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Re: Complaint and Claims for Damages under the Federal Tort Claims Act for Hilda Ramirez Sanan and her children, J.R.S. and A.R.S.

Dear Counsel:

Lawyers for Civil Rights ("LCR") submits this complaint under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346, 2671-2680, on behalf of Hilda Ramirez Sanan (D.O.B 3/20/1975), and her children, J.R.S (D.O.B [redacted]) and A.R.S. (D.O.B [redacted])[1], (collectively, "Claimants"), seeking damages arising from the actions of the U.S. Government and U.S. Immigration and Customs Enforcement ("ICE") officers during an incident that occurred on September 26, 2025, in Chelsea, Massachusetts. Ms. Ramirez is a lawful permanent resident who has lived in the United States for over 20 years, and her two children are U.S. citizens.

The traumatic incident described herein resulted in physical, emotional, and psychological harm to each Claimant, stemming directly from the unlawful and excessive actions of federal officers acting within the scope of their official duties.[2]

[1] The children hereby proceed by pseudonym due to reasonable fear that, should their identities be revealed, they will face stigma as well as threats of violence and retaliation. *See Haitian-Americans United et al. v. Trump et al.*, 25-CV-10498 (D. Mass. 2025) (Order Granting Motion to Proceed Pseudonymously, ECF No. 7, holding that "Plaintiffs convincingly argue that coming out of the shadows will cause [them] unusually severe harm, and given that threat of harm, anonymity is necessary to forestall a chilling effect on future litigants who may be similarly situated") (internal quotation marks and citation omitted); *Alianza Americas et al. v. DeSantis et al.*, 22-CV-11550 (D. Mass. 2022) (ECF No. 7) (same); *Doe et al v. Trump et al.*, 25-CV-10135 (D. Mass. 2025) (ECF No. 9) (same); *Doe v. Austin*, No. 22-CV-368, 2023 WL 3568188, at *1 (D. Me. May 19, 2023) (granting leave to proceed under pseudonyms due to "fear of harassment and violence"); *Doe v. Lyons*, No. 23-CV-10894, 2023 WL 3936740, at *1 (D. Mass. May 9, 2023) (same); *K.O. by & through E.O. v. United States*, 651 F.Supp.3d 331, 343 (D. Mass. 2023) (noting that ECF No. 71 "allowed the plaintiffs to proceed pseudonymously" due to "fears of retaliation").

[2] The Claimants are submitting these claims without the benefit of formal discovery. They hereby reserve the right to amend or supplement the factual recitation and their legal claims.

STATEMENT OF FACTS

Claimant Hilda Ramirez Sanan is 50 years old and a legal permanent resident. Her son, Claimant J.R.S., is a 13-year-old U.S. citizen with Autism Spectrum Disorder and limited verbal communication. Ms. Ramirez Sanan's daughter, Claimant A.R.S., was 17 years old at the time of the incident and is a U.S. citizen.

On the morning of September 26, 2025, Ms. Ramirez Sanan was in her car, which had a clearly visible disability placard hanging from the rearview mirror, with her son J.R.S., and her two brothers-in-law, F.R.P. and J.R.P. At the time of the incident, F.R.P. was driving, and Ms. Ramirez Sanan sat behind him in the rear driver-side seat. J.R.S. was in the front passenger seat and J.R.P. was in the rear of the car, behind J.R.S. The family was accompanying J.R.P. to a 9 AM hearing at Chelsea District Court.

At around 8:30 AM, and mere feet away from the courthouse, four unmarked vehicles surrounded and blocked Ms. Ramirez Sanan's car. As F.R.P. stopped the car and kept his hands visible and on the steering wheel, at least eight visibly armed officers swarmed the car. Many of the officers concealed their identity wearing hats, masks, and sunglasses. They also wore vests—some unmarked and others marked as "Police." Within seconds, and without stopping to identify themselves, ask any questions, or give any warnings or orders for the passengers to follow, the officers surrounded the car and used a sharp tool to shatter both the front and back windows on the driver-side, hitting Ms. Ramirez Sanan and F.R.P. with shards of glass.

They then reached into the car through the shattered front window to unlock the car doors and opened the front driver-side door. Although none of the passengers were armed and F.R.P.'s hands were visible on the steering wheel, one of the officers pointed a gun at F.R.P. while other officers reached into the car to unbuckle his seatbelt and grab his arms to pull him out of the car. The officers then dragged F.R.P., who has epilepsy, to one of their vehicles, pushed him over the hood, and twisted his arms behind his back to forcefully handcuff him against the hood. Although he was not resisting, another officer, while standing directly in front of Ms. Ramirez Sanan's shattered window, continued to point a gun at him. The remaining officers opened the passenger-side doors they had unlocked and continued to surround the car, armed and threateningly, such that neither Ms. Ramirez Sanan nor J.R. could leave.

Ms. Ramirez Sanan, who speaks limited English, was crying out to the officers through the shattered car windows—covered in shards of glass, scared and confused at the officers' violence. She tried to document the officers' behavior by recording on her phone, while she desperately asked them why they were hiding their faces and why they broke her car windows. Ms. Ramirez Sanan pled with the officers to be careful with F.R.P. because of his epilepsy—repeating: "he is sick!"—and begged the officers: "listen … this is my son, these are my brothers … why! … what happened … you broke my car!" As she was pleading, an officer was reaching into the car to handcuff one of J.R.P.'s arms while he was in the backseat. The officer then started grabbing and pulling at J.R.P. while yelling at him to get out of the car. J.R.P. calmly asked for "one second" to

make sure his nephew was okay before exiting, but the officers continued to yell and dragged him out of the car.

