

## **CUSTOMS AND BORDER PROTECTION DIRECTIVE**

**CBP DIRECTIVE NO.** 4510-018B

**DATE:** November 9, 2007

**ORIGINATING OFFICE:** OBP

**SUPERSEDES:** INS Vehicle Pursuit  
Policy & CD 4510-018A, Emergency Driving,  
6/21/02

**REVIEW DATE:** November 2010

**SUBJECT: EMERGENCY DRIVING AND VEHICULAR PURSUITS BY  
CUSTOMS AND BORDER PROTECTION PERSONNEL**

### **1. Purpose.**

1.1. Establish U.S. Customs and Border Protection (CBP) policy governing emergency driving to include vehicle pursuits.

### **2. POLICY**

2.1. It is the policy of U.S. Customs and Border Protection that CBP Officers (CBPO) and Border Patrol Agents (BPA) may engage in and continue, emergency driving, including vehicle pursuits, only when they determine, and only for the duration of that ongoing determination, that the law enforcement benefit of emergency driving outweighs the immediate danger created by such emergency driving. To continue emergency driving, a CBPO and/or BPA must continually consider and evaluate critical safety issues and balance the law enforcement need for emergency driving against the immediate and potential danger posed to the general public by the continuation of such emergency driving.

2.1.1. During emergency driving that does not involve a vehicle pursuit, when a CBPO or BPA or his/her supervisor reasonably determines that the immediate danger created by the emergency driving outweighs the law enforcement benefit of continued emergency driving, the emergency driving will be reduced to a safe level or terminated.

2.1.2. During a vehicle pursuit, when a CBP LEO or his/her supervisor reasonably determines that the immediate danger created by the vehicle pursuit, or by the suspect's driving, outweighs the law enforcement benefit of continued pursuit, the vehicle pursuit will be terminated.

2.1.3 Under the provisions of this policy supervisors will establish control over all authorized pursuits as soon as reasonably possible. Both supervisors and CBPOs or BPAs share a responsibility in assuring proper administration of the pursuit policy.

2.2. Factors to be considered in making pursuit determinations include but are not limited to:

2.2.1. Maintaining a probability of arrest.

2.2.2. Nature of the crime or suspected crime committed by suspect(s) being pursued.

2.2.3. Immediate danger to the public of continuing the emergency driving or vehicle pursuit (i.e. proximity of population centers, pedestrians, schools, traffic flow, etc.)

2.2.4 Danger to the public presented by the suspect(s) remaining at large.

2.2.5. Current Intelligence.

2.2.6. Homeland Security Advisory System level.

2.2.7. Availability of other realistic and appropriate enforcement options such as controlled tire deflation devices, surveillance by aircraft or undercover vehicles.

2.2.8. Potential for successful enforcement action at a later time, particularly if identity is known.

2.3. CBPOs and BPAs will not pursue into foreign countries. Any pursuit that is reasonably believed to be destined for a foreign country shall be coordinated with Supervisor/Sector/Radio, etc., so that notification can be made to the appropriate foreign agencies.

2.4 The following CBPOs and BPAs are authorized to perform emergency driving and pursuits as prescribed in this directive:

2.4.1. BPAs who have successfully completed the Border Patrol Academy Driver Training Program and have completed annual policy refresher training.

2.4.2. CBPOs who have successfully completed the CBP emergency driving and pursuit training program and have completed annual policy refresher training.

2.5. Vehicle pursuits in excess of the legal speed limit of a suspect vehicle committing dangerous traffic violations (e.g., going the wrong way on a one way street, or other actions that place the public in immediate danger) are not authorized unless there is reason to believe the occupants of the fleeing vehicle have fled from or failed to stop at a port of entry, committed a vehicle incursion into the United States, or there is reasonable suspicion that the occupants of the vehicle have committed a felony warranting a full custody arrest, both the CBPO or BPA and his/her supervisor have determined that the law enforcement benefit of pursuit outweighs the risk to the public of pursuit, and supervisory approval is granted, on a continuing basis and subject to the evolving state of conditions, to continue the pursuit.

2.6. Marked sedans should be used by BPAs as the primary pursuit vehicle whenever reasonably possible. Other CBP emergency vehicles may be used when a marked

sedan is not reasonably available and the pursuit meets all other policy criteria. Efforts should be made to establish a marked sedan as the primary pursuit unit as soon as practical. State or local law enforcement agencies may be contacted for assistance if practical.

