

**DEPARTMENT OF HOMELAND SECURITY
U.S. CUSTOMS AND BORDER PROTECTION
DIRECTIVE**

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SUPERSEDES: CBP Directive No. 4510-25

OFFICE: Office of the Commissioner

SUBJECT CODE: Internal Administration

SUB OFFICE: Policy Directorate (PD)

**DISTRIBUTION: G22 - Law Enforcement
Personnel**

**Emergency Driving Including Vehicular Pursuits by U.S. Customs and Border
Protection Personnel**

1 PURPOSE

1.1 The purpose of this Directive is to establish U.S. Customs and Border Protection (CBP) policy governing emergency driving including vehicle pursuits.

2 POLICY

2.1 It is CBP policy that CBP Officers/Agents, may engage in and continue emergency driving, including a vehicle pursuit, only when and for as long as the Officer/Agent determines that the law enforcement benefit and need for emergency driving outweighs the immediate and potential danger created by such emergency driving. Officer/Agent is defined in Section 5.1 of this directive.

2.2 CBP is committed to assessing the law enforcement benefit of engaging in and continuing any emergency driving, including emergency driving that involves a vehicle pursuit.

2.3 Officers/Agents will not pursue by vehicle into Canada or Mexico. Any vehicle pursuit that is reasonably believed to be destined for a foreign country shall be communicated to the appropriate foreign agencies through established local standard operating procedures.

2.4 Any additional programmatic restriction imposed on emergency driving, including emergency driving that involves a vehicle pursuit, must be approved by the CBP Commissioner prior to implementation.

3 BACKGROUND

3.1 This Directive consolidates previous CBP OFO and U.S. Border Patrol (USBP) Component vehicle pursuit policies, and is revised to include Air and Marine Operations (AMO) and the Office of the Commissioner (OC)/Office of Professional Responsibility (OPR). This Directive applies to all Officers/Agents as defined in Section 5.1 of this directive, including

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USBP, OFO, AMO, and OC/OPR, vehicle pursuits (does not apply to aircraft or vessels). It is recognized that OPR does not generally engage or assist in vehicle pursuits, but in some circumstances, may do so.

3.2 This Directive also updates terminology, reporting and training capabilities, and outlines CBP's policy for when and how Officers/Agents should initiate, continue, and terminate emergency driving, including vehicle pursuits. The updated directive clarifies vehicle pursuit incident reporting procedures to ensure that there is an efficient method to report and retrieve consistent, reliable, and readily available vehicle pursuit incident data.

4 AUTHORITY

4.1 8 U.S.C. 1357 (Immigration and Nationality Act (INA)), Section 287, Powers of Immigration Officers and Employees.

4.2 18 U.S.C. 758, High Speed Flight from an Immigration Checkpoint.

4.3 19 U.S.C. 1433, Report of Arrival.

4.4 19 U.S.C. 1436, Penalties for Violations of Arrival.

4.5 19 U.S.C. 1459, Reporting Requirements.

4.6 19 U.S.C. 1461, Penalties for Failure to Declare.

4.7 19 U.S.C. 1581(d), Penalty for Failure to Stop at Command.

4.8 CBP Directive No. 5290-007, Land Border Inspectional Safety Policy, June 21, 2001 as amended or superseded.

4.9 DHS Policy on the Use of Force, September 7, 2018. Policy Statement 044-05. As amended or superseded.

4.10 CBP Use of Force Policy, Guidelines and Procedures Handbook, HB 4500-01C, May 2014. As amended or superseded.

4.11 CBP Motor Vehicle Management Handbook (HB 5200-14B), June 2013, as amended or superseded.

4.12 Section 421(b) of the Plant Protection Act (Title IV of the Agriculture Risk Protection Act of 2000, Pub. L. No. 106-224) ("Warrantless Inspections" codified at 7 U.S.C. 7731(b)).

