

EXHIBIT K



Paul J. Fishman
+1 973.776.1901 Direct
Paul.Fishman@arnoldporter.com

July 30, 2025

VIA E-MAIL

Mark McCarren
Assistant U.S. Attorney
U.S. Attorney's Office
District of New Jersey
970 Broad Street, 7th Floor
Newark, NJ 07102

Re: *United States v. LaMonica McIver*, No. 25-388

Dear Mr. McCarren:

As you know, we represent Congresswoman LaMonica McIver in connection with the charges currently pending against her.

We have had the opportunity to review your Office's discovery production dated July 1, 2025, which consisted almost exclusively of body worn camera ("BWC") and surveillance videos recorded at Delaney Hall¹ on May 9, 2025. Now that we have done so, it is clear that the production does not contain everything to which Congresswoman McIver is entitled.

Accordingly, we write to identify and request particular categories of tangible evidence and other information (1) that is material to the preparation of Congresswoman McIver's defense and that you are required to produce under Federal Rule of Criminal Procedure 16(a); and/or (2) that is favorable to the defense and that you are required to disclose pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972), and N.J. Rule of Professional Conduct 3.8(d), which as you know, is applicable to all AUSAs pursuant to 28 U.S.C. § 530B.

¹ In this letter, "Delaney Hall" means any structures, spaces, or buildings inside the secured, gated area of the facility.

Arnold & Porter

Mark McCarren
July 30, 2025
Page 2

I. Surveillance Videos

The government has produced only two surveillance videos, respectively titled NE3.avi, and NEPTZ.avi. This production appears incomplete.

First, the coverage of the two cameras is quite limited. Of the events that occurred on May 9 inside Delaney Hall's fenced perimeter, these two cameras captured only those that took place very near the gate. You have provided no video of law enforcement and other activity in other portions of Delaney Hall, particularly in the front of the building.

Second, each video begins at an unspecified time *after* Congresswoman McIver and her colleagues had already arrived at Delaney Hall; and each video appears to end at an unspecified time *before* they left the secured perimeter through the gate.

Those deficiencies prompt several questions and requests for additional information:

- A. Are there any other stationary surveillance cameras at Delaney Hall, either inside or outside the facility? If so, please produce all interior and exterior surveillance footage of any events on May 9, beginning at least 10 minutes before Congresswoman McIver's arrival at Delaney Hall through at least 4:00 p.m., which is after she departed the facility's secured perimeter. Additionally, please provide information about the exact times at which each such video begins and ends.
- B. Were there any stationary cameras that were inoperable or otherwise failed to record at any time during the Congresswoman's visit on May 9, 2025? If so, why?
- C. For the video labeled NE3.avi:
 - 1. Clarify why portions of the recording cut out periodically and display a black screen with the text "no video"; and
 - 2. Produce the missing video or explain why you cannot do so.

Arnold & Porter

Mark McCarren
July 30, 2025
Page 3

II. Body Worn Camera Video

Based upon our review of the government's production, it is apparent that we do not have all the BWC video. For example, it is clear that there were at least seventeen U.S. Immigration and Customs Enforcement ("ICE") and Homeland Security Investigations ("HSI") personnel with BWCs at Delaney Hall between 2:42 p.m. and 2:46 p.m. on May 9. However, the government's production included BWC video for that time period from only eleven of those individuals.

Accordingly:

- A. Please identify the individuals – by name, rank, title, and agency – whose BWC recorded video you produced and the particular recording for which each officer or agent is responsible.
- B. Please identify – by name, rank, title, and agency – all individuals (not just those who were among the seventeen present during the above mentioned period) who were at Delaney Hall on May 9; were equipped with BWCs; and from which BWCs you have produced no recordings.
 1. For each such law enforcement officers with a BWC but no corresponding video, please explain the absence of any video recording.
 2. Please provide all written explanations or reports of any kind prepared or submitted by or on behalf of all law enforcement personnel for whom there is no BWC video.
- C. Please identify all law enforcement personnel – by name, rank, title, and agency – who were present on May 9 at Delaney Hall but not equipped with a BWC and the reason they did not have one.
- D. Although you advised us that AXON BWCs are programmed to capture a 30-second pre-event recording buffer each time a BWC is activated, certain BWC videos you produced do not contain the full 30 seconds of pre-event recording prior to the start of the video. For example, CD Axon Body Camera Pre and Arrest.mp4 contains just 14 seconds of pre-event recording, and Axon Body 4 Video 2025-05-

Arnold & Porter

Mark McCarren
July 30, 2025
Page 4

09_1547_D01AA611X.mp4 contains just 3 seconds of pre-event recording. As a result, it does not appear that we have the entire and complete BWC videos.