2.6.1 Other CBP emergency vehicles may not have full pursuit features and capabilities that are inherent in a sedan. Therefore, when the use of other CBP emergency vehicles is necessary, it is the responsibility of the CBPO or BPA operating that vehicle, as with a sedan or any other vehicle, to operate the vehicle within its safe limitations. BPAs will not be authorized to perform vehicle pursuits in vehicles other than sedans until they complete CBP approved pursuit training in the type of vehicle they intend to operate during the pursuit.

2.7. CBP Officers will only pursue in marked emergency vehicles.

2.8. The use of offensive tactics such as roadblocks, deliberate vehicle contact, boxing in, or heading off a moving vehicle are only authorized in extremely exigent circumstances with supervisory approval, and must be performed in a manner consistent with CBP's Use of Force policy, taking due consideration for factors such as vehicle speed, proximity of population centers, traffic flow, and the availability of alternative measures.

2.9. Caravanning is prohibited in a vehicle pursuit, absent exigent circumstances. Unless expressly authorized by a supervisor, pursuit shall be limited to the assigned primary and secondary vehicles. An appropriate number of backup Officers/Agents should be strategically coordinated to remain within a reasonable distance and be able to respond to any resulting incident as directed by a supervisor.

2.10. CBPOs and BPAs shall not pass other units involved in the pursuit, unless the CBPO or BPA receives specific permission from the primary unit or the pursuit supervisor.

2.11. CBPOs and BPAs are not to engage in any type of pursuit while transporting aliens, suspects, or civilians.

2.12. The use of alternatives to pursuit, including the use of Controlled Tire Deflation Devices, consistent with CBP policy, are preferable to pursuit and are encouraged in order to terminate or avoid a vehicle pursuit (CBP Directive 4510-026A – Controlled Tire Deflation Device Directive, dated March 15, 2006).

2.13. Any additional programmatic restrictions imposed on emergency driving or vehicle pursuits at the field level must be approved by the Commissioner, U.S. Customs and Border Protection prior to implementation.

### 3. **AUTHORITY/REFERENCES**

Title 7 §§ 7731 (B), Plant Protection Act; Title 8 United States Code (U.S.C) § 1357 [Immigration and Nationality Act (INA), Section 287], Powers of Immigration Officers and Employees; Title 8 U.S.C. § 1225 (INA 235), Authority to Administer Oaths, Board and Search Conveyances, Take and Consider Evidence, Execute Warrants; Title 18 U.S.C. § 758, High Speed Flight from an Immigration Checkpoint; 19 U.S.C 1433, Report of Arrival; 19 U.S.C 1436, Penalties for Violations of Arrival; 19 U.S.C 1459, Reporting Requirements; 19 U.S.C 1461, Penalties for Failure to Declare; 19 U.S.C 1581 (d), Penalty for Failure to Stop at Command; CBP Directive No. 5290-007, Land Border Inspectional Safety Policy, dated June 21, 2001 as amended or superseded; CBP Directive No. 4510-023, Assisting Law Enforcement Agencies Engaged in Pursuits, dated June 9, 2000 as amended or superseded; CBP Directive No. 4510-026A, Controlled Tire Deflation Device Directive, dated March 15, 2004; CBP Directive No. 3340-021B, Responding to Potential Terrorists Seeking Entry into the United States, dated September 7, 2006, as amended or superseded; DHS Policy on the Use of Deadly Force, June 2004, as amended or superseded; CBP Firearms and use of Force Handbook, CIS HB 4500-01A, March 2003, as amended or superseded; DHS Directive 11012, Emergency Signaling Devices in DHS Vehicles, dated September 2006, as amended or superseded.

### 4. **DEFINITIONS**

The following terms are herein defined for purposes of this Directive only:

4.1. Between the Ports: is defined as the area outside the external perimeters of a Port of Entry (POE).

4.2. Boxing In: The surrounding of a suspect's moving vehicle with moving pursuit vehicles which are then slowed to a stop along with the suspect's vehicle.

4.3 Controlled Tire Deflation Device (CTDD): A device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle, and capable of operation consistent with criteria established in CBP policy. (See CBP Directive - Controlled Tire Deflation Device, March 15, 2004).

