



**U.S. Customs and
Border Protection**

Commissioner

MAY 03 2022

MEMORANDUM FOR: See Distribution

FROM: Chris Magnus
Commissioner

SUBJECT: Critical Incident Response Transition and Support

The purpose of this memorandum is to ensure unity of effort amongst U.S. Customs and Border Protection (CBP) components in carrying out the necessary and time sensitive tasks associated with ensuring the Office of Professional Responsibility (OPR) can assume full responsibility for responding to, and processing, critical incident scenes involving CBP personnel and operations no later than October 1, 2022.¹ Guidance issued earlier this year emphasized that any use of specialized component capabilities for this purpose, including U.S. Border Patrol (USBP) critical incident teams, must be done under the direction of the OPR incident commander. Effective October 1, 2022, OPR will assume full responsibility for the critical incident response function utilizing its own assigned personnel. To ensure our Agency achieves the highest levels of accountability, OPR will be the CBP entity responsible for responding to critical incidents and ensuring all reviews and investigations are conducted by personnel with appropriate expertise, training, and oversight. Accordingly, OPR is also CBP's lead for dealing with external investigative and prosecutive entities related to these incidents.

The Fiscal Year (FY) 2022 Department of Homeland Security appropriation provides substantial resources to enable OPR to hire additional personnel to carry out this essential function. While OPR is funded to bring as many as 350 new personnel on-board using this two-year budget authority, initial estimates are a significant number of new personnel must be hired, and trained, to ensure OPR is able to carry out its critical incident response function. Support from each of your offices will be instrumental in ensuring OPR is able to do so by October 1, 2022, in the following areas:

OPR: In addition to managing the overall effort to transition CBP's critical incident response capability, OPR's Personnel Security and Credibility Assessment Divisions will assign sufficient priority to ensure applicants fulfilling these positions are able to move through the hiring process as quickly as possible. OPR will also collaborate closely with Laboratories and Scientific Services (LSS) to establish overall program management for CBP's crime scene processing capability.

¹ A critical incident is defined as any incident that involves CBP personnel that results in, or is intended or likely to result in, serious bodily injury or death; a use of force; or widespread media attention.

USBP: USBP will continue to support OPR throughout FY22, as needed, to process critical incidents, as well as support ongoing efforts to temporarily reassign or assist with transferring interested Border Patrol agents with specialized skills to OPR for this purpose. By the end of FY22, USBP will eliminate all Critical Incident Teams and personnel assigned to USBP will no longer respond to critical incidents for scene processing or evidence collection. USBP will maintain capabilities to process evidence from border enforcement seizures and to document management inquiries.

LSS: LSS will continue its ongoing efforts to train OPR special agents in specialized crime scene processing. In addition, LSS will collaborate with OPR and the Office of Human Resources Management (HRM) to develop a position description for field-based crime scene investigators which will be assigned to OPR to bolster critical incident scene processing. LSS will govern the accreditation process for critical incident scene processing and certification for personnel, as needed. LSS will also work closely with OPR to identify or establish standardized training and response protocols for processing critical incident scenes, and identify required equipment or technology for acquisition.

HRM: HRM will collaborate closely with OPR and LSS to ensure vacant positions required to fulfill CBP's obligations related to critical incidents are filled as quickly as possible. This may require concurrently announcing and filling positions in multiple job series as well as expedited processing of newly created position descriptions. HRM will also explore any hiring authorities and process efficiencies, such as requests for Direct Hiring Authority, that will support this transition.

Office of Training and Development (OTD): OTD will support the training needs of OPR's rapidly growing workforce including facilitating engagement with the Federal Law Enforcement Training Center to ensure sufficient training seats are available for the Criminal Investigator Training Program (CITP) and other specialized training courses. OTD will also support OPR's implementation of an expanded special agent training course (OPRSAT) which will include advanced training in use of force, sexual assault, and death investigations as well as crime scene processing.

To ensure the OPR is well-positioned to take on these added responsibilities by October 1, 2022, I direct that each CBP component listed above designate a senior representative to participate in a kick-off meeting to be held in the coming weeks followed by monthly update meetings. Ensuring CBP has a robust and responsive critical incident response process is essential to maintaining the public's trust.

Distribution: Chief, U.S. Border Patrol
Executive Assistant Commissioner, Operations Support
Executive Assistant Commissioner, Enterprise Services
Assistant Commissioner, Office of Professional Responsibility
Assistant Commissioner, Laboratories and Scientific Services
Assistant Commissioner, Office of Human Resources Management
Assistant Commissioner, Office of Training and Development

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