

Identifying Federal Law Enforcement Officers: A Practical Guide for Documenting Who Did What in FTCA Cases

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Overview

This guide helps advocates and attorneys document the identity and agency affiliation of officers involved in immigration enforcement, protest responses, detention operations, and related incidents. In FTCA matters, early identification can be case-critical: it helps determine whether the United States is the proper defendant, whether the law-enforcement proviso in 28 U.S.C. § 2680(h) may apply, and what additional records requests and discovery targets will be most effective.

This guide is written to be used in the field (by clients, family members, organizers, and legal observers) and in early case intake. It emphasizes practical documentation steps, while recognizing that safety and de-escalation come first.

Safety and De-escalation First

This guide is about observation and documentation. It is not legal advice for any particular jurisdiction. Interactions with armed officers can escalate quickly. In real time, prioritize physical safety, keep distance, and avoid anything that could be framed as interference. When possible, focus on documenting from a public place and leaving the area.

Quick Actions During an Encounter

If you are observing an enforcement action or protest response, the most valuable steps are often:

- Record video from a safe distance in a public place when you can do so without interfering.
- Say the date, time, and location out loud on camera at the beginning and again at the end.



- Capture faces only if doing so is safe; if faces are covered, capture distinctive clothing, patches, numbers, and vehicles.
- Get at least one wide shot (context) and then closer shots (identifiers).
- Write down what you saw immediately after: names (if known), numbers, agency words on gear, and a timeline.

Recording and Documenting: What is Generally Protected by the First Amendment

It is a widely recognized rule that the First Amendment generally protects the right to photograph and record law enforcement and federal agents performing their duties in public. Officers generally need a warrant to search the contents of a device or confiscate it if you are not under arrest, and the government may not delete photos or videos. *See* American Civil Liberties Union, [Recording and Documenting Police and Federal Agents](#) (updated March 10, 2026).

In practice, officers may order observers to move back to a reasonable distance for safety. A useful habit is to comply with distance instructions while continuing to record (if safe) and narrating what is happening.

Asking Officers to Identify Themselves: What to ask and how to ask?

In many encounters, the most useful question is calm and direct: “What agency are you with?” If it is safe to do so, follow up with: “What is your name and badge number?” Even if the officer refuses, asking can be valuable because it may prompt the officer to display a badge, credentials, or an agency identifier, and it creates contemporaneous evidence of a request for identification.

Some know-your-rights materials specifically encourage asking police for name and badge number and writing it down. For immigration officers, guidance often emphasizes staying calm, not running, and avoiding physical resistance if an officer proceeds despite a refusal of consent.

Important reality check: there is not one universal, consistently enforced nationwide rule that guarantees an officer will provide a name on demand in every setting. Masking and reduced visible identifiers have become common, and controversial, in immigration enforcement. When officers do not provide names, documentation shifts to other identifiers: agency markings, badge numbers, unit patches, vehicles, and who the officer may appear to report to in practice.

Credentials and Badges: What “Official ID” Often Looks Like

Federal officers typically carry a credential (often a photo identification card, sometimes in a wallet-style holder) and, for law enforcement, often a badge. Credential formats vary



by law enforcement agency. National Guard (rather than immigration enforcement) are more likely to wear clearly visible identifying labels on their uniform. A DHS management instruction addresses the issuance, control, and accountability of DHS credentials, reflecting that DHS treats credentials as controlled items and manages how they are issued and used. See Department of Homeland Security, [Management Instruction 121-01-008, Issuance and Control of the Department of Homeland Security Credentials](#) (Feb. 17, 2009).

What to Document (Even When You Do Not Know The Agency)

Clients often will not know agency names, ranks, or acronyms. That is normal. In the moment, even partial observations can be powerful. Encourage clients and observers to remember what they can, without pressure to get everything right. A single accurate detail (a number on a vest, a vehicle unit number, a specific patch) can be the key that unlocks identification later.