Thirteen-year-old J.R.S., who has limited verbal communication because of his Autism disability, was terrified—crying and shaking in the front seat while an armed and masked ICE officer stood threateningly in front of his open door. Although J.R.S.'s disability placard was hanging from the car's rearview mirror right next to him, the officers made no attempt to understand or accommodate his disability. They also failed to de-escalate.

After arresting F.R.P. and J.R.P., the officers reached in the car to unbuckle 13-year-old J.R.S.'s seatbelt and grabbed his arms to forcibly pull the disabled minor out of the car. An officer reached in the car and confiscated Ms. Ramirez Sanan's phone and then pulled her out of the passenger-side back door by reaching into the car, grabbing her by the right arm, and dragging her across the backseat. As the officers forced Ms. Ramirez Sanan to a nearby fence, she was pleading with them, telling them that she has chronic back pain and that they were hurting her, and explaining that she has legal status. The officers, ignoring her pain and pleas, pushed her face-first against the fence and began forcibly twisting her arms behind her back to handcuff her. Scared and writhing in pain, Ms. Ramirez Sanan was crying and screaming, repeating that she has back problems, that she is a legal resident, and that her son has Autism. Another officer brought J.R.S., who was still crying and shaking in fear, up against the fence—right next to where his mother was being violently restrained. The officer stood directly in front of J.R.S., at times grabbing his shoulder, to prevent him from leaving.

A.R.S., who had been waiting for her family at the courthouse before learning that they had been stopped, arrived at the scene to find her mother being violently restrained and handcuffed by the officers, and her younger brother detained and sobbing against the fence. A masked and armed officer blocked and pushed her back while holding her wrists to restrain her. As A.R.S. was crying out for her family, repeatedly yelling "my brother has Autism," the officer told her to "shut up." A community member was filming on his phone and tried to explain that A.R.S. is Ms. Ramirez Sanan's daughter and begged repeatedly for the officers to let the 13-year-old child go, repeating that he is "sick." While A.R.S. was being restrained and crying for her family, and J.R.S. was sobbing next to his mom, one of the officers kicked Ms. Ramirez Sanan's leg and, with the help of two other officers, aggressively slammed her face-down against the ground and sharply twisted her arms back to handcuff her. The officer blocking J.R.S. was asking the 13-year-old child if he had legal status, how old he was, and who he lived with as he was shaking and crying in fear and confusion. At one point, an officer threatened to arrest the 13-year-old child if he didn't answer or provide proof of legal status—without regard to his age, obvious emotional distress, and disability.


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Officers continued to exercise control over Ms. Ramirez Sanan's children: an officer physically moved J.R.S. and brought him closer to A.R.S. Officers continued to detain and control both children by surrounding them and physically blocking them from their mother, who remained forcibly restrained.

The officers inflicted so much pain on Ms. Ramirez Sanan that her legs gave out and she couldn't walk. As ICE officers began to drag Ms. Ramirez Sanan—battered, bruised, and handcuffed—to one of their unmarked cars in front of her crying and terrified children, a community member yelled repeatedly "she is a U.S. citizen … she has ID … check her ID." The officers only response to this information about her lawful status was to tell the community member to stay back. Undeterred, the officers continued the unlawful arrest.

Just as the officers were about to force Ms. Ramirez Sanan into one of their unmarked vehicles despite her lawful immigration status, local authorities arrived. The local police requested that the officers check Ms. Ramirez Sanan's identification. After confirming her status,

the officers let Ms. Ramirez Sanan go and left with F.R.P. and J.R.P. Due to the violence inflicted by the ICE officers, Ms. Ramirez Sanan could not walk, and local firefighters had to carry her to a chair for an evaluation and emergency assistance.

Local police tried to stabilize the children after the ICE officers left.

An ambulance then took Ms. Ramirez Sanan and her two children to a hospital emergency room for further medical evaluation. After the family received medical assistance, they left the hospital, and went to the police station to file a report against ICE for their violent and unlawful actions.

This shocking chain of events unfolded publicly in under a half hour: unidentified armed officers pulled over the family while on their way to court, surrounded their vehicle, destroyed private property, forcibly removed and detained a lawful permanent resident 50-year-old mother and her 13-year-old disabled son, violently restrained, handcuffed, and tried to abduct Ms. Ramirez Sanan despite her lawful status in front of her crying children—all while recklessly failing to check, and even actively ignoring, the family's immigration status. The officers acted with complete disregard for the rights of all the individuals in the car. The officers never identified themselves or explained where they were from. They never produced a warrant. Although Ms. Ramirez Sanan, a lawful permanent resident, could not have been their target for federal immigration enforcement efforts, they never gave her a chance to explain or provide identification. They actively ignored highly relevant information about Ms. Ramirez Sanan's status as a lawful resident. The entire operation was executed with alarming speed, violence, and devoid of process or justification. The officers acted unreasonably, unlawfully, and deeply traumatized an innocent family—just trying to accompany a loved one to a court hearing.

Alarmingly, this practice—where masked officers physically block a car with unmarked vehicles, do not identify themselves, and then quickly use force to smash car windows, gain entry, and apprehend individuals—without any regard for the rights or humanity of those they encounter, appears increasingly common among ICE officers.[3]

The fact that similar incidents have occurred in the months before and in the same city demonstrates that these are not isolated incidents perpetrated by rogue officers, but rather are part of a pattern-and-practice of conduct sanctioned and ratified by ICE.