4.4. Customs and Border Protection Officer (CBPO): For the purpose of this policy, a CBPO includes Pursuit Authorized Customs and Border Protection Officers.

4.5. CBP Emergency Vehicle: Any CBP vehicle equipped with emergency warning equipment (including emergency lights and an audible siren) in accordance with CBP policy.

4.6. Caravanning: Three or more law enforcement vehicles following in close proximity to the suspect vehicle during a pursuit.

4.7. Emergency Driving: Vehicle operations that exceed the legal speed limit, or require taking other exemptions to established traffic laws, in the course of discharging official duties.

4.8. Failure to Yield: A situation that occurs during an active attempt by a CBPO or BPA in an authorized emergency vehicle, to stop a suspect vehicle by activating the emergency equipment (lights and siren) and the suspect fails to yield within a reasonable time and distance.

4.9. Follow Out: When a CBPO follows a vehicle from a port of entry while observing all traffic laws. The purpose of the follow out is to keep a suspect vehicle under surveillance until a CBPO or BPA or other LEO can perform a vehicle stop on the suspect vehicle.

4.10. Heading Off: An attempt to terminate a pursuit by pulling ahead of, behind, or toward a suspect's moving vehicle to force it to the side of the road or to otherwise come to a stop.

4.11. Offensive Driving: Any driving technique, certified for use by the Office of Training and Development, that is intended to end a pursuit through intentional vehicular contact. Offensive driving techniques and certification will be prescribed by the Office of Training and Development.

4.12. Port of Entry (POE): The CBP inspection area at all air, land and seaports. This includes the physical perimeter as defined by CBP and indicated in the General Services Administration property plans. For privately owned facilities "the CBP inspections area" is defined as the area up to and including the physical perimeter of the CBP inspection area as defined by OFO and indicated on the property plans. The POE includes inbound and outbound traffic and pedestrian inspection lanes.

4.13. Port Runner: Any vehicle that fails to stop at or flees from a port of entry. A port runner may be presumed armed and dangerous unless circumstances indicate otherwise.

4.14. Pursuit Termination: A pursuit is considered terminated only when the pursuing CBPOs or BPAs extinguish emergency equipment and cease any attempt to maintain contact with the suspect vehicle in an ongoing chase. Termination of a pursuit does not prohibit or deter the use of alternate observation means, to include but not limited to; air support, stationary observation sites, or unmarked vehicle surveillance to maintain situational awareness of the suspect's location and maintain a probability of arrest.

4.15. Pursuit Vehicle Positions:

A. Primary Unit: The LEO that initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle - the first LEO immediately behind the fleeing suspect.

B. Secondary Unit: Any LEO that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance but close enough to provide support and communicate with dispatch.

4.16. Reasonable Distance: A space or distance between vehicles that will allow maximum safety, particularly in the event that a fleeing vehicle suddenly stops, slows, or turns. This also applies to the space between the primary and secondary vehicles.

4.17. Reasonable Time: Based on the circumstances, the amount of time that would be considered reasonable for a person to yield to the activation of emergency warning lights by a law enforcement officer.

4.18. Roadblock: An obstruction used to prevent the free passage of moving motor vehicles. For the purpose of this policy, restricting or obstructing the immediate escape route of a stationary vehicle is not considered a roadblock and may be authorized to prevent a potential pursuit. Controlled tire deflation devices are not considered roadblocks.

4.19. Supervisor: a supervisor is defined as a permanent or acting Supervisory Border Patrol Agent, or Supervisory Customs and Border Protection Officer at any level of assignment within a Sector, Station, Field Office, Area Port, or Port of Entry, on duty and available to make field decisions.

4.20. Vehicle Contact Action: Any action undertaken by the pursuing CBPO or BPA intended to result in contact between the moving LEO vehicle and the pursued suspect vehicle.

4.21. Vehicle Incursion: The unauthorized crossing of a vehicle over the international boundary of the United States at a place other than through an open Port of Entry.

4.22. Vehicle Pursuit: An attempt by a CBPO or BPA in an authorized emergency vehicle, to stop a suspect vehicle by activating the emergency equipment (lights and siren), and the suspect fails to yield within a reasonable time and distance, and; the initiating CBPO or BPA, or any CBPO or BPA in an emergency vehicle, attempts to maintain contact with the suspect vehicle in an ongoing chase. A pursuit will not exist if the suspect yields within a reasonable time and distance and/or; if the suspect fails to yield and the initiating CBPO or BPA does not attempt to maintain contact with the suspect vehicle in an ongoing chase.

