

# United States Senate

WASHINGTON, DC 20510

December 18, 2025

The Honorable Pam Bondi  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Bondi:

We write to alert the Department of Justice to potential violations of law by federal immigration agents and senior Administration officials during implementation of President Trump’s mass deportation campaign—and specifically the so-called “Operation Midway Blitz” in Illinois.<sup>1</sup> This enforcement campaign—defined by use of excessive force and warrantless arrests—has reached multiple states and is intentionally creating fear and havoc in cities such as Chicago, Los Angeles, Charlotte, New Orleans, and Minneapolis.<sup>2</sup> As indicated by agency leadership, U.S. Customs and Border Protection (CBP) is working with U.S. Immigration and Customs Enforcement (ICE) in operations in more than 27 cities and looking to expand their interior operations.<sup>3</sup>

Under 18 U.S.C. § 242, it is a federal crime for any person acting “under color of any law, statute, ordinance, regulation, or custom” to “willfully subject[] any person . . . to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.”<sup>4</sup> Anyone who willfully violates another person’s Fourth Amendment

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<sup>1</sup> See Anthony Vazquez & Cindy Hernandez, *Bovino’s Back: Border Patrol Chief Leads Agents in Fresh Round of Raids Throughout Chicago Area*, CHICAGO SUN TIMES (Dec. 16, 2025), <https://chicago.suntimes.com/immigration/2025/12/16/greg-bovino-chicago-border-patrol-president-donald-trump-deportation-immigration>; J. David McSwane & Hannah Allam, *Unfettered and Unaccountable: How Trump Is Building a Violent, Shadowy Federal Police Force*, PROPUBLICA (Oct. 18, 2025), <https://www.propublica.org/article/trump-dhs-ice-secret-police-civil-rights-unaccountable>; and Nick Schwellenback & Will Sytsma, *Greg Bovino’s Border Patrol Agents Use Disproportionate Force, Data Shows*, POGO (Nov. 5, 2025), <https://www.pogo.org/investigations/greg-bovinos-border-patrol-agents-use-disproportionate-force-data-shows>.

<sup>2</sup> See e.g., Bobbi-Jean Misick, *‘Many people are terrified to come out’: Catahoula Crunch closes out its first week*, LA. ILLUMINATOR (Dec. 11, 2025), <https://lailluminator.com/2025/12/11/catahoula-crunch/>; Troy Brynerson & Alex Zielinski, *Those Arrested at Portland ICE Protests Recount Disparate, Confusing Treatment by Federal Officers*, OR. PUB. BROAD. (Dec. 3, 2025), <https://www.opb.org/article/2025/12/03/protestors-arrested-at-portland-ice-facility-wait-months-without-charges/>; Matt Sepic, *ICE Agents Tackle, Arrest American Citizen in Minneapolis*, MPR NEWS (Dec. 10, 2025), <https://www.mprnews.org/story/2025/12/10/ice-agents-tackle-arrest-american-citizen-in-minneapolis>; Jonah Valdez, *A Pattern of Violence: Documenting ICE Agents’ Brutal Use of Force in LA Immigration Raids*, THE INTERCEPT (July 7, 2025), <https://theintercept.com/2025/07/07/ice-raids-la-violence-video-bystanders/>; and George Chidi, *‘I Lose My Liberty in That Moment’: Charlotte Shuts Down as Citizens and Noncitizens Alike Face ICE Arrests*, THE GUARDIAN (Nov. 20, 2025), <https://www.theguardian.com/us-news/2025/nov/20/charlotte-north-carolina-ice-raids>.

<sup>3</sup> Anna Giaritelli, *Border Patrol Agents ‘Lined Up’ to Rearrest Illegal Immigrants whom Biden Forced Release of*, WASH. EXAMINER (Oct. 15, 2025), <https://www.washingtonexaminer.com/news/crime/3852124/border-patrol-agents-to-arrest-illegal-immigrants-biden-released/>.

<sup>4</sup> 18 U.S.C. § 242; See, e.g., *United States v. Mooney*, 135 F.4th 486, 493 (6th Cir. 2025); *United States v. Clark*, No. 24-3033, 2025 WL 2884015 (D.C. Cir. Oct. 10, 2025); *United States v. Hill*, 99 F.4th 1289 (11th Cir. 2024); *United*

rights by engaging in warrantless arrests or use of excessive force under color of law may be held liable under Section 242.<sup>5</sup> As detailed below, facts and circumstances documented in Illinois support the conclusion that federal agents have engaged in conduct in violation of this law.<sup>6</sup>

During Operation Midway Blitz, federal immigration agents have violated the Fourth Amendment by conducting warrantless arrests and use of excessive force<sup>7</sup> as they violently confront individuals, including U.S. citizens, during immigration enforcement operations. They have shoved Chicagoans, including U.S. citizens, into unmarked vehicles, tased them, punched them, launched pepper balls at them, and tear gassed and shot them.<sup>8</sup>