5 DEFINITIONS

5.1 OFFICER/AGENT. For the purposes of this Directive, the term “Officers/Agents” includes:

A. CBP Officers;

B. Border Patrol Agents;

C. Air and Marine Officers and Agents

D. Office of Professional Responsibility Special Agents and Investigators; and

E. Other qualified CBP personnel as designated pursuant to the CBP Use of Force Policy, Guidelines and Procedures Handbook.

5.2 BETWEEN THE PORTS. The area outside the external perimeters of a Port of Entry (POE).

5.3 BLIND or “IN THE BLIND” MODE. A radio communications tactic in which a transmission is made without obtaining a receipt, or acknowledgment of reception, from the intended receiving station.

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

5.4 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.

5.5 CARAVANNING. Three or more law enforcement vehicles following in close proximity to the suspect vehicle during a pursuit.

5.6 CHECKPOINT. A permanent or temporary location where a federal law enforcement inspection is conducted in areas other than a port of entry.

5.7 CBP EMERGENCY VEHICLE. A CBP vehicle equipped with functioning emergency warning equipment (including emergency lights and an audible siren).

5.8 CBP COMMUNICATION CENTER. Refers to CBP Dispatch, Sector, U.S. Border Patrol Dispatch, port of entry Watch Command Center or locations where radio communications operations are performed.

5.9 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.

5.10 FAILURE TO YIELD (FTY). A situation that occurs during an active attempt by an Officer/Agent in an authorized emergency vehicle to stop a suspect vehicle by activating the emergency equipment (lights and siren) and the suspect fails to yield/stop within reasonable time and distance.

5.11 LAW ENFORCEMENT OFFICER/AGENT. An employee whose primary duties are the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States or the protection of officials of the United States against threats to personal safety.

5.12 OFFENSIVE DRIVING TECHNIQUES (ODT). Any driving technique that is consistent with CBP training and is intended to end a pursuit through intentional vehicle-to-vehicle impact.

5.13 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 inspection 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.

5.14 PORT RUNNER. Any vehicle that fails to stop at or flees from a port of entry.

5.15 PURSUIT TERMINATION. A pursuit is considered terminated only when the pursuing Officer/ Agent 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, unmarked vehicles not involved in the initial pursuit, or stationary observation sites to observe and maintain situational awareness of the suspect's location in order to maintain a probability of arrest.

5.16 PURSUIT VEHICLE POSITIONS.

- A. Primary Unit: The Officer/Agent who initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle – the first pursuing vehicle immediately behind the fleeing suspect. The primary unit may be a state, local, or federal law enforcement agency that is actively participating in the pursuit.
- B. Secondary Unit: Any Officer/Agent who becomes involved as a backup to the primary unit and follows the primary unit within reasonable distance to provide support and communicate with dispatch.

5.17 REASONABLE DISTANCE. A space or distance between vehicles that will provide a prudent degree of safety practicable under the circumstances, particularly in the event that a fleeing vehicle suddenly stops, slows, or turns.

5.18 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 an Officer/Agent.

5.19 REPORTABLE USE OF FORCE.. (Reportable in the Enforcement Action Statistical Analysis and Reporting System (E-STAR) for purposes of pursuits.) – Any use of deadly force; any intentional deployment of a CBP less-lethal device (includes Vehicle Immobilization Devices); or any use of a vehicle, weapon, physical tactic or technique that delivers (or is intended to deliver) a kinetic impact to a subject. Boxing In, Heading Off, and any NON-intentional vehicle contact actions are not a reportable use of force in E-STAR

5.20 RESPONSIBLE OFFICIAL. Individual responsible for implementation and oversight of CBP policies and procedures within a sector, field office, or other area of responsibility. For the USBP this is usually a Chief Patrol Agent (or his/her designee). Within OFO this is usually the Director of Field Operations, (or his/her designee).

5.21 ROADBLOCK. An obstruction, other than a Vehicle Immobilization Device, used to prevent the free passage of moving vehicles.

