

**Congress of the United States**  
**Washington, DC 20515**

January 24, 2022

The Honorable Gene L. Dodaro  
Comptroller General of the United States  
U.S. Government Accountability Office (GAO)  
441 G Street, NW  
Washington, D.C. 20548

Dear Comptroller General Dodaro:

We write to request that the Government Accountability Office (GAO) conduct a review of U.S. Customs and Border Protection's (CBP) use of Critical Incident Teams along the southwest border. According to CBP, the U.S. Border Patrol maintains teams with specialized evidence collection capabilities that collect and process evidence related to CBP enforcement activities and critical incidents. With respect to the investigation of serious incidents involving CBP personnel, we understand that members of these Critical Incident Teams are sometimes tasked with assisting CBP's Office of Professional Responsibility and other local, state, and federal law enforcement agencies.

We would like to better understand the roles and responsibilities of these Critical Incident Teams, including their authorities, activities, training, and oversight.<sup>1</sup> We therefore request that GAO conduct a review of the following issues:

1. What are the roles, responsibilities, and authorities of CBP's Critical Incident Teams, how and under what circumstances has CBP deployed these teams since 2010, and how have these teams and their responsibilities evolved during this time?
2. Under what legal authorities do CBP's Critical Incident Teams operate? Do they operate pursuant to authorities delegated by CBP's Office of Professional Responsibility? If so, what are the terms of that delegation?
3. To what extent has CBP developed policies and procedures regarding the activities of Critical Incident Teams?
4. To what extent do members of CBP's Critical Incident Teams receive specialized training?
5. To what extent do Critical Incident Teams coordinate with other law enforcement agencies?
6. To what extent has CBP developed and implemented mechanisms to oversee its Critical Incident Teams?
7. How do other federal agencies collect and process evidence related to serious incidents involving agency personnel, and how does this compare to CBP's use of Critical Incident Teams?

---

<sup>1</sup> Liliana Soto, *Congress being called to investigate alleged cover-up units of Border Patrol agents*, ABC 15 Arizona, Nov. 5, 2021, <https://www.abc15.com/news/local-news/investigations/congress-being-called-to-investigate-alleged-cover-up-units-of-border-patrol-agents>.

8. How is the work of the Critical Incident Teams documented? If there are investigative reports for cases in which Critical Incident Teams become involved, how are such reports prepared, catalogued, and maintained?
9. What is the annual operating budget for the various Critical Incident Teams, and how is such funding provided?

Thank you for your assistance in this matter.

Sincerely,



---

Bennie G. Thompson  
Chairman  
Committee on Homeland Security



---

Gary C. Peters  
Chairman  
Senate Committee on Homeland  
Security and Governmental Affairs



---

Jerrold Nadler  
Chairman  
House Judiciary Committee



---

Richard J. Durbin  
Chair  
Senate Judiciary Committee



---

Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform



---

Alex Padilla  
Chairman  
Subcommittee on Immigration,  
Citizenship, and Border Safety  
Senate Judiciary Committee

*Nanette Diaz Barragán*

---

Nanette Diaz Barragán  
Chairwoman  
Subcommittee on Border Security,  
Facilitation, & Operations Committee on  
Homeland Security

*Kyrsten Sinema*

---

Kyrsten Sinema  
Chair  
Subcommittee on Government Operations  
& Border Management  
Senate Committee on Homeland Security  
& Governmental Affairs

*Zoe Lofgren*

---

Zoe Lofgren  
Chair  
Subcommittee on Immigration and  
Citizenship  
House Judiciary Committee

*Jamie Raskin*

---

Jamie Raskin  
Chairman  
Subcommittee on Civil Rights and Civil  
Liberties  
Committee on Oversight and Reform