

Today's ICE shooting in Minneapolis

By Gary Fouse

Today, (Wednesday 7th Jan) an ICE agent shot and killed a woman as she attempted to drive away from agents who were ordering her out of the car for blocking a street in Minneapolis. There are videos of the incident, some of which do not conclusively show where the agent who shot was standing in relation to the suspect's car.

Fox News has a clearer [video here](#). In addition, the article has a photo showing a bullet hole in the suspect's vehicle on the left side of the front windshield.

So, as one agent is attempting to open the suspect's driver door, the agent who fires the shots is standing in front of the vehicle's left front headlight. The suspect backs up and then drives forward toward the agent who fired the shots. This video does not conclusively tell us if the car actually struck the agent. (Reportedly, the agent suffered some injury that required hospitalization, though that is not apparent from the video.) At any rate, once the vehicle starts in the agent's direction, he draws his weapon and fires.



So what is the law and the policy that federal agents operate under in this kind of situation? First of all, federal policy says agents do not fire at a moving vehicle. There are just too many things that can go wrong when that happens. Federal policy is also not to fire at a fleeing suspect, whether in a vehicle or not.

But there is a very big exception: If the fleeing suspect is posing an immediate threat to the lives and safety of the agents-or anybody else, firing is justified. The same goes for when a suspect is trying to run down an agent with a moving vehicle. It is not just the agent who is in immediate threat of injury or death; any other agent seeing that threat can fire when a vehicle is being weaponized. The basic rule here is that if you try to ram your car at law enforcement, you can expect to be shot at.

This morning, I heard some talking heads on CNN say that the agent should have just gotten out of the way. That is common sense and the first natural reaction. It appears the agent in

question made such a maneuver. That doesn't necessarily affect the justification for firing.

As a retired DEA agent (and US Customs before that), I was in an almost identical situation one night in Los Angeles, in which one of my fellow agents (an Immigration officer at that) was struck by a suspect who was behind the wheel. (Not at full speed but with a couple of start and stop maneuvers by the driver. I was just a few feet away from the driver's side window and had a clear shot at his head. I almost fired, but held back when I noticed that one of our agents was standing just to my left and slightly in front. Had he suddenly moved in front of me as I fired, I would have hit him. As it was, I held my fire, the Immigration agent who was struck fired his weapon at the left front tire and put a hole in his hubcap. What resulted was a car chase through several municipalities around Los Angeles until he finally crashed into the curb, and we could pull him out of the car.

As is policy, both DEA and the Immigration and Naturalization Service (INS) investigated the shooting, and the Immigration agent was cleared. The fact was that the driver had attempted to drive through the agent, not once, but twice (from a starting position). The agent was able to show that he was in danger of his life. He had actually been struck (bumped) by the car twice.

But what if I had fired-and most assuredly would have killed him? My defense would have been the same as the INS agent. In other words, I would have been acting in his defense. Would I have been justified? Or would I have been prosecuted? Let's just say that I think I made the correct, split-second decision. In the case of today's shooting, it comes down to whether the agent reasonably felt his life was in danger when he made that split-second decision. I think he can make that case.

Turning now to the reactions from Governor Tim Walz and Mayor

Jacob Frey, I can only call them despicable. Walz kept saying he wanted to speak carefully, but, as usual, he didn't. He even implied that he might use the National Guard in his state against ICE. Frey was worse. He told ICE to "get the F- out of Minneapolis," and said that the reasoning given by ICE of self-defense was "BS" (he did not use the acronym). In effect, Frey is fanning the flames.

The plain and simple fact is that the state of Minnesota and the city of Minneapolis are acting irresponsibly and bear some of the blame for this death. They don't have to actually go out and help round up illegal aliens, but they have a duty to keep their streets safe. There should be complete cooperation between state, local, and federal law enforcement. Ideally, ICE should be informing the local police of an impending operation, and the police should ensure that order is kept on their streets. In addition, local police should always notify ICE when they have someone in custody who is not in the country legally. How much easier -and safer for all concerned- if ICE agents could simply go to a jail when they are advised that an illegal alien prisoner is being released and take that person into federal custody pending deportation. Instead, what we have are sanctuary cities that will not do that, necessitating ICE agents having to go into the community, find, and arrest these people at much greater risk to themselves and everybody else, including the suspect.

So now we have incidents like what happened today in Minneapolis.