5.22 SUPERVISOR. A permanent or acting first or higher level supervisor for any Officer/Agent to which this directive applies. For example, this includes, but is not limited to, the positions of Supervisory Border Patrol Agent, Supervisory Customs and Border Protection Officer, Supervisory Air and Marine Officer/Interdiction Agent, or Supervisory Office of Professional Responsibility Special Agent at any level of assignment within a Sector, Station, Field Office, Area Port, Port of Entry, Branch or Unit on duty and available to make decisions.

5.23 VEHICLE CONTACT ACTION. Any action undertaken by the pursuing Authorized Officer/Agent intended to result in impact between the moving LEO vehicle and the pursued suspect vehicle.

5.24 VEHICLE IMMOBILIZATION DEVICE (VID) (including Controlled Tire Deflation Devices or CTDDs) are specialized devices whose deployment is intended to result in the controlled deflation of a vehicle tire or otherwise cause a vehicle to stop.

5.25 VEHICLE INCURSION. The unauthorized crossing of a vehicle over the international boundary of the United States at a place other than through an open POE.

5.26 VEHICLE PURSUIT. When an officer or agent in a CBP emergency equipped vehicle activates the emergency warning equipment in an attempt to conduct a vehicle stop. A pursuit will not exist if the suspect yields within a reasonable time and distance and/or; if the suspect

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fails to yield and the initiating Officer/Agent does not attempt to maintain contact with the suspect vehicle.

An attempt to develop the requisite articulable suspicion to effect a vehicle stop, but before the vehicle's emergency warning equipment is activated, does not constitute a vehicle pursuit or an attempted vehicle stop.

6 RESPONSIBILITY

6.1 The Commissioner shall have policy oversight regarding CBP-level policy and procedures.

6.2 The Chief, USBP, the EAC, OFO, the EAC Operations Support (OS), EAC Enterprise Services (ES), the EAC, AMO and AC OPR, will ensure that this Directive is provided and adhered to by all Sectors, Field Offices, and Branches.

6.3 Sector Chief Patrol Agents, Directors of Field Operations, Directors of Air and Marine Operations, and Directors of OPR, are responsible for ensuring personnel comply with this policy and all associated training requirements.

6.4 ES/OTD, in coordination with the Chief USBP, the EACs OFO, AMO, OS/LESC, and AC of OC/OPR are responsible for developing, implementing and maintaining training curriculum (including regular supervisory refresher/sustainment training) and certification process that will ensure a unified implementation of this Directive.

6.5 OS/LESC will maintain automated reporting mechanism within E-STAR that incorporates the applicable data fields outlined in Appendix A. This reporting and tracking requirement shall **not**:

A. Supersede existing Situation Room (SITROOM) Reporting responsibilities.

B. Supersede existing CBP Motor Vehicle Management procedures, Personal Property and Asset Management procedures and Occupational Safety and Health procedures as applicable, when emergency driving or vehicle pursuit results in injury or damage to equipment or property.

6.6 Officer/Agent 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.

6.7 Officers/Agents 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.

7 EMERGENCY DRIVING PROCEDURES

7.1 In General

- A. During the course of routine duties it may be necessary for Officers/Agents 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.
- B. As each incident may vary greatly, Officers/Agents shall be responsible for determining appropriate vehicle speed and operating a vehicle within its capabilities taking into account road and weather conditions. Officers/Agents must operate CBP emergency equipped vehicles in a reasonable and prudent manner and are responsible for continually evaluating and balancing that the law enforcement benefit of, and need for, emergency driving outweighs the immediate and potential danger created by such emergency driving (See Section 7.3).
- C. 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.

7.2 Vehicle Stop

- A. When initiating a vehicle stop Officers/Agents will follow the notification and communications guidelines found in this section. Notification will be provided to the communications center as soon as practicable, or when communications become available. (b) (7)(E)
(b) (7)(E)
- B. Officers/Agents initiating emergency driving or a vehicle stop should provide or broadcast a minimum of the following information, if available or applicable:
 - (1) Location, speed, and direction of travel;
 - (2) Vehicle description;
 - (3) Description and license plate number and State, if known;
 - (4) Number of visible occupants;
 - (5) Single or two person CBP unit; and,

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(6) Any other relevant information.

