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A Familiar Story

When a federal immigration agent shot and killed a woman in Minneapolis today, the details were fresh but the story was familiar. Once again, a law-enforcement officer had fired into a moving vehicle, even though experts on use of force, and many agencies' rules, prohibit or discourage the practice as dangerous and ineffective.

The facts of the Minneapolis shooting are still emerging, but bystander videos and eyewitness accounts provide some sense of what happened. Federal agents are in Minnesota as part of an enforcement push as the Trump administration focuses on welfare fraud among Somali immigrants in the state. Video shows bystanders watching (and heckling) federal agents. A truck with flashing lights pulls up; the driver and a second agent jump out and rapidly approach a burgundy SUV blocking the road, and the driver appears to tell a woman to get out of her car. The SUV reverses briefly, then starts to move forward. A third officer then fires several shots. The car veers away before crashing.

According to a witness who spoke to *The Minnesota Star Tribune*, a doctor at the scene attempted to help the woman who was shot, but was kept away by federal agents. When an ambulance finally arrived, it was blocked from reaching her by law-enforcement vehicles, and paramedics had to reach her on foot. The woman has died.

An initial statement by Tricia McLaughlin, a spokesperson for the Department of Homeland Security, appeared to be false in most of its key details, including claiming that "violent rioters" were at the scene and alleging that the driver had "weaponized her vehicle, attempting to run over our law enforcement officers in an attempt to kill them." The available footage suggests that the driver may instead have been trying to flee. Many DHS claims about incidents between civilians and agents have been misleading or plainly false, and the Trump administration has sought spurious charges against anti-ICE protesters.

Residents and local officials reacted with outrage. An emotional Mayor Jacob Frey blasted the federal operation at a press conference. "To ICE—get the fuck out of Minneapolis," he said. "We do not want you here. Your stated reason for being in this city is to create some kind of safety and you are doing exactly the opposite."

Firing at a car like this is problematic as a matter of both law and practice. Under a 1985

Supreme Court ruling, police aren't permitted to open fire on someone who is fleeing unless that person presents a serious danger to the officer or others. Justice Byron White wrote that "it is no doubt unfortunate when a suspect who is in sight escapes," but "it is not better that all felony suspects die than that they escape." (The driver in question here was not clearly under arrest, much less a felony suspect.) Prosecuting police who open fire is challenging, though, because prosecutors and juries tend to grant wide deference to officers who say they feared that they or others were in peril.

Shooting into moving cars is often a bad idea, though, even when it might be legally justified. Officers who fear they are in danger often miss their target—sometimes harmlessly, sometimes striking bystanders or other officers. "If you actually hit the driver and are successful, now you've got an unguided missile," Geoffrey Alpert, a professor at the University of South Carolina and an expert on police use of force, told me in 2021. "It's just as likely if you shoot someone that a foot's going to go on the gas as on the brake." In this case, photos suggested that the SUV struck another car after its driver was shot.

Because of this, many departments advise against opening fire on moving vehicles. Following a 1972 shooting, the New York Police Department adopted a policy that banned officers from shooting from or at moving vehicles unless the person in the vehicle was using or threatening deadly force, which did not include the vehicle itself. Many other agencies have since followed suit, and guidelines recommended by police organizations tend to concur.

Nonetheless, shootings at moving vehicles continue to happen frequently. Violations of departmental rules may draw internal discipline, but they're not enforceable as a matter of law. Many officers subscribe to the idea that they're better safe than sorry—or, as an expression goes, that it's "better to be tried by 12 men than carried by six" pallbearers.

Experts also point to poor training as a common reason for these shootings. Though the identity and experience of the officer who opened fire today are not yet known, it should be one area of focus. As ICE and other border agencies scramble to add staff and to reach huge deportation quotas set by the White House, they have lowered standards and shortened training in the hopes of getting agents on the streets sooner—but untrained officers are more likely to make mistakes.

Tense relationships between state and local governments and the federal government will complicate the investigation into this shooting, which the FBI will reportedly lead in conjunction with the Minnesota Bureau of Criminal Apprehension.

Governor Tim Walz, a Democrat, today accused DHS of “propaganda” and promised “accountability and justice.” Officers who kill civilians are seldom charged with crimes, and when charges are brought, officers are often acquitted, but Minnesota Attorney General Keith Ellison has shown a willingness to prosecute officers for violence, including securing the convictions of four Minneapolis police officers in the murder of George Floyd. A successful prosecution here might be even trickier.

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