

GAO Highlights

Highlights of [GAO-24-106148](#), a report to congressional requesters

Why GAO Did This Study

With more than 60,000 employees, CBP is the nation's largest federal law enforcement agency and is responsible for securing U.S. borders while facilitating legitimate travel and trade. When conducting their duties, CBP law enforcement personnel may be involved in critical incidents. For example, in 2023, critical incidents occurred when a vehicle struck and injured Border Patrol agents and when a child died in CBP custody. CBP personnel may also be involved in noncritical incidents.

GAO was asked to review CBP's approach in responding to incidents. This report assesses how Border Patrol CITs operated before they were disbanded in 2022, Border Patrol's response to noncritical incidents since that time, and how OPR has developed capacity and implemented investigative standards for critical incident response. GAO analyzed Border Patrol documents on CIT operations from fiscal years 2010 through 2022. GAO interviewed Border Patrol officials from headquarters and the nine southwest border sectors. GAO also analyzed OPR documents and data and interviewed OPR officials. GAO conducted site visits to three southwest border locations.

What GAO Recommends

GAO recommends that Border Patrol implement guidance that standardizes sector approaches to noncritical incident response and monitor adherence to the guidance, and that OPR develop guidance for investigators on identifying potential impairments to their independence and train investigators on how to apply the guidance. CBP concurred.

View [GAO-24-106148](#). For more information, contact Rebecca Gambler at (202) 512-8777 or gambler@gao.gov.

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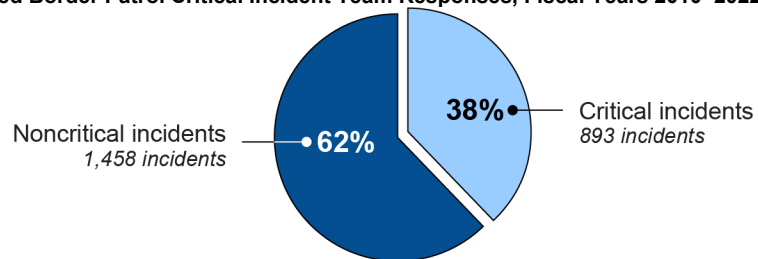
SOUTHWEST BORDER

CBP Could Take Additional Steps to Strengthen Its Response to Incidents Involving Its Personnel

What GAO Found

Within U.S. Customs and Border Protection (CBP), seven of nine U.S. Border Patrol sectors on the southwest border independently operated critical incident teams (CIT) that responded to and investigated critical incidents. CBP defines a critical incident as an incident involving CBP personnel that results in a serious injury, a death, a use of deadly or excessive force, or widespread media attention. The teams also responded to noncritical incidents, such as a vehicle crash with no injuries. From fiscal years 2010 through 2022, CITs responded to an estimated 2,351 incidents (see figure).

Estimated Border Patrol Critical Incident Team Responses, Fiscal Years 2010–2022



Source: GAO analysis of U.S. Border Patrol documentation. | GAO-24-106148

Before 2022, CBP did not have a unified approach to critical incident response. Border Patrol headquarters did not create the CITs or oversee their operations. In 2022, CBP directed Border Patrol to disband the CITs and assigned critical incident response to CBP's Office of Professional Responsibility (OPR). Border Patrol sectors disbanded their CITs and continue to respond to noncritical incidents, which they approach inconsistently. Some sectors collect limited information about these incidents, which, according to Border Patrol officials, the agency needs to assess liability for associated property damage. One sector created a specialized team to respond to these incidents, but OPR officials raised concern that its activities may infringe on OPR's critical incident responses. Implementing standardized guidance for noncritical incident response and monitoring adherence to it would help Border Patrol ensure sectors' activities align with their responsibilities for noncritical incidents.

While OPR became solely responsible for CBP critical incident response in October 2022, it did not have sufficient resources to carry out these activities. OPR has since increased its capacity to respond to critical incidents by, for example, initiating a hiring surge to nearly double its investigator workforce.

OPR has made significant progress implementing investigative standards—which it adopted in 2020—but it could strengthen its efforts regarding investigator independence. OPR has limited guidance or formal training regarding independence. Further, its significant number of new hires, of which more than half are from Border Patrol, present increased risks for impairments to independence to arise. Developing guidance and training to help investigators identify such potential impairments could provide OPR and CBP leadership with further assurance that critical incident investigations are objective and unbiased.