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REVERE RIDER BRIEFING

Know Your Opponent: The Strategy & Tactics of U.S. Immigration and Customs Enforcement

ABOUT THIS BRIEFING

This briefing provides a comprehensive institutional analysis of U.S. Immigration and Customs Enforcement (ICE) — covering its legal authority, budget, operational tactics, weapons, militarization, comparative history, and documented pattern of political deployment.

Primary sources: American Immigration Council (February 2026); Brennan Center for Justice; Brookings Institution; Migration Policy Institute; Deportation Data Project; Congressional Research Service; DHS FY2026 Congressional Budget Justification; 8 U.S.C. §§ 1103, 1226, 1231, 1357; 8 C.F.R. § 287.

I. INSTITUTIONAL OVERVIEW AND STATUTORY AUTHORITY

Origins and Legal Foundation

ICE was created by the Homeland Security Act of 2002 following the September 11 attacks, absorbing the enforcement functions of the former Immigration and Naturalization Service (INS) and the U.S. Customs Service. Its stated mission is to conduct criminal investigations, enforce immigration laws, preserve national security, and protect public safety. It has two primary law enforcement components: Homeland Security Investigations (HSI) and Enforcement and Removal Operations (ERO).

The statutory framework governing ICE's powers is concentrated in the Immigration and Nationality Act (INA), primarily Title 8 of the U.S. Code. Key statutes include 8 U.S.C. §§ 1103, 1226, 1231, 1182(f), and 1185(a), plus INA Section 287(g) and federal regulations such as 8 C.F.R. § 287.7.

Specific Powers and Their Limits

Under 8 U.S.C. § 1357(a)(2), ICE officers may conduct warrantless arrests if there is "reason to believe that the alien to be arrested is present in the United States in violation of any U.S. immigration law and is likely to escape before a warrant can be obtained."

A critical constraint: as federal law enforcement officers, ICE officers lack federal statutory authority to enforce state or local vehicle or traffic laws. When making vehicle stops, ICE officers shall not state to the driver or occupant(s) that the purpose for a stop is related to any vehicle or traffic laws.

The Section 287(g) authority is a foundational mechanism for expanding ICE's reach, authorizing the delegation of immigration officer functions to state and local law enforcement. Parallel regulatory authorities such as 8 C.F.R. § 287.7 govern detainers — requests that local jails hold individuals for ICE custody.

Where Statutory Authority Falls Short

The American Immigration Council's February 2026 legal analysis is among the most detailed recent examinations of where ICE has departed from its legal authority. A January 2026 memo from ICE director Todd Lyons explicitly directs supervisors to issue an administrative warrant in real time for someone who has already been stopped and questioned — if ICE has probable cause to believe the person is removable — so agents can then make an arrest.

That same memo radically expands ICE's definition of who constitutes a person "likely to escape" — declaring that anyone who might not wait at the scene of their encounter with immigration agents for a warrant to be created should be considered "likely to escape." For decades, courts have interpreted this to mean a genuine flight risk. The January 2026 memo collapsed that standard into any person encountered in the field — a reinterpretation that federal courts were actively litigating as of March 2026.

ICE's secret use of so-called I-205 administrative warrants to enter homes became publicly known only in January 2026, thanks to complaints from two government whistleblowers. When supervisors told selected agents about the new policy, they showed a copy of the memo but prohibited agents from taking it out of the room. This deliberate secrecy made it impossible for the public to know what ICE was doing for several months, and limited internal pushback.

II. BUDGET: THE CREATION OF A DEPORTATION-INDUSTRIAL COMPLEX

Historical Baseline

Just 10 years ago, the annual budget for ICE was less than \$6 billion — notably smaller than other agencies within the Department of Homeland Security. ICE's budget hovered around \$10 billion for years.

The Unprecedented Surge

ICE's budget has skyrocketed during President Trump's second term, becoming the highest-funded U.S. law enforcement agency, with \$85 billion now at its disposal — thanks to the One Big Beautiful Bill Act, enacted last July.

"With this new bill and other appropriations, it's larger than the annual budget of all other federal law enforcement agencies combined." — Lauren-Brooke Eisen, senior director of the justice program at the Brennan Center for Justice.

\$45 Billion

Building new immigration detention centers, including family detention facilities — a 265% annual budget increase. That's 62% larger than the entire federal prison system, and could result in daily detention of at least 116,000 non-citizens.

\$29.9 Billion

ICE's enforcement and deportation operations — a three-fold increase in ICE's annual budget.

