



United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

May 2, 2019

The Honorable John Sanders
Acting Commissioner
United States Customs and Border Protection
Washington, D.C. 20528

Dear Acting Commissioner Sanders:

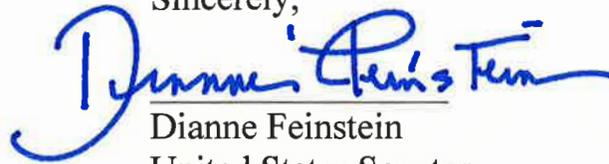
I write to express serious concern over the numerous fatalities caused by Border Patrol car chases, especially in California. Recent reports indicate that Border Patrol vehicle pursuits resulted in at least 250 injuries and 22 deaths from 2015 to 2018. In light of the tragic cost of these chases, I ask that Customs and Border Protection (CBP) immediately re-evaluate its vehicle pursuit policies.

I strongly agree with the Department of Justice's recommendations, that law enforcement should consider the severity of an offense and the potential for injuries and fatalities before initiating a high-speed vehicle pursuit. However, CBP's pursuit policy does not follow the Justice Department guidelines, but instead offers insufficient protection against possible injuries and fatalities, either to bystander members of the public or occupants of a pursued vehicle. This has led to catastrophic and unwarranted results.

Specifically, I am concerned that these inadequate guidelines may have contributed to numerous deaths during recent CBP vehicle pursuits, including the death of a Sacramento man in Chula Vista on April 25, of three individuals in eastern San Diego County in November 2018, and of three individuals, including a child, in Rancho Bernardo in August 2017. Accordingly, I urge you to re-evaluate the CBP pursuit policy in light of these deaths and Justice Department recommendations. I also ask that you provide responses to the attached questions by May 24, 2019.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me or have your staff contact my office.

Sincerely,

A handwritten signature in blue ink that reads "Dianne Feinstein". The signature is written in a cursive style with a large initial "D".

Dianne Feinstein
United States Senator

Please provide answers to the following questions as promptly as possible:

1. Please provide a current copy of CBP's vehicle pursuit standards. When was that guidance last updated?
2. In developing its vehicle pursuit guidelines, did CBP consider the Justice Department's Issues and Practices document, entitled "Restrictive Policies for High-Speed Police Pursuits"? If so, please describe how CBP considered the DOJ document in developing its own guidelines.
3. Has CBP considered ways to reduce the risk of injuries and fatalities to passengers in pursued vehicles, who may be victims rather than perpetrators of smuggling offenses? If so, please describe what options have been considered to reduce risk of harm to these individuals.
4. What does CBP consider to be a sufficient "law enforcement benefit" to justify pursuits that carry a significant risk of serious injuries or fatalities to smuggling victims or the general public? In making this calculation, why does CBP's vehicle pursuit guidance fail to direct agents to consider whether the offense justifying the pursuit is a misdemeanor or a nonviolent felony?
5. In considering future updates to the CBP vehicle pursuit guidance, will you commit to evaluating best practices for vehicle pursuits, as identified by major metropolitan police departments and the police departments in jurisdictions that touch the southern border?