



NYU School of Law
40 Washington Square South
New York, NY 10012
E: legislation@policingproject.org
P: 212.992.6950
W: policingproject.org

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Re: The Policing Project at NYU School of Law Supports HF 3405

Dear Co-Chair Moller, Co-Chair Novotny, and Committee Members:

Most people agree that the purpose of law enforcement is to ensure public safety for all community members. A key ingredient to public safety is that the officers charged with keeping people safe are subject to transparency and accountability. When law enforcement is not held to high standards of transparency and accountability, public safety worsens.¹

As Minnesotans know all too well, though, the federal government seems wholly unwilling to hold federal agents accountable for their actions during Operation Metro Surge. Following the killing of Renee Good, the federal government refused to investigate² ICE agent Jonathan Ross's decision to open fire. When CBP agents shot Alex Pretti to death, the Department of Homeland Security immediately declared the killing justified.³ And in both cases,⁴ the Department of Justice has loudly proclaimed that it will not jointly investigate with state officials. Of course, these two killings are far from the only alleged instances of excessive force,⁵ sexual wrongdoing,⁶ and other misconduct⁷ – most of which are receiving similar levels of disinterest from the federal government.

In the face of federal inaction, Minnesota has both the power and the duty to ensure accountability when federal law enforcement agents break the law. This is not just good policy – it is entirely constitutional and wholly in line with federalism principles. The historical backstop for a lack of federal accountability, since the founding of the U.S., has been state law. Though there are defenses and barriers when states charge federal officers for crimes committed during the course of their federal duties – such as removal to federal courts and the Supremacy Clause immunity defense – these do not undermine states' fundamental power to investigate and charge such crimes. Equally important is that a state investigation will uncover the truth, regardless of criminal accountability. When the federal government has indicated it has prejudged the outcomes of any investigations, Minnesota should ensure that the people have a reliable account of what has happened in these cases.

Requiring federal officers⁸ to follow state criminal laws does not impose an undue or punitive burden on these officers, but instead merely holds them to the same standard as Minnesota law enforcement officers. The bill also wisely vests investigatory authority with the Bureau of Criminal Apprehension (the agency that investigates Minnesota peace officers). This even-handedness better positions this legislation to withstand any potential legal challenge, but even more, it ensures that Minnesotans will receive the same level of transparency and accountability from all law enforcement officers operating in their community, regardless of what level of government the officer reports to.

For these reasons, the Policing Project strongly supports HF 3405. Ensuring appropriate accountability for all law enforcement officers operating within the state will only improve public safety for Minnesotans. We urge this committee to support this vital legislation.

Sincerely,
Kelly McConney Moore
Deputy Director of Legislation

¹ A community’s “loss of trust and legitimacy” in its law enforcement “makes citizens more hostile to police and less likely to comply with officers’ requests for the information they need to solve a case—all of which make society less safe from harm.” Kyle Dobson et al., *A transparency statement improves trust in community-police interactions*, *Nature Communications* 16 (Mar. 7, 2025), at <https://www.nature.com/articles/s41467-024-55709-6>.

² Robert Mackey, “Justice department ‘not investigating’ Renee Good killing in contrast to 2020 inquiry on George Floyd death.” *The Guardian*, Jan 18, 2026, at <https://www.theguardian.com/us-news/2026/jan/18/justice-department-ice-renee-good-george-floyd-minneapolis>.

³ Carol Leonnig, “Four statements made by DHS about Pretti’s shooting—and what these videos show that contradict them.” *MS NOW*, Jan. 25, 2026, at <https://www.ms.now/news/four-statements-made-by-dhs-about-alex-prettis-shooting-and-what-these-videos-show-that-contradict-them>.

⁴ Max Nesterak, “FBI won’t provide Minnesota investigators with evidence in Alex Pretti killing, state says.” *Minnesota Reformer*, Feb. 16, 2026, at <https://minnesotareformer.com/briefs/fbi-wont-provide-minnesota-investigators-with-evidence-in-alex-pretti-killing-state-says/>.