## **I. Federal Agents Have Violated Individuals' Fourth Amendment Rights**

### **A. Warrantless Arrests**

Federal agents have repeatedly and unjustifiably arrested individuals without warrants, including incidents in which agents have broken car windows as they executed such arrests. In the first six months of this Administration's immigration crackdown, there have been at least 50 documented instances of immigration agents breaking car windows, compared to eight public accounts of agents breaking windows in the previous decade.<sup>9</sup>

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*States v. Underwood*, 95 F.4th 877, 881 (4th Cir. 2024) *United States v. Proano*, 912 F.3d 431 (7th Cir. 2019); *United States v. Reese*, 2 F.3d 870 (9th Cir. 1993); *United States v. Otherson*, 637 F.2d 1276 (9th Cir. 1980) *United States v. Corder*, 724 F. App'x 394, 397 (6th Cir. 2018).

<sup>5</sup> 18 U.S.C. § 242; *See e.g.*, *United States v. Reese*, 2 F.3d 870 (9th Cir. 1993); *United States v. Garza*, 754 F.2d 1202 (5th Cir. 1985).

<sup>6</sup> *See Id.*

<sup>7</sup> Immigration agents also are violating the Department of Homeland Security's (DHS) use of force policy. The policy is guided by the Fourth Amendment and instructs law enforcement officials to use force only "when no reasonably effective, safe, and feasible alternative appears to exist and may only use the level of force that is objectively reasonable in light of the facts and circumstance confronting [the officer] at the time force is applied." Dep't of Homeland Security, Memorandum from Sec'y Alejandro N. Mayorkas on Update to the Department Policy on the Use of Force to Agency Leaders, (Feb. 26, 2023), [https://www.dhs.gov/sites/default/files/2023-02/23\\_0206\\_sl\\_use-of-force-policy-update.pdf](https://www.dhs.gov/sites/default/files/2023-02/23_0206_sl_use-of-force-policy-update.pdf); U.S. CUSTOMS AND BORDER PROTECTION, CBP USE OF FORCE POLICY: LAW ENFORCEMENT SAFETY AND COMPLIANCE DIRECTORATE OPERATIONS SUPPORT (JAN. 2021), [https://www.cbp.gov/sites/default/files/2024-09/exhibit\\_09\\_-\\_cbp\\_use\\_of\\_force\\_policy\\_final\\_jan\\_2021.pdf](https://www.cbp.gov/sites/default/files/2024-09/exhibit_09_-_cbp_use_of_force_policy_final_jan_2021.pdf) (expressly prohibiting use of excessive force; permitting objectively reasonable and necessary force to bring an incident under control, while minimizing the risk of injury); *see Op. and Order, Chicago Headline Club v. Noem*, No. 25-CV-12173, 25 (N.D. Ill. Nov. 20, 2025) (describing ICE Directive 19009.3 establishing use of force policies; the policy states ICE officers should "use force only when no reasonably effective, safe, and feasible alternative appears to exist," and "may use only the level of force that is objectively reasonable in light of the totality of facts and circumstances confronting the Authorized Officer at the time force is applied").

<sup>8</sup> *See e.g.*, Billal Rahman, *U.S. Citizen Dragged From Car by Border Patrol in Chicago*, NEWSWEEK (Oct. 23, 2025), <https://www.newsweek.com/us-citizen-dragged-car-border-patrol-chicago-10924948>; Joanie Lum, *ICE Detained US Citizens in Chicago Area Cemetery, Officials Say*, FOX 32 CHICAGO (Oct. 13, 2025), <https://www.fox32chicago.com/news/forest-park-ice-arrests>; Bill Hutchinson, *Border Patrol Agents Under fire for Allegedly Disrupting Children's Halloween Parade in Chicago*, ABC NEWS (Oct. 27, 2025), <https://abcnews.go.com/US/border-patrol-agents-fire-allegedly-disrupting-childrens-halloween/story?id=126900354>; Nic Flosi, *Video Shows Federal Agent Shoot Chicago Pastor in Head with Pepper Ball During Broadview ICE Protest*, FOX (Oct. 8, 2025), <https://www.ktvu.com/news/video-federal-agent-shoot-chicago-pastor-head-pepper-ball-broadview-ice-protest>; and Human Rights Watch, *United States: Federal Agents Use Excessive Force in Illinois*, HUMAN RIGHTS WATCH (Oct. 23, 2025), <https://www.hrw.org/news/2025/10/23/united-states-federal-agents-use-excessive-force-in-illinois>.