HARMS

Claimants have suffered severe physical, psychological, emotional, and financial distress because of the ICE officers' violent and reckless behavior.

Thirteen-year-old J.R.S. has been crying inconsolably, refusing to be separated from his mom, and unable to sleep due to recurring nightmares about the incident where he cries out "don't kill my mom." Every time the family passes by the scene, which is frequently because they live nearby, he repeats: "that's where they hurt my mom." J.R.S. recently went in his mother's car for the first time after the incident and had to get out because he was so traumatized being back in the

[3] *See, e.g.*, Ally Jarmanning, *Chelsea family seeking to sue ICE after father is pulled from car on the way to church*, WBUR (June 5, 2025), *available at* https://www.wbur.org/news/2025/06/05/chelsea-ice-arrest-complaint; Michael Casey & Rodrique Ngowi, *Family Says ICE Agents Smashed Car Window in Seizing Guatemalan Man Who's Seeking Asylum*, Associated Press (April 17, 2025), *available at* https://apnews.com/article/ice-detention-francisco-mendez-new-bedford-5c5eb62788e58159f3a27915b4416062; Raven Payne, *ICE Break Woman's Car Window to Arrest Her While Daughter Records*, ABC Baltimore (April 9, 2025), *available at* https://www.wmar2news.com/local/ice-break-womans-car-window-to-arrest-her-while-daughter-records; Demetra Maragos, *Viral video of ICE officers breaking car windows during arrest in Spokane Valley*, KHQ Local (March 13, 2025), *available at* https://www.khq.com/community/instagram/viral-video-of-ice-officers-breaking-car-windows-during-arrest-in-spokane-valley/article_91ec027a-007c-11f0-a0ac-e718984bbef3.html.

place where ICE officers perpetrated the violence. Ms. Ramirez Sanan is trying to get J.R.S. a social worker and a psychiatrist to help him process his trauma from the event so that he can begin to heal and sleep.

A.R.S., who has chronic asthma and anxiety, has been in shock since the incident. She has had trouble sleeping and frequent headaches from the stress of the way the officers restrained her and attacked her family. She has tried to be a support for both her younger brother and her mother, who has been crying daily, but has not been able to process her own trauma. She has been following up with several doctors, including a neurologist, to help her recover physically and emotionally.

Physically, Ms. Ramirez Sanan suffered a concussion, bruising on her shoulder and arm, and a painful radial nerve palsy from the force with which her arm was twisted while ICE officers violently handcuffed her. She continues to have pain and numbness in her wrist and face, limited mobility in her wrist, stiffness in her legs, and pain in her pelvis from when the officers handcuffed and pushed her against the sidewalk. Ms. Ramirez Sanan is seeing an occupational therapist for her hand, a neurologist for the pain in her face and hand, and a physical therapist for her legs and pelvis. Emotionally, she is devasted that her children were victims of ICE's violence. She cries daily. She is extremely distressed by seeing her children so upset and having nightmares. She sees a psychiatrist and social worker to help process her trauma. Financially, Ms. Ramirez Sanan's car sat in the driveway with windows shattered by ICE—and unusable—for nearly a month, while she bore the costs of taxis for her and her children to get around, including to their many follow-up medical appointments triggered by the violent encounter with ICE. Ms. Ramirez Sanan had to pay over $500 to get her car fixed. She is also responsible for the ongoing costs of the medical evaluation and treatment for her family resulting from the officers' brutality.

The Claimants as a family are traumatized and still reeling. Their physical and emotional scars are daily reminders of the reckless violence they endured at the hands of ICE. Since ICE ignored their lawful status, they live in constant fear that they will be targeted again, making it nearly impossible to begin to heal. They have had to spend money they do not have to spare on transportation, car repairs, medical costs, and therapy appointments. They are doing all they can to cope and support each other, but they will carry the weight of this profound, needless trauma for the rest of their lives.

ARGUMENTS

I. FTCA Jurisdiction

The FTCA permits individuals to bring claims against the United States for negligent or wrongful acts committed by federal employees acting within the scope of their official duties. 28 U.S.C.§ 2674, *et seq*. Specifically, the FTCA waives the federal government's sovereign immunity "under circumstances where local law would make a *private* person liable in tort." *United States v. Olson*, 546 U.S. 43, 44 (2005) (quoting 28 U.S.C. § 1346(b)(1)) (internal citations omitted) (emphasis added in original). While claims asserting some intentional torts, including assault, battery, false imprisonment, and false arrest, are typically not subject to the waiver, these claims are permitted when brought against federal investigative or law enforcement officers. 28 U.S.C.A. § 2680(h). Similarly, although claims involving the "discretionary functions" of federal employees

are typically excepted, this exception does not apply when federal employees acted in violation of constitutional or other legal rights. *See Limone v. United States*, 579 F.3d 79, 101-102 (1st Cir. 2009); *Hornof v. United States*, 107 F.4th 46, 57 N. 10 (1st Cir. 2024).

