

# “To Shoot or Not to Shoot”

"Sometimes the expected course of action, although legal and justified, is not the most honorable option."

-Special Agent with the U.S. Department of State

As a special agent and federal law enforcement officer, I had been appointed by my agency to serve on a Joint Terrorism Task Force (JTTF) in a large metropolitan U.S. city. Since 9/11, JTTF positions had taken on a great deal of significance with the on-going Global War on Terror (GWOT). They were crucial in identifying, investigating, and preventing suspected terror attacks from within the United States.

It was about 0300 hours, and we were conducting static surveillance on a suspect's home. This individual had an outstanding arrest warrant. We were watching his house from inside our vehicle about 200 yards away and across the street. The home was located in an inner-city neighborhood. In the darkness, we could discern that two males had walked out of the front door of the suspect's home and were headed around a nearby corner. I got out of the car and followed, maintaining a fair distance behind them so as not to be noticed. As I turned the corner, I was surprised to see that the same two males had doubled back to head back into the home. We almost bumped into each other right there on the street corner. The suspect was to my left and another male was to my right. There was no time for me to call my partner who was in the car, and he could not see me from where he was sitting. Without hesitation, I identified myself as a law enforcement officer, and I attempted to arrest the suspect before he fled. The existing warrant for his arrest gave me the authority to take him into custody immediately. In an instant, a violent fight erupted. It was the two of them against me. I had been in quite a few physical confrontations on the street at this point in my career. I had put many resistant and agitated criminals into handcuffs with little to no back up before, but this time was different. As we grappled, punched, and kicked, I felt the main suspect tugging at the pistol holstered on my right hip. As it had now turned into a life and death struggle, I gave him a lawful command to stop or I was going to use deadly force against him. He sneered at me and said, "Oh, yeah?" and continued anyway.

My right arm was pinned down against the ground. I couldn't immediately block my pistol in the holster and execute the weapon retention techniques taught to me in basic agent training. Finally, I was able to break my arm free just as he cleared the pistol from the holster. We fought there on that dirty sidewalk for several moments, each of us tightly clenching the weapon. The other male fled when the suspect pulled it out. My time as a high-school wrestler paid off as I instinctively grappled for a dominant position against him. With some effort, I angled it toward him and depressed the trigger. The pistol fired into his leg, and he screamed. I thought the fight was over, but he still kept trying to fight. After a few more moments, he let go and began to run away. The pain from the bullet hole in his leg was masked by adrenaline and by his methamphetamine-induced high.

I raised my gun and aimed it at his back only 15 yards away. I willed my hands to be still as I aligned the three tritium dots on the top slide and applied smooth rearward pressure on the trigger.

Then I stopped.

I quickly reconsidered my situation. Although there was no longer a threat against my life, it could easily be articulated that the suspect still presented the threat of deadly force against other citizens, against me, and against other law enforcement officers. The law dictated that I could justly exercise lethal force against him for those reasons. On the other hand, I was concerned about my reputation on the "street." Amongst the people for whom I am sworn to protect, would I always be known as "the cop that shot someone in the back?"

### **Questions to Ponder...**

Legally, the author could have shot and taken the suspect's life. However, what was the most ethical course of action to take?

If this were you and you were instead in the streets of Mosul apprehending a suspected insurgent, what would you have done?

What personal and professional values and beliefs would you struggle with?

What would your peer expect you to do? How about your leaders?

What would have been the consequences of shooting? How would this shooting have influenced the relationship between the officer and the public?

What were the consequences of not shooting?

### **The Rest of the Story...**

Clearly, this was a dynamic situation. There was very little time for me to make some very significant decisions. I did not shoot, and the suspect disappeared into the night. Upon hearing the gunshot, my partner came to assist me. We contacted a police K-9 officer who tracked the suspect to a nearby vacant home and took him into custody. The suspect served several years in prison for attempted homicide on a law enforcement officer. Many people felt like I should have taken the man's life for trying to kill me. When I became a law enforcement officer, I understood that I may have to take someone's life in the course of my duties. I just did not want to do it by shooting a man in the back – not like that. I did not feel as though it would have been an honorable action.

My "street cred" was everything to me. It is what facilitated good communication with my network of informants. In the long run, I was able to maintain a sense of rapport and trust with key members of different groups. Many of my informants, long-time criminals themselves, recognized that I was in a bad situation and respected me for being a "stand-up guy" as a result

of this incident. They felt comfortable in providing me information that assisted in solving some of our most difficult criminal cases.