## 5. RESPONSIBILITIES

5.1. The Commissioner shall have policy oversight regarding National level Policy and Procedures.

5.2. The Chief, Office of Border Patrol and Assistant Commissioner, Office of Field Operations will insure that this directive is provided and adhered to by all Sectors and Field Offices.

5.3. Sector Chief Patrol Agents and Directors of Field Operations are responsible for the implementation of this policy and annual recurring policy refresher training.

5.4. Within 30 days of the issuance of this Directive, the Office of Training and Development (OD) will develop and implement an academic curriculum with a certification process for all CBPOs and BPAs that will address changes in pursuit initiation criteria specific to sedans as delineated in this policy.

5.4.1. The Office of Training and Development (OTD), in coordination with the Chief, Office of Border Patrol (OBP), and the Assistant Commissioner, Office of Field Operations (OFO), is responsible for developing and implementing, within one year of the issuance of this Directive, a training curriculum and certification process that will ensure a unified implementation of this policy.

5.4.2 OTD, OBP, and OFO will coordinate the training of all current CBPOs and BPAs in emergency driving, offensive driving techniques, vehicle stops, and vehicle pursuit procedures, along with any required re-certifications. New CBPOs and BPAs will be instructed on the requirements of this directive and participate in practical emergency driving during basic training. Practical driver's training will include emergency driving, offensive driving techniques, vehicle stops and vehicle pursuits in the authorized types of vehicles CBPOs and BPAs will most likely utilize in the field.

5.5. CBPOs who have previously attended the Border Patrol academy must complete the CBPOs pursuit training and certification course prior to engaging in a pursuit.

5.6. CBPO and BPA supervisors are responsible for continually monitoring and authorizing the continuation of, or directing the termination of, any vehicle pursuit consistent with the guidelines set forth in this directive.

5.7. CBP and BPAs are responsible for knowing and complying with all provisions of this directive including the termination of any pursuit not consistent with the guidelines set forth in this directive.

## 6. PROCEDURES

6.1. Emergency Driving:

6.1.1. During the course of routine duties it may be necessary for CBPOs and BPAs to engage in emergency driving for a variety of reasons that include, but are not limited to, catching up with suspect vehicles, performing vehicle stops, responding to certain emergency calls or reports and/or, when providing emergency assistance.

6.1.2. As each incident may vary greatly; CBPOs and BPAs shall be responsible for determining appropriate vehicle speed, operating the vehicle within its capabilities, and use of emergency equipment, consistent with Federal, state, and local laws governing the operation of emergency vehicles. CBPOs and BPAs are responsible for continually evaluating and balancing the law enforcement benefit of emergency driving against the immediate and potential danger posed to the general public by the continuation of such emergency driving.

6.1.3. The use of emergency lights and siren is mandatory when in pursuit or taking exemptions to traffic signals, stop signs or prescribed direction of travel.

6.1.4. When initiating a vehicle stop, CBP LEOs will notify Border Patrol Dispatch of the intended vehicle stop prior to initiation, if practical. If Border Patrol dispatch is not available, the CBPO or BPA will attempt to notify another CBP communications center. If no other communications center is available, (i.e. due to poor communications) CBP LEOs will notify a supervisor, or other Agents/Officers who can relay the information. Notification will be provided to a supervisor as soon as practical, or when communications become available.

6.1.5. CBP LEOs initiating the vehicle stop should provide or broadcast a minimum of the following information if available:

- Location
- License Plate Number
- Vehicle Description
- Number of Visible Occupants
- Single or Two Person CBP Unit

6.2. Vehicle Pursuit Driving.

6.2.1. Primary Unit Responsibilities: Upon deciding to initiate a vehicle pursuit of a vehicle that has failed to stop, the initiating CBPOs or BPAs will immediately notify the appropriate communications operator that s/he has initiated a vehicle pursuit, and provide the following details as soon as practical:

- (a) Identification of the unit initiating the pursuit.

- (b) Location, Speed, and Direction of Travel.
- (c) Description and license plate number, if known, of the fleeing vehicle.
- (d) The reason/justification for the pursuit (suspected violation of enforceable law).
- (e) The identity or description of any known occupants and/or driver.
- (f) Any pertinent information concerning firearms, threat, force, or other adverse hazards, including weather and road conditions.
- (g) Involvement of other agencies.