In one incident, federal agents cut a lock, entered private property, and then pepper sprayed and body slammed four U.S. citizens at Concordia Cemetery in Forest Park, Illinois.<sup>10</sup> The agents then handcuffed the individuals and held them for hours.<sup>11</sup> In another incident in Evanston, Illinois, agents pulled a citizen from his car, restrained and knelt on him, and then repeatedly punched him in the head while he cried, “help me, help me” and “I can’t breathe.”<sup>12</sup> And in a military-style raid of an apartment complex in the South Shore neighborhood of Chicago, federal agents arrested and detained individuals after forcibly entering apartments—sometimes knocking down doors.<sup>13</sup>

In another instance, masked armed federal agents dragged a U.S. citizen from her car at gunpoint after a collision with an unmarked government vehicle.<sup>14</sup> As the agents forcibly removed her from her car, bystanders shouted at the agents involved in the collision, “you hit her.”<sup>15</sup> The woman stated the agents never questioned her or informed her about the reasons for her arrest.<sup>16</sup>

It is not clear that the Department of Homeland Security (DHS) had warrants for any of these arrests. Recently, the federal government agreed to release 13 individuals who were arrested by immigration agents without warrants in violation of a consent decree specifically prohibiting certain warrantless arrests in immigration enforcement actions.<sup>17</sup>

## **B. Use of Excessive Force**

### **1. Physical Assaults**

Federal immigration agents have unnecessarily tackled, punched, and slammed people to the ground with such force that targeted individuals have reported broken bones and needing medical care. Video footage, eyewitness accounts, and multiple reports confirm these incidents of use of excessive force.<sup>18</sup>

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<sup>9</sup> Nicole Foy & McKenzie Funk, *We’ll Smash the Fucking Window and Drag Him Out*, PROPUBLICA (July 31, 2025), <https://projects.propublica.org/trump-ice-smashed-windows-deportation-arrests/>.

<sup>10</sup> Joanie Lum, *ICE Detained US Citizens in Chicago Area Cemetery, Officials Say*, FOX 32 CHICAGO (Oct. 13, 2025), <https://www.fox32chicago.com/news/forest-park-ice-arrests>.

<sup>11</sup> *Id.*

<sup>12</sup> Zoe Sottile, *Evanston Mayor Says He’s Opening Investigations After Federal Agents Are Filmed Punching Person*, CNN (Nov. 2, 2025) <https://www.cnn.com/2025/11/02/us/evanston-border-patrol-arrests-investigation>.

<sup>13</sup> See Melissa Sanchez, Jodi S. Cohen et al., *“I Lost Everything”: Venezuelans Were Rounded Up in a Dramatic Midnight Raid but Never Charged With a Crime*, PROPUBLICA (Nov. 13, 2025), <https://www.propublica.org/article/chicago-venezuela-immigration-ice-fbi-raids-no-criminal-charges>.

<sup>14</sup> Billal Rahman, *U.S. Citizen Dragged From Car by Border Patrol in Chicago*, NEWSWEEK (Oct. 23, 2025), <https://www.newsweek.com/us-citizen-dragged-car-border-patrol-chicago-10924948>.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Press Release, *Federal Judge in Chicago Orders ICE to Release Hundreds of People from Detention Centers Who Were Arrested in Likely Violation of Consent Decree*, NAT’L IMMIGR. JUSTICE CTR., <https://immigrantjustice.org/press-release/federal-judge-in-chicago-orders-ice-to-release-hundreds-of-people-from-detention-centers-who-were-arrested-in-likely-violation-of-consent-decree/>; see also Press Release, *Final Settlement Regarding ICE Warrantless Arrests and Vehicle Stops: Overview of Settlement Requirements and Remedies*, NAT’L IMMIGR. JUSTICE CTR., <https://immigrantjustice.org/final-settlement-regarding-ice-warrantless-arrests-and-vehicle-stops-overview-of-settlement-requirements-and-remedies/>.

In one instance, federal agents threw a citizen to the ground in Chicago's Lincoln Square neighborhood while she was walking to her bus stop on her way to work.<sup>19</sup> And in another incident, agents pulled a 67 year-old man from his car in the Old Irving Park neighborhood of Chicago as he returned from a run.<sup>20</sup> Agents violently tackled and pinned him to the ground, breaking six ribs and causing internal bleeding.<sup>21</sup>

## 2. Use of Chemical Agents

Federal immigration agents have unnecessarily deployed tear gas and fired pepper balls to intimidate and disperse journalists and peaceful protesters, including clergy and other community members. These chemical agents have sickened people—including children, pregnant women, and the elderly—and have created hazards for motorists.<sup>22</sup>

In response to the indiscriminate use of chemical agents, a federal judge ruled that the use of chemical agents and other projectiles at the Broadview Processing Facility and throughout the Chicagoland area is prohibited unless it is necessary to stop an immediate threat of physical harm to a person.<sup>23</sup> The Village of Broadview, Illinois is conducting three separate criminal investigations related to ICE's use of chemical agents against first responders, residents, and protesters near the Broadview Processing Facility.<sup>24</sup>

A pastor was among many protesters in Broadview who was targeted with chemical agents. Agents shot him multiple times with pepper balls, including in the head and face, as he

