

March 25, 2026

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Dear Attorney General Davenport and County Prosecutors Stephens, Mello,
Bradshaw, and Estremera,

We respectfully urge your offices to open investigations into the activities of federal agents and federal contractors in New Jersey. In incidents across the state, federal agents have repeatedly committed criminal acts for which they have no immunity under the Constitution or federal law. They have kidnapped and assaulted New Jersey residents with no criminal records or reason to believe they are undocumented. These operations, which public evidence indicates are part of a criminal conspiracy directed and condoned by President Donald Trump and senior officials in the Trump administration with full knowledge of their unlawful nature, warrant prompt investigation by your offices.

Background

Immigration officials, under orders by the Trump administration, have carried out a series of raids on immigrant-rich communities and workplaces throughout New Jersey. During these raids, federal agents have repeatedly engaged in warrantless arrests and detentions of individuals,¹ including detaining a veteran with legal status² and trespassing on private property and refusing to leave even when asked to do so by the owner.³ In addition, federal agents threatened to detain public officials for recording officers in public places.⁴ Even when they have a warrant, their tactics go beyond what a warrant could reasonably authorize, such as detaining virtually every employee in a seafood market and releasing them only if they can produce proof of citizenship.⁵ Furthermore, during these raids some individuals have been detained despite having work authorization.⁶ The raids have consistently been chaotic and violent, creating dangerous conditions for bystanders.

The incidents above represent a sample of publicly reported operations. Those who are still detained are unlikely to be able to report assaults, thefts, or other crimes themselves, and witnesses may be fearful of doing so. For this reason, and because ICE was targeting individuals who may be undocumented or who may be related to undocumented residents, these reported incidents of unlawful violence against New Jersey residents likely represent only a sliver of the criminal acts being committed by federal agents in New Jersey.

Furthermore, many of the crimes committed against New Jersey residents are occurring out of sight at the Delaney Hall detention center, operated by the GEO Group, a private prison company. GEO Group contributed \$1,000,000 to

¹ Raven Santana, *Daytime ICE action in Jersey City prompts know-your-rights push*, NJ Spotlight News (Feb. 3, 2026), <https://www.njspotlightnews.org/2026/02/daytime-ice-action-in-jersey-city-prompts-know-your-rights-push/> (accessed March 20, 2026).

² Sophie Nieto-Muñoz, *Newark mayor condemns ICE raid as 'egregious act'*, New Jersey Monitor (Jan. 23, 2025), <https://newjerseymonitor.com/briefs/newark-mayor-condemns-ice-raid-that-detained-military-veteran/> (accessed March 20, 2026).

³ YouTube, *Masked officers, no warrant: Video raises more concerns about ICE tactics in NJ*, NJ Spotlight News (Nov. 20, 2025), <https://www.youtube.com/watch?v=Bw9fAgevnXY> (accessed March 20, 2026).

⁴ Anthony Johnson, *Multiple people taken into custody by ICE in Jersey City, Hoboken*, ABC7 (Feb. 2, 2026), <https://abc7ny.com/post/ice-officer-says-he-doesnt-need-warrant-arresting-people-jersey-city-hoboken-light-rail-station/18529613/> (accessed March 20, 2026).

⁵ Sophie Nieto-Muñoz, *Immigration agents conduct second raid on Newark seafood market*, New Jersey Monitor (Nov. 19, 2025), <https://newjerseymonitor.com/2025/11/19/immigration-agents-conduct-second-raid-on-newark-seafood-market/> (accessed March 20, 2026).

⁶ Christine Sloan, *Federal agents take dozens of warehouse workers into custody in Woodbridge, N.J.*, CBS (Oct. 29, 2025), <https://www.cbsnews.com/newyork/news/woodbridge-new-jersey-warehouse-workers-customers-and-border-protection/> (accessed March 20, 2026).

