



State of Illinois
Illinois Department of Human Rights



ILLINOIS
ACCOUNTABILITY
COMMISSION

OLD IRVING PARK
INVESTIGATION BRIEF

April 2026



INVESTIGATION BRIEF

OLD IRVING PARK / KILDARE AVENUE

Date: October 25, 2025

Location: Old Irving Park (3700 Block of N. Kildare Avenue, Chicago, IL)

Estimated Number of Agents Involved: Multiple; at least three unmarked vehicles

Categorization: Use of Excessive Force; Tear Gas

SUMMARY

At approximately 9:45 AM on October 25, 2025, at least three unmarked vehicles carrying armed federal immigration agents in full camouflage tactical gear drove onto the 3700 block of Kildare Avenue in the Old Irving Park neighborhood of Chicago. After agents approached an unarmed individual, Luis Villegas, and, as he attempted to get away, at least two armed and masked agents exited their vehicles and chased him down the street, tackled him, and arrested him on a resident's lawn. The incident unfolded just as a longstanding annual neighborhood Halloween parade was about to begin.

As Villegas was being arrested, the man on whose yard he was tackled came out of his house and yelled at the agents to get off his property. Neighborhood residents, many of whom were on their way to the Halloween parade with their children, as well as other individuals with whistles gathered nearby. Onlookers attempted to speak with the agents while they handcuffed and led the detained individual into their vehicle. An agent shoved at least one of these observers. While agents can be heard on body cam footage stating that they were blocked in on both sides of the street, the footage and witness testimony contradict this claim. Nevertheless, agents put on their gas masks and brought out tear gas canisters. Agents also arrested and physically harmed two individuals. One was a young woman who had been observing the incident when she was tackled to the ground by an agent. The other was a 67-year-old man who was driving home from a run when an agent approached his car, drew his baton, and began yelling at him. When the man opened his door to get out of the car, the agent immediately dragged him to the ground. Both the young woman and the 67-year-old man have multiple broken ribs from being forcibly pinned down and the man also suffered from internal bleeding. Another observer was shoved down by an agent and was subsequently diagnosed with a concussion. While this was occurring, a different agent threw a canister of tear gas behind the agents' vehicles. No clear advanced warning can be heard on the body cam footage. Shortly after the arrests, the agents drove away. The Halloween parade was canceled due to the incident, although some families held a makeshift event in the parking lot of a nearby elementary school.

CHRONOLOGY OF EVENTS

On the morning of Saturday, October 25, 2025, residents of the Old Irving Park neighborhood were gathering in anticipation of a longstanding annual Halloween parade, a community event with deep roots in the neighborhood.ⁱ At approximately 9:43 AM, at least three unmarked federal vehicles filled with border patrol agents arrived in the Old Irving Park neighborhood of Chicago, driving westbound on Grace Street toward Kildare Avenue.ⁱⁱ All agents were wearing camouflage tactical gear and masks that covered their faces.ⁱⁱⁱ They carried pistols and M4-pattern rifles.^{iv} Between 9:45 and 9:48 AM, the vehicles turned south onto Kildare Avenue, and agents ordered several individuals in cars to get out of the way.^v

Between 9:47 and 9:48 AM., border patrol agents, including at least Agent Andy Chavez and Agent Tee Rico, approached a home in the neighborhood where Luis Villegas was outside doing working.^{vi} Villegas is a 35-year-old man from Mexico who had come to the United States with his family when he was four years old.^{vii} The two agents exited their vehicles upon observing Luis Villegas running.^{viii} They chased him down and tackled him on the front lawn of Brian Kolp.^{ix} At approximately 9:48 AM, agents handcuffed Villegas and began walking him toward one of the unmarked vehicles.^x Villegas's brother, who was working on the home with him, saw the interaction and, visibly upset, approached Villegas and the agent escorting him.^{xi} Another agent shoved Villegas's brother even though the brother was following the agents' instruction to back away.^{xii}

Neighborhood residents, some of whom had been on their way to the Halloween parade with their children, as well as other observers gathered around the scene. They observed and yelled at the agents but did not physically impede them. Brian Kolp, the man on whose lawn the arrest occurred, came out of his house and yelled at the agents to get off his property.