\$11.3 Billion

The FY 2026 base budget for ICE, with 21,808 positions and 21,786 full-time equivalents. ICE is the principal criminal investigative agency within DHS, responsible for enforcing more than 400 federal statutes.

\$10+ Billion

Additional funds to state and local jurisdictions for border-related law enforcement support — a massive unrestricted fund giving DHS enormous leverage to entice compliance with immigration enforcement priorities.

ICE's 2026 budget is projected to triple to approximately \$30 billion — more than Poland spent on its military last year. Compared to the world's largest military budgets, ICE's 2026 budget would rank in the top fifteen.

The "Deportation-Industrial Complex"

Most detention facilities will be operated by for-profit private prison corporations and other private contractors, creating strong economic and political interests that will make the new apparatus very difficult to dismantle. Taken together — long-term detention and surveillance contracts, rapid hiring increases, and new monetary incentives for reprioritizing law enforcement on immigration — this creates a deportation-industrial complex: an enforcement machine that is lopsided, enforcement-only, and hard to reverse.

III. STANDARD PRACTICES AND OPERATIONAL TACTICS

Core Operational Modes

Targeted Operations

Identifying individuals with removal orders or specific criminal histories and deploying agents to arrest them. These were the traditional backbone of ICE enforcement across multiple administrations.

Collateral Arrests

The practice of arresting individuals at a scene who were not the original target — expanded dramatically under the current administration. Because the second Trump administration often stops and questions people at random without any specific target, the distinction between "collateral arrests" and other arrests has effectively faded.

Vehicle Stops

Under the second Trump administration, vehicle stops have become increasingly common — cars are routinely stopped in the middle of the street. CBP's Greg Bovino conducted a January 2025 raid in Kern County, CA that relied heavily on vehicle stops based on apparent racial profiling, before being tapped to orchestrate enforcement in Los Angeles, Chicago, North Carolina, and Minnesota.

Courthouse & Sensitive Location Arrests

The administration terminated a policy barring ICE from arresting people at "sensitive locations" such as hospitals, schools, and religious institutions. All 13.7 million unauthorized immigrants are now a priority for removal. ICE now frequently carries out operations at immigration check-ins and courthouses.

Retaliatory Enforcement Against Observers

ICE and CBP agents have routinely stopped vehicles and questioned occupants in apparent retaliation for being followed by community members monitoring their activities. In many cases, they subsequently attempted to charge these community members with federal crimes.

A Reuters investigation found that as of February 2026, over 650 people had been charged with what Reuters characterized as a "catch-all" law punishing anyone who "forcibly assaults, resists, opposes, impedes, intimidates, or interferes" with federal agents.

Special Response Teams and Tactical Units

Wired described ICE's Special Response Teams (SRT), CBP's one SRT, and the Border Patrol Tactical Unit (BORTAC) as "paramilitary tactical units" that "behave not like local police, but instead like special forces in Iraq, Afghanistan, or other far-flung battlefields from the Forever Wars of the past quarter century."

A New York Times investigation found that ICE and CBP units regularly used military equipment in non-threatening, day-to-day operations — including suppressors, MAWLs, M-LOK rails, dump pouches, RCM magwells, and "helmets, camouflage and tactical gear that all look straight from the battlefield."

Covert and Deceptive Practices

Following the drawdown of Operation Metro Surge, documented ongoing tactics included using drones, traveling in smaller groups while wearing plain clothes, going door-to-door while pretending to be environmental canvassers, and monitoring bus stops.

These practices raise distinct legal questions: ICE officers are legally required to identify themselves as immigration officers at the time of arrest or as soon as practical and safe to do so.

IV. WEAPONS AND EQUIPMENT ANALYSIS

Lethal Weapons

Precision Long Guns

ICE contracted with Geissele Automatics for millions of dollars' worth of "precision long guns and accessories" — AR-style rifles with military specifications. CBP contracted for millions of dollars more in rifles.

Handguns

ICE and CBP contracted with Glock for millions of dollars in handguns and accessories.

Scale of Purchase

"ICE and CBP have together placed orders to purchase thousands of new high-powered lethal weapons at taxpayer expense." ICE spent nearly \$140 million on

weapons and ammunition in the final weeks of FY 2025, buying from vendors that had previously worked primarily with the Pentagon.

Tactical Gear

A single vendor, Lionheart Alliance, received a \$49 million contract to provide tactical gear including ballistic helmets to ICE.

