

U.S. Customs and Border Protection Use of Force Reviews, Recommendations and Next Steps

U.S. Customs and Border Protection's (CBP) uniformed professionals too often face life-threatening confrontations as they secure America's borders. A critical issue for CBP is determining how best to keep its agents and officers safe when confronted by dangerous situations. It is equally important that the American people have full confidence that our officers and agents use force in a manner consistent with agency policy and law enforcement best practices.

In line with this mission, in October 2012, then Deputy Commissioner David Aguilar directed CBP to undertake a comprehensive review of CBP's use of force policy and execution. This review process included an internal review by CBP's Use of Force Policy Division, and an external, independent review by the Police Executive Research Forum (PERF), a non-profit police research organization that provides management services and technical assistance to support law enforcement agencies. Concurrently, while the CBP and PERF reviews were on-going, the Department of Homeland Security's Office of the Inspector General also conducted a review of the CBP use of force program. The recommendations from these three reviews called for enhancements to use of force training and tactics, additional tools to provide for better analysis of use of force incidents and trends that will better inform policy decisions, a wider array of equipment options be made available to agents and officers, and improvement in particular areas of operational and tactical posture.

CBP has agreed with the spirit and concerns underlying the more than 90 recommendations from the three reviews and is taking steps to implement them, all while considering specific operational concerns, border environment, safety issues, union negotiations, and resource constraints. CBP has already begun making changes in each of four overarching initiatives below.

- Improve the review and analysis of use of force incidents to understand trends and improve use of force policy, training, tactics, and equipment;
- Identify additional or alternative weapons and equipment to improve agents' ability to de-escalate confrontations;
- Review and enhance current training and tactics and implement necessary reforms to ensure agents and officers are better equipped to assess and respond to threats; and
- Establish a stakeholder engagement framework to better inform enhancements to CBP's use of force training.

Under CBP's use of force program and practices, CBP agents and officers shall use only the force that is objectively reasonable to affect an arrest, while protecting the life of the agent, officer, or others. Excessive force is strictly prohibited. CBP agents and officers may use deadly force only when the agent or officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the agent, officer, or to another person.

Implementation of these recommendations will standardize CBP policies, practices, procedures, reporting, and oversight of the use of force program and its application. Additionally, CBP will

continue to evaluate the use of force program and practices to ensure the safety of our law enforcement personnel and the public with whom we interact and protect. Below is a summary of the actions that have already been completed or are underway and will be implemented as a result of these reviews.

Actions Already Completed or Underway:

- CBP is providing its agents and officers with more options – whether through equipment, training, or tactics – to handle threats along the border and help agents and officers de-escalate confrontations.
- CBP is implementing an expanded field audit program which will allow CBP to continuously assess the equipment and tactics used by our agents and officers and better determine what changes or additional training is needed.
- CBP established an on-going dialogue with external stakeholders to better inform improvements to CBP's use of force training.

Near Term Actions:

- CBP is updating the CBP Use of Force Policy Handbook to incorporate many review recommendations.
- CBP is making changes to its tracking systems used to report incidents of uses of force and is implementing an enhanced use of force incident mapping system to provide clearer operational awareness for CBP management. With these technological changes, CBP will be able to identify best practices and better track and analyze use of force incidents, allowing for improved oversight of use of force incidents and enhanced evaluations of the effectiveness of use of force training and policy.
- CBP is unifying and consolidating all aspects of its use of force reporting, analysis, policy, training, and equipment by establishing the CBP Use of Force Center of Excellence at the Advanced Training Center.
- CBP is completing a full-scale evaluation and redesign of its basic training curriculum, to further build upon the training, knowledge, and equipment options for agents and officers in order to help officers recognize potentially dangerous situations and take alternative approaches. For example, beginning in fiscal year 2014, the Border Patrol Agent Basic training curriculum will incorporate four additional days of scenario-based use of force training. Also, CBP will provide a more realistic setting by completing construction of international border fence training venues at the Border Patrol Academy and begin similar construction at the Advanced Training Center.

Future Actions:

- CBP will continue to identify and field test new technology that will help agents and officers address potential threats and de-escalate situations.
- CBP will continue field testing and purchasing of additional use of force training simulators, in an effort to capitalize and expand training.
- CBP will pilot the use of video cameras mounted in CBP vehicles and on CBP agents and officers, possibly through lapel cameras, to both reduce the number of incidents when force is used and also protect officers who face false accusations of misconduct.
- CBP will continue to increase multiple enforcement and de-escalation options for agents and officers and provide additional targeted training.