At approximately 9:51 AM, body cam footage recorded an agent inside one of the vehicles stating, "looks like we're blocked on both sides."^{xiii} Video footage and witness testimony, however, contradict this claim.^{xiv} At approximately 9:52 AM, agents inside the vehicle put on gas masks and exited with tear gas canisters.

Less than a minute later, a man dressed in a yellow Halloween costume, George Withek, was shoved to the ground by an agent, though what prompted this is unclear from the available footage. Another agent shoved a woman to the ground who was walking with her bike, even

though it appears she was about to move on her own. Immediately thereafter, one of the agents walked down the street yelling “back up, you guys are gonna get gassed.”^{xv}

At approximately 9:54 AM, one of the unmarked vehicles began slowly reversing down the street, though it is unclear from the footage whether the vehicle could have simply driven forward and left.^{xvi} At approximately the same moment, a 67-year-old man who was driving home from a morning run turned onto Kildare Avenue and pulled up in front of one of the unmarked vehicles. Several agents immediately ran toward his car, including Agent Rico and Agent Chavez.^{xvii} Agent Rico, who had pulled out his rifle and approached the front door of the man’s car, continued yelling at the 67-year-old man to drive away.^{xviii} The man yelled back at the agent.^{xix} When he opened his car door and began to exit his vehicle, Agent Rico immediately grabbed him and threw him to the ground.^{xx} For the next few minutes, Agent Rico continued to forcefully pin the 67-year-old man to the ground. He can be heard on footage yelling out in pain and pleading with agents to stop.^{xxi} Neighbors yelled at agents to be gentle and repeatedly told them the man was elderly.^{xxii} After a couple of minutes, the agent arrested him, put him in handcuffs and led him to one of the vehicles.^{xxiii} The man sustained several broken ribs and internal bleeding as a result of the incident.^{xxiv}

While the man was being pinned down, the woman walking with her bike who had been shoved earlier approached and started yelling at the agent to get off of the man.^{xxv} As she got close, another agent, Javier Puente, grabbed and tackled her to the ground.^{xxvi} He pinned her to the ground, put her in handcuffs, arrested her, and led her to the same vehicle the 67-year-old man was put in.^{xxvii} She also suffered several broken ribs from the incident.^{xxviii} At least two other observers were also shoved by agents during the incident, one of whom sustained a concussion.^{xxix}



Image 1 - Source: NBC News^{xxx}



Image 2 Northern District of Illinois^{xxxi}

At 9:55 AM, Agent Chavez yelled “gas, gas, gas” and threw a tear gas canister, not in the direction the vehicles were attempting to leave, but rather behind where the agents’ vehicles were positioned.^{xxxii} No audible dispersal warning or instructions to the crowd can be heard on the available body cam footage prior to this deployment. One resident was outside with her child when the incident began and informed IAC that both her and her two-year-old daughter suffered symptoms of tear gas exposure from the agents’ actions.^{xxxiiixxxiv}

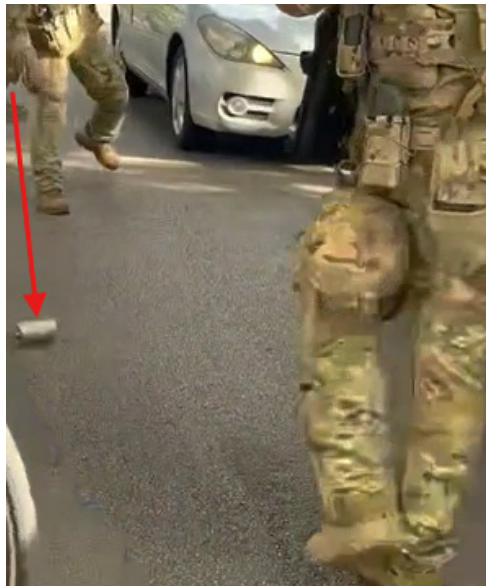


Image 3 Northern District of Illinois^{xxxv}



Image 4 Northern District of Illinois^{xxxvi}

At approximately 10:00 AM, all agents drove away from the scene.^{xxxvii} Neighborhood residents remained on the street to check on the condition of their neighbors and make sure others were not harmed. Ultimately, the Halloween parade, which had been organized as an annual neighborhood tradition, was canceled as a result of the incident. Some families, unwilling to let the day pass without acknowledgment, held a makeshift version of the event in the parking lot of a nearby elementary school.

