

United States Senate

WASHINGTON, DC 20510

May 23, 2025

The Honorable Kristi Noem
Secretary
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave SE
Washington, D.C. 20528

Mr. Tom Homan
Executive Associate Director of
Enforcement and Removal Operations
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Mr. Todd Lyons
Acting Director
U.S. Immigration and Customs Enforcement
500 12th Street SW
Washington, DC 20536

Mr. Russell Hott
Director
U.S. Immigration and Customs Enforcement
Washington Field Office
14797 Murdock Street
Chantilly, VA 20151

Dear Secretary Noem, Mr. Homan, Acting Director Lyons, and Director Hott:

We are steadfast in our desire to protect the safety of law enforcement and uphold public safety for every person, regardless of their immigration status, when interacting with law enforcement. The two are inexorably interconnected. The public and law enforcement must both be safe during immigration enforcement actions.

Accordingly, we write to you today regarding ICE's recent immigration enforcement operations that have taken an alarming and dangerous turn. Across the country and in Virginia, masked ICE officers and agents without clearly visible identification as law enforcement have been arresting individuals on the streets and in sensitive locations, such as courthouses.¹ Such actions put everyone at risk – the targeted individuals, the ICE officers and agents, and bystanders who may misunderstand what is happening and may attempt to intervene.

We urge you to direct ICE officers and agents to promptly and clearly identify themselves as law enforcement officers conducting law enforcement actions when arresting subjects, and limit the use of face coverings during arrests and other enforcement actions to avoid intimidation and reduce safety risks to the public.

The American public encounters federal, state, local, territorial, campus, and other law enforcement regularly. In the overwhelming majority of these law enforcement encounters, law enforcement officers reveal their faces and identities while in the commission of their duties.

¹ Gilstrap, Samantha. "New Video Captures ICE Arrest of Georgetown Researcher, ACLU Says." *WUSA9*, 9 Apr. 2025, www.wusa9.com/article/news/crime/video-georgetown-researcher-detained-by-ice-aclu-virginia/65-023e7ee2-1cde-4894-bdba-6a8e2da86c89;

Bump, Philip. "Is That Guy with a Gun an ICE Officer — or Just a Guy with a Gun?" *The Washington Post*, 12 May 2025, www.washingtonpost.com/opinions/2025/05/12/ice-masked-federal-agents-accountability-ozturk/.

There are likely associated risks to doing so, yet the trooper pulling over a driver at night or the officer standing watch at the courthouse as suspected criminals enter manage those risks to their own and the public's safety in a transparent and accountable fashion.

The Department of Homeland Security's regulations provide that, at the time of an arrest, immigration officers must identify themselves if it is practical and safe to do so, and inform the individual of the reason for the arrest.² Additionally, under DHS policy, following a warrantless arrest, ICE officers must submit a write-up documenting the facts and circumstances surrounding the arrest, including a statement of how "at the time of arrest, the immigration officer [did], as soon as it [was] practical and safe to do so, identif[ied] himself or herself as an immigration officer who is authorized to execute an arrest; and state[d] that the person is under arrest and the reason for the arrest."³

Under the Trump administration, there has been an increase in reported instances of ICE officers and agents apprehending individuals while concealing their faces with masks, balaclavas, or other face coverings, often without clearly displaying their law enforcement credentials through identification, organizational uniform, or insignia.⁴ Historically, the use of face coverings by ICE had been reserved for undercover or sensitive operations, but press reports and public videos indicate that ICE officers and agents have broadened this practice to the arrests of nonviolent individuals without a prior criminal history.⁵ Anecdotally, the increased use of face coverings has been described as a means to conceal ICE officer and agent identities to avoid identification and accountability, particularly as the public has taken to filming immigration enforcement encounters.⁶

The International Association of Chiefs of Police warns that, "members of the general public may be intimidated or fearful of officers wearing a face covering, which may heighten their defensive reactions."⁷ The failure of ICE officers and agents to promptly and clearly identify who they are and the authority under which they are acting has led witnesses of immigration enforcement operations to justifiably question the law enforcement status, authority, and constitutionality of ICE officers and agents and their operations.⁸ Such actions compromise the safety of law enforcement officers and agents conducting the operation, the individual(s) being apprehended, bystanders, and other law enforcement who may be called to the scene to respond to a suspected crime. We remain deeply concerned that ICE's lack of transparency will lead the

² eCFR :: 8 CFR 287.8 -- Standards for enforcement activities.

³ [Castañón Nava, et al. v. Department of Homeland Security, et al. 1: 18-cv-03757 \(NDIL\) Settlement Agreement.](#)

⁴ Kaste, Martin. "Masked Officers in Tufts Student Arrest Raise Fears among Immigrants and Bystanders." *NPR*, 28 Mar. 2025, www.npr.org/2025/03/28/nx-s1-5342428/tufts-student-arrest-raises-questions-about-masked-ice-agents.

