



The Advocates for Human Rights supports public policy that ensures
Minnesotans can live with dignity.

Written Statement for the Record
Jennifer Prestholdt, The Advocates for Human Rights
H.F. 3405

Bureau of Criminal Apprehension's Use of Force Investigations Unit required to conduct investigations of incidents involving federal agents.

The Advocates for Human Rights supports H.F. 3405. This bill takes an important step towards accountability by requiring the Bureau of Criminal Apprehension's Use of Force Investigations Unit to conduct investigations of incidents involving federal agents.

We encourage the Committee to consider including in the bill reference to the United Nations [Minnesota Protocol on the Investigations of Potentially Unlawful Deaths \(2016\)](#) (Minnesota Protocol). In particular, we ask the Committee to require the BCA's Use of Force Investigations Unit to conduct investigations that are **prompt; effective and thorough; independent and impartial; and transparent** in line with the international standards set forth in Minnesota Protocol.

From 2015-16, I served on the expert Legal Working Group charged by the United Nations with updating the original Minnesota Protocol, which was drafted in the 1980s through an expert process led by the Minnesota Lawyers International Human Rights Committee (now The Advocates for Human Rights). The work pioneered here in Minnesota by legal and forensic experts was adopted by the United Nations in 1991. Since then, it has been widely used throughout the world and is recognized as the international "gold standard" for investigating potentially unlawful deaths, including those caused by act or omission of any law any government agent as well as deaths in detention or custody.

The right not to be arbitrarily deprived of life is a foundational and universally recognized right, applicable at all times and in all circumstances. It is recognized in the 1966 International Covenant on Civil and Political Rights, which the United States has signed and ratified. Protection of the right to life means preventing the arbitrary deprivation of life, including through an appropriate framework of laws, regulations, precautions and procedures.

The duty to investigate is an essential part of upholding the right not to be arbitrarily deprived of life. The duty to investigate any potentially unlawful death includes all cases where a government agent has caused a death or where it is alleged or suspected that the government caused a death. It is important to note that the failure to respect the duty to investigate is in itself a violation of the right not to be arbitrarily deprived of life and is ongoing as long as there is a

failure to conduct an investigation that is **prompt; effective and thorough; independent and impartial; and transparent.**

Where an investigation reveals evidence that a death was caused unlawfully, the State must ensure that identified perpetrators are prosecuted and, where appropriate, punished through a judicial process. This legislation is a crucial step in sending that signal and strengthening our justice systems. At this moment, Minnesota must take active steps to rebuild and reinforce community trust.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Prestholdt". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Jennifer Prestholdt

Deputy Executive Director

The Advocates for Human Rights

Founded in 1983 by Minnesotans who recognized the state's unique spirit of social justice, The Advocates for Human Rights works in our home community and in partnerships worldwide to end violence against women, abolish the death penalty, protect the rights of migrants, and build the human rights movement. Governed by a 30-member board of directors, The Advocates is a volunteer-driven 501(c)(3) nonprofit organization.