Here, Claimants' claims are against federal law enforcement officers whose conduct violated multiple legal authorities, including the Fourth and Fifth Amendments, the Immigration and Nationality Act, and ICE's own Standards for Enforcement Activities

II. ICE Officer Illegal Conduct

A. Violation of the Fourth Amendment

Longstanding Supreme Court precedent establishes that "[t]he Fourth Amendment applies to all seizures of the person, including seizures that involve only a brief detention short of traditional arrest," and those performed by immigration officials. *United States v. Brignoni–Ponce*, 422 U.S. 873, 878 (1975) (citation omitted). "[W]henever a police officer accosts an individual and restrains his freedom to walk away, he has 'seized' that person." *Terry v. Ohio*, 392 U.S. 1, 16 (1968). "[T]he Fourth Amendment requires that the seizure be 'reasonable.'" *Brignoni–Ponce*, 422 U.S. at 878. "[T]he reasonableness of such seizures depends on a balance between the public interest and the individual's right to personal security free from arbitrary interference by law officers." *Id.*

Here, immigration officers seized Ms. Ramirez Sanan and J.R.S. in multiple ways throughout their interaction. First, they blocked Ms. Ramirez Sanan's car with several unmarked vehicles; at least eight armed officers, including at least one holding his gun, subsequently prevented Ms. Ramirez Sanan and J.R.S. from leaving the car. *See, e.g.*, *Commonwealth v. Helme*, 399 Mass. 298, 300 (Mass. 1987) (affirming Fourth Amendment violation when officers "parked the police cruiser so as to block the [victim's] automobile and prevent it from leaving…"); *see also Commonwealth v. Lyles*, 453 Mass. 811, 817 (Mass. 2009) (affirming Fourth Amendment violation). Then, after the officers pulled Ms. Ramirez Sanan and 13-year-old J.R.S. out of the car, the officers forced them up against a fence. J.R.S. was physically blocked by an officer from leaving the fence and Ms. Ramirez Sanan was aggressively restrained and then handcuffed by multiple officers. The officers would have abducted her in their unmarked vehicle—taking her away from her terrified family for an unknown amount of time and to an unknown location—had local authorities not intervened.

The officers also seized A.R.S. when they blocked and physically restrained her by grabbing her arms when she arrived at the scene, and then physically blocking her and J.R.S. against the fence as they were dragging Ms. Ramirez Sanan to their unmarked vehicle.

Each of the seizures was unreasonable because Ms. Ramirez Sanan, a lawful permanent resident, and her children, U.S. citizens, could not have been legitimate ICE targets. Despite being unlawfully targeted, Ms. Ramirez Sanan and her children did not interfere with the officers. The officers violated the Claimants' Fourth Amendment rights.

B. Violation of the Fifth Amendment (Substantive Due Process)

Under the Due Process Clause of the Constitution, government actors may not "deprive any person of life, liberty, or property, without due process of law." U.S. Const., amend XIV. The clause contains a substantive component that prohibits certain arbitrary, wrongful government actions, regardless of the fairness of the procedures used to implement them. *Zinermon v. Burch*, 494 U.S. 113, 125 (1990); *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 845–46 (1998); *see Cook v. Gates*, 528 F.3d 42, 49 (1st Cir. 2008) (discussing substantive due process under Fourteenth and Fifth Amendments as one in the same); *McIntyre v. United States*, 336 F.Supp.2d 87, 108 (D. Mass. 2004) (applying same legal test for substantive due process under Fourteenth and Fifth Amendments).

Government actions that are legislative in nature—*e.g.*, statutes, governmental policies, broadly applicable administrative regulations and executive orders, and, in some circumstances, "concerted actions by multiple government employees if taken pursuant to broad governmental policies"—violate substantive due process if they restrict a fundamental right. *Foote v. Ludlow School Comm.*, 128 F.4th 336, 345 (1st Cir. 2025); *Clark v. Boscher*, 514 F.3d 107, 112 (1st Cir. 2008). Actions that are executive in nature—*e.g.*, individual acts of government officials—are unconstitutional if they both shock the conscience *and* restrict a fundamental right. *Clark*, 514 F.3d at 112; *Foote*, 128 F.4th at 346. Here, the ICE officers' conduct is legislative in nature because it involved multiple officers acting under cover of broader governmental immigration enforcement priorities, and therefore it need only have restricted a fundamental right to be unconstitutional.

The Due Process Clause safeguards liberty as a fundamental right in its most literal sense—shielding individuals from unjustified government intrusions on their freedom of movement. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). It protects freedom from unjustified bodily restraint. *Id.*; *Youngberg v. Romeo*, 457 U.S. 307, 316 (1982). The Supreme Court has taken care not to "minimize the importance and fundamental nature" of an individual's right to liberty. *United States v. Salerno*, 481 U.S. 739, 750 (1987). As described above, the officers' brutality intruded on Ms. Ramirez Sanan and her children's freedom of movement, including by physically restraining or detaining them, during the ICE interaction. This conduct violated their fundamental right to liberty with no possible legitimate—let alone compelling—government purpose: Claimants are lawful residents and could not have been, nor could they have been reasonably mistaken for, ICE's targets.

Although not required to establish a due process violation here, the officers' behavior shocks the conscience. The Supreme Court has explained that "conduct deliberately intended to injure in some way unjustifiable by any government interest is the sort of official action most likely to rise to the conscience-shocking level." *Cty. of Sacramento v. Lewis*, 523 U.S. 833, 834 (1998). In some circumstances, deliberate indifference can constitute conscience-shocking behavior. *Maldonado-González v. Puerto Rico Aqueduct & Sewer Auth'y*, --- F.4th ---, 2025 WL 2992255, at *5–6 (1st Cir. Oct. 24, 2025). The ICE officers made a series of deliberate, conscious-shocking choices in their interactions with Claimants. First, they recklessly shattered Ms. Ramirez Sanan's car windows, including the window right next to Ms. Ramirez Sanan, before giving anyone a chance to comply with ICE orders. Then, they brought J.R.S., scared and crying, directly next to his mother on the fence while they violently handcuffed and arrested her. Finally, the officers intended to and did injure the 50-year-old mother right in front of her children by pushing, kicking,

pulling, twisting, and slamming her as she cried out in pain. The officers' behavior is an undeniably conscience-shocking display of lawless, unchecked authority.

