol Weslaco Station Weslaco, Texas
<i>Report Status:</i>	Final
<i>Alleged Violation(s):</i>	In Custody Death Review

**SYNOPSIS**

The Department of Homeland Security (DHS), Office of Inspector General (OIG), initiated this investigation upon receipt of information from the U.S. Border Patrol (USBP), Weslaco Station, Weslaco, Texas, that on May 20, 2019, Border Patrol Agents (BPAs), USBP, Weslaco, discovered Carlos Gregorio Hernandez-Vasquez (Hernandez), a 16-year-old non-citizen juvenile from Guatemala, deceased in a holding room.

The DHS OIG investigation included witness interviews, a review of USBP records, review of medical records, and an independent contracted medical examiner/child infectious disease expert to review all medical procedures and the autopsy of Hernandez. The investigation determined that USBP failed to conduct regular and frequent physical checks as required by the Customs and Border Protection National Standards on Transport, Escort, Detention, and Search policy. The investigation also determined that a BPA Team Lead recorded hourly welfare checks of Hernandez into the (b) (7)(E) database that had not actually occurred.

The independent contracted medical examiner identified the cause of death as natural from H1N1 and bacterial/staph infections, which would have resulted in a rapidly fatal outcome, even with immediate and appropriate treatment. The investigative findings were presented to the United States Attorney's

<i>Reporting Agent</i>		<i>Distribution:</i>	
Name: (b) (6), (b) (7)(C)	Signature: _____	Houston Field Office	Original
Title: Special Agent	Date: (b) (6), (b) (7)(C)	Headquarters	1 cc
<i>Approving Official</i>		Component(s)	cc
Name: (b) (6), (b) (7)(C)	Signature: _____	Other	cc
Title: Special Agent in Charge	Date: (b) (6), (b) (7)(C)		

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## REPORT OF INVESTIGATION

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Office, Southern District of Texas, McAllen Division, McAllen, Texas, who declined prosecution, citing a lack of any criminal violations and a lack of criminal intent.

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119-CHP-RGV-13635

## REPORT OF INVESTIGATION

### DETAILS

On May 28, 2019, the Department of Homeland Security (DHS), Office of Inspector General (OIG), initiated this investigation upon receipt of information from the U.S. Border Patrol (USBP), Weslaco Station, Weslaco, Texas, that on May 20, 2019, Border Patrol Agents (BPAs), USBP, Weslaco, Texas, discovered Carlos Gregorio Hernandez-Vasquez (Hernandez), a 16-year-old non-citizen juvenile from Guatemala, deceased in his holding room. (Exhibit 1)

#### Investigative Activity

##### Apprehension

DHS OIG reviewed the DHS Form I-213 which indicated that on May 13, 2019, Hernandez was apprehended by the USBP at or near Hidalgo, Texas, by (b) (6), (b) (7)(C), BPA, USBP, McAllen, Texas, and was processed at the USBP, Rio Grande Valley Sector, Central Processing Center (CPC), McAllen. Hernandez admitted to illegally crossing into the United States and had been in transit from Guatemala to the United States for 14 days. (Exhibit 2)

DHS OIG interviewed (b) (6), (b) (7)(C) who could not specifically recall apprehending Hernandez. (b) (6), (b) (7)(C) stated in May 2019, USBP apprehended large groups of non-citizens with as many as a 100 in one group. (b) (6), (b) (7)(C) added that non-citizen juveniles, as well as family units apprehended in the field, were transported directly to the CPC due to the USBP McAllen Station being over detention capacity. (Exhibit 3)

DHS OIG interviewed Hernandez' adult sister, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), non-citizen, Guatemala, who said she traveled from Guatemala with Hernandez, and that he appeared to be in good health and never complained of any illness. (b) (6), (b) (7)(C) explained when she and Hernandez were in Mexico, they were grouped with 300 other non-citizens, waiting to be smuggled into the United States. She stated after the group crossed into the United States from Mexico, they were apprehended by the USBP a short time later. (b) (6), (b) (7)(C) was served with a Notice to Appear and sent to reside with family in New Jersey. She was released because she was an adult, and siblings do not constitute family units. (Exhibit 4)

##### Intake and Medical Screening

DHS OIG reviewed medical records from Loyal Source Government Services (LSGS), the contract medical services provider, which recorded a medical screening of Hernandez during his intake on May 13, 2019, at the CPC. The medical screening was conducted by (b) (6), (b) (7)(C), Certified Medical Assistant for LSGS. No complaints or symptoms were noted. This was the only medical record entered into Hernandez' medical file until May 19, 2019. During this time period, intake occurred at the CPC in McAllen, as the Weslaco USBP Station was designated as the

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medical/quarantine facility. Detainees were triaged at CPC and if medical treatment was deemed necessary, they were transported to Weslaco for medical examinations and treatment.

### Medical Response at CPC

Hernandez' medical file included an Emergency Medical Treatment Report (EMTR) completed by (b) (6), (b) (7)(C), Family Nurse Practitioner (FNP), LSGS. The EMTR indicated that on May 19, 2019, at 1:00 a.m., Hernandez requested medical attention and upon examination presented a fever of 103 degrees. Hernandez tested positive and was diagnosed with Influenza A (flu virus). Hernandez was administered ibuprofen and Tylenol (Acetaminophen) and instructed to return to the medical office in two hours for reassessment. The records did not indicate that he returned at 3:00 a.m. The medical file documented the flu virus and a prescription for Tamiflu that was administered on May 19, 2019, at 8:00 p.m. at Weslaco. No vital sign results were listed on the EMTR; however, remarks stated Hernandez had no complaints or signs of discomfort, according to (b) (6), (b) (7)(C) entries.

(b) (6), (b) (7)(C) was unable to administer the Tamiflu to Hernandez due to having a high number of flu patients under her care. (b) (6), (b) (7)(C) said she briefed the incoming work shift provider, (b) (6), (b) (7)(C), FNP, LSGS, on the Tamiflu prescription for Hernandez. (b) (6), (b) (7)(C) stated there was no standard time to reassess a flu patient, but based on her training and experience, she told flu patients to return to the medical department in two hours or sooner for a reassessment in order to check for a fever.

(b) (6), (b) (7)(C) estimated there were 15 to 20 flu patients recorded on a dry erase board inside the medical department. (b) (6), (b) (7)(C) stated that only one additional support staff was present the night she evaluated Hernandez. (b) (6), (b) (7)(C) reported that under normal conditions, the CPC staffed two providers and three support staff members. (b) (6), (b) (7)(C) added that it was very difficult to work efficiently at the CPC as the lone provider. (b) (6), (b) (7)(C) stated that Hernandez was transported to the USBP Weslaco Station, which was designated as a medical facility for detainees diagnosed with infectious, communicable diseases or illnesses.

(b) (6), (b) (7)(C) explained the LSGS flu test included tests for Influenza A or B, but not the H1N1 Swine Flu. Since Hernandez' death, LSGS has added flu medications to their inventory, which are now readily available to administer. LSGS provided more staff members to each work shift and ordered increased vigilance during reassessments of patients. USBP added a Supervisory Border Patrol Agent (SBPA) to assist the medical unit in locating patients in the facilities for follow up medical evaluations and the administration of medication. (Exhibits 6 and 7)

DHS OIG interviewed (b) (6), (b) (7)(C), who confirmed (b) (6), (b) (7)(C) briefed her regarding Hernandez' medical condition at the beginning of her work shift at 6:00 a.m. on May 19, 2019. (b) (6), (b) (7)(C) had planned to administer Tamiflu to Hernandez during the distribution of medications at

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8:00 a.m., but could not locate the Tamiflu, which (b) (6), (b) (7)(C) said was not uncommon. According to (b) (6), (b) (7)(C), each LSGS medical staff worked differently and stored items in various locations. (b) (6), (b) (7)(C) and other LSGS staff described the CPC as hectic and overwhelming for the LSGS staff and in need of additional personnel. (Exhibit 8)

DHS OIG learned from interviews that other LSGS medical staff had also expressed concerns of understaffing and having conversations with supervisors requesting additional staff. DHS OIG interviewed (b) (6), (b) (7)(C), FNP, LSGS, who was on duty the night of Hernandez' death. (b) (6), (b) (7)(C) complained of being understaffed, with only her and one other provider on duty for the entire facility. On the night of May 19, 2019, 60-70 flu patients were at the USBP Weslaco Station. (Exhibits 5, 7, 8, 9, 10, 11, 12, and 21)

USBP Weslaco Station detention records revealed 210 detainees were in custody at the USBP Weslaco Station on May 19, 2019, and 175 were in custody on May 20, 2019. The detention capacity was 283. The average number of detainees at Weslaco per day for the month of May 2019 was 252; since it was utilized as a sick ward, most detainees housed at the USBP Weslaco Station were ill. (Exhibits 34 and 35)

### Witness Interviews at USBP Weslaco Station

DHS OIG interviewed detainee (b) (6), (b) (7)(C), who met Hernandez in transit from the CPC to the USBP Weslaco Station on May 19, 2019. (b) (6), (b) (7)(C) had also experienced flu-like symptoms and requested medical attention. (b) (6), (b) (7)(C) said Hernandez appeared sick and was sleeping during the transport from the CPC and USBP Weslaco Station where medical evaluations occurred. (b) (6), (b) (7)(C) explained he and Hernandez arrived at the USBP Weslaco Station and received a health screening by the medical staff. (b) (6), (b) (7)(C) said he and Hernandez were given medication (ibuprofen and Tylenol) to treat their flu-like symptoms. (b) (6), (b) (7)(C) recalled that he and Hernandez were placed in a holding room, but Hernandez did not talk much. Later that evening, Hernandez complained of body aches and feeling gravely ill, but did not request medical attention. (b) (6), (b) (7)(C) said Hernandez did not request medical attention then or on any of the following physical checks by USBP staff. (b) (6), (b) (7)(C) added on one occasion Hernandez got the attention of a female officer sitting down; however, she just looked away. (b) (6), (b) (7)(C) described the female officer as wearing a green uniform and having a tattoo in the inside area of her right forearm. (Exhibits 15 and 16)

DHS OIG identified (b) (6), (b) (7)(C), BPA, USBP, Weslaco, as the BPA (b) (6), (b) (7)(C) referenced. (b) (6), (b) (7)(C) remembered communicating with (b) (6), (b) (7)(C) at 5:51 p.m. on May 19, 2019. (b) (6), (b) (7)(C) recalled that there was a Customs and Border Protection Officer (CBPO), CBP, Office of Field Operations, opening the door to their holding room. (b) (6), (b) (7)(C) said the CBPO did not speak Spanish, and she helped translate the conversation he was having with (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) could not recall the details of the conversation with (b) (6), (b) (7)(C) but said the CBPO was passing out amenities to the juveniles. (b) (6), (b) (7)(C) stated that no one in holding room 199, the holding room which contained (b) (6), (b) (7)(C) and Hernandez, made an outcry for

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help; otherwise, she would have notified LSGS or her supervisor. (b) (6), (b) (7)(C) stated that non-citizens being detained can get a BPA's attention by hitting or knocking on the holding room window. (b) (6), (b) (7)(C) recalled that during May 2019, the USBP Weslaco Station experienced high detention numbers and were at or over detention capacity. (Exhibit 17)

DHS OIG interviewed (b) (6), (b) (7)(C), who medically screened Hernandez on May 19, 2019, at the USBP Weslaco Station. (b) (6), (b) (7)(C) provided Hernandez with Tylenol and ibuprofen at approximately 11:11 a.m. (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), FNP, LSGS administered Tamiflu to Hernandez later that evening at approximately 8:00 p.m. Medications were administered to detainees at 8:00 a.m. and 8:00 p.m. daily. Hernandez was provided Dayquil to treat his fever and throat ache. (b) (6), (b) (7)(C) said Hernandez never made an outcry for help, adding that (b) (6), (b) (7)(C) was quiet and sitting on the opposite side of the holding room. (b) (6), (b) (7)(C) never told her about Hernandez' comments of feeling gravely ill.

(b) (6), (b) (7)(C) stated there was no standard LSGS protocol to recheck non-citizens diagnosed with the flu unless they had a medical complaint. (b) (6), (b) (7)(C) added the medical staff did not routinely go to the holding rooms until it was time for the administration of medications. (b) (6), (b) (7)(C) said that LSGS management was aware of the inadequate staffing to cover the work shifts. According to (b) (6), (b) (7)(C) since Hernandez' death, BPAs were doing more frequent physical checks to document medications provided and LSGS has increased the staffing.

DHS OIG interviewed (b) (6), (b) (7)(C), who stated at the 8:00 p.m. medication rounds, she took Hernandez' temperature and administered the Tamiflu and Tylenol, but neglected to document the administration of Tylenol and the temperature check. (Exhibits 11, 12, and 18)

DHS OIG interviewed (b) (6), (b) (7)(C), BPA, USBP, Weslaco, who stated that at 6:00 a.m. on May 20, 2019, he was visually alerted through the window by (b) (6), (b) (7)(C) waving at him and knocking on the glass. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) pointed to Hernandez' body. (b) (6), (b) (7)(C) explained that Hernandez did not appear to be conscious and he left the holding room to notify the LSGS medical staff. (b) (6), (b) (7)(C) notified the USBP Team Leader, (b) (6), (b) (7)(C), BPA, USBP, Weslaco, who notified LSGS. (Exhibit 20)

DHS OIG interviewed (b) (6), (b) (7)(C), PA, LSGS, who responded to holding room 199 and described Hernandez as unresponsive. (b) (6), (b) (7)(C) said Hernandez' body was cold, hard, and his skin was discolored. Hernandez had no pulse and she determined Emergency Medical Services would be unnecessary because he was deceased. (Exhibit 21)

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### Timeline

DHS OIG reviewed medical records and CPC surveillance video which revealed the following timeline. The following events reflect an overlay of medical records and surveillance video. (Exhibits 6 and 19)

May 13, 2019

- Hernandez was initially screened by LSGS medical staff when taken into custody, at which time he was asymptomatic and presented no complaints.

