

Congress of the United States
Washington, DC 20515

May 10, 2012

The Honorable Eric Holder
Attorney General of the United States
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC, 20530

Dear Attorney General Holder,

We were deeply troubled by the April 20th PBS report, 'Crossing the Line,' concerning the death of Anastasio Hernandez Rojas while he was in the custody of the Department of Homeland Security (DHS). His death and the subsequent efforts by the agents involved to minimize the incident suggest a troubling lack of training and accountability within DHS. While we understand that the Department of Justice is engaged in an ongoing investigation into this incident, we believe this is just one part of a serious pattern of questionable behavior that warrants a broader investigation into the use of force by Customs and Border Protection (CBP).

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

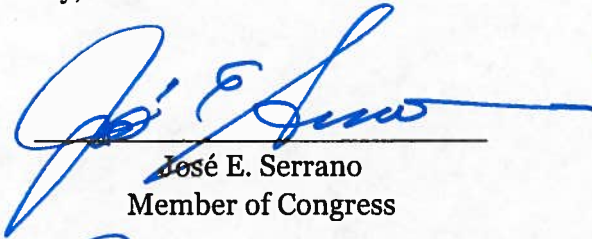
This one case is simply emblematic of serious problems at Customs and Border Patrol concerning the use of excessive force, including eight cases over the past two years that resulted in deaths. DHS is also failing to be transparent about its policies, responding to a FOIA request by the ACLU with heavily redacted documents. We believe that you could help the situation by having the Justice Department investigate the following questions with regard to DHS:

1. What is the official DHS policy on the use of force, including lethal force? How were these policies developed? How do they compare to the policies of other federal law enforcement agencies?
2. What initial and ongoing training is given to Customs and Border Patrol employees regarding the use of force? Is this training adequate given other federal training protocols?
3. Does the Justice Department have an effective policy for reviewing alleged abuses of individual rights by federal law enforcement agencies? How do you decide whether there will be a prosecution?
4. Given the number of incidents involving the CBP and the use of deadly force, is DOJ examining CBP policies as a whole to determine whether there is an ongoing pattern of excessive and unreasonable force?
5. Are these problems limited to DHS, or are they present in other state, local, and federal law enforcement agencies? How can you provide better guidelines to agencies on the use

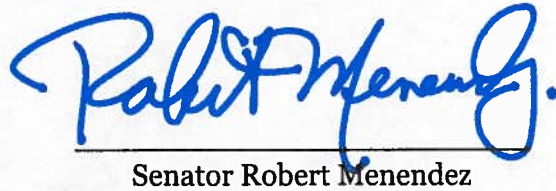
of force and about the importance of initiating effective oversight and investigation of such incidents?

We have also written directly to DHS and the DHS IG, but given the large number of cases involving CBP, we believe that a broader investigation by the Department of Justice is warranted. We believe this is the only way to put these events in context and fully understand how widespread these problems are. Thank you for consideration of these issues, and we look forward to your response to these concerns.

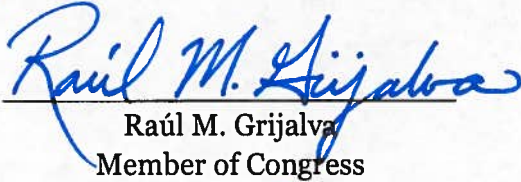
Sincerely,



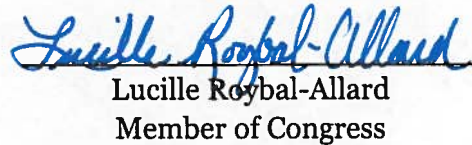
José E. Serrano
Member of Congress



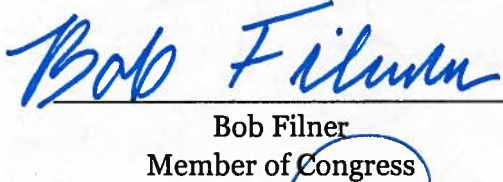
Senator Robert Menendez



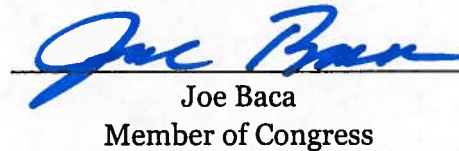
Raúl M. Grijalva
Member of Congress



Lucille Roybal-Allard
Member of Congress



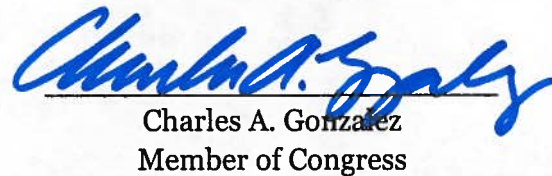
Bob Filner
Member of Congress



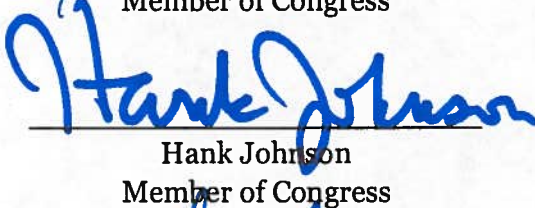
Joe Baca
Member of Congress



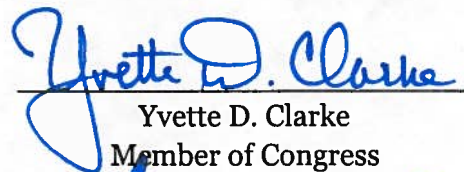
Xavier Becerra
Member of Congress



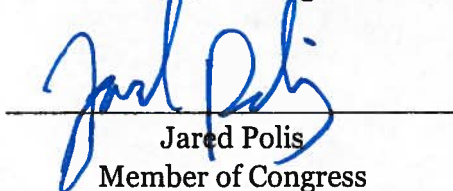
Charles A. Gonzalez
Member of Congress



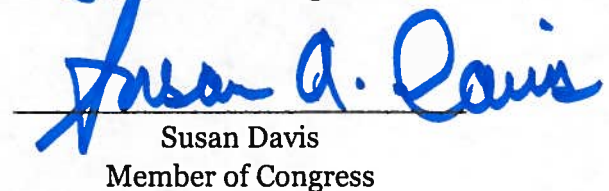
Hank Johnson
Member of Congress



Yvette D. Clarke
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Gregorio Kili Camacho Sablan
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