The ICE officers' violent and needless violation of Claimant's liberty is precisely the type of governmental conduct the Supreme Court has condemned as unconstitutional under the Fifth Amendment.

C. Violation of Immigration and Nationality Act

The authority of federal immigration officers to make certain seizures and arrests is set forth in the Immigration and Nationality Act, 8 U.S.C. §1357. Under this statutory authority, immigration officers may only make a warrantless arrest if they have "*reason to believe* that the alien so arrested is in the United States in violation of any [immigration] law or regulation *and* is likely to escape before a warrant can be obtained for his arrest." 8 U.S.C. §1357(a)(2) (emphasis added). "Reason to believe" is considered the equivalent of probable cause. *Morales*, 793 F.3d at 216.

Here, ICE officers seized and arrested Ms. Ramirez Sanan by aggressively detaining, forcibly handcuffing, slamming, and attempting to abduct Ms. Ramirez Sanan in their unmarked vehicle—all without explanation. *See Morelli v. Webster*, 552 F.3d 12, 20 (1st Cir. 2009) ("The ultimate inquiry" for a de facto arrest is "whether there was a restraint on freedom of movement of the degree associated with a formal arrest.") (citation modified); *Silva v. Faria*, No. CV 22-10172, 2025 WL 445181, at *6 (D. Mass. Jan. 8, 2025), *appeal filed*, No. 25-1129 (1st Cir. 2025) ("Physical restraint and shows of force are hallmark factors that may be suggestive of a *de facto* arrest.") (citation modified).

The officers here could not have had any reason to believe that Ms. Ramirez Sanan—a 50-year-old woman and lawful permanent resident of 20 years—should have been arrested. Instead, they acted with blatant disregard to her rights: ignoring information about her legal status and failing to even check her identification before violently detaining her, handcuffing her, and trying to force her in their car to keep her custody for an unknown amount of time. The ICE officers violated their obligations under 8 U.S.C. §1357 when they arrested Ms. Ramirez Sanan.

D. Violation of the Standards for Enforcement Activities

The standards for immigration officer enforcement activities are codified, in relevant part, in 8 C.F.R. § 287.8 (Standards for Enforcement Activities). During the ICE officers' interactions with the Ms. Ramirez Sanan and her children, the officers violated their enforcement standards in multiple ways.

1) Failure to Identify

First, the officers did not identify themselves or state any reason for an arrest, in violation of 8 C.F.R. § 287.8(c)(2)(iii), which states:

(iii) At the time of the arrest, the designated immigration officer shall, as soon as it is practical and safe to do so:
(A) Identify himself or herself as an immigration officer who is authorized to execute an arrest; and
(B) State that the person is under arrest and the reason for the arrest.

At no point during the interaction did the ICE officers—who drove unmarked cars and wore hats, masks, and sunglasses to deliberately conceal their identity—stop their violent behavior towards Ms. Ramirez Sanan to identify themselves, let alone explain the reason for their attack of a lawful resident in front of her U.S. citizen children. In intentionally hiding their identity and affiliation, Ms. Ramirez Sanan and her children had no way of knowing who was targeting their family or why, which violates the standards described in 8 C.F.R. § 287.8(c)(2)(iii).

2) Illegal Use of Force

Second, the officers used illegally excessive and unnecessary force in their interactions with Ms. Ramirez Sanan and J.R.S., in violation of 8 C.F.R. § 287.8(a)(iii), which states:

> A designated immigration officer shall always use the minimum non-deadly force necessary to accomplish the officer's mission and shall escalate to a higher level of non-deadly force only when such higher level of force is warranted by the actions, apparent intentions, and apparent capabilities of the suspect, prisoner, or assailant.

As ICE's own regulations set forth, the use of force is a grave measure that must be reserved exclusively for the most exigent and exceptional circumstances, where it is necessary, proportionate, and clearly justified under the law. Anything less undermines public trust, endangers lives, and violates the fundamental constitutional protections that shield individuals from state-sanctioned violence.

Here, the officers abused their power by unjustifiably using force and violence. The officers never gave anyone in the car a chance to cooperate or provide identification before brazenly shattering Ms. Ramirez Sanan's car windows on top of her and J.R.P. and brandishing a gun. The officers dragged Ms. Ramirez Sanan and J.R.S. from the car, shoved Ms. Ramirez Sanan into a fence, and began violently restraining her as she writhed in pain. An officer kicked Ms. Ramirez Sanan's leg out from under her while a group of officers slammed her face-first against the ground—all in front of her crying children. The officers' use of force was unnecessary and unwarranted in violation of 8 C.F.R. § 287.8(a)(iii).

3) Unlawful Detention

Third, the immigration officers violated their standards for detaining Claimants under 8 C.F.R. § 287.8(b), which states, in relevant part, that an immigration officer may not "restrain the freedom of an individual, not under arrest, to walk away" while questioning them, unless they have "reasonable suspicion, based on specific articulable facts, that the person being questioned is, or is attempting to be, engaged in an offense against the United States or is an alien illegally in

the United States." Even then, the immigration officer may only "*briefly* detain the person for questioning." *Id*. (emphasis added).

