

COMMENTARIES

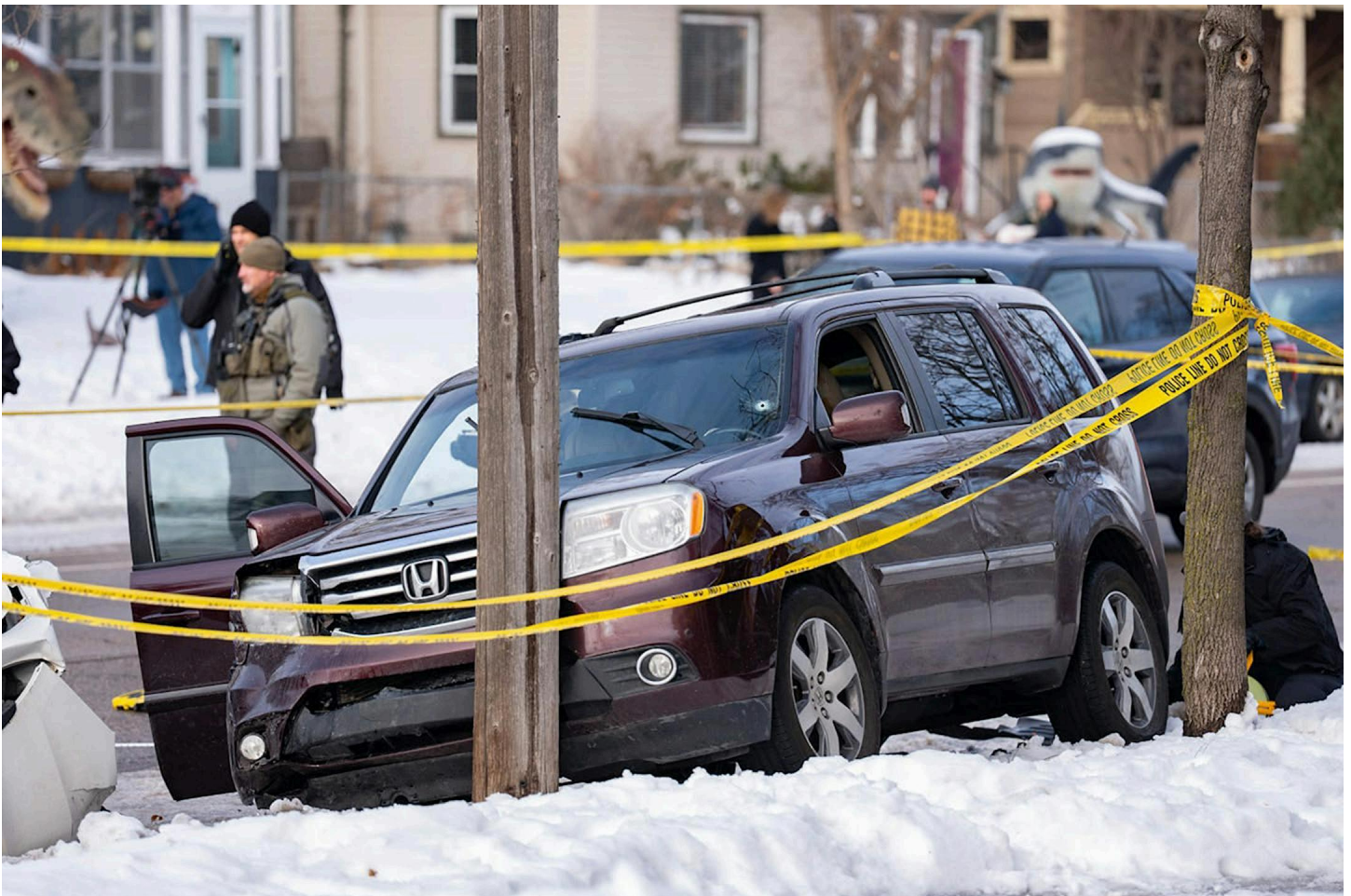
Opinion | As ICE-related killings continue, we need a real investigation of the agency

But a cautionary lesson from the Abu Ghraib scandal is that accountability often does not reach the top.

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Guest contributor(s) to the Minnesota Star Tribune

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A bullet hole can be seen in the windshield of the SUV Renee Good was driving when she was fatally shot by ICE agent Jonathan Ross on Jan. 7. Federal officials claimed she — and recent ICE shooting victim Lorenzo Salgado Araujo in Houston — weaponized their vehicles against agents. (Alex Kormann/The Minnesota Star Tribune)

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Federal ICE agents may have left some American cities, but the killings continue, the latest in Texas and Maine. Whatever the facts here are, we cannot let a tornadic news cycle of national controversies distract from the task of finally investigating the agency.

Still unclear after months are the status of investigations into the fatal shootings of Renee Good and Alex Pretti in Minneapolis and related allegations of home invasions, racial profiling, excessive force, false statements and wrongful detentions around the country. Now two more fatal incidents, in Houston and Biddeford, Maine, are added to the list.

