

**From:**  
**To:**  
**Cc:**

(b)(6) (b)(7)(C)

**Subject:** Emergency Driving-Vehicular Pursuits Directive Rollout Sessions Commencing 03/27/2023  
**Date:** Friday, March 24, 2023 1:00:17 PM  
**Attachments:** [image003.png](#)  
[LESC ED-VP Messaging Memo Final SIGNED.pdf](#)  
[INTC-35974 aC1-Signed Distribution Memo 3.20.23.pdf](#)  
[INTC-35974 aC1-Signed CBP Directive 4510-026A with Preamble 3.20.23.pdf](#)

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\*\*\*\*SENT ON BEHALF OF THE PURSUIT COMPLIANCE,  
ANALYSIS AND TRAINING BRANCH\*\*\*\*

**Questions may be directed to LESC PCAT at (b)(7)(E)**

ROs/COAs/BACs/FCOs/FIs/LLIs:

ED-VP Directive Rollout sessions will commence on March 27, 2023. All required personnel must complete a rollout session, led by LESC personnel, prior to the ED-VP directive's effective date of May 1, 2023. The 60-minute Microsoft Teams live events will take place Monday through Friday, 3 sessions per shift, 3 shifts per day. Please see the link below for the ED-VP rollout schedule. To join a Microsoft Teams, live event rollout session, simply click on the hyperlink associated with the desired training date/time.

[ED-VP Rollout Schedule](#)

**Participation:**

-  
The following individuals must complete an ED-VP rollout/implementation session:

- All USBP Law Enforcement Personnel
- CBPOs currently trained to conduct pursuits and all OFO Supervisors
- All AMO Law Enforcement Personnel
- All OPR Special Agents
- All Communication Specialists (LEISSs, SLEISSs)

**Supplemental Materials:**

-  
The ED-VP directive supplemental materials listed below will be posted on

LESC's Pursuit Compliance Analysis and Training (PCAT) Branch SharePoint:

- CBP Directive No: 4510-26A
- Rollout Schedule linked to Microsoft Teams
- Scripted PowerPoint Presentation
- FAQs
- Additional supplemental materials

Thank You,

LESC Pursuit Compliance, Analysis and Training Branch

(b)(7)(E)



U.S. Customs and  
Border Protection

MAR 28 2023

MEMORANDUM FOR: Patrol Agents in Charge  
and Unit Supervisors  
El Paso Sector

FROM:

*fu*

Anthony S. Good  
Chief Patrol Agent  
El Paso Sector

(b)(6),(b)(7)(C)

SUBJECT: Revised Emergency Driving and Vehicular Pursuit Directive

The attached memorandum and revised directive from Troy A. Miller, Acting Commissioner, U.S. Customs and Border Protection (CBP), dated March 20, 2023, serves as a revision for CBP Directive No. 4510-026A, *Emergency Driving and Vehicular Pursuits*, dated January 10, 2023.

CBP has revised this directive by incorporating clarifying language in the below sections:

- Definition 6.8, Emergency Driving;
- Definition 6.23, Non-Emergency/Normal Vehicle Operations; and
- Procedure 8.1 Non-Emergency/ Normal Vehicle Operations.

The revised directive establishes guidelines to ensure authorized CBP personnel conduct emergency driving and vehicular pursuits in a manner that minimizes risk to the public, agents, and vehicle occupants. Please ensure that all personnel are aware of this revised directive.

Please direct questions to Assistant Chief Patrol Agent

(b)(6) (b)(7)(C)

Attachments



**U.S. Customs and  
Border Protection**

*Commissioner*

**March 20, 2023**

MEMORANDUM FOR: See Distribution

FROM: Troy A. Miller  
Acting Commissioner

SUBJECT: Revised Emergency Driving and Vehicular Pursuits Directive

On January 10, 2023, U.S. Customs and Border Protection (CBP) issued Directive Number 4510-026A, *Emergency Driving and Vehicular Pursuits*. The purpose of this directive is to establish guidelines to ensure authorized CBP personnel conduct emergency driving and vehicular pursuits in a manner that minimizes risk to the public, Officers/Agents, and vehicle occupants.

To reinforce and enhance policy, procedures, and responsibilities, CBP has revised this directive by incorporating clarifying language in coordination with all impacted law enforcement entities across the CBP enterprise. These changes are found in the following sections:

- Definition 6.8, Emergency Driving
- Definition 6.23, Non-Emergency/Normal Vehicle Operations
- Procedure 8.1, Non-Emergency/Normal Vehicle Operations

Questions may be directed to (b)(6) (b)(7)(C) Director, Pursuit Compliance Analysis and Training Branch, Law Enforcement Safety and Compliance Directorate, at

(b)(6) (b)(7)(C)

Attachment: CBP Directive Number 4510-026A, *Emergency Driving and Vehicular Pursuits*

Distribution: Deputy Commissioner  
All Executive Assistant Commissioners  
Chief, U.S. Border Patrol  
Chief Counsel  
Chief Financial Officer  
Assistant Commissioner, Congressional Affairs  
Assistant Commissioner, Office of Professional Responsibility  
Assistant Commissioner, Public Affairs  
Assistant Commissioner, Office of Intelligence  
Executive Director, Policy Directorate  
Executive Director, Trade Relations  
Executive Director, Privacy and Diversity  
Executive Director, Intergovernmental Public Liaison

Director, Executive Secretariat  
All Component Chiefs of Staff  
Chief of Staff  
Deputy Chief of Staff



U.S. Customs and  
Border Protection

MEMORANDUM FOR: See Distribution

FROM:

**(b)(6) (b)(7)(C)**

Executive Director Law Enforcement Safety and Compliance  
Directorate

SUBJECT: CBP Emergency Driving and Vehicular Pursuit Directive  
Implementation

In October 2021, the Law Enforcement Safety and Compliance Directorate (LESC) conducted a review of CBP vehicular pursuits at the direction of the CBP Commissioner's Office. Following the submission of the LESC's findings and to continually align policies with safety standards and best practices, the Commissioner directed CBP to update the Agency's Emergency Driving and Vehicular Pursuit (ED-VP) directive. As a result, a workgroup led by the CBP Policy Directorate and comprised of CBP stakeholders was established to draft the updated ED-VP directive. The updated directive is intended to ensure vehicular pursuits are conducted in a manner that minimizes risk to CBP law enforcement personnel, the public, and subjects involved.

On April 19, 2022, the Commissioner designated the LESC as the Executive Agent (EA) for Emergency Driving and Vehicular Pursuits (ED-VP). As the ED-VP EA, the LESC maintains CBP's vehicular pursuit programmatic oversight, policy implementation/instruction, training guidance, trend analysis, and equipment research and implementation.

The guidance provided by the ED-VP directive will need to be disseminated to affected CBP personnel. To ensure comprehensive awareness and understanding of the directive, and to facilitate broad workforce participation, the LESC will implement a rollout approach via Microsoft Teams. Each Microsoft Teams live event will be led by LESC personnel. The information below is important to prepare for the upcoming ED-VP rollout sessions.

**Participation:**

The following individuals must complete an ED-VP rollout/implementation session:

- All USBP Law Enforcement Personnel
- CBPOs currently trained to conduct pursuits and all OFO Supervisors
- All AMO Law Enforcement Personnel
- All OPR Special Agents
- All Communication Specialist (LECAs, LEISSs)

## CBP Emergency Driving and Vehicular Pursuit Directive Implementation

Participation in these sessions will be captured and tracked in CBP's (b)(7)(E) (b)(7)(E) by LESC personnel.

### **Upcoming Dates and Schedule:**

Rollout sessions will commence on March 27, 2023. All required personnel must complete a rollout session, led by LESC personnel, prior to the ED-VP directive's effective date of May 1, 2023.

The 60-minute Microsoft Teams live events will take place Monday through Friday, 3 sessions per shift, 3 shifts per day. Please see the link below for the ED-VP rollout schedule. To join a Microsoft Teams, live event rollout session, simply click on the hyperlink associated with the desired training date/time.

[ED-VP Rollout Schedule](#)

### **Supplemental Materials:**

The ED-VP directive supplemental materials listed below will be posted on LESC's [Pursuit Compliance Analysis and Training \(PCAT\) Branch SharePoint](#):

- CBP Directive No: 4510-26A
- Rollout Schedule linked to Microsoft Teams
- Scripted PowerPoint Presentation
- FAQs
- Additional supplemental materials

Please send any questions related to the ED-VP directive to the LESC's PCAT inbox at (b)(7)(E)

Distribution: All Executive Assistant Commissioners  
Chief, U.S. Border Patrol  
All Assistant Commissioners

**From:** (b)(6) (b)(7)(C)  
**To:** EPT POLICY AND COMPLIANCE  
**Cc:** (b)(6) (b)(7)(C)  
**Subject:** FW: Emergency Driving-Vehicular Pursuits Directive Rollout Sessions Commencing March 27, 2023  
**Date:** Tuesday, June 27, 2023 2:07:43 PM  
**Attachments:** image001.png  
LESC ED-VP Messaging Memo Final SIGNED.pdf  
INTC-35974 aC1-Signed Distribution Memo 3.20.23.pdf  
INTC-35974 aC1-Signed CBP Directive 4510-026A with Preamble 3.20.23.pdf  
Emergency Driving-Vehicular Pursuits Directive Rollout Sessions Commencing 03272023.msg

(b)(6) (b)(7)(C)

(b)(6) (b)(7)(C) ACTING ASSISTANT CHIEF PATROL AGENT  
UNITED STATES BORDER PATROL  
El Paso Sector | Training & Traumatic Incident Management

(b)(6) (b)(7)(C)

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, March 24, 2023 11:49 AM  
**To:** EPT-ACPA (b)(7)(E) EPT-PAIC (b)(7)(E) EPT-DPAIC <EPT-(b)(7)(E)> EPT-SOS (b)(7)(E)  
**Cc:** EPT-LEOD (b)(7)(E) (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

**Subject:** Emergency Driving-Vehicular Pursuits Directive Rollout Sessions Commencing March 27, 2023

EPT Staff,

ED-VP Directive Rollout sessions will commence on March 27, 2023 at 0700 MST. All required personnel must complete a rollout session, led by LESG personnel, prior to the ED-VP directive's effective date of May 1, 2023. The 60-minute Microsoft Teams live events will take place Monday through Friday, 3 sessions per shift, 3 shifts per day. Please see the link below for the ED-VP rollout schedule. To join a Microsoft Teams, live event rollout session, simply click on the hyperlink associated with the desired training date/time. Please ensure maximum participation to meet the Commissioner's specified completion date of **May 01, 2023**.

**On January 10, 2023, U.S. Customs and Border Protection (CBP) issued Directive Number 4510-026A, Emergency Driving and Vehicular Pursuits. The purpose of this directive is to establish guidelines to ensure authorized CBP personnel conduct emergency driving and vehicular pursuits in a manner that minimizes risk to the public, Officers/Agents, and vehicle occupants.**

**To reinforce and enhance policy, procedures, and responsibilities, CBP has revised this directive by incorporating clarifying language in coordination with all impacted law enforcement entities**



across the CBP enterprise. These changes are found in the following sections:

- **Definition 6.8, Emergency Driving**
- **Definition 6.23, Non-Emergency/Normal Vehicle Operations**
- **Procedure 8.1, Non-Emergency/Normal Vehicle Operations**

ED-VP Rollout Schedule or

Pursuit Compliance Analysis and Training (PCAT) Branch SharePoint:

**Participation:**

-

The following individuals must complete an ED-VP rollout/implementation session:

- **All USBP Law Enforcement Personnel**
- CBPOs currently trained to conduct pursuits and all OFO Supervisors
- All AMO Law Enforcement Personnel
- All OPR Special Agents
- **All Communication Specialists (LEISSs, SLEISSs)**

**Supplemental Materials:**

-

The ED-VP directive supplemental materials listed below have been or will be posted soon on the LESC's Pursuit Compliance Analysis and Training (PCAT) Branch SharePoint:

- CBP Directive No: 4510-26A – Posted
- Rollout Schedule linked to Microsoft Teams – Posted
- Scripted PowerPoint Presentation
- FAQs
- Additional supplemental materials

Thank you

VR

**(b)(6) (b)(7)(C)**

{A}Special Operations Supervisor  
El Paso Sector Training Office  
Sector Firearms and Less Lethal Coordinator

**(b)(6) (b)(7)(C)**

---

**From:** **(b)(6) (b)(7)(C)**

**Sent:** Tuesday, February 21, 2023 10:26 AM

**To:** **(b)(6) (b)(7)(C)**; EPT-ACPA **(b)(7)(E)**

(b)(7)(E) EPT-PAIC (b)(7)(E) EPT-DPAIC (b)(7)(E)  
Cc: EPT-LEOD (b)(7)(E) (b)(6) (b)(7)(C)

**(b)(6) (b)(7)(C)**

**Subject:** Postponement of Training Schedule for Updated Emergency Driving and Vehicular Pursuits Directive

EPT Staff,

LESC has delayed once again the start date for the pursuit policy training. The training is now anticipated to begin **Monday, February 27<sup>th</sup>**. The updated training schedule has been posted in the LESL Pursuit Compliance, Analysis & Training Branch SharePoint site. The updated schedule is attached and can be accessed at the following link: [ED-VP\\_Rollout\\_Live\\_Event\\_Sessions.docx](#). Please share the update with your scheduling supervisors.

VR

**(b)(6) (b)(7)(C)**

(A)Special Operations Supervisor  
El Paso Sector Training Office  
Sector Firearms and Less Lethal Coordinator

**(b)(6) (b)(7)(C)**

**From:** (b)(6) (b)(7)(C)

**Sent:** Friday, February 17, 2023 3:04 PM

**To:** (b)(6) (b)(7)(C) EPT-ACPA (b)(7)(E)

(b)(7)(E) EPT-PAIC (b)(7)(E) EPT-DPAIC (b)(7)(E)

**Cc:** EPT-LEOD (b)(7)(E) (b)(6) (b)(7)(C)

**(b)(6) (b)(7)(C)**

**Subject:** Postponement of Training Schedule for Updated Emergency Driving and Vehicular Pursuits Directive

EPT Staff,

LESC has postponed for two days the rollout of the training for the New Emergency Driving & Vehicular Pursuits (EDVP) Directive. The training is now projected to begin **Thursday, February 23<sup>rd</sup>**. The updated training schedule has been posted in the LESL Pursuit Compliance, Analysis &

Training Branch SharePoint site. The updated schedule is attached and can be accessed at the following link: [ED-VP\\_Rollout\\_Live\\_Event\\_Sessions.docx](#). Additional information will be disseminated as it becomes available.

