

SUBJECT: Guidance on Safe and Legally Compliant Vehicle Extraction Operations

This memorandum provides essential guidance and reiterates critical policy considerations for all U.S. Customs and Border Protection (CBP) personnel involved in vehicle extraction operations. Our commitment to officer/agent safety, public safety, and adherence to legal standards is paramount. This guidance is designed to ensure that all vehicle extractions are conducted safely, effectively, and in full compliance with established legal frameworks and CBP policy.

Operational Priorities

For safe and effective vehicle extractions, de-escalation is key. Always begin with clear verbal commands to direct subjects and communicate intent. When necessary, deploy Law Enforcement Safety and Compliance Directorate-approved stop sticks to immobilize vehicles, preventing flight and reducing dynamic risks. When breaking glass, utilize recommended tools like spring-loaded punch-style devices. Officers/agents should be trained in proper techniques to minimize injury risks to all parties.

Overall safety considerations require continuous assessment of the situation. Ensure all actions are proportional to the perceived threat and the subject's level of compliance. Safely block the target vehicle with other vehicles, ensuring officers/agents avoid unsafe positioning. Additionally, ensure lethal coverage is available, if necessary, in accordance with use of force policy.

Use of Force

All force used during vehicle extractions must comply with the Fourth Amendment's reasonableness standard. This is guided by the Graham factors: severity of the crime, immediate threat to safety, and resistance or flight. Courts evaluate the totality of the circumstances: no single factor is determinative. Your detailed articulation of the event, including perceived threats and rationale for actions, is crucial for legal defensibility.

During a lawful stop, officers/agents can order drivers (per *Pennsylvania v. Mimms*) and passengers (per *Maryland v. Wilson*) out of a vehicle without additional suspicion. It is possible that some drivers or passengers may not comply with such lawful orders. In such cases, breaking

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a window to remove the driver or passenger may ultimately become necessary. *Breaking a window alone is generally not considered use of force unless accompanied by physical force on the individual.*

When breaking a window to remove a driver or passenger from a vehicle, courts generally consider proportional uses of force reasonable when suspects pose safety risks, are noncompliant, or are suspected of serious crimes. Conversely, uses of force that are excessive and unreasonable include physically pulling a suspect through a broken window, particularly where that suspect is passively resisting, posing no threat, and the crime they are suspected of committing is minor. Courts favor measured and ascending uses of force when provided with clear warnings.

Best Practices

Always act reasonably under the totality of the circumstances, considering crime severity, threat level, resistance type, and any other relevant factors. Provide clear warnings and allow time for compliance when feasible. This strengthens the reasonableness of your actions. Use only objectively reasonable and necessary force to carry out your law enforcement duties.

By following this guidance, we uphold the highest standards of professionalism, protect our personnel and the public, and ensure the integrity of CBP's mission. The Law Enforcement Safety and Compliance Directorate (LESC) will be developing a video on the proper use of glass-breaking tools to further support this guidance