



October 1, 2026

The Honorable Sean Teare
Harris County District Attorney's Office
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Dear District Attorney Teare,

We applaud your office for investigating and prosecuting the killing of Lorenzo Salgado Araujo to ensure justice and accountability for that crime.¹ It is meaningful to see how quickly your office has moved on this, such that grand jury proceedings have already begun.² Your office has remained steadfast in seeking and amplifying the truth of what happened despite the challenges and roadblocks created by federal agencies.³

We now ask that you turn the same attention to other violent crimes committed by federal agents in Harris County, including the assaults of Arnoldo and Arnulfo Bazan. This is necessary to prevent further violence against the county's residents and to ensure justice for those who have already been victimized by federal agents.

¹ Christina Morales & Jacey Fortin, *What We Know About the ICE Shooting of Lorenzo Salgado Araujo*, N.Y. Times (Aug. 26, 2026), <https://www.nytimes.com/2026/07/09/us/houston-ice-shooting-lorenzo-salgado-araujo.html>; Lucy Feldman, *These Two Brothers Are Fighting to Protect Immigrant Families After a Tragedy*, Time (Sep. 15, 2026), <https://time.com/collection/latino-leaders/2026/ronaldo-salgado-lorenzo-salgado-araujo-jr>.

² Pooja Lodhia, *Grand Jury Proceedings Have Begun in Houston ICE Shooting Case, Law Enforcement Sources Confirm*, ABC13 (Sep. 10, 2026), <https://abc13.com/post/grand-jury-proceedings-have-already-begun-lorenzo-salgado-araujo-ice-shooting-case-law-enforcement-sources-confirm/19811427>.

³ We understand that the U.S. Department of Justice and the U.S. Department of Homeland Security refused to cooperate with your investigation into Mr. Salgado Araujo's death, refused to disclose the names of the perpetrators, claimed the officers involved acted in self-defense, and painted Mr. Salgado Araujo as an aggressor before any investigation was completed. Sondra Hernandez, *Harris County DA Sean Teare Calls ICE's Lack of Transparency on Houston Shooting 'Unacceptable'*, Hou. Chron. (July 13, 2026), <https://www.houstonchronicle.com/news/houston-texas/trending/article/houston-ice-shooting-harris-county-da-gives-22343157.php>.

Federal agents have no immunity under the Constitution or federal law for the crimes they have committed against Harris County's residents. Harris County officials have both the power and responsibility to enforce state law against federal officials who commit crimes in Harris County. Local officials in Harris County must safeguard residents from violence, particularly when that violence is unlawfully perpetrated by agents of our own federal government.

Background

On October 23, 2025, Arnoldo Bazan, a citizen, and his father, Arnulfo Bazan, were stopped by masked agents who blocked their vehicle with their vehicles, exited their vehicles, and started hitting the windows. Arnulfo, fearing for the safety of his son, drove away to a store where they exited the vehicle.⁴ Arnoldo began to film the encounter.⁵ Contrary to public statements by the federal government, video evidence suggests that federal agents rammed Bazan's vehicle, creating a dangerous situation for both the residents and the public.⁶

When they exited the vehicle, agents violently assaulted Arnulfo Bazan. Fearing for his father's safety, Arnoldo began to yell and an agent put him in an illegal chokehold, creating a potentially life-threatening situation with no justification.⁷ Arnoldo was then detained to "confirm his identity," and released—though agents did not return the phone he used to document the arrest. Using the "Find My" app to locate his phone, he found it in a vending machine for used electronics.⁸ Arnoldo's mother, took him to the Houston Police Department (HPD) and filed a report, but HPD were apparently hesitant to begin an investigation of federal agents.⁹

This is just one example of many in which federal agents have subjected Harris County residents to illegal acts of violence and theft. We urge your office to carefully review these incidents to determine, in each case, whether federal agents violated Texas criminal law. Even if the federal agents obtained a warrant or otherwise had legal bases for making certain arrests, they are not permitted to commit violent assaults on, or to steal from, the people swept up in these raids and arrests. Moreover, given the pattern of false claims by federal agents and their agencies, Harris County must undertake its own investigations and not merely

⁴ Kyle McClenagan, *Before a Man Was Deported to Mexico, His Son Says They Were Assaulted by Unidentified Officers in Houston*, Hou. Pub. Media (Oct. 28, 2025), <https://www.houstonpublicmedia.org/articles/news/politics/immigration/2025/10/28/534487/ice-houston-immigration-fiel-deportation>.