Trump’s 2024 reelection campaign,⁷ and has a history of abuse and neglect.⁸ When the hall was opened in May 2025, lawmakers raised concerns that the facility was not properly licensed and was potentially dangerous.⁹ When Mayor Ras Baraka, Representative LaMonica McIver, and other lawmakers attempted to audit the facility, federal agents arrested Mayor Baraka and Representative McIver. Mayor Baraka was charged with “trespassing,”¹⁰ though the charges were dropped.¹¹ Representative McIver is facing sham “assault” charges for touching a federal officer in the chaos of the arrest.¹²

Despite the Trump Administration’s attempts to silence his political opponents, Mayor Baraka and Representative McIver have been proven right. Multiple reports indicate that detainees at Delaney Hall are subject to inhumane conditions. These include reports that detainees are not being fed; when they are fed, the food is inedible or insufficient; they are forced to sleep on floors; the water is not suitable for drinking; air conditioning does not work; and they are not given access to a lawyer.¹³ Similarly, there are reports that detainees are not given access to adequate medical care, that guards are verbally racist and abusive, that they retaliate against detainees that complain, and that the conditions are designed to “break” detainees so that they will sign away their rights and “self-deport.”¹⁴ In

⁷ Peter Charalambous & Laura Romero, *Private prison firms contributed more than \$1M to Trump's reelection. Now they expect a business boom*, ABC (Nov. 20, 2024), <https://abcnews.go.com/US/private-prison-firms-contributed-1m-trumps-reelection-now/story?id=116046776> (accessed March 20, 2026).

⁸ Joel Connelly, *AG sues immigrant detention center over \$1-a-day wages*, Seattle PI (Sep. 20, 2017), <https://www.seattlepi.com/local/politics/article/Connelly-AG-Ferguson-sues-detention-center-over-12215604.php> (accessed March 20, 2026); Kristine Phillips, *Thousands of ICE detainees claim they were forced into labor, a violation of anti-slavery laws*, Washington Post (March 6, 2017), <https://www.washingtonpost.com/news/post-nation/wp/2017/03/05/thousands-of-ice-detainees-claim-they-were-forced-into-labor-a-violation-of-anti-slavery-laws/> (accessed March 20, 2026).

⁹ Natalie Duddridge, *Newark, New Jersey facility begins housing detained migrants, prompting outrage from officials*, CBS (May 5, 2025), <https://www.cbsnews.com/newyork/news/newark-nj-migrant-detention-delaney-hall-ice/> (accessed March 20, 2026).

¹⁰ Mark Prussin & Alecia Reid, *Newark, N.J. Mayor Ras Baraka arrested at ICE facility, charged with trespassing*, CBS (May 10, 2025), <https://www.cbsnews.com/newyork/news/mayor-ras-baraka-arrested-new-jersey-ice-facility/> (accessed March 20, 2026).

¹¹ Allen Devlin & Jesse Zanger, *N.J. Rep. LaMonica McIver pleads not guilty to federal assault charges*, CBS (June 25, 2025), <https://www.cbsnews.com/newyork/news/nj-rep-lamonica-mciver-assault-arraignment/> (accessed March 20, 2026).

¹² *Id.*

¹³ Tracey Tully et al, *Inside the Tumult That Led 4 Men to Escape from a Migrant Facility*, N.Y. Times (June 14, 2025), <https://www.nytimes.com/2025/06/14/nyregion/newark-ice-detainees-escape.html> (last accessed Dec. 5, 2025); Edward Desciak, *Catholics witness ‘man-made’ disaster for migrants at ICE detention center in Newark*, America Magazine (Oct. 24, 2025), <https://www.americamagazine.org/politics-society/dispatches/2025/10/24/faith-witness-newark-ice-facility/> (accessed March 20, 2026); Steve Janoski, *Inside New Jersey’s troubled immigration detention center: ‘It’s designed to break people’*, The Jersey Vindicator (Sep. 25, 2025), <https://jerseyvindicator.org/2025/09/25/inside-new-jerseys-troubled-immigration-detention-center-its-designed-to-break-people/> (accessed March 20, 2026).

