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CBP Updates Emergency Driving and Vehicular Pursuits Directive

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WASHINGTON — U.S. Customs and Border Protection has updated the directive on **Emergency Driving and Vehicular Pursuits** after an extensive review of the agency's pursuits.

“As a professional law enforcement organization, CBP is continually updating policies to reflect best practices, public safety needs, and evolving public expectations” said CBP Acting Commissioner Troy Miller. “The safety of officers, agents, and the public are paramount as we carry out our mission.”

In 2021 CBP's Law Enforcement Safety and Compliance Directorate conducted a review of agency pursuits and evaluated the agency's legacy pursuits directive. The review looked at trends, statistics, and outcomes associated with CBP pursuits and made several recommendations for improvement. Following completion of that review CBP initiated an update to the agency's pursuits policy. To inform this update, CBP reviewed more than two dozen vehicle pursuit policies from various enforcement agencies across the country, as well as model policies created by states.

Critically, this policy does not prohibit pursuits. CBP's unique border security mission requires that it retain the ability to pursue vehicles. Instead, the policy entrusts agents, officers, and their supervisors with the ability to conduct pursuits based on the government interest (severity of the crime and the level of threat posed by the subject) and foreseeable risk in their analysis, other

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available means to apprehend suspects, and the law enforcement need for pursuits. The policy provides a clear framework for weighing the risks of conducting pursuits, such as the dangers they present to the public, against the law enforcement benefit or need. The policy lays out factors to consider when deciding if a vehicle should be pursued, and when a pursuit should be terminated.

Vehicle pursuits do inherently pose risk – to members of the public, officers, and agents, and those in a vehicle being pursued who may not be willing participants. The updated policy acknowledges these risks and emphasizes a risk-based approach when it comes to pursuits. The policy clarifies the “reasonableness” standard that is familiar to most in law enforcement as they attempt any detention or seizure. Although vehicle pursuits do not always result in uses of force, the risk involved can be considerable. This policy requires a similar factor analysis that agents and officers are already familiar with in CBP’s **Use of Force Policy**.

Finally, the policy clarifies the role of supervisors, and establishes clear reporting requirements to improve transparency and accountability and to ensure CBP continues to learn and improve over time.

In conjunction with the development of this policy, CBP has established a Pursuits branch within its Law Enforcement Safety and Compliance Directorate. The Pursuits branch will oversee implementation of the new policy and recurring pursuits training. The new policy will go into effect after a several month training and implementation period.

The policy is available on the **Transparency and Accountability** section of CBP’s website. As with other policies, the new policy will contain some redactions to protect law-enforcement sensitive materials.

U.S. Customs and Border Protection is the unified border agency within the Department of Homeland Security charged with the comprehensive management, control, and protection of our nation’s borders, combining customs, immigration, border security, and agricultural protection at and between official ports of entry.

Tags: Accountability and Transparency, Advisory, Policies and Procedures

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