Agents' Public Justification and Contradicting Evidence

After the incident, DHS released a statement claiming that Border Patrol conducted an operation that resulted in the arrest of a criminal illegal alien from Mexico, who has previously been arrested for assault.^{xxxviii} They also stated that “[d]uring the operations Border Patrol agents were surrounded and boxed in by a group of agitators” and that officers “issued multiple lawful commands and verbal warnings, all of which were ignored.”^{xxxix}

In his incident report, Agent Chavez states “The munition was deployed in a targeted manner, directed at individuals attempting to impede law enforcement officials during their official duties that posed a high risk of danger to agents.”^{xi} All available evidence contradicts this assertion. There is no evidence that the heavily armed agents were in physical danger. Moreover, no clear advanced instructions can be heard on the body cam footage prior to the deployment of tear gas and the tear gas canister was thrown behind the agents’ vehicles rather than in the direction they were attempting to leave, undermining any contention that the canister was deployed in order to clear a path for departure. Video and witness statements also call into question DHS’ statement that commands were ignored by the crowd.

U.S. District Court Judge Sara Ellis also summarized the events of Old Irving Park when issuing a Temporary Restraining Order against DHS for its indiscriminate use of tear gas against crowds during Operation Midway Blitz. Like other similar events where federal agents deployed tear gas, Judge Ellis noted that the record of events in Old Irving Park did not support the deployment of tear gas,^{xli} and that “[w]hile agents claimed that the crowd prevented them from leaving and that they needed to use tear gas to allow them to leave... their BWC footage instead suggests that they prolonged the encounter.”^{xlii} CBP Commander Gregory Bovino was questioned in a October 28, 2025 court hearing regarding the level of force used in Old Irving Park and other incidents during Operation Midway Blitz.^{xliii} His response was that hypothetically, if “somebody had driven up in a car and they had been on a long run, so they’re marathon training, and they got out of their car in their running clothes and . . . see a commotion and they’re asking the agents what’s going on . . . under those circumstances, that that person doesn’t pose a level of threat such that taking them down to the ground and using a choke hold maneuver would be appropriate.”^{xliv} However Bovino’s “hypothetical” scenario is exactly what happened here, with no accountability from Bovino or DHS.

Commission Determinations of Misconduct

Based on the information it has gathered, the Commission has determined that there is reasonable cause to believe that federal agents should be formally investigated for possible violations of agency policy, state and federal criminal laws, and individuals' constitutional rights. In particular, the following instances of misconduct should be investigated further:

- Agent Chavez deployed tear gas at non-violent protesters posing no imminent threat. Agent Chavez was not in physical danger and also failed to issue effective dispersal orders and give those individuals in the vicinity an opportunity to comply before deploying noxious chemicals.
- Agent Rico drug the 67-year-old man out of his car, threw him to the ground, and forcefully pinned him down, resulting in serious injuries. The man did not appear to be posing a significant threat to federal agents and was not attempting to assault the federal agents or others.
- Agent Puente also tackled and forcefully pinned a woman to the ground when she was protesting the violent arrest of the 67-year-old man. The woman also sustained serious injuries, including broken ribs.
- As noted by Judge Ellis, statements made in the official incident reports that crowds were blocking federal agents' vehicles are not supported by the body worn camera footage or witness statements, but instead suggests that agents may have prolonged the encounter with protesters through their actions. This suggests agents submitted materially inaccurate official reports regarding their justification for using force.

