



Office for Civil Rights and Civil Liberties

Summary of CRCL's Recommendations and CBP's Response *Integration of the Use of Force Review Boards*

On October 28, 2022, 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 the integration of the CBP Use of Force Review Boards. CBP concurred with all three of CRCL's recommendations.

Background

In May 2021, CRCL reviewed a CBP report involving the drowning death of a Haitian citizen following disabling fire by a CBP Marine Interceptor Vessel on a boat attempting to illegally enter the United States off the coast of Florida. The death was reviewed by CBP's Local Use of Force Review Board (LUFEB), which determined that the disabling fire complied with CBP's Use of Force Policy.

Investigation

CRCL reviewed two investigative reports conducted by the CBP Use of Force Incident Team (UFIT) and the CBP Office of Professional Responsibility as well as relevant use of force policies. While CRCL found that the LUFEB correctly reviewed the incident, CRCL also concluded that the governing Directives and the Use of Force Incident Guide provide confusing and sometimes disparate direction regarding investigative practices and review procedures. CRCL also found that CBP had erroneously stated that the principal goal of the LUFEB was to protect the lives of CBP agents and officers. CRCL concluded that while the findings of the board may be used to develop policies and tactics to protect agents and officers, the principal goal is to objectively review the incident through a deliberative process.

Recommendations

On September 2, 2022, CRCL sent CBP a Recommendation Memorandum with three recommendations. On October 28, 2022, CBP agreed with all three recommendations. CBP agreed to evaluate and rewrite existing policies related to two directives governing the UFIT process and the Use of Force Incident Guide.

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