6.2.2. Other Requirements:

- (a) CBP LEOs shall constantly evaluate pursuit conditions.
- (b) Supervisory authorization is required to continue any vehicle pursuit in excess of the legal speed limit.
- (c) CBPOs and BPAs will immediately notify a supervisor upon witnessing a suspect vehicle committing any dangerous traffic violations during a pursuit and, supervisory approval shall be required to continue the vehicle pursuit after such actions have been witnessed.
- (d) CBPOs and BPAs shall self-terminate any emergency driving or pursuit when they determine, at their discretion, that the law enforcement benefit of continuing the pursuit no longer outweighs the risk to the public if the suspect(s) remains at large, and/or if a pursuit alternative becomes viable.
- (e) CBP Supervisory personnel may direct the termination of any vehicle pursuit at their discretion.
- (f) Pursuits that involve multiple CBP components or other agencies require precise coordination. The decision to assume or relinquish primary role in a pursuit shall be made with the overall tactics and probability of arrest in mind. CBP LEOs must consider the following circumstances when deciding to maintain or relinquish the primary pursuit position:
  - Vehicle Capabilities.
  - Driving ability and experience of the CBPO or BPA involved.

- Knowledge of the area.
- The ability of the primary unit to communicate with secondary units, dispatch, and/or supervisory personnel.

In the event that a state or local peace officer joins the pursuit and requests to assume the primary pursuit position, it is the responsibility of the supervisor, in consultation with the primary pursuing CBP LEO to determine if, or when to relinquish the primary position in the pursuit, to the state or local officer.

6.3. Secondary Unit Responsibilities:

6.3.1. The secondary unit will normally be the closest available CBPO and BPA, and shall be directed to assist the primary unit by a supervisor, an acting supervisor, a lead agent, or by self initiative in the absence of other instructions. Any unit not specifically directed to assist by a supervisor or lead agent will ensure that the supervisor or lead Agent is aware of that unit's involvement.

6.3.2. Once in position behind the primary pursuit vehicle, the secondary unit will notify the appropriate communications operator and will assume the principal responsibility for radio communications during the balance of the pursuit.

6.4. Notification and Communications:

6.4.1. In areas with Border Patrol radio coverage, Border Patrol Dispatch will be notified immediately and before any other law enforcement agency. Border Patrol dispatch will then coordinate the notification of other law enforcement agencies. Pursuits will be conducted on Border Patrol frequencies.

6.4.2. In areas without Border Patrol radio coverage, Border Patrol Dispatch and CBPOs and BPAs will follow local Standard Operating Procedures (SOP) for notifying CBP "Charlie 100" (Sector), emergency personnel, and other law enforcement agencies of the pursuit.

6.5. Dispatch Responsibilities:

6.5.1. Upon notification/recognition that a vehicle pursuit is in progress, the Border Patrol Sector Enforcement Specialist (SES) (or in the absence of specialized communications personnel, any CBPO and BPA that can relay the information) shall immediately:

(a) Clear radio channels of any unnecessary traffic and advise other units that a pursuit is in progress.

(b) Ensure that a supervisor or acting supervisor is notified of the pursuit and advised of essential information regarding the pursuit. If a supervisor or an

acting supervisor is not immediately available, attempts should be made to contact a supervisor from an adjoining Station, Sector, Port, or Field Office staff officer.

(c) Notify state or local law enforcement agencies that a pursuit has been initiated.

(d) Notify CBP Air and Marine Operations or other available federal air assets to request support where appropriate.

(e) Monitor and record all incoming information on the pursuit.

(f) Execute relevant record checks on fleeing vehicle and advise the pursuit units of these record check results, as appropriate.

(g) Prompt the pursuing CBPO and BPA (s) for missing information required.

(h) Periodically broadcast an update during the course of the pursuit.

(i) Broadcast as to the termination of the pursuit along with the locations.

(j) Advise all previously notified agencies when the pursuit has been terminated.

#### 6.6. Vehicle Pursuit Tactics and Alternative Actions:

6.6.1. In order to diminish the likelihood of a pursuit, CBPOs and BPAs intending to stop a vehicle should, when reasonably possible, close the distance between the vehicles before activating the forward facing emergency lights and/or siren.