1. Please produce any additional footage for every recording with less than 30 seconds of pre-event recording.
 2. If the footage is missing, please explain the reason or reasons.
- E. Please produce manuals, training records, guidelines, or any other written or electronic material issued by the Department of Justice (“DOJ”) (including all of its law enforcement components) and the Department of Homeland Security (“DHS”) (including HSI, ICE, and all other of the Department’s law enforcement components), regarding BWC use by ICE, HSI, or other government officers, agents, or officials present at Delaney Hall on May 9, 2025.
- F. Please produce the BWC training records for all DOJ, DHS, ICE, HSI, or other government personnel present at Delaney Hall on May 9, 2025.

III. Car Dashboard Camera Footage

The videos you have produced show what appear to be several law enforcement vehicles that were parked in and around the areas in which Congresswoman McIver was present on May 9.

- A. Those vehicles include, but may not be limited to:
1. A grey SUV, visible in surveillance footage inside the gated portion of the parking lot closest to Delaney Hall itself (*see, e.g., NEPTZ.avi; see also NE3.avi* at 1:48:46);
 2. A black SUV, visible entering the gated area of the facility at approximately 1:40 PM and later parked at an angle in front of the gate (*see NEPTZ.avi* at 41:00); and
 3. A blue four-door car, visible entering the gated area of the facility at approximately 1:40 PM and later parked between the

Arnold & Porter

Mark McCarren
July 30, 2025
Page 5

grey SUV and Delaney Hall inside the gated parking lot (*see* NEPTZ.avi at 29:45).

- B. Please produce all recordings from dashboard or other stationary cameras located in those or any other law enforcement or government-owned or operated vehicles present at Delaney Hall on May 9, 2025.

IV. Federal Government Personnel on Site

Please identify – by name, rank, title, and agency – the personnel from DOJ, HSI, DHS, ICE and any other federal agency who were at Delaney Hall at any time between Congresswoman McIver’s arrival and departure on May 9, 2025.

Please advise whether any of those individuals have ever been the subject of a complaint, discipline, or personnel action because of dishonesty, use of force, or failure to follow written or oral guidelines related to job performance. If so, please provide the records related in any way to such allegations.

V. Internal Policies

- A. Please produce all policies, manuals, guidelines, memoranda, and training materials (including all electronic or hard copy handouts, power points, syllabi, curricula) from DHS, ICE, HSI or any other federal agency that regulated the conduct and behavior of the federal officers, agents, and employees who were present at Delaney Hall on May 9 regarding:
1. crowd control and/or de-escalations;
 2. effectuating arrests, including but not limited to occasions when members of the public or other individuals may be present;
 3. safety considerations and use of force in law enforcement operations;
 4. deployment of vehicles for crowd control, safety, or arrests; and
 5. visits to or inspections of ICE detention or other facilities by members of Congress.

Arnold & Porter

Mark McCarren

July 30, 2025

Page 6

- B. Please provide any changes to policies, manuals, guidelines, memoranda, and training materials that have been made since May 9, 2025.
- C. Provide all records concerning the training that each federal officer and agent present on May 9 received regarding the policies, manuals, guidelines, memoranda, and training materials described above in Section V.A.1-5.

VI. Government Communications

Please produce all communications, including text, voice, instant, chat or email messages – sent via either Telegram, Signal, or any other communications method, application, or medium – between and among ICE, HSI, DHS, DOJ, or other federal personnel regarding:

- A. The visit by Congresswoman McIver and her congressional colleagues to the Frelinghuysen Avenue ICE facility on or about February 3, 2025;
- B. The meeting at Newark's ICE offices among Congresswoman McIver, Congressman Menendez, and ICE personnel on or about March 28, 2025; and
- C. Procedures for how ICE, HSI or other law enforcement officers and agents would or should handle an unannounced inspection by members of Congress at ICE detention facilities in New Jersey, including those operated by third-party contractors.
- D. The events that transpired at Delaney Hall on May 9. In particular, but not exclusively, please produce all communications that describe the events differently from other communications; inconsistently with DHS public statements; or differently from the expected testimony of trial witnesses. For example, DHS press releases dated May 9, May 16, and July 15, 2025 state that Congresswoman McIver “stormed” the gate at Delaney Hall. As you know, that description is false and presumably was based on information communicated by law enforcement officials who were present at Delaney Hall.