May 19, 2019

- 1:00 a.m., Hernandez was diagnosed by LSGS staff with a 103° fever, diagnosed with Influenza A, and administered ibuprofen and Tylenol. An order was issued to the pharmacy for Tamiflu.
- 11:11 a.m., Hernandez; (b) (6), (b) (7)(C), who was a Honduran juvenile; and an unknown female arrived at the USBP Weslaco Station.
- 11:29 a.m., Hernandez and (b) (6), (b) (7)(C) were returned to the transport vehicle, which departed the USBP Weslaco Station to retrieve documents left behind at the CPC.
- 12:37 p.m. Hernandez and (b) (6), (b) (7)(C) returned to the Weslaco Station.
- 12:39 p.m., Hernandez and (b) (6), (b) (7)(C) were escorted to holding room 199.
- 1:34 p.m., an LSGS medical staff member met with Hernandez in the holding room. No medication or treatment was provided.
- 3:28 p.m., Mylar blankets were provided to Hernandez and (b) (6), (b) (7)(C).
- 5:48 p.m., Hernandez and (b) (6), (b) (7)(C) were provided meals.
- 6:02 p.m., (b) (6), (b) (7)(C) appeared to communicate with a BPA through the holding room's door.
- 6:04 p.m., (b) (6), (b) (7)(C) alerted a BPA and was provided another Mylar blanket at 6:05 p.m.
- 6:07 p.m., USBP conducted a physical check of holding room 199.
- 8:00 p.m., Hernandez was administered Tamiflu (according to medical records).
- 8:42 p.m., two LSGS medical staff members appeared, providing medication to Hernandez and (b) (6), (b) (7)(C) (according to the video). (Agent's Note: Medical Staff complete the file entries and then make rounds. It was 42 minutes from the log entry until the visit in the holding room.)
- 10:30 p.m., USBP conducted "roll call" to verify and account for all non-citizens in custody.
- 11:41 p.m., USBP conducted a physical check of holding room 199.
- 11:48 p.m., Hernandez and (b) (6), (b) (7)(C) were provided a meal.

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May 20, 2019

- 00:05 a.m., Hernandez walked to the room window.
- 00:06 a.m., Hernandez walked to the restroom.
- 00:11 a.m., Hernandez left the restroom and lay on the floor, not near the toilet.
- 00:17 a.m., Hernandez sat up on the floor, then walked to the restroom.
- 00:22 a.m., Hernandez left the restroom and lay on the floor again, not near the toilet.
- 00:28 a.m., Hernandez sat up on the floor.
- 00:31 a.m., Hernandez got a cup of water and walked to the restroom.
- 00:37 a.m., Hernandez left the restroom and lay on a bench.
- 00:39 a.m., Hernandez got up and walked to the room window, out of camera view.
- 00:42 a.m., Hernandez walked to the restroom, then walked to the room window, out of view of the camera.
- 00:46 a.m., Hernandez appeared to talk to (b) (6), (b) (7)(C) (who appeared asleep), sat on the bench, then lay on the floor.
- 00:50 a.m., Hernandez got up and walked to the room window, out of camera view.
- 00:57 a.m. to 01:37 a.m., Hernandez continued exhibiting the pattern of lying down, going to the restroom, and walking to the room window.
- 01:38 a.m., Hernandez sat near the restroom on the floor, near the toilet, sat up, and lay down again.
- 01:39 a.m. to 01:40 a.m., Hernandez lay on the floor, near the toilet, bending his legs.
- 01:41 a.m., May 20, 2019, Hernandez' last physical movement (bending his legs) occurred while lying/sleeping on the floor near the toilet area.
- 04:11 a.m. and 05:07 a.m., USBP conducted sight inspections through the door/window.
- 06:07 a.m., (b) (6), (b) (7)(C) woke up and walked to the restroom area, attempted to move Hernandez' leg with his foot, and appeared to talk to Hernandez.
- 06:08 a.m., (b) (6), (b) (7)(C) walked to the holding room window and alerted USBP. After 15 seconds, a BPA opened the holding room door and walked over to Hernandez, then walked out of the room.
- 06:09 a.m., LSGS medical staff walked into holding room 199.
- 06:12 a.m., Onsite medical staff declared Hernandez deceased. (Exhibits 5 and 19)

### Autopsy Report

The autopsy report of Hernandez from (b) (6), (b) (7)(C), Forensic Pathologist, Medical Doctor, Anatomic, Clinical, Forensic Pathologist, Valley Forensics, Edinburg, Texas, reported a natural death, resulting from an Influenza A 2009 H1N1 respiratory infection complicated by bacterial coinfections with bronchopneumonia, sepsis, and Hemophagocytosis.

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DHS OIG contracted with (b) (6), (b) (7)(C) to review Hernandez' medical and autopsy records. (b) (6), (b) (7)(C) is an independent pediatrician with additional training and board-certified emergency medicine and pediatric infectious diseases, practicing in all three areas since 2001. (b) (6), (b) (7)(C) independent review of all medical and autopsy reports confirmed an H1N1 strain diagnosis through DNA testing performed at the time of the autopsy. (b) (6), (b) (7)(C) reported that evidence indicated a severe superinfection in Hernandez' lungs and bloodstream (sepsis) with more than one bacterium as well as pathological evidence of a rare very serious immune dysfunction (Hemophagocytosis) known to complicate and markedly increase the fatality rate of influenza.

(b) (6), (b) (7)(C) continued by writing, "the illness more likely than not would have led to his demise even if he had been admitted to a hospital for treatment and supportive care at the time he was diagnosed." (b) (6), (b) (7)(C) wrote he did not believe a change in supervision (medically or otherwise) would have prevented Hernandez' death. (b) (6), (b) (7)(C) concluded he does not believe it was reasonable to suspect this rare and lethal combination when Hernandez was initially diagnosed with Influenza A on May 19, 2019, at 1:00 a.m. (b) (6), (b) (7)(C) reported that Hernandez' presentation is very consistent with typical influenza with fever, treated with pain control, plus or minus Tamiflu, adding the diagnosis was appropriate and timely to lead with the reasonable diagnosis and management of influenza. (Exhibits 22, 23, and 24)

### Review of Policy and Contract Requirements

DHS OIG reviewed the LSGS policies regarding the role, function, duties of the medical staff members, and administrative requirements expected of LSGS employees. The policy does not stipulate a designed ratio for medical staff to detainees. A review of the LSGS policy revealed compliance with all stated contract requirements and specifications. (Exhibit 25)

Additional interviews revealed a lack of oversight in the LSGS contract requirements. The investigation revealed the USBP contract for medical services expanded rapidly nationwide and did not ensure adequate oversight procedures were in place. For example, (b) (6), (b) (7)(C), Management and Program Analyst, USBP, confirmed that little oversight existed to properly monitor the contract. (b) (6), (b) (7)(C), USBP, Special Operation Headquarters, stated the goal of the medical contract was to provide medical services to detainees as fast as possible and did not incorporate contractor oversight mechanisms to effectively monitor the contractor's requirements during the expansion. (Exhibits 13 and 14)

A review of the CBP National Standards on Transport, Escort, Detention, and Search policy and the June 2, 2008, USCBP Hold Rooms and Short-Term Custody Policy revealed the following related to the supervision, inspections, and checks conducted:

*"Supervision and Inspections: Officers/Agents must closely supervise hold rooms when in use. Monitoring must occur in a regular and frequent manner. In hold rooms with visual limitations,*

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*a physical check is required. Direct supervision and control of detainees must be maintained at all facilities that do not have secure areas."*

*"Checks: Officers/Agents will physically check hold rooms on a regular and frequent manner, according to each operational office's policies and procedures. Physical inspections must be recorded in the appropriate electronic system(s) of record as soon as practicable."*

*"Regular hold room checks should be conducted and recorded to ensure proper occupancy levels, safety, hygiene, and the availability of drinking water. Such checks should be recorded in the appropriate electronic systems of record as soon as practicable."*

Interviews revealed USBP conducts physical checks throughout the night by walking up to the holding room window and scanning the holding room to visually assess the detainees' well-being. The Team Lead is ultimately responsible for the completion and documentation of welfare checks. The Team Lead may delegate welfare checks to BPAs or may be told by BPAs welfare checks in a certain area were completed, trusting the BPA that the welfare checks were in fact completed. The Team Lead would document the welfare checks using his/her name in the system, even though other BPAs could have physically performed the welfare check. According to USBP, due to the *Flores V. Reno* settlement, USBP personnel cannot wake juveniles and unaccompanied non-citizen children during the midnight work shift for physical checks to prevent sleep deprivation. However, based on video recordings and a review of time and frequency of physical checks recorded on the log sheet, there were some inconsistencies. On May 19, 2019, from 11:48 p.m. until May 20, 2019, at 4:11 a.m., the video did not show any physical checks. However, the computer system, (b) (7)(E) displayed a completed check every hour. (Agent's Note: (b) (7)(E) is a database that collects activity for each non-citizen juvenile in USBP custody at a specific USBP Station from the time they are placed in detention to when they are released. For example, when they are fed, welfare checks, waiting for Office of Refugee Resettlement placement, release time, etc.) (Exhibits 19, 26, 27, 28, 29, and 30)

DHS OIG interviewed (b) (6), (b) (7)(C), BPA, Weslaco, who was the assigned Team Lead on the night shift, May 19, 2019, through May 20, 2019. (b) (6), (b) (7)(C) explained that during that timeframe, welfare checks consisted of making rounds by the holding rooms whenever feasible, looking inside the holding rooms, and ensuring normalcy within the holding rooms. (b) (6), (b) (7)(C) recalled no formal training was provided related to welfare checks. He remembered that while in USBP muster he was told to conduct welfare checks every hour. (b) (6), (b) (7)(C) added that management did not provide him or others with any in-depth instruction on conducting welfare checks.

As the Team Lead, (b) (6), (b) (7)(C) was ultimately responsible for the welfare checks on holding room 199 at the time of Hernandez' death. (b) (6), (b) (7)(C) did not recall delegating the welfare checks to other BPAs. (b) (6), (b) (7)(C) said he conducted welfare checks but could not recall how many or the timeframe he conducted them. (b) (6), (b) (7)(C) did not specifically recall conducting welfare checks on Hernandez, or

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## REPORT OF INVESTIGATION

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having any contact with him, until Hernandez was discovered unresponsive. (b) (6), (b) (7)(K) was not aware of anything abnormal with any of the detainees in custody during his work shift that night. (b) (6), (b) (7)(K) reported, in the (b) (7)(E) system, that he conducted welfare checks on Hernandez every hour, when in fact (b) (6), (b) (7)(K) could not commit to the hourly frequency of welfare checks that he verified.

DHS OIG presented (b) (6), (b) (7)(K) with a photograph of the holding room, with only one other detainee in the room, and asked why it would be normal for a detainee to be asleep on the floor next to the toilet when other more desirable sleeping locations existed within the room. (b) (6), (b) (7)(K) had no explanation and acknowledged it would have made sense to enter the room and check on Hernandez seeing him asleep next to the toilet.

(b) (6), (b) (7)(K) explained since Hernandez' death, USBP conducts welfare checks on detainees every 15 minutes and are more thorough in their observations. (b) (6), (b) (7)(K) also said a vast reduction in overcrowding and the increase of LSGS staff greatly reduced the risk of a reoccurrence of these events. (b) (6), (b) (7)(K) added that at that time, it was impossible for him to conduct welfare checks on 300 to 350 detainees every hour. According to (b) (6), (b) (7)(K) as common practice, Team Leads check the "select all" tab in the (b) (7)(E) system and press enter, reporting all detainees received an hourly welfare check. (Exhibits 30, 32, and 33)

### Declination of Prosecution

The investigative findings were presented to the United States Attorney's Office, Southern District of Texas, McAllen, Texas, who declined prosecution, citing no violations of criminal law and a lack of criminal intent. Specifically, two issues were presented and declined. The first, violations of 18 United States Code Section 242, Deprivation of Rights Under Color of Law, related to Hernandez' death in custody. The second, that (b) (6), (b) (7)(K) entered false data into the (b) (7)(E) system, reporting that hourly welfare checks were performed on detainees when in fact they were not. (Exhibits 31 and 36)

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## REPORT OF INVESTIGATION

### EXHIBITS

NUMBER	DESCRIPTION
1	Memorandum of Activity, dated May 28, 2019, Other: Receipt of Complaint.
2	Memorandum of Activity, dated December 12, 2019, Review of DHS Form I-213 Related to Carlos Gregorio Hernandez Vazquez.
3	Memorandum of Activity, dated May 27, 2020, Other: USCBP OPR Agent Affidavit, Interview of (b) (6), (b) (7)(C).
4	Memorandum of Activity, dated May 20, 2019, Personal Interview: Interview of (b) (6), (b) (7)(C).
5	Memorandum of Activity, dated August 15, 2019, Records Review: Personal Interview: Personal Interview of (b) (6), (b) (7)(C).
6	Memorandum of Activity, dated September 23, 2019, Review of Carlos Gregorio Hernandez-Vasquez, United States Border Patrol Medical Records.
7	Memorandum of Activity, dated June 13, 2019, Personal Interview: Interview of (b) (6), (b) (7)(C).
8	Memorandum of Activity, dated October 27, 2020, Other: USCBP OPR Agent Affidavit, Interview of (b) (6), (b) (7)(C).
9	Memorandum of Activity, dated June 13, 2019, Personal Interview: Interview of (b) (6), (b) (7)(C).
10	Memorandum of Activity, dated June 6, 2019, Personal Interview: Interview of (b) (6), (b) (7)(C).
11	Memorandum of Activity, dated June 6, 2019, Personal Interview: Interview of (b) (6), (b) (7)(C).
12	Memorandum of Activity, dated August 14, 2019, Personal Interview: Interview of (b) (6), (b) (7)(C).

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## REPORT OF INVESTIGATION

13	Memorandum of Activity, dated March 4, 2021, Personal Interview: Interview of (b) (6), (b) (7)(C).
14	Memorandum of Activity, dated March 4, 2021, USCBP OPR, Agent Affidavit, Interview of (b) (6), (b) (7)(C).
15	Memorandum of Activity, dated May 20, 2019, Personal Interview: Interview of (b) (6), (b) (7)(C).
16	Memorandum of Activity, dated May 23, 2019, Personal: Second Interview of (b) (6), (b) (7)(C).
17	Memorandum of Activity, dated May 1, 2020, Other: USCBP OPR, Agent Affidavit, Interview of (b) (6), (b) (7)(C).
18	Memorandum of Activity, dated June 13, 2019, Personal Interview: Interview of (b) (6), (b) (7)(C).
19	Memorandum of Activity, dated May 26, 2020, Other: USCBP OPR Agent Affidavit, Review of USBP Station, Weslaco, Video Camera Footages.
20	Memorandum of Activity, dated May 27, 2020, Other: USCBP OPR, Agent Affidavit, Interview of (b) (6), (b) (7)(C).
21	Memorandum of Activity, dated June 6, 2019, Personal Interview: Interview of (b) (6), (b) (7)(C).
22	Memorandum of Activity, dated July 14, 2019, Records Review: Review of Preliminary Autopsy Findings.
23	Memorandum of Activity, dated July 29, 2019, Records Review: Review of Autopsy Report, and Supporting Documents.
24	Memorandum of Activity, dated February 22, 2021, Records Review: Review of Expert Medical Report.
25	Memorandum of Activity, dated July 31, 2020, Records Review: Review of LSGS Company Policies.