High-value identifiers to capture:

- **Words on clothing or gear:** ICE, DHS, CBP, BORDER PATROL, HSI, POLICE, SHERIFF, STATE TROOPER, NATIONAL GUARD.
- **Patches and seals:** shoulder patches, chest identifiers, the DHS seal, component seals.
- **Numbers:** badge numbers, unit numbers, helmet numbers, vehicle numbers, license plates (state and plate number).
- **Uniform color and pattern:** solid navy, olive green, camouflage, plain clothes with tactical vest, high-visibility jackets.
- **Equipment:** body cameras, radio earpieces, zip ties, shields, long guns, less-lethal launchers, chemical irritants.
- **Vehicles:** marked versus unmarked, agency decals, light bar type, cage partitions, government plates.
- **Behavioral clues:** who gives commands, who wears a supervisor-looking outfit, who speaks to local police, who carries a clipboard or device.

Field notes template (one minute version):

After the encounter, write or voice-memo these items as soon as possible:

- Date and time (start and end).
- Exact location (address or cross streets).
- What happened (three-sentence summary).
- Who did the hands-on conduct (describe each person separately).
- Agency words/patches seen.
- Numbers (badge, vest, vehicle, plate).



- Vehicles (make, model, color, markings).
 - Witnesses and contact info.
 - Where video exists (your phone, neighbor camera, livestream, business).
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Common Federal Actors and What to Look for:

Immigration and Customs Enforcement (ICE): Enforcement and Removal Operations (ERO) and Homeland Security Investigations (HSI)

ICE personnel may appear in a range of operational configurations, including tactical teams, investigative agents, and officers conducting enforcement actions. In some operations, officers wear tactical vests or jackets with large block lettering such as “ICE,” “HSI,” or “POLICE.” In other situations they may operate in plain clothes and briefly display a badge or credential.

In recent enforcement operations, officers have sometimes worn face coverings or masks, which can make identification more difficult. When that occurs, vest markings, patches, badges, and vehicle identifiers become especially important for determining the agency involved.

When attempting to identify ICE personnel, useful indicators include:

- Lettering such as “ICE,” “HSI,” or “POLICE” on vests or outerwear.
- The DHS seal or ICE component patches.
- Badges or credentials displayed during the encounter.
- Marked vehicles associated with ICE or DHS.
- Coordination with other federal agents or local officers working with federal authorities.

Because immigration enforcement operations often involve multiple agencies, it is particularly important to document which officer personally detained, searched, transported, or used force against the client, rather than attributing actions to the group as a whole.

Customs and Border Protection (CBP): Office of Field Operations (OFO) and U.S. Border Patrol (USBP)

CBP personnel may appear in different uniforms and roles depending on the component and operational setting. The two primary enforcement components encountered in



immigration contexts are U.S. Border Patrol (USBP) and the Office of Field Operations (OFO).

When attempting to identify CBP personnel, useful indicators include:

- Visible words such as “CBP,” “BORDER PATROL,” or “U.S. BORDER PATROL.”
- Distinctive green or olive uniforms commonly associated with Border Patrol agents.
- Shoulder patches or badges identifying CBP or Border Patrol.
- Marked vehicles labeled with CBP or Border Patrol insignia.
- Location context—for example, land border areas or checkpoints (more commonly Border Patrol) versus airports or ports of entry (more commonly OFO officers).

At airports, seaports, and land ports of entry, OFO officers are often in standardized duty uniforms, although specialized teams may wear tactical gear similar to other federal law-enforcement units. *See* U.S. Customs and Border Protection, *USBP Uniform and Grooming Standards 2025* (internal operating procedure dated July 2, 2025).

Federal Protective Service (FPS) and Other Federal Police

In protests or demonstrations occurring near federal buildings or property, the Federal Protective Service (FPS) or other federal law-enforcement agencies may be present. FPS is responsible for security at many federal facilities and often coordinates with other federal or local police during large events.