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

- A. Maintaining a probability of arrest;
- B. Nature of the crime or suspected crime committed by suspect(s) being pursued;
- C. Immediate danger to the public of continuing the emergency driving or vehicle pursuit (i.e. proximity of population centers, pedestrians, schools, traffic flow, etc.);
- D. Danger to the public presented by the suspect(s) remaining at large;
- E. Current intelligence;
- F. National Terrorism Advisory System alerts;
- G. Availability of other realistic and appropriate enforcement options such as vehicle immobilization devices, surveillance by aircraft or undercover vehicles;
- H. Potential for successful enforcement action at a later time, particularly if vehicle or driver identity is known or can be discerned; and,
- I. Weather conditions and/or road hazards.

7.4 Vehicle Pursuit Driving Procedures

A. Procedures

(1) A vehicle pursuit is authorized when there is reasonable suspicion to believe the occupant(s) of the vehicle failed to stop at an immigration checkpoint, failed to yield to an Officer's/Agent's attempt to stop a vehicle for an underlying violation of law, or committed a vehicle incursion into the United States at or between a POE, and both the Officer/Agent and the pursuit supervisor have determined that the law enforcement benefit of the vehicle pursuit outweighs the risk to the public, and supervisory approval is granted, on a continuing basis, subject to the evolving state of conditions of the pursuit.

Officers/Agents may initiate a vehicle pursuit prior to receiving supervisory approval, but will communicate to a supervisor they have initiated such pursuit as soon as practical,

(2) A marked sedan or specialty pursuit vehicle should be used as the primary pursuit vehicle when reasonably possible. Other CBP emergency vehicles may be used when a marked sedan or specialty pursuit vehicle is not reasonably available and the pursuit meets all other policy criteria as specified in Section 5.6. (b) (7)(E)

(b) (7)(E)

(b) (7)(E) State or local law enforcement agencies may be contacted for assistance if practical.

(3) 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. (b) (7)(E)

(b) (7)(E)

(4) Absent exigent circumstances, Officers/Agents shall not pass other units involved in the vehicle pursuit, unless the Officers/Agents receives specific permission from the primary unit or the pursuit supervisor.

(5) Absent clear and articulable life or death exigent circumstance(s) requiring a pursuit under such circumstances, Officers/ Agents are prohibited from engaging in any type of vehicle pursuit while transporting aliens, subjects, or civilians. Officers/Agents have a strict duty of care for any person in their care or custody at all times. This includes any civilian passengers, aliens or other subjects being transported in a vehicle.

(6) The use of alternatives to pursuit, including the use of VIDs, consistent with CBP policy, are preferable to pursuit and are encouraged in order to terminate or avoid a vehicle pursuit.

B. Secondary Unit Actions

(1) The secondary unit will normally be the closest available Officer/Agent, and shall be directed to assist the primary unit by a supervisor/leader of pursuit or by self-initiative in the absence of other instructions. Any unit not specifically directed to assist by a supervisor/leader of pursuit must notify the supervisor/leader of their involvement in order to ensure that the supervisor/leader is aware of that unit's involvement.

(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. However, this Directive shall not preclude, at any time, the primary

pursuit vehicle Officers/Agents ability to communicate directly with the appropriate communications center.

C. Vehicle Pursuit Tactics and Alternative Actions

(1)

(b) (7)(E)

(2) All units in the pursuit shall space themselves at a reasonable distance that will provide a prudent degree of safety practicable under the circumstances, particularly in the event that the lead vehicle stops, slows or turns.

(3) Aerial surveillance and assistance should be utilized to the maximum extent available. (b) (7)(E)

(b) (7)(E) When an air unit establishes visual contact with a pursued vehicle, it will provide observation support and monitoring of the fleeing suspect. The Officers/Agents and the supervisor actively involved in the pursuit at the ground level should consider alternate tactics on a case-by-case basis, such as maintaining the pursuit while slowing the officer's/agent's authorized vehicle to increase the physical distance between themselves and the suspect vehicles. (b) (7)(E)

(b) (7)(E)

(4) At the discretion of the supervisor managing the pursuit, an Officer/Agent with a canine, 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.

