

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE**

ELINOR HILTON, COLLEEN FAGAN,
POLYXENIA PANTOS, and CARLYN WILLIAMS,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

MARKWAYNE MULLIN, Secretary of the U.S.
Department of Homeland Security; TODD LYONS,
Acting Director, U.S. Immigration and Customs
Enforcement; JOHN A. CONDON, Acting Executive
Director, Homeland Security Investigations;
RODNEY SCOTT, Commissioner, U.S. Customs and
Border Protection; MICHAEL BANKS, Chief, U.S.
Border Patrol; THE U.S. DEPARTMENT OF
HOMELAND SECURITY; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT; HOMELAND
SECURITY INVESTIGATIONS; U.S. CUSTOMS
AND BORDER PROTECTION; U.S. BORDER
PATROL; UNIDENTIFIED FEDERAL AGENCIES;
and UNIDENTIFIED FEDERAL AGENTS,

Defendants.

Case No. 26-cv-00092-JAW

DECLARATION OF ROBERT JAGGER

I, Robert Jagger, pursuant to 28 U.S.C. § 1746, declare as follows:

1. My name is Robert Jagger. I am over 18 years of age and a resident of Saco, Maine.

2. I have observed and recorded the public actions of ICE agents in and around our neighborhood in Saco because I am concerned about the way the federal government, and DHS agents in particular, are terrorizing people and communities. As a libertarian who believes that the actions of the government represent the people being governed, I also believe it is important to observe, record, and protest government abuses because the abuse being committed by “the government” is in our name.

3. I also think it is important to observe ICE activities to hold government actors accountable for their abuses. Given the well-documented abuses and shootings by immigration enforcement against immigrants and protestors since January 2025, and the false narratives spun by DHS in response, citizens need to observe, document, and record their activities.

4. Based on my beliefs about the importance of observing and documenting ICE activities, on Sunday, March 22, 2026, my teenage daughter and I were driving in our minivan in the Biddeford neighborhood, which is an area where immigrant families are known to live and work. We observed a Black Dodge Charger idling on the side road that we suspected was ICE based on the neighborhood we were in, the fact that the car had “limo tint” or tint darker than normal, and because it had an expired tag which was evident because it had an outdated plate design.

5. We pulled a few car lengths behind the suspected ICE vehicle and took some pictures using a cellphone. The ICE agent almost immediately pulled away from the side of the road. We followed at a safe distance, obeying all traffic laws. The agent driving the vehicle seemed to be aware that we were following and observing because he used turn signals but failed to turn or turned the opposite direction from the signal. This confirmed to me that we were doing

the right thing by following because law enforcement unwilling to have their activities witnessed are more likely to engage in abuse and are afraid of transparency and accountability.

6. We followed the vehicle a short distance from Biddeford into Saco, maybe 2 miles. When it turned into a Dunkin Donuts parking lot on Main St., we stopped following and pulled into a Starbucks parking lot nearby. When we exited the lot, the agent drove out of the parking lot he was in and pulled behind us.

7. The agent then followed us for several miles. We pulled into a restaurant parking lot to let him pass, but he instead pulled into the same parking lot and positioned his car in the center of the only entrance/exit to partially block the exit. We waited approximately five to ten minutes, hoping he would leave and let us exit. He did not. We eventually, slowly and carefully, drove around him and were able to leave the parking lot. We did not drive directly home out of fear of ICE continuing to follow us to our home. Eventually, we went home and did not believe we were followed.

8. The actions of the agent in blocking us in the restaurant parking lot was clearly an intimidation tactic. By following us and partially blocking us in even though we had not engaged in anything illegal or dangerous, my daughter and I received the message that the federal government would abuse their authority. Because we know federal agents have weapons, little training, the power to arrest and charge protestors with crimes for retaliatory reasons and have a history of doing so, and have frequently been caught fabricating false accounts to justify abusing and arresting people, we were intimidated by this interaction. There was no reason for the agent to follow us or block us in, other than to send an intimidating message.

9. On June 28, 2026, my wife and I were in Biddeford driving in the same vehicle that I drove on March 22, 2026. We observed a white Ford SUV that appeared to be an ICE

vehicle pulled over on the side of Mason St. We believed it to be an ICE vehicle because we were in a residential area where immigrant families live and work, it was idling on the side of the road, and its windows were tinted darker than normal. We parked across the street and took pictures. The driver immediately pulled away. We followed at a safe distance for a short distance, maybe two miles, obeying all of the traffic laws. At a stop sign, the driver got out of his vehicle and used his iPhone to photograph or record the front of our vehicle.

10. The driver then proceeded to drive to our home address and park his vehicle in front of our home. We pulled up behind him, but were afraid to get out of our vehicle. We feared for our safety, but even more, because our children were in the home, we feared for their safety. We did not want our children to be traumatized by watching us get detained, physically threatened, or assaulted.

11. We were also afraid to get out of our car based on the fact that an unknown person who had recklessly jumped into traffic to take pictures of us had driven to our home and parked in front of our house and was not moving. If this was *not* an ICE agent, the situation was scary. And if it *was* an ICE agent, as strongly suspected and later confirmed, he had already escalated the encounter by acting recklessly, driving to our home, and parking in front of our house. We feared he would continue to escalate the situation. We also were aware of everything that happened in Minnesota where unarmed protestors had been killed by ICE agents. The last thing we want is for our kids to see us get shot, assaulted, or arrested and or be left without a parent for an extended period.