VR

(b)(6) (b)(7)(C)

(A)Special Operations Supervisor  
El Paso Sector Training Office  
Sector Firearms and Less Lethal Coordinator

(b)(6) (b)(7)(C)

From: (b)(6) (b)(7)(C)

Sent: Friday, February 10, 2023 3:49 PM

To: (b)(6) (b)(7)(C) EPT-ACPA (b)(7)(E)

(b)(7)(E) EPT-PAIC (b)(7)(E) EPT-DPAIC (b)(7)(E)

Cc: EPT-LEOD (b)(7)(E) (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

**Subject:** Postponement of Training Schedule for Updated Emergency Driving and Vehicular Pursuits Directive

EPT Staff,

LESC has postponed once again the rollout of the training for the New Emergency Driving & Vehicular Pursuits (EDVP) Directive. The training is now projected to begin **Tuesday, February 21<sup>st</sup>**. The updated training schedule has been posted in the LESL Pursuit Compliance, Analysis & Training Branch SharePoint site. The updated schedule is attached and can be accessed at the following link: [ED-VP\\_Rollout\\_Live\\_Event\\_Sessions.docx](#). Additional information will be disseminated as it becomes available.

VR

(b)(6) (b)(7)(C)

Operations Officer  
El Paso Sector Training Office  
Sector Firearms and Less Lethal Coordinator

(b)(6) (b)(7)(C)

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, February 3, 2023 1:35 PM  
**To:** EPT-ACPA (b)(7)(E); EPT-PAIC (b)(7)(E); EPT-DPAIC (b)(7)(E)  
(b)(7)(E)  
**Cc:** EPT-LEOD (b)(7)(E); (b)(6) (b)(7)(C)

(b)(6) (b)(7)(C)

**Subject:** FW: Pursuit Training

EPT Staff-

The new Pursuit Directive training has been postponed until February 13<sup>th</sup>. Please read the message below and see attached training dates and times. We will update you with any additional information.

**Title:** Postponement of Training Schedule for Updated Emergency Driving and Vehicular Pursuits Directive

**Message:** LESC has postponed the rollout of training for the updated Emergency Driving & Vehicular Pursuits (EDVP) Directive. Training was originally scheduled to begin on Monday, February 6<sup>th</sup> and it is now scheduled to begin on **Monday, February 13<sup>th</sup>**. The updated training schedule has been posted in the LESC Pursuit Compliance, Analysis & Training Branch SharePoint site and can be accessed at the following link: [ED-VP\\_Rollout\\_Live\\_Event\\_Sessions.docx](#). Additional information will be disseminated as it becomes available.

(b)(6) (b)(7)(C)  
Assistant Chief Patrol Agent  
El Paso Sector-TTİM

(b)(6) (b)(7)(C)

**From:** (b)(6) (b)(7)(C)  
**Sent:** Friday, February 3, 2023 12:12 PM  
**To:** (b)(6) (b)(7)(C)  
**Cc:**  
**Subject:** FW: Pursuit Training

Sir,

For review and dissemination. Please review the BLUF notification below to all Stations and Departments.

Respectfully,

(b)(6) (b)(7)(C)

Special Operations Supervisor

El Paso Sector Training

(b)(6) (b)(7)(C)

**“BY FAILING TO PREPARE, YOU ARE PREPARING TO FAIL”** Benjamin Franklin

*WARNING: This document is FOR OFFICIAL USE ONLY (F.O.U.O.). It may contain information that is exempt from the public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed and disposed of in accordance with Department of Homeland Security (DHS) policy relating to F.O.U.O. information and is not to be released to the public or other personnel who do not have need-to-know without prior approval of an authorized DHS Official.*

**Title:** Postponement of Training Schedule for Updated Emergency Driving and Vehicular Pursuits Directive

**Message:** LESC has postponed the rollout of training for the updated Emergency Driving & Vehicular Pursuits (EDVP) Directive. Training was originally scheduled to begin on Monday, February 6<sup>th</sup> and it is now scheduled to begin on **Monday, February 13<sup>th</sup>**. The updated training schedule has been posted in the LESC Pursuit Compliance, Analysis & Training Branch SharePoint site and can be accessed at the following link: [ED-VP\\_Rollout\\_Live\\_Event\\_Sessions.docx](#). Additional information will be disseminated as it becomes available.

VR

(b)(6) (b)(7)(C)

Operations Officer

El Paso Sector Training Office

Sector Firearms and Less Lethal Coordinator

(b)(6) (b)(7)(C)



U.S. Customs and  
Border Protection

**(b)(7)(E)**

MAY 01 2023

MEMORANDUM FOR: All Chief Patrol Agents  
All Directorate

FROM: Raul L. Ortiz  
Chief  
U.S. Border Pa

SUBJECT: U.S. Customs and Border Protection Emergency Driving and  
Vehicular Pursuit Directive Muster Module Read and Sign

**(b)(6)**

U.S. Customs and Border Protection (CBP) recently issued the Emergency Driving and Vehicular Pursuits Directive (EDVP) No. 4510-026A. The intent of this directive is to ensure vehicular pursuits are conducted in a manner that minimizes risk to law enforcement personnel, the public, and subjects affected by the pursuit activity.

In compliance with this EDVP Directive, all Chief Patrol Agents will secure comprehensive Border Patrol Agent awareness and understanding by disseminating the attached Frequently Asked Questions and implementing the attached muster module. To ensure the widest visibility of this information, each sector, station, and unit will have all GS-1896 employees within their respective work locations complete a Read-and-Sign of the attached module by May 26, 2023.

The effective date of CBP's EDVP Directive is May 1, 2023. Please direct any questions to your local Use of Force training cadre or the HQ Use of Force Branch at

**(b)(7)(E)**

Attachments

## FAQ

### DEFINITIONS

(6.5) The definition of Caravanning refers to “more than three units” and “three or more units.” Are three units authorized to engage in a pursuit?

The directive allows for three units (Primary, Secondary and Support units) to engage in a pursuit. No additional units will be authorized.

(6.19) Imminent Threat Response – is not used in the current directive and is likely left after the appropriate section was removed during revisions.

(6.27) Officer/Agent Assist - is not used in the current directive and is likely left after the appropriate section was removed during revisions.

What is “unreasonable time and/or distance” referred to in 6.31(8)?

This is a judgement call on the part of the officer/agent. Unreasonable time/distance refers to instances in which the subject vehicle is so far ahead of the pursuing agent(s) that efforts to catch up to the vehicle will cause unnecessary danger to the law enforcement personnel, traveling public, and subjects involved during a vehicle pursuit.

6.31 Pursuit Risk Factors: In general, Authorized Agents/Officers should balance the Governmental Interest in initiating or continuing a Vehicular Pursuit with the potential dangers posed to the public, officers/agents, other law enforcement, vehicle occupants, and the community through which the Pursuit is taking place. Risk factors that should be considered may include but are not limited to:

(8) If the distance between the pursuing Authorized Officer/Agent and the fleeing vehicle is so great that further efforts would be futile or require the Vehicular Pursuit to continue for an unreasonable time and/or distance.

(6.43) The definition of Support Unit refers to “a safe distance”. What is the definition of safe distance?

The directive does not explicitly define “safe distance”, the agent should consider all the risk factors associated with his/her vehicle placement.

Some areas of the country do not have vehicles with red and blue emergency lights. The directive is very specific. How do these areas function within the new directive?

Yes, the policy is specific as to red and blue, but what we are trying to avoid is just a general issue of negligence with respect to not warning the public that an emergency is occurring. So, if it is common for the area to have just red, or just blue, and that is what we have, and that is what people recognize – then we have met that duty to warn.

Is there any chance that an agent could be charged with non-feasance, or with otherwise being negligent in his/her duties, if the agent decided not to attempt to pursue a vehicle while knowing, with absolute certainty, that it was loaded with human or other contraband? Perhaps more specifically, I would like to know if an agent will face any jeopardy, legally or due to policy governing our enforcement actions, if said agent sees a vehicle load up and does not attempt to conduct a traffic stop on the vehicle because the agent feels doing so may be dangerous to the traveling public? Would it be okay to [REDACTED] (b)(7)(E)

[REDACTED] (b)(7)(E)

[REDACTED] (b)(7)(E)

Yes – it is within the officer's/agent's discretion as to when they make that actual attempt to seize someone. We can't order someone to seize someone anymore that we can order someone to use deadly force. That act as to be objectively reasonable to the person making the seizure.

The question as to if an agent/officer faces legal or administrative jeopardy for never attempting a vehicle stop, we will break that down into two parts:

- 1) Not stopping a specific vehicle.
- 2) Never effectuating a traffic stop.

For part 1) if there was a specific crime being committed, and the officer/agent had R/S to stop a person, or P/C to arrest, then they knowingly just walked away. You would have to prove the officer/agent knew there was a crime being committed, could have reasonably acted, likely could have prevented a crime from occurring or stopped it, and intentionally with deliberate indifference just walked away.

For part 2), if there is a pattern of that behavior that violates any law or policy, it would be up to the supervisor to document it, or OPR to investigate it (depending on what we are looking at). Not any different than any other alleged failure to act or follow policy under any other situation. But proving someone [REDACTED] (b)(7)(E) is going to be much more straightforward than stating someone engaged in an enforcement action where they develop their own R/S is now violating policy. That would be difficult to demonstrate with any degree of certainty.

### EMERGENCY DRIVING



Section 8.15.2 requires agents to report "all assessed risk factors" considered while performing emergency driving, but it's unclear if these are the risk factors in Section 6.31 or Section 8.11.1. Please clarify which risk factors are supposed to be considered in this section.

Risk factors for emergency driving are listed in 8.11.1. Pursuit risk factors are listed in 6.31 and under Vehicular Pursuits 8.29.

If an agent/officer is speeding in order to catch up to a vehicle, is this considered emergency driving? Does the agent/officer have to notify their supervisor?

(6.8) Attempting to catch up to a subject vehicle to further develop the requisite articulable suspicion needed to affect a vehicle stop, but before the use of emergency equipment does not constitute emergency driving, a vehicular pursuit or an attempted vehicle stop. This action is an exception within the definition of Emergency Driving. It can be assumed that catching up to a vehicle will require that an agent/officer exceed the posted speed limit to do so.

Supervisor notification is only required when engaging in emergency driving.

(8.9) Does an officer/agent have to communicate with radio every time they exceed the speed limit?

No, not necessarily.

The intent is for agents to make the requisite notifications to dispatch when they are engaged in Emergency Driving.

8.9 seems to indicate that Emergency Driving requires Activation of Emergency Equipment (defined as lights AND siren) which is contrary to the explanation in the definition of Emergency Driving. Can you clarify the requirement for Emergency Driving, whether lights and siren are required or simply front and rear facing emergency lights?

Engaging in Emergency Driving requires, at a minimum, the use of front and rear facing red and blue emergency lights. Engaging in Vehicular Pursuits requires activation of all emergency equipment (both red and blue emergency lights as well as audible sirens). Section 8.9 outlines requirements when engaged in Emergency Driving. Activation of Emergency Lights is the minimum requirement as specified in 6.8 when engaged in Emergency Driving.

(8.11.1 / 6.31) Risk factors are mentioned with regard to pursuits and to emergency driving. Are these the same risk factors for both?

No, 6.31 defines Vehicle Pursuit Risk Factors. Risk factors associated with Emergency Driving are defined in 8.11.1.

In 8.15 and 8.12 communications requirements are provided. Is the intent for agents/officers to communicate every time they initiate emergency driving and continuously throughout the emergency driving occurrence?

It is the agency's intent for officers/agents to broadcast the circumstances present that caused them to undertake Emergency Driving at the start of the event. The officer/agent is responsible for providing additional or changing information as Emergency Driving continues. If nothing changes, the intent is met with the initial notification and the notification of the ending of Emergency Driving.

In 8.15, 8.15.1, and 8.15.2, the policy states that agents will notify the communications center. During some situations the communications center (b)(7)(E) (b)(7)(E) for agent safety. Most agents that are responding will be "Emergency Driving". But if each agent responding as backup gets on the radio to notify the communications center as required (b)(7)(E) to broadcast necessary information. How should responding agents report to the communications center that they are conducting emergency driving to respond as backup (b)(7)(E)

Our guidance is to always put safety first. Follow procedures (b)(7)(E) and broadcast the information as soon as possible/practicable. Safety during an emergency will override the administrative notifications required by these sections. The Officer/Agent just needs to explain why the notifications were not made or delayed based on the exigency of the situation.

Agents are required to take exception to posted speed limits (8.10) to respond to rapidly unfolding enforcement situations. For example, during low light or nighttime conditions they may need to respond to (b)(7)(E) in a location with a very short apprehension timeframe. Under this policy, they would be required to activate their emergency lights, at a minimum, thus denying them any element of surprise on approach.

Will the current emergency driving requirements of the policy be re-addressed given the legal, tactical and safety issues arising from them?

There are currently no exceptions in place under this policy that allow agents/officers to conduct Emergency Driving without the use of red and blue lights.

Can an agent perform emergency driving to get to an interdiction point to deploy spikes?

Yes. Authorized Officers/Agents performing this action would not be considered to be involved in the Vehicular Pursuit, nor would it be considered Shadowing or Paralleling. Undertaking Emergency Driving does not relieve Authorized Officers/Agents of their responsibility to exercise reasonable care or due regard for public safety when taking Exception to Traffic Laws.

(6.24) Would an Officer/Agent be out of policy if they engaged in Emergency Driving using a non-emergency vehicle to respond to a deadly force situation or similarly exigent circumstance?

