

Oversight of the Use of Force by Department of Homeland Security (DHS) Law Enforcement Officers

February 2, 2026

On January 7 and January 24, 2026, U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) law enforcement officers (LEOs) were involved in shootings during immigration enforcement operations in Minneapolis, MN, that resulted in the deaths of two individuals. These incidents have raised questions for policymakers including how ICE and CBP investigate allegations of excessive force, whether ICE and CBP officers are required to use body-worn cameras (BWCs), and if there are any sources of data on [use of force incidents](#) involving ICE and CBP officers.

Use of Force Investigations

[ICE](#) and [CBP](#) each have an Office of Professional Responsibility (OPR). The ICE and CBP OPRs, along with the U.S. Department of Homeland Security's (DHS's) Office of the Inspector General (OIG), are responsible for investigating claims of serious misconduct and criminal behavior on the part of agency employees. [OPRs are required to report to OIG](#) allegations of

- criminal misconduct,
- serious, non-criminal misconduct (which is “conduct that, if proved, would constitute perjury or material dishonesty, warrant suspension as discipline for a first offense, or result in loss of law enforcement authority”), and
- all instances of discharging a firearm that results in death or personal injury.

If the OIG declines to investigate an allegation, the case is returned to OPR, which is to handle the investigation.

[Investigations involve](#) collecting facts sufficient to make an informed decision about the merit of an allegation. A *proposing official*, which can be the supervisor of the employee being investigated or a panel of managers (known as a *discipline review board*), is to review the results of the investigation and make a determination regarding whether the allegation is substantiated. An allegation is considered to be substantiated when the proposing official determines that the evidence would lead a reasonable person to

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IN12646

find that it is more likely than not that the alleged misconduct occurred. In substantiated cases, the proposing official is to propose corrective action, if any. A *deciding official*—which is usually, but not always, different than the proposing official—is to issue a final determination regarding corrective action.

Employees in substantiated cases can face verbal or written counseling, letters of reprimand, unpaid suspension, demotion, or termination. Agency guidance and precedent regarding corrective actions taken in the past in similar cases are to shape recommendations for corrective action in substantiated cases. Proposing and deciding officials are to consider factors specific to the employee, related circumstances (i.e., aggravating and mitigating factors), and the type of misconduct when considering the appropriate penalty. For OIG investigations, if the Inspector General (IG) has “reasonable grounds to believe there has been a violation of Federal criminal law,” federal statute requires the IG to report the violation to the Attorney General “expeditiously” (5 U.S.C. §404(d)).

Body-Worn Cameras (BWCs)

Former DHS Secretary Mayorkas [issued a department-wide policy mandating the use of BWCs in certain circumstances in May 2023](#). The policy requires DHS agencies and offices with LEOs to implement the department policy through their own agency-specific policies. Per the department policy, LEOs are required to record interactions with the public

- in all appropriate circumstances when LEOs are conducting patrol or are otherwise engaged with the public in response to emergency calls;
- when serving an arrest warrant or other pre-planned arrests, including apprehending fugitives sought on state and local warrants; or
- during the execution of a warrant for a search or seizure.

Both ICE and CBP have directives covering BWCs; however, [there have been reports](#) that some ICE and CBP LEOs are not wearing BWCs because the agency has not provided them or their field office does not have a policy that implements the agency’s policy. The FY2026 DHS appropriations bill (Division H of H.R. 7148) includes \$20 million for DHS to purchase BWCs for LEOs conducting immigration enforcement, but it would not require ICE and CBP LEOs to wear BWCs. Legislation has been introduced in the 119th Congress (e.g., H.R. 5653, H.R. 4651) that would require ICE and CBP LEOs involved in immigration enforcement to wear BWCs.

[While research on BWCs](#) has raised questions about the effectiveness of these devices on reducing use of force by LEOs and improving police-citizen interactions, recording interactions between LEOs and the public can help show what occurred during the time that the camera was on, which could potentially aid investigations.

Use of Force Data

DHS’s Office of Homeland Security Statistics (OHSS) publishes data on use of force incidents. [In the most recent report](#), which covers FY2023, OHSS reported that CBP LEOs were involved in 472 use of force incidents and ICE LEOs were involved in 78 such incidents. During this period, 8 of the incidents involving CBP LEOs resulted in death, 10 resulted in serious injury, and 77 resulted in minor injuries. For ICE LEOs during this period, 2 incidents resulted in death, 9 resulted in serious injury, and 19 resulted in minor injuries.

Currently, data are not publicly available that would allow for an analysis of how the number of use of force incidents involving ICE and CBP LEOs compares to the number of use of force incidents involving other federal LEOs. The Departments of Justice and the Interior (which combined with DHS [employed 83% of federal, non-OIG LEOs in 2020](#)) do not publish use of force data like those available from OHSS.

The Federal Bureau of Investigation (FBI) operates a national Use of Force Data Collection program that collects [data on use of force incidents](#) that result in death or serious bodily injury or in which an LEO discharges his or her firearm. Participation in the program is voluntary (61% of federal, state, local, and tribal agencies participated in 2025), and the FBI states that [data collected by the program](#) “offers big-picture insights, rather than information on specific incidents.” Use of force data published by the FBI cannot be used to determine the number of use of force incidents that occurred in one agency and how it compares to the number of incidents in other federal agencies.

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