

When States Can Prosecute Federal Agents

Federal legal precedent permits such prosecutions in limited circumstances, but the bar remains high.



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Government Power

State and local law enforcement in Minnesota have said they are investigating federal agents' killing of Alex Pretti and have gone to court to [block](#) ^[link-1] federal officials from destroying or altering evidence. Videos [show](#) ^[link-2] Pretti was disarmed and restrained on the ground when he was shot multiple times last weekend, part of a pattern across the country of

escalating violence by federal officers.

It's not easy for states to prosecute federal law enforcement officers, particularly if federal officials impede an investigation. At the same time, states have more power than people may realize.

The law is clear that there is no absolute immunity for federal

officers from state law, despite [suggestions](#) [\[link-3\]](#) to the contrary by Vice President JD Vance and other Trump administration officials. Rather, state prosecutions are governed by a legal framework called supremacy clause immunity that stems from [In re](#)

[Neagle](#) [\[link-4\]](#), an 1890 Supreme Court decision.

The case itself is a [wild story](#) [\[link-5\]](#).

[Read the rest of the article at State Court Report >>](#) [\[link-6\]](#)

Links

link-1: block <https://storage.courtlistener.com/recap/gov.uscourts.mnd.230788/gov.uscourts.mnd.230788.1.0.pdf?inline=1>

link-2: show <https://www.nytimes.com/2026/01/24/us/minneapolis-shooting-federal-agents-video.html>

link-3: suggestions <https://www.cnn.com/2026/01/08/politics/ice-immunity-jd-vance-minneapolis>

link-4: In re Neagle <https://tile.loc.gov/storage-services/service/ll/usrep/usrep135/usrep135001/usrep135001.pdf?inline=1>

link-5: wild story <https://www.fjc.gov/history/exhibits/circuit-court-opinions/In-re-Terry>

link-6: Read the rest of the article at State Court Report >> <https://statecourtreport.org/our-work/analysis-opinion/when-can-states-prosecute-federal-agents>