An agent/officer shall only perform emergency driving when they are operating a vehicle equipped with emergency equipment (6.10).

### VEHICULAR PURSUITS

Can a  unit engage in a pursuit?

Yes. Assuming  (b)(7)(E)

6.46 Unmarked Emergency Vehicle: CBP Emergency Vehicles, equipped with Emergency Equipment to include red and blue emergency lights and audible sirens, that have no visible markings/lettering, insignia, and/or striped paint to otherwise indicate/identify the vehicle as a law enforcement/Emergency Vehicle.

8.21 Unmarked Emergency Vehicles may become involved in a Vehicular Pursuit, but they must transition to a Secondary or Support Unit role as soon as a Marked Emergency Vehicle joins the Pursuit, and it is prudent to do so.

(8.43, 8.51.5, 8.52.4) The directive states that Secondary and Support Units can terminate the pursuit. Does this obligate all involved Officers/Agents to terminate?

Yes. If any unit involved in the pursuit terminates the pursuit, all other units must also terminate. Additionally, if the Pursuit Supervisor terminates the pursuit, all units must terminate.

8.45.1 refers to a "reasonable distance". How is this defined?

Reasonable distance is not defined. It will be situationally and geographically dependent. The officer/agent will have to use reason to determine the proper distance to travel based on the situation and the area in which they are operating.

(8.53.9) How do we determine where the "endpoint" of the pursuit is? And are Officers/Agents expected to wait there until the Pursuit Supervisor arrives?

The endpoint of the pursuit would most accurately be the point where the subject vehicle ultimately comes to a stop or where the officer/agent pursuing comes to a brief stop after termination. If, after terminating, the primary unit stops briefly and then continues in the last known direction of travel and locates the vehicle a mile or two down the road, the endpoint of the pursuit was still the point where the primary unit pulled off the road and stopped briefly. The pursuit supervisor will respond to that location to meet officers/agents involved when it is feasible to do so as stated in 8.53.9. It may not be feasible if the subject vehicle was located

after termination following a bail out or vehicle accident, then the supervisor may opt to respond to that location instead. However, the termination point should be documented for accurate reporting later.

**(8.73-74)** How should an Officer/Agent respond when/if a supervisor determines, after an OA takes over a pursuit, that the pursuit is not compliant with this directive and orders a termination? Are Officers/Agents expected to pull over and allow the OA to continue without backup?

Officers/Agents will be expected to terminate as ordered, but the obligation to pull off the road is only to signal that the pursuing vehicle is disengaging. If the OA is continuing the pursuit there is no obligation to stop but the Officer/Agent must resume normal (non-emergency) driving.

**(8.47.4)** Does the directive allow for 3 units to be involved in a pursuit? Can additional agents become involved under certain extraordinary circumstances?

Yes, Primary, Secondary and Support units are allowed to be involved in the pursuit. No additional units are authorized to be directly involved in a pursuit.

**(8.47.4)** In extraordinary circumstances such as an active shooter or similar violent felony, is there any provision in this policy allowing agents to exceed the three-vehicle maximum in a pursuit (primary unit, secondary unit and support unit)?

No. According to 8.47.4 (Pursuit Prohibitions), Authorized Officers/Agents are prohibited from engaging in Vehicular Pursuits, including Pursuits involving other jurisdictions, where there is already a Primary, Secondary, and Support unit assigned to the Pursuit (to include Caravanning and Shadowing). There is not a provision in the Directive for "extraordinary circumstances" to allow additional units to join a Vehicular Pursuit.

Can an unmarked  unit follow a terminated pursuit with no emergency equipment engaged at a safe distance in order to search for an abandoned vehicle or bail out?

Yes, even a marked unit can as long as the vehicle is operated under Non-Emergency/Normal Vehicle Operations and the Termination procedures are followed according to section 8.45 (see below):

**8.45** Once a Vehicular Pursuit is declared Terminated, Authorized Officers/Agents will immediately:

- (1) Notify a CBP Communications Center of their decision to Terminate.
- (2) Resume Non-Emergency/Normal Vehicle Operations.

(3) Pull off the roadway and stop briefly in order to effectively signal (to the public and to the Subject Vehicle) that the Authorized Officer/Agent is no longer pursuing.

**8.45.1** After stopping briefly, Authorized Officers/Agents shall notify a CBP Communications Center and the Pursuit Supervisor of their plan for continued travel and proceed under Non-Emergency/Normal Vehicle Operations in the Subject Vehicle's last known direction of travel for a reasonable distance to check for crashes, potential flight on foot, to determine if the Subject Vehicle was abandoned, or for any other incident.

If a subject vehicle is (b)(7)(E) and agents attempting to pursue are observing the vehicle while (b)(7)(E) and maintaining visual of the vehicle must those agents terminate that pursuit?

This would amount to paralleling and/or shadowing which are prohibited.

**6.41 Shadowing:** An Emergency Driving response that involves indirectly following a Vehicular Pursuit at any distance, or along parallel/adjacent roadways, by any CBP Emergency Vehicle(s) not directly involved as the Primary, Secondary, or Support Unit. Shadowing does not include instances where Remote Vehicle Tracking is used by an aircraft or ground unit (not engaged in the Pursuit) to observe and monitor the Subject Vehicle.

**6.29 Paralleling:** Indirectly participating in a Vehicular Pursuit, with or without Emergency Equipment, while driving in an adjacent lane. Paralleling does not include driving on an adjacent roadway with Activated Emergency Equipment for as short a time as possible in order to join the Pursuit as a Secondary/Support Unit.

If you are assigned to a Task Force and you are the passenger (not driver) in a pursuing vehicle, does that fall under the CBP pursuit policy?

The person driving will follow their agency Pursuit Policy. If a CBP Authorized Officer/Agent is driving, even in a task force operation, they are required to abide by the CBP Emergency Driving and Vehicular Pursuits Directive.

If there are three CBP units involved in a pursuit and a local/state law enforcement vehicle joins the pursuit, does one of the CBP units have to disengage?

Yes, one unit should disengage.

Do they need to pull off the roadway and stop briefly?

No, the pursuit was not terminated, they are simply stopping their engagement in the pursuit. They must simply resume Non-Emergency/Normal Vehicle Operations.

Does ground vehicles being prohibited from pursuing a vehicle after termination (8.45.2) allow for (b)(7)(E) who were not involved in the pursuit, to follow it WITHOUT lights and sirens? I know 8.46 states that "following" is also prohibited post-termination and 8.46.1 states any re-engagement action is considered a new pursuit (even though it would be without lights and sirens, or emergency driving), but it also doesn't state if that includes all ground units or only marked units.

**(b)(7)(E)**

Section 8.45.2 refers to "continuing to pursue the Subject vehicle or engage in Emergency Driving". To address the question we must also look at section 8.46 which provides for the activity you describe.

8.46 If subsequent visual contact is made with the Subject Vehicle of a Terminated Vehicular Pursuit, supervisory approval is required before Re-Engagement in any action involving the previous Subject Vehicle, including Following, unless the facts at the time of the subsequent visual contact meet the requirements for a new Pursuit.

The policy indicates that with supervisory approval, you can engage in following the vehicle. The policy also encourages similar activity in Vehicle Pursuit Prevention and Intervention Tactics section with regard to vehicle tracking and aerial support.

Section 8.45(3) requires agents/officers to "pull off the roadway and stop briefly" after a pursuit has been terminated. What should an agent/officer do if there is a ditch, guard rail or other condition that would make this unsafe or impossible?

Agents/officers should weigh the circumstances and pull off the roadway and stop briefly as soon as they can safely do so.

#### VEHICLE PURSUIT PREVENTION OR INTERVENTION TACTICS

(8.62) What is the "remote vehicle tracking" referred to in the directive?

Tracking technology is being explored and this allows for use if/when CBP finds a suitable option.

(8.58 – 8.71) The directive mentions pursuit prevention, pursuit intervention tactics and pursuit avoidance. What are these? Are there definitions available?

Pursuit Prevention/Avoidance Tactics:

Actions implemented by Authorized Agents prior to or immediately following a vehicle stop because there is reasonable suspicion to believe that a suspect may attempt to, escape, elude law enforcement, and/or otherwise subsequently initiate a Vehicular Pursuit. Authorized Agents should always consider the feasibility of utilizing Pursuit Prevention Tactics because they are less intrusive, reduce risks, and generally safer than engaging in a Vehicular Pursuit. Examples of Pursuit Prevention/Avoidance Tactics include, but are not limited to Remote Vehicle Tracking technologies, aerial support assets, and tire deflation devices.

Pursuit Intervention Tactics:

Actions implemented by Authorized Agents for the purpose of disabling, or preventing further flight of, a fleeing Subject Vehicle. Examples of Pursuit Intervention Tactics include, but are not limited to, stationary vehicle blocking and tire deflation devices.

**REPORTING**

**(9.8.2, 9.8.7)** Who will comprise the Vehicular Pursuit Review Board, where will it meet, and at what intervals?

The Vehicular Pursuit Review Committees are still being developed, but once established will follow the same framework as the Local and National Use of Force Review Boards.

**(7.4.2, 9.11)** Will our RO/Chief be required to submit a decision-making analysis memorandum for every pursuit to the Chief of LEOD and OPR OI? **(9.11)**

Yes.

**(9.8.2)** Are there limits to the amount of property damage that require a referral to the Vehicular Pursuits Review Committee (\$10 or \$10,000)?

Property damage of any amount requires referral to the Vehicular Pursuits Review Committee.

**(9.4.2)** Do agents have to write memoranda and a separate narrative in E-STAR? If so, why both?

No, the Directive allows for either an E-STAR narrative or a memorandum. There is no requirement to do both. The LESC strongly prefers a first-person narrative for all involved agents and the pursuit supervisor in the single E-STAR report because they make analytical activities easier. If an agent wishes to draft a memorandum first and then copy the body of that memorandum into the E-STAR narrative field, that is perfectly acceptable. If an agent prefers to only write an E-STAR narrative, that is also perfectly acceptable.

Does para 9.4.4 preclude the assistance of others, to include local CBP Use of Force Instructors, from assisting in report writing if they were not directly involved in the pursuit?

No, 9.4.4 does not explicitly prohibit anyone else who was not involved in the pursuit from assisting in report writing. It does explicitly allow supervisor(s) and other involved employees to assist in the report writing.

#### TRAINING

(10.2) If a Border Patrol Agent transfers over to Office of Field Operations are they still certified to conduct vehicle pursuits?

The driver training received in the Border Patrol Academy still qualifies them to conduct pursuits/emergency driving but they will need to meet the annual training requirements to maintain that authorization.

For OFO on the stand-alone emergency driving and vehicular pursuit initial training, how is the training documented? As a supervisor I need to know who has the authorization for pursuit training.

You would need to check with your local training department. LESC does not have record of who attended OFO Emergency Driving Vehicular Pursuit initial training.

Who within OFO is required to take this training?

Pursuit trained CBPOs and all Supervisory CBP Officers.

#### MISCELLANEOUS

How will ATAK tracking effect the pursuit directive in the future?

There is nothing currently being considered that has any implications for this directive.



# CBP PURSUIT POLICY MUSTER MODULE

On March 20, 2023, Acting Commissioner Troy Miller signed CBP's updated Emergency Driving and Vehicular Pursuits Directive (CBP Directive 4510-026A). The updated directive is intended to ensure vehicular pursuits are conducted in a manner that minimizes risk to CBP law enforcement personnel, the public, and subjects involved.

The effective date of the directive is May 28, 2023.

## The major differences in the updated policy:

- The adoption of an Objectively Reasonable (6.25) and Necessary (6.22) standard as opposed to the "law enforcement benefit".
- The prohibition of Precision Immobilization Technique (PIT Maneuver) (8.68).
- The allowance of a third "support unit" during a pursuit, but the prohibition of additional support units (8.47, 8.47.4).
- Additional Supervisor notification requirements for Emergency Driving
  - Over (b)(7)(E) mph in residential area
  - (b)(7)(E) mph in major thoroughfares and freeways (8.13)
- Updated Termination procedures (8.45)
  - Any unit involved in the pursuit calls for a Termination, all units must Terminate.
- The addition of "Extreme Circumstances" as a requirement to pursue a speeding vehicle that is overloaded and/or (b)(7)(E)

(b)(7)(E)

**CBP Directive 4510-26A**  
**LESC Summary of Changes**  
**February 1, 2023**

The changes made to the document were incorporated in order to establish a level of consistency within the directive across the entire organization. Having references to state laws governing emergency vehicle operation in the directive created disjointed interpretations and applications in each state or municipality in which an Officer/Agent operates. Application would necessarily rely on interpretation of the traffic laws governing emergency vehicles in each state encompassed by an office/station or sector's AOR.

Removing references to state law in the definitions of **Emergency Driving** and **Non-Emergency/Normal Vehicle Operation** will create a more consistent policy across the entire agency and a reduced burden to provide guidance on the legal requirements for each state in order to comply with the directive. The original definitions also lacked clarity leading to confusion regarding the application of terms within the directive. The revised definitions are clearer and more concise. Specifically, the definition of **Emergency Driving** was revised to allow for a clear determination of when officers/agents are engaging in Emergency Driving.

§ 8.1 was amended to remove reference to state laws governing the operation of emergency vehicles and provide parameters for catching up to a Subject Vehicle. These changes allow for a legal and safe vehicle stop but prohibit engaging in a vehicle pursuit without the use of Emergency Equipment.

Detailed changes to each section/definition are annotated on the following page.

**CBP Directive 4510-26A  
LESC Change Log**

1. **Location:** Definitions § 6. **Type:** Amended the definition of Emergency Driving to clearly define the term and remove reference to state laws, which would result in a disjointed National policy. Also removed the Vehicle Pursuit Emergency Equipment language from the Emergency Driving definition. Vehicle Pursuit requirements for Activated Emergency Equipment are stated in numerous other locations throughout the Directive.