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## REPORT OF INVESTIGATION

26	Memorandum of Activity, dated August 11, 2019, Records Review: Review of USCBP, National Standards on Transport, Escort, Detention, and Search (TEDS).
27	Memorandum of Activity, dated June 8, 2020, Records Review: Review of USCBP, Hold Rooms and Short Term Custody Policy, Dated June 2, 2008.
28	Memorandum of Activity, dated June 11, 2020, Personal Interview: Interview of (b) (6), (b) (7)(C).
29	Memorandum of Activity, dated August 8, 2019, Personal Interview: Interview of (b) (6), (b) (7)(C).
30	Memorandum of Activity, dated September 26, 2019, Personal Interview: Interview of (b) (6), (b) (7)(C).
31	Memorandum of Activity, dated June 8, 2021, Prosecutorial Decision.
32	Memorandum of Activity, dated July 7, 2021, Telephone Interview: (b) (6), (b) (7)(C), Information Technology, USBP.
33	Memorandum of Activity, Review of Detention Records, dated June 1, 2020.
34	Memorandum of Activity, Review of Transfer Manifests, dated August 21, 2020.
35	Memorandum of Activity, dated July 27, 2021, Prosecutorial Decision.

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**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

**Type of Activity:** Other: Receipt of Complaint

**Case Number:** I19-BP-RGV-15636

**Case Title:** FNU LNU, et al, USBP

On May 28, 2019, the Department of Homeland Security (DHS), Office of Inspector General (OIG), received information reported to the Joint Intake Center (JIC), Washington DC, that Border Patrol Agents (BPAs), United States Border Patrol, Weslaco, Texas, found Carlos Gregorio Hernandez-Vasquez, undocumented alien (UDA) juvenile, Guatemala, unresponsive in his cell. Hernandez was found with no pulse, and could not be revived by onsite medical staff.

Name, Title, Signature, and Date:

(b) (6), (b) (7)(C)

Reviewing Official Name, Title, Signature, and Date:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)

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**EXHIBIT** 1





**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

**Type of Activity:** Records Review: Review of DHS Form I-213 Related to Carlos Gregorio Hernandez- Vasquez

**Case Number:** I19-BP-RGV-15636

**Case Title:** FNU LNU, et al., USBP

On December 12, 2019, (b) (6), (b) (7)(C), Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG), reviewed DHS Form I-213, Record of Deportable/Inadmissible Alien related to Carlos Gregorio Hernandez-Vasquez, undocumented alien (UDA) juvenile, Guatemala, who on May 20, 2019, passed away in the custody of the United States Border Patrol (USBP), Weslaco, Texas.

A review of the DHS Form I-213 related to Hernandez revealed the following:

- *On May 13, 2019, Hernandez, was apprehended by the USBP at or near Hidalgo, Texas.*
- *Hernandez claimed to be a citizen of Guatemala, and did not have the necessary legal documents to enter the United States (US).*
- *Hernandez admitted to illegally crossing the international boundary without being inspected by an immigration officer at a US, Port of Entry (POE).*
- *Hernandez acknowledged understanding his right, but declined to speak with a Consular Officer, Guatemala.*
- *Hernandez stated he did not claim a fear of persecution, or tortured if returned to his country of citizenship.*
- *Hernandez was processed for Warrant of Arrest/Notice of Appear (NTA), and provided a list of free legal services providers.*
- *Hernandez said he had been in transit 14 days from Guatemala to the US.*
- *Hernandez indicated his destination in the US was to New Jersey, and was allowed to contact, and speak with his brother in law in New Jersey.*

Name, Title, Signature, and Date: (b) (6), (b) (7)(C)	Reviewing Official Name, Title, Signature, and Date: (b) (6), (b) (7)(C)
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EXHIBIT 2



## MEMORANDUM OF ACTIVITY

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- *Hernandez had no funds in his possession, and indicated his parents made arrangements with an unknown smuggler.*
- *Hernandez claimed, and appeared to be in good health.*
- *DHS Form I-213 was completed on May 16, 2019, by (b) (6), (b) (7)(C) Border Patrol Agent (BPA), USBP, Malone, New York.*

[Attachment: DHS Form I-213 related to Hernandez]

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**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

**Type of Activity:** Other: USCBP OPR Agent Affidavit, Interview of (b) (6), (b) (7)(C)

**Case Number:** I19-BP-RGV-15636

**Case Title:** FNU LNU, et al., USBP

On May 27, 2020, (b) (6), (b) (7)(C), Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG), McAllen, Texas, and (b) (6), (b) (7)(C), Senior Special Agent (SSA), U.S. Customs and Border Protection (USCBP), Office of Professional Responsibility (OPR), McAllen, interviewed (b) (6), (b) (7)(C), Border Patrol Agent (BPA), United States Border Patrol (USBP), McAllen, Texas, in reference to sixteen year old, Carlos Gregorio Hernandez-Vasquez, undocumented alien (UDA) juvenile, Guatemala, who passed away in the custody of the USBP, Weslaco, Texas, on May 20, 2019.

DHS OIG and CBP OPR are conducting the investigation jointly. Appended to this report in its entirety for reference is a CBP OPR affidavit authored by (b) (6), (b) (7)(C), dated May 20, 2019. The affidavit is an interview summary of the interview of (b) (6), (b) (7)(C). It is not intended to be a verbatim account, and does not memorialize all statements made during the interview. Communications by the parties during the interview were electronically recorded. The recording captured the actual words spoken in the interview.

(b) (6), (b) (7)(C) was the BPA that apprehended Hernandez near Hidalgo, Texas on May 13, 2019. [Agent's Note: I-213, Record of Deportability/Inadmissible Alien, indicated that Hernandez was apprehended 8.96 miles, west of Hidalgo.]

The original audio recording of the interview was transferred onto a CD, and entered into evidence at the DHS OIG, Rio Grande Valley (RGV), Assistant Special Agent in Charge (ASAC) Office, McAllen, Texas, evidence room.

[Attachments: USCBP OPR Agent Affidavit Case Number: 201907324, I-213, Record of Deportability/Inadmissible Alien, INV Form-17, Disclosure Warning for Bargaining Unit Employees, and INV Form-19, Disclosure Warning for Union Representative.]

Name, Title, Signature, and Date:

(b) (6), (b) (7)(C)

Reviewing Official Name, Title, Signature, and Date:

(b) (6), (b) (7)(C)

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EXHIBIT 3



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / [www.oig.dhs.gov](http://www.oig.dhs.gov)

**Bargaining Unit Employees**  
**"WARNING TO NOT DISCLOSE INVESTIGATIVE INFORMATION"**

You are being interviewed as part of a continuing, official investigation by the U.S. Department of Homeland Security, Office of Inspector General. As this investigation is sensitive in nature, you are instructed not to discuss the nature of this interview with any other person(s), except private legal counsel, your union representative, and other union officials who are not parties to this investigation. A party to the investigation is an individual who has been identified as either a witness or the subject of the investigation. Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

This advisement was made prior to the interview of **(b) (6), (b) (7)(C)** (employee's name) on May 27<sup>th</sup> 2020 (month, day, year) at 9:56 (time, a.m./p.m.).

I have read and understand the above warning.

**(b) (6), (b) (7)(C)**

Employee Signature

Date

5/27/2020

**(b) (6), (b) (7)(C)**

Special Agent Print Name

**(b) (6), (b) (7)(C)**

Special Agent Signature  
Department of Homeland Security  
Office of Inspector General

Date

5-27-2020

**(b) (6), (b) (7)(C)**

Witness Print Name **(b) (6), (b) (7)(C)**

**(b) (6), (b) (7)(C)**

Witness Signature  
Department of Homeland Security  
Office of Inspector General

Date

5-27-2020





**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

**Union Representative**  
**"WARNING TO NOT DISCLOSE INVESTIGATIVE INFORMATION"**

You are acting as a Union Representative in connection with an interview of an Agency employee as part of a continuing, official investigation being conducted by the U.S. Department of Homeland Security, Office of Inspector General. As this investigation is sensitive in nature, you are instructed not to discuss the nature of this interview with any other person(s), except the person being interviewed and other union officials who are not parties to this investigation, and only as may be required to perform your representational duties. A party to the investigation is an individual who has been identified as either a witness or the subject of the investigation. Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

This advisement was made to (b) (6), (b) (7)(C) (union representative's name), prior to the interview of (b) (6), (b) (7)(C) (employee's name) on 5-27-2020 (month, day, year) at 9:56 (time, a.m./p.m.).

(b) (6), (b) (7)(C)

Union Representative Signature

5-27-2020  
Date

(b) (6), (b) (7)(C)

Special Agent Print Name

(b) (6), (b) (7)(C)

5-27-2020  
Date

Special Agent Signature  
Department of Homeland Security  
Office of Inspector General

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Witness Signature  
Department of Homeland Security  
Office of Inspector General

5-27-2020  
Date



OFFICE OF INSPECTOR GENERAL  
Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: Interview of (b) (6), (b) (7)(C)

Case Number: I19-BP-RGV-15636

Case Title: FNU LNU, et al, USBP

On May 20, 2019, (b) (6), (b) (7)(C), Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG), McAllen, Texas, and (b) (6), (b) (7)(C), Senior Special Agent (SSA), U. S. Customs and Border Protection (USCBP), Office of Professional Responsibility (OPR), McAllen, Texas interviewed (b) (6), (b) (7)(C), undocumented alien (UDA), Guatemala. (b) (6), (b) (7)(C) was interviewed in reference to her brother sixteen year old, Carlos Gregorio Hernandez-Vasquez, UDA juvenile, Guatemala, who passed away while in the custody of the United States Border Patrol (USBP), Weslaco Texas. The interview was video and audio recorded with the use of USCBP OPR equipment.

[Agent's Note: The below is an interview summary. It is not intended to be a verbatim account, and does not memorialize all statements made during the interview. Communications by the parties' during the interview were electronically recorded. The recording captures the actual words spoken in the interview.]

(b) (6), (b) (7)(C) stated she traveled from Guatemala with her brother, C. Hernandez until they were apprehended by the USBP. (b) (6), (b) (7)(C) added that she had not seen C. Hernandez since they were apprehended. (b) (6), (b) (7)(C) explained that during their progression to the United States (US), her brother was fine, and never indicated he was ill. Prior to crossing into Mexico from Guatemala, (b) (6), (b) (7)(C) stated that C. Hernandez, said his stomach hurt, but was fine after taking an "Alka-Seltzer." (b) (6), (b) (7)(C) added that C. Hernandez also got a headache due to the heat, and sun; but he took a "Diclofenac" pill, and his headache subsided. (b) (6), (b) (7)(C) explained that Diclofenac was a medication they brought from Guatemala that was commonly used for headaches. Furthermore, (b) (6), (b) (7)(C) stated that C. Hernandez was a relatively active, healthy teenager that never was sick, and played a lot of soccer. (b) (6), (b) (7)(C) did mention that around 6-7 years ago, C. Hernandez fainted at school, but he was briefly treated by a doctor, recovered, and had no other further health issues, or complications. (b) (6), (b) (7)(C) did not know the condition C. Hernandez was treated for when he fainted 6-7 years ago.

(b) (6), (b) (7)(C) said that when she, and C. Hernandez arrived to Mexico from Guatemala, they were with 300 other people awaiting to be smuggled into the U.S. (b) (6), (b) (7)(C) added that she did not observe any of the 300 people to be ill. (b) (6), (b) (7)(C) explained that if there were certain

Name, Title, Signature, and Date:

(b) (6), (b) (7)(C)

Reviewing Official Name, Title, Signature, and Date:

(b) (6), (b) (7)(C)

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EXHIBIT 4

## MEMORANDUM OF ACTIVITY

foods they were provided that he did not like such as sandwiches, he would still eat them. (b) (6)  
(b) (6), (b) (7)(C) stated that her and C. Hernandez' destination was to the state of New Jersey to reside with their brother.

[Agent's Note: The original audio recorded interview was transferred onto a CD, and place into evidence at the DHS OIG, Rio Grande Valley (RGV), Resident Agent in Charge (RAC) Office, McAllen, Texas, evidence room.]

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**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

**Type of Activity:** Personal Interview: Personal Interview of (b) (6), (b) (7)(C)

**Case Number:** I19-BP-RGV-15636

**Case Title:** FNU LNU, et al., USBP

On August 15, 2019, (b) (6), (b) (7)(C), Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG), McAllen, Texas, and (b) (6), (b) (7)(C), Senior Special Agent (SSA), U.S. Customs and Border Protection (USCBP), Office of Professional Responsibility (OPR), McAllen, interviewed (b) (6), (b) (7)(C), Certified Medical Assistant (CMA), Loyal Source Government Services (LSGS), Orlando, Florida. (b) (6), (b) (7)(C) was interviewed in reference to sixteen year old, Carlos Gregorio Hernandez-Vasquez, undocumented alien (UDA) juvenile, Guatemala, who passed away while in the custody of the United States Border Patrol (USBP), Weslaco, Texas.

LSGS is the government contractor that provides medical services to immigration detainees being detained by the USBP, Rio Grande Valley Sector (RGVS), Edinburg, Texas. Present with (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C), Attorney/Partner, DLA Piper, Miami, Florida, retained by LSGS. Prior to the interview, (b) (6), (b) (7)(C) was provided INV Form - 17 Disclosure Warning, which she acknowledged and signed. The interview of (b) (6), (b) (7)(C) was video, and audio recorded with USCBP OPR equipment.

The below is an interview summary. It is not intended to be a verbatim account, and does not memorialize all statements made during the interview. Communications by the parties' during the interview were electronically recorded. The recording captures the actual words spoken in the interview.

(b) (6), (b) (7)(C) stated she had been a CMA for 12 years, and began her career with LSGS in November of 2017. (b) (6), (b) (7)(C) said she was a full time LSGS employee, and was currently assigned to the USBP, RGVS, Central Processing Center (CPC), McAllen. (b) (6), (b) (7)(C) added that at the CPC, she was assigned to the 22 K, Bravo Unit, and her work schedule was Monday through Friday, from 2:00 pm to 10:00 pm. Aside from the CPC, (b) (6), (b) (7)(C) stated she had worked at the USBP Station, McAllen, and the USCBP Immigrant Holding Facility in Donna, Texas.