Sniper Programs

ICE has an "immediate requirement to procure precision fires and specialized observation capabilities for the national Special Response Team (SRT) sniper program," according to DHS's own September 2025 contract justification. Since September 1, 2025, ICE has spent nearly \$8 million on new equipment — including simulation rounds, junk cars, sniper training gear, and a model building — for training at Fort Benning, Georgia.

Less-Lethal Weapons

The Senator Adam Schiff report documents ICE and CBP contracts totaling more than \$30 million in ammunition and more than \$25 million for "non-lethal" weapons. Documented field use includes pepper spray, physical force, tear gas, and flashbang grenades.

The Minnesota State Patrol also deployed an LRAD (Long Range Acoustic Device) to disperse anti-ICE protesters in January 2026 — a device historically used for military operations since 2003 that is capable of inflicting bodily harm including nausea, dizziness, organ damage, and permanent hearing loss in extreme cases.

Are These Weapons Necessary and Effective?

The evidence strongly suggests they are not proportionate to the actual risk profile of enforcement operations. Between April and June 2025, a mere 6% of arrests involved criminals with violent offenses. Between October and November 2025, violent offenders accounted for only 5% of arrests. Suppressors provide no utility while arresting unarmed personnel in a three-bedroom house.

The adoption of special operations forces equipment and tactics by federal immigration agents is not an operational necessity — the evidence highlights that agents are adopting elite aesthetics to intimidate the citizenry, not to enhance mission effectiveness.

V. MILITARIZATION AND THE PARAMILITARY CONCERN

The Posse Comitatus Problem

The Posse Comitatus Act of 1878 (18 U.S.C. § 1385) prohibits the use of the U.S. military as domestic law enforcement unless explicitly authorized by Congress. ICE is a civilian agency, not subject to Posse Comitatus on its face — but the concern raised by legal scholars is that ICE's current posture effectively constitutes a military force in civilian clothes, bypassing Posse Comitatus's protective purpose.

Immigration policy has become the administration's "Trojan horse" to achieve illegal militarization. The executive orders on immigration characterize regular migration across the southern border as an "invasion" and migrants as "invaders" — language that invokes war powers and military authorities rather than civilian law enforcement frameworks.

When federal agents adopt special forces equipment and techniques, they begin to see themselves as the military and effectively bypass the Posse Comitatus Act. This repurposes law enforcement from a civil entity that upholds the law into a political arm that enforces policy. By violating the spirit of this Act, members of DHS become a paramilitary for any sitting administration.

The courts have weighed in directly. After a bench trial in September 2025, Senior U.S. District Judge Charles R. Breyer ruled that the Trump administration violated the Posse Comitatus Act by using federalized California National Guard troops to execute immigration laws, including engaging in arrests. He enjoined the defendants from deploying, ordering, instructing, training, or using the National Guard to execute the laws.

In December 2025, the Supreme Court ruled that the federal government cannot use the National Guard for normal enforcement.

Accountability Collapse

DHS Shootings

By January 2026, The Washington Post reported that 16 DHS shootings since July 2025 were prematurely declared justified by federal officials before investigations were completed — and no federal officers were held accountable.

Court Order Violations

Chief Judge for Minnesota Patrick J. Schiltz wrote that ICE had disobeyed more federal directives in January alone than "some federal agencies have violated in their entire existence," attaching a list of 97 court orders ICE had disobeyed from 74 different immigration cases since January 1.

Absolute Immunity Claim

The Trump administration has argued for "absolute immunity" for ICE officers, which would lead to lawsuits being dismissed without the investigative discovery phase. Absolute immunity, unlike qualified immunity, protects agents regardless of whether they knowingly violate "clearly established" laws regarding excessive force or probable cause.

VI. STRENGTHS AND WEAKNESSES OF CURRENT ICE STRATEGY

Documented Strengths

Scale & Deterrence

Deportations following ICE arrest and detention more than quadrupled — there were 4.6 times as many deportations following ICE arrest and detention in the last measured month as during the average month in the second half of 2024. The increased detention rate (from 16% released within 60 days under Biden to only 3% under Trump II) has driven higher removal-to-arrest conversion.

Border Crossings

The number of unauthorized border crossings dropped sharply following Trump's return to office, reflecting the deterrence effect of aggressive enforcement posture — though many researchers attribute this to a combination of enforcement, diplomatic pressure on Mexico, and global migration trends.

Criminal Network Dismantling

ICE's Homeland Security Investigations (HSI) component conducts complex multi-year investigations into transnational criminal organizations, human trafficking, and financial crimes. This work is broadly viewed as legitimate and effective by law enforcement professionals across the political spectrum.