6.6.2. All units in the pursuit shall space themselves at a distance that will maximize safety, particularly in the event that the lead vehicle stops, slows or turns. This applies whether the lead vehicle is the suspect vehicle or another law enforcement vehicle.

6.6.3. Aerial surveillance and assistance shall be provided and utilized to the maximum extent available. Vehicle pursuits shall be given priority for air asset support over all non-life threatening enforcement actions. When an air unit establishes visual contact with the pursued vehicle, it will assume responsibility for observation of the fleeing suspect, and pursuing CBPOs or BPAs should consider increasing the distance between themselves and the suspect vehicles in an attempt to "slow the pursuit". The air unit will inform the supervisor and pursuing CBPOs and BPAs of the route of travel, any known or emerging hazardous conditions, and assist with vectoring ground units into appropriate locations. Ground units should remain close enough to quickly interdict suspects when the vehicle stops but should minimize visibility if practical and/or appropriate.

6.6.4. At the discretion of the supervisor managing the pursuit, a Border Patrol canine unit, if available, may be directed to follow the pursuit and be available to be deployed for the purposes of tracking or performing an area search for the driver or any other person who has fled from the pursued vehicle.

6.6.5. Offensive Driving Techniques (see definitions) may be authorized by a Supervisory CBPO or BPA for use by a CBPO or BPA who has successfully completed the required driver-training course for Offensive Driving Techniques. These techniques may only be authorized when the actions of the driver operating the vehicle being pursued present an imminent threat of death or serious bodily harm, and an offensive driving technique is determined to be necessary in an attempt to prevent that threat of death or serious bodily harm.

Offensive driving techniques are considered a use of force and depending upon the circumstances of use, may be considered a use of deadly force, and accordingly, all uses of offensive driving techniques must meet applicable criteria of the CBP and DHS use of force policies.

6.6.6. Offensive driving techniques are authorized without a supervisor's approval and without specific offensive driver training, to stop the movement of a driverless vehicle (usually a vehicle that has been abandoned by its driver while in motion) when the CBP LEO can articulate the belief that the risk of the continued motion of the vehicle outweighs the risk of harm or injury, to the public, or to the remaining occupants of the vehicle.

6.6.7. As noted above, the use of alternatives to pursuit, including the use of Controlled Tire Deflation Devices, consistent with CBP policy, are preferable to pursuit and are encouraged in order to terminate or avoid a vehicle pursuit.

## **7. Pursuits Originating from Ports of Entry (Port Runners)**

7.1. CBPOs are only authorized to engage in a pursuit that initiates from a Port of Entry during operational hours unless requested by another agency or component in accordance with the following procedures:

(a) When a CBP Officer initiates a vehicle pursuit of a Port Runner, that CBP Officer will assume the primary position for the duration of the pursuit unless or until the pursuit reaches a Border Patrol checkpoint at which time the Border Patrol will assume the primary pursuit position.

7.2. The primary pursuit position can be relinquished to another law enforcement Officer, at the discretion of the CBP Officer in the primary pursuit position or the pursuit supervisor according to the following precedence:

(a) To a Border Patrol Agent, or

(b) To a Federal, state or local, or tribal Officer, if no BPA is available.

## 8. Reporting Requirements

8.1. All Primary CBP LEOs involved in a vehicle pursuit, as defined in paragraph 4.22, will complete and submit a Vehicle Pursuit Report before the end of their tour of duty regardless of whether an arrest was made. If an arrest was made, the narrative section need only refer to the appropriate case number in ENFORCE or TECS containing detailed information. If no arrest was made the report shall include a brief narrative outlining specifics of the pursuit including the articulable facts leading to the attempted vehicle stop.

8.2. The pursuit report will contain at a minimum, the information contained in appendix "A" of this policy.

8.2.1. The pursuit supervisor will review all reports, and if in concurrence with the reported account of events, as well as ensuring that all CBP policies were in compliance, sign and forward the report. If the supervisor does not concur with the reported account of events, and/or the supervisor ordered the termination of the pursuit, and/or violations of CBP policy are suspected, the supervisor will complete a detailed narrative account of the pursuit and outline any specific concerns.

8.2.2. The pursuit supervisor will submit all required reports through official channels to the Sector Chief Patrol Agent, or Director, Field Operations as appropriate prior to terminating their tour of duty.

