



# National Border Patrol Council

LOCAL 1613 (San Diego, CA)

Thane Gallagher • Secretary

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**"Protecting Those Who Protect Our Borders"**

October 27, 2008

Michael J. Fisher  
Chief Patrol Agent  
United States Border Patrol  
2411 Boswell Road  
Chula Vista, CA 91914

RE: Pursuit Vehicles

Dear Chief Fisher,

Over the course of the last few years, union officials have noticed an influx of new pursuit sedans in San Diego Sector. While these new pursuit vehicles are a welcome addition, the Union has noticed some deficiencies in how the sedans are being equipped. This document shall serve as the union's official notice of these deficiencies and solutions intended to make the pursuit vehicles safer for agents to operate and conduct their duties.

Of particular concern is the way in which San Diego Sector's pursuit sedans, primarily made up of the Ford Crown Victoria and to a lesser degree the Dodge Charger, are equipped. The union notes the following deficiencies in order of priority with respect to officer safety:

- 1) None of these vehicles are equipped with a **standard police spotlight** located just above the driver's side view mirror.
- 2) While all vehicle model years haven't been checked, many of the newer Dodge Chargers **have fabric seats in the backseat or detention area of the sedan.**
- 3) None of these vehicles are equipped with a **standard police push-bar** mounted to the front bumper.
- 4) The **center console of the new Dodge Charger** makes operating the radio and public announcement system (PA) unsafe while driving due to the arrangement of the equipment on the console.

### Standard Police Spotlight

This piece of equipment is the most critically needed for reasons which are obvious to agents who work in the field. A very bright light, utilized properly, can often disorient and disarm the average motorist during the hours of darkness, thus giving the law

enforcement officer the necessary and critical tactical advantage that he/she needs. This advantage is gained because the human eye cannot process sharp and/or coherent images in the presence of the average candlepower generated by such spotlights; it is often the LEOs first line of defense which is why most of us carry tactical flashlights and use them in conjunction with our sidearm.

The light bars in use currently offer only a fixed center take down light offering an average of 40,000 candlepower; this is negligible considering the light cannot be adjusted or aimed for maximum effect into a side view and/or rearview mirror. The average standard police vehicle spotlight offers in excess of 230,000 candlepower and is completely adjustable regardless of the dimensions or orientation of the vehicle being stopped. This tactical advantage completely masks an officer's approach to a subject vehicle, while lighting up the vehicle's interior to a much greater and safer degree.

The following statistics on the felonious killing of law enforcement officers during vehicle stops from 1998-2007, culled from the *FBI's Uniform Crime Report* database, are concrete evidence in support of the union's concerns:

Types of Stops	Total	YEARS									
		98	99	00	01	02	03	04	05	06	07
Traffic pursuit stop	103	10	8	13	8	10	14	6	15	8	11
Felony vehicle stop	38	5	4	4	5	6	4	0	5	0	5
Traffic violation stop	65	5	4	9	3	4	10	6	10	8	6

The previous statistics affirm what we as law enforcement officers already know: vehicle stops carry the potential to be incredibly lethal. These statistics are further sobering in light of the following data listing the times in which the felonious killing of law enforcement officers occurred from 1998-2007, culled from the *FBI's Uniform Crime Report* database:

6:01 p.m.–8 p.m.	82
8:01 p.m.–10 p.m.	54
10:01 p.m.–Midnight	59
12:01 a.m.–2 a.m.	63
2:01 a.m.–4 a.m.	35
4:01 a.m.–6 a.m.	18

Per the FBI, from the years 1998-2007, 549 Law Enforcement Officers were killed. From these statistics, we can infer that 311 of them were killed during the hours of darkness, which account for 56%. Further, 103 of them were killed during vehicle stops, which account for 18%.

The *FBI's Uniform Crime Report* database lists the number of Law Enforcement Officers feloniously assaulted during vehicle stops from 1998-2007 at **6,424** and of those **63.0 percent of the officers who were assaulted were assigned to 1-officer vehicle**

**patrols.** Subsequently, in 2007 for the ninth consecutive year, the **largest percentage of assaults on officers (15.2 percent) happened from 12:01 a.m. to 2 a.m.**

It is common practice as Border Patrol Agents to work alone, during the hours of darkness and conduct multiple vehicle stops on any given shift. These numbers beg the question then: why are San Diego Sector's pursuit sedans not outfitted with the one piece of tactical gear that gives the agent the most critical advantage while working alone during the hours of darkness?

