



**Support for HF3412 – Modifying Circumstances Around Identity
Concealment**

**Written Testimony – National Police Accountability Project, Lauren Bonds
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Thank you for the opportunity to provide testimony on this important issue. The National Police Accountability Project (“NPAP”) is a nonprofit organization dedicated to holding law enforcement and corrections agencies accountable to constitutional and professional standards. NPAP has more than 550 attorney members throughout the United States, including over a dozen members in Minnesota, who represent plaintiffs in civil actions against law enforcement officers. We strongly support HF3412, which would prohibit law enforcement officers operating in Minnesota—whether employed by local, state, or federal agencies—from obscuring their identities while interacting with members of the public except in specific circumstances. This bill is a critical measure to ensure accountability and transparency in policing, particularly given the extraordinary powers entrusted to law enforcement officers.¹

Law enforcement officers possess immense and unique authority—to interrogate, detain, and arrest individuals, and to carry weapons with which they can threaten or end an individual’s life. In a democratic society, those who wield such state-sanctioned power must be accountable to the public. Civilians have a fundamental right to know who is exercising that power in their community.

Accountability is fundamentally undermined by law enforcement anonymity. In situations where law enforcement officers obscure their faces and nameplates, Minnesotans have neither the ability to identify or report instances of misconduct nor further recourse. Permitting law enforcement officers to execute their duties under a blanket of anonymity corrodes public trust in law enforcement, especially at a time when only a slim majority of adults in the United States express

¹ See President’s Task Force on 21st Century Policing, Final Report, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES 1 (May 2015) (“Law enforcement agencies should also establish a culture of transparency and accountability to build public trust and legitimacy.”).



confidence in police.² Waning public trust in law enforcement negatively affects law enforcement efforts. If communities do not trust law enforcement, they are less likely to call for help, report crimes, or cooperate in investigations.³

The United States has a history of adopting anti-masking statutes.⁴ The majority of anti-masking statutes originated in the twentieth century, particularly in response to preventing Ku Klux Klansmen from “concealing their identities while terrorizing their communities.”⁵ Over the last year, masked Immigration and Customs Enforcement (“ICE”) officers and other federal agents have descended on towns and cities, stoking fear and amplifying anxiety in communities across the country, including in Minnesota.⁶ The status quo presents a double standard: while anti-masking statutes aid law enforcement officers to identify individuals who have perpetuated violence, allowing such officers to conceal their identities disempowers communities seeking accountability and protection from abuses of power. Moreover, when law enforcement officers are permitted to obscure their identities, the risk that bad actors impersonate law enforcement remains high and further contributes to a degradation of public trust and safety.⁷

Finally, the cover of anonymity empowers law enforcement officers to move through communities with impunity. Their masked faces and hidden nameplates obscure critical

² Gallup News Service: June 3-23, 2024 – Final Topline, GALLUP (June 3-23, 2024), https://news.gallup.com/file/poll/647321/2024_07_15_Confidence%20Institutions.pdf.

³ See Katherine J. Bies, Let the Sunshine In: Illuminating the Powerful Role Police Unions Play in Shielding Officer Misconduct, 28 STAN. L. & POL’Y REV. 109, 118–19 (2017) (“Accountable and transparent decision-making is imperative because police officers play a unique role in society: the statesanctioned ability to use force against other citizens. Both police departments and individual officers should be held publicly accountable for the manner in which they perform their official duties . . . Greater transparency also allows the public to determine whether police departments and individuals are treating people with respect and fairness.”). But see Sunita Patel, Toward Democratic Police Reform: A Vision for “Community Engagement Provisions in DOJ Consent Decrees, 51 WAKE FOREST L. REV. 793, 802 (2016) (“[W]hen police processes are perceived as procedurally just, communities are more likely to cooperate with the police, and policing, in turn, is more effective.”).

⁴ See generally Nicholas Dougherty, Anti-Masking Statutes and Anonymous Protest in the Age of Surveillance, 18 SEATTLE J. FOR SOC. JUST. 275, 275–77, 283–84 (2020)

⁵ Id. at 283.

⁶ See Leila Fadel, Adam Bearne, Barry Gordemer, H.J. Mai, Masked Immigration Agents are Spurring Fear and Confusion Across the U.S., NPR, <https://www.npr.org/2025/07/09/nx-s1-5440311/ice-raids-masked-agents> (July 10, 2025)

⁷ See Philip Bump, A Dangerous New Factor in An Uneasy Moment: Unidentified Law Enforcement Officers, THE WASHINGTON POST, <https://www.washingtonpost.com/politics/2020/06/03/dangerous-new-factor-an-uneasy-moment-unidentified-law-enforcement-officers/> (June 4, 2020).



information from the communities they serve, such that members of the public have no way to identify or substantially support any reporting of misconduct or abuse.⁸ Moreover, the masking of law enforcement, including ICE officers, makes it difficult for members of the public to discern legitimate law enforcement from impersonators or assailants with whom they need not cooperate.⁹ While federal officials argue that masking is necessary to protect law enforcement from doxxing, allowing them to do so prioritizes the safety and security of law enforcement over the safety and security of the communities they purport to serve. Moreover, the bill creates exceptions for law enforcement officers engaged in high-risk tactical operations where concealing one's identity is necessary.

Thank you again for the opportunity to provide testimony on this important bill. If you have any questions, please do not hesitate to contact me at legal.npap@nlg.org.

⁸ See generally Cynthia Conti-Cook, A New Balance: Weighing Harms of Hiding Police Misconduct Information from the Public, 22 CUNY L. REV. 148, 158 (2019) (“The deflections, delays, and denials of responsibility for police violence cause more unrest and distrust.”).

⁹ Jenny Jarvie, ICE Agents Wearing Masks Add New Levels of Intimidation, Confusion During L.A. Raids, Los Angeles Times, <https://www.removepaywall.com/search?url=https://www.latimes.com/california/story/2025-07-07/masking-of-federal-agents-very-dangerous-and-perfectly-legal> (July 7, 2025).