⁵ *Id.*

⁶ Nicole Foy & McKenzie Funk, *We Found More Than 40 Cases of Immigration Agents Using Banned Chokeholds and Other Moves That Can Cut Off Breathing*, ProPublica (Jan. 13, 2026), <https://www.propublica.org/article/videos-ice-dhs-immigration-agents-using-chokeholds-citizens>.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

accept the federal government's narrative in these cases. We urge you to launch these investigations and make it clear to federal agents that they will be held accountable for violations of criminal law in your jurisdiction.

The Supremacy Clause 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 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; *Texas v. Kleinert*, 855 F.3d 305, 314–15 (5th Cir. 2017) (to succeed on a Supremacy Clause immunity defense, a defendant must show they were “(1) a federal officer; (2) authorized by federal law to perform an act; (3) who, in performing the authorized act, did no more than what the officer subjectively believed was necessary and proper; and (4) that belief was objectively reasonable under the circumstances”). 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).

Federal agents may not harass or abuse individuals engaged in protected speech, which includes recording public officials in public spaces and even verbally criticizing the officers. *Turner v. Lieutenant Driver*, 848 F.3d 678, 688 (5th Cir. 2017); *see also 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, senior officials who give these orders or orchestrate unlawful raids should themselves be subject to investigation.

The available evidence in the killing of Mr. Salgado Araujo and the assaults and other crimes committed against Arnoldo and Arnulfo Bazan do not support claims of immunity. But even if there were a dispute of fact over immunity, in these cases or in other investigations, 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 you to make what should be an uncontroversial statement: when people are illegally assaulted, kidnapped, or killed in Harris County, the perpetrators of those crimes will be prosecuted, regardless of their status as a federal agent or official.

We recognize that the federal government has adopted a policy of noncooperation with local and state authorities in investigating incidents involving its federal officers,¹⁰ including in this case.¹¹ Therefore, we urge you, in addition to issuing that statement, 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 Harris County.

First, we urge you to develop a reporting mechanism so that residents have a safe and specific way to report violations of state criminal law by federal agents. We appreciate your request for the public to submit evidence related to Mr. Salgado Araujo’s death and ask that you also ensure that others can report additional incidents of federal violence, assured that their complaints will be taken seriously by you and your team.

Second, we are disappointed to hear multiple reports from Houston-area law enforcement and the Houston Mayor that they do not believe they have the power to investigate federal officers.¹² We encourage you to release guidance to Harris County law enforcement and local officials regarding the law around immunity, reinforcing the fact that federal officers are not immune from state criminal investigation and that state law enforcement have a duty to investigate crimes committed by federal officers. Such guidance would be in line with messages

¹⁰ 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>.

¹¹ David Nakamura, Ted Hesson & Arelis R. Hernández, *Feds Sideline Texas Officials in Probe into ICE Shooting, District Attorney Says*, Wash. Post (July 8, 2026), <https://www.washingtonpost.com/immigration/2026/07/08/feds-sideline-texas-officials-probe-into-ice-shooting-district-attorney-says..>

¹² *Id.*; Foy & Funk, *supra* note 6.

released by Ramsey County Attorney John Choi in Minnesota¹³ and Mayor Mike Johnston in Denver, Colorado.¹⁴

Finally, if you have a basis to request or subpoena information from a federal official or agency about incidents in Harris County, we urge you to do so.¹⁵

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.¹⁶ In Minnesota, Hennepin County Attorney Mary Moriarty brought assault charges against two U.S. Immigration and Customs Enforcement (ICE) agents.¹⁷ In Colorado, District Attorney Sean P. Murray, for the Sixth Judicial District, brought charges against a U.S. Customs and Border Patrol agent for putting a protestor in a chokehold and damaging the protestor's cell phone.¹⁸

¹³ Mohamed Ibrahim, *Ramsey County Prosecutor Opens Investigations into Federal Officers, Calls for Public Reports*, Sahan J. (Jan. 27, 2026), <https://sahanjournal.com/public-safety/ramsey-county-attorney-john-choi-investigates-federal-officers>.

¹⁴ *Report Misconduct by Federal Agents to the California Attorney General*, Cal. Dep't of Just., <https://oag.ca.gov/ReportMisconduct>, (last visited Sep. 30, 2026).

¹⁵ 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 News (Jan. 26, 2026), <https://www.cbsnews.com/minnesota/news/preserve-evidence-alex-pretti-shooting-minneapolis-federal-judge-ruling>.

