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**Witness Statement on Path to Accountability for Federal Officers
and Agencies**

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Ranking Member Blumenthal, Ranking Member Garcia and distinguished members of Congress;

My name is Antonio Romanucci and I am a civil rights and tort litigation attorney with the deep honor of representing the family of Renee Good for her tragic shooting death by federal agents in Minneapolis. I have handled excessive force cases across the country for decades. My colleagues and I are deeply distressed at these invasions onto fellow Americans' civil rights by our own government that have gone well beyond the initial scope of removing criminals. The occupation by ICE and CBP in our cities is way beyond their mission, leading to unnecessary provocation that causes needless harm and death.

These operations in multiple states have routinely and consistently included violations of the Constitution.

We call for an immediate end of false narratives by federal officials about the victims of excessive force. The character assassinations and conclusions before an investigation has been started - let alone completed - must stop. In America, our leaders must be held to a standard of truth and responsible speech.

There is no such thing as absolute immunity, and that perception leads to agents who behave with absolute impunity leading to exaggerated and violent encounters with people.

This is an unprecedented and deeply unsettling time. The roadmap to navigating this national crisis lies within this august body.

My job today will be to share information about the process to hold federal officers accountable for actions we believe are violations of Constitutional rights in the face of other investigative bodies failing to do so.

In Renee Good's civil case, our team has promised to provide transparency about what happened to her as we continue our independent investigation in an aggressive way but also in an ethical and moral way. We want to be the voice of reason for the country that wants to understand and deserves the facts.

For example: We wrote and shared a letter to relevant federal agencies, asking for responsible handling and preservation of evidence such as Renee's vehicle, records of the agent's declared injuries, his cell phone, and any statements he made about the use of force and protesters.

At the family's request we conducted an independent autopsy of Renee's body, so we better understand her injuries and her experience in those final moments. We released some of the high-level results – again, to provide transparency and truth to Americans.

Lastly, we are providing information to the public on reasonable policing policies and practices so people can view the video of

Renee's death through that lens. The lens is a wide angle one where the totality of circumstances must be viewed. Not just one frame.

The United States' legal system allows for individuals to pursue civil justice with a suit against a city, county or state for the conduct of its officers – and against the officers individually.

These types of legal claims are made under what is called U.S. Section 1983. This was part of the Federal Civil Rights Act of 1871 and is essential for accountability when an officer behaves unconstitutionally. Keep in mind that this act is 155 years old and desperately needs an amendment.

However, similar legal action against federal law enforcement officers, like ICE or Border Patrol, is not currently allowed under Section 1983.

There used to be a time when federal law enforcement officers could be sued. But over time the Supreme Court has walked back that option.

There is a current possible path of civil recovery through the Federal Tort Claims Act or FTCA. But this is challenging. It requires first the filing of a claim with the government agency that has harmed you – and then waiting up to six months for a reply. And then, the law provides broad discretionary power, does not allow for cases against individual officers – only against an agency – and these cases are heard as bench trials. They are not trials in front of a jury of one's peers.

Our current paradox is that America should not require the permission of the federal government to sue the federal government for cases like Renee Good or Alex Pretti. If the government must give you permission to seek accountability for violation of Constitutional rights, then your rights are just words on paper. Rights are not rights without remedies.

There is a legislative remedy to this paradox.

At the state level, Minnesota and other states can pass bills making it a state law tort to violate constitutional rights and thereby directly sue federal law enforcement officers. In December, Illinois did this, signing into law HB 1312.

Congress can remove this roadblock to federal accountability by amending Section 1983 and adding four words, so federal officers can be sued civilly if their conduct merits it. The current language spells out that state, county and municipal law enforcement can be sued... and Congress would only need to add the words “or the United States” to the list of governments whose officers could be brought to civil justice. It’s that simple.

I urge you to consider this amendment and fix a 155-year-old problem.

The current path to hold federal officers accountable is a narrow and uphill climb. That will not deter us in the slightest from pursuing justice for Renee Good.

Please let's not repeat a moment in history when we said "never again" and having Congress miss the opportunity to pass harm-stopping legislation.

Thank you to the members of this esteemed panel for your commitment to the truth, American values and the Constitution.