(5) Restricting or obstructing the immediate escape of a stationary vehicle may be utilized to prevent a potential pursuit.

D. Disposition

(1) If operationally feasible, vehicles, contraband, and suspects seized/arrested by any Officers/Agents, after running through an open POE (i.e.; port runner),

will be turned over to personnel from the OFO, or, will be returned to the POE from which it entered for processing and prosecution.

- (2) Vehicles, contraband, and suspects seized/arrested by any Officers/Agents after committing a vehicle incursion or entering through a closed POE (Vehicle Incursion), will be processed and set up for prosecution by the Officer/Agent /Component that had lead in the operation or enforcement action.

7.5 Vehicle Pursuit Driving Reporting Requirements

A. Primary Unit Responsibilities: Upon deciding to initiate a vehicle pursuit of a vehicle that has failed to yield, the initiating Officer/Agent will immediately notify the appropriate communications center that he/she has initiated a vehicle pursuit, and provide continual updates with the following details as soon as practical:

- (1) Identification of the CBP unit initiating the pursuit (one or two person unit);
- (2) Location, speed, and direction of travel;
- (3) Vehicle description and license plate number and state, if known;
- (4) The reason/justification for the pursuit (suspected violation);
- (5) Number of visible occupants, including the identity or description of any known occupants and/or driver;
- (6) Any pertinent information concerning firearms, threat, force, or other adverse hazards, including weather and road conditions;
- (7) Involvement of other agencies; and,
- (8) Any actions observed during the pursuit, including, but not limited, to items expelled or persons exiting the pursued vehicle.

B. Supervisory Approval

- (1) Officers/Agents shall constantly evaluate and regularly communicate vehicle pursuit conditions, when operationally feasible.
- (2) Officers/Agents will notify a supervisor upon witnessing a suspect vehicle committing any dangerous traffic violations during a vehicle pursuit as soon as safely possible. Supervisory approval is required to continue the vehicle pursuit after such actions have been witnessed.

- (3) Officers/Agents shall self-terminate any vehicle pursuit when they determine that the law enforcement benefit of continuing the pursuit no longer outweighs the risk to the public if the suspect(s) remain at large, or if a preferred pursuit alternative becomes available.
- (4) CBP supervisors may direct the termination of any vehicle pursuit at their discretion. Rationale will be included/documented within established reporting procedures.
- (5) 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. Officers/Agents must consider the following circumstances when deciding to maintain or relinquish the primary pursuit position:
 - (a) Pursuit vehicle capabilities (b) (7)(E)
(b) (7)(E)
 - (b) Driving ability and experience;
 - (c) Knowledge of the area; and,
 - (d) (b) (7)(E)
(b) (7)(E)
- (6) In the event that a state or local police officer and/or law enforcement officer joins the vehicle pursuit being conducted on a federal law enforcement premise and requests to assume the primary pursuit position, it is the primary pursuing Officer's/Agent's responsibility to determine if, or when, to relinquish the primary position in the vehicle pursuit to the state or local police officer and/or law enforcement official (LEO).
- (7) Prior to utilizing an ODT, approval is required from a supervisor who has completed ODT Supervisory Training (Supervisor's Role in Emergency Driving and Vehicle Pursuits by USBP Personnel, or approved successor course), unless an exigent circumstance that warrants the use of deadly force can be articulated.
- (8) Supervisory approval is not required for emergency driving maneuvers designed to stop the movement of a driverless vehicle when a potential for loss of life is a factor.

