



DHS limits power of controversial Border Patrol teams

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U.S Customs and Border Protection (CBP) is limiting the responsibilities of controversial quick response teams within the Border Patrol that immigration advocates say helped cover up incidents of abuse by agents.

The memo, signed last week but released by CBP Tuesday, aims to increase oversight of "critical incident teams" (CITs), issuing new standards while consolidating internal investigative power in the Office of Professional Responsibility (OPR).

The Hill first reported last week that CBP planned to sign a memo addressing CITs amid growing criticism, including calls from lawmakers for an Governmental Accountability Office review of the teams along with another congressional letter pointing to known instances of evidence tampering from CITs.

Pressure has mounted on the Border Patrol to reform CITs, which are not formally codified in the CBP operations manual and which some border community advocates have characterized as "shadow police units."

Allegations against CITs and other instances of Border Patrol self-policing go back decades, but the death of a migrant in Border Patrol custody in 2010 energized activists against the practice.

The memo gives OPR greater power in reviewing a number of Border Patrol actions, including any use of force incident, any pursuit that results in injury or death, and any death of a CBP employee, and migrants in their custody or that they encounter.

"To the extent USBP CIT personnel respond to these incidents to provide specialized scene processing or evidence collection capabilities, it must be done so at the direct request of OPR

personnel and under the guidance of the OPR incident commander,” according to the memo signed by Border Patrol Chief Raúl Ortiz and OPR assistant commission Matthew Klein.

“If CIT team personnel are notified of a critical incident, they will immediately notify the OPR duty agent to determine whether a response is required. CIT teams will not respond to a critical incident unless specifically requested to do so by the OPR duty.”

CIT personnel are also prohibited from conducting any interviews without express permission.

“This is essential to avoid even the appearance of a conflict of interest,” the memo states.

CIT procedures will otherwise remain the same for incidents not under the purview of OPR, such as minor traffic accidents.

Immigration activists have long accused the Border Patrol of covering up agents' misdeeds, but their complaints for years fell on deaf ears.

“Without any federal authority, BPCITs investigate incidents of agent-involved use of force, and they work to mitigate and conceal their culpability. The actions of these Border Patrol units to withhold, destroy, and corrupt evidence and to tamper with witnesses have gone unchecked for decades,” the Southern Border Communities Coalition wrote to lawmakers serving on national security committees last October.

Since its creation in 2016, OPR has been in charge of internal affairs investigations throughout CBP.

While CBP-wide termination rates for disciplinary causes did not significantly increase immediately after OPR's creation, termination and arrest rates for Border Patrol agents outpaced those of other CBP components three out of four years since the creation of OPR, according to research by the Cato Institute.

“Maintaining the public’s trust is vital to our mission. CBP continually evaluates and improves upon its policies, practices, and procedures to ensure they are consistent with the law, and adhere to the highest standards,” CBP Commissioner Chris Magnus said in a statement.

“CBP has made tremendous strides improving oversight and training, and in reducing incidents involving the use of force.”