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<sup>18</sup> See e.g., Nicole Sganga, Madeleine May, Layla Ferris & Maddie Kornfeld, *We Asked a Former Federal Agent to Review Videos Showing Use of Force Against Protesters. Here's What He Found*, CBS NEWS (Nov. 11, 2025), <https://www.cbsnews.com/news/former-federal-agent-ice-use-of-force-against-protesters>; Andrea Cavallier, *US Citizen, 67, 'Has Ribs Broken' By Border Patrol Agents After Being Dragged Out of Car While Driving Home Into Street They'd Blocked Off*, INDEPENDENT (OCT. 28, 2025) <https://www.independent.co.uk/news/world/americas/us-politics/us-citizen-assaulted-border-patrol-chicago-halloween-parade-b2853988.html>; and Human Rights Watch, *United States: Federal Agents Use Excessive Force in Illinois*, HUMAN RIGHTS WATCH (Oct. 23, 2025), <https://www.hrw.org/news/2025/10/23/united-states-federal-agents-use-excessive-force-in-illinois>.

<sup>19</sup> Bill Kirkos, *Chicago TV Station Employee Detained by Federal Agents Disputes DHS Account She Threw Objects at a Border Patrol Car*, CNN (Oct. 14, 2025), <https://www.cnn.com/2025/10/14/us/wgn-employee-detained-debbie-brockman>.

<sup>20</sup> Andrea Cavallier, *US Citizen, 67, 'Has Ribs Broken' By Border Patrol Agents After Being Dragged Out of Car While Driving Home Into Street They'd Blocked Off*, INDEPENDENT (OCT. 28, 2025) <https://www.independent.co.uk/news/world/americas/us-politics/us-citizen-assaulted-border-patrol-chicago-halloween-parade-b2853988.html>.

<sup>21</sup> *Id.*

<sup>22</sup> See Op. and Order, *Chicago Headline Club v. Noem*, No. 25-CV-12173 (N.D. Ill. Nov. 20, 2025), available at <https://news.wttw.com/sites/default/files/article/file-attachments/EllisOrderNov20.pdf> (describing numerous incidents of use of force, including photographs of federal agents engaged in use of force in the Chicagoland area); Natasha Korecki, *Chicago Residents Say Immigration Enforcement Is Leading to Children Getting Tear-Gassed*, NBC NEWS (Nov. 5, 2025) <https://www.nbcnews.com/news/us-news/chicago-immigration-enforcement-children-tear-gas-border-patrol-rcna241629>; Marianne LeVine & Robert Klemko, *ICE and Border Patrol's Use of Tear Gas Injures, Sickens and Tests the Law*, WASH. POST (Nov. 1, 2025), <https://www.washingtonpost.com/immigration/2025/11/01/dhs-ice-border-patrol-chicago-tear-gas/>.

<sup>23</sup> Temp. Restraining Ord., *Chicago Headline Club v. Noem*, No. 25-CV-12173 (N.D. Ill. Oct. 9, 2025), available at [https://www.aclu-il.org/sites/default/files/field\\_documents/chicago\\_headline\\_club\\_v\\_noem\\_-\\_tro.pdf](https://www.aclu-il.org/sites/default/files/field_documents/chicago_headline_club_v_noem_-_tro.pdf).

<sup>24</sup> Michelle Gallardo, *Broadview Conducting Three Criminal Investigations into ICE Activity, Mayor Says*, ABC7 EYEWITNESS NEWS (Sept. 30, 2025), <https://abc7chicago.com/post/ice-chicago-protest-broadview-illinois-leaders-address-situation-surrounding-facility/17909029/>.

prayed in front of the Broadview Processing Facility.<sup>25</sup> Agents also shot a Broadview protester who uses a cane with pepper balls, causing them to “black out” for a period of time and experience severe swelling impacting their ability to see for several days.<sup>26</sup> Additionally, agents shot a 66-year-old protester and veteran with pepper balls in the legs, torso, and arm.<sup>27</sup>

According to a volunteer medic, who observed protests in Broadview over several weeks, the use of chemical agents against peaceful protesters began to escalate in September with no justification:

Initially you could be on the sidewalk, but if you took a step onto the driveway, agents would yell at you. Then as the days passed, it became that anyone stepping on the driveway would get shot with pepper balls. Then, anyone just on the street was getting hit by pepper balls. Then, they put up the fence, and now it’s anyone who gets near the fence gets hit with pepper balls.<sup>28</sup>

According to the medic, agents initially issued warnings to “get back,” but by mid-September, they had stopped providing warnings before firing tear gas on protesters.<sup>29</sup> One journalist described 12 occasions between September and early October in which agents fired on journalists who were wearing lanyards and other markings indicating they were press.<sup>30</sup> On one occasion, she said agents fired on protesters and journalists without warning and pursued them as they tried to find cover. An agent also fired a pepper spray projectile directly at her, resulting in bruising and swelling for days afterward.<sup>31</sup> In another instance, agents fired a pepper ball through the window of a reporter’s moving car as she drove by Broadview when no protests were occurring.<sup>32</sup>