When attempting to identify FPS or other federal police, useful indicators include:

- “POLICE” or “FPS” lettering on uniforms or tactical gear.
- Agency-specific shoulder patches or badges.
- Deployment in or around federal buildings, courthouses, or government complexes.
- Coordination with other federal personnel protecting federal facilities or property.

As with other agencies, documentation should focus on specific identifying markers and the individual actions taken by each officer, including who conducted searches, restraints, or arrests.

National Guard



National Guard personnel may appear in crowd-control, perimeter security, or protective roles during protests, disaster response, or other public-order missions. More recently, they have been deployed in some communities alongside immigration enforcement personnel. They often wear standard military uniforms with “U.S. Army” or “U.S. Air Force” name tapes, but may also display state identifiers, such as a shoulder patch naming the state National Guard (for example, “Ohio National Guard,” “California National Guard,” etc.). Unlike federal troops, Guard members frequently operate alongside state or local law enforcement and may be positioned at checkpoints, near government buildings, or supporting police operations.

When attempting to identify personnel as National Guard, useful indicators include:

- State-specific unit patches or insignia on the shoulder.
- Vehicles or equipment marked with the name of a state National Guard unit.
- Deployment in coordination with state emergency authorities or the governor’s office.
- Statements from officials describing the deployment as a state National Guard activation.

Note on Legal Status for FTCA Purposes

Because National Guard members can operate under multiple legal statuses, identifying their duty status and chain of command may also become legally important. For purposes of potential liability under the Federal Tort Claims Act (FTCA), the key question is often whether Guard members were acting as “employees of the government.” The FTCA’s definition includes “members of the National Guard while engaged in training or duty under section 115, 316, 502, 503, 504, or 505 of title 32.” 28 U.S.C. § 2671.

In practice, National Guard service generally falls into two main categories when it involves federal duties:

- Title 10 (federal active duty): Guard members are fully federalized and operate within the federal military chain of command.
- Title 32 (state-controlled but federally authorized duty): Guard members remain under the governor’s command but perform federally authorized missions, often funded by the federal government.

This distinction matters because it affects who had legal authority over the personnel and which government entity may bear responsibility.

Importantly, when National Guard personnel are deployed at the request or direction of the President or federal officials, including certain missions authorized under 32 U.S.C. §



502, they may qualify as federal “employees” and potentially “law enforcement officers” within the meaning of the FTCA, depending on the functions they were performing. See National Guard Bureau, [Duty Status Reference fact sheet](#); Lawfare, [Section 502\(f\) Is Not a Blank Check](#) (July 2024).

Plainclothes and Undercover Officers: How to Document without Guessing

In protest contexts and some enforcement operations, officers may be in plainclothes. The goal is not to prove undercover status while on the street observing. Instead, document observable facts: coordinated movement with uniformed officers, use of radios/earpieces, display of weapons or restraints, and whether they physically detained someone. Video that captures coordination (even briefly) can be very helpful later.

If someone claims to be law enforcement but refuses to show any identifier, treat the situation as higher risk. Prioritize safety and move toward witnesses, well-lit public areas, and recording from distance.

Impersonation and Confusion Risk

When officers are masked or minimally identified, communities face an additional risk: confusion between real officers and impersonators. In some policy debates, officials, advocates, and community members have raised concerns that lack of clear identification increases this risk. This is another reason to focus on concrete identifiers such as vehicle plates, unit numbers, and patches.

Additional Tools and Resources

These resources can be used to train observers, prepare clients, and standardize documentation:

- [Democracy Forward - Know Your Rights: Immigration and Law Enforcement](#)
- [American Civil Liberties Union - Recording and Documenting Police and Federal Agents](#)
- [National Lawyers Guild - Know Your Risks \(booklet\) and related local legal observer materials](#)
- [National Lawyers Guild San Francisco - We Know Our Rights Video Project \(training and scenario-based materials\)](#)

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