

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

State of Minnesota,  
by and through its Attorney General  
Keith Ellison, City of Minneapolis, and City of  
Saint Paul,

Plaintiffs,

v.

KRISTI NOEM, in her official capacity as  
Secretary of the U.S. Department of Homeland  
Security; JOHN CONDON, in his official  
capacity as Acting Executive Associate Director  
of Homeland Security Investigations; U.S.  
Department of Homeland Security; TODD  
LYONS, in his official capacity as Acting  
Director of U.S. Immigration and Customs  
Enforcement; MARCOS  
CHARLES, in his official capacity as Acting  
Executive Associate  
Director, Enforcement and Removal  
Operations; U.S. Immigration and Customs  
Enforcement; RODNEY SCOTT, in his official  
capacity as Commissioner of U.S. Customs and  
Border Protection; U.S. Customs and Border  
Protection; GREGORY BOVINO, in his official  
capacity as Commander of the U.S. Border  
Patrol; U.S. Border Patrol; DAVID  
EASTERWOOD, in his official capacity as  
Acting Director, Saint Paul Field Office, U.S.  
Immigration and Customs Enforcement,

Defendants.

Case No. 0:26-cv-00190 (KMM-  
DJF)

**DECLARATION OF  
HEATHER ROBERTSON**

Your Declarant is Heather Robertson, and she submits the following Declaration:

1. I am an Assistant City Attorney with the Minneapolis City Attorney's Office. I submit this declaration in support of Plaintiff's Motion for a Temporary Restraining Order based on my personal knowledge, review of City records, and/or discussions with appropriately knowledgeable persons.

2. In the first 11 months of 2025, from January 1 to November 30, there were no officer-involved shootings in Minneapolis where the Minneapolis Police Department ("MPD") was involved. There was a single incident in July of 2025 where there was deadly force directed at an MPD officer.

3. Since December 1, 2025, there have been three officer-involved shootings in Minneapolis where an agent of Defendants was the shooter.

4. According to emergency communication records, the following events occurred: On January 24, 2026, at 9:03 a.m., Minneapolis 911 received a call reporting that ICE just shot someone in Minneapolis, multiple 911 calls about the same subject immediately followed.

5. At 9:05 a.m., Minneapolis 911 callers also reported that ICE agents were attempting to detain 30 bystanders.

6. The first MPD squad on the scene at 9:07 a.m., confirmed that this was a shooting involving an immigration agent and requested further assistance. This call for assistance was sent to all available MPD officers in the City.

7. Paramedics associated with the Minneapolis Fire Department ("MFD") were attempting CPR at the scene at 9:10 a.m.

8. As other MPD squad began to arrive the officers blocked off traffic and put up

police tape.

9. By 9:15 a.m. there was a large crowd and the officers attempted to expand the perimeter.

10. At 9:16 a.m. MPD Police Chief O'Hara advised the Minnesota Bureau of Apprehension ("BCA") of the situation.

11. An MPD officer rode with the ambulance to the hospital with the shooting victim.

12. Metro Transit buses were routed off of Nicollet Avenue due to the street shutting down.

13. Around 9:20 a.m. MPD Mobile Field Force team readied to deploy if they were needed for crowd management or crowd control.

14. At 9:22 a.m. all on-duty tactical officers, that is SWAT, strike teams, and drone operators, were activated.

15. At 9:24 a.m. the MPD Watch Commander reported that federal agents on the scene were asking MPD officers to leave the crime scene, but MPD stayed to hold the crime scene.

16. At 9:28 a.m. the Minnesota State Patrol were reported as en route to the scene.

17. At 9:30 a.m. it was reported that there was a crowd gathering and becoming hostile.

18. The Watch Commander reported that federal agents were prepared to use chemical munitions.

19. Officers at Hennepin County Medical Center were alerted that a large number of agents were at HCMC to be prepared for potential crowds.

20. At 9:41 a.m. it was reported that the federal agents were leaving and that MPD was to stay at the scene.

21. At 9:45 a.m. the crowd was described as angry and yelling and officers noted that federal agents had possibly used chemical agents.

22. At 9:53 a.m. it was reported that ICE was deploying flashbangs and gas munitions, and there was a gas cloud moving eastbound.

23. At 9:55 a.m. Homeland Security Investigations requested that MPD stay on scene to assist with crowd control.

24. Brooklyn Park Police Department, Hennepin County Sheriff's Office, Minnesota State Patrol, and Minnesota Department of Natural Resources officers also responded to assist with holding the scene.

25. At 10:03 a.m. it was reported that the crowd had blocked the street.

26. At 10:04 a.m. medical was responding to a shortness-of-breath call from pepper spray.

27. Around 10:11 a.m. MPD officers cleared the scene temporarily, while the perimeter was held by State Patrol, so MPD could regroup at the Fifth Precinct Station.

28. At 10:51 a.m. a caller reported that Border Patrol/ICE agents were lining up wearing riot gear and masks and the caller wanted assurance that MPD was on the scene.

29. At 10:56 a.m. a caller reported that ICE agents were using rubber bullets, deploying tear gas, throwing flashbangs. The caller stated the agents started a fire in the dumpster with a flashbang which exploded.

30. At 11:04 a.m., MPD's Strike Team 1 went to join the line with State Patrol, and

joined with an MPD SWAT team.

31. A dumpster fire was reported at 29<sup>th</sup> Street and Blaisdell and the MPD Strike Team necessarily escorted the MFD to extinguish the fire.

32. With assistance of the Strike Team and SWAT Team as necessary escorts, MFD was able to reach the location of the dumpster fire and determine that the dumpster fire was contained. A mattress and a garbage can were also reported as on fire between 11:25 – 11:34 a.m., and those incidents were handled by the MFD.

33. At 11:40 a.m. all on-duty MPD personnel were instructed to respond to the First Precinct for staging.

34. At 11:42 a.m. all MPD officers that were off duty were activated and directed to respond to the First Precinct with Civil Disturbance gear.

35. By 11:50 a.m. the MFD truck was able to leave the scene with an MPD escort.

36. At 12:00 p.m. all MPD personnel that were not already assigned were to report to the First Precinct.

37. MPD and State Patrol continued to hold the scene against angry protestors and used necessary crowd-control measures.

38. Additional resources from St Paul Police, Ramsey County, and suburban Hennepin agencies were requested to backfill patrol across the City of Minneapolis to respond to 911 calls.

39. As a result of the drain on the MPD's resources caused by this incident, the two prior officer-involved shootings, and overall by Operation Metro Surge, Minneapolis Mayor Jacob Frey requested that Governor Tim Walz use the Minnesota National Guard to help

reinforce local law enforcement resources in Minneapolis.

40. Attached as Exhibit A is a true and correct copy of a press release by the City of Minneapolis explaining the reasoning behind the request for the assistance of the Minnesota National Guard.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Signed in Ramsey County, Minnesota.

Dated: January 24, 2026

/s/Heather Robertson  
Heather P. Robertson  
Assistant City Attorney  
Minneapolis City Attorney's Office