Agents also deployed tear gas in Old Irving Park in late October, impacting numerous residents who lived in the area. A mother described frantically washing her and her two-year-old daughter’s face with water and milk to reduce the effects of the tear gas as her daughter cried in pain and fear.<sup>33</sup> In Evanston, Illinois, agents deployed chemical agents when a group gathered to protest enforcement activity in the area.<sup>34</sup> After the deployment of tear gas, schools in the district

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<sup>25</sup> Anna Savchenko, *Minister Whom Feds Hit with Pepperballs at Broadview Protest Praises Court Restrictions on Use of Force*, CHICAGO SUN TIMES (Nov. 6, 2025), <https://chicago.suntimes.com/immigration/2025/11/06/minister-david-black-gregory-bovino-broadview-pepperballs-protest-court-ruling-sara-ellis>; Rev. David Black, *Chicago Pastor Shot by ICE speaks to CNN in First TV Interview: “We Could Hear Them Laughing,”* CNN (Oct. 9, 2025), <https://www.cnn.com/2025/10/09/us/video/chicago-pastor-shot-by-ice-speaks-to-cnn>; and Nic Flosi, *Video Shows Federal Agent Shoot Chicago Pastor In Head With Pepper Ball During Broadview ICE Protest*, FOX (Oct. 8, 2025), <https://www.ktvu.com/news/video-federal-agent-shoot-chicago-pastor-head-pepper-ball-broadview-ice-protest>.

<sup>26</sup> Human Rights Watch, *United States: Federal Agents Use Excessive Force in Illinois*, HUMAN RIGHTS WATCH (Oct. 23, 2025), <https://www.hrw.org/news/2025/10/23/united-states-federal-agents-use-excessive-force-in-illinois>.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> Natasha Korecki, *Chicago Residents Say Immigration Enforcement is Leading to Children Getting Tear-Gassed*, NBC (Nov. 5, 2025) <https://www.nbcnews.com/news/us-news/chicago-immigration-enforcement-children-tear-gas-border-patrol-rcna241629>.

<sup>34</sup> *Id.*



went on lockdown.<sup>35</sup> Recently, agents indiscriminately sprayed tear gas into the car of a young family merely attempting to shop at a Sam's Club in a Chicago suburb, requiring brief hospitalizations for a one-year-old infant and her asthmatic father.<sup>36</sup>

### 3. Use of Tasers and Firearms

Federal immigration agents also have unjustifiably used tasers to disable individuals during Operation Midway Blitz. In one instance, a fearful U.S. citizen tried to prevent an immigration agent from forcibly opening his car door; in response, the agent tased him in the face, requiring him to seek medical treatment at a hospital.<sup>37</sup>

Agents have unnecessarily and recklessly brandished firearms to frighten and intimidate individuals during enforcement operations and have shot and injured one individual and killed another during Operation Midway Blitz.

In one instance, a man was arrested after driving behind a van, honking a horn, and blowing a whistle in order to identify the unmarked car as an immigration enforcement vehicle.<sup>38</sup> Two agents approached him—with at least one pointing a gun—and told him that if he didn't step out of the car, they would break his windows.<sup>39</sup> Because this occurred in front of an elementary school, the elementary school had to go into "secure" status.<sup>40</sup>

A Border Patrol agent shot a Chicago woman multiple times after their cars collided.<sup>41</sup> According to the woman's attorney, body-camera video shows the agent saying, "Do something, bitch," to the woman prior to the shooting.<sup>42</sup> After the incident, he bragged in text messages to other agents about shooting the woman, who survived, stating, "Read it. 5 shots, 7 holes" in a text.<sup>43</sup> When asked about the meaning of the text, he stated that he was a firearms instructor and that he "take[s] pride in [his] shooting skills."<sup>44</sup>

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<sup>35</sup> *Id.*; and Alonzo Small, Jewell Hillery, Courtney Spinelli, & Ashlyn Wright, *Evanston Community Rallies After Immigration Operation Leads to Clashes, School Closures*, WGN9 (Nov. 2 2025), <https://wgntv.com/evanston/evanston-leaders-to-address-recent-federal-agent-activity/>.

<sup>36</sup> See e.g., Caroline Kubzansky, *Pepper-Sprayed Berwyn Family Rattled After Getting Caught Up in Federal Blitz*, CHICAGO TRIB. (Nov. 9, 2025), <https://www.chicagotribune.com/2025/11/09/cicero-pepper-spray-family-immigration-raids/>.

<sup>37</sup> Jermont Terry, *U.S. Citizen Tased and Detained During ICE Operation in Des Plaines, Illinois*, CBS (Sept. 16, 2025), <https://www.cbsnews.com/chicago/news/u-s-citizen-tased-detained-during-ice-operation-des-plaines/>.