⁵ Tucker, Emma. "As Trump's Immigration Crackdown Continues, Ethics Questions Are Being Raised over the Use of Masked Federal Agents." *CNN*, 8 Apr. 2025, www.cnn.com/2025/04/08/us/ice-masks-federal-agents-arrest-students.

⁶ Olsen, Walter. "ICE Agents Routinely Mask up When Seizing People—That's Wrong." *Cato Institute*, 12 May 2025, www.cato.org/blog/ice-agents-seizing-people-now-routinely-wear-masks-thats-wrong. Accessed 15 May 2025.

⁷ "Face Coverings and Police-Community Engagement." *International Association of Chiefs of Police*, 3 Nov. 2020, www.theiacp.org/resources/document/face-coverings-and-police-community-engagement.

⁸ Tucker, Emma. "As Trump's Immigration Crackdown Continues, Ethics Questions Are Being Raised over the Use of Masked Federal Agents." *CNN*, 8 Apr. 2025, www.cnn.com/2025/04/08/us/ice-masks-federal-agents-arrest-students.

public to intercede in enforcement efforts, escalating an already tense interaction, and risking an entirely avoidable violent situation.⁹

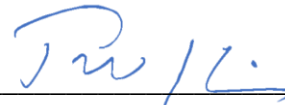
Increased use of face coverings and lack of prompt and clear identification by ICE officers and agents in public is also having unintended consequences. Criminals are taking advantage of ICE's anonymity and impersonating law enforcement officers and ICE agents.¹⁰ Recently, this resulted in several criminal acts including harassment, theft, extortion, assault, battery, sexual assault, and kidnapping.¹¹ The uptick in ICE officers and agents concealing their identities and ICE affiliation blurs the public's understanding of what ICE officers and agents look like and do while lawfully conducting their mission.¹² Bad actors have and will continue to take advantage of ICE's lack of transparency to perpetrate crimes on the most vulnerable in our society.

We strongly urge you to take swift action to ensure the safety of the public and your officers and agents during the performance of their duties by reducing unnecessary intimidation tactics that escalate defensive reactions.¹³ Additionally, we ask you to provide us with copies of any policies, guidance, memoranda, legal advice, training materials, and all other relevant documents produced by ICE and DHS that discuss when and how to use face coverings, organizational clothing, or reveal officer and agent identities during immigration enforcement operations by June 6, 2025.

Sincerely,



Mark R. Warner
United States Senator



Tim Kaine
United States Senator

⁹ Graham, Crystal. "Plain Clothes, Masks, Unmarked Vehicles: ICE Agents in Virginia." *Augusta Free Press*, 25 Apr. 2025, www.augustafreepress.com/news/plain-clothes-masks-unmarked-vehicles-ice-agents-target-immigrants-in-virginia/.

¹⁰ Lim, Clarissa-Jan. "Police Arrest Alleged Fake ICE Agents amid Immigration Raids." *MSNBC*, 7 Feb. 2025, www.msnbc.com/top-stories/latest/ice-agents-impersonate-officers-trump-immigration-raids-rcna191206.

¹¹ D'Abrosca, Peter. "Florida Man Impersonates ICE Agent, Threatens to Deport 2 Men, Police Say." *Fox News*, 7 Apr. 2025, www.foxnews.com/us/florida-man-impersonates-ice-agent-threatens-deport-2-men-police-say;

Griffith, Janelle, and Christiana Corporon. "Men in Two States Are Accused of Impersonating ICE Officers." *NBC News*, 3 Feb. 2025, www.nbcnews.com/news/us-news/men-two-states-are-accused-impersonating-ice-officers-rcna190446;

Artemis Moshtaghian, et al. "Multiple ICE Impersonation Arrests Made during Nationwide Immigration Crackdown." *CNN*, 4 Feb. 2025, www.cnn.com/2025/02/04/us/ice-impersonators-on-the-rise-arrests-made-as-authorities-issue-national-warning;

Casiano, Louis. "Florida Woman Poses as ICE Agent to Kidnap Wife of Ex-Boyfriend from Work, Authorities Say." *Fox News*, 22 Apr. 2025, www.foxnews.com/us/florida-woman-poses-ice-agent-kidnap-wife-ex-boyfriend-work-authorities-say.

¹² Arnold, Jeff. "ICE Officer Impersonations Spike in Wake of Immigration Crackdown." *NewsNation*, 7 Apr. 2025, www.newsnationnow.com/us-news/immigration/ice-impersonations-spike-immigration-crackdown/.

¹³ "Face Coverings and Police-Community Engagement." *International Association of Chiefs of Police*, 3 Nov. 2020, www.theiacp.org/resources/document/face-coverings-and-police-community-engagement.

The International Association of Chiefs of Police outlined reasonable steps to protect ICE officers and agents and the public, including "when interacting with a member of the public in an outdoor setting, consider stepping at least six feet away to remove your own face covering and introduce yourself, then replace your face covering and continue interaction from a closer distance" and "supervisors should also closely monitor department operations to detect and address biased enforcement activities."