

December 17, 2018

The Honorable John V. Kelly  
Acting Inspector General  
Office of Inspector General/MAIL STOP 0305  
U.S. Department of Homeland Security  
245 Murray Lane SW  
Washington, DC 20528-0305

Dear Acting Inspector General Kelly:

I write in regard to your recently announced investigation into the death of Jakelin Amei Rosmery Caal Maquin, a 7-year-old girl who died in the custody of U.S. Customs and Border Protection (CBP) on December 8, 2018, and to respectfully ask you to consider several questions as part of your review. The death of this child in CBP custody is profoundly troubling, and points to significant problems with Trump Administration policies on children detained at the border and on the implementation of these policies. I ask that you conduct a rigorous investigation, and publicly release the results as quickly as possible.

On December 13, 2018, the Washington Post reported<sup>1</sup> that Jakelin Amei Rosmery Caal Maquin, a young migrant travelling from Guatemala with her father, died as a result of dehydration and shock after she was taken into CBP custody. The next day, CBP confirmed that Jakelin died in CBP custody.<sup>2</sup> She was part of a group of 163 migrants who were apprehended by CBP officials on December 6 in a remote part of the New Mexico desert. However, approximately eight hours after being taken into custody and after she had passed an initial health screening, Jakelin's father notified a CBP agent that she was sick and vomiting. Her condition quickly deteriorated and she died on December 8 at Providence Children's Hospital in El Paso, Texas.<sup>3</sup>

According to the statement released by CBP on December 14, Border Patrol agents conducted an initial screening that "consist[ed] of an interview and observation of the detainee to identify any health or safety problems to ensure that they receive necessary medical care."<sup>4</sup> CBP claimed that

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<sup>1</sup> The Washington Post "7-year-old migrant girl taken into Border Patrol custody dies of dehydration, exhaustion", Nick Miroff and Robert Moore, December 13, 2018, [https://www.washingtonpost.com/world/national-security/7-year-old-migrant-girl-taken-into-border-patrol-custody-dies-of-dehydration-exhaustion/2018/12/13/8909e356-ff03-11e8-862a-b6a6f3ce8199\\_story.html](https://www.washingtonpost.com/world/national-security/7-year-old-migrant-girl-taken-into-border-patrol-custody-dies-of-dehydration-exhaustion/2018/12/13/8909e356-ff03-11e8-862a-b6a6f3ce8199_story.html).

<sup>2</sup> U.S. Customs and Border Protection, "Statement by U.S. Customs and Border Protection on the Death of a Seven-Year-Old Female Child," December 14, 2018, <https://www.cbp.gov/newsroom/speeches-and-statements/statement-us-customs-and-border-protection-death-seven-year-old>.

<sup>3</sup> *Id*

<sup>4</sup> *Id*

the screening failed to reveal any health issues Jakelin was suffering from, despite the fact that she was a mere hours away from going into shock, cardiac arrest, and liver failure.<sup>5</sup>

This tragic death, which occurred on CBP's watch only hours after Jakelin was screened for health issues leaves me with numerous questions about the safety and effectiveness of the policies and procedures employed by CBP when apprehending and detaining migrants.

It is critical that we obtain a full accounting of the specific circumstances surrounding Jakelin's death and that your office determine how and why she died in CBP custody, and whether CBP or any other Administration officials bear any responsibility for the circumstances leading to her death. I was encouraged to see that your office announced last week that it will investigate the incident and determine whether all relevant policies and procedures were appropriately followed.<sup>6</sup> As part of that investigation, I respectfully urge you to explore the following questions:

1. What were the specific circumstances of Jakelin's death? How and why was she apprehended and detained, and by whom? For how long was she detained, and what happened during this detention? Did she receive appropriate medical screening, testing, and treatment after she was apprehended?
2. What CBP policies and procedures applied to the apprehension and detention of Jakelin? Were these policies and procedure followed in this case?
3. What are CBP's relevant policies and procedures for screening migrants apprehended by CBP?
  - a. Did the CBP agents that took Jakelin and her father into custody follow these policies and procedures?
  - b. Who is responsible for conducting medical screening on detainees like Jakelin? What medical training do these individuals receive in order to conduct an initial health screening?
  - c. Did the agents provide Jakelin with any food or water at any time while she was in their custody? If so, when?
4. What are the reporting requirements CBP must follow in the event of a death of an individual in their custody? Did they properly follow these requirements? Have there been other deaths or serious injuries of individuals in CBP custody since January 20, 2017?

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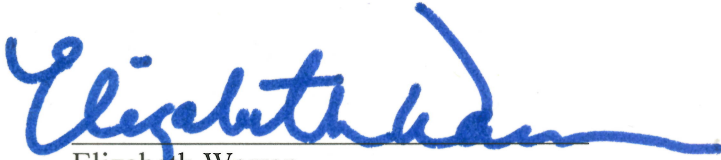
<sup>5</sup> *Id*

<sup>6</sup> U.S. Department of Homeland Security – Office of the Inspector General, “Inspector General Announces Investigation of Migrant Child’s Death,” December 14, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/pr/2018/oigpr-121418-inspector-general-announces-investigation-migrant-child-death.pdf>.

5. How can CBP improve their policies and procedures to prevent individuals apprehended in their care from suffering from serious illness and dying in custody?

Thank you for your attention to this matter.

Sincerely,



Elizabeth Warren  
United States Senator

CC: The Honorable Kirstjen M. Nielsen, Secretary, U.S. Department of Homeland Security  
The Honorable Kevin K. McAleenan, Commissioner, U.S. Customs and Border  
Protection