<sup>38</sup> Rebecca Johnson, *Oak Park Attorney Arrested Near School Says Federal Agents Pointed Gun At Him, Had 'Chiraq Team 2' Group Chat*, CHICAGO TRIBUNE (Oct. 23, 2025), <https://www.chicagotribune.com/2025/10/23/oak-park-attorney-arrested-near-school-says-federal-agents-pointed-gun-at-him-had-chiraq-team-2-group-chat/>.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Omar Jimenez & Elizabeth Wolfe, *Border Patrol Agent Appeared to Brag About His Accuracy After Shooting Chicago Woman Five Times, Messages in Court Reveal*, CNN (Nov. 5, 2025), <https://www.cnn.com/2025/11/05/us/chicago-marimar-martinez-shooting-hearing>.

<sup>42</sup> David Struett & Kade Heather, *Attorney for Woman Shot by Border Patrol Claims Agent Claims Agent Said, "Do Something B----" Before Shooting*, CHICAGO SUN TIMES (Oct. 7, 2025), <https://chicago.suntimes.com/news/2025/10/06/marimar-martinez-anthony-ian-santos-ruiz-border-patrol-shooting-brighton-park>.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

Most tragically, on the morning of September 12, two immigration agents stopped a man who was driving after he had dropped off his children at an elementary school and day care.<sup>45</sup> When he tried to pull away, one of the agents shot him in the neck and killed him.<sup>46</sup> DHS claimed the man hit and dragged one of the agents with his car, seriously injuring the agent; however, video evidence contradicts the government's version of events. The video does not show the unarmed man hitting an officer with his car; additionally, one of the officers stated that his injuries were "nothing major."<sup>47</sup>

## **II. Senior Officials Sanction Use of Excessive Force and Warrantless Arrests**

Senior Trump Administration officials appear to have sanctioned and even approved the persistent use of warrantless arrests and use of excessive force by federal agents involved in immigration enforcement operations in Illinois. In an October 30 deposition, Gregory Bovino, a Border Patrol official, identified himself as the "Commander of Operation Midway Blitz, Customs and Border Protection Assets."<sup>48</sup> He testified that he has "command responsibility of all assets for Operation Midway Blitz that are assigned to Customs and Border Protection."<sup>49</sup> Bovino stated that approximately 220 Customs and Border Protection (CBP) agents report directly to him and that he reports directly to DHS Secretary Kristi Noem.<sup>50</sup>

In October, Bovino and Secretary Noem were recorded giving speeches to a group of agents from various federal agencies prior to a confrontation with peaceful protesters at the Broadview Processing Facility. Secretary Noem stated: "We are going to go hard. We are going to hammer these guys.... We're going to go out there and we're going to make sure that there [are] consequences for the way they're behaving."<sup>51</sup> Bovino added: "That crowd there is an unsafe crowd... we're going to roll them all the way out of here. And when they resist, what happens? They get arrested. So, it's now going to be a free arrest zone." Noem then added that the agents' role was to "make sure that these individuals aren't allowed to conduct this kind of activity anymore."<sup>52</sup>

Bovino has since praised federal immigration agents' use of force, stating: "The use of force that I've seen has been exemplary—the least amount of force necessary to accomplish the mission." He also stated: "If someone strays into a pepper ball, then that's on them. Don't protest and don't trespass."<sup>53</sup>

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<sup>45</sup> Bora Erden et al., *How an Attempted ICE Arrest Turned Deadly*, N.Y. TIMES, (Oct. 1, 2025), <https://www.nytimes.com/interactive/2025/09/23/us/ice-shooting-chicago-video.html>.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Border Patrol Commander Gregory Bovino Deposition: Part I*, CBS NEWS (Nov. 6, 2025), <https://www.cbsnews.com/chicago/video/border-patrol-commander-gregory-bovino-deposition-part-1/>.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Human Rights Watch, *United States: Federal Agents Use Excessive Force in Illinois*, HUMAN RIGHTS WATCH (Oct. 23, 2025), <https://www.hrw.org/news/2025/10/23/united-states-federal-agents-use-excessive-force-in-illinois>; and @BennyJohnson, X.COM (Oct. 3, 2025, 2:05 PM), <https://x.com/bennyjohnson/status/1974174065985470970?s=46>.