(b) (6), (b) (7)(C) stated her duties included conducting intake medical screenings of the immigrant detainees for illnesses such as chicken pox, scabies, and checking their medications (if they had brought medications). (b) (6), (b) (7)(C) added that the LSGS provider was present with her during the

Name, Title, Signature, and Date:

(b) (6), (b) (7)(C)

Resolving Official Name, Title, Signature, and Date:

(b) (6), (b) (7)(C)

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## MEMORANDUM OF ACTIVITY

medical screening process. *[Agent's Note: A provider for LSGS was either a Family Nurse Practitioner (FNP), or Physician Assistant (PA).]* (b) (6), (b) (7)(C) stated if the detainee were ill, or taking medications, the provider would document the medical screening. (b) (6), (b) (7)(C) added that she also completed a mental health form for unaccompanied children (UAC) being detained. (b) (6), (b) (7)(C) explained that after the initial medical screening was completed, all UACs were screened for mental health issues. (b) (6), (b) (7)(C) added that during the mental health screening the UACs were asked a series of questions pertaining to mental health. (b) (6), (b) (7)(C) said that the Mental Health screening of the UACs were conducted at the CPC. Overall, (b) (6), (b) (7)(C) stated that her job duties consisted of primarily assisting the provider with whatever he/she needed.

(b) (6), (b) (7)(C) stated she heard about the death of Hernandez on the news, and overheard USBP, Border Patrol Agents (BPAs), at the CPC discussing it. (b) (6), (b) (7)(C) said the day Hernandez passed away (May 20, 2019), she basically heard from the BPAs there was a detainee death at the USBP Station, Weslaco. (b) (6), (b) (7)(C) stated she never spoke to (b) (6), (b) (7)(C), Deputy Program Manager (DPM), LSGS, Orlando, or (b) (6), (b) (7)(C), Program Manager (PM), LSGS, Orlando, regarding the death of Hernandez. (b) (6), (b) (7)(C) did say that (b) (6), (b) (7)(C) got in contact with her, and she spoke with him regarding the death of Hernandez. *[Agent's Note: The details of the conversation between (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were protected under the Lawyer/Client privilege.]* (b) (6), (b) (7)(C) explained that she did not know who Hernandez was, and could not recall conducting a medical/mental health screening with him.

(b) (6), (b) (7)(C) stated that at the 22 K, Bravo Unit, CPC there were 2 support staff members, and a provider per work shift. *[Agent's Note: A support staff member was either a CMA, Certified Nurse Assistant (CNA), or an Emergency Medical Technician (EMT).]* (b) (6), (b) (7)(C) said there were occasions at work in which there was no second support staff member to assist the provider during the work shift. (b) (6), (b) (7)(C) explained that when there was not a second support staff member, she would advise (b) (6), (b) (7)(C), or (b) (6), (b) (7)(C), LSGS, Orlando. (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) usually found a support staff member to arrive at the CPC to assist her during the work shift, but there were occasions when they were unable to find anyone to help. (b) (6), (b) (7)(C), also said there were occasions in which there was no provider during her work shift. (b) (6), (b) (7)(C) said the times she had no provider during her work shift, she would contact (b) (6), (b) (7)(C), or (b) (6), (b) (7)(C), and a provider would arrive within two hours. (b) (6), (b) (7)(C) added that she had never worked an entire work shift without a provider. (b) (6), (b) (7)(C) stated that since the death of Hernandez, her work shifts have all been fully staffed. Furthermore, (b) (6), (b) (7)(C) stated the CPC was general busy, and during the time frame Hernandez passed away, the LSGS medical staff was "very busy."

(b) (6), (b) (7)(C) stated that during a medical assessment, she would take an immigrant detainees vitals, and conduct a flu test if needed. (b) (6), (b) (7)(C) explained the provider diagnoses the detainee, and administers medications to the detainee. (b) (6), (b) (7)(C) stated that detainees diagnosed with the flu, were administered the prescription medication Tamiflu. (b) (6), (b) (7)(C) added that if the flu was accompanied with a fever, an immigrant detainee could also be administered a fever reducing medication such as Tylenol, or Ibuprofen. (b) (6), (b) (7)(C) said that the detainees with fever, and the

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## MEMORANDUM OF ACTIVITY

flu had their body temperatures checked/rechecked periodically. (b) (6), (b) (7)(C) indicated that the body temperature recheck of a detainee with the flu/fever was conducted every 4 hours at the CPC. (b) (6), (b) (7)(C) explained the LSGS medical staff would wait 4 hours for the medication administered to work, and then the ill detainee would be reassessed again. Furthermore, (b) (6), (b) (7)(C) stated that it did not matter what level, grade, or temperature of the fever a detainee had, the detainee's fever was rechecked every four hours. (b) (6), (b) (7)(C) could not recall receiving any insight, or direction from anyone regarding the rechecking a febrile detainee's body temperature every 4 hours when she started her employment with LSGS. (b) (6), (b) (7)(C) stated the standard of practice at the CPC to recheck the body temperature every 4 hours of a febrile detainee should be the standard of practice for all LSGS medical departments. (b) (6), (b) (7)(C) added that the 4 hour, body temperature recheck, also, applied to UACs with fever. Lastly, (b) (6), (b) (7)(C) said she uses the ear thermometer to check/recheck a detainee's body temperature.

(b) (6), (b) (7)(C) stated that if the provider directs her to administer medication, and he/she was present to observe the immigrant detainee's medication was the proper medication, and dose, she will administer the medication to the detainee. (b) (6), (b) (7)(C) included that the provider does the documentation of any medical treatment, diagnosis, and administering of medication on an Emergency Medical Treatment Report (EMTR). Also, (b) (6), (b) (7)(C) added that if a detainee had a fever, the fever had to be notated on the EMTR. (b) (6), (b) (7)(C) explained that medications were administered to the detainees at 8:00 am and 8:00 pm, and that when a detainee was diagnosed with an illness, medication can be administered to him/her immediately.

(b) (6), (b) (7)(C) explained that the 22 k, Bravo Unit, of the CPC refuted adult males, and females; whereas the 55 k, Alpha Unit, of the CPC, refused UACs, juveniles, pregnant women, family units, and father's with children. (b) (6), (b) (7)(C) stated that only at the intake, medical/mental health screening she will interact with a UAC, or juvenile. (b) (6), (b) (7)(C) explained that after she conducted the mental health screening of a UAC, she completed a form, made a copy of the form, and provided the original to the USBP. (b) (6), (b) (7)(C) added that she provided the copy of the mental health form to the provider, and at the end of the work shift, the provider filed the form in an accordion style, plastic box.

(b) (6), (b) (7)(C) stated she was aware that the USBP Station, Weslaco, was designated an isolation facility for immigrant detainees with contagious diseases. (b) (6), (b) (7)(C) added that the CPC had isolation areas in the facility for detainees with contagious diseases, but the isolation of the detainee was only temporary until the ill detainee was transported to the USBP Station, Weslaco. (b) (6), (b) (7)(C) stated she was aware of detainees being returned back to their originating USBP Station, if the originating USBP Station sending the detainee failed to include the medication, or medical documentation related to the detainee.

(b) (6), (b) (7)(C) stated that she had observed some changes at the CPC after the death of Hernandez. (b) (6), (b) (7)(C) explained that the USBP was more aware of any medical issues with immigrant detainees, and worked better with the LSGS medical staff. (b) (6), (b) (7)(C) added that the USBP would assist more with locating, and retrieving detainees for the medical staff.

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## MEMORANDUM OF ACTIVITY

(b) (6), (b) (7)(C) stated that since the death of Hernandez, LSGS has provided the onsite medical staff with Tamiflu that was readily available to administer to an immigrant detainee immediately; rather than ordering a Tamiflu prescription from a pharmacy. Also (b) (6), (b) (7)(C) said that LSGS has provided the onsite medical staff with Xoflusa, a one pill, one time treatment, prescription medication for the flu. Also, (b) (6), (b) (7)(C) said a new procedure was implemented to track the medications administered to the detainees with the flu. (b) (6), (b) (7)(C) explained that a list of detainees being administered flu medications were notated, and the list was placed in a folder. (b) (6), (b) (7)(C) added that all USBP Stations provided prescription flu medications were required to keep the detainee/medication list in the folder. (b) (6), (b) (7)(C) added that she had also seen an increase in LSGS manpower at the CPC, and other USBP Stations in the RGVS.

*[Agent's Note: The original audio recording of the interview was transferred onto a CD, and entered into evidence at the DHS OIG, Rio Grande Valley (RGV), Resident Agent in Charge (RAC) Office, McAllen, Texas, evidence room.]*

*[Attachment: INV Form-17 Disclosure Warning]*

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**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**Disclosure Warning for Bargaining Unit Employees**

**"WARNING NOT TO DISCLOSE INVESTIGATIVE INFORMATION"**

You are being interviewed as part of a continuing, official investigation by the U.S. Department of Homeland Security, Office of Inspector General. As this investigation involves a sensitive matter, you are instructed not to discuss the nature or substance of this interview, or the existence of this investigation with any other person(s), except private legal counsel, or your union representative, if you have one.

Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

This advisement was made prior to the interview of 8-15-2019 (employee's name)  
on 8-15-19 (month, day, year) at 11:05 (time a.m./p.m.).

I have read and understand this warning.

(b) (6), (b) (7)(C)  
\_\_\_\_\_  
(signature)  
Employee [initials]

Date: 8/15/19

(b) (6), (b) (7)(C)  
\_\_\_\_\_  
(print name)  
(b) (6), (b) (7)(C)  
\_\_\_\_\_  
(signature)

Date: 8-15-19

Special Agent  
Department of Homeland Security  
Office of Inspector General

(b) (6), (b) (7)(C)  
\_\_\_\_\_  
(print name)  
(b) (6), (b) (7)(C)  
\_\_\_\_\_  
(signature)  
Witness [initials]

Date: 8-15-2019



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

**Type of Activity:** Records Review: Review of Carlos Gregorio Hernandez-Vasquez, United States Border Patrol Medical Records.

**Case Number:** I19-BP-RGV-15636

**Case Title:** FNU LNU, et al., USBP

On September 23, 2019, (b) (6), (b) (7)(C), Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG), McAllen, Texas, reviewed the United States Border Patrol (USBP), Rio Grande Valley Sector (RGVS), Edinburg, Texas, medical records related to Carlos Gregorio Hernandez-Vasquez, undocumented alien (UDA) juvenile, Guatemala, who passed away while in the custody of the USBP, Weslaco, Texas.

A review of the USBP medical records related to Hernandez revealed the following:

- Hernandez was medically screened into the USBP, RGVS, Central Processing Center (CPC), McAllen, on May 13, 2019, by (b) (6), (b) (7)(C), Certified Medical Assistant (CMA), Loyal Source Government Services (LSGS), Orlando, Florida.
- An Emergency Medical Treatment Report (EMTR) completed by (b) (6), (b) (7)(C), Family Nurse Practitioner (FNP), LSGS, Orlando, assigned to the USBP, RGVS, CPC, indicating that on May 19, 2019, at 0100 hours (1:00 am), Hernandez had a fever of 103 degrees, was diagnosed with Influenza A (flu virus), and was administered ibuprofen, and Tylenol (acetaminophen).
- An Influenza A Testing form indicating, Hernandez tested positive for the flu on May 19, 2019, at 0100 hours, and that the prescription medication, Tamiflu was ordered.
- A Pharmacy Benefits form provided to the pharmacy in reference to Hernandez
- An EMTR completed by (b) (6), (b) (7)(C), FNP, LSGS, Orlando, assigned to the USBP Station, Weslaco, indicating on May 19, 2019, at 2000 hours (8:00 pm) she administered oseltamivir (Tamiflu).

There were no other documented USBP/LSGS medical records related to the medical treatment of Hernandez provided to the DHS OIG.

Name, Title, Signature, and Date:

(b) (6), (b) (7)(C)

Reviewing Official Name, Title, Signature (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

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EXHIBIT 6



## MEMORANDUM OF ACTIVITY

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(Agent's Note: (b) (6), (b) (7)(C) was interviewed on June 13, 2019, and stated that Hernandez also was febrile, however she could not recall his body temperature. (b) (6), (b) (7)(C) added that she administered Tylenol to Hernandez, and acknowledged she failed to document his body temperature, and the administering of Tylenol on the EMTR.)

(Agent's Note: LSGS is the government contractor that provides medical services to immigration detainees being detained by the USBP, RGVS, Edinburg, Texas.)

[Attachments: Hernandez, USBP Health Screening for Alien Minors form, EMTR completed by (b) (6), (b) (7)(C), Division of Immigration Health Services Pharmacy Benefits Letter, Influenza Testing form related to Hernandez, and EMTR completed by (b) (6), (b) (7)(C)]

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OFFICE OF INSPECTOR GENERAL  
Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: Interview of (b) (6), (b) (7)(C)

Case Number: I19-BP-RGV-15636

Case Title: FNU LNU, et al., USBP

On June 13, 2019, (b) (6), (b) (7)(C), Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG), McAllen, Texas, and (b) (6), (b) (7)(C), Senior Special Agent (SSA), U.S. Customs and Border Protection (USCBP), Office of Professional Responsibility (OPR), McAllen, Texas, interviewed (b) (6), (b) (7)(C), Family Nurse Practitioner (FNP), Loyal Source Government Services (LSGS), Orlando, Florida. (b) (6), (b) (7)(C) was interviewed in reference to sixteen year old, Carlos Gregorio Hernandez-Vasquez, undocumented alien (UDA) juvenile, Guatemala, who passed away while in the custody of the United States Border Patrol (USBP), Weslaco, Texas. Present with (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C), Attorney/Partner, DLA Piper, Miami, Florida, retained by LSGS. LSGS is the government contractor that provides medical services to immigration detainees being detained by the USBP, Rio Grande Valley Sector (RGVS), Edinburg, Texas. Prior to the interview, (b) (6), (b) (7)(C) was provided INV Form-17 Disclosure Warning, which she acknowledged and signed. The interview of (b) (6), (b) (7)(C) was video, and audio recorded with USCBP OPR equipment.

The below is an interview summary. It is not intended to be a verbatim account, and does not memorialize all statements made during the interview. Communications by the parties' during the interview were electronically recorded. The recording captures the actual words spoken in the interview.