As the facts here are developed, recent history offers a cautionary example. The abuses at Abu Ghraib prison during the Iraq War became one of the most extensively investigated scandals since Watergate. Yet even after at least 14 investigations, more than 1,700 witnesses and some 15,000 documents, accountability never truly reached the top.

That is the danger now. As the smoke from ICE activity has cleared in some American cities, the Trump administration has leaned heavily on a single word: investigation. It is invoked as an explanation, a justification and a reason for silence.

When it comes to ICE incidents, the White House typically comments: "The matter remains under investigation." That response raises a fundamental question: What should an investigation mean – and will local and state authorities be able to ensure the process is legitimate?

Investigations are vital tools of democratic accountability. They confront wrongdoing, test official narratives and establish a shared factual record. Conducted independently, they strengthen public trust.

But not all investigations are created equal. Too many are structured less to uncover truth than to contain controversy. We confronted that reality in the investigations of detainee abuse at Abu Ghraib, and it is directly relevant to the allegations of ICE abuses.

Following Pretti's shooting, the initial Customs and Border Protection inquiry focused narrowly on whether officers followed internal CBP policy, not whether criminal laws were violated. A parallel Homeland Security Investigations inquiry examined whether Pretti himself had broken the law, rather than focusing first on the agents who shot him.

The Department of Justice eventually announced an FBI civil rights investigation. Even then, Deputy Attorney General Todd Blanche cautioned the public against seeing “some massive civil rights investigation.”

The response to Good’s shooting has been more limited. The Justice Department blocked the FBI from investigating her killing as federal authorities instead investigated Good’s wife. Then, more recently, they quietly released evidence to local authorities for both Minnesota cases without comment or announcement, or cooperation with the affected families.

But the ICE controversy now goes beyond just these fatal shootings. It also includes questions about how federal immigration operations were planned, authorized, supervised, documented and defended after the fact; how evidence was preserved and produced; and whether public narratives were shaped before facts were established.

In Iraq, the Taguba investigation was not limited to whether individual soldiers committed abuse. Its mandate included detainee abuse, escapes, accountability lapses, training, standards, command policies, internal procedures and command climate. That breadth mattered because institutional misconduct is rarely explained by one bad act or actor. It is enabled by unclear orders, weak supervision, deficient training, poor discipline and leaders who fail to ask hard questions until damage is public. While the Taguba investigation was not allowed to pursue its work up the chain of command, it still exposed important facts.

Abu Ghraib also showed that paperwork is not the same as accountability. Investigators may gather documents, interview witnesses and issue reports, yet still fail to answer the most important questions: Who authorized the mission? Who set the rules? Who supervised personnel? Who shaped the public narrative? Who failed to preserve or produce evidence?

For any investigation of ICE or CBP activity in Minnesota, Texas, Maine and elsewhere, scope will matter. Scope determines the questions asked, witnesses interviewed, evidence collected and laws examined. A narrow scope can predetermine narrow outcomes. If investigators ask only whether agents complied with internal policy, they may never answer whether the policy itself was lawful or whether commanders ignored foreseeable risks.

The choice of investigators is equally critical. They must be able to follow evidence wherever it leads, without concern for institutional loyalty, political reprisal or personal advancement. They must be independent of the agencies under scrutiny and have use-of-force, civil rights and command-accountability expertise.

Investigators also need unfettered access to physical, testimonial and electronic evidence, including body-camera footage, cellphone video, radio traffic, use-of-force reports, planning documents, deployment orders, GPS data, personnel files, disciplinary histories, after-action reviews and communications with senior officials.

Evidence cannot be filtered through the institutions whose conduct is under review. Nor can an investigation stop at the street level. Any serious inquiry must examine who approved these operations, what guidance was given, what risks were anticipated and how officials responded once people were shot, injured, detained or publicly accused of criminal conduct.

This is where Abu Ghraib remains most instructive. The public saw photographs of low-ranking soldiers committing abuse. But there were deeper questions concerning leadership, policy, command climate and the permissive conditions that made abuse possible.

The same standard must apply to federal immigration enforcement. If the public is asked to trust an investigation, it must examine not only those who did the shooting but the command structure, operational plan, legal authority, rules of engagement, training, supervision, evidence handling and post-incident messaging.

Neutral, independent investigations are democratic guardrails. They determine whether the public receives facts or talking points. They determine whether the government can use force in the name of law enforcement and then investigate itself behind closed doors.

The latest ICE tragedies raise questions too important to be filtered through political loyalty or administrative convenience. Real investigations are not defined by how often the word is invoked. They are defined by whether the processes are designed to uncover facts, no matter where they lead.

This is what real investigations of ICE must look like.

Before retiring from the U.S. Army, Maj. Gen. Antonio Taguba authored the Taguba Report on the Abu Ghraib investigation. Keith Rohman, who has led hundreds of investigations worldwide, including at Abu Ghraib, is president and founder of Public Interest Investigations, Inc.

