

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Case No. 26-mj-61 (ECW)

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Richard Berger, being duly sworn, do hereby state as follows:

INTRODUCTION & AGENT BACKGROUND

1. I am Special Agent with the U.S. Homeland Security Investigations, Department of Homeland Security (HSI) and have been so employed since September 2009. I am a graduate of the Federal Law Enforcement Training Center, which consisted of the Criminal Investigator Training Program, and U.S. Immigration and Customs Enforcement Special Agent Training.

2. Prior to working with HSI, I was employed as a U.S. Customs and Border Protection Officer for approximately four years. During my career, I have conducted and participated in multiple investigations involving the unlawful importation and the distribution of controlled substances, the assault and hinderance of federal officers while engaged in the performance of their official duties, fraud and identity theft

violations, export violations, financial crimes, illegal alien smuggling and various immigration violations. During these investigations, I have conducted physical surveillance, executed arrest and search warrants, reviewed tape-recorded conversations, and personally interviewed numerous sources of information as well as confidential sources.

3. This affidavit is submitted for the limited purpose of establishing probable cause in support of issuing a complaint and arrest warrant for Helicity BOROWSKA (XX/XX/2007) for forcibly assaulting, resisting, opposing, impeding, intimidating, and interfering with officers in performance of their official duties, in violation of Title 18, United States Code, Section 111(a).

4. This affidavit is based on my personal knowledge, as well as information I have learned from other law enforcement officers and the review of reports, written materials, and recordings at the writing of this affidavit. This affidavit does not include all the details I have learned regarding this investigation. Rather, it only includes information believed to be sufficient to establish probable cause.

PROBABLE CAUSE

5. On January 16, 2026, at approximately 2215hrs Customs and

Border Protection (CBP) Office of Field Operations (OFO) Special Response Team (SRT) and Federal Protective Service Inspectors (FPSI) were performing security duties at the Henry Whipple Building (HWB) public access gate in Minneapolis, Minnesota. All officers were wearing clearly marked police markings.

6. Throughout the evening, officers formed a crowd control line and had to push a crowd of approximately 100 protesters and agitators back from the public entrance of the HWB. Officers gave multiple verbal commands for the protesters and agitators to move back and out of the area. During one of the push backs Customs and Border Protection Officer (CBPO) 1 observed a subject, later identified as BOROWSKA, in the protest line wearing red markings on her face (depicting a gunshot wound to the head), and a bandana. BOROWSKA intentionally spat saliva on CBPO 1's front body armor. BOROWSKA also spat saliva on CPBO 2 who was standing next to CBPO 1.

7. Officers later identified BOROWSKA in the protest crowd and arrested BOROWSKA for violation of Title 18, United States Code, Section 111. While affecting the arrest of BOROWSKA, BOROWSKA intentionally spat saliva in the face of CBPO 2.

8. As officers were placing handcuffs on BOROWSKA, BOROWSKA kicked and resisted officers. FPSI 1 attempted to control BOROWSKA's legs and was kicked several times in the process. FPSI 1 did not believe BOROWSKA intended on kicking FPSI 1. During the arrest FPSI 1 injured/jammed his/her finger but did not require medical attention.

9. On January 16, 2026, special agents from HSI interviewed BOROWSKA. After waiving her Miranda rights, BOROWSKA told agents that she came out to the federal building with a group of people to protest law enforcement. BOROWSKA explained that she linked arms with other individuals and began pushing and shouting expletives at the officers. BOROWSKA also confessed to spitting multiple times at the feet and chest of the officers. When the agents tried to arrest BOROWSKA she admitted to running away from them. When they caught up to BOROWSKA and attempted to arrest her, she resisted the officers by pushing the agents off her and kicking them.

Borowska was later released from custody. JB
ecw

CONCLUSION

10. Based on the information set forth above, there is probable cause to believe that defendant Helicity BOROWSKA forcibly assaulted,

resisted, opposed, impeded, intimidated, and interfered with officers in performance of their official duties, in violation of Title 18, United States Code, Section 111(a).

Further your Affiant sayeth not.



Richard Berger
Special Agent, HSI

SUBSCRIBED and SWORN before me
by reliable electronic means via FaceTime
and email pursuant to Fed. R. Crim. P. 41(d)(3) on
January 23, 2026



ELIZABETH COWAN WRIGHT
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF MINNESOTA