(b) (6), (b) (7)(C) stated she was employed by LSGS as a provider, FNP, and had been employed with LSGS since March 24, 2019. (b) (6), (b) (7)(C) added that she has been a FNP since 2009, and registered nurse since 2002. Furthermore, (b) (6), (b) (7)(C) said she was assigned to the USBP, RGVS, Central Processing Center (CPC), McAllen, Texas.

(b) (6), (b) (7)(C) stated the mission of the LSGS medical program within the USBP was disease surveillance, and to conduct medical screenings for scabies, lice, and other contagious diseases. (b) (6), (b) (7)(C) added she will assess, diagnose, and medically treat immigrant detainees in the custody of the USBP. Some of the conditions, (b) (6), (b) (7)(C) stated she treats were headaches, stomach complaints, cough/congestion, fever, and she also helps manage the medical conditions of immigrant detainees with high blood pressure, and diabetes. (b) (6), (b) (7)(C) said that the population of

Name, Title, Signature, and Date: (b) (6), (b) (7)(C) 8-27-19 (b) (6), (b) (7)(C) Special Agent	Reviewing Official Name, Title, Signature, and Date: (b) (6), (b) (7)(C) 8-27-19 (b) (6), (b) (7)(C) Resident Agent in Charge
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## MEMORANDUM OF ACTIVITY

immigrant detainees at the USBP, RGVS, CPC, consists of family units, and unaccompanied children (UAC).

(b) (6), (b) (7)(C) said she was advised of the death of Hernandez, the day after he passed away, by her supervisor, (b) (6), (b) (7)(C), Deputy Program Manager (DPM), LSGS, Orlando. (b) (6), (b) (7)(C) added that she was notified by (b) (6), (b) (7)(C), due to her assessing Hernandez the night of May 18, 2019 at the USBP, RGVS, CPC. (*Agent's Note: (b) (6), (b) (7)(C) worked a mid night shift, beginning on May 18, 2019 at 10:00 pm and ending on May 19, 2019 at 6:00 am.*) (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) asked her if she remembered Hernandez, and told him, she remembered the name Hernandez, but not who Hernandez was. (b) (6), (b) (7)(C) said that (b) (6), (b) (7)(C) told her to review her medical documentation related to treating Hernandez because she could be interviewed regarding her treatment of him at a later date.

(b) (6), (b) (7)(C) recalled assessing Hernandez on May 19, 2019 at 1:00 am, and diagnosed him with Influenza A (Flu), the common, flu virus strain. (b) (6), (b) (7)(C) added that Hernandez had a fever of a 103 degrees, and prescribed him Tamiflu, gave him Tylenol, and ibuprofen for the fever; which were the standard medications LSGS provided to flu patients. (b) (6), (b) (7)(C) explained that for an immigrant detainee to receive a prescription in the USBP custody, she completes her documentation related to the ill individual, the flu testing form, and provides copies of the documentation to the USBP manager on site. (b) (6), (b) (7)(C) stated she will complete another form for the prescription medication, and take it to a BPA to get an "A number," which she referred as a "detainee number or alien number." (b) (6), (b) (7)(C) said the ordering time of the prescription medicine depends on how long it takes the USBP to provide the LSGS medical staff with the A number. After completing the form with the A number, (b) (6), (b) (7)(C) explained that she contacts the pharmacy, and orders the prescription for the ill detainee. (b) (6), (b) (7)(C) added that she will provide the form to the U.S. National Guardsmen on duty to pick up the medication.

(b) (6), (b) (7)(C) recalled the Tamiflu prescription for Hernandez arrived at the USBP, RGVS, CPC around 5:00 am on May 19, 2019. (b) (6), (b) (7)(C) stated she did not administer the Tamiflu to Hernandez, and left her work shift on May 19, 2019, at 6:00 am. (b) (6), (b) (7)(C) said she was unaware if the incoming shift provider, (b) (6), (b) (7)(C), FNP, LSGS, Orlando, administered the Tamiflu to Hernandez. (b) (6), (b) (7)(C) stated that the administering of medication to an immigrant detainee in the custody of the USBP should be documented, and if (b) (6), (b) (7)(C) administered the Tamiflu to Hernandez it should have been documented. (*Agent's Note: there was no documentation provided to the DHS OIG by LSGS, or the USBP indicating (b) (6), (b) (7)(C) administered the Tamiflu to Hernandez.*) Furthermore, (b) (6), (b) (7)(C) could not recall the name, but was able to identify the Emergency Medical Treatment Report (EMTR) form the providers use to document any medical assessment, and treatment of an immigrant detainee. In addition, (b) (6), (b) (7)(C) could not remember who the incoming shift support staff member was that worked with (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) stated that part of her duties as an LSGS provider is to brief the incoming shift provider of significant cases encountered during their work shift. (b) (6), (b) (7)(C) recalled having a high number of flu patients on her work shift, listing the UAC flu cases, and listing the ones

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## MEMORANDUM OF ACTIVITY

pending to receive medication on a white board in the medical office. (b) (6), (b) (7)(C) recalled labeling Hernandez' Tamiflu medication for (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) added that she briefed (b) (6), (b) (7)(C) that she just received the medication for Hernandez, and endorsed his care to her (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) could not recall (b) (6), (b) (7)(C) asking her any questions related to the briefing she gave her (b) (6), (b) (7)(C) regarding Hernandez. (b) (6), (b) (7)(C) stated she was not sure if briefing the incoming provider was an LSGS requirement, but it was a standard of practice for a nurse, or medical professional to the incoming provider. (b) (6), (b) (7)(C) did not recall anything else concerning the medical treatment she provided Hernandez.

(b) (6), (b) (7)(C) explained there was no set standard time to reassess a flu patient, and the reassessment varies according to the flu case. (b) (6), (b) (7)(C) added that she tells her flu patients to return to the medical department in 2 hours for a reassessment, or if the flu patient was not feeling better to return sooner. However, (b) (6), (b) (7)(C) acknowledged that there were no time clocks in the USBP, RGVS, CPC for the immigrant detainees to know when the 2 hours elapsed. (b) (6), (b) (7)(C) said that she initiates the reassessment on her UAC flu patients who are, 5 years old, or younger, due to their age. (b) (6), (b) (7)(C) stated that if the body temperature was rechecked, and indicated the fever reduced on the flu patient, documentation of the assessment was not required. (b) (6), (b) (7)(C) explained that the importance of reassessing a flu patient after two hours was to recheck the body temperature, and to observe if the fever had reduced, and if the medication administered to the individual worked. (b) (6), (b) (7)(C) added that her decision to reassess a flu patient after two hours was based on her training, and experience, not by LSGS. (b) (6), (b) (7)(C) stated that a reassessment of flu patients every 4 hours would be the standard recommendation due to the life of fever reducing medications such as Tylenol lasting 4 hours, but she chooses to reassess after 2 hours. (b) (6), (b) (7)(C) could not recall conducting, or instructing a support staff member to do a reassessment on Hernandez from her initial assessment at 1:10 am to the time her work shift ended at 6:00 am.

(b) (6), (b) (7)(C) said that in flu cases, some of the symptoms in a patient that will require a provider to contact emergency medical services (EMS), include shortness of breath, pale skin complexion, chest pain, uncontrolled vomiting with blood, bodily fluids, dehydration, and several bowel movements of diarrhea.

(b) (6), (b) (7)(C) recalled having a high number of flu patients when she treated Hernandez, but could not recall a specific number. (b) (6), (b) (7)(C) recalled having the white board in the medical office full of flu patients. (b) (6), (b) (7)(C) estimated there were 15 to 20 names of flu patients listed on the white board. (b) (6), (b) (7)(C) said that the USBP Station, Weslaco was utilized to isolate immigrant detainees with contagious diseases. (b) (6), (b) (7)(C) added that the USBP determines who will be transferred to the USBP Station, Weslaco for isolation. (b) (6), (b) (7)(C) stated she worked at the USBP Station, Weslaco, on one occasion to cover for another provider, but could not estimate the number of ill detainees at the station that day.

(b) (6), (b) (7)(C) explained that the flu test LSGS utilizes to diagnose immigrant detainees with the flu was the nasal swab test, that test for influenza A or B. (b) (6), (b) (7)(C) added that the flu test does not test for H1N1, Swine Flu. *(Agent's Note: Autopsy revealed, that Hernandez was positive for the*

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## MEMORANDUM OF ACTIVITY

*H1N1 flu virus.*) (b) (6), (b) (7)(C) stated she was aware of the flu outbreak at the USBP, RGVS, CPC, that required the facility to shut down temporarily, but was unaware of the number of flu cases present when the shutdown occurred.

(b) (6), (b) (7)(C) stated if she reassessed an immigrant detainee with a fever, and he/she still had a fever, she would document the fever on an EMTR. (b) (6), (b) (7)(C) added that she would also document if she administered medication to the detainee. Furthermore, (b) (6), (b) (7)(C) stated she was unaware if documenting the administering of a nonprescription medication to a detainee was a requirement of LSGS. (b) (6), (b) (7)(C) explained that it is a standard of practice for a medical professional to document the administering of medication that was prescribed, but she has not seen any LSGS policy to document it. (b) (6), (b) (7)(C) said LSGS did orientate her regarding their forms, and has received guidance from her supervisor, and supervising physician on what to document. (b) (6), (b) (7)(C) was unaware if over the counter medications such as Tylenol, or ibuprofen needed to be documented, unless it is accompanied by a high fever. (b) (6), (b) (7)(C) indicated that Tamiflu was administered every 12 hours, and ibuprofen could be administered every 6 to 8 hours. (b) (6), (b) (7)(C) explained that at the USBP, RGVS, CPC, the standard time for administering medication was at 8:00 am and 8:00 pm, and was not sure if the time to administer medication was a LSGS, or USBP practice. (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) should have administered the medication at 8:00 am the morning of May 19, 2019, and it should have been documented.

(b) (6), (b) (7)(C) stated that the medical documentation related to the immigrants detainees the LSGS providers assess, and treat was held at the facility for a month. (b) (6), (b) (7)(C) added that Dr. (b) (6), (b) (7)(C), Physician, LSGS, Orlando reviews the documentation/records, and they are later picked up by (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said that the medical documentation was stored in a desk drawer in the medical office, and was filed according to the date the patient was assessed.

(b) (6), (b) (7)(C) stated the USBP, RGVS, CPC, was divided amongst two detention areas, "55 K, Alpha" side that she works, and the "22K Bravo," side that holds less people. (b) (6), (b) (7)(C) explained that the 55K Alpha side was supposed to employ two LSGS providers and 3 support staff members, and the 22 Bravo, one provider, and one support staff per work shift. (b) (6), (b) (7)(C) added that on her work shift in which she treated Hernandez, and several other flu patients, she was the only provider, and had only one support staff member. (b) (6), (b) (7)(C) said on that particular day, it was the weekend, and LSGS employees tend to not report to duty on the weekends. (b) (6), (b) (7)(C) stated that LSGS management does try to find a replacement when a provider, or support staff member does not report to duty, but on occasion, she has worked as the lone Medical provider.

(b) (6), (b) (7)(C) stated that when she was understaffed, it was very difficult to work by herself as the lone medical provider. (b) (6), (b) (7)(C) explained that she has to prioritize her patients when she does not have the proper amount of workers to treat the patients. For example, (b) (6), (b) (7)(C) indicated she will treat a detainee with the flu before treating a detainee with lice. In her own words, (b) (6), (b) (7)(C) stated "lice is not going to kill anybody, but a potential influenza will." (b) (6), (b) (7)(C) explained that LSGS management has made attempts to hire more personnel, but the background investigations

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## MEMORANDUM OF ACTIVITY

conducted on newly hired employees takes too long to be completed, and approve an employee to work in a federal facility. (b) (6), (b) (7)(C) did state that the extra staffing LSGS management has provided per work shift has helped the medical staff better manage the treating of detainees.

(b) (6), (b) (7)(C) stated that she has seen changes implemented by LSGS since the death of Hernandez. (b) (6), (b) (7)(C) added that they have flu medications such as Tamiflu are in stock, and readily available to a flu stricken immigrant detainees. Also, (b) (6), (b) (7)(C) indicated body temperature screenings are required for all children during intake. Furthermore, (b) (6), (b) (7)(C) said that LSGS management has asked all medical staff members to be more vigilant on reassessments of detainees, and are providing more staff members on each work shift. (b) (6), (b) (7)(C) added that on one work shift at the USBP, RGVS, CPC, there were four providers on duty.

As far as changes by the USBP since the death of Hernandez, (b) (6), (b) (7)(C) stated that she has observed USBP be more helpful, and a Supervisory Border Patrol Agent (SBPA) has been assigned to assist the onsite LSGS medical staff with flu cases. (b) (6), (b) (7)(C) added that it was important for the LSGS medical staff, and the USBP to work together to accomplish the task of medically treating the immigrant detainees.

(b) (6), (b) (7)(C) stated she was unaware of any policies provided by LSGS management related to patient treatment. (b) (6), (b) (7)(C) said they have to follow recommendations provided by Dr.

(b) (6), (b) (7)(C).

*[Agent's Note: The original audio recording of the interview was transferred onto a CD, and entered into evidence at the DHS OIG, Rio Grande Valley (RGV), Resident Agent in Charge (RAC) Office, McAllen, Texas, evidence room.]*

*[Attachment: INV Form-17 Disclosure Warning]*

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**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**Disclosure Warning for Bargaining Unit Employees**

**"WARNING NOT TO DISCLOSE INVESTIGATIVE INFORMATION"**

You are being interviewed as part of a continuing, official investigation by the U.S. Department of Homeland Security, Office of Inspector General. As this investigation involves a sensitive matter, you are instructed not to discuss the nature or substance of this interview, or the existence of this investigation with any other person(s), except private legal counsel, or your union representative, if you have one.

Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

This advisement was made prior to the interview of (b) (6), (b) (7)(C) (employee's name) on June 13, 2019 (month, day, year) at 10:57 (time, a.m./p.m.).

I have read and understand this warning.

(b) (6), (b) (7)(C) (signature) Date: 6-13-19  
Employee (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (print name)  
(b) (6), (b) (7)(C) (signature) Date: 6-13-19  
Special Agent  
Department of Homeland Security  
Office of Inspector General

(b) (6), (b) (7)(C) (print name) Date: 6/13/2019  
(b) (6), (b) (7)(C) (signature)  
Witness



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**MEMORANDUM OF ACTIVITY**

**Type of Activity:** Other: USCBP OPR Agent Affidavit, Interview of (b) (6), (b) (7)(C)

**Case Number:** I19-BP-RGV-15636

**Case Title:** FNU LNU, et al., USBP

On October 27, 2020, (b) (6), (b) (7)(C) Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG), McAllen, Texas, and (b) (6), (b) (7)(C) Senior Special Agent (SSA), U.S. Customs and Border Protection (USCBP), Office of Professional Responsibility (OPR), McAllen, interviewed (b) (6), (b) (7)(C) Family Nurse Practitioner (FNP), Loyal Source Government Services (LSGS), Orlando, Florida. (b) (6), (b) (7)(C) was interviewed in reference to sixteen year old, Carlos Gregorio Hernandez-Vasquez, undocumented alien (UDA) juvenile, Guatemala, who passed away in the custody of the USBP, Weslaco, on May 20, 2019.