8.2.3. In accordance with current CBP policy 3340-025C, Sectors and Field Offices shall submit to the Commissioner's Situation Room, a Significant Incident Report (SIR) when circumstances arise as a result of any emergency and/or pursuit driving that meets the CBP significant incident reporting requirements.

### 8.3. Review Procedures:

8.3.1. Sector Chiefs and Field Office Directors, or their respective designee, will review all reports submitted and shall; determine if the pursuit was appropriate and within CBP policy; identify additional training needs as indicated by trends or individual pursuits and; determine whether training procedures need to be amended, or policy changes considered.

8.3.2. Until an automated reporting system becomes operational, a copy of all pursuit reports will be sent to headquarters Office of Border Patrol and/or Field Operations as appropriate.

8.3.3. Reports of all vehicle pursuits shall be maintained by the Sector or Field Office for not less than five years. If emergency driving or a pursuit results in litigation, records

relating to that emergency driving or pursuit will be retained until otherwise directed by the appropriate Associate/Assistant Chief Counsel, to include retention throughout the litigation and any appeals. All pursuit reports will remain immediately available for headquarters review and statistical analysis.

8.3.4. After all foreseeable official action has been completed regarding a vehicle pursuit and any associated incidents; an informal review of the pursuit is highly encouraged. Appropriate supervisory and non-supervisory personnel should review the events; pre-pursuit; actual and post-pursuit, for the purpose of identifying lessons learned, identifying best practices, and to enhance training and improve effectiveness.

## 9. **Disposition.**

9.1. Vehicles, contraband, and suspects that are seized/arrested by any CBPO or BPA after running through an open POE (Port Runner), will be turned over to personnel from the CBP Office of Field Operations (OFO), or returned to the POE from which it entered for processing and prosecution.

9.2. Vehicles, contraband, and suspects that are seized/arrested by any CBPO or BPA after committing a vehicle incursion or entering through a closed POE (Port Runner), will be processed and set up for prosecution by the Border Patrol.

## 10. **Measurements.**

10.1 The number of pursuits.

10.2. The number of terminated pursuits.

10.3. The number of vehicles that escape apprehension after pursuit.

10.4. The number of vehicles that escape without pursuit.

10.5. The reasons why pursuits were terminated.

10.6. The number of incidents involving fatalities, injuries, or damage to government or private property as a result of pursuits.

10.7. The operational results of the above instances, i.e. detention/seizures, prosecutions, administrative actions, etc.

## 11. **NO PRIVATE RIGHT CREATED**

11.1 This document is an internal policy statement of U.S. Customs and Border Protection and does not create or confer any right, privilege, or benefit on any person or party.

12. **DISCLOSURE**

12.1 This Directive contains information which may be exempt from disclosure to the public under Federal law. No part of this Directive shall be disclosed to the public without express authority from U.S. Customs and Border Protection Headquarters.

/s/  
Commissioner  
U.S. Customs and Border Protection

**APPENDIX "A"**

1. Date.
2. Station or Port of Entry.
3. Pursuit (Event) Number (should be tracked by station or port).
4. Pursuit Date.
5. Pursuit Supervisor.
6. Primary Pursuit Vehicle Fleet Number.
7. Primary Pursuit Vehicle Driver.
8. Primary Pursuit Vehicle Passenger.
9. Secondary Pursuit Vehicle Fleet Number.
10. Secondary Pursuit Vehicle Driver.
11. Secondary Pursuit Vehicle Passenger.
12. Name of Communication Center Notified.
13. Pursuit Start Time.
14. Pursuit End Time.
15. Total Pursuit Time.
16. Total Pursuit Distance.
17. Location Pursuit Began.
18. Location Pursuit Ended.
19. Pursuit Route.
20. Highest Speed Attained by CBP Emergency Vehicle.
21. Weather Conditions.
22. Traffic Conditions.
23. Road Type.
24. Road Conditions.
25. Environment ((i.e. urban, desert, forest).
26. Name of Other Law Enforcement Agencies Involved/Notified.
27. Air Assist.
28. Narrative Reasons for Initiating and Continuing Pursuit.
29. Narrative Reasons for Self-Terminated Pursuit.
30. Narrative Reasons for Supervisor Terminated Pursuit (to be completed by Supervisor that terminated pursuit).
31. Alternate Enforcement Methods Applied.
32. CTDD Utilization.
33. Suspect Information.
34. Contraband.