**Existing:** 6.8 Emergency Driving: The operation of a CBP Emergency Vehicle, informed by a state's Emergency Vehicle Traffic Laws, in the course of an Authorized Officer/Agent's official duties. Engaging in Emergency Driving requires, at a minimum, the use of front and rear facing red and blue emergency lights. Engaging in Vehicular Pursuits requires Activation of all Emergency Equipment (both red and blue emergency lights as well as audible sirens).

**Revised:** 6.8 Emergency Driving: The operation of a CBP Emergency Vehicle, by an Authorized Officer/Agent in a manner that takes Exception to Traffic Laws in the course of discharging their official duties. Engaging in Emergency Driving requires, at a minimum, the use of front and rear facing red and blue emergency lights. Attempting to catch up to a Subject Vehicle to further develop the requisite articulable suspicion needed to affect a vehicle stop, but before the use of Emergency Equipment, does not constitute Emergency Driving, a Vehicular Pursuit, or an attempted vehicle stop, consistent with 8.1.

2. **Location:** Definitions § 6. **Type:** Amended the definition of Non-Emergency/Normal Vehicle Operations to remove reference to state laws, which would result in a disjointed National policy. Reference is now in compliance with Traffic Laws, which every Officer/Agent is responsible for knowing as part of having a driver's license.

**Existing:** 6.23 Non-Emergency/Normal Vehicle Operations: Normal Driving, without the use of Emergency Equipment, in compliance with the state laws governing the operation of an emergency/law enforcement vehicle in performance of official duties during Non-Emergency Operation/Normal Vehicle Operations.

**Revised:** 6.23 Non-Emergency/Normal Vehicle Operations: Normal Driving without the use of Emergency Equipment and in compliance with Traffic Laws.

3. **Location:** Procedures § 8. **Type:** Edited 8.1 Non-Emergency Operation/Normal Vehicle Operations to remove reference to state laws governing law enforcement/emergency vehicles and allow for officers/agents to conduct safe and legal vehicle stops.

**Existing:** 8.1 CBP personnel will comply with the state laws governing the operation of law enforcement/ Emergency Vehicles in performance of their official duties during Non-Emergency Operation/ Normal Vehicle Operations.

**Revised:** 8.1 CBP personnel will comply with traffic laws in performance of their official duties during Non-Emergency Operation/ Normal Vehicle Operations.

Attempting to catch up to a Subject Vehicle to develop the requisite articulable suspicion needed to affect a vehicle stop does not relieve Authorized Officers/Agents of their responsibility to exercise reasonable care or due regard for public safety. If at any time the Subject Vehicle begins driving in a manner that is dangerous, erratic, puts the public at risk, or reasonably appears to be attempting to evade or flee, the Authorized Officer/Agent: (b)(7)(E) initiate a vehicle stop/Vehicular Pursuit or Emergency Driving.

(b)(7)(E)



U.S. Customs and  
Border Protection

MAY 08 2023

MEMORANDUM FOR: Patrol Agents in Charge  
and Unit Supervisors  
El Paso Sector

FROM: Anthony S. Good (b)(6)  
Chief Patrol Agent  
El Paso Sector

SUBJECT: Adjusted CBP Emergency Driving and Vehicular Pursuit Directive  
Effective Date

The attached memorandum from Troy A. Miller, Acting Commissioner, U.S. Customs and Border Protection (CBP), dated April 28, 2023, extends the effective date for CBP Emergency Driving and Vehicular Pursuit Directive (ED-VP) No. 4510-026A to June 1, 2023.

On March 27, 2023, the El Paso Sector Law Enforcement Safety and Compliance (LESC) commenced ED-VP training sessions for CBP personnel. To ensure comprehensive awareness and to facilitate the broadest workforce participation, LESC requested the ED-VP rollout sessions continue for an extended period of 60 days beyond the original deadline. Training sessions, administered by the LESC, will continue via Microsoft Teams through May 26, 2023. This additional time will be utilized to conduct supplementary training and ensure thorough comprehension of this policy.

A training link has been created in the Shared Web Application Portal (SWAP) system to ensure all Border Patrol Agents and Law Enforcement Information Security Specialists personnel can acknowledge they have reviewed and received a copy of the "Muster Module for Awareness and Training on the Emergency Driving and Vehicular Pursuit Directive". Additional instructions on how to access and individually acknowledge in the SWAP system will be disseminated to all personnel via email.

Please direct questions to Assistant Chief Patrol Agent (b)(6) (b)(7)(C)

Attachments

1300 Pennsylvania Avenue, NW  
Washington, DC 20229




**U.S. Customs and  
Border Protection**

APR 28 2023

*Commissioner*

MEMORANDUM FOR: See Distribution

FROM: Troy A. Miller  
Acting Commissioner 

SUBJECT: Adjusted CBP Emergency Driving and Vehicular Pursuit Directive  
Effective Date

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On March 20, 2023, I signed CBP's updated Emergency Driving and Vehicular Pursuits Directive (ED-VP). The updated directive is intended to ensure vehicular pursuits are conducted in a manner that minimizes risk to CBP law enforcement personnel, the public, and subjects involved.

On March 27, 2023, the Law Enforcement Safety and Compliance (CBP's Executive Agent for vehicular pursuits; responsible for programmatic oversight, policy implementation, training guidance, trend analysis, and equipment research and directive implementation) commenced ED-VP training sessions for CBP personnel. To ensure comprehensive awareness and understanding of the directive and to facilitate the broadest workforce participation, the LESC requested the ED-VP rollout sessions continue for a period of 60 days. Training sessions, administered by the LESC, will continue via Microsoft Teams through May 26, 2023.

As such, I am extending the effective date of CBP's Emergency Driving and Vehicular Pursuits directive (CBP Directive NO. 4510-026A) to June 1, 2023. CBP components will utilize the additional time to conduct supplementary training and ensure thorough policy comprehension.

Please send any questions related to the ED-VP directive to the LESC's PCAT inbox at

**(b)(7)(E)**

Distribution: Acting Deputy Commissioner  
Chief Operating Officer  
All Executive Assistant Commissioners  
Chief, U.S. Border Patrol  
Chief Council  
Chief Financial Officer  
Assistant Commissioner, Congressional Affairs  
Assistant Commissioner, Office of Professional Responsibility

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**Assistant Commissioner, Public Affairs**  
**Assistant Commissioner, Office of Intelligence**  
**Executive Director, Policy Directorate**  
**Executive Director, Trade Relations**  
**Executive Director, Privacy and Diversity**  
**Executive Director, Intergovernmental Public Liaison**  
**Director, Executive Secretariat**  
**Chief of Staff**  
**Deputy Chief of Staff**



## U.S. Customs and Border Protection

*Commissioner*

### **Commissioner's Message: Emergency Driving and Vehicular Pursuits Policy Updated May 2023**

As a professional law enforcement organization, U.S. Customs and Border Protection (CBP) is continuously updating its policies to reflect best practices, evolving public expectations, and public safety needs. **As part of that process, CBP's Law Enforcement Safety and Compliance Directorate (LESC) conducted a review of the Agency's vehicular pursuit incidents in 2021.** This review examined trends, statistics, and outcomes associated with CBP's pursuits, and it culminated in a number of recommendations for improvement. Following completion of that review, I directed CBP to initiate an update to **our** Emergency Driving and Vehicular Pursuits policy.

Vehicular pursuits pose inherent risks – to members of the public, Officers and Agents, and vehicle occupants. **CBP's newly updated** Emergency Driving and Vehicular Pursuits policy acknowledges these risks and shifts our **Agency's overall approach to a risk-based model** when it comes to pursuits. The policy adopts a "**reasonableness**" standard that is familiar to, and found throughout, a majority of other law enforcement agencies across the United States.

This **revised** policy provides a clear framework for weighing the risks associated with vehicular pursuits (e.g., the dangers posed to the public) against the law enforcement benefit or need. The policy addresses multiple factors that require consideration when deciding if a vehicle should be pursued – and when a pursuit should be terminated. In addition to laying out these risk factors, the policy restricts pursuits in certain circumstances that are considered especially dangerous, and it also prohibits specific emergency driving procedures that have proven unsafe or ineffective.

Importantly however, this updated policy does not prohibit vehicular pursuits. **CBP's unique** border security mission requires that we retain an ability to effectively pursue vehicles. Instead, the policy entrusts Agents, Officers, and their supervisors with the ability to: conduct pursuits based on their analysis of risk factors; encourages them to consider other available means of apprehending suspects; **and** reaffirms the overall law enforcement need to conduct pursuits. Finally, the policy clarifies the role of supervisors, and it establishes clear reporting requirements to ensure we learn and improve over time.

We welcome your feedback and suggestions, and we will continue to work with all CBP operational offices, as well as the LESG and the Office of Training and Development, to further refine and improve this updated policy going forward.

Immediately following the release of this policy, **LESC will work with CBP's operational offices** to initiate a phased implementation plan for establishing Agency-wide compliance with the new **policy's enhanced standards and training requirements.** **Mandatory compliance with the newly revised training standards and operational procedures** will be required following the completion of this phased implementation roll-out on May 1, 2023.



**U.S. DEPARTMENT OF HOMELAND SECURITY**  
**U.S. Customs and Border Protection**

**CBP DIRECTIVE NO. 4510-026A**

**EFFECTIVE DATE: May 2023**

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**ORIGINATING OFFICE:** OC-PD  
**SUPERSEDES:** CBP Dir. 4510-026  
**REVIEW DATE:** May 2026

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

- 1. PURPOSE.** This directive establishes guidelines to ensure U.S. Customs and Border Protection (CBP) conducts Emergency Driving and Vehicular Pursuits (ED-VPs) in accordance with law and in a manner that minimizes risks to the public, officers/agents, other law enforcement, and vehicle occupants. The purpose of this directive is also to ensure that ED-VPs are properly monitored and reviewed in a timely manner.
- 2. BACKGROUND.** The preservation of human life and safety of the American public and the communities we serve are paramount to CBP operations. ED-VPs may present risks to human life, including to the CBP personnel involved in such Vehicular Pursuits. Therefore, in all instances, CBP personnel must consider whether the need to take Exception to Traffic Laws or take an enforcement action exceeds the risk to human life and safety presented by the action before deciding to engage in ED-VPs. This directive guides CBP personnel in balancing these considerations and establishes minimum standards regarding ED-VPs.
- 3. SCOPE.** This directive applies to all CBP offices and law enforcement personnel engaging in motor vehicle operations. This directive does not apply to maritime vessel pursuits or aircraft pursuing other aircraft. This directive should be read in conjunction with CBP Publication No. 4500-002A, *CBP Use of Force Policy*, dated January 2021 and replaces CBP Directive No. 4510-026, *Emergency Driving Including Vehicular Pursuits by U.S. Customs and Border Protection Personnel*, dated January 16, 2021.
- 4. POLICY.** It is CBP policy to conduct ED-VPs in accordance with law and in a manner that minimizes risk to the public, the officer/agent, other law enforcement, and vehicle occupants.

  - 4.1 Only Authorized CBP Officers/Agents (herein referred to as Authorized Officers/Agents) who are trained and certified to engage in ED-VPs may conduct ED-VPs, and only when those ED-VPs are deemed to be Necessary and Objectively Reasonable.
  - 4.2 As outlined throughout this directive and in Subsection 8.47, CBP has determined there are instances where the risk to human life is so significant that engaging in ED-VPs must be restricted or prohibited. Authorized Officers/Agents are to exercise self-discipline and sound professional judgment when performing ED-VP actions.
  - 4.3 CBP will not question any Authorized Officer/Agent's decision to Terminate a Vehicular Pursuit. An Authorized Officer/Agent involved in a CBP Pursuit may Terminate that Pursuit at any time, for any reason.
  - 4.4 Pursuit Supervisors have a responsibility to closely monitor the progress of each Vehicular Pursuit and ensure that the Pursuit is being conducted in accordance with this directive.

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4.5 Any Agency employee with knowledge of an improper action by CBP law enforcement personnel shall, without unreasonable delay, report it to CBP's Office of Professional Responsibility (OPR) and, as appropriate, their chain of command.

4.6 Responsible Officials (ROs) may impose additional ED-VP programmatic restrictions. ROs may not lessen the requirements in this directive without written consent of CBP's Commissioner.

## 5. AUTHORITIES/REFERENCES.

5.1 U.S. Code (U.S.C.) Title 8 § 1357, Powers of Immigration Officers and Employees.

5.2 18 U.S.C. § 758, High Speed Flight from an Immigration Checkpoint.

5.3 19 U.S.C. § 1433, Report of Arrival.

5.4 19 U.S.C. § 1436, Penalties for Violations of Arrival.

5.5 19 U.S.C. § 1459, Reporting Requirements.

5.6 19 U.S.C. § 1461, Penalties for Failure to Declare.

5.7 19 U.S.C. § 1581(d), Penalty for Failure to Stop at Command.

5.8 Code of Federal Regulations Title 8 § 287.8, Standards for Enforcement Activities.

5.9 CBP Directive No. 1420-012, *CBP National Use of Force Review Board*, dated December 2020.

5.10 CBP Directive No. 4320-030B, *Incident-Driven Video Recording System*, dated August 6, 2021.

5.11 CBP Publication No. 4500-002A, *CBP Use of Force Policy*, dated January 2021.

5.12 CBP Handbook No. 4500-002B, *CBP Use of Force - Administrative Guidelines and Procedures Handbook*, dated January 2021.

## 6. DEFINITIONS.

6.1 Apprehension Efforts: Any attempted seizure of a Subject Vehicle by Authorized Officers/ Agents accomplished through the use of Activated Emergency Equipment or other show of authority.

6.2 Authorized Officer/Agent: CBP officers; U.S. Border Patrol (USBP) agents; Air and Marine Operations (AMO) agents and officers; OPR special agents and investigators; and other qualified CBP law enforcement personnel as designated by the CBP Commissioner.

6.3 Blind Mode: A radio communications tactic that involves a transmission made without obtaining a receipt, or acknowledgment of receipt, from the intended receiving station. (b)(7)(E)

**(b)(7)(E)**

6.4 Boxing-In: A technique which involves surrounding a moving Subject Vehicle with moving Emergency Vehicles, which then slow to a stop alongside the Subject Vehicle, causing the Subject Vehicle to come to a stop. This technique is no longer trained nor authorized under CBP Policy.