- (9) During emergency driving that does not involve a vehicle pursuit, when Officers/Agents or the responsible 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 and/or terminated.
- (10) Supervisors will establish communication, operational and managerial control over all vehicle pursuits as soon as reasonably possible. Both supervisors and Officers/Agents share a responsibility in assuring proper adherence to the vehicle pursuit policy.
- (11) Officer/Agent supervisors are responsible for knowing and complying with all provisions of this Directive including being required to terminate any vehicle pursuit not consistent with the guidelines set forth in this Directive.

C. Notification and Communications

- (1) Officers/Agents engaged in emergency driving, vehicle stops, or pursuit activities will notify the CBP Communications Center having primary radio coverage in the area. When applicable the CBP Communications Center will then coordinate the notification of other law enforcement agencies. (b) (7)(E)
[REDACTED] (b) (7)(E)
- (2) Officers/Agents assigned to task force operations will comply with the notification and communication policies and procedures established for the task force. As soon as practical, Officers/Agents participating in a pursuit initiated as part of their task force duties will notify the CBP Communication Center active in the area they are operating in that they are involved in a pursuit pursuant to their task force assignment.

D. CBP Communications Center Actions

- (1) Upon notification/recognition that a vehicle pursuit is in progress, the USBP dispatch or CBP Communications Center notified (or in the absence of specialized communications personnel, any Officer/Agent that can relay the information) shall immediately:
 - (a) [REDACTED] (b) (7)(E)
[REDACTED] (b) (7)(E)
 - (b) Ensure that a supervisor is notified of the pursuit and advised of essential information regarding the pursuit. If a supervisor is not

immediately available, attempts should be made to contact a supervisor from an adjoining Station, Sector, Port, or Field Office or Branch;

- (c) Notify state or local law enforcement agencies that a pursuit has been initiated;
- (d) Notify local AMO Air Branch or if unavailable, other air assets to request support where appropriate;
- (e) Monitor and record all incoming information on the pursuit;
- (f) Execute relevant records checks on fleeing vehicle and advise the pursuit units of these records checks results, as appropriate;
- (g) Prompt the pursuing Authorized Officers/Agents for missing information required;
- (h) Periodically broadcast an update during the course of the pursuit; and,
- (i) Broadcast as to the termination of the pursuit along with the locations.

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

E. Vehicle Pursuit Incident Reporting Requirements

- (1) All Officers/Agents involved in a vehicle pursuit will document and report the pursuit in the E-STAR system. A single incident report will be produced for each pursuit, recording the participation of all involved CBP personnel, components and external agencies.
- (2) Officers/Agents may be assisted in the preparation of the reporting requirements by a supervisor(s) and/or other employees involved in the vehicle pursuit.
- (3) All provisions of the collective bargaining agreements must be observed with respect to all reporting requirements of this Directive.
- (4) When USBP dispatch coordinates communication during a vehicle pursuit, employees will be provided with a copy of the Intelligent Computer Assisted Detection ticket, or its equivalent, prior to being required to submit any reporting requirements.

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- (5) All reports, stored in a CBP database warehouse, shall contain the applicable information outlined in Appendix A of this Directive.

F. Report Review Procedures

- (1) All Vehicle Pursuit Incident Reports shall be entered electronically into the E-STAR system.
- (2) Vehicle Pursuit Incident Reports involving any available audio/or video recordings of vehicular pursuits shall be maintained in accordance with established CBP Directives. This Directive is not intended to supersede or override any existing or current Directives, Policy, or Guidance regarding the capture, electronic storage, review or release of body worn, vehicular mounted, or fixed audio/video recordings or incidents captured during vehicular pursuits.
- (3) An electronic copy of all Vehicle Pursuit Incident Reports shall be accessible at the Headquarters, Sector, Field Office, or Branch.
- (4) The Responsible Official, or their respective designee, will review all vehicle pursuit cases and shall: determine if the vehicle pursuit was appropriate and consistent with CBP policy; identify additional training needs as indicated by trends or individual pursuits; and recommend training, procedures, or policy changes as deemed appropriate.
- (5) After all foreseeable official action has been completed regarding a vehicle pursuit and any associated incidents; an informal review of the vehicle 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 future training and improve effectiveness.