Documented Weaknesses**Failure to Achieve Stated Goals**

Overall deportations remained well below the stated goal of 1 million per year and even below the number during Joe Biden's final year as president. In December, ICE stated DHS had "removed" 622,000 noncitizens under Trump, whereas the Biden administration carried out 778,000 total repatriations in FY 2024.

Targeting Failure

The Trump administration regularly claims to be targeting the "worst of the worst," but the vast majority of those arrested by ICE have no criminal conviction. As of January 7, just 26% of those in ICE detention had a criminal conviction, while 26% had a pending criminal charge and 48% had only an immigration-related charge.

Institutional Chaos & Court Violations

The pattern of violating court orders at a rate unprecedented in federal law enforcement history creates legal exposure and institutional instability that no effective law enforcement organization can sustain.

Erosion of Public Legitimacy

A 60% majority of Americans believe ICE uses excessive force. A January 22, 2026, nationwide poll found 63% of Americans thought that as a whole, ICE had gone "too far." A law enforcement agency that has lost majority public support faces significant operational headwinds.

Collateral Economic Damage

ICE's own operations have created collateral damage across the legal economy: agricultural labor shortages, disruptions in the construction and food service industries, and documented economic harm to U.S. citizen family members of deported immigrants.

VII. CONCERNS ABOUT POLITICAL INTIMIDATION AND AUTHORITARIAN DEPLOYMENT

This is the most serious dimension of the analysis, and the evidence base is substantial.

Legal scholars and civil rights advocates are especially worried about ongoing violations of the First, Second, Fourth, and 10th Amendments. First Amendment concerns stem from reports that ICE and Border Patrol have deployed excessive force as well as advanced surveillance methods on suspects, observers, and journalists.

When enforcement activity impedes the rights to assemble, document, and criticize government action, that chills those rights — and the consequences extend beyond any single demonstration. These rights are not peripheral to democracy. They are central to it.

Targeting of Political Speech and Association

The case of Mahmoud Khalil is perhaps the most legally significant. Khalil, a legal permanent resident, was detained based on a statement from Secretary of State Marco Rubio alleging that his First Amendment-protected speech could affect U.S. foreign policy interests. A federal district court in New Jersey ruled that the government's original justification for initiating immigration proceedings against Khalil was likely unconstitutional and blocked his detention and deportation. After this ruling, the government shifted its justification to what Khalil's legal team characterized as false, pretextual, and retaliatory charges about alleged misrepresentations on his green card application.

Polling Place Intimidation

Concerns about ICE appearing at polls have surged amid political rhetoric by those in Trump's orbit suggesting federal agents would be deployed around polling stations in the 2026 midterm elections. The White House later said there were no formal plans to do so, without ruling it out. Multiple states have pursued legislation to explicitly block ICE or other federal immigration agents from their polling places. In Kansas, a bill has been introduced that would criminalize federal immigration enforcement within 400 feet of a polling place.

Systematic Intimidation of Observers

The use of retaliatory enforcement against civilians monitoring ICE operations — the charging of over 650 people with "interference" with federal agents — combined with the invoking of Renée Good's death as a warning to observers, constitutes a documented pattern of using enforcement authority to suppress constitutionally protected observation and criticism of government conduct.

Expert Consensus

"Trump is building up a well-funded, poorly trained paramilitary force that could easily take on a life of its own. Once you have a massive moneymaking machine ginned up, it's hard to reverse course and turn off the spigot." — Rosa Brooks, Georgetown national security law expert

Under Trump's leadership, ICE became the largest federal law enforcement agency in the United States, with a budget that rivals or exceeds that of many national militaries. Trump reframed the agency's mission as a "civilisational battle." ICE officers were cast as guardians of the nation, authorized to act aggressively in defense of a threatened homeland. This rhetorical shift imbued the agency with a sense of impunity and exceptionalism, positioning it as an extension of presidential will rather than a body constrained by law.

Sociologists and political scientists situate ICE's actions as representing a crisis of legitimacy and a structural violence regime infiltrating the criminal justice system.

VIII. COMPARATIVE ANALYSIS: CURRENT VS. PRIOR ADMINISTRATIONS

Obama Administration

The Obama years saw the highest raw deportation numbers in modern history — 5.3 million people removed across two terms. However, the majority were border turnarounds, not interior arrests of people who had been living in the United States. The highest single year was FY 2012 with 410,000 removals. Starting in 2011 and codified in 2014, enforcement was explicitly focused on criminal aliens, individuals with serious criminal records, and recent border crossers — a prioritization upheld by the Supreme Court.

