

117TH CONGRESS
1ST SESSION

H. R. 458

To require investigations and reports regarding individuals who died in the custody of certain Federal authorities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2021

Mr. CASTRO of Texas (for himself, Mr. ESPAILLAT, Ms. ROYBAL-ALLARD, Mr. VARGAS, Ms. ESCOBAR, Ms. VELÁZQUEZ, Ms. GARCIA of Texas, Mr. CÁRDENAS, and Mr. GALLEGO) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require investigations and reports regarding individuals who died in the custody of certain Federal authorities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jakelin Caal Death
5 in Custody Reporting Act of 2021”.

1 **SEC. 2. INVESTIGATION AND REPORTING OF INDIVIDUALS**
2 **WHO DIED IN THE CUSTODY OF FEDERAL IM-**
3 **MIGRATION ENFORCEMENT AGENCIES.**

4 (a) INVESTIGATION.—

5 (1) IN GENERAL.—Not later than 30 days after
6 the death of an alien in the custody of the Depart-
7 ment of Homeland Security, the Secretary of Home-
8 land Security shall conduct an investigation into
9 such death, which shall include a root cause analysis
10 that identifies any changes to policies, practices,
11 training curricula, staffing, or potential system-wide
12 errors that could reduce the probability of such an
13 event in the future. Such root cause analysis shall
14 include consultation with and input from appro-
15 priately qualified personnel, who, at a minimum,
16 shall consist of a medical professional qualified in
17 any field germane to such death, and shall be per-
18 formed in accordance with professional medical
19 standards for investigating sentinel events in medical
20 care facilities, including the Sentinel Event Policy
21 promulgated by The Joint Commission.

22 (2) PUBLIC AVAILABILITY.—Not later than 30
23 days after the conclusion of the investigation re-
24 quired under paragraph (1), the Secretary of Home-
25 land Security shall make publicly available on the
26 website of the Department of Homeland Security a

1 report describing the results of such investigation,
2 including the root cause analysis described in such
3 paragraph.

4 (b) REPORTING.—

5 (1) IN GENERAL.—The Chief of the U.S. Bor-
6 der Patrol and Director of U.S. Immigration and
7 Customs Enforcement shall submit to the appro-
8 priate congressional committees and post on a pub-
9 licly available website of the Department of Home-
10 land Security not later than 24 hours after the
11 death of any individual in the custody of the U.S.
12 Border Patrol or U.S. Immigration and Customs
13 Enforcement, as the case may be, in the temporary
14 custody of other law enforcement agencies on behalf
15 of such agencies, or after the use of force by an
16 agent or officer of such agencies a report relating to
17 each such death.

18 (2) ELEMENTS.—Each report under paragraph
19 (1) shall include information that, at minimum, in-
20 cludes the following with respect to each death that
21 is the subject of each such report:

22 (A) The name, gender, race, ethnicity, and
23 age of the deceased.

24 (B) The date, time, and location of such
25 death.

1 (C) A description of the circumstances sur-
2 rounding such death.

3 (3) DEFINITION.—In this subsection, the term
4 “appropriate congressional committees” means the
5 Committee on the Judiciary and the Committee on
6 Homeland Security of the House of Representatives
7 and the Committee on the Judiciary and the Com-
8 mittee on Homeland Security and Governmental Af-
9 fairs of the Senate.

10 **SEC. 3. INVESTIGATION AND REPORTING OF INDIVIDUALS**

11 **WHO DIED IN THE CUSTODY OF THE OFFICE**
12 **OF REFUGEE RESETTLEMENT.**

13 (a) INVESTIGATION.—

14 (1) IN GENERAL.—Not later than 30 days after
15 the death of an alien in the custody of the Depart-
16 ment of Health and Human Services, the Secretary
17 of Health and Human Services shall conduct an in-
18 vestigation into such death, which shall include a
19 root cause analysis that identifies any changes to
20 policies, practices, training curricula, staffing, or po-
21 tential system-wide errors that could reduce the
22 probability of such an event in the future. Such root
23 cause analysis shall include consultation with and
24 input from appropriately qualified personnel, who, at
25 a minimum, shall consist of a medical professional

1 qualified in any field germane to such death, and
2 shall be performed in accordance with professional
3 medical standards for investigating sentinel events in
4 medical care facilities, including the Sentinel Event
5 Policy promulgated by The Joint Commission.

6 (2) PUBLIC AVAILABILITY.—Not later than 30
7 days after the conclusion of the investigation re-
8 quired under paragraph (1), the Secretary of Health
9 and Human Services shall make publicly available on
10 the website of the Department of Health and
11 Human Services a report describing the results of
12 such investigation, including the root cause analysis
13 described in such paragraph.

14 (b) REPORTING.—

15 (1) IN GENERAL.—The Director of the Office of
16 Refugee Resettlement of the Department of Health
17 and Human Services shall submit to the appropriate
18 congressional committees and post on a publicly
19 available website of the Department not later than
20 24 hours after the death of any individual in the
21 custody of such Office a report relating to each such
22 death.

23 (2) ELEMENTS.—Each report under paragraph
24 (1) shall include information that, at minimum, in-

1 includes the following with respect to each death that
2 is the subject of each such report:

3 (A) The name, gender, race, ethnicity, and
4 age of the deceased.

5 (B) The date, time, and location of death.

6 (C) A description of the circumstances sur-
7 rounding the death.

8 (3) DEFINITION.—In this subsection, the term
9 “appropriate congressional committees” means the
10 Committee on the Judiciary of the House of Rep-
11 resentatives and the Committee on the Judiciary of
12 the Senate.

○