¹⁴ *Id.*

October 2025, it was reported that GEO guards have begun wearing riot gear, suggesting that the guards are prepared to respond to detainees with violence and abuse.¹⁵ The number of people at Delaney Hall had tripled from September 2025 to December 2025, and 90% of the individuals detained there have no criminal history.¹⁶

On December 11, 2025, 41-year old Jean Wilson Brutus died in Delaney Hall less than twenty-four hours after being taken into custody.¹⁷ Relatives remarked that he was “remarkably healthy” at the time of his death.¹⁸ The federal government responded by releasing a statement smearing Mr. Brutus as a “criminal illegal alien” and describing the misdemeanors he had been arrested for—but not convicted of; there is no indication any federal investigation will occur.¹⁹ The release from DHS omitted the fact that Mr. Brutus is an asylum seeker.²⁰

Given Mr. Brutus’ death and the Trump administration and the GEO Group’s attempts to quash information about what is being done to the detainees in Delaney Hall, further and thorough investigation is warranted.

Immunity Does Not Preclude Prosecution

The Supremacy Clause “is designed to ensure that states do not ‘retard, impede, burden, or in any manner control’ the execution of federal law.” *New York v. Tanella*, 374 F.3d 141, 147 (2d Cir. 2004) (quoting *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 436 (1819)). It does not, however, “gran[t] a license to federal officials to flout state laws with impunity.” *Whitehead v. Senkowski*, 943 F.2d 230, 234 (2d Cir. 1991); *see also Idaho v. Horiuchi*, 253 F.3d 359, 362 (9th Cir.), *vacated as moot*, 266 F.3d 979 (9th Cir. 2001) (“When federal officers violate the

¹⁵ Steve Janoski, *Newark detention center under fire again for abuse and neglect claims*, The Jersey Vindicator (Oct. 29, 2025), <https://jerseyvindicator.org/2025/10/29/newark-detention-center-under-fire-again-for-abuse-and-neglect-claims/> (accessed March 20, 2026).

¹⁶ Benjamin J. Hulac, *ICE triples number of people detained in Delaney Hall*, NJ Spotlight News (Dec. 8, 2025), <https://www.njspotlightnews.org/2025/12/ice-triples-number-of-people-detained-in-delaney-hall/> (accessed March 20, 2026).

¹⁷ Lloyd B. Davis, *Family of Haitian asylum seeker who died in ICE custody at notorious NJ facility demands answers*, Amsterdam News (Feb. 5, 2026), <https://amsterdamnews.com/news/2026/02/05/family-of-haitian-asylum-seeker-who-died-in-ice-custody-at-notorious-nj-facility-demands-answers/> (accessed March 20, 2026).

¹⁸ *Id.*

¹⁹ Press Release, *Criminal illegal alien passes away at University Hospital following medical emergency at Delaney Hall Detention Facility*, ICE (Dec. 18, 2025), <https://www.ice.gov/news/releases/criminal-illegal-alien-passes-away-university-hospital-following-medical-emergency> (accessed March 20, 2026).

²⁰ Lloyd B. Davis, *Family of Haitian asylum seeker who died in ICE custody at notorious NJ facility demands answers*, Amsterdam News (Feb. 5, 2026), <https://amsterdamnews.com/news/2026/02/05/family-of-haitian-asylum-seeker-who-died-in-ice-custody-at-notorious-nj-facility-demands-answers/> (accessed March 20, 2026).

Constitution, either through malice or excessive zeal, they can be held accountable for violating the state's criminal laws.”).