6.5 Caravanning: More than three units following in close proximity to the Subject Vehicle during a Vehicular Pursuit. When determining whether there are three or more Emergency Vehicles following the Subject Vehicle, CBP units and other law enforcement units will be considered.

6.6 CBP Communications Center: USBP Law Enforcement Communications Center, Port of Entry (POE) Watch Command Center, or any location where radio communications are coordinated.

6.7 Checkpoint: A permanent or temporary location, other than a POE, where a Federal law enforcement inspection is conducted.

6.8 Emergency Driving: The operation of a CBP Emergency Vehicle, by an Authorized Officer/Agent in a manner that takes Exception to Traffic Laws in the course of discharging their official duties. Engaging in Emergency Driving requires, at a minimum, the use of front and rear facing red and blue emergency lights. Attempting to catch up to a Subject Vehicle to further develop the requisite articulable suspicion needed to affect a vehicle stop, but before the use of Emergency Equipment, does not constitute Emergency Driving, a Vehicular Pursuit, or an attempted vehicle stop, consistent with 8.1.

6.9 Emergency Equipment: Permanently or semi-permanently installed equipment on CBP Emergency Vehicles, including front and rear mounted red and blue emergency lights that are visible in all directions when activated and audible sirens. The use of Emergency Equipment signals to the public that the Authorized Officer/Agent is engaged in a law enforcement activity which may require Excepting Traffic Laws. It is also a signal to the driver of the Subject Vehicle **that they should yield to the Authorized Officer/Agent's authority.**

6.9.1 Activation of/Activated Emergency Equipment: The activation of an Emergency Vehicle's audible sirens **and** red and blue emergency lights.

6.10 Emergency Vehicle: A Marked or Unmarked Vehicle equipped with permanently or semi-permanently installed Emergency Equipment.

6.11 Enforcement Action Statistical Analysis and Reporting System (E-STAR): A CBP computer system for recording assaults, reportable uses of force, Vehicular Pursuits, reportable firearms discharges, and other related data.

6.12 Failure to Yield: A situation that occurs during an Authorized Officer/Agent's active attempt to stop a Subject Vehicle by Activating **their vehicle's** Emergency Equipment (lights and siren) and the suspect Fails to Yield/stop within a reasonable time and distance.

6.13 Feasible: Reasonable possibility of being completed or accomplished.

6.14 Following: When an Authorized Officer/Agent drives in close proximity to a Subject Vehicle without making any Apprehension Efforts.

6.15 Foreseeability of Risk/Foreseeable Risk: The degree to which a reasonable officer/agent in a given situation should know that a specific harm might result from the actions being performed and the circumstances present. For the purpose of this directive, such specific harm includes the specific risk of collision, injury, or death to Vehicle Occupants, agents/officers, or others. When **determining "Foreseeability of Risk," the Authorized Officer/Agent shall consider all applicable Pursuit Risk Factors (see Subsection 6.31).**

- 6.16 Governmental Interest: The compelling reason the Government has to effect or attempt a seizure. The interest may be higher or lower based on the severity of the crime being committed and the level of threat posed by the subject. Governmental Interest must be weighed against the potential adverse effect that the seizure presents. When determining Governmental Interest, the Authorized Officer/Agent shall consider: (1) the severity of crime at issue, not including the mere act of fleeing as the crime at issue, and (2) whether the subject poses an Imminent Threat to the safety of the officers/agents or others, not including reckless driving in an attempt to evade arrest. Governmental Interest and Foreseeability of Risk are evaluated at the time the Authorized Officer/Agent initiates the Vehicular Pursuit and continuously throughout the duration of the Pursuit.
- 6.17 High-Risk Stop: Any stop where additional reactionary space or cover is required due to an Imminent Threat posed by the occupants of a Subject Vehicle. Such stops include, but are not limited to, those involving suspected felons, armed individuals, or potentially dangerous person(s).
- 6.18 Imminent Threat: The existence of any condition that poses an immediate danger to the life, health, or safety of the public, the officer/agent, or other law enforcement.
- 6.19 Imminent Threat Response: The operation of an Emergency Vehicle in response to the existence of an Imminent Threat.
- 6.20 Marked Emergency Vehicle: CBP Emergency Vehicles equipped with Emergency Equipment to include red and blue emergency lights and audible sirens, and marked with lettering, insignia, and/or striped paint clearly indicating that the vehicle is a law enforcement/Emergency Vehicle.
- 6.21 Minimized/Minimizing Visibility: Attempts by an Authorized Officer/Agent to conceal their participation in a Vehicular Pursuit from the Subject Vehicle (e.g., by utilizing factors including, but not limited to, topography, distance, and/or alternative routes).
- 6.22 Necessary: A reasonable conclusion by an Authorized Officer/Agent that there is a need to *immediately* apprehend a subject as part of their enforcement duties based on the totality of the facts and circumstances known to, and reasonably assessed by, the Authorized Officer/Agent.
- 6.23 Non-Emergency/Normal Vehicle Operations: Normal Driving without the use of Emergency Equipment and in compliance with Traffic Laws.
- 6.24 Non-Emergency Vehicles: Any vehicle not defined as a Marked or Unmarked Emergency Vehicle in Subsections 6.20 and 6.46. Non-Emergency Vehicles may not engage in ED-VPs or be used to effect vehicle stops.
- 6.25 Objectively Reasonable: When the Governmental Interest in apprehending a subject at the moment outweighs the Foreseeability of Risk to the public, other law enforcement, and vehicle occupants. It is the constant responsibility of all officers/agents involved in a Vehicular Pursuit to continue weighing Pursuit Risk Factors if a Subject Vehicle continuously Fails to Yield to an Authorized Officer/Agent's authority. If after weighing these factors, a Pursuit is no longer Objectively Reasonable, the Pursuit must be Terminated consistent with the requirements of this directive. Objective Reasonableness is based on the totality of the circumstances known by the officer/agent at the time of the event rather than the advantages/benefits of post-incident hindsight.
- 6.26 Offensive Driving Technique (ODT): Any driving technique, consistent with CBP training, that is intended to end a Vehicular Pursuit through the intentional use of vehicle-to-vehicle impact(s). **Additional details regarding ODTs can be found in CBP's Use of Force Policy.**

6.27 Officer/Agent Assist: The operation of an Emergency Vehicle to assist another officer/ agent when there is an Imminent Threat.

6.28 Overloaded Vehicle: Any vehicle that visibly and/or reasonably appears to be overloaded, or a vehicle carrying excess cargo or occupants in excess of its seating capacity.

6.29 Paralleling: Indirectly participating in a Vehicular Pursuit, with or without Emergency Equipment, while driving in an adjacent lane. Paralleling does not include driving on an adjacent roadway with Activated Emergency Equipment for as short a time as possible in order to join the Pursuit as a Secondary/Support Unit.

6.30 Primary Unit: The first Emergency Vehicle to become involved in a Vehicular Pursuit or any Emergency Vehicle that later assumes control of the Pursuit as the lead vehicle (the first pursuing Emergency Vehicle behind the Subject Vehicle). The Primary Unit may be a state, local, or Federal law enforcement unit.

6.31 Pursuit Risk Factors: In general, Authorized Agents/Officers should balance the Governmental Interest in initiating or continuing a Vehicular Pursuit with the potential dangers posed to the public, officers/agents, other law enforcement, vehicle occupants, and the community through which the Pursuit is taking place. Risk factors that should be considered may include but are not limited to:

- (1) if the speed or the erratic, dangerous, or unlawful driving nature of the Subject Vehicle and/or other nearby moving vehicles contributes to unsafe operation, loss of control, or an increased likelihood of injuries resulting from a collision;
- (2) if the Subject Vehicle is traveling towards areas with dense traffic or intersections that would increase the chance of collision with bystanders, other vehicles, or other objects;
- (3) if the nature of the area is likely to create unnecessary elevated risks to the public at large (residential, commercial, presence of pedestrian traffic);
- (4) if weather conditions or lighting might impair visibility or increase the risk that vehicles may lose traction/control;
- (5) if road conditions (curves, lanes, bridges, unpaved roads, asphalt condition, etc.) increase the risk that vehicles may lose control and/or impact bystanders, other vehicles, or other objects;
- (6) if the Subject Vehicle appears to be an Overloaded Vehicle, creating unsafe handling characteristics;
- (7) (b)(7)(E)
- (8) if the distance between the pursuing Authorized Officer/Agent and the fleeing vehicle is so great that further efforts would be futile or require the Vehicular Pursuit to continue for an unreasonable time and/or distance.

6.32 Pursuit Supervisor: A permanent or acting first-line (or higher-level) law enforcement supervisor who has completed the requisite training and maintains the authority to oversee a Vehicular Pursuit. The Pursuit Supervisor cannot be a supervisor directly engaged in any Emergency Driving that is part of/in response to the active Pursuit.

6.33 Pursuit Termination/Terminate/Terminated: When an Authorized Officer/Agent deactivates their vehicle's Emergency Equipment and ceases all attempts to maintain visual contact with the Subject Vehicle consistent with this directive.

6.34 Reasonable Amount of Time: The amount of time, under the circumstances present, considered reasonable for a person to yield to an Emergency Vehicle making Apprehension Efforts or the amount

of time considered reasonable for the Subject Vehicle to distance itself from the Authorized Officer/ Agent such that the subject and public would clearly recognize that a Vehicular Pursuit has ended.

6.35 Re-Engagement: Where an Authorized Officer/Agent engages in the Vehicular Pursuit of a Subject Vehicle that was previously being pursued.

6.36 Remote Vehicle Tracking: (b)(7)(E)  
(b)(7)(E)

6.37 Responsible Official (RO): The individual responsible for implementing and enforcing CBP's policies and procedures within their designated Area(s) of Responsibility (AORs). ROs consist of the following positions (who may delegate their RO responsibilities to subordinate personnel, as appropriate): Executive Assistant Commissioners (EACs); Chief, USBP; Assistant Commissioners; Chief Patrol Agents; Directors, Field Operations and Port Directors, Office of Field Operations (OFO); Director, AMO, Deputy Director Air Operations, Deputy Director Marine Operations; Executive Director of the Law Enforcement Safety and Compliance Directorate (LESC); Executive Directors, OPR; Division Directors, Office of Training and Development (OTD); and other officials designated in writing by CBP's Commissioner.

6.38 Restricted Area: A geographic region or zone, designated by ROs, that has a dense population concentration or is substantially used for residential, commercial, or recreational purposes with a significant level of pedestrian and vehicular traffic that could foreseeably result in a heightened level of risk to the public if a Vehicular Pursuit were to be conducted there. (b)(7)(E)

(b)(7)(E)

(b)(7)(E) Restricted Areas remain subject to change based on evolving traffic patterns/volume, fluctuations in population densities, new infrastructure developments; (b)(7)(E)

(b)(7)(E) ROs will ensure that all relevant personnel are sufficiently advised of any updates to Restricted Areas within their Area(s) of Responsibility (AORs).

6.39 School Zone: An area near a school with a special, reduced speed limit designated by the local authority. These zones generally include the campus, school property, and streets directly adjacent to the school property.

6.40 Secondary Unit: The Emergency Vehicle following behind the Primary Unit at a safe distance during a Vehicular Pursuit to provide support and relay informational updates to a CBP Communications Center.

6.41 Shadowing: An Emergency Driving response that involves indirectly following a Vehicular Pursuit at any distance, or along parallel/adjacent roadways, by any CBP Emergency Vehicle(s) not directly involved as the Primary, Secondary, or Support Unit. Shadowing does not include instances where Remote Vehicle Tracking is used by an aircraft or ground unit (not engaged in the Pursuit) to observe and monitor the Subject Vehicle.

6.42 Subject Vehicle: A vehicle that an Authorized Officer/Agent has reasonable suspicion to believe contains a person who has committed a violation of law that the Authorized Officer/Agent has the authority to enforce.

6.43 Support Unit: A third, backup Emergency Vehicle, following the Primary and Secondary Units (at a safe distance) during a Vehicular Pursuit. The Support Unit also provides backup, for apprehension purposes, and additional coverage during a High-Risk Stop.

6.44 Traffic Laws: State or municipal ordinances that direct and regulate vehicular movement on roads and highways. These ordinances may be conveyed through posted traffic control signs (e.g., yield, stop, and other directional signs), traffic lights, intersection markings, and crosswalks.

6.45 Traffic Law Exception/Exception to Traffic Laws: The intentional deviation from posted signs, traffic controls, and/or other laws governing vehicular movements on roads and highways. The operation of a CBP Emergency Vehicle is informed by the Traffic Laws of the states or municipality in which they operate. Therefore, Authorized Officers/Agents must exercise reasonable care for public safety when taking Exception to Traffic Laws.

6.46 Unmarked Emergency Vehicle: CBP Emergency Vehicles, equipped with Emergency Equipment to include red and blue emergency lights and audible sirens, that have no visible markings/lettering, insignia, and/or striped paint to otherwise indicate/identify the vehicle as a law enforcement/Emergency Vehicle.

6.47 Unrestrained Occupants: Occupants in a moving motor vehicle who are not wearing safety belts or who, when applicable, are not placed in child safety seats.

6.48 Vehicle Contact Action: A technique not covered in CBP training (e.g., ramming) that is **designed to cause contact between the Authorized Officer/Agent's Emergency Vehicle and the Subject Vehicle**. Vehicle Contact Actions are prohibited unless being used to block stationary vehicles, stop driverless vehicles, or in deadly force incidents, in accordance with CBP's Use of Force Policy.

6.49 Vehicle Immobilization Device (VID): A specialized device that when deployed is intended to result in the **controlled deflation of a vehicle's tire or otherwise cause a vehicle to stop**.