DHS OIG and USCBP OPR are conducting the investigation jointly. Appended to this report in its entirety for reference is a USCBP OPR agent affidavit authored by (b) (6), (b) (7)(C) dated February 10, 2021. The agent affidavit is an interview summary of the interview of (b) (6), (b) (7)(C). It is not intended to be a verbatim account, and does not memorialize all statements made during the interview. Communications by the parties during the interview were electronically recorded. The recording captured the actual words spoken in the interview. The interview of (b) (6), (b) (7)(C) was conducted virtually due to the COVID-19 Pandemic.

(b) (6), (b) (7)(C) was the LSGS, midlevel provider, FNP on duty during the day work shift (7:00 am – 4:00 pm) at the USBP, Rio Grande Valley Sector (RGVS), Central Processing Sector, McAllen on May 19, 2019. Hernandez was detained at the CPC during (b) (6), (b) (7)(C) work shift on May 19, 2019, and was already diagnosed with Influenza A (Flu virus) by the LSGS, midnight work shift (10:00 pm – 6:00 am) midlevel provider, FNP.

The original audio recording of the interview was transferred onto a CD, and entered into evidence at the DHS OIG, Rio Grande Valley (RGV), Assistant Special Agent in Charge (ASAC) Office, McAllen, Texas, evidence room.

*[Attachments: USCBP OPR Agent Affidavit Case Number: 201907324, and INV Form-18, Disclosure Warning for Bargaining Unit Employees.]*

Name, Title, Signature, and Date: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Special Agent	Reviewing Official Name, Title, Signature, and Date: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Digitally signed by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C), Assistant Special Agent in Charge Date: 2021.03.17 12:24:06 -05'00'
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EXHIBIT 8



**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

**Non-Bargaining Unit Employees**  
**"WARNING TO NOT DISCLOSE INVESTIGATIVE INFORMATION"**

You are being interviewed as part of a continuing, official investigation by the U.S. Department of Homeland Security, Office of Inspector General. As this investigation is sensitive in nature, you are instructed not to discuss the nature of this interview with any other person(s), except private legal counsel. Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.

I, (b) (6), (b) (7)(C), have read and understand the above warning.  
(Employee Print Name)

(b) (6), (b) (7)(C)  
Employee Signature

10/27/2020  
Date

(b) (6), (b) (7)(C)  
Special Agent Print Name  
(b) (6), (b) (7)(C)  
Special Agent Signature  
Department of Homeland Security  
Office of Inspector General

2-10-2021  
Date

(b) (6), (b) (7)(C)  
Witness Print Name (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
Witness Signature  
Department of Homeland Security  
Office of Inspector General

2-10-2021  
Date





OFFICE OF INSPECTOR GENERAL  
Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: Interview of (b) (6), (b) (7)(C)

Case Number: I19-BP-RGV-15636

Case Title: FNU LNU, et al., USBP

On June 13, 2019, (b) (6), (b) (7)(C), Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG), McAllen, Texas, and (b) (6), (b) (7)(C), Senior Special Agent (SSA), U.S. Customs and Border Protection (USCBP), Office of Professional Responsibility (OPR), McAllen, interviewed (b) (6), (b) (7)(C), Certified Nursing Assistant (CNA), Loyal Source Government Services (LSGS), Orlando, Florida. (b) (6), (b) (7)(C) was interviewed in reference to sixteen year old, Carlos Gregorio Hernandez-Vasquez, undocumented alien (UDA) juvenile, Guatemala, who passed away while in the custody of the United States Border Patrol (USBP), Weslaco, Texas. Present with (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C), Attorney/Partner, DLA Piper, Miami, Florida, retained by LSGS. LSGS is the government contractor that provides medical services to immigration detainees being detained by the USBP, Rio Grande Valley Sector (RGVS), Edinburg, Texas. Prior to the interview (b) (6), (b) (7)(C) was provided INV Form-17 Disclosure Warning, which she acknowledged and signed. The interview of (b) (6), (b) (7)(C) was video, and audio recorded with USCBP OPR equipment.

The below is an interview summary. It is not intended to be a verbatim account, and does not memorialize all statements made during the interview. Communications by the parties' during the interview were electronically recorded. The recording captures the actual words spoken in the interview.

(b) (6), (b) (7)(C) stated she was employed with LSGS, as a CNA, and is assigned to the USBP, RGVS, Central Processing Center (CPC), McAllen. (b) (6), (b) (7)(C) added that her duties as a CNA for LSGS were to take vitals of immigrant detainees detained in USBP custody, and assist providers for LSGS, such as a Family Nurse Practitioner (FNP), or a Physician Assistant (PA). (b) (6), (b) (7)(C) indicated that CNAs were referred to as LSGS support staff.

(b) (6), (b) (7)(C) stated she heard about Hernandez passing away at the USBP "Medical Station," Weslaco, from (b) (6), (b) (7)(C), FNP, LSGS, Orlando. (Agent's Note: USBP Station, Weslaco is commonly referred to as medical station, due to being utilized as detention facility to isolate detainees who are ill with contagious diseases.) (b) (6), (b) (7)(C) explained that (b) (6), (b) (7)(C) did not tell her Hernandez' name, or how he passed away, but did say he had the influenza virus (flu). (b) (6), (b) (7)(C) explained that all flu patients diagnosed at the USBP, RGVS, CPC are transferred to the USBP

Name, Title, Signature, and Date: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Special Agent 9.26-19	Reviewing Official Name, Title, Signature, and Date: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Resident Agent in Charge 8/26/17
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## MEMORANDUM OF ACTIVITY

Station, Weslaco, for isolations purposes, and she worked the night (mid night shift, beginning on May 18, 2019 at 10:00 pm and ending on May 19, 2019 at 6:00 am) prior to Hernandez passing away.

(b) (6), (b) (7)(C) stated when an immigrant detainee is medically screened into a USBP station, the provider will instruct her to do a full set of vitals checks that includes checking the body temperature, the blood pressure, pulse, and oxygen saturation of the individual. Upon completing the checking of the immigrant detainee's vitals, (b) (6), (b) (7)(C) advises the provider, and the provider will conduct their own assessment. (b) (6), (b) (7)(C) added that depending on the immigrant detainee's symptoms, the provider will begin formulating a treatment plan. (b) (6), (b) (7)(C) said that for flu patients, a "nose swab," flu test is conducted that takes 10 minutes for the results. (b) (6), (b) (7)(C) explained she was not sure what strain of flu the "nose swab" flu test, test for, but the provider will know the type of flu strain.

(b) (6), (b) (7)(C) stated that immigrant detainees with the flu, generally arrive to the medical department with a fever of a 100 degrees, or above; and the provider will administer Tylenol (acetaminophen), or motrin (ibuprofen), to lower the fever. (b) (6), (b) (7)(C) added that the provider will prescribe the immigrant detainee Tamiflu, and complete the proper documentation to provide the USBP. At that particular point, (b) (6), (b) (7)(C) explained that the USBP will coordinate the transfer of the immigrant detainee with the flu to the USBP Station, Weslaco, for isolation.

(b) (6), (b) (7)(C) stated that immigrant detainees with high fevers are usually isolated in an area of the USBP, RGVS CPC, to be monitored, or sent to an area within the facility to be isolated with other immigrant detainees with the flu. (b) (6), (b) (7)(C) said there was no set time frame to reevaluate, or recheck the body temperature of an immigrant detainee that is febrile. (b) (6), (b) (7)(C) stated she was not sure how long it took fever reducing medications such as Motrin/ibuprofen to wear off; or how often an immigrant detainee with a fever, or flu will be reevaluated. (b) (6), (b) (7)(C), later in the interview stated that Tylenol, or Motrin takes 4 to 6 hours to wear off.

At the 23:54 mark of the recorded interview, 9:57 am, (b) (6), (b) (7)(C) requested a break to speak with (b) (6), (b) (7)(C). The interview reconvened at 26:23 minute mark of the recorded interview, 10:00 am.

(b) (6), (b) (7)(C) reiterated there was no timeframe to recheck or follow up with an immigrant detainee that was administered Tylenol, or ibuprofen. (b) (6), (b) (7)(C) added that the reevaluation depends on the initial fever the immigrant detainee had when he/she was received, or whether a provider determines a reevaluation was needed.

(b) (6), (b) (7)(C) recalled working on May 19, 2019, and May 20, 2019, but could not recall treating Hernandez. (b) (6), (b) (7)(C) did remember treating several juvenile detainees with the flu virus. (b) (6), (b) (7)(C) explained that due to Hernandez being a juvenile, he would have been placed in the "55 K," "Alpha" area of the facility that has a larger capacity, and holds juvenile detainees. (b) (6), (b) (7)(C) recalled a lot of immigrant detainees diagnosed with the flu around the time Hernandez was diagnosed with the flu, but could not recall if the USBP, RGVS, CPC, was shut down due to a flu outbreak at the facility. *(Agent's Note: the USBP, RGVS, CPC temporarily shut down, and*

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## MEMORANDUM OF ACTIVITY

suspended intake from May 21, 2019 to May 23, 2019 due to flu outbreak.) (b) (6), (b) (7)(C) stated that (b) (6), (b) (7)(C) was the LSGS provider on May 19, 2019. (b) (6), (b) (7)(C) added that the provider does all the documentation concerning her assessment of the immigrant detainee, but was unaware of the form the provider uses to document any medical treatment they provide. Furthermore, (b) (6), (b) (7)(C) explained the provider completes a form when an immigrant detainee is diagnosed with the flu. (b) (6), (b) (7)(C) said that she does not do any note taking, unless the provider is not present for the intake, medical screening. (b) (6), (b) (7)(C) added that she will then give her notes to the provider so he/she could complete their documentation related to the immigrant detainee. As for the storage of LSGS, patient documentation completed by the provider, (b) (6), (b) (7)(C) stated the documentation was stored in a filing cabinet, in the LSGS medical office, on the right side of the desk the provider sits at.

(b) (6), (b) (7)(C) stated that on occasion she will work two shifts, back to back. (b) (6), (b) (7)(C) explained that when she does work a back to back, work shift, it is sometimes scheduled in advance, or when her boss needs a support staff worker. (b) (6), (b) (7)(C) said that at the USBP, RGVS, CPC, there was typically 1 to 3 providers, and 1 to 3 support staff workers on duty per shift. (b) (6), (b) (7)(C) stated that on May 19, 2019, she was assigned to the 55K/Alpha side of the facility, and there was only one provider working the shift, and she was the lone support staff worker. (b) (6), (b) (7)(C) said she was not aware of any occasions of not having a provider present at the USBP, RGVS, CPC. (b) (6), (b) (7)(C) added that she has worked at the USBP Station, Weslaco. (b) (6), (b) (7)(C) explained that while working at the USBP Station, Weslaco, she observed 1 provider, and 1 support staff employee per work shift.

(b) (6), (b) (7)(C) said that LSGS does have policies for treating certain medical conditions, such as the flu; however (b) (6), (b) (7)(C) could never state affirmatively, whether LSGS management, provided training, or reviewed their policy related to treating flu patients. (b) (6), (b) (7)(C) explained that in flu patients, LSGS attempts to lower the fever, conduct body temperature checks, and the provider had the discretion on how to medically treat the patient. (b) (6), (b) (7)(C) did not know whether the LSGS flu policy related to treating flu patients, provided instructions, or a time frame on how often to re-evaluate a flu patient. (b) (6), (b) (7)(C) could not give an answer whether LSGS, provides training to employees regarding policy and procedure, but indicated that LSGS provides awareness to employees via email, printouts, and monthly meetings with Dr. (b) (6), (b) (7)(C), Physician, LSGS, Orlando, that occur every 2 to 3 months. (Agent's Note: Dr. (b) (6), (b) (7)(C), is a physician contracted by LSGS that is based in Mission Texas.)

(b) (6), (b) (7)(C) stated that since Hernandez passed away LSGS advised onsite medical staff to be more vigilant, and check their patients more often. (b) (6), (b) (7)(C) added that USBP has been more helpful since the death of Hernandez, and have designated a BPA to assist the LSGS medical staff with bringing detainees to the medical office when needed. Furthermore, (b) (6), (b) (7)(C) stated that since Hernandez passed away, she has only worked on one occasion at the USBP Station, Weslaco.

[Attachment: INV Form-17 Disclosure Warning]

### IMPORTANT NOTICE

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## MEMORANDUM OF ACTIVITY

*[Agent's Note: The original audio recording of the interview was transferred onto a CD, and entered into evidence at the DHS OIG, Rio Grande Valley (RGV), Resident Agent in Charge (RAC) Office, McAllen, Texas, evidence room.]*

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**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**Disclosure Warning for Bargaining Unit Employees**

**"WARNING NOT TO DISCLOSE INVESTIGATIVE INFORMATION"**

You are being interviewed as part of a continuing, official investigation by the U.S. Department of Homeland Security, Office of Inspector General. As this investigation involves a sensitive matter, you are instructed not to discuss the nature or substance of this interview, or the existence of this investigation with any other person(s), except private legal counsel, or your union representative, if you have one.

Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

This advisement was made prior to the interview of **(b) (6), (b) (7)(C)** (employee's name) on 6-13-19 (month, day, year) at 9:37 (time a.m./p.m.).

I have read and understand this warning.