Under the test set forth by the Supreme Court in *Cunningham v. Neagle*, a federal officer is entitled to immunity from state criminal prosecutions if “he was authorized to [act] by the law of the United States,” and that “in doing that act, he did no more than what was necessary and proper for him to do.” 135 U.S. 1, 75 (1890); *see also Tanella*, 374 F.3d at 147; *Clifton v. Cox*, 549 F.2d 722, 726, 728 (9th Cir. 1977). To satisfy the “necessary and proper” part of the test, (1) the officer must subjectively believe his acts to be reasonable; and (2) his conduct must be objectively “reasonable under the existing circumstances.” *Id.* at 728. Where any one of these qualifications are not met, federal officers may be held criminally liable for violating state laws. *Morgan v. People of State of California*, 743 F.2d 728, 733–34 (9th Cir. 1984) (federal agents who may have instigated an altercation with civilians while intoxicated were not immune to state prosecution); *Pales v. Paoli*, 5 F.2d 280, 280–82 (1st Cir. 1925) (federal agent who fired on a car after attempting to stop it without reasonable suspicion acted in a “wholly illegal and unauthorized” manner and could be prosecuted).

As discussed above, President Trump and senior officials have made it clear, in public forums, that the military-style deployment of federal agents in New Jersey is an act of political retribution. There is simply no lawful authority that empowers the executive to punish his political adversaries with assault, detainments, or property damage. *NRA v. Vullo*, 602 U.S. 175, 188 (2024) (the government may not “use the power of the State to punish or suppress disfavored expression”). Federal agents are not President Trump’s private army that he can wield in defiance of state law with impunity.

Nor are federal agents authorized to unlawfully detain, harass, or abuse civilians. Federal agents may not detain individuals, including noncitizens, without warrant or probable cause, and they may not preemptively detain people and then require proof of citizenship as the price of freedom. *Almeida-Sanchez v. United States*, 413 U.S. 266, 273–75 (1973); *see also id.* at 275 (“Among deprivations of rights, none is so effective in cowing a population, crushing the spirit of the individual and putting terror into every heart. Uncontrolled search and seizure is one of the first and most effective weapons in the arsenal of every arbitrary government.”) (quoting *Brinegar v. United States*, 338 U.S. 160, 180 (1949) (Jackson, J., dissenting)). And they may not harass or abuse protesters engaged in protected speech, which includes recording public officials in public spaces and even verballing criticizing the officers. *Fields v. City of Philadelphia*, 862 F.3d 353, 360 (3d Cir. 2017) (the First Amendment protects the “right to record—photograph, film, or audio record—police officers conducting official police activity in public areas.”); *Houston. v. Hill*, 482 U.S. 451, 461 (1987).

Nor can the perpetrators evade culpability by claiming that they were following orders when the acts otherwise fail the *Neagle* test. *Cf. Pales v. Paoli*, 5 F.2d 280, 280–82 (1st Cir. 1925) (an agent who followed orders to carry out unlawful searches did not have immunity for crimes committed in the course of those searches); *Drury*, 200 U.S. at 8 (fatally shooting a surrendered suspect on a superiors’ orders “could not reasonably be claimed [to have been done] in the performance of a duty imposed by the Federal law.”). Instead, it suggests that senior officials who give these orders or orchestrate unlawful raids should themselves be subject to investigation.

The available evidence does not support a claim of immunity, but even if there were a dispute of fact over immunity, potential immunity would not prevent state criminal investigations. *Drury*, 200 U.S. at 7–8; *Whitehead*, 943 F.2d at 235–36 (fact disputes precluded federal immunity); *Morgan*, 743 F.2d at 733–34 (same).

Investigating Federal Abuses

We urge all New Jersey prosecutors, law enforcement, and officers to make what should be an uncontroversial statement: when New Jersey residents are illegally assaulted and kidnapped, the perpetrators of those crimes will be prosecuted.

We recognize that the federal government has adopted a policy of noncooperation with local and state authorities in investigating incidents involving its federal officers.²¹ Therefore, we urge you to take steps to ensure that neither the Trump administration’s targeting of vulnerable communities nor its attempts to cover up the abuses of its agents disrupt the enforcement of the rule of law in New Jersey.

First, we urge you to ensure that residents have a safe way to report violations of state criminal law by federal agents. We applaud Attorney General Davenport for creating a dedicated portal to report abuses,²² and encourage the other recipients of this letter to make sure their residents are aware of this resource. Victims and witnesses must be able to report instances of abuse without fear of retribution or retaliation from the Trump administration.

