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PRESS RELEASE

Deputy justified in use of deadly force in July 14, 2020, shooting.

On September 2, 2020, the Michigan State Police submitted their investigation into the officer involved shooting death of Sean Ruis by Eaton County Deputy Theresa Vandorpe. The submission was thoroughly reviewed by myself and Chief Assistant Prosecuting Attorney Chris Anderson to determine whether Deputy Vandorpe was legally justified in using deadly force during the incident that resulted in the death of Sean Ruis. As explained below, my conclusion is that Deputy Vandorpe was legally justified in using deadly force. Therefore, criminal charges will not be issued against the deputy.

Facts

On July 14, 2020, at 6:48 a.m., Troopers from the Michigan State Police were dispatched to the Quality Dairy, located at 7120 Lansing Rd in Diamondale, for a stabbing. Troopers were advised that a customer of the store had been stabbed by another customer, and that the perpetrator had fled the scene. Troopers arrived and located the stabbing victim, John Duncan, with multiple puncture wounds to the neck.

Troopers were able to access the Store's security system, and speak with employees, to obtain a physical description of the perpetrator and a license plate number for his vehicle. Through the information obtained, Troopers were able to identify the suspect in the stabbing as Sean Ernest Ruis, and his vehicle as a 2016 Ford Fusion. They further learned that Ruis lived at an address on Jerryson Drive in Delta Township. At 6:55 a.m., MSP broadcast the license plate number for Ruis' car over Eaton County's primary police radio frequency. Troopers and Deputy Vandorpe made contact with Ruis' wife at the residence on Jerryson and were told that he had left for work at the Michigan Department of Transportation around 6:30 a.m..

As the Troopers traveled towards the MDOT facility on Canal Rd, Deputy Vandorpe remained near Ruis' home. At 7:11 a.m., Deputy Vandorpe observed Ruis' Ford Fusion approaching his residence and began to follow it. She reported to Eaton County Central Dispatch that the vehicle had driven past the residence. Deputy Vandorpe activated her lights and siren, and the vehicle briefly accelerated before coming to a stop at 7:12 a.m. A review of the body-camera and dash-camera footage from Deputy Vandorpe showed the following:

- After stopping his vehicle, Ruis quickly exited his vehicle with objects visible in both hands. The objects were later found to be a long flathead screwdriver in his left hand and a shorter flathead screwdriver along with a non-folding knife in his right hand.
- Ruis began walking towards Vandorpe, who exited her patrol vehicle and drew her service weapon.
- Vandorpe immediately began to give Ruis commands to show his hands and drop what he is holding, as Ruis advanced towards her. Vandorpe told Ruis to drop the weapons more than a dozen times, as he continued to advance on her.
- Ruis told Vandorpe to drop her weapon as he continued to approach her patrol vehicle.
- Ruis continued to advance on Vandorpe with objects in both hands. He then lunged at Vandorpe and began to slash at her with the screwdriver in his left hand.
- Vandorpe, who was backpedaling at the time, began firing her service weapon, firing an initial burst of 5 shots.
- Ruis continued to advance towards Vandorpe, reaching out and making contact with her service weapon. The contact caused the weapon to jam.
- Vandorpe cleared the jam while continuing to backpedal and the screwdrivers and knife that Ruis was holding fell to the ground.
- Ruis then bent over and retrieved the knife from the roadway.
- Vandorpe fired 5 more shots in rapid succession.
- Ruis fell to the ground and Vandorpe advised Eaton County Central Dispatch that shots had been fired and requested EMS.
- MSP Troopers arrived on scene a little over a minute later.

Detectives from the Michigan State Police Critical Incident Team conducted the investigation of the incident. During the course of that investigation, MSP conducted numerous interviews and canvassed the neighborhood for witnesses and surveillance video. They were able to locate relevant surveillance video from four residences and interviewed one individual who observed Ruis approaching his residence and then accelerating after passing Deputy Vandorpe's patrol vehicle.

Dr. Patrick Hansma, MD, conducted a Forensic Postmortem Examination on Sean Ruis on July 15, 2020. Dr. Hansma is a deputy medical examiner for Eaton County and is employed by Sparrow Hospital. During the examination, Dr. Hansma identified eight gunshot wounds to Ruis' body. Those wounds were found on Ruis' forehead, both shoulders, torso, abdomen, groin, and left knee. Further, organ damage was found to Ruis' heart, right lung, liver, and right kidney.

Dr. Hansma did not identify a specific injury as the cause of death; rather he determined that the totality of the injuries caused by the gunshots led to Ruis' death. The autopsy report lists the cause of death as multiple gunshot wounds and the manner of the death, medically, as a homicide. In the medical context, a homicide is defined as the death of a person that is directly caused by the intentional actions of another person. The classification is not a legal determination regarding the circumstances of the death.

Legal Standards

The sole question presented is whether Deputy Vandorpe acted in a legal manner during her interaction with, and subsequent use of deadly force against, Sean Ruis. If her actions were lawful, then the death of Sean Ruis is not a crime.

Under the 4th Amendment, a police officer must have an articulable, reasonable suspicion that a vehicle, or an occupant of the vehicle, is subject to seizure in order to conduct a traffic stop. An individual is subject to seizure when the officer has probable cause to conclude that the individual is committing a crime or has committed a crime for which a warrantless arrest is permissible. Under MCL 764.15, a police officer may make a warrantless arrest of an individual when the officer has probable cause to believe that the individual has committed a crime that is punishable by 93 days in jail or more.