⁵ Nina Moini et al., “More than 89 Minnesotans detail use-of-force, intimidation by ICE agents in lawsuit.” *MPR News*, Feb. 16, 2026, at <https://www.mprnews.org/story/2026/02/16/more-than-80-minnesotans-detail-useofforce-intimidation-by-ice-agents-in-lawsuit>; AP, “Minnesota shooting of Venezuelan man is the latest where video evidence contradicts ICE accounts.” *US News and World Report*, Feb. 13, 2026, at <https://www.usnews.com/news/best-states/illinois/articles/2026-02-13/perjury-probe-into-ice-testimonies-marks-latest-shooting-where-evidence-contradicts-trump-officials>; AP, “Immigrant whose skull was broke in 8 places during ICE arrest says beating was unprovoked.” *NPR*, Feb. 7, 2026, at <https://www.npr.org/2026/02/07/g-s1-109219/immigrant-ice-arrest-beating>; *MPR News*, Jan. 26, 2026, at <https://www.mprnews.org/story/2026/01/26/tear-gas-deployed-by-federal-agents-after-protest-vandalism-at-minneapolis-hotel>; Ernesto Lodoño, “Pepper-sprayed while pinned down: a searing scene provokes outrage.” *New York Times*, Jan. 23, 2026, at <https://www.nytimes.com/2026/01/23/us/minneapolis-man-pepper-sprayed-pinned-video.html>; Lynn Meyer, “ICE agents use rubber bullets in front of MPS Transition Plus students in school bus.” *Southwest Voices*, Jan. 20, 2026, at <https://www.southwestvoices.news/stories/ice-agents-use-rubber-bullets-in-front-of-mps-transition-plus-students-in-school-bus,145789>; Taylor Galgano, “Minneapolis family, six children tear gassed after they were caught in clash between ICE and protesters.” *CNN*, Jan. 17, 2026, at <https://www.cnn.com/2026/01/17/us/minneapolis-family-tear-gassed-ice>; “Tear gas deployed by federal agents after protest, vandalism at Minneapolis hotel.” Max Nesterak, “US Border Patrol agent knees man in face in Minneapolis as other agents hold him down.” *Minnesota Reformer*, Jan. 12, 2026, at <https://minnesotareformer.com/2026/01/12/u-s-border-patrol-knees-man-in-face-in-minneapolis-as-other-agents-hold-him-down/>; Kyle Brown and Richard Reeve, “ICE in Minnesota: Agents pepper spray crowd in Cedar-Riverside.” *KSTP*, Dec. 9, 2025, at <https://kstp.com/kstp-news/top-news/ice-in-minnesota-agents-pepper-spray-crowd-in-cedar-riverside/>.

⁶ “DHS responds to viral ‘porta-potty’ video of ICE agent.” *Newsweek*, Jan. 12, 2026, at <https://www.newsweek.com/dhs-responds-minneapolis-ice-agent-porta-potty-video-11346926>; Jonah Kaplan, “ICE employee among 16 men arrested in Bloomington sex trafficking sting, police say.” *CBS News*, Nov. 18, 2025, at <https://www.cbsnews.com/minnesota/news/bloomington-sex-trafficking-sting/>.

⁷ Max Nesterak, “Why is ICE seizing people’s phones and documents?” *Minnesota Reformer*, Feb. 12, 2026, at <https://minnesotareformer.com/2026/02/12/why-is-ice-seizing-peoples-phones-and-documents/>; Reis Thebault et al, “Minnesota judge says ICE violated nearly 100 court orders.” *New York Times*, Jan. 28, 2026, at <https://www.nytimes.com/live/2026/01/28/us/minneapolis-shooting-ice-minnesota>; Jack Brook, “A U.S. citizen says ICE forced open the door to his Minnesota home and removed him in his underwear after a warrantless search.” *PBS*, Jan. 20 2026, at <https://www.pbs.org/newshour/nation/a-u-s-citizen-says-ice-forced-open-the-door-to-his-minnesota-home-and-removed-him-in-his-underwear-after-a-warrantless-search>.

⁸ While the bill’s definition of “federal agent” encompasses many of the officers who have been active in Operation Metro Surge, expanding the definition to “federal agent employed directly by the United States Department of Homeland Security, the United States Department of Justice, or employed by United States Immigration and Customs Enforcement, United States Customs and Border Protection, or United States Citizenship and Immigration Services” could be prudent. This expanded definition would include officers who have been deployed to Minnesota, including FBI agents, as well as those who could foreseeably be deployed, such as DEA and ATF agents.