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

6.51 Vehicular Pursuit: An active attempt by an Authorized Officer/Agent to apprehend the occupant(s) of another moving vehicle (Subject Vehicle), **where the Subject Vehicle's driver is aware of and actively resisting apprehension by maintaining or increasing speed, disobeying Traffic Laws, or by attempting to elude the Authorized Officer/Agent**. Engaging in Vehicular Pursuits requires sustained Activation of all Emergency Equipment (red and blue emergency lights and audible sirens). A Vehicular Pursuit will not exist if the Subject Vehicle yields within a Reasonable Amount of Time or the Subject Vehicle Fails to Yield and the initiating Officer/Agent does not attempt to maintain contact with the Subject Vehicle.

## 7. **RESPONSIBILITIES.**

### 7.1 CBP Commissioner.

#### 7.1.1 **Designates CBP's ED-VPs Executive Agent.**

## 7.2 Operations Support, LESC.

7.2.1 Serves as the Executive Agent for CBP ED-VPs, with duties including programmatic oversight, policy instruction, training guidance, trend analysis as well as equipment research and implementation.

7.2.2 Maintains an automated reporting mechanism within E-STAR that incorporates the applicable data fields in Appendix A.<sup>1</sup>

7.2.3 Coordinates and collaborates with OTD, as well as outside Subject Matter Experts, to ensure training development and delivery aligns with evolving analytical trends, best practices, logistical restraints, and legal requirements associated with this directive.

7.2.4 Coordinates with the Chief-USBP, Assistant Commissioner-OPR, and EACs-OFO, AMO, and Enterprise Services to develop, implement, and maintain CBP's ED-VP training curriculum (including regular supervisory refresher/sustainment training) and a certification process that ensures unified implementation of this directive.

## 7.3 Office of the Commissioner, OPR.

7.3.1 Responds to and reviews all Vehicular Pursuits resulting in serious bodily injury or death.

## 7.4 USBP, Sector Chief Patrol Agents and AMO/OFO/OPR, Directors.

7.4.1 Ensure that subordinate personnel understand and comply with this directive and all associated training requirements.

7.4.2 Review all incident reports, available data, and other information pertaining to a Vehicular Pursuit incident, including body worn camera footage, photographs of vehicle or property damage, and witness statements and submit a memorandum to the recipients outlined in Subsection 7.4.4 providing an analysis of decision-making related to the Pursuit.

7.4.3 This analysis should include:

- (1) **An assessment of the supervisor's determination of compliance or non-compliance** with this directive based on the information available at the time of the assessment. Vehicular Pursuits involving a reportable use of force, vehicle accident, property damage, or injury to subjects, bystanders, or officers/agents will be referred to the applicable Use of Force Review Board or Vehicular Pursuits Review Committee and therefore do not **require a supervisor's determination of compliance or non-compliance.**
- (2) Whether the law enforcement or public safety benefit justified the potential risk.
- (3) Strengths and weaknesses of the Pursuit-related decisions.
- (4) Whether the supervisor conducted an after-action debriefing related to the Vehicular Pursuit, including any feedback provided in such briefing.

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<sup>1</sup> This reporting and tracking requirement shall not supersede existing CBP WATCH Reporting responsibilities, existing CBP Motor Vehicle Management procedures, Personal Property and Asset Management procedures and Occupational Safety and Health procedures as applicable when ED-VP actions results in injury or damage to equipment or property.



(5) Each memorandum shall include the E-STAR incident number associated with the Vehicular Pursuit incident.

7.4.4 This memorandum must be submitted within 14 calendar days of the Vehicular Pursuit to the involved officer/agent's headquarters leadership (i.e., Chief of USBP's Law Enforcement Operations Division, the Executive Director of OFO's Operations Directorate, Executive Director of AMO's Operations Directorate) and the Executive Director of OPR's Office of Investigative Operations.

7.4.5 A copy of each memorandum required in Subsection 7.4.2 shall be provided to LESC to be analyzed as part of the annual Vehicular Pursuits report.

7.5 Responsible Officials.

7.5.1 Execute and/or delegate, as appropriate, the responsibilities outlined in this directive.

7.5.2 Implement and enforce CBP's ED-VP policies and procedures within their AOR.

7.5.3 Within 30 days of this directive's signature date, ROs (or their designees) will delineate and communicate Restricted Areas within their AORs: (b)(7)(E)

(b)(7)(E)

7.5.4 Provide Restricted Area information and maps designating those areas to Authorized Officers/Agents, supervisors, and CBP Communications Center personnel.

7.5.5 Ensure that all relevant personnel are sufficiently advised of any updates to Restricted Areas within their AOR: (b)(7)(E)

(b)(7)(E)

7.6 All CBP Officers/Agents.

7.6.1 Understand, acknowledge, and comply with all provisions of this directive and refrain from engaging in ED-VPs that are not consistent with this directive.

7.6.2 Provide written explanation and justification following any Vehicular Pursuit incident consistent with Subsection 9.1.

**8. PROCEDURES.**

Non-Emergency Operation/Normal Vehicle Operations

8.1 CBP personnel will comply with traffic laws in performance of their official duties during Non-Emergency Operation/Normal Vehicle Operations. Attempting to catch up to a Subject Vehicle to develop the requisite articulable suspicion needed to affect a vehicle stop does not relieve Authorized Officers/Agents of their responsibility to exercise reasonable care or due regard for public safety. If at any time the Subject Vehicle begins driving in a manner that is dangerous, erratic, puts the public at risk, or reasonably appears to be attempting to evade or flee, the Authorized Officer/Agent must either cease efforts to catch up to the Subject Vehicle or initiate a vehicle stop/Vehicular Pursuit, or Emergency Driving.

## Vehicle Stops

8.2 Authorized Officers/Agents may only conduct vehicle stops when there is reasonable suspicion to believe a violation of law has occurred that the Authorized Officer/Agent has the authority to enforce.

8.2.1 Authorized Officers/Agents may conduct vehicle stops in the interest of public safety if state law grants those Authorized Officers/Agents the authority to conduct such stops.

8.2.1.1 Authorized Officers/Agents should be aware of their status under state law – as a peace officer, private citizen, or otherwise – and any state authority conferred, under the jurisdiction(s) within which they operate.

8.2.1.2 When necessary, Authorized Officers/Agents should confer with their local Port and/or Sector and local Chief Counsel Office regarding state law in their jurisdiction and any state authority conferred.

8.3 When initiating a vehicle stop, Authorized Officers/Agents will use their red and blue emergency lights, at a minimum, as a signal to the driver of the Subject Vehicle to pull off the roadway and stop their vehicle.

8.4 Authorized Officers/Agents engaging in vehicle stops will notify the CBP Communications Center that maintains primary radio coverage in that area.

8.4.1 If communications with a CBP Communications Center are not possible, (b)(7)(E)  
(b)(7)(E)

8.5 Prior to initiating a vehicle stop, Authorized Officers/Agents will broadcast, at a minimum, the following information, if available or applicable:

(1) **Whether the unit has one or two Authorized Officers/Agents and the unit's location.**

(2) **A description of the Subject Vehicle, license plate number/state (if known), the Subject Vehicle's location and direction of travel, and the number of visible occupants.**

(3) **The suspected criminal violation related to the vehicle stop and any relevant information.**

8.6 **The CBP Communications Center will record the Authorized Officer/Agent's notification of a vehicle stop and any other broadcasted information.**

8.7 **If the Subject Vehicle Fails to Yield and the Authorized Officers/Agents decide not to engage in a Vehicular Pursuit, the officers/agents will notify the CBP Communications Center of the fleeing vehicle and the officers/agents' actions.**

8.7.1 **The CBP Communications Center shall record these incidents as a "Failure to Yield Incident with No Pursuit Action."**

8.8 Authorized personnel should record enforcement encounters at the start of the event or as soon as safely possible thereafter (refer to Section 6.4 of CBP Directive No. 4320-030B,

*Incident-Driven Video Recording System*, dated August 6, 2021 or its superseding policy for a definition of enforcement encounter). If the authorized personnel fail to activate his or her camera, the authorized personnel may be required to provide a statement indicating the reason why they failed to activate their camera.

### Emergency Driving

8.9 Upon Activation of Emergency Equipment for the purposes of Emergency Driving, Authorized Officers/Agents will notify a CBP Communications Center.

8.9.1 If communications with a CBP Communications Center are unavailable, (b)(7)(E)  
(b)(7)(E)

8.10 There may be instances in the performance of their duties in which Authorized Officer/Agents may need to Except certain Traffic Laws. When the immediate need to respond to an incident outweighs the Foreseeable Risk of Emergency Driving, an Authorized Officer/Agent may initiate Emergency Driving.

8.11 Undertaking Emergency Driving does not relieve Authorized Officers/Agents of their responsibility to exercise reasonable care or due regard for public safety when taking Exception to Traffic Laws.

8.11.1 Authorized Officers/Agents must consider a number of factors when taking Exception to Traffic Laws, including the seriousness of the reason for response, weather conditions, character of the neighborhood (e.g., residential, business, or rural), traffic volume, road and vehicle conditions, and any other known hazards.

8.12 When engaged in Emergency Driving, Authorized Officers/Agents are responsible for the safe operation of their vehicle while communicating (via radio) the facts and circumstances present that caused them to undertake the Emergency Driving.

8.13 Authorized Officers/Agents engaged in Emergency Driving shall notify a supervisor as soon as feasible when exceeding the speed limit (b)(7)(E)  
(b)(7)(E)

8.14 Authorized Officers/Agents engaged in Emergency Driving shall reduce their speed to ensure an intersection is clear, but may proceed cautiously through traffic control signs/signals once they determine it is safe to do so.

8.15 When initiating Emergency Driving, Authorized Officers/Agents will broadcast, at a minimum, the following information, if available or applicable:

8.15.1 Whether the unit has one or two Authorized Officers/Agents as well as their location, speed, and direction of travel.

8.15.2 The reason for the Emergency Driving response, all assessed risk factors, and any other relevant information.

8.16 After the need for Emergency Driving has ended, the initial responding Authorized Officer/ Agent will notify the CBP Communications Center that the Emergency Driving actions have ceased.

8.17 The CBP Communications Center will record notification of an Emergency Driving response and any other broadcasted information.

8.18 Authorized personnel should record enforcement encounters at the start of the event or as soon as safely possible thereafter (refer to Section 6.4 of CBP Directive No. 4320-030B, *Incident-Driven Video Recording System*, dated August 6, 2021 or its superseding policy for a definition of enforcement encounter). If the authorized personnel fail to activate his or her camera, the authorized personnel may be required to provide a statement indicating the reason why they failed to activate their camera.

#### Vehicular Pursuits – Vehicle Operations During a Pursuit

8.19 Only Emergency Vehicles with Activated Emergency Equipment which must include red and blue emergency lights and audible siren, will engage in a Vehicular Pursuit. Activation of Emergency Equipment is required at all times during a Pursuit.

8.20 Authorized personnel should record enforcement encounters at the start of the event or as soon as safely possible thereafter (refer to Section 6.4 of CBP Directive No. 4320-030B, *Incident-Driven Video Recording System*, dated August 6, 2021 or its superseding policy for a definition of enforcement encounter). If the authorized personnel fail to activate his or her camera, the authorized personnel may be required to provide a statement indicating the reason why they failed to activate their camera.

8.21 Unmarked Emergency Vehicles may become involved in a Vehicular Pursuit, but they must transition to a Secondary or Support Unit role as soon as a Marked Emergency Vehicle joins the Pursuit, and it is prudent to do so.

8.22 Non-Emergency Vehicles not equipped with Emergency Equipment, to include front and rear mounted red and blue emergency lights that are visible in all directions when activated and audible sirens, may not become involved in a Vehicular Pursuit.

#### Vehicular Pursuits – Decision to Pursue

8.23 Authorized Officers/Agents are responsible for their decisions and actions related to Vehicular Pursuits at all times and in under all circumstances when engaged in a Pursuit.

8.24 Authorized Officers/Agents may engage in Vehicular Pursuits only if there is reasonable suspicion to believe a vehicle committed ANY of the following:

- (1) Failed to stop at a Checkpoint or POE.
- (2) Committed a Vehicle Incursion into the United States at or between a POE(s).
- (3) Failed to Yield when an Authorized Officer/Agent attempted to stop the vehicle for a violation of law that they have the authority to enforce.

**AND**

(4) The Authorized Officer/Agent has determined that a Vehicular Pursuit is Necessary and Objectively Reasonable.

8.25 A Vehicular Pursuit is considered Necessary when an Authorized Officer/Agent concludes there is an immediate need to apprehend a subject as part of their enforcement duties based on the totality of the known facts and circumstances.

8.26 A Vehicular Pursuit is considered Objectively Reasonable when the Governmental Interest (see Subsection 6.16) in apprehending the subject(s) at that specific time clearly outweighs the Foreseeability of Risk to the public, officers/agents, other law enforcement, and vehicle occupants.

8.27 Governmental Interest and Foreseeability of Risk must be evaluated at the time the Authorized Officer/Agent chooses to undertake, continue, or Terminate the Vehicular Pursuit. This means considering the severity of crime at issue (not including the mere act of fleeing as the crime at issue) and whether the subject poses an Imminent Threat to the safety of the officers/agents or others.

8.28 The Authorized Officer/Agent serving as the Primary Unit shall continuously assess Pursuit Risk Factors and communicate this information to the Pursuit Supervisor.

8.29 Both Authorized Officers/Agents and the Pursuit Supervisor shall consider the Pursuit Risk Factors-to determine Foreseeability of Risk:

- (1) if the speed or the erratic, dangerous, or unlawful driving nature of the Subject Vehicle and/or other nearby moving vehicles contributes to unsafe operation, loss of control, or an increased likelihood of injuries resulting from a collision;
- (2) if the Subject Vehicle is traveling towards areas with dense traffic or intersections that would increase the chance of collision with bystanders, other vehicles, or other objects;
- (3) if the nature of the area is likely to create unnecessary elevated risks to the public at large (residential, commercial, presence of pedestrian traffic);
- (4) if weather conditions or lighting might impair visibility or increase the risk that vehicles may lose traction/control;
- (5) if road conditions (curves, lanes, bridges, unpaved roads, asphalt condition, etc.) increase the risk that vehicles may lose control and/or impact bystanders, other vehicles, or other objects;
- (6) if the Subject Vehicle appears to be an Overloaded Vehicle, creating unsafe handling characteristics;
- (7) (b)(7)(E)
- (8) if the distance between the pursuing Authorized Officer/Agent and the fleeing vehicle is so great that further efforts would be futile or require the Vehicular Pursuit to continue for an unreasonable time and/or distance.