In communicating with Police Advisory Board Representatives from the Ford Motor Company, each assigned to act as fleet manager liaisons to different police agencies be they local, state and/or federal, it was impossible to find an agency that did not outfit marked police sedans with at least one spotlight at a minimum. Given their critical importance and relatively inexpensive cost (average \$120.00 per unit), it is more than a little puzzling and disturbing that they have not been installed in the San Diego Sector's pursuit sedans. Even the Federal Protective Service within the Department of Homeland Security, which doesn't conduct as many vehicle stops in a year as the Border Patrol does in a month, outfits their pursuit sedans with these spotlights.

The union is aware that many other Border Patrol sectors outfit their pursuit sedans with these spotlights, including Tucson, El Paso, Miami, etc. This leads the union to believe that San Diego Sector has control over what equipment is placed on their vehicles but that it simply isn't being requested and/or the critical importance of this equipment isn't fully understood by those who control that process. The union feels that the issue needs to be addressed quickly to ensure agents are given the most basic equipment in order to be able to conduct their duties in the safest manner possible. This equipment is standard in law enforcement agencies across the United States, so why not the San Diego Sector of the United States Border Patrol?

### **Fabric Seats in Detention Area**

From a health and safety perspective, the fabric seats in the detention area or backseat of these sedans is problematic at best. It's not surprising that detainees sweat, bleed and vomit in the back seats of agency vehicles due to stress, heat related illnesses, illicit use of narcotics, injuries, sickness, etc. However, fabric seating in Agency vans and trucks is non-existent because of the inherent risk involved with a surface that can't ever be fully disinfected and/or cleaned. Why then are some of these sedans outfitted in such a manner?

The Blood borne pathogen training offered through CBP's own Virtual Learning Center indicates that any fabric contamination calls for nothing less than full removal and cleaning with industrial cleaning agents and/or chemicals. Is San Diego Sector prepared to ensure that these sedans are thoroughly decontaminated at regular intervals in order to prevent the agent's exposure to blood borne pathogens? If so, how often is 'regular' to be determined? These seats present several violations per the OSHA Standard that can be easily remedied by replacing them, as they have been in hundreds of other sedans in the sector, with plastic detention seats.

The union is deeply concerned that these fabric seats will also present a serious hygiene issue and additionally, a pronounced health and safety issue for any agent that operates these sedans.

### **Standard Police Push Bar**

The union remains concerned that this piece of equipment, although used by law enforcement agencies for the better part of thirty years, has not found its way to this sector. Again, the union has definitive data that other sectors outfit their pursuit sedans with these rudimentary and basic pieces of equipment for a very simple reason: they prevent the sedans from suffering damage in the event of fender bender and/or other agency related collision. In addition, push bars are frequently used to push stranded or disabled vehicles off the roadway. Pursuit sedans with no push bars are often removed from the fleet for months due to minor, but expensive, bumper damage incurred in various encounters. Often times, even collisions that would cause major front end damage can be prevented due to the amount of force that can be absorbed and redirected along the vehicle's strongest component: the frame.

### **Center Console of the New Dodge Charger**

The center console of the new Dodge Charger does not take into consideration an agent using the radio or PA while driving and is not arranged in a practical manner to provide for safe driving. The position of the equipment now requires shorter drivers to look down and back to properly operate both the radio and the PA. Taller drivers are also forced to look down; thereby taking their eyes off the road, vehicles, and suspects. Prior installations made it easier for agents to drive and still maintain a safe view of the road. The microphone for the radio is now located on the far right side of the console, next to the passenger's seat. It is difficult to reach and disconnect from the holder due to the location where it was installed. The union believes the Agency should mount the equipment closer to the dashboard with the microphones for the PA and radio attached further forward, as in prior vehicles like the Ford Crown Victoria.

Hopefully San Diego Sector recognizes the importance of implementing simple precautions that seek to reduce the potential risk to Agents. The above cited initial recommendations are intended to engage the parties in a discussion about this topic and are subject to modification at any time. Rather than provide the union with another response which ignores the issues, the union hereby invites sector management, preferably someone who has served as an agent and worked in the field long enough to understand the importance of the equipment discussed, to contact Local 1613 at 800-620-1613 ext. 80 to schedule a meeting to discuss these recommendations.

Sincerely,

  
Thane Gallagher

Secretary  
NBPC Local 1613