The officers limited Claimant's freedom to walk away throughout their interaction. The officers restrained Ms. Ramirez Sanan's freedom, first by preventing her from leaving her car, then by forcibly restraining her and attempting to arrest her. The officers restrained J.R.S. by preventing him from leaving the car and then keeping him up against the fence to question him while physically blocking his ability to leave. The officers restrained A.R.S. when they blocked and physically restrained her by grabbing her arms when she arrived at the scene. The officers restrained J.R.S. and A.R.S. by physically blocking them against the fence while officers tried to force their mother into one of their vehicles.

None of these detentions were justified by "specific articulable facts" that Claimants were engaged in offenses against or were illegally present in the United States. Nor could they be. Ms. Ramirez Sanan is a lawful permanent resident and her children are U.S. citizens. They were innocent victims—not perpetrators—of illegal offenses.

4) Unlawful Arrest

Finally, the immigration officers' arrest of Ms. Ramirez Sanan violated 8 C.F.R. § 287.8(c)(2)(i), which states:

> An arrest shall be made only when the designated immigration officer has reason to believe that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States.

For the reasons outlined above, Ms. Ramirez Sanan was not even a reasonably mistaken target of the officers' enforcement actions. The officers' warrantless and reckless arrest was unlawful.

Altogether, these circumstances constitute serious violations of the standards for immigration officer enforcement activities as codified in 8 C.F.R. § 287.8.

CLAIMS

Each tort claim brought under the FTCA must be evaluated under the substantive law of the state in which the conduct occurred. *See, e.g.*, *Gill v. United States*, 516 F. Supp. 3d 64, 79 (D. Mass. 2021) (allowing various FTCA claims to proceed and holding that "because the majority of the allegedly tortious conduct occurred in Massachusetts, its tort law governs"). In this case, since the underlying misconduct and offenses took place in Chelsea, Massachusetts, the tort claims are properly analyzed under Massachusetts law.

I. False Imprisonment

The immigration officers falsely imprisoned Claimants. To state a claim for false imprisonment, a plaintiff must allege that the defendant "impos[ed] by force or threats an unlawful

restraint upon freedom of movement." *Wax v. McGrath*, 151 N.E. 317, 342 (Mass. 1926) (citation omitted). This includes any demonstration of physical power that seems like it can be avoided only by submission. *Coblyn v. Kennedy's, Inc.*, 268 N.E.2d 860, 860–61 (Mass. 1971). If a person is unjustifiably restrained of their personal liberty out of this fear, that can amount to false imprisonment. *Id.* at 860–61 (allowing tort action for false imprisonment to proceed); *see also Alianza Americas v. DeSantis*, 727 F. Supp. 3d 9, 64–65 (D. Mass. 2024) (allowing false imprisonment claims to proceed). The defendant has the burden of proof of establishing that the imprisonment was justified by law. *See Shine v. Vega*, 709 N.E.2d 58, 62 n.13 (Mass. 1999).

Here, the ICE officers falsely imprisoned Claimants in multiple ways throughout the interaction.

First, the immigration officers surrounded Ms. Ramirez Sanan's car with unmarked vehicles and armed officers, at least one of whom was brandishing his gun. The fear of the threat of violence and the actual violence committed by the officers against F.R.P. and J.R.P. restricted Ms. Ramirez Sanan's and J.R.S.'s ability to leave the car.

Then, the ICE officers pulled J.R.S. and Ms. Ramirez Sanan from her vehicle and forcibly and violently restrained Ms. Ramirez Sanan against the fence and the ground—she had no ability to move or leave. J.R.S., a child with a disability, was brought up against a fence with an officer standing directly in front of him, questioning him, and occasionally grabbing his shoulder to prevent him from leaving. He was told he would be arrested if he did not respond to the officer, despite having limited verbal communication ability due to his Autism. He had no ability to move or leave. The officers also blocked and restrained A.R.S.'s movement when she arrived at the scene.

Finally, the officers physically blocked J.R.S. and A.R.S. from leaving the fence while officers carried their mother away to force her in one of their unmarked vehicles.

By confining and then physically restraining Claimants, the officers restrained their personal liberty.

The ICE officers had no justifiable reason to restrain Claimants by force or threat of force. They were not the officers' targets and Ms. Ramirez Sanan was just trying to keep herself and her family members safe. The officers therefore unreasonably used fear, physicality, and actual violence to restrict Ms. Ramirez Sanan's and J.R.S.'s freedom and falsely imprison them.

II. Assault

The immigration officers committed an assault on the Claimants. Under Massachusetts law, the elements of assault are: (1) the defendant acts intending to cause a harmful or offensive contact with another, or an imminent apprehension of such a contact, and (2) apprehension is created and experienced by the other person. *Commonwealth v. Henson*, 357 Mass. 686, 692 (Mass. 1970) (affirming judgment).

While surrounding the vehicle threateningly, and without any identification or explanation, the officers smashed Ms. Ramirez Sanan's car windows on top of her and F.R.P. and violently arrested her brothers-in-law, including by pointing a gun at F.R.P. directly in front of her shattered window. They also physically restrained or blocked A.R.S. and J.R.S. as their mother was being detained and attacked in front of them. The officers placed the Claimants in imminent apprehension of violent contact, first, by surrounding the car in an intimidating manner, smashing the car windows, and brandishing a gun, then, by acting violently and threateningly towards the family. Throughout the interaction, the Claimants were terrified and worried about the officers' continuing and escalating threat of violence.