Endnotes

- i Interviews with Brian Kolp (Feb. 12 and March 29, 2026); Bill Hutchinson; *Border Patrol Agents Fire Pepper Balls at Group Allegedly Disrupting Children's Halloween*, ABC News, <https://abcnews.com/US/border-patrol-agents-fire-allegedly-disrupting-childrens-halloween/story?id=126900354> (last visited Apr. 16, 2026).
- ii CBP, Axon_Body_4_Video_2025-10-25_1045_D01A36942.mp4; Kilder_Ave_Op_Midway-Blitz_4_Video_2025-10-25_1045_D01A2632Y.mp4; redacted_Axon_Body_4_Video_2025-10-25_1045_D01A38582.mp4; Interviews with Brian Kolp (Feb. 12 and March 29, 2026).
- iii *Id.*
- iv *Id.*; Ali Winston and Maddy Varner, *Unmasking the Paramilitary Agents Behind Trump's Violent Immigration Crackdown*, (Apr. 2, 2026), Wired, <https://www.wired.com/story/border-patrol-bortac-borstar-use-of-force-midway-blitz/>.
- v Axon_Body_4_Video_2025-10-25_1045_D01A36942.mp4; Kilder_Ave_Op_Midway-Blitz_4_Video_2025-10-25_1045_D01A2632Y.mp4; redacted_Axon_Body_4_Video_2025-10-25_1045_D01A38582.mp4; Interview with Jill Damato (Feb. 11, 2026); Interviews with Brian Kolp (Feb. 12 and March 29, 2026).
- vi CBP E-STAR Incident Report # 25839 at 8-9, *Chicago Headline Club v. Noem*, Doc. 338-37 (N.D. Ill. Feb. 6, 2026) Ali Winston and Maddy Varner, *Unmasking the Paramilitary Agents Behind Trump's Violent Immigration Crackdown*, (Apr. 2, 2026), Wired, <https://www.wired.com/story/border-patrol-bortac-borstar-use-of-force-midway-blitz/>; Tre Ward, Federal agents detain worker in Old Irving Park, appear to use tear gas; fear disrupts local parade, 7 ABC Eyewitness News, (Oct. 26, 2025), <https://abc7chicago.com/post/chicago-immigration-activity-construction-worker-detained-feds-old-irving-park-witnesses-say-fear-disrupts-parade/18071228/>.
- vii Tre Ward, *Federal agents detain worker in Old Irving Park, appear to use tear gas; fear disrupts local parade*, 7 ABC Eyewitness News, (Oct. 26, 2025), <https://abc7chicago.com/post/chicago-immigration-activity-construction-worker-detained-feds-old-irving-park-witnesses-say-fear-disrupts-parade/18071228/>.
- viii CBP E-STAR Incident Report # 25839 at 7, *Chicago Headline Club v. Noem*, Doc. 338-37 (N.D. Ill. Feb. 6, 2026), <https://loevyandloevy.wetransfer.com/previews/834909f42b6f94af4e3e20bf9462e72720260209181837/0193d8?itemId=15909f1bad11fbe02351c6c61a4b9fc020260209181902>.
- ix Interview with Brian Kolp (Feb. 12 and March 29, 2026); CBP E-STAR Incident Report # 25839, *Chicago Headline Club v. Noem*, Doc. 338-37 (N.D. Ill. Feb. 6, 2026) <https://loevyandloevy.wetransfer.com/previews/834909f42b6f94af4e3e20bf9462e72720260209181837/0193d8?itemId=15909f1bad11fbe02351c6c61a4b9fc020260209181902>.
- x CBP Body Worn Camera, Axon 2025-10-25_D01A36942, available at <https://www.loevy.com/class-actions/government-accountability/chc-v-noem/>.
- xi *Id.*; See Tre Ward, *Federal agents detain worker in Old Irving Park, appear to use tear gas; fear disrupts local parade*, 7 ABC Eyewitness News, (Oct. 26, 2025), <https://abc7chicago.com/post/chicago-immigration-activity-construction-worker-detained-feds-old-irving-park-witnesses-say-fear-disrupts-parade/18071228/>.
- xii CBP Body Worn Camera, Axon 2025-10-25_D01A36942, available at <https://www.loevy.com/class-actions/government-accountability/chc-v-noem/>.
- xiii CBP Body Worn Camera, Axon 2025-10-25_D01A36942, available at <https://www.loevy.com/class-actions/government-accountability/chc-v-noem/>.
- xiv Interviews with Brian Kolp (Feb. 12 and March 19, 2026); Interview with Jill Damato (Feb. 11, 2026) (date); Interview with James Hotchkiss.
- xv CBP Body Worn Camera, Axon 2025-10-25_D01A36942, available at <https://www.loevy.com/class-actions/government-accountability/chc-v-noem/>.
- xvi CBP Body Worn Camera, Axon 2025-10-25_D01A36942, available at <https://www.loevy.com/class-actions/government-accountability/chc-v-noem/>.
- xvii CBP Body Worn Camera, Axon 2025-10-25_D01A36942, available at <https://www.loevy.com/class-actions/government-accountability/chc-v-noem/>; Ali Winston and Maddy Varner, *Unmasking the Paramilitary Agents Behind Trump's Violent Immigration Crackdown*, (Apr. 2, 2026), Wired, <https://www.wired.com/story/border-patrol-bortac-borstar-use-of-force-midway-blitz/>; CBP E-STAR Incident Report # 25839, *Chicago Headline Club v. Noem*, Doc. 338-37 (N.D. Ill. Feb. 6, 2026) <https://loevyandloevy.wetransfer.com/previews/834909f42b6f94af4e3e20bf9462e72720260209181837/0193d8?itemId=15909f1bad11fbe02351c6c61a4b9fc020260209181902>

