

HF 3405 – Written Public Testimony

Minnesota House Public Safety Committee

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Submitted by:

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Dr. Bibi Neumann, PsyD | JD, is a Saint Anthony Village resident whose work focuses on public accountability, investigative integrity, and the intersection of domestic governance and international human rights standards. Her approach emphasizes enforcement design, institutional legitimacy, and structural compliance mechanisms.

Written Comment: Independent Investigation Standards and HF 3405

Thank you for the opportunity to submit this written comment regarding HF 3405, which proposes amendments to Minn. Stat. § 299C.80 to require the Bureau of Criminal Apprehension’s Use of Force Investigations Unit to investigate certain incidents involving federal agents.¹

HF 3405 expands the statutory definition of “officer-involved death” to include deaths resulting from the use of force by federal agents employed directly by the United States Department of Homeland Security or its immigration components, including Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), and United States Citizenship and Immigration Services (USCIS).² The bill further extends the Unit’s investigatory duty in criminal sexual conduct cases to include those involving covered federal agents.³

This testimony is offered to situate HF 3405 within established investigative standards reflected in the Minnesota Protocol (widely recognized as a global benchmark for the investigation of potentially unlawful deaths) and to identify structural considerations relevant to the bill’s accountability objectives.⁴

I. Independent Investigation as a Structural Accountability Mechanism

Minnesota established the BCA’s independent Use of Force Investigations Unit to ensure impartial investigation of officer-involved deaths.⁵ The statutory framework reflects a legislative determination that independence from the employing agency promotes investigative legitimacy and public confidence.

HF 3405 advances this structural principle by extending Minnesota’s independent investigative model beyond local and state peace officers to a defined category of federal agents operating within Minnesota’s borders.⁶

This extension aligns with widely recognized investigative norms articulated in the Minnesota Protocol on the Investigation of Potentially Unlawful Death, which identifies independence and impartiality as foundational elements of effective investigations.⁷

II. Alignment with Minnesota Protocol Standards

The Minnesota Protocol, revised in 2016, establishes international best-practice standards for investigations into potentially unlawful deaths.⁸ Core principles include:

- Independence
- Impartiality
- Promptness
- Transparency
- Competence

HF 3405 reflects a movement toward structural independence by subjecting defined federal agents to Minnesota’s existing independent investigative mechanism.⁸

However, the Protocol emphasizes that independence must be both formal and practical.⁹ Investigative bodies must have sufficient authority, access to evidence, and operational clarity to conduct effective inquiries.¹⁰

To ensure HF 3405 fulfills its accountability objective, several structural considerations merit legislative clarification.

III. Scope of Covered Federal Agents

HF 3405 defines “federal agent” narrowly to include agents employed directly by DHS or its immigration agencies.¹¹

If the Legislature’s objective is to apply consistent investigative standards to federal actors exercising use-of-force authority within Minnesota, the committee may wish to consider whether limiting coverage to immigration agencies creates uneven application of independent review across federal law enforcement entities operating in the state.

A consistent investigative framework promotes public confidence by ensuring that accountability does not depend on agency classification.

IV. Practical Independence: Access, Cooperation, and Evidence Preservation

The Minnesota Protocol emphasizes that effective investigations require timely access to evidence, scene control, documentation, and witness cooperation.¹²

HF 3405 expands Minnesota's statutory duty to investigate but does not expressly address:

- Mechanisms ensuring federal agency cooperation
- Timelines for evidence transfer
- Preservation standards
- Access to body-worn or agency video

Clarifying these mechanisms would strengthen the bill's alignment with best-practice investigative standards and reduce the risk of procedural conflict or delay.

V. Transparency and Public Confidence

Minn. Stat. § 299C.80 includes public reporting provisions requiring release of certain investigative information after cases become inactive.¹³

The committee may wish to clarify how these transparency expectations apply in cases involving federal agents to ensure consistency in public disclosure practices.

Transparency, as recognized in both domestic law and international investigative standards, serves not only the interests of affected families but also the broader public interest in institutional legitimacy.¹⁴

Conclusion

HF 3405 reflects a meaningful step toward extending Minnesota's independent investigative model to certain federal actors operating within the state. By grounding the bill in structural independence, the Legislature reinforces the principle that use-of-force investigations should be impartial and credible regardless of agency affiliation.

To ensure that the bill's accountability purpose is fully realized, the committee may consider clarifying scope, cooperation mechanisms, and transparency standards consistent with established investigative best practices. Thank you for your consideration.

References

1. H.F. 3405, 94th Leg., Reg. Sess. (Minn. 2026) (amending Minn. Stat. § 299C.80).
2. Id. (proposed amendment defining “federal agent” and expanding definition of “officer-involved death”).
3. Id. (extending BCA investigative duty in criminal sexual conduct cases to include covered federal agents).
4. United Nations Office of the High Commissioner for Human Rights, *The Minnesota Protocol on the Investigation of Potentially Unlawful Death* (2016) (2017).
5. Minn. Stat. § 299C.80 (2025).
6. H.F. 3405, supra note 1.
7. Minnesota Protocol, supra note 4, ¶¶ 11–16.
8. Id., H.F. 3405, supra note 1.
9. Minnesota Protocol, supra note 4, ¶ 21.
10. Id. ¶¶ 23–26.
11. H.F. 3405, supra note 1.
12. Minnesota Protocol, supra note 4, ¶¶ 31–37.
13. Minn. Stat. § 299C.80 (2025).
14. Minnesota Protocol, supra note 4, ¶¶ 11–16.