Second, we encourage the Attorney General and the various County Prosecutors to release guidance to New Jersey law enforcement in line with that

²¹ Ernesto Londoño, *Once Again, Federal Officials Exclude Minnesota From Investigation of a Fatal Shooting*, N.Y. Times (Jan. 25, 2026), <https://www.nytimes.com/2026/01/25/us/federal-exclude-minnesota-shooting-investigations.html> (accessed March 20, 2026).

²² *Report Misconduct by Federal Agents Conducting Immigration Enforcement to the New Jersey Attorney General*, State of New Jersey Department of Law and Safety, <https://www.njoag.gov/portal/> (accessed March 20, 2026).

released by Ramsey County Attorney John Choi in Minnesota²³ and Mayor Mike Johnston in Denver, Colorado.²⁴ Finally, if you have a basis to request or subpoena information from a federal official or agency about incidents in New Jersey, we urge you to do so.²⁵

By taking these steps and by committing to investigating potential state crimes, you will be joining other proactive investigatory and prosecutorial agencies in the country. Investigations of federal agents are underway in Illinois, Colorado, Minnesota, and Oregon.²⁶ Prosecutors in Arizona, California, Illinois, Pennsylvania, Texas, and Virginia have made public statements that federal officers do not have absolute immunity from state criminal prosecution.²⁷ Officials in Denver, Colorado have ordered local law enforcement officers to intervene if federal agents use

²³ Mohamed Ibrahim, *Ramsey County prosecutor opens investigations into federal officers, calls for public reports*, Sahan Journal (Jan. 27, 2026), <https://sahanjournal.com/public-safety/ramsey-county-attorney-john-choi-investigates-federal-officers/> (accessed March 20, 2026).

²⁴ *Report Misconduct by Federal Agents to the California Attorney General*, California Department of Justice, <https://oag.ca.gov/ReportMisconduct>, (accessed March 20, 2026).

²⁵ Such requests can be enforced in federal court, if not in state court. For example, Minnesota officials successfully moved for a TRO to preserve evidence of Alex Pretti's murder. Caroline Cummings, *Federal judge orders feds to preserve evidence in Border Patrol shooting of Alex Pretti*, CBS (Jan. 26, 2026), <https://www.cbsnews.com/minnesota/news/preserve-evidence-alex-pretti-shooting-minneapolis-federal-judge-ruling/> (accessed March 20, 2026).

²⁶ Ernesto Londoño, *Once Again, Federal Officials Exclude Minnesota From Investigation of a Fatal Shooting*, N.Y. Times (Jan. 25, 2026), <https://www.nytimes.com/2026/01/25/us/federal-exclude-minnesota-shooting-investigations.html> (accessed March 20, 2026); Jack Morphet & Kris Maher, *Police Who Once Backed ICE's Mission Are Losing Faith in Its Tactics*, Wall Street Journal (Jan. 24, 2026), <https://www.wsj.com/us-news/police-who-once-backed-ices-mission-are-losing-faith-in-its-tactics-e123c348> (accessed March 20, 2026); Press Release, Hennepin County Attorney's Office (Jan. 9, 2026), <https://www.hennepinattorney.org/news/news/2026/January/HCAO-Evidence-Submission-Portal> (accessed March 20, 2026); Yesenia Amaro, *Can Oregon prosecute federal agents? State officials say they'll try*, The Oregonian (Dec. 1, 2025), <https://www.oregonlive.com/politics/2025/11/can-oregon-prosecute-federal-agents-state-officials-say-theyll-try.html> (accessed March 20, 2026); Jack Healy, *An Altercation With ICE Prompts a Police Chief to Push Back*, N.Y. Times (Nov. 3, 2025), <https://www.nytimes.com/2025/11/03/us/politics/durango-colorado-ice-protester.html> (accessed March 20, 2026); Dave Savini & Samah Assad, *Broadview police chief accuses ICE agents of making false 911 calls*, CBS News (Oct. 2, 2025), <https://www.cbsnews.com/chicago/news/broadview-police-chief-thomas-mills-ice-agents-false-911-calls/> (accessed March 20, 2026).