¹⁶ Londoño, *supra* note 10; Jack Morphet & Kris Maher, *Police Who Once Backed ICE's Mission Are Losing Faith in Its Tactics*, Wall St. J. (Jan. 24, 2026), <https://www.wsj.com/us-news/police-who-once-backed-ices-mission-are-losing-faith-in-its-tactics-e123c348>; Press Release, Hennepin County Atty's Off. (Jan. 9, 2026), <https://www.hennepinattorney.org/news/news/2026/January/HCAO-Evidence-Submission-Portal>; Yesenia Amaro, *Can Oregon Prosecute Federal Agents? State Officials Say They'll Try*, Oregonian (Dec. 1, 2025), <https://www.oregonlive.com/politics/2025/11/can-oregon-prosecute-federal-agents-state-officials-say-theyll-try.html>; 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>; Mark Rivera et al., *Family Fights for Accountability Nearly 1 Year After Deadly ICE Shooting in Franklin Park*, ABC7 (Sep. 8, 2026), <https://abc7chicago.com/post/family-fights-accountability-1-year-deadly-ice-shooting-kills-silverio-villegas-gonzalez-franklin-park-illinois/19807869>; Jack Healy, *Immigration Agent Is Charged With Assaulting a Protester*, N.Y. Times (Apr. 22, 2026), <https://www.nytimes.com/2026/04/21/us/durango-colorado-immigration-officer-charged-assault.html>.

¹⁷ Nicole Acevedo & Daniella Silva, *ICE Agent Charged in Operation Metro Surge Shooting Is Arrested in Texas*, NBC (May 29, 2026), <https://www.nbcnews.com/news/us-news/ice-agent-charged-operation-metro-surge-shooting-arrested-texas-rcna347567>; Matt Sepic, *ICE Agent Charged in Twin Cities Road Rage Incident Posts Bond*, MPR News (May 22, 2026), <https://www.mprnews.org/story/2026/05/22/ice-agent-gregory-morgan-jr-to-appear-in-minnesota-court-after-road-rage-incident>; Megan Rose & Andy Mannix, *Trump's DOJ Blocked Serious ICE Shooting Charge Over Federal Prosecutor's "Strongest Possible" Objections*, ProPublica (Sep. 2, 2026), <https://www.propublica.org/article/doj-blocks-charges-ice-agent-minneapolis-julio-cesar-sosa-celis>.

¹⁸ Colleen Slevin & Morgan Lee, *CBP Officer Charged With Assault Over Treatment of Protester Outside Colorado ICE Facility*, Assoc. Press (Apr. 22, 2026),

Prosecutors in Arizona, California, Illinois, Minnesota, Pennsylvania, Texas, Vermont, and Virginia have made public statements that federal officers do not have absolute immunity from state criminal prosecution.¹⁹ Officials in Denver, Colorado have ordered local law enforcement officers to intervene if federal agents use excessive force against residents.²⁰ The Attorney General of New York has committed to sending staff to observe ICE raids.²¹

State and local governments have a critically important role in this nation's system of laws. Harris County 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.²² Harris County has the power and duty to enforce its criminal laws, even against federal actors and even against powerful defendants.

<https://www.pbs.org/newshour/nation/cbp-officer-charged-with-assault-over-treatment-of-protester-outside-colorado-ice-facility>.

¹⁹ 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>; *Law Enforcement Guidance Statement*, Rob Bonta, Cal. Att'y Gen. (Jan. 27, 2026), <https://oag.ca.gov/system/files/media/2026-dle-07.pdf>; Public Statement, Lake County State's Att'y's Off., (Jan. 25, 2026), <https://lcsao.org/DocumentCenter/View/372/Statement-Minneapolis>; 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>; see generally, *Fight Against Federal Overreach*, <https://www.federaloverreach.org> (last visited Sep. 30, 2026).

²⁰ Lindsey Toomer, *Denver Policies Seek to Protect City Residents from Federal Immigration Enforcement*, Colo. Newslane (Feb. 28, 2026), <https://coloradonewslane.com/briefs/denver-protect-residents-immigration-enforcement>.

²¹ 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>.

²² 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>; Jaimie Ding, *Trump Administration Sues California Over Law Banning Masked Federal Agents*, NBC News (Nov. 17, 2025), <https://apnews.com/article/federal-agents-ice-mask-lawsuit-immigration-97bd5027946c677badfc78ba2d85c71a>.

Conclusion

We urge your office to immediately review existing reports of other unlawful assaults and thefts conducted by federal agents in Harris County, and publicly encourage victims to come forward if they have information about such misconduct. Furthermore, we remain seriously concerned that federal officers will continue to violate Texas criminal laws. We encourage you to respond to, investigate, and, as appropriate, prosecute any crimes committed by federal agents and officials.

Sincerely,

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