- xviii CBP Body Worn Camera, Axon 2025-10-25_D01A2632Y, available at <https://www.lovvy.com/class-actions/government-accountability/chc-v-noem/>; CBP E-STAR Incident Report # 25839, *Chicago Headline Club v. Noem*, Doc. 338-37 (N.D. Ill. Feb. 6, 2026) <https://lovvyandlovvy.wetransfer.com/previews/834909f42b6f94af4e3e20bf9462e72720260209181837/0193d8?itemId=15909f1bad11fbe02351c6c61a4b9fc020260209181902>
- xix CBP Body Worn Camera, Axon 2025-10-25_D01A2632Y, available at <https://www.lovvy.com/class-actions/government-accountability/chc-v-noem/>
- xx CBP Body Worn Camera, Axon 2025-10-25_D01A2632Y, available at <https://www.lovvy.com/class-actions/government-accountability/chc-v-noem/>; CBP E-STAR Incident Report # 25839 at 8, *Chicago Headline Club v. Noem*, Doc. 338-37 (N.D. Ill. Feb. 6, 2026) <https://lovvyandlovvy.wetransfer.com/previews/834909f42b6f94af4e3e20bf9462e72720260209181837/0193d8?itemId=15909f1bad11fbe02351c6c61a4b9fc020260209181902>
- xxi CBP Body Worn Camera, Axon 2025-10-25_D01A36942, available at <https://www.lovvy.com/class-actions/government-accountability/chc-v-noem/>.
- xxii Interviews with Brian Kolp (Feb. 12 and March 29, 2026).
- xxiii CBP Body Worn Camera, Axon 2025-10-25_D01A38582, available at <https://www.lovvy.com/class-actions/government-accountability/chc-v-noem/>.
- xxiv Interviews with Brian Kolp (Feb. 12 and March 29, 2026); Ali Winston and Maddy Varner, *Unmasking the Paramilitary Agents Behind Trump's Violent Immigration Crackdown*, (Apr. 2, 2026), *Wired*, <https://www.wired.com/story/border-patrol-bortac-borstar-use-of-force-midway-blitz/>.
- xxv CBP Body Worn Camera, Axon 2025-10-25_D01A2632Y, available at <https://www.lovvy.com/class-actions/government-accountability/chc-v-noem/>.
- xxvi CBP E-STAR Incident Report # 25839, *Chicago Headline Club v. Noem*, Doc. 338-37 (N.D. Ill. Feb. 6, 2026) <https://lovvyandlovvy.wetransfer.com/previews/834909f42b6f94af4e3e20bf9462e72720260209181837/0193d8?itemId=15909f1bad11fbe02351c6c61a4b9fc020260209181902>; CBP Body Worn Camera, Axon 2025-10-25_D01A2632Y, available at <https://www.lovvy.com/class-actions/government-accountability/chc-v-noem/>.
- xxvii CBP Body Worn Camera, Axon 2025-10-25_D01A2632Y, available at <https://www.lovvy.com/class-actions/government-accountability/chc-v-noem/>; CBP E-STAR Incident Report # 25839 at 8, *Chicago Headline Club v. Noem*, Doc. 338-37 (N.D. Ill. Feb. 6, 2026) <https://lovvyandlovvy.wetransfer.com/previews/834909f42b6f94af4e3e20bf9462e72720260209181837/0193d8?itemId=15909f1bad11fbe02351c6c61a4b9fc020260209181902>