²⁷ Shaila Dewan, *Local Prosecutors Join Forces to Bring Charges Against Federal Agents*, N.Y. Times (Jan. 27, 2026), <https://www.nytimes.com/2026/01/27/us/prosecutors-charges-against-federal-agents.html> (accessed March 20, 2026); *Law Enforcement Guidance Statement*, Rob Bonta, Attorney General (Jan. 27, 2026), <https://oag.ca.gov/system/files/media/2026-dle-07.pdf> (accessed March 20, 2026); Public Statement, Lake County State's Attorney's Office, (Jan. 25, 2026), <https://lcsao.org/DocumentCenter/View/372/Statement-Minneapolis?bidId=> (accessed March 20, 2026); Heather Knight & Kellen Browning, *Pelosi Says Police May Arrest Federal Agents Who Violate California Law*, N.Y. Times (Oct. 22, 2025), <https://www.nytimes.com/2025/10/22/us/politics/nancy-pelosi-ice-agent-arrest.html?smid=nytcore-ios-share&referringSource=articleShare> (accessed March 20, 2026).

excessive force against residents.²⁸ The Attorney General of New York has committed to sending staff to observe ICE raids.²⁹

State governments have a critically important role in this nation's system of laws that must prevent, not enable, the rise of a lawless regime. New Jersey need not and should not wait for its residents to institute civil actions or for the criminal and removal proceedings to reveal the scope of the Trump Administration's abuses, particularly given the lengths to which the Trump Administration has gone to evade oversight and hide the identities and criminal behavior of individual agents.³⁰ New Jersey has the power and duty to enforce its criminal laws, even against federal actors and even against powerful defendants.

As the state of New York demonstrated in its prosecution of Donald Trump for falsifying business records to cover up his hush money payments to an adult film star during his 2016 campaign, *see New York v. Trump*, Verdict Sheet, Indictment No. 71543-23 (Sup. Ct. N.Y. Part 59, May 29, 2024), states have the authority and responsibility to protect their residents and enforce their laws, regardless of defendants' wealth, power, or prestige.

²⁸ Lindsey Toomer, *Denver policies seek to protect city residents from federal immigration enforcement*, Colorado Newsline (Feb. 28, 2026), <https://coloradonewsline.com/briefs/denver-protect-residents-immigration-enforcement/> (accessed March 20, 2026).

²⁹ Luis Ferré-Sadurní, *New York Attorney General to Send Observers to Document ICE Raids*, N.Y. Times (Feb. 3, 2026), <https://www.nytimes.com/2026/02/03/nyregion/letitia-james-ice-observers-new-york.html> (accessed March 20, 2026).

³⁰ J. David McSwane & Hannah Allam, *Unfettered and Unaccountable: How Trump is Building a Violent, Shadowy Federal Police Force*, ProPublica (Oct. 18, 2025), <https://www.propublica.org/article/trump-dhs-ice-secret-police-civil-rights-unaccountable> (last accessed March 20, 2026); The Associated Press, *Trump Administration Sues California Over Law Banning Masked Federal Agents*, NBC News (Nov. 18, 2025), <https://www.nbcnews.com/news/us-news/trump-administration-sues-california-law-banning-masked-federal-agents-rcna244679> (last accessed March 20, 2026).

Conclusion

We urge your offices to immediately begin a thorough investigation to determine whether charges should be brought against those responsible for the unlawful conduct cited in this letter. Furthermore, we remain seriously concerned that federal officers will continue to violate your state's criminal laws in their raids and assaults on immigrant communities, protesters, and other residents in your city and state. We encourage you to respond to, investigate, and as appropriate prosecute any crimes committed by federal agents and officials.

Sincerely,

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