

Experts say the divide between Minnesota and federal authorities is unprecedented



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A new Minnesota website lays out evidence to counter what officials have called federal misinformation after immigration agents fatally shot two residents during the Trump administration's immigration crackdown, deepening an unprecedented divide, experts said Monday.

Minnesota also went to court to preserve evidence from the Saturday shooting of Alex Pretti after its own investigators were blocked from the scene by federal authorities.

Experts say the line being drawn between Minnesota and the U.S. government goes against years of cooperation between local and federal agencies on law enforcement missions.

But they also said the state's hand has been forced by an administration that has acted against decades of practice — from declining to allow state officials access to evidence gathered by federal authorities to barring its own Civil Rights division from probing the

shootings of Pretti and Renee Good, who was shot to death by an Immigration and Customs Enforcement officer on Jan. 7.

Former federal prosecutors under Republican and Democratic presidential administrations said the divide was deeply troubling, though a call Monday between Minnesota Gov. Tim Walz and President Donald Trump may signal a way forward after both expressed that progress was made.

### **An unusual website launch**

The Minnesota Department of Corrections launched a website its leaders said was dedicated to combatting Department of Homeland Security misinformation after Pretti was killed. The site includes examples where Minnesota officials honored federal requests to hold people under deportation orders to refute the Trump administration claim that those people are routinely allowed to go free.

Department officials also published videos showing peaceful transfers of custody from prison to federal authorities of several individuals the Trump administration had claimed were arrested by immigration agents as part of the ongoing immigration enforcement action.

The department also issued a news release trying to dispel federal claims about the criminal records of people sought by federal agents, including the person at the center of an operation Saturday near where Pretti was shot. The release said the department never had custody of the man and could only find decade-old misdemeanor traffic-related violations. U.S. Border Patrol Chief Gregory Bovino had said at a news conference Saturday that the man had a significant criminal history.

Jimmy Gurulé, a law professor at the University of Notre Dame, said he saw turf battles and other disagreements when he was a federal prosecutor working with local authorities on task forces in Los Angeles, and again when he was an undersecretary at the U.S. Treasury Department overseeing law enforcement operations under George W. Bush. But, he said, the situation in Minnesota is “unprecedented” in his experience.

“The disagreements were always handled behind the scenes. There were never any public statements criticizing other agencies,” Gurulé said.

“It's not even a question of collaboration at this point. It's such a broken relationship,” he said. “How did it get to this point, where state and local law enforcement have such little trust in the federal agencies they feel they need to go to court?”

### **Seeking relief in court**

The Minnesota Bureau of Criminal Apprehension and the Hennepin County Attorney's Office filed a lawsuit in federal court after the shooting Saturday seeking to preserve

evidence collected by federal officials from the Pretti shooting. A federal judge granted a motion blocking the Trump administration from “destroying or altering evidence.”

Federal officials called the lawsuit and claims the federal government would destroy evidence “ridiculous.”

But state officials are not alone in having concern over a departure from decades of standard practice, which has been the Department of Justice and its Civil Rights Division investigating the constitutionality of an officer's use of force, especially when fatal. DHS officials have instead said their own department would investigate the two Minneapolis shootings.

“What you would expect in normal times is the Justice Department would open an investigation into the circumstances of the shooting,” said Chris Mattei, a former federal prosecutor in Connecticut under both Presidents George W. Bush and Barack Obama. “They have been the independent body that would investigate it. But it would seem that this Justice Department and this Civil Rights division have zero interest in enforcing constitutional rights for citizens in the immigration context.”

Mattei, now a partner at the Koskoff Koskoff & Bieder law firm that represents several former FBI employees in lawsuits over their terminations, said under Trump it appears the justice department doesn't want to change the wide latitude agents have been given to conduct immigration enforcement.

“These are career investigators,” he said. “They may have different opinions on how to pursue an investigation or how certain evidence should be handled. But usually in my experience they have the same objective to conduct a credible investigation.”

Gurulé called the state lawsuit, specifically the motion over preserving evidence, “shocking.”

“The implication was they are not just keeping evidence from them but possibly destroying it,” he said. “Clearly the state attorney general and the Minneapolis police have grave distrust with ICE and DHS. Clearly there are strong disagreements with the tactics that ICE has used.”

### **Signs reconciliation might be possible**

White House press secretary Karoline Leavitt Monday moved to distance President Trump from statements made by deputy White House chief of staff Stephen Miller characterizing Pretti as an assassin, saying the situation had moved quickly since Saturday and noting Trump had never used those words.

Gurulé said statements like that erode the public's confidence that investigations are impartial.

“You don’t express your conclusion before an investigation and make it public. That is unheard of and upside down,” he said.

In his call with Trump, Walz's office said the governor made the case for an impartial investigation of the shootings and that Trump had agreed to talk to DHS about ensuring state investigators would be able to conduct an independent investigation.

Trump and Walz also discussed working in a more coordinated fashion on immigration enforcement. The governor's office reiterated the state would continue honoring requests to hold incarcerated individuals who are not U.S. citizens until federal authorities can take them into custody.

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