8.30 Authorized Officers/Agents and Supervisors shall also assess the following factors in determining when/if a Vehicular Pursuit should be engaged in or continued:

- (1) The overall conditions that make a successful apprehension unlikely.
- (2) Whether the identity of the subject is known to the Authorized Officer/Agent and whether an arrest could be made more safely at another time or location.

8.31 It is the constant responsibility of all involved in a Vehicular Pursuit to continue weighing these

factors to determine if a Pursuit meets these requirements as it evolves.

#### Vehicular Pursuits – Extreme Circumstances

8.32 To initiate or continue a Vehicular Pursuit under any of the following extreme circumstances or conditions, the Authorized Officer/Agent must establish probable cause and a reasonable belief that the need to apprehend outweighs the risk. Such extreme conditions include:

- (1) Vehicular Pursuits exceeding the speed limit when the Authorized Officer/Agent has reason to believe the Subject Vehicle is Overloaded.
- (2) Vehicular Pursuits within Restricted Areas.
- (3) Vehicular Pursuits requiring travel through or in the immediate vicinity of School Zones when it is reasonable to believe that there may be a school function.

8.33 Under such circumstances, there must exist probable cause to believe a felony involving the use, or threatened use, of physical force or violence that poses an Imminent Threat has been, or is about to be committed, and a reasonable belief that the immediate need to apprehend a subject clearly outweighs the risks to the occupants of the Subject Vehicle, persons in Restricted Areas, and persons in the immediate vicinity of school zones, particularly if any Pursuit Risk Factors are present.

#### Vehicular Pursuits – Pursuit Supervisor Communications

8.34 Authorized Officers/Agents must notify a Pursuit Supervisor as soon as feasible during a Vehicular Pursuit.

8.34.1 The Authorized Officer/Agent will communicate the basis for the Vehicular Pursuit and an assessment of Pursuit Risk Factors as soon as practical to a supervisor.

8.35 Upon receipt of communication, a supervisor shall acknowledge communication and assume the role of Pursuit Supervisor.

8.36 The initial Pursuit Supervisor may relinquish command of the Vehicular Pursuit to another Pursuit Supervisor when appropriate due to location, experience, and/or assigned duties.

8.37 When supervisory notification cannot be immediately completed, it is the responsibility of the engaging Officer/Agent to ensure the Vehicular Pursuit complies with this directive and law, and to Terminate in cases where a Pursuit has been ongoing for an extended duration without supervisory notification.

8.38 If a Pursuit Supervisor has not affirmatively authorized the continuation of the Vehicular Pursuit after being notified and given an opportunity to assess the situation, the engaging Officer/Agent shall Terminate the pursuit.

8.39 Other units in the area of a Vehicular Pursuit shall notify the Pursuit Supervisor when joining a Pursuit.

#### Vehicular Pursuits – Terminations

8.40 Authorized Officers/Agents engaged in a Vehicular Pursuit shall continually assess the Pursuit Risk Factors and other considerations.

8.41 Authorized Officers/Agents shall Terminate a Vehicular Pursuit when the danger to the public, the officer/agent, other law enforcement, or vehicle occupants outweighs the immediate need to apprehend the subject, including in the following situations:

8.41.1 When conditions indicate that the immediate apprehension of a subject is no longer Necessary or the Pursuit is no longer Objectively Reasonable (considering the risk to the public, the officer/agent, other law enforcement, or vehicle occupants).

8.41.2 (b)(7)(E)

8.41.3 (b)(7)(E)  
(b)(7)(E)

8.41.4 If there is a clear and unreasonable danger to the Officer/Agent or the public. (b)(7)(E)  
(b)(7)(E)

8.41.5 If advised of any unanticipated condition, event, or circumstance that substantially increases the risk to public safety inherent to the Pursuit.

8.42 Supervisors shall Terminate a Vehicular Pursuit when conditions communicated indicate that the immediate apprehension of the subject is no longer Necessary or the Pursuit is no longer Objectively Reasonable or to prevent the occurrence of prohibited Pursuit practices as noted in 8.47, considering all the factors provided in this directive, as well as any other relevant information.

8.43 Authorized Officers/Agents engaged in a Vehicular Pursuit may Terminate the Pursuit at any time, for any reason, without supervisory approval.

8.44 Authorized Officers/Agents will immediately Terminate a Vehicular Pursuit when directed by a supervisor.

8.45 Once a Vehicular Pursuit is declared Terminated, Authorized Officers/Agents will immediately:

- (1) Notify a CBP Communications Center of their decision to Terminate.
- (2) Resume Non-Emergency/Normal Vehicle Operations.
- (3) Pull off the roadway and stop briefly in order to effectively signal (to the public and to the Subject Vehicle) that the Authorized Officer/Agent is no longer pursuing.

8.45.1 After stopping briefly, Authorized Officers/Agents shall notify a CBP Communications Center and the Pursuit Supervisor of their plan for continued travel and proceed under Non-Emergency/Normal Vehicle Operations in the Subject Vehicle's last known direction of travel for a reasonable distance to check for crashes, potential flight on foot, to determine if the Subject Vehicle was abandoned, or for any other incident.

8.45.2 Once a Vehicular Pursuit is Terminated, all ground units are prohibited from continuing to pursue the Subject Vehicle or engage in Emergency Driving.

8.46 If subsequent visual contact is made with the Subject Vehicle of a Terminated Vehicular Pursuit, supervisory approval is required before Re-Engagement in any action involving the previous Subject Vehicle, including Following, unless the facts at the time of the subsequent visual contact meet the requirements for a new Pursuit.

8.46.1 Re-Engagement is considered a new Vehicular Pursuit and must be treated accordingly by immediately making the proper notifications.

#### Vehicular Pursuits – Pursuit Prohibitions

8.47 Authorized Officers/Agents are prohibited from the following:

8.47.1 Pursuing a Subject Vehicle into Canada or Mexico (any Vehicular Pursuit that is expected to cross an international boundary shall be communicated to the appropriate foreign agencies through established local standard operating procedures).

8.47.2 Engaging in a Vehicular Pursuit when the only articulable suspected violation of law is Failing to Yield for a vehicle stop.

8.47.3 Engaging in Vehicular Pursuits without the use of Activated Emergency Equipment.

8.47.4 Engaging in Vehicular Pursuits, including Pursuits involving other jurisdictions, where there is already a Primary, Secondary, and Support unit assigned to the Pursuit (to include Caravanning and/or Shadowing).

8.47.5 Engaging in Vehicular Pursuits when there is an occupant in the Government vehicle who is not an officer/agent, including detainees, witnesses, suspects, and/or other non-law enforcement personnel.

8.47.6 Engaging in Vehicular Pursuits when operating a Non-Emergency Vehicle.

8.47.7 Paralleling or Shadowing as part of an authorized Vehicular Pursuit. Driving on an adjacent roadway with Activated Emergency Equipment for as short a time as possible to join a Pursuit as an authorized unit, or tracking a Subject Vehicle through the use of aircraft, or alternate means of observation, are not considered Paralleling or Shadowing for the purposes of this prohibition.

8.47.8 Using a spotlight to blind the driver of a Subject Vehicle.

8.47.9 [REDACTED] (b)(7)(E)  
[REDACTED] (b)(7)(E)

8.47.10 Engaging in and/or continuing Vehicular Pursuits led by, or transitioned to, other law enforcement agency unless approved by a supervisor after confirming that the Pursuit would be proper under this directive.

#### Vehicular Pursuit Roles



8.48 All Authorized Officers/Agents and their supervisors have a responsibility to continuously assess all Pursuit Risk Factors.

8.49 As any decisional factor(s) materially change during the Vehicular Pursuit, it is the responsibility of any involved Authorized Officer/Agent to:

- (1) Consider whether continuance of the Pursuit is Necessary and Objectively Reasonable.
- (2) Immediately relay changes to the Pursuit Supervisor.
- (3) Terminate the Pursuit when appropriate, including if and when the Pursuit no longer complies with this directive.

8.50 **Primary Unit** - The Authorized Officer/Agent serving as the Primary Unit in a Vehicular Pursuit ensures the Pursuit is conducted in accordance with this directive.

8.51 **Secondary Unit** - The Authorized Officer/Agent serving as the Secondary Unit in a Vehicular Pursuit shall Notify a CBP Communications Center of their involvement as the Secondary Unit and assume the principal responsibility for radio communications during the Pursuit.

8.51.1 Ensure that the Pursuit is conducted in accordance with this directive.

8.51.2 Notify a CBP Communications Center of their involvement as the Secondary Unit.

8.51.3 Assume the principal responsibility for radio communications during a Pursuit (this shall not preclude, at any time, the Primary Unit's ability to communicate directly with a CBP Communications Center and the Pursuit Supervisor).

8.51.4 Provide updates and recommendations to the Primary Unit and Pursuit Supervisor based on their observation of conditions and risks.

8.51.5 Terminate the Pursuit if, at any time, circumstances change such that the Pursuit is no longer Necessary and Objectively Reasonable or continuation of the Pursuit would violate other requirements set forth in this directive, or when ordered by a supervisor.

8.52 **Support Unit** - An Authorized Officer/Agent serving as a Support Unit shall:

8.52.1 Ensure the Pursuit is conducted in accordance with this directive.

8.52.2 Provide backup for apprehension purposes/additional coverage during High-Risk Stops.

8.52.3 Provide updates and recommendations to the Primary Unit and Pursuit Supervisor based on their observation of conditions and risks.

8.52.4 Terminate the Pursuit if, at any time, the circumstances change such that the Pursuit is no longer Necessary or Objectively Reasonable or that continuation of the Pursuit would violate other requirements set forth in this directive, or when ordered by a supervisor.

8.53 **Pursuit Supervisor** – The appropriately trained, supervisory Authorized Officer/Agent serving as the main oversight official during a Vehicular Pursuit shall:

8.53.1 Ensure the Pursuit is conducted in accordance with this directive.

8.53.2 Acknowledge radio communications and assume responsibility for all Pursuits conducted on their watch, including actions taken to initiate Pursuits by subordinates prior to supervisory notification.

8.53.3 Ensure any officers/agents engaged in a Pursuit are Authorized Officers/Agents who have completed all required Pursuit-related training.

8.53.4 Not engage in a Pursuit itself (if the Pursuit Supervisor joins the Pursuit, another supervisor shall assume the duty of Pursuit Supervisor).

8.53.5 Consider whether Pursuit prevention or intervention tactics, including the availability of aerial surveillance, might allow for Pursuit avoidance or Termination.

8.53.6 Consider if another law enforcement agency should take primary control of the Pursuit based on the suspected crime, agency capabilities, jurisdictional boundaries, and familiarity with the area.

8.53.7 Order a Pursuit Terminated when the Pursuit is no longer determined to be Necessary or Objectively Reasonable or when the actions of CBP or other law enforcement agencies involved in the Pursuit are inconsistent with this directive.

8.53.8 Ensure a Pursuit is Terminated upon receiving a Termination decision from any of the involved Authorized Officers/Agents or a superior.

8.53.9 Respond to the endpoint location of the Pursuit and conduct an after-action debriefing with involved officers/agents when feasible.

8.54 **CBP Communications Center** - A CBP Communications Center (or any entity acting as a communications relay) shall oversee the communications functions, assist in supervisory notification, ensure approval requests are answered in a timely manner (b)(7)(E)

(b)(7)(E)

#### Vehicular Pursuits – Communication

8.55 As soon as feasible, Authorized Officers/Agents shall transmit the following information:

8.55.1 Whether the unit has one or two Authorized Officers/Agents as well as the unit's location, speed, and direction of travel.

8.55.2 A description of the Subject Vehicle, license plate number/state (if known), and the number of visible occupants.

8.55.3 The suspected criminal violation that justifies the Vehicular Pursuit, other than fleeing.

8.55.4 The road and weather conditions, including traffic volume.

8.55.5 The estimated speed of the Subject Vehicle.

8.55.6 The manner of driving of the Subject Vehicle (erratic, controlled, etc.).

8.56 Upon notification/recognition that a Vehicular Pursuit is in progress, the CBP Communications Center (or if not available, any officer/agent that can relay the information) shall immediately:

8.56.1 [REDACTED] (b)(7)(E)  
[REDACTED] (b)(7)(E)

8.56.2 Ensure 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, Field Office, Office, or Branch).

8.56.3 Notify the local Air and Marine Operations (AMO) Air Branch or, if unavailable, other air assets to request support where appropriate.

8.56.4 Monitor/record all incoming information about the Pursuit, solicit the pursuing Authorized Officers/Agents for missing information as required, and periodically broadcast updates during the Pursuit.

8.56.5 Execute relevant records checks on the Subject Vehicle and advise the pursuing units of the results, as appropriate.

8.56.6 Ensure the appropriate agencies are advised when a Pursuit is occurring within or adjacent to their respective AORs, and when Pursuits are approaching jurisdictional boundaries.

8.56.7 Broadcast Termination of the Pursuit along with the Termination location.

8.57 The CBP Communications Center will update all previously notified agencies, other Authorized Officers/Agents, and local law enforcement, if applicable, that the Vehicular Pursuit has ended and reason (e.g., Termination, bailout, apprehension).

#### Vehicular Pursuit Prevention or Intervention Tactics

8.58 The use of alternative, less intrusive or dangerous tactics, such as aerial support, Remote Vehicle Tracking technologies, and/or other prevention techniques is preferred, when feasible, because these techniques are generally safer than engaging in a Vehicular Pursuit.

8.59 When considering whether to utilize Vehicular Pursuit Prevention or Intervention Tactics, Authorized Officers/Agents should take into account:

8.59.1 The circumstances and conditions apparent at the time, as well as the potential risk of injury to the public, officers/agents, other law enforcement, and vehicle occupants.