In the State of Michigan the police may use force, including deadly force, in the performance of their job. They may use that degree of force that is reasonable under the circumstances to effectuate an arrest. They may take reasonable action to protect themselves in the course of making an arrest.

What constitutes reasonable force depends on the facts in a particular situation. The reasonableness of the force used must be considered in the light of the circumstances as they appear to the officer at the time she acted. A police officer has discretion, within reasonable limits, to determine the amount of force that the circumstances require and is not guilty of any wrongdoing unless she arbitrarily abuses that power.

A determination of whether the force used is reasonable under the 4th Amendment requires a careful balancing of the intrusion on the person's 4th Amendment interest and the opposing governmental interest at stake. Ultimately, the police may use the force that is necessary, including deadly force, if they have sufficient evidence to believe that a suspect poses a threat of serious physical harm to the officer or others.

Further, a police officer has the same rights as a private citizen to use the force that is reasonably necessary to defend herself or others. In Michigan, any person may use deadly force to defend themselves or others under certain circumstances. To determine whether a person acted in lawful self-defense, their

actions must be judged according to how the circumstances appeared to them at the time they acted. Deadly force in self-defense is appropriate if a person has an honest and reasonable belief that she was in immediate danger of being killed or seriously injured.

In determining whether the use of deadly force was appropriate, all of the surrounding circumstances must be considered including: the conditions of the people involved, their relative strength, whether the other person was armed with a dangerous weapon, or had some other means of injuring others, the nature of the other person's attack or threat, and whether the actor knew about any previous violent acts or threats made by the attacker. Lastly, the actor must have an honest and reasonable belief that what she did was immediately necessary. Under the law, a person may use as much force as she believes is needed at the time to protect herself. Ultimately, the actor does not have to prove that she acted in self-defense, instead it is the Prosecution's responsibility to prove beyond a reasonable doubt that the actor did not act in self-defense.

Application of the Law

In applying the law to the facts of this particular situation it is clear the Deputy Vandorpe's use of deadly force was justified.

As an initial matter, the actions of Deputy Vandorpe to initiate a traffic stop and attempt to detain Sean Ruis were lawful. When Deputy Vandorpe located and attempted to stop the vehicle, there was probable cause to arrest Ruis for stabbing John Duncan. At the time there was probable cause to conclude that he had committed an assault with a dangerous weapon, at a minimum, based upon the initial investigation conducted by MSP and radio traffic from Eaton County Central Dispatch. Assault with a dangerous weapon is a felony in the State of Michigan with a maximum punishment of four years.

The next question is whether the use of deadly force was reasonable based upon circumstances and information that Deputy Deputy Vandorpe possessed at the time. Prior to Deputy Vandorpe fully exiting her patrol vehicle, Ruis had exited his vehicle with two screwdrivers and a knife in his hand. Ruis immediately started to approach the patrol vehicle while Deputy Vandorpe was giving clear commands for Ruis to drop the items. At the time, Deputy Vandorpe was aware that Ruis had just stabbed an individual, and his actions in exiting the vehicle with a knife in his hand would cause any reasonable person to conclude that Ruis posed a great risk of death or serious injury to them.

Despite repeated orders to drop the weapon from a law enforcement officer pointing a pistol at him, Ruis chose to advance on Deputy Vandorpe while still holding the knife and screwdrivers. Ruis then chose to hop towards Deputy Vandorpe and pull his left hand back in what appeared to be preparation to slash at her. Deputy Vandorpe then made the difficult decision to pull the trigger and

discharge her service weapon at another human being, a decision that Ruis left her very little choice in.

Despite having five rounds discharged at him, and being struck by at least three of them, Ruis continued advancing on Deputy Vandorpe while reaching for her as she continually backpedaled. Ruis was able to get close enough to Deputy Vandorpe to make contact with her service weapon, causing a malfunction of the weapon. While grabbing at her service weapon Ruis dropped the knife and screwdrivers on the ground. Ruis then reached down and picked up the knife again. At that point Deputy Vandorpe, having successfully cleared the malfunction, fired five more rounds at Ruis. As Ruis was falling to the ground he dropped the knife on the pavement. The entire incident, captured on multiple video cameras, took 30 seconds.

Based upon a review of the facts and the law, it is clear that Sean Ruis posed an immediate danger of death or great bodily harm to Deputy Vandorpe. As such, she acted properly, and legally, in defense of herself when she used deadly force and shot Ruis. Deputy Vandorpe was justified in shooting Ruis under the doctrine of self-defense, therefore, no crime was committed by Deputy Theresa Vandorpe.

Prosecutor Lloyd noted: “As your elected Prosecutor, it is my responsibility to thoroughly review incidents involving the use of deadly force by law enforcement officers in Eaton County. That review, is no less thorough simply because the incident is captured on video, as this incident was. I have a firm belief that no officer starts their shift with a desire to use deadly force, but an individual who had already stabbed John Duncan placed Deputy Vandorpe in grave danger of death or serious injury. Therefore, I have concluded that her use of deadly force was lawful.”

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