<sup>52</sup> *Id.*

<sup>53</sup> Heather Cherone, *Border Patrol Chief Greg Bovino Admitted He Lied About Firing Tear Gas, Tackling Protester: Federal Judge*, WTTW NEWS (Nov. 6, 2025), <https://news.wttw.com/2025/11/06/border-patrol-chief-greg-bovino-admitted-he-lied-about-firing-tear-gas-tackling>; see also *Border Patrol Commander Gregory Bovino Deposition*:

Bovino has been unapologetic about his own apparent use of excessive force. He testified under oath that he threw a tear gas canister into a crowd in the Little Village neighborhood of Chicago because he was hit by a rock.<sup>54</sup> When video footage contradicted his testimony, he admitted that he lied.<sup>55</sup> After his initial deployment of a tear gas canister, he fired a second tear gas cannister as people fled and posed no danger to anyone.<sup>56</sup> During an interview shortly after the incident in Little Village, Bovino stated: “If I had more CS gas, I would have deployed it.”<sup>57</sup> Bovino also stated under oath that he did not use force against a person he arrested, despite video evidence showing him attacking and tackling a person to the ground.<sup>58</sup>

Bovino was asked during a deposition if he had ever told an agent not to fire pepper balls from a rooftop or said to an agent, “I see you firing pepper balls from a rooftop or other elevation. That is a violation of policy. You shouldn’t do that.”<sup>59</sup> Bovino stated that he never had made a statement like that.<sup>60</sup> After reviewing video evidence of agents using force during arrests of individuals, Bovino repeatedly stated under oath that those arrests did not reflect use of excessive force.<sup>61</sup>

In response to a court order that may eventually result in the release of hundreds of individuals who were subjected to unlawful warrantless arrests, Bovino stated: “We’re going to go even harder on the streets. If [the judge] releases those 650, we’re going to apprehend 1,650 on the streets of Chicago.”<sup>62</sup>

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Part 1, CBS NEWS (Nov. 6, 2025), <https://www.cbsnews.com/chicago/video/border-patrol-commander-gregory-bovino-deposition-part-1/>.

<sup>54</sup> Heather Cherone, *Border Patrol Chief Greg Bovino Admitted He Lied About Firing Tear Gas, Tackling Protester: Federal Judge*, WTTW NEWS (Nov. 6, 2025), <https://news.wttw.com/2025/11/06/border-patrol-chief-greg-bovino-admitted-he-lied-about-firing-tear-gas-tackling>; James Hill & Armando Garcia, *Border Patrol Commander Admitted He Lied about Tear Gas Incident, Judge Says, As She Restricts Use of Force by Immigration Agents in Chicago*, ABC NEWS (Nov. 7, 2025), <https://abcnews.go.com/US/border-patrol-commander-admitted-lied-tear-gas-incident/story?id=127283392>.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> Sophia Tareen, *Border Patrol Official Behind Chicago Immigration Crackdown Defends Tactics as Trump Cheers*, AP (Nov. 4, 2025), <https://apnews.com/article/immigration-chicago-arrests-police-federal-5c21bcb2cd890fcb086480469c1a3a96>.

<sup>58</sup> Mina bloom, Quinn Myers, & Mick Dumke, *Border Chief Bovino Calls Use of Force by Immigration Agents in Chicago ‘More Than Exemplary’*, BLOCK CLUB CHICAGO (Nov. 5, 2025), <https://blockclubchicago.org/2025/11/05/priest-describes-being-tear-gassed-in-broadview-during-pivotal-hearing-in-federal-first-amendment-case/>.

<sup>59</sup> *Border Patrol Commander Gregory Bovino Deposition: Part 1*, CBS NEWS (Nov. 6, 2025), <https://www.cbsnews.com/chicago/video/border-patrol-commander-gregory-bovino-deposition-part-1/>; and Heather Cherone, *Border Patrol Chief Greg Bovino Admitted He Lied About Firing Tear Gas, Tackling Protester: Federal Judge*, WTTW NEWS (Nov. 6, 2025), <https://news.wttw.com/2025/11/06/border-patrol-chief-greg-bovino-admitted-he-lied-about-firing-tear-gas-tackling>.

<sup>60</sup> *Id.*

<sup>61</sup> *Border Patrol Commander Gregory Bovino Deposition: Part 2*, CBS NEWS (Nov. 6, 2025), <https://www.cbsnews.com/chicago/video/border-patrol-commander-gregory-bovino-deposition-part-2/>; and Bennett Haeberle, *Border Patrol Chief: All Agents’ Uses of Force In Chicago ‘More Than Exemplary’*, NBC 5 CHICAGO (Nov. 5, 2025), <https://www.nbcchicago.com/news/local/border-patrol-chief-all-agents-uses-of-force-in-chicago-more-than-exemplary/3848113/>.