8.59.2 The potential consequences of such tactics against the need to immediately stop the Subject Vehicle.

8.60 **Any use of objects or techniques not covered in this directive or CBP's Use of Force Policy** that are meant to restrict or obstruct the movement of a Subject Vehicle are prohibited.

#### Vehicular Pursuit Prevention or Intervention Tactics – Aerial Support

8.61 Aerial surveillance and assistance shall be utilized to the maximum extent possible.

8.61.1 When participating in Vehicular Pursuits, aircraft should operate in a covert posture to the maximum extent possible.

8.61.2 **When safe to do so, the aircrew should activate the aircraft's video systems equipment, if equipped with an operable system.**

8.61.3 Air units involved in a Vehicular Pursuit should support the pursuing ground units by helping to relay information pertaining to the Pursuit's location, direction of travel, any traffic and/or road hazards, and any conditions that may hinder the ability to conduct the Pursuit while minimizing risk.

8.61.3.1 Such information should be used to consider other options, such as Terminating the Pursuit or using less intrusive or dangerous tactics on a case-by-case basis.

8.61.4 [REDACTED] (b)(7)(E)  
[REDACTED] (b)(7)(E)  
[REDACTED] (b)(7)(E)

8.61.5 Air units involved in the Vehicular Pursuit should utilize their enhanced vantage point to provide ground units with advanced notice of new/evolving Pursuit Risk Factors along the anticipated path (and proximate areas) of the Pursuit.

8.61.5.1 Air units should alert the Authorized Officers/Agents conducting the Pursuit if operational circumstances and/or approaching Pursuit Risk Factors change such that continuing the Pursuit would be unsafe.

Vehicular Pursuit Prevention or Intervention Tactics – Vehicle Tracking

8.62 Remote Vehicle Tracking technologies that are consistent with law and CBP guidance may be utilized to the maximum extent possible to avoid engaging in a Vehicular Pursuit.

8.63 When Remote Vehicle Tracking technologies are deployed, Authorized Officers/Agents may be granted supervisory approval to follow the Subject Vehicle [REDACTED] (b)(7)(E)

[REDACTED] (b)(7)(E)  
[REDACTED] (b)(7)(E)

Vehicular Pursuit Prevention or Intervention Tactics – Vehicle Immobilization Devices (VIDs)

8.64 A properly placed VID may be used to reduce the likelihood of engaging in a Vehicular Pursuit.

8.65 **Additional guidance on VIDs is provided in CBP's Use of Force Policy.**

Vehicular Pursuit Prevention or Intervention Tactics – Boxing-In

8.66 Boxing-In of moving vehicles is prohibited.

8.67 Attempting to obstruct a Subject Vehicle's pathway in a manner that is not consistent with CBP training and CBP's Use of Force Policy is prohibited.

Vehicular Pursuit Prevention or Intervention Tactics – Offensive Driving Techniques (ODTs)

8.68 Pursuit Immobilization Techniques maneuvers are specifically prohibited.

8.69 Other ODTs may only be employed in accordance with CBP's Use of Force Policy.

Vehicular Pursuit Prevention or Intervention Tactics – Other Vehicle Contact Actions

8.70 Any other Vehicle Contact Actions, not explicitly defined or covered in this directive or CBP's Use of Force Policy, may only be used on stationary vehicles and as actions to stop a driverless vehicle, unless being utilized in instances where the occupant(s) of the vehicle pose an Imminent Threat of serious bodily injury or death, in accordance with CBP's Use of Force Policy.

Vehicular Pursuit Prevention or Intervention Tactics – Stationary Vehicle Blocking

8.71 Restricting or obstructing the immediate escape of a stationary vehicle may be utilized to prevent a potential Vehicular Pursuit.

Vehicular Pursuits – Pursuits Involving Other Agencies

8.72 In the event that a state or local law enforcement unit joins a CBP Vehicular Pursuit and requests to assume the Primary Unit position:

8.72.1 The Pursuit Supervisor will determine if it is appropriate to relinquish the Primary Unit position to the state or local police officer and/or law enforcement official.

8.72.2 If determined to be appropriate, the Pursuit Supervisor will notify the Primary Unit.

8.72.3 Once notified of the intent to relinquish the primary position, the Primary Unit will determine the most appropriate time to accomplish the transition. The Primary Unit shall notify the Pursuit Supervisor of any delays and when the transition has been completed.

8.73 Authorized Officers/Agents shall not engage in or continue Vehicular Pursuits led by, or transitioned to, other law enforcement agency unless approved by a supervisor after determining the Pursuit would be consistent with CBP policy.

8.74 The Pursuit Supervisor is responsible for informing the other involved agency that the Vehicular Pursuit is not authorized under CBP policy and of CBP's decision to Terminate.

Vehicular Pursuits – Task Force or Other Agency Assignment Pursuits

8.75 Authorized Officers/Agents assigned to task force operations will comply with this directive and CBP policy.

8.76 Authorized Officers/Agents assigned to task force operations that are engaged in Emergency Driving shall not engage in or continue Vehicular Pursuits led by, or transitioned to, other agencies unless approved by a supervisor after determining the Pursuit would be consistent with this directive.

8.77 Authorized Officers/Agents participating in a Vehicular Pursuit as part of their task force duties will immediately notify their home supervisor of their involvement in a Pursuit (as part of their task force assignment), along with all known outcomes (including injuries, property damage, etc.).

8.78 All Authorized Officers/Agents involved in a Vehicular Pursuit as part of their task force duties will follow the reporting requirements found in Section 9.

## **9. REPORTING.**

### Vehicular Pursuits Reporting – Incident Reporting Requirements

9.1 An Authorized Officer/Agent will provide written justification explaining the circumstances of the Vehicular Pursuit, their decision-making process, and actions consistent with Agency policy and this directive in post-incident reporting of any Pursuit.

9.2 **Failure to Yield Incidents with no Vehicular Pursuit actions must be reported in CBP's Enforcement Action Statistical Analysis and Reporting System (E-STAR)** by CBP Communications Center personnel, if such personnel are not available, then a CBP law enforcement supervisor will complete this task. At a minimum, Failure to Yield reports must contain time, date, name(s) of officer(s)/agent(s) involved, location, and vehicle identification/description information.

9.3 When a CBP Communications Center manages communications during a Vehicular Pursuit, involved Authorized Officers/Agents will receive a copy of the Intelligent Computer Assisted Detection ticket, or equivalent, prior to submitting a report.

9.4 All Authorized Officers/Agents involved in a Vehicular Pursuit must document and report the Pursuit and the associated usage of all devices and/or techniques covered in this directive in E-STAR. A single Incident Report will be produced for each Pursuit recording the participation of all involved CBP personnel, components, and external agencies.

9.4.1 The Pursuit Supervisor will ensure each involved Authorized Officer/Agent is added as an involved employee in the E-STAR Incident Report such that they are able to complete their portion of the report.

9.4.2 The Pursuit Supervisor, Primary, Secondary, and Support Units, along with each involved Authorized Officer/Agent shall create and include individual narratives and/or memoranda into a single E-STAR Incident Report.

9.4.3 Reports shall be entered into the system within 24 hours of the time the incident occurs and completed within 72 hours.

9.4.4 Authorized Officers/Agents may be assisted in the preparation of the reporting requirements by a supervisor(s) and/or other employees involved in the Pursuit.

9.5 All Vehicular Pursuit reports shall contain the information outlined in Appendix A.

### Vehicular Pursuits Reporting – Report Review Procedures

9.6 Reports submitted in E-STAR must include written justification of participating Authorized Officer/Agent and Pursuit Supervisor decisions based on Pursuit Risk Factors and other circumstances.

9.7 A CBP supervisor who was not involved in the Vehicular Pursuit shall review the E-STAR Incident Report for completeness and submit/approve the report in the system within 72 hours.

9.8 Vehicular Pursuit Incident Reports will be reviewed for compliance with this directive as follows:

9.8.1 For Pursuits not involving a reportable use of force, vehicle accident, property damage, or injury to subjects, bystanders, or officers/agents, a CBP supervisor shall indicate if they believe the Pursuit to have been in compliance/non-compliance with this directive. In the event of suspected non-compliance, the supervisor shall include a cover memorandum of the incident in E-STAR, **which includes the supervisor's initial assessment of the reasons for the suspected non-compliance**, which shall be forwarded to the Joint Intake Center or the Office of Professional Responsibility (OPR) consistent with the CBP Standards of Conduct.

9.8.2 For Pursuits not involving a reportable use of force, but result in a vehicle accident, property damage, or injury or death to subjects, bystanders, or officers/agents, CBP supervisors shall refer the incident to the Vehicular Pursuits Review Committee for review and compliance assessment.

9.8.3 For Pursuits involving a reportable use of less-lethal force, CBP supervisors shall refer the incident to the Local Use of Force Review Board (LUFRRB) for review and compliance assessment.

9.8.4 For Pursuits involving a reportable use of deadly force, or any use of force, that results in serious bodily injury or death, CBP supervisors will refer the incident to the National Use of Force Review Board (NUFRB) for review and compliance assessment.

9.8.5 If any potential misconduct or policy violations are identified by the CBP supervisor, the Incident Report will be referred to OPR.

9.8.6 The Law Enforcement Safety and Compliance Directorate (LESC) will conduct regular reviews of E-STAR Pursuit Incident Reports for proper documentation and statistical information and to identify Pursuit best practices and recommendations. LESC shall refer any potential misconduct or policy violations not previously identified by the field supervisor to OPR.

9.8.7 The Vehicular Pursuits Review Committee will review Pursuit incident reports not involving a reportable use of force to:

9.8.7.1 Determine if the Pursuit complied with CBP policy.

9.8.7.2 Identify any potential misconduct.

9.8.7.3 Assess any training, tactical, equipment, or policy issues.

9.9 Incident Reports containing audio/video recordings of Vehicular Pursuits shall be maintained in accordance with CBP directives and applicable retention schedules.

9.10 An electronic copy of all Vehicular Pursuit Incident Reports shall be accessible at CBP Headquarters and the relevant Sector, Field Office, or Branch.

9.11 Consistent with Subsection 7.4.2, a memorandum must be submitted by the involved

officer/agent's field leadership (i.e., USBP Sector Chief Patrol Agents, AMO/OFO/OPR Directors) within 14 calendar days of the Vehicular Pursuit to headquarters leadership and to OPR's Office of Investigative Operations.

9.11.1 Submit a memorandum to the recipients outlined in Subsection 7.4.4 providing an analysis of decision-making related to the Pursuit. This analysis should include:

9.11.1.1 An initial **assessment of the supervisor's determination regarding the Pursuit's** compliance or non-compliance with this directive based on the information available at the time of the determination.

9.11.1.2 Whether the law enforcement or public safety benefit justified the potential risk.

9.11.1.3 Strengths and weaknesses of pursuit-related decisions.

9.11.1.4 Whether the supervisor conducted an after-action debriefing related to the Pursuit, including any feedback provided in such briefing.

9.12 A copy of each memorandum required in Subsection 7.4.2 shall be provided to LESC to be analyzed as part of the annual Vehicle Pursuits report.

#### Vehicular Pursuits Reporting – CBP Management Review of Pursuits

9.13 CBP will establish committees to review CBP Vehicular Pursuits that occur on a monthly basis.

9.14 The review committee will provide senior component leadership and LESC with a written and objective assessment that articulates whether each Vehicular Pursuit was consistent or inconsistent with applicable laws, Agency policy and document any observations or proposals pertaining to relevant operational and/or administrative issues, tactics, and training.

#### Vehicular Pursuits Reporting – Annual Reporting Requirements

9.15 LESC shall submit an annual Vehicular Pursuit report(s) documenting and analyzing Pursuits from the previous fiscal year to the CBP Commissioner, the USBP Chief and relevant Executive Assistant Commissioners, the Assistant Commissioner of OPR, USBP Sector Chiefs and Chief Patrol Agents, and AMO/OFO/OPR Directors.

9.16 The Vehicular Pursuit report shall contain yearly totals of the following:

9.16.1 Pursuits engaged in by AMO, OFO, and USBP, including by sector.

9.16.2 Pursuit incidents involving a fatality, injury, or damage to Government or private property, as a result of the Pursuit.

9.16.3 Assessment of policy compliance for such Pursuits.

9.16.4 An assessment of supervisor management of Pursuits.

9.16.5 An assessment of any systemic issues in the conduct of Pursuits.

9.16.6 Pursuits that were Terminated pursuant to supervisory direction and the reason(s) for the Termination.



9.16.7 Pursuits that were Terminated by an Authorized Officer/Agent without supervisory direction, and the reason(s) for the Termination.

9.16.8 Vehicles that escaped apprehension after a Pursuit.

9.16.9 Pursuits that resulted in the initiation of prosecution.

9.16.10 Pursuits that resulted in the initiation of a CBP administrative action.

9.16.11 Arrests and asset seizures that occurred as a result of the Pursuit.

## **10. TRAINING.**

**10.1 Immediately following this directive's final approval/signature date, LESC will work with USBP, OFO, AMO to initiate a phased, implementation plan.**

10.1.1 This phased implementation plan will include the distribution of communications materials and conducting Agency-wide plain-language instructional courses designed to ensure that all authorized CBP officers/agents, instructors, and leaders are sufficiently trained and provided with a comprehensive understanding of CBP's revised Emergency Driving and Vehicular Pursuits directive. This directive will become effective following this roll-out on May 1, 2023.

10.2 Only Authorized Officers/Agents who have successfully completed an initial CBP-approved Driver Training Program, annual policy/legal training, and other required training, as prescribed by LESC, are authorized to engage in Emergency Driving and Vehicular Pursuits.

10.3 Only those supervisors who have successfully completed an initial CBP-approved Driver Training Program, annual policy/legal training, and other required supervisory training, as prescribed by LESC, are authorized to serve as Pursuit Supervisors.

**11. POINT OF CONTACT.** Any questions can be directed to PD Taskings.

**12. NO PRIVATE RIGHTS CREATED.** This document is an internal policy statement of CBP and does not create or confer any rights, privileges, or benefits for any person or party.



**Troy A. Miller**  
**Acting Commissioner**  
**U.S. Customs and Border Protection**

03/20/2023  
**Date**