G. Annual Reporting Requirements

- (1) Annually, OS/LESC shall submit vehicle pursuit incident report(s) from the previous calendar year to the Commissioner. The annual vehicle pursuit report shall contain the following information:
 - (a) The number of vehicle pursuits each Component engaged in;
 - (b) The number of vehicle pursuits that were terminated by Officer/Agent without supervisory direction, and the reason(s) for the termination;

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- (c) The number of vehicle pursuits that were terminated pursuant to supervisory direction and the reason(s) for the termination;
- (d) The number of vehicles that escaped apprehension after a vehicle pursuit;
- (e) The number of vehicle pursuit incidents involving a fatality, injury, or damage to government or private property, as a result of the vehicle pursuit;
- (f) The number of arrests that occurred contemporaneously, or as a result of the vehicle pursuit;
- (g) The number of asset seizures that occurred contemporaneously, or as a result of the vehicle pursuit;
- (h) The number of vehicle pursuits that resulted in initiation of prosecution; and,
- (i) Administrative actions – The number of vehicle pursuits that resulted in initiation of a CBP, or DHS Administrative action.

7.6 Training

- A. Officers/Agents and Supervisors who have successfully completed a CBP approved Driver Training Program and have completed annual policy refresher/sustainment training are authorized to perform emergency driving and vehicle pursuits as prescribed in this Directive.
- B. Only Officers/Agents trained and CBP-certified in the use of ODT, may utilize these respective techniques to terminate a vehicle pursuit in accordance with the ODT policies and procedures outlined in the current or successor CBP Use of Force Policy. OFO and OC/OPR personnel shall not use ODT, unless exempted and authorized by the appropriate EAC or AC.

8 NO PRIVATE RIGHT CREATED

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.

9 DISCLOSURE

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

A handwritten signature in black ink, appearing to read "Mark A. Morgan". The signature is written in a cursive style with a large, sweeping initial "M".

Mark A. Morgan
Chief Operating Officer and
Senior Official Performing the Duties of the Commissioner

Attachment: Appendix A

APPENDIX A

Data fields required in the E-STAR system shall include:

1. Report creation date
2. Location of incident: station, port of entry, etc.
3. Pursuit incident number
4. Pursuit date
5. Component(s)
6. Component(s) who initiated or supported the vehicle pursuit
7. Pursuit supervisor
8. Primary pursuit vehicle fleet number
9. Primary pursuit vehicle driver
10. Primary pursuit vehicle passenger
11. Secondary pursuit vehicle fleet number
12. Secondary pursuit vehicle driver
13. Secondary pursuit vehicle passenger
14. Name of communications center notified
15. Pursuit start time
16. Total pursuit time
17. Total pursuit distance
18. Location pursuit began
19. Location pursuit ended
20. Highest speed attained by CBP emergency vehicle
21. Weather
22. Traffic conditions
23. Road surface
24. Environment
25. Name of other law enforcement agencies involved/notified
26. CBP air assist
27. Reason for pursuit
28. Reason for terminating pursuit
29. Alternate enforcement methods applied
30. VID/ utilization
31. Driver and passenger(s) information including whether taken into custody
32. Contraband
33. Subject, employee, and bystander injuries
34. Damage to equipment or property?
35. Subject, employee, and bystander fatalities?
36. Vehicle seizure by CBP
37. Disposition of the pursuit:
 - a. Subject Yielded
 - b. Accident
 - c. Turned over to another agency

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- d. Terminated
 - i. Supervisor Terminated
 - ii. Driver Terminated
 - e. CTDD Ended the Pursuit
 - f. ODT Ended the Pursuit
 - g. Bailout
 - h. Vehicle Escaped
 - i. Other (with description)
- 38. Initiation of prosecution or administrative action
 - 39. Audio/video recording associated with this incident
 - 40. Photos or documents related to the incident
 - 41. Driver(s) of the subject vehicle(s)
 - 42. Passenger(s) in subject vehicle(s)
 - 43. CBP Officers/Agents involved in an incident