- xxviii Ali Winston and Maddy Varner, *Unmasking the Paramilitary Agents Behind Trump's Violent Immigration Crackdown*, (Apr. 2, 2026), *Wired*, <https://www.wired.com/story/border-patrol-bortac-borstar-use-of-force-midway-blitz/>.
- xxix Interview with Brian Kolp (Feb. 12 and March 29, 2026); see CBP E-STAR Incident Report # 25839 at 8, *Chicago Headline Club v. Noem*, Doc. 338-37 (N.D. Ill. Feb. 6, 2026) <https://lovvyandlovvy.wetransfer.com/previews/834909f42b6f94af4e3e20bf9462e72720260209181837/0193d8?itemId=15909f1bad11fbe02351c6c61a4b9fc020260209181902>
- xxx Natash 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>.
- xxxi Opinion and Order, *Chicago Headline Club v. Noem*, 1:25-cv-12173 at 201 (N.D. Ill. Nov. 20, 2025).
- xxxii CBP Body Worn Camera, Axon 2025-10-25_D01A38582, available at <https://www.lovvy.com/class-actions/government-accountability/chc-v-noem/>; CBP E-STAR Incident Report # 25839 at 9, *Chicago Headline Club v. Noem*, Doc. 338-37 (N.D. Ill. Feb. 6, 2026)
- xxxiii See *Chicago Immigration Enforcement: Children, Tear Gas, Border Patrol*, NBC News, (Nov. 5, 2025), <https://www.nbcnews.com/news/us-news/chicago-immigration-enforcement-children-tear-gas-border-patrol-rcna241629>.
- xxxiv Interview with Sarah Parise; Interview with James Hotchkiss ; see also *Chicago residents say immigration enforcement is leading to children getting tear-gassed*, NBC News, (Nov. 2025), <https://www.nbcnews.com/news/us-news/chicago-immigration-enforcement-children-tear-gas-border-patrol-rcna241629>.
- xxxv Opinion and Order, *Chicago Headline Club v. Noem*, 1:25-cv-12173 at 149 (N.D. Ill. Nov. 20, 2025), video available at <https://spaces.hightail.com/space/EVZTY9QHGW>.
- xxxvi *Id.*
- xxxvii CBP Body Worn Camera, Axon 2025-10-25_D01A38582, available at <https://www.lovvy.com/class-actions/government-accountability/chc-v-noem/>

xxxviii Victor Jacobo, *Federal Agents Deploy Tear Gas, Detain Delivery Worker in Separate Operations on Northwest Side*, CBS Chicago (Oct. 26, 2025), <https://www.cbsnews.com/chicago/news/federal-agents-deploy-tear-gas-detain-delivery-worker-northwest-side/>.

xxxix *Id.*

xl CBP E-STAR Incident Report # 25839 at 9, *Chicago Headline Club v. Noem*, Doc. 338-37 (N.D. Ill. Feb. 6, 2026) <https://loevyandloevy.wetransfer.com/previews/834909f42b6f94af4e3e20bf9462e72720260209181837/0193d8?itemId=15909f1bad11fbe02351c6c61a4b9fc020260209181902>

xli Opinion and Order, *Chicago Headline Club v. Noem*, 1:25-cv-12173 at 201 (N.D. Ill. Nov. 20, 2025).

xlii Opinion and Order, *Chicago Headline Club v. Noem*, 1:25-cv-12173 at 201 (N.D. Ill. Nov. 20, 2025).

xlili *Id.*

xliv *Id.*