III. Battery

The immigration officers committed a battery on the Claimants. Under Massachusetts law, the elements of battery are: (1) the defendant acts intending to cause a harmful or offensive contact with another; and (2) the harmful or offensive contact with another person directly or indirectly results. *Waters v. Blackshear*, 412 Mass. 589, 590 (1992) (affirming judgment).

The officers forcibly removed Ms. Ramirez Sanan and J.R.S. from the car by grabbing and pulling their arms. They pushed and dragged Ms. Ramirez Sanan to the fence and slammed her against it, face-first. The officers continued to batter Ms. Ramirez Sanan by violently handcuffing her, kicking her, and pushing her face-down against the ground, injuring her hand face, shoulder, pelvis, and legs. They also grabbed A.R.S.'s arms to physically restrain and push her back. Throughout the interaction, the officers made the deliberate choice to cause unnecessary and escalating harmful and offensive contact to the Claimants.

IV. Intentional Infliction of Emotional Distress

To establish an intentional infliction of emotional distress ("IIED") claim in Massachusetts, a plaintiff must demonstrate that: (1) the defendant intended to inflict emotional distress, or knew or should have known that emotional distress was the likely result of their conduct; (2) the conduct was extreme and outrageous; (3) the defendant's actions were the cause of the plaintiff's distress; and (4) plaintiff's emotional distress was severe and of a nature that would be considered unendurable by a reasonable person. *Agis v. Howard Johnson Co.*, 355 N.E.2d 315, 318–19 (Mass. 1976); *see also Alianza Americas*, 727 F. Supp. 3d at 65 (applying this standard). When considering a claim for IIED, the trier of fact may "put as harsh a face on [the defendant's actions] as the basic facts would reasonably allow." *Id.* at 66 (citation omitted).

Here, the officers' misconduct well exceeds this legal threshold. The officers intentionally initiated and escalated the encounter in the most disruptive and traumatic way possible: physically blocking Ms. Ramirez Sanan's car with multiple unmarked vehicles instead of using sirens; surrounding the car with masked and armed officers, including at least one brandishing a gun; failing to identify or explain themselves; failing to ask for identification of the passengers; violently breaking car windows; physically blocking and intimidating the passengers; injuring and restraining a mother in front of her crying children—all while recklessly ignoring pleas about the family members' illnesses, disabilities, and legal status. Any reasonable officer would or should know that violently shattering car windows and brutally handcuffing a parent in front of their

children, especially without warning or explanation, would cause deep and lasting emotional pain and trauma.

The officers' reckless disregard for the family's humanity throughout the interaction was "beyond all bounds of decency and . . . utterly intolerable in a civilized community" and therefore extreme and outrageous. *Agis*, 355 N.E.2d at 319. *Id.* And the officers' deliberately violent actions resulted in severe and enduring physical and psychological harm to Ms. Ramirez Sanan and her children. *See* Harms, *supra*.

For example:

- J.R.S., who is thirteen and has a severe Autism disability, cannot sleep, cries constantly, and is continuously retraumatized by the scene of the incident and being in his mom's car.
- A.R.S., who is eighteen, continues to experience heightened physical and emotional distress, causing her headaches and disrupting her ability to sleep.
- Mrs. Ramirez Sanan continues to experience severe physical, emotional, and psychological distress, compounded by significant financial strain.

No reasonable person should be expected to bear witness to the senseless and violent detention of their family members by unidentified masked and armed individuals. The officers' use of brutality, excessive force, and destructive tactics to arrest a lawful permanent resident in front of her children predictably resulted in Claimants' severe emotional distress.

V. Negligent Infliction of Emotional Distress

For a claim of negligently inflicted emotional distress ("NIED"), a plaintiff must prove "(1) negligence; (2) emotional distress; (3) causation; (4) physical harm manifested by objective symptomatology; and (5) that a reasonable person would have suffered emotional distress under the circumstances of the case." *Lanier v. President & Fellows of Harvard Coll.*, 490 Mass. 37, 44 (2022) (citation omitted) (allowing NIED claims to proceed).

The ICE officers owe a duty to exercise reasonable care in conducting law enforcement operations, particularly when vulnerable persons, including minors with disabilities, are present. *See, e.g.*, 8 C.F.R. § 287.8 (Standards for Enforcement Activities). The officers breached that duty when, without identifying themselves or giving the family an opportunity to cooperate, they shattered Ms. Ramirez Sanan's car windows and aggressively attacked and intimidated Ms. Ramirez Sanan and her son. The officers also breached that duty when they violently arrested Ms. Ramirez Sanan directly in front of her terrified son and her pleading daughter. The officers acted negligently in breaching their duties and their behavior directly caused Claimants to experience extreme emotional distress.

Claimants' significant emotional trauma has resulted in ongoing, objectively verifiable symptoms, consistent with those recognized in Massachusetts NIED case law—including recurring nightmares, emotional dysregulation, physical pain, and anxiety. *See* Harms, *supra*; *see*

also Rodriguez v. Cambridge Hous. Auth., 443 Mass. 697, 703 (Mass. 2005) (allowing damages and recognizing NIED claim where child found mother in bedroom after a violent home invasion).