Trump First Term

The first Trump administration eliminated enforcement priorities and significantly increased interior enforcement, overseeing 2.1 million removals. It also saw the zero-tolerance policy and family separation crisis of 2018, significant expansion of 287(g) agreements with local law enforcement, and the first major expansion of ICE's tactical unit posture.

Biden Administration

The Biden administration focused deportation efforts on recent border arrivals and maintained prosecutorial discretion guidelines instructing officials to prioritize removing migrants who pose threats to national security or public safety. The Supreme Court upheld those guidelines. Biden's overall repatriation numbers were high — 778,000 in FY 2024 — driven by record border encounters, but interior enforcement of long-settled immigrants was significantly lower than under Trump.

Trump Second Term: What Is Different

Scale of Budget

No prior administration had anything approaching \$85 billion for ICE. The institutional permanence this creates — detention centers, private contractor relationships, hired personnel — will outlast any single administration.

Elimination of All Enforcement Priorities

Unlike even the first Trump term, the current administration has formally eliminated any distinction between who is and is not an enforcement priority, making all 13.7 million estimated unauthorized immigrants equally subject to arrest at any time.

Military Aesthetics & Culture

The deliberate deployment of Special Response Teams, BORTAC units, and military-surplus equipment in routine neighborhood enforcement — and the tolerance or encouragement of this posture by DHS leadership — is without precedent in prior administrations.

Systematic Suppression of Oversight

A Reuters review of six violent encounters found ICE officials making statements later contradicted by video and other evidence. The combination of claims for absolute immunity, obstruction of state investigations, denial of body camera footage, refusal to allow state medical examiners access to shooting scenes, and FBI refusal to cooperate with state investigations represents a qualitatively different posture toward accountability.

Political Deployment

The rhetorical framing of migrants as "invaders," the potential deployment near polling places, the use of enforcement against legal permanent residents for protected political speech, and the documented use of "interference" charges to

deter civilian observers all suggest ICE is being deployed for political purposes beyond immigration enforcement proper.

Effectiveness Gap

Despite unprecedented investment and aggression, the Trump administration continues to conceal most concrete details about its immigration enforcement activities. Its arrest pattern is highly erratic; the most recent period in March showed its lowest daily average — 5.4% lower than Biden's record year. The stated goal of one million deportations per year remains far out of reach.

IX. BOTTOM LINE ASSESSMENT

The evidence supports several clear conclusions:

On Legal Authority

ICE has a real but carefully delimited statutory basis for immigration enforcement. The current administration has systematically pushed beyond that basis — redefining "likely to escape" to apply to virtually anyone encountered in the field, conducting retaliatory enforcement against civilians exercising First Amendment rights, and secretly implementing detention and arrest policies without public notice.

On Militarization

By every measurable indicator — equipment, training contracts, tactical unit deployments, battlefield aesthetics, and command culture — ICE has been deliberately transformed into a paramilitary organization. Expert consensus from former law enforcement officials, military scholars, and constitutional law professors is that this transformation is both operationally disproportionate (given that fewer than 6% of targets have violent records) and institutionally dangerous.

On Effectiveness

ICE under the current administration is arresting and removing more people from the interior of the United States than the Biden years, but is falling dramatically short of its own stated goals, is well below Obama-era raw removal numbers, and is achieving its results at catastrophically higher financial and human cost per deportation than any prior administration.

On Political Intimidation

The documented pattern of retaliatory enforcement against observers, systematic misrepresentation of use-of-force incidents, claims of absolute immunity, obstruction of state oversight, and rhetorical framing of legal observers as threats constitutes a body of evidence that ICE is being used, at least in part, as an instrument of political intimidation rather than neutral law enforcement. This conclusion is shared by constitutional scholars, federal judges, former law enforcement officials, and a bipartisan range of civil liberties organizations.

PRIMARY SOURCES



American Immigration Council legal analysis (February 2026); Brennan Center for Justice; Brookings Institution; Migration Policy Institute; Deportation Data Project; Small Wars Journal; NPR; CBS News; The New Republic; Congressional Research Service; 8 U.S.C. §§ 1103, 1226, 1231, 1357; 8 C.F.R. § 287; DHS FY2026 Congressional Budget Justification; The Conversation; The Lever; The New York City Bar Association; LSE United States Politics and Policy.

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