Arnold & Porter

Mark McCarren
July 30, 2025
Page 7

VII. Statements Showing Lack of Harm, Injury, or Fear

Brady requires the production of all information – whether or not memorialized in written or electronic form – describing, reflecting, or implying that any government employee present on May 9 at Delaney Hall did not experience or report harm, injury, danger, or fear as a result of Congresswoman McIver’s actions.

To that end, please produce:

- A. All contemporaneous text, voice, instant, chat or email messages – sent via either Telegram, Signal, or any other communications method, application, or medium – to, from, between, or among anyone present at Delaney Hall on May 9, 2025 and anyone else affiliated or associated with the GEO Group, DOJ, the U.S. Attorney’s Office, ICE, HSI, or DHS.
- B. All written, verbal, or other reports or statements – whether or not memorialized – by any government official, individual affiliated with GEO, member of the public, or anyone else that is inconsistent with the charge that Congresswoman McIver knowingly, intentionally, or forcibly assaulted, resisted, opposed, impeded, intimidated, or interfered with federal officials on May 9.

VIII. GEO Group Materials

It is our understanding that GEO operates Delaney Hall pursuant to a contract with ICE. Please produce:

- A. The contract between ICE and GEO regarding the Delaney Hall facility;
- B. Any maps, diagrams, or plans of the Delaney Hall facility, including the external gated parking lot area; and
- C. All video footage of the events on May 9 that was recorded by or is in the possession, custody, or control of GEO.

In light of GEO’s contract, it is our view that GEO is part of the prosecution team for purposes of discovery, *Brady*, and all similar matters. Accordingly, all of

Arnold & Porter

Mark McCarren
July 30, 2025
Page 8

the requests in this letter apply to GEO, and the U.S. Attorney's Office has an obligation to collect and produce all discoverable material in the possession of the company or its employees. Please confirm that you share this understanding.

IX. Inspection

We would like to make arrangements to visit Delaney Hall and take photographs of certain portions of the facility at a mutually convenient time.

X. Publicity

Please provide all public statements made by the President of the United States, the Executive Office of the President, ICE, HSI, DHS, DOJ, the U.S. Attorney's Office, or any other governmental agency – including by any officers or employees of those agencies – regarding Congresswoman McIver or her alleged actions or conduct on May 9. These documents should include all statements, regardless of whether they were made on official government websites or through official government channels.

XI. Statements Regarding Charging Decision

In light of DOJ's handling of investigations and prosecutions involving allegations of violence against law enforcement officials at the U.S. Capitol on January 6, 2021 – specifically, the decisions made by DOJ after January 2025 – Congresswoman McIver is entitled to certain material regarding the U.S. Attorney's Office's decision to charge her with assault under 18 U.S.C. § 111(a). Therefore, please produce:

- A. All text, voice, instant, chat, or email messages, sent via Telegram, Signal, or any other communication method, among anyone in the Executive Office of the President, DOJ, the U.S. Attorney's Office, DHS, ICE, HSI, or GEO Group, that discusses, describes, or mentions the events of May 9, and also refers in any way to:
 - 1. Congresswoman McIver's race, gender, physical appearance, oversight activity, political or policy views, or political party; or

Arnold & Porter

Mark McCarren
July 30, 2025
Page 9

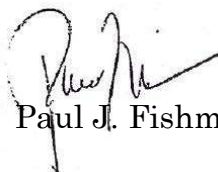
2. The executive branch's treatment of defendants who were charged in connection with the events at the U.S. Capitol on January 6, 2021.
- B. Communications regarding the U.S. Attorney's office's or DOJ's decision to bypass DOJ policies requiring that the Public Integrity Section review and evaluate potential charges against Members of Congress. *See* the Deputy Attorney General's Memorandum on Policies and Procedures in Criminal Investigations Involving Members of Congress and Staff, distributed on November 7, 2023.

* * *

As you know, our pretrial motions are due on August 15, 2025. Accordingly, please let us know as soon as possible if you are unable or unwilling to provide any of the information we have requested, or if you do not believe that we are entitled to it.

Thank you.

Sincerely,



Paul J. Fishman

cc: Lee M. Cortes, Jr.
Amanda J. Raines