12. We contacted our children and told them to deadbolt the doors and to set a recording device in the window.

13. After approximately 35 minutes, we pulled away in hopes that the agent would leave our home if we left. We slowly circled the block and when we came back to our address, the ICE agent had not moved. This increased our anxiety and concern. We called the ICE Watch hotline and told them what was happening and they suggested we call the Saco Police Department and ask for an escort into our home.

14. After approximately an hour passed with the agent parked in front of our home, we reluctantly called the Saco Police Department. We asked for an escort into our home because: 1) someone had erratically and recklessly gotten out of their vehicle into traffic and taken a picture of us then drove us to our home; 2) we didn't feel safe getting out of our car and walking to our home when we didn't know with absolute certainty that this was law enforcement, and 3) if it was a federal agent, we were even more concerned given that there was no reason for him to be parked outside our house if not to escalate the situation into something dangerous for us.

15. The reason for the fear, anxiety and concern was also because we had heard ICE was taking similar actions with other observers, i.e., intimidating them by leading them to their homes. We had also seen videos of ICE agents threatening to put observers into a database, get on domestic terrorist watchlists. I am aware that the federal government uses Palantir and biometric databases and know that once our information is uploaded there is no way to get it out or control how it is used. These databases are invasions of privacy and create a surveillance state that no one wants to be in.

16. When the Saco police officer arrived, the agent was still parked in front of our house. The officer spoke with the agent for a few minutes and the agent drove away. The officer approached our vehicle and said, "I think this is the second time, didn't we have one of these a couple of months ago with federal agents over in Biddeford that came over to Saco on a

Sunday?” We later realized that the officer was referencing the ICE encounter on March 22, 2026, because: 1) it occurred on a Sunday, 2) a few months ago, and 3) involved federal agents that drove, with our car following, from Biddeford into Saco.

17. The officer asked how he could help and we explained that we did not feel safe going into our home because an unknown person had taken a picture of our license plate and then drove to our home and parked in front of our house. We explained that our children were in the house and we wanted to make sure we could safely get into our house. The officer asked if we had followed “the agents in Biddeford or Saco” and said that “you can follow them, that’s your right.”

18. Based on the officer referencing “one of these [incidents] with federal agents” and asking if we were “following the agents,” telling us that we were within our rights to follow federal agents, and asking if we “had stumbled upon an [ICE] operation,” the police officer confirmed our suspicion that the driver was an ICE agent who had led us to our home and parked in front of it for over an hour.

19. Later, we reviewed police dispatch logs available on the Saco Police Department website which seemed to confirm that ICE had involved our local police department on March 22, 2026. It showed that at 1:11p.m. – 6 minutes after I encountered the ICE agent – there was a call to “Assist Other Agency” on Elm St, which is where our vehicle was at that time we were observing the ICE agent.

20. The fact that we are on our local police’s radar as a result of legally driving behind a suspected ICE vehicle for a few miles really concerns me. Local police are the people that we call if we need them. If ICE is involving local police and putting us on their radar – telling them who knows what – then I feel less safe even when ICE leaves the area. It makes me

feel that we are now seen with suspicion by local police even though we haven't done anything wrong.

21. The message that the ICE agent sent by taking our picture and driving us home was clear. He was sending a message that ICE knows who we are, where we live, and what car we drive. Together with the messages ICE has sent to other community members observing their public activities that they have a database and that they consider observers to be domestic terrorists, these combined messages add up to our feeling like we've been identified as an "enemy" of our government. The irony of this label is heartbreaking given how much I love the ideals of this country. Having the government represent something so anti-American as to put people on lists who are just exercising their constitutional rights is reprehensible to me.

22. The agents' actions were clearly intended to intimidate us. I am now more cautious when I record or observe federal agents. My wife and I are less likely to observe or protest together, as we had prior, because if we both get arrested or assaulted by ICE our kids would not have a parent. Also, I fear what will happen if we are seen as a 'repeat' observer. I fear that my wife and I are, or will, end up in a federal database or "watchlist" and that we are, or will be, listed as "domestic terrorists" or other label that can be used against us at some time in the future. I am also worried that being added to some sort of watchlist will impact me when I travel by subjecting me to greater scrutiny and harassment by federal agents just for exercising my rights.

23. I would prefer to protest or observe together with my wife because I want to ensure that I can protect her and to have her available if I have a medical event. But, we've had to have conversations about the risks based on the message sent by ICE to us in leading us home, and the additional messages that ICE sent to the community by doing the same thing to others

and putting them on watchlists. As a result, we have talked to friends, a relative, and our children about what to do if something were to happen to us based on observing ICE, and usually observe separately.

24. I stopped observing ICE activities immediately after this happened. However, after the murder by ICE of an unarmed resident of Biddeford in July, 2026, I have cautiously started observing again.

25. When I engage in observing or protesting, I push past my anxiety because of the importance I place on holding government agents accountable. Standing up to government abuse is my duty as an American. Like my wife, I feel it is important to make sure someone is there to document ICE activities to counterbalance any false narrative that ICE puts out, and to notify ICE Watch and other organizations so that they can help support impacted families, and to hold ICE accountable for abuses.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 9, 2026.

/s Robert Jagger