When is deadly force justified?

Kevin Grasha and Steven R. Reed, kgrasha@lsj.com, sreed@lsj.com 7:06 p.m. EST December 10, 2014

LANSING – No one has yet questioned whether Randy Minier Jr. was holding a handgun when he was shot and killed Monday by a Lansing Township police officer during a traffic stop.

An eyewitness to the shooting, in fact, said Minier was trying to show the two officers at the scene that he had the gun. An officer yelled twice for him to drop the weapon, and the fatal shots followed soon after, the eyewitness said. Minier, a convicted felon, could not legally possess a firearm.

Officials have not yet said whether videos of the incident — both from police dashboard cameras and a bystander — shed light on why the officer fired his gun. Additional details likely won’t be known until a Michigan State Police investigation into the incident concludes.

The shooting has led to questions about when police officers are justified in using deadly force and how someone who is carrying a firearm should respond when confronted by law enforcement.

Experts interviewed by the Lansing State Journal did not talk about the incident specifically, but spoke in general terms.

A police officer can use deadly force when that officer reasonably perceives there is an “imminent threat of likely death to the officer or another citizen,” said Michigan State University professor William Terrill, who has studied use of force incidents across the country.

That standard is based on two U.S. Supreme Court rulings from the 1980s.

Terrill said policies at law enforcement agencies across the country are uniform when it comes to use of deadly force.

If a suspect is holding a gun, he said, “there’s not much wiggle room, in terms of the officer making a plausible argument whether they felt there was an imminent threat.”

Robert Fleming, an attorney and NRA-certified concealed pistol license instructor said he teaches people in his classes “not to reach for it, offer to show it or anything else.”

“Keep your hands in sight,” Fleming said. “From there it depends on the officer. Frequently the officer will say, ‘Fine, where is it?’ or ask you to show it to them.

“If you follow those guidelines there should be no problems.”

Similar common-sense guidelines apply — but the stakes are higher — when a licensed carrier is confronted by one or more officers responding to a possible public safety or criminal incident, Fleming said.

“This is a high-stress situation for them,” he said. “Don’t do anything that is threatening to them.
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"Tell them you have a CPL and that you are armed. Follow their directions. Keep your hands in sight."

For CPL holders, failure to disclose the presence of a weapon is a civil violation that can result in a $500 fine and six-month CPL license suspension on the first offense. Failure to possess a CPL license when carrying a concealed pistol is also a civil violation subject to a fine.

Mark Fancher, staff attorney for the Michigan affiliate of the American Civil Liberties Union, said a variety of solutions might help eliminate tension and fear that can escalate an incident into a shooting.

"One thing that has been discussed...is the use of body cameras, which can be helpful," he said.

Staff writer Kathleen Lavey contributed to this report.

Conduct during police encounters

The Michigan State Police website includes instructions on "proper conduct during encounters with police" for people who have a concealed pistol license.

• Keep your hands where an officer can see them
• Cooperate fully with the officer
• Tell the officer as soon as possible that you have the gun with you
• Do not make any quick movements, especially toward the weapon
• If you are in a vehicle that is stopped at night, turn on your vehicle's dome light

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