**(b) (6), (b) (7)(C)** (signature)  
Employee **(b) (6), (b) (7)(C)**

Date: 6-13-19

**(b) (6), (b) (7)(C)** (print name)  
**(b) (6), (b) (7)(C)** (signature)

Date: 6-13-19

Special Agent  
Department of Homeland Security  
Office of Inspector General

**(b) (6), (b) (7)(C)** (print name)  
**(b) (6), (b) (7)(C)** (signature)  
Witness

Date: 6/13/2019



OFFICE OF INSPECTOR GENERAL  
Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: Interview of (b) (6), (b) (7)(C)

Case Number: I19-BP-RGV-15636

Case Title: FNU LNU, et al, USBP

On June 6, 2019, (b) (6), (b) (7)(C), Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG), McAllen, TX, and (b) (6), (b) (7)(C), Senior Special Agent (SSA), U.S. Customs and Border Protection (USCBP), Office of Professional Responsibility (OPR), McAllen, TX, interviewed (b) (6), (b) (7)(C), Emergency Medical Technician (EMT), Loyal Source Government Services (LSGS), Orlando, FL. (b) (6), (b) (7)(C) was interviewed in reference to sixteen year old, Carlos Gregorio Hernandez-Vasquez, undocumented alien (UDA) juvenile, Guatemala, who passed away while in the custody of the United States Border Patrol (USBP), Weslaco, TX. Present with (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C), Attorney/Partner, DLA Piper, Miami, FL, retained by LSGS. LSGS is the government contractor that provides medical services to immigration detainees being detained by the USBP, Rio Grande Valley Sector (RGVS), Edinburg, TX. Prior to the interview (b) (6), (b) (7)(C) was provided INV Form-17 Disclosure Warning, which he acknowledged and signed. The interview of (b) (6), (b) (7)(C) was video, and audio recorded with USCBP OPR equipment.

The below is an interview summary. It is not intended to be a verbatim account, and does not memorialize all statements made during the interview. Communications by the parties' during the interview were electronically recorded. The recording captures the actual words spoken in the interview.

(b) (6), (b) (7)(C) stated he has been employed with LSGS as an EMT since 2015, and is currently assigned to the USBP Station, Weslaco. (b) (6), (b) (7)(C) said his duties include providing medical care, and medical assessments to immigrant detainees in USBP custody.

(b) (6), (b) (7)(C) explained that when a detainee arrives at the USBP Station, Weslaco, he reviews the documentation provided by the prior facility the detainee was detained in. (b) (6), (b) (7)(C) added that he will conduct an initial medical screening, provide the findings on a note for the provider, and the provider will document the findings on an LSGS document, titled, "Emergency Medical Treatment Report" (EMTR). [Agent's Note: A provider is either a Physician Assistant (PA), or Family Nurse Practitioner (FNP) employed by LSGS]. (b) (6), (b) (7)(C) stated that detainees with influenza (Flu) have their body temperature checked, and if it is abnormal, they are provided Tylenol (acetaminophen), or ibuprofen. (b) (6), (b) (7)(C) added that the provider determines the medication, a plan

Name, Title, Signature, and Date:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), Special Agent

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), Resident Agent in Charge (b) (6), (b) (7)(C)

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EXHIBIT 10



## MEMORANDUM OF ACTIVITY

of action, and documents their findings (body temperature, medication administered, or plan of action) on an EMTR. (b) (6), (b) (7)(C) said that he is permitted to administer medication under the direction of the provider.

(b) (6), (b) (7)(C) stated the morning of May 20, 2019, when Hernandez was found deceased in a holding cell at the USBP Station, Weslaco, he arrived late to work at 6:10 am. (b) (6), (b) (7)(C) recalled (b) (6), (b) (7)(C), PA, LSGS, Orlando, FL, being in Hernandez' holding cell, and determined he was unresponsive, and deceased. (b) (6), (b) (7)(C) added that due to Hernandez being deceased, no medical treatment was required. (b) (6), (b) (7)(C) explained that he observed Hernandez' deceased body with signs of rigor mortis, and his body was hard. (b) (6), (b) (7)(C) said that he had never seen Hernandez before, or provided him medical care.

(b) (6), (b) (7)(C) stated he did not make any notification to LSGS, and did not talk to any managers from LSGS, after Hernandez was found deceased in the holding cell. (b) (6), (b) (7)(C) added that (b) (6), (b) (7)(C), Deputy Program Manager (DPM), LSGS, Orlando, FL, did arrive at the USBP Station, Weslaco, the morning of Hernandez' death. (b) (6), (b) (7)(C) could not recall the exact time (b) (6), (b) (7)(C) arrived, or what he (b) (6), (b) (7)(C) did while at the USBP Station, Weslaco. (b) (6), (b) (7)(C) explained that he started conducting his normal duties of medically treating detainees that were ill, such as checking the body temperature of influenza (flu) patients, and administering medications. Furthermore, (b) (6), (b) (7)(C) did not observe when (b) (6), (b) (7)(C) left, and did not ask (b) (6), (b) (7)(C) what (b) (6), (b) (7)(C) did at the USBP Station, Weslaco.

(b) (6), (b) (7)(C) stated that a provider will complete their documentation of medically treating patients when it is feasible for them. (b) (6), (b) (7)(C) added that providers are very busy, and that it is common for some providers to complete their documentation of medically treating patients in USBP custody, at their home. (b) (6), (b) (7)(C) said that the documentation of medically treating patients should be completed during the provider's work shift, and left for the incoming work shift to refer to, when needed. (b) (6), (b) (7)(C) stated that the providers do brief the incoming shift provider of anything relevant the outgoing shift provider may have encountered. (b) (6), (b) (7)(C) added that the providers provide verbal reports to each other during the work shift change. (b) (6), (b) (7)(C) stated that the medical staff will also refer to a dry erase board in the medical department's office that list the detainees under their care, and their current health state.

(b) (6), (b) (7)(C) stated he currently works the 6:00 am – 2:00 pm, shift, and that the medical staff is required to reassess an ill detainee, during each work shift. (b) (6), (b) (7)(C) explained that during his work shift, medications are administered at 8:00 am, and all ill detainees' body temperature are being rechecked at 12:00 pm. (b) (6), (b) (7)(C) added that the midnight shift (10:00 pm – 6:00 am) should be rechecking body temperature of ill detainees every four hours, regardless if the detainee is asleep; especially in children, in which a fever could be very critical to their health. (b) (6), (b) (7)(C) said the body temperature has to be conducted inside of the holding cell of an isolated detainee to avoid contamination. (b) (6), (b) (7)(C) stated that if the body temperature is abnormal when rechecked, and medication is administered, the provider will document the medical care provided to the detainee

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## MEMORANDUM OF ACTIVITY

on an EMTR. (b) (6), (b) (7)(K) added that if the body temperature is normal, the rechecking of the body temperature does not have to be documented.

(b) (6), (b) (7)(K) stated that he was aware of (b) (6), (b) (7)(C) having trouble finding LSGS medical documentation related to Hernandez. (b) (6), (b) (7)(K) said he did not know what medical documentation pertaining to Hernandez was found, and may have been provided to (b) (6), (b) (7)(C). (b) (6), (b) (7)(K) stated that LSGS medical documentation/records from previous months are stored in a box, and picked up by (b) (6), (b) (7)(C). (b) (6), (b) (7)(K) added that he was now aware of what (b) (6), (b) (7)(C) does with the medical records when he (b) (6), (b) (7)(C) takes them from USBP Station, Weslaco. (b) (6), (b) (7)(K) said that the medical records are disorganized in the box, and not placed according to the date. (b) (6), (b) (7)(K) explained that each provider will staple the medical documentation together according to the date, and shift, but are just thrown into the storage box, instead of placing them orderly.

(b) (6), (b) (7)(K) stated the USBP Station, Weslaco is very busy, and he already had 80 detainees with the flu virus, and recently received a bus load of 40 detainees with the flu. (b) (6), (b) (7)(K) stated that due to the high volume of detainees being ill, and placed at the USBP Station, Weslaco, that LSGS has increased the support staff members to two employees per shift. A support staff member is either an EMT, Certified Nurse Assistant (CNA), Certified Medical Assistant (CMA). (b) (6), (b) (7)(K) claimed that the increase in manpower was implemented prior to the death of Hernandez, but LSGS could not find employees to work at the USBP Station, Weslaco, and recently hired more employees to add to the current staff. (b) (6), (b) (7)(K) stated that after the death of Hernandez, the USBP Station, Weslaco, has assigned a Border Patrol Agent (BPA) to assist the LSGS medical staff with duties, such as finding detainees in the holding cells.

(b) (6), (b) (7)(K) stated there have been times at work that he has not had a support staff member, or provider on his work shift. (b) (6), (b) (7)(K) explained that if he does not have a provider during his work shift, he continues with his routine work, and (b) (6), (b) (7)(C) will send another provider to administer medication. (b) (6), (b) (7)(K) added that without a support staff or provider, the ability to medically treat the detainees becomes more hectic.

(b) (6), (b) (7)(K) stated new support staff member recently hired will shadow him for a few hours, and conduct some medical screenings as part of their training. (b) (6), (b) (7)(K) said that training of a new support staff member only takes a few hours to complete.

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Department of Homeland Security

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This advisement was made prior to the interview of (b) (6), (b) (7)(C) (employee's name)  
on 6-6-19 (month, day, year) at 12:33 (time, a.m./p.m.).

I have read and understand this warning.

(b) (6), (b) (7)(C)

(signature)

Date:

6-6-19

Employee

(b) (6), (b) (7)(C)

(print name)

(signature)

Date:

6-6-19

Special Agent  
Department of Homeland Security  
Office of Inspector General

(b) (6), (b) (7)(C)

(print name)

(signature)

Date:

6/6/2019

Witness



OFFICE OF INSPECTOR GENERAL  
Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: Interview of (b) (6), (b) (7)(C)

Case Number: I19-BP-RGV-15636

Case Title: FNU LNU, et al., USBP

On June 6, 2019, (b) (6), (b) (7)(C), Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG), McAllen, Texas, and (b) (6), (b) (7)(C), Senior Special Agent (SSA), U.S. Customs and Border Protection (USCBP), Office of Professional Responsibility (OPR), McAllen, interviewed (b) (6), (b) (7)(C), Emergency Medical Technician (EMT), Loyal Source Government Services (LSGS), Orlando, Florida. (b) (6), (b) (7)(C) was interviewed in reference to sixteen year old, Carlos Gregorio Hernandez-Vasquez, undocumented alien (UDA) juvenile, Guatemala, who passed away while in the custody of the United States Border Patrol (USBP), Weslaco, Texas. Present with (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C), Attorney/Partner, DLA Piper, Miami, Florida, retained by LSGS. LSGS is the government contractor that provides medical services to immigration detainees being detained by the United States Border Patrol (USBP), Rio Grande Valley Sector (RGVS), Edinburg, Texas.

Prior to the interview (b) (6), (b) (7)(C), was provided INV Form-17 Disclosure Warning, which she acknowledged and signed. The interview of (b) (6), (b) (7)(C) was video, and audio recorded with USCBP OPR equipment.

The below is an interview summary. It is not intended to be a verbatim account, and does not memorialize all statements made during the interview. Communications by the parties' during the interview were electronically recorded. The recording captures the actual words spoken in the interview.

(b) (6), (b) (7)(C) stated that she has been working for LSGS as an EMT for a year, and is currently assigned to the USBP Station, Weslaco. (b) (6), (b) (7)(C) explained that her job duties as an EMT for LSGS include medically screening immigrants in USBP custody, and taking their vitals such as their body temperature, pulse, and oxygen saturation. (b) (6), (b) (7)(C) said that when a detainee with influenza (flu) is received by the USBP Station, Weslaco, the body temperature is routinely checked. (b) (6), (b) (7)(C) added the immigrant detainees arriving with flu are medically screened, and she will review any medical information on the manifest to determine if it matches the immigrant detainee being received by the USBP Station, Weslaco. (b) (6), (b) (7)(C) said that with detainees arriving with the flu, such as Hernandez, she will medically screen them, checks their body temperature, ask them when the last time any medication was administered, or if they are allergic to any medications,

Name, Title, Signature, and Date:

(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C), Special Agent

8-27-19

Reviewing Official Name, Title, Signature, and Date:

(b) (6), (b) (7)(C)  
Daniel Castro, Resident Agent in Charge

8-27-19

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## MEMORANDUM OF ACTIVITY

and ask them if they have any other symptoms/conditions. (b) (6), (b) (7)(X) explained that after the initial screening, medical staff will medicate the immigrant detainee according to their symptoms, and when the last received medication while in the custody of the USBP (b) (6), (b) (7)(X) added that the LSGS provider, such as a Physician Assistant (PA), or Family Nurse Practitioner (FNP), is usually present when she medically screens the immigrant detainees. Furthermore, (b) (6), (b) (7)(X) said that if the provider is not present during her medical screening of any detainees, she will make notes of the medical screening, and provide the notes to the provider. (b) (6), (b) (7)(X) said her notes are shredded when the provider completes their documentation of the detainee's medical screening.

(b) (6), (b) (7)(X) explained that her medical screening of an immigrant detainee consists of obtaining basic information from them, like their name, date of birth, body weight and temperature, vitals, and medical history. (b) (6), (b) (7)(X) stated that if she observes a medical issue such as fever, which needs to be addressed she will advise the provider. (b) (6), (b) (7)(X) added that she could not administer medication to the immigrant detainee unless directed by the provider, and the provider is present during her administration of the medication.

(b) (6), (b) (7)(X) stated that she was not sure if the information received from the initial screening of Hernandez was documented. (b) (6), (b) (7)(X) explained that she does not do any documentation, and that the provider will complete the medical documentation of the immigrant detainee screened, or medically treated. (b) (6), (b) (7)(X) added that she does not review what the provider documents on the detainees LSGS medically treats, and that she was unsure of what the provider documents.

(b) (6), (b) (7)(X) stated that she learned of Hernandez' death from the local news, and a telephone call she received from (b) (6), (b) (7)(C), Program Manager (PM), LSGS, Orlando, regarding the death. .