### III. Federal Courts Are Responding to Violations of the Fourth Amendment

Federal courts have already begun to rule on these unlawful actions. A federal judge in the Northern District of Illinois issued a preliminary injunction that prohibited federal agents from using pepper balls, chemical agents, or other projectiles at the Broadview Processing Facility or anywhere in the Chicagoland area, absent an imminent threat to federal agents.<sup>62</sup> The order also prohibited “hands-on physical force” such as shoving someone to the ground, tackling or body slamming, restraint techniques such as chokeholds and neck restraints, and the indiscriminate use of chemical agents and projectiles.<sup>64</sup> The judge issued the preliminary injunction, along with a lengthy opinion, after federal agents refused to comply with an initial and expanded temporary injunction in the same case.<sup>65</sup> Incidents in the days that followed the preliminary injunction demonstrate that agents continued to defy the court’s order.<sup>66</sup>

Another district court found many of the recent arrests during Operation Midway Blitz violated a consent decree limiting warrantless arrests and ordered an extension of the consent decree.<sup>67</sup> The Seventh Circuit recently affirmed the district court’s finding that in multiple instances DHS officials failed to comply with the requirements of the consent decree.<sup>68</sup>

As you have previously noted, “No one is above the law.”<sup>69</sup> We agree, and that’s why we urge the Department of Justice to set aside partisan politics and immediately investigate the potential violations of Section 242 outlined above.

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<sup>62</sup> Sabrina Franza et al., *Only 16 of Over 600 Detained by ICE in Chicago Area Have Criminal Histories, Records Show*, CBS NEWS (Nov. 15, 2025), <https://www.cbsnews.com/chicago/news/chicago-area-ice-arrests-600-criminal-histories-high-public-safety-risk/>. See also Melody Mercado, *Appeals Court Blocks Mass Release of ICE Detainees But Deals Blow to Trump Detention Policy*, BLOCK CLUB CHICAGO (Dec. 12, 2025), <https://blockclubchicago.org/2025/12/12/appeals-court-blocks-mass-release-of-ice-detainees-but-deals-blow-to-trump-detention-policy/>.

<sup>63</sup> Prelim. Inj. Order, *Chicago Headline Club v. Noem*, No. 25-CV-12173 (N.D. Ill. Nov. 6, 2025).

<sup>64</sup> *Id.*

<sup>65</sup> See Op. and Order, *Chicago Headline Club v. Noem*, No. 25-CV-12173, 215 (N.D. Ill. Nov. 20, 2025) (“Under the Fourth Amendment, based on the record before it, the Court sees little justification for the extent of the use of force that federal agents have used against Plaintiffs and other peaceful protesters, journalists, and religious practitioners”); and Sara Tenenbaum & Sabrina Franza, *Judge Grants Preliminary Injunction Against Bovino, Federal Agents Over Use of Force: “Shocks the Conscience,”* CBS NEWS (Nov. 6, 2025), <https://www.cbsnews.com/chicago/news/chicago-immigration-gregory-bovino-preliminary-injunction-judge-sara-ellis/> (without the preliminary injunction, the judge stated, “this conduct [by federal agents] shows no sign of stopping”).

<sup>66</sup> See e.g., Caroline Kubzansky, *Pepper-Sprayed Berwyn Family Rattled After Getting Caught Up in Federal Blitz*, CHICAGO TRIB. (Nov. 9, 2025), <https://www.chicagotribune.com/2025/11/09/cicero-pepper-spray-family-immigration-raids/>; and Heather Cherone, *Border Patrol Chief Greg Bovino, Federal Agents Repeatedly Lied About What They Did During Aggressive Immigration Raids: Judge*, WTTW NEWS (Nov. 24, 2025), <https://news.wttw.com/2025/11/24/border-patrol-chief-greg-bovino-federal-agents-repeatedly-lied-about-what-they-did>.

<sup>67</sup> Jason Meisner, *Federal Judge Says He’ll Order Release of Hundreds of Operation Midway Blitz Arrestees on Bond*, CHICAGO TRIB. (Nov. 12, 2025), <https://www.chicagotribune.com/2025/11/12/federal-judge-says-hell-order-release-of-hundreds-of-operation-midway-blitz-arrestees-on-bond/>. The Seventh Circuit Court of Appeals denied the government’s request to stay an extension of the consent decree.

<sup>68</sup> See *Castañón Nava v. Dep’t of Homeland Sec.*, No. 25-3050, 6 (7th Cir., Dec. 11, 2025), [https://immigrantjustice.org/wp-content/uploads/2025/12/Nava-v-DHS-7th-Cir-ruling\\_12-11-2025.pdf](https://immigrantjustice.org/wp-content/uploads/2025/12/Nava-v-DHS-7th-Cir-ruling_12-11-2025.pdf).

<sup>69</sup> @AGPamBondi, X.COM (Sept. 25, 2025, 6:45 PM), <https://x.com/AGPamBondi/status/1971345371583611099>.

Senator Durbin has directed Senate Judiciary Committee minority staff to continue gathering evidence of potential violations of Section 242 and other federal laws, and we will provide this evidence to the Department in due course. Federal law enforcement officers participating in Operation Midway Blitz and other unnecessarily aggressive immigration enforcement activities throughout the United States, as well as their leadership directing them to engage in these inappropriate enforcement actions, should be on notice that we are closely monitoring such activities and that they can be held accountable for violating individuals' constitutional rights.

Sincerely,



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Richard J. Durbin  
United States Senator



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Tammy Duckworth  
United States Senator