Claimants' trauma was neither incidental nor unforeseeable—it was the natural and probable consequence of the officers' chosen course of needless and escalating violence. A reasonable person, particularly a parent or child, would undoubtedly suffer emotional distress after witnessing such unprovoked and violent behavior towards their family members.

VI. Trespass to Chattels

Massachusetts law provides "[r]ecovery or relief for trespass or injury to a chattel . . .where physical harm is shown." *Smith v. Wright*, 2013 Mass. App. Div. 24 (Mass. App. Div. 2013) (citation omitted). More specifically:

> One who commits a trespass to chattels is subject to liability to the possessor of the chattel if, but only if, (a) he dispossesses the other of the chattel, or (b) the chattel is impaired as to its condition, quality, or value, or (c) the possessor is deprived of the use of the chattel for a substantial time, or (d) bodily harm is caused to the possessor, or harm is caused to some person or thing in which the possessor has a legally protected interest.

Id. (citation omitted) (allowing claim of trespass to chattels in case involving personal property); *see also Texas v. U.S. Dep't of Homeland Sec.*, 123 F.4th 186, 208 (5th Cir. 2024) (allowing trespass lawsuit against immigration officials for "continuously destroy[ing] . . . property when not necessary…") (enjoining the federal government from damaging, destroying, or otherwise interfering with property).

Here, the immigration officers' decision to recklessly and dangerously shatter Ms. Ramirez Sanan's car windows resulted in physical damage and dispossession of the vehicle. The family was unable to use their car for almost a month while they saved up money for the $500 repairs.

VII. Conversion

The officers committed conversion when they destroyed the windows of the family's vehicle. Under Massachusetts law, "[t]he elements of conversion may be established by a showing that one person exercised dominion over the personal property of another, without right, and thereby deprived the rightful owner of its use and enjoyment." *In re Hilson*, 448 Mass. 603, 611 (Mass. 2007) (citation omitted). Here, the immigration officers' unjustifiably damaged Ms. Ramirez Sanan's car and deprived her family of its use and enjoyment for over a month.

VIII. Negligent Supervision

To establish a claim of negligent supervision under Massachusetts law, a plaintiff must initially establish "that the persons whose actions form the basis of the claim were agents and/or employees of the defendant employer; [and] that the agents and employees came into contact

with members of the public in the course of their employer's business." *Limone v. United States*, 497 F. Supp. 2d 143, 233 (D. Mass. 2007) (citations omitted), *aff'd on other grounds*, 579 F.3d 79 (1st Cir. 2009). A plaintiff must also establish "that the employer failed to use reasonable care in the selection, supervision and retention of the agents and employees; and [] that the failure to use such reasonable care was the proximate cause of harm to the plaintiffs." *Id.*

Here, all ICE officers are federal employees whose assigned duties involve direct and frequent contact with members of the public in the course of conducting immigration enforcement activities. Their roles and work necessarily place them in situations where misuse of authority creates a substantial risk of harm, making proper supervision essential to public safety.

The ICE supervisors failed to use reasonable care in managing their immigration officers. The officers' unlawful behavior towards the Claimants was not isolated; it was part of a systemic custom, pattern, and practice that government supervisors knew about or, at a minimum, should have known about, yet failed to prevent. ICE has engaged in an established, escalating pattern of warrantless arrests, racial profiling, and other unconstitutional enforcement tactics. Practices such as smashing vehicle windows, forcibly removing individuals, and violently throwing them to the ground have been repeatedly documented, publicly reported, and widely criticized—placing supervisory officials on clear notice that ICE officers were routinely engaging in conduct that violated constitutional and statutory limits. Indeed, just months prior to this incident, ICE officers violently smashed the windows of another Chelsea family's car.[4]

Given this well-established pattern, the officers' unlawful conduct and resulting harms suffered by the Claimants were entirely foreseeable. The frequency, similarity, and persistence of these incidents strongly suggest that such actions are not merely tolerated, but are affirmatively sanctioned by ICE leadership. This would reflect a deliberate strategy, with supervisors directing or encouraging unconstitutional and unlawful tactics. Even if this behavior was not explicitly ordered, the widespread publicity surrounding such incidents means ICE supervisory officials knew or should have known and yet failed to take corrective action, implement adequate oversight, provide proper training, or otherwise adequately supervise officers to ensure the law is being followed.

Under Massachusetts law, such conduct constitutes negligent supervision. Supervisors cannot ignore repeated and well-documented constitutional violations by their subordinates without becoming also responsible for the resulting harm. As courts have recognized, "[t]otal inaction cannot be reasonable care in the face of certain misconduct." *Limone*, 497 F. Supp. 2d at 233 (condemning supervisors for doing "absolutely nothing"). In light of the brutality inflicted on the Claimants and far too many others, the failure to take reasonable care in supervising ICE officers renders supervisory liability both appropriate and necessary—to uphold accountability and prevent further abuse.

DAMAGES AND REQUESTED RELIEF

For the reasons outlined above, Claimants respectfully request:

[4] Ally Jarmanning, *Chelsea family seeking to sue ICE after father is pulled from car on the way to church*, WBUR (June 5, 2025), *available at* https://www.wbur.org/news/2025/06/05/chelsea-ice-arrest-complaint.

1) Damages in the amount of $1,000,000.00;
2) Attorneys' fees and costs as permitted by law;
3) Such other and further relief as may be just, proper, and equitable.

CONCLUSION

For the reasons outlined above, Claimants respectfully bring this action under the FTCA, seeking compensation for the extraordinary harms they suffered at the hands of the federal government.

Respectfully submitted,

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