

ANOTHER VIEWPOINT

Minneapolis shooting is a homicide, but is it a crime?

A woman in a red SUV is shot and killed on a public street in Minneapolis by a masked man with ICE emblazoned on his black and green clothing. It's a homicide, but is it a crime?

The shooting was captured from several angles on video by bystanders and by law enforcement. Almost immediately after the shooting, Homeland Security Secretary Kristi Noem stood before the media and pronounced the fatal use of force fully justified — heroic even. At the same time, local officials and residents, including some eyewitnesses to the incident, declared the shooting unnecessary and criminal.

Any final conclusion regarding the confrontation and shooting is premature, but numerous touchpoints based on long-established law enforcement training and practices provide a basis for framing the inquiry and any subsequent answers.

Several videos of the moments before, during and after the shooting exist. That's helpful — possibly critical — but videos often are incomplete, and at worst, can be misleading. Videos record, but don't necessarily capture state of mind and they flatten reality onto a two-dimensional screen.

Even with those caveats, the videos of the ICE agent's actions in Minneapolis are disturbing. The available evidence raises more questions than answers in an extremely combustible situation in an already tense city.

No attempt at deescalation is seen or heard on any of the videos. In fact, an ICE agent reaches into the occupied vehicle's open window. The driver had just moved her vehicle a foot or two in the road. It's unclear whether the driver paused in order to allow other cars or people to move in front or she stopped to re-create an obstacle to law enforcement. Regardless, in what appears to be a marked act of aggression, the masked federal agent proceeds to curse at the driver and order her out of her car.

Another video shows a different agent (who seconds later kills the driver) nonchalantly walking around the driver's car (on the passenger side) recording his own video. That speaks volumes about his mindset given the driver had just moved



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her car and was still in the middle of the road. How did the situation go from a slow walk next to a stopped car (with engine running) to a deadly threat that required gunshots?

Significant controversy exists — the debate goes back decades — about the appropriateness of shooting into a moving vehicle in a situation where pedestrians

and bystanders are present. Assuming the agent felt threatened by the driver in the vehicle, the response of shooting the driver doesn't eliminate the threat. The shooting changes the nature of the threat from a controlled vehicle (again, assuming the car was being used in a threatening manner) to a totally uncontrolled moving mass of metal. The new threat is real and not able to be contained by any outside intervention.

In the last week's fatal shooting, that new threat of harm is unambiguous. The red vehicle with the injured or dead driver careens out of control and crashes into a parked car. Many other scenarios exist in which the same vehicle with the same fatally injured driver could have hit and killed bystanders or law enforcement.

In a slow roll situation, the answer almost always is for the agent to step back; inexplicably, that's what he appears to have done immediately prior to shooting the driver.

Afterward, the agent/shooter leaves the location (with his weapon). In essence, he disappears at the very moment when other law enforcement personnel should be arriving to preserve the situation and commence an officer-involved fatal use of force investigation.

The actions recorded by videos justify a vigorous, independent investigation. What's most troubling is the detachment with which the agents treated the fatality, before and after the actual shooting. ICE was and is in Minneapolis for an immigration enforcement action, not to wage a war. We had better understand the difference, starting with the federal authorities.

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