



# Office for Civil Rights and Civil Liberties

## Summary of CRCL's Recommendations and CBP's Response *Vehicular Pursuits*

On January 17, 2023, U.S. Customs and Border Protection (CBP) responded to a *Recommendation Memorandum* issued in September 2022 by the Office for Civil Rights and Civil Liberties (CRCL) regarding vehicle pursuits by CBP personnel. CBP concurred with 17 of CRCL's recommendations and partially concurred with four.

### Background

CRCL investigated 11 vehicle pursuits by CBP that resulted in 16 deaths and numerous instances of severe injury to passengers occurring between May 2021 and April 2022.

### Investigation

CRCL reviewed CBP records and reports from E-STAR, which is CBP's internal reporting system that contains all CBP use of force incidents including vehicle pursuits and deaths related to vehicle pursuits. CRCL also reviewed CBP policy and generally accepted practices related to vehicle pursuits. CRCL found insufficient policy and dangerous practices associated with vehicle pursuits.

Additionally, in December 2021, CBP finalized an internal report titled *Analysis of Vehicle Pursuits (AVP)*. This self-assessment of CBP's vehicle pursuit policy contained 20 recommendations to improve CBP's vehicle pursuits and pursuit related policy. CRCL reviewed the AVP report in connection with CRCL's Recommendation Memorandum.

### Recommendations

On September 2, 2022, CRCL sent CBP a *Recommendation Memorandum* with 21 recommendations. CRCL recommended that CBP comprehensively review its vehicular pursuit policies, training, and review procedures. This included developing and implementing a risk-based decisional model, using an "objectively reasonable" standard, identifying hazards and mitigating factors, defining ambiguous or undefined terms, instituting prohibited pursuit actions, and applying updated reporting and accountability measures. In January 2023, CBP issued a directive, *Emergency Driving and Vehicular Pursuits*, which partially or completely addressed CRCL's 21 recommendations.

CRCL provides the public with documents related to complaint investigations. After it has been prepared and reviewed, CRCL will post a redacted version of this Recommendation Memorandum on our [website](#) that will contain additional information about the complaint investigation and CRCL's findings and recommendations.

February 8, 2024