(b) (6), (b) (7)(X) stated that on the night Hernandez was found deceased (May 20, 2019) in the holding cell, she did not work the 10:00 pm to 6:00 am shift. (b) (6), (b) (7)(X) said she worked, two straight shifts from 6:00 am to 2:00 pm, and 2:00 pm to 10:00 pm on May 19, 2019. (b) (6), (b) (7)(X) added that the provider on her 6:00 am to 2:00 pm shift was (b) (6), (b) (7)(C), FNP, LSGS, Orlando, and the provider on her 2:00 to 10:00 am shift was (b) (6), (b) (7)(C), FNP, LSGS, Orlando. (b) (6), (b) (7)(X) recalled (b) (6), (b) (7)(X) returning at the end of her (b) (6), (b) (7)(C) 2:00 pm to 10:00 pm work shift to be the provider on the 10:00 pm to 6:00 am work shift. (b) (6), (b) (7)(X) stated the morning Hernandez was found deceased in the holding cell, (b) (6), (b) (7)(C) did not have an LSGS support staff member such as an EMT, Certified Nurse Assistant (CNA), or Certified Medical Assistant (CMA), to provide (b) (6), (b) (7)(C) support. (b) (6), (b) (7)(X) did not have an explanation as to why, (b) (6), (b) (7)(C) did not have a support staff member to assist her during the 10:00 to 6:00 am work shift. (b) (6), (b) (7)(X) stated the schedule in Weslaco called for a support staff member to be on duty, and one provider each shift, and that (b) (6), (b) (7)(C) should have had a support staff member to assist her with her work duties. (b) (6), (b) (7)(X) stated that through her experience, working for LSGS, it is common for the night shift to not have a provider, and only one support staff, or to have a support staff and no provider, and stated that this pattern occurred "for a while." (b) (6), (b) (7)(X) said that she was unsure if LSGS found a support staff to work during the shift, but there was not one to relieve her (b) (6), (b) (7)(C) as she left work. (b) (6), (b) (7)(X) added that in the past, she had worked a couple of work shifts with no provider. (b) (6), (b) (7)(X) explained that in the past when

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## MEMORANDUM OF ACTIVITY

she has worked with no provider, LSGS would have the next work shift administer medication. (b) (6), (b) (7)(X) explained that due to the high volume of ill immigrant detainees at the USBP Station, Weslaco, it is difficult to effectively medically treat them with one or even two LSGS medical staff members.

(b) (6), (b) (7)(X) said that LSGS management was aware that LSGS medical staff members are not reporting to duty, and that work shifts are shorthanded. (b) (6), (b) (7)(X) added that LSGS medical staff on site, will contact LSGS management to advise them, they are lacking medical staff members during their work shift. (b) (6), (b) (7)(X) stated LSGS management would respond by advising the staff member requesting help, that they were attempting to get replacements to assist onsite medical staff. (b) (6), (b) (7)(X) said she was aware that in the past, (b) (6), (b) (7)(X) had advised LSGS management that she needed a support staff member to help her during her work shift, and had discussed it with (b) (6), (b) (7)(X). (b) (6), (b) (7)(X) explained that (b) (6), (b) (7)(X) had told (b) (6), (b) (7)(X) that she had not been working with any support staff during her shift, and that LSGS management had not found a support staff member to help her. (b) (6), (b) (7)(X) could not recall a specific number of times that (b) (6), (b) (7)(X) had told (b) (6), (b) (7)(X) that she worked without a LSGS support staff member, but said it was quite often. On one occasion, (b) (6), (b) (7)(X) recalled overhearing (b) (6), (b) (7)(X) advising (b) (6), (b) (7)(X) she had to medically screen several immigrant detainees by herself due to not having a support staff member to assist her. (b) (6), (b) (7)(X) recalled (b) (6), (b) (7)(X) demeanor as being annoyed when discussing with (b) (6), (b) (7)(X) the lack of support staff provided to her by LSGS.

(b) (6), (b) (7)(X) stated that working alone, by yourself on a shift with a high volume of immigrant detainees in need of medical care creates a more stressful work environment for the LSGS employee. (b) (6), (b) (7)(X) said it was difficult for one LSGS employee to provide effective medical treatment to immigrant detainees at the USBP Station, Weslaco, due to already having ill detainees with fevers, detainees who are vomiting with ill stomachs, and having other ill detainees arrive at the USBP Station, Weslaco, with flu, or chicken pox. (b) (6), (b) (7)(X) added that the ill immigrant detainees arriving at the USBP Station, Weslaco, have to be medically screened into the facility. (b) (6), (b) (7)(X) reaffirmed that having only one LSGS medical employee on a work shift had been a reoccurring issue for more than two weeks.

(b) (6), (b) (7)(X) stated that through her experience working for LSGS, a body temperature re-check for an immigrant detainee with the flu, and a high grade fever, is conducted every thirty minutes to an hour. (b) (6), (b) (7)(X) added that if the fever of the flu patient is normal the body temperature is rechecked within an hour, and if the fever is low grade, the body temperature of the detainee will not be checked for a while. (b) (6), (b) (7)(X) explained that the LSGS medical staff will go to the detainees holding cell to conduct a body temperature re-check. (b) (6), (b) (7)(X) added that an unofficial list of the number of immigrant detainee's present at the USBP Station, Weslaco, with fevers is created to conduct body temperature re-checks, and the list is shredded after the provider documents his/her findings.

(b) (6), (b) (7)(X) identified Hernandez in a photograph and remembered who he was when she was provided his name. (b) (6), (b) (7)(X) recalled medically screening Hernandez into the USBP Station, Weslaco,

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## MEMORANDUM OF ACTIVITY

checking his body temperature, and looking for his file with the flu diagnosis. (b) (6), (b) (7)(C) stated Hernandez was returned to the facility that referred him to the USBP Station, Weslaco, for isolation placement, due to Hernandez arriving without any medical history documentation. (b) (6), (b) (7)(C) could not remember what time Hernandez returned to the USBP Station, Weslaco, or which LSGS provider diagnosed him with the flu prior to arriving at the USBP Station, Weslaco. (b) (6), (b) (7)(C) could not recall screening him a second time after he returned to the USBP Station, Weslaco. (b) (6), (b) (7)(C) stated there was no standard LSGS protocol to recheck an immigrant detainee with the flu after they are medically screened into the USBP Station, Weslaco, unless he/she returns to the medical department with a complaint. (b) (6), (b) (7)(C) added the medical staff will not routinely go to the holding cells, until medications were to be administered.

(b) (6), (b) (7)(C) recalled administering medication to Hernandez with (b) (6), (b) (7)(C) at 8:00 pm, on May 19, 2019. (b) (6), (b) (7)(C) explained that a body temperature check of Hernandez revealed he was febrile, but could not recall how high Hernandez' fever was. (b) (6), (b) (7)(C) added that Hernandez was provided Dayquil due to Hernandez advising (b) (6), (b) (7)(C) his throat hurt. (b) (6), (b) (7)(C) said that the Dayquil contained acetaminophen, and was provided to assist with medically treating Hernandez' fever, and throat. (b) (6), (b) (7)(C) stated she documented notes of her assessment of Hernandez, and provided them to (b) (6), (b) (7)(C); however was unaware if (b) (6), (b) (7)(C) documented the findings on an Emergency Medical Treatment Report (EMTR).

(b) (6), (b) (7)(C) was shown a photograph taken in which she appears to be medically screening Hernandez into the USBP Station, Weslaco. (b) (6), (b) (7)(C) recalled the medical screening of Hernandez, and providing her notes of the screening to (b) (6), (b) (7)(C), but was unaware if (b) (6), (b) (7)(C) documented the Hernandez screening. (b) (6), (b) (7)(C) recalled Hernandez being provided acetaminophen (Tylenol) when she medically screened him into the USBP Station, Weslaco. (b) (6), (b) (7)(C) advised that medical documentation completed by the provider is placed in a cabinet, in the bottom right drawer of the desk in the LSGS medical office inside the USBP Station, Weslaco. (b) (6), (b) (7)(C) added that the documentation is filed in the drawer/cabinet according to the date.

(b) (6), (b) (7)(C) stated throughout her interactions with Hernandez he never made an outcry for additional help from her, (b) (6), (b) (7)(C), or (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) stated that when she initially screened Hernandez into the USBP Station, Weslaco, and he was assessed with a fever, (b) (6), (b) (7)(C) should have been aware that Hernandez was febrile when she returned for her 10:00 pm to 6:00 am shift on May 19, 2019. (b) (6), (b) (7)(C) explained that every provider was different as to the time they would re-check the body temperature of a patient that was febrile. (b) (6), (b) (7)(C) opined that Hernandez should have been re-checked within 1 to 2 hours after her and (b) (6), (b) (7)(C) provided him medication, and checked his body temperature at 8:00 pm. (b) (6), (b) (7)(C) could not recall how high Hernandez's fever was when she and (b) (6), (b) (7)(C) provided him medication, but did remember advising him to remove his jacket to help reduce the fever.

(b) (6), (b) (7)(C) stated there was another detainee in the holding cell with Hernandez. (b) (6), (b) (7)(C) could not recall Hernandez' cell mates name, or if the cell mate had a fever, but recalled the cell mate wearing a yellow shirt. (b) (6), (b) (7)(C) explained that Hernandez, and the cell mate were isolated in the

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## MEMORANDUM OF ACTIVITY

holding cell according to their age group (juvenile), and their medical condition (flu). (b) (6), (b) (7)(X) also, recalled administering 75 milligrams of Tamiflu to Hernandez at 8:00 pm on May 19, 2019 with the Dayquil.

(b) (6), (b) (7)(X) described Hernandez as quiet, and could not recall any significant observations of him. (b) (6), (b) (7)(X) explained that she was not fluent in the Spanish language, but understood key terms, along with Spanish medical terminology. (b) (6), (b) (7)(X) said that Hernandez' cell mate was also quiet, and vaguely recalled the cell mate sitting on an opposite side of the cell. (b) (6), (b) (7)(X) added that Hernandez' cell mate did not emphasize to her that Hernandez was gravely ill.

(b) (6), (b) (7)(X) stated she is still assigned to USBP Station, Weslaco. (b) (6), (b) (7)(X) said she noticed that Border Patrol Agents (BPAs), USBP, Weslaco, are doing more holding cell checks to check the immigrant detainees, and the BPAs will bring any detainees with medical issues to the medical department. As for changes implemented by LSGS, (b) (6), (b) (7)(X) said that flu patients were being held longer for closer observation, and she was advised in an email provided by LSGS, that if she does not have a provider on her work shift, she could refer an immigrant detainee with a fever to the hospital. (b) (6), (b) (7)(X) added that LSGS is also adding more manpower in the form of more support staff members, and providers to each shift. (b) (6), (b) (7)(X) stated that she recently worked with two providers during her work shift, but one was sent to the USBP Station, McAllen, due to the station needing one.

(b) (6), (b) (7)(X) stated that she spoke with (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C) regarding Hernandez, but (b) (6), (b) (7)(C) stated the details of their conversation were protected under the lawyer/client privilege. (b) (6), (b) (7)(X) stated she had no further conversations with (b) (6), (b) (7)(C), and only spoke to (b) (6), (b) (7)(C), Deputy Program Manager (DPM), LSGS, Orlando, when she asked him if she should go get a flu exam. (b) (6), (b) (7)(X) added that she was negative for the flu virus, but did have an upper respiratory infection.

*[Agent's Note: The original audio recording of the interview was transferred onto a CD, and entered into evidence at the DHS OIG, Rio Grande Valley (RGV), Resident Agent in Charge (RAC) Office, McAllen, Texas, evidence room.]*

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**OFFICE OF INSPECTOR GENERAL**  
Department of Homeland Security

**Disclosure Warning for Bargaining Unit Employees**

**"WARNING NOT TO DISCLOSE INVESTIGATIVE INFORMATION"**

You are being interviewed as part of a continuing, official investigation by the U.S. Department of Homeland Security, Office of Inspector General. As this investigation involves a sensitive matter, you are instructed not to discuss the nature or substance of this interview, or the existence of this investigation with any other person(s), except private legal counsel, or your union representative, if you have one.

Failure to comply with this directive could subject you to disciplinary and/or criminal action for interfering with or impeding an official investigation.

This advisement was made prior to the interview of (b) (6), (b) (7)(C) (employee's name)  
on 6-6-19 (month, day, year) at 1:40pm (time, a.m./p.m.).

I have read and understand this warning.

(b) (6), (b) (7)(C) (signature) Date: 6/6/19  
Employee

(b) (6), (b) (7)(C) (print name)  
(b) (6), (b) (7)(C) (signature) Date: 6-6-19  
Special Agent  
Department of Homeland Security  
Office of Inspector General

(b) (6), (b) (7)(C) (print name) Date: 6/6/2019  
(b) (6), (b) (7)(C) (signature)  
Witness



OFFICE OF INSPECTOR GENERAL  
Department of Homeland Security

MEMORANDUM OF ACTIVITY

Type of Activity: Personal Interview: Interview of (b) (6), (b) (7)(C)

Case Number: I19-BP-RGV-15636

Case Title: FNU LNU, et al., USBP

On August 14, 2019, (b) (6), (b) (7)(C), Special Agent (SA), Department of Homeland Security (DHS), Office of Inspector General (OIG), McAllen, Texas, and (b) (6), (b) (7)(C), Senior Special Agent (SSA), U.S. Customs and Border Protection (USCBP), Office of Professional Responsibility (OPR), McAllen, interviewed (b) (6), (b) (7)(C), Family Nurse Practitioner (FNP), Loyal Source Government Services (LSGS), Orlando, Florida. (b) (6), (b) (7)(C) was interviewed in reference to sixteen year old, Carlos Gregorio Hernandez-Vasquez, undocumented alien (UDA) juvenile, Guatemala, who passed away while in the custody of the United States Border Patrol (USBP), Weslaco, Texas. Present with (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C), Attorney/Partner, DLA Piper, Miami, Florida, retained by LSGS. LSGS is the government contractor that provides medical services to immigration detainees being detained by the USBP, Rio Grande Valley Sector (RGVS), Edinburg, Texas.

Prior to the interview, (b) (6), (b) (7)(C) was provided INV Form - 17 Disclosure Warning, which she acknowledged and signed. The interview of (b) (6), (b) (7)(C) was video, and audio recorded with USCBP OPR equipment.

The below is an interview summary. It is not intended to be a verbatim account, and does not memorialize all statements made during the interview. Communications by the parties' during the interview were electronically recorded. The recording captures the actual words spoken in the interview.

(b) (6), (b) (7)(C) stated that she had been an FNP since 2005, and had worked for LSGS since 2015. (b) (6), (b) (7)(C) added that she was a part time employee for LSGS, currently assigned to the USBP Station, Weslaco, and worked 16 to 24 hours per week. (b) (6), (b) (7)(C) explained her duties as an FNP for LSGS at the USBP Station, Weslaco, included screening immigrant detainees for infectious diseases, medically treating any illnesses they may have, and referring them to the Hospital Emergency Room if needed. (b) (6), (b) (7)(C) said that some of the illnesses among the detainees were scabies, lice, and common illnesses such as cold symptoms, and ear infections. Furthermore, (b) (6), (b) (7)(C) included that she treated detainees for the influenza (flu) virus, skin diseases, and chronic diseases such as diabetes, and high blood pressure.

(b) (6), (b) (7)(C)

Name, Title, Signature, and Date: (b) (6), (b) (7)(C) 11-22-19 (b) (6), (b) (7)(C), Special Agent	Reviewing Official Name, Title, Signature, and Date: (b) (6), (b) (7)(C) 11-22-19 Daniel Castro, Resident Agent in Charge
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