

Supreme court rulings on self defense and deadly force



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Introduction

In defense for one's safety or the safety of others, people may assume that a person is mistaken in his or her actions because the law defines some actions as legal or illegal depending on the prevailing circumstances. From the perspective of a person's safety, people tend to support the perceived victim because it is impossible to understand the circumstances in which a law-abiding citizen may contravene moral or ethical laws. In most contexts, self-defense is any action that a person takes in order to protect his or her safety in his or her safety as well as his or her dependents. However, such a person should never take a defensive option that risks the life of another person unnecessarily, particularly if such a person does not take an action that endangers the lives of others.[1]For instance, unless a person carries a firearm and attempts to use it in a crime, then the circumstances surrounding the use of a firearm in preventing the crime, even for a law enforcement officer, would be up for in-depth investigation. Nevertheless, if a person enacts a crime while using a weapon, then it is reasonable that a firearm could be used in ending a life or injuring the criminal, even if this is done by a civilian. Although it may make sense in some states that injuring <https://assignbuster.com/supreme-court-rulings-on-self-defense-and-deadly-force/>

or even killing a person due to suspected criminal activity, in other states this can only be done by law enforcement officers.[2]In this case, the concept of self-defense and use of deadly force is a complex one depending on the prevailing circumstances as well as the importance of the distinction between the act being performed by an average citizen or a law enforcement officer.

Use of Deadly Force by Citizens in Self Difference

In many cases, a person's circumstances or one's intentions may want to act in a manner that may result in harm for other people, but this is too complicated a subject that it cannot be judged from a single incident. When a person harms another, there may be a wide range of factors in play, such that it is important to view the legal and social circumstances in play before understanding what is happening. From a formal perspective, there is usually a distinction between a legal and illegal injury or killing of a person depending on the impact the actions of the ostensible victim may be having on others. Regardless of if an act of deadly force is performed by an average citizen or a law enforcement officer, any action that results in a severe or fatal injury of another person is always up for investigation. In the case of a private citizen protecting his or her rights and those of loved ones, some states have allowances for terminating the life of an intruder as long as he or she breaks certain pre-established limitations. On the other hand, if a law enforcement officer ends up using deadly force on a citizen, then the process of determining who was in the wrong in such a situation is a highly complex process whose details are hardly ever released to the general public.

[3]Regardless of the situations in which such circumstances happen, the only

way to evaluate the moral and legal validity of the actions involved is by evaluating them based on existing laws and policies.

Any actions engaged in the process of preventing or avoiding criminal activity depend on the capacity or ability to define those actions accordingly such that they can be matched by the appropriate corrective measures. Such a definition takes away any guesswork because it takes away the mystery in the actions of suspected perpetrators and ensures the accurate understanding of a person's actions. For instance, the definition of self-defense primarily entails a person's life is threatened by another person such that the law may allow him or her to take action may result in the death of another person. Although it may be acceptable for a person to take deadly action against the intruders of his or her personal space, which is defined differently across various states, the best course action would be to avoid conflicts that may result in the loss of life at all costs. From a legal perspective, even if a person threatens the life of another, the justification for deadly force would have to be proven in a court of law such that any jury would be in support of the person who took deadly action against another. However, rather than take chances with the legal system, the best path of action would be to avoid risking one's life and the lives of others as much as possible.[4]Therefore, the only way a person should even consider using deadly force against another if his or her life, as well as the lives of loved ones, was threatened.

Before a private citizen can take any action in self-defense or use deadly force against another person, he or she should always consider the legal implications of actions committed even in self-defense. The first concept that <https://assignbuster.com/supreme-court-rulings-on-self-defense-and-deadly-force/>

must be understood by all Americans is that of self-defense, which primarily entails protecting his or her interests as well as the interests of the people closest to him or her. Legally, the people closest to a person would be closest to him or her, particularly with whom the person shares a household and other immediate resources. Such people would include a person's parents, spouse, and children, which is a definition the law takes to avoid the ambiguity associated with referring to a person's family because this would include a person's family in non-legal circumstances. The other definition that is understood in the legal context is deadly force, whereby there are a wide range of actions that a person can take against perpetrators without facing the criminal justice system. In the *non-deadly* aspect of the force that may be taken against other people, there is a wide range of actions, as long as they have no chance of resulting in the death of a person.[5] Action against a suspected or potential perpetrator primarily involves reporting any active or potential criminal activity to the authorities so that criminal activity can be stopped.

Although the most reasonable and common action is reporting any existing or continuing criminal activity, even if it does not affect one directly, to the authorities, which explains why the *911 emergency code* is universal across countries. Through this code, it is possible for people who do not have guns and other protective tools and devices to protect themselves and others to have a system for protecting themselves and others. However, there are some instances in which a person may be obligated or forced by circumstances to take action that may entail endangering the lives of others. Deadly force is any action that a person may take as a measure in protecting

others, but one that may result in the severe injury or death or another person with whom he or she may not have any prior engagement. In using deadly force, a person can use a weapon like a knife or a gun, which would not otherwise have been used in normal non-life-threatening circumstances. The idea that a person could take deadly action against other people in a manner that can be interpreted as legal can be abused by people who may not understand it or may want to use it maliciously.[6]In this case, any instances of deadly force, even in self-defense, taken by an average citizen, must always be based on the legal circumstances in which he or she as well as one's significant others live.

The circumstances in which a person can take deadly action against others are limited primarily due to the interest of protecting the lives of people against being taken unnecessarily by others. For instance, unless a person has been tried in a court of law and proven to be guilty, then no law allows the conscious harming or killing of the person because such an action would result in anarchy. In the interest of keeping every person engaged in the legal process while protecting the interests of others, the idea of deadly action is isolated to ensure that injuring a person is not the same as killing him or her. Legally speaking, deadly force is any action that is taken against another person with the objective of causing harm that is incapacitating, even if it results in the death of the person. However, in order to discourage the idea of people harming or killing others unjustifiably, there are laws enacted to ensure that people do not kill each other unnecessarily. One of the limitations that make sense is if a person harms or kills another in defense of his or her life, which means that the resulting death could have

been accidental if there is supporting evidence.[7]Such evidence would have to be irrefutable and be confirmed in a court of law before it can be used to determine if deadly force in the course of self-defense would be justified in any way.

In the context of an average citizen, deadly force entails any actions that a person may take in the process of defending his or her life that may have a negative impact on the lives of others. For instance, in case there is a burglar in a homestead, a resident may take action like stabbing or shooting the burglar that may result in the injury, maiming, or death of the burglar before he or she can be tried in a court of law. In this respect, the law is highly flexible in its definition of what entails deadly action and self-defense because once one enters the private space of another, then the resident can take any action deemed necessary. Although the action taken by residents in this context may be subject to review to eliminate any instances of malicious actions, private citizens are not always free to act in any way they want if they want. As a means of protecting private citizens from circumstances in which they would not act in a manner that would risk the lives of others, even in self-defense, the country has law enforcement officers.[8]A law enforcement officer should be able to intervene, even using deadly force in a manner that would not have far-reaching legal consequences, as long as it can be proven that the action was taken in a legally justifiable manner. Due to this legal distinction, an officer of the law can use deadly force in a manner that a private citizen would not, even if both of them were using deadly force in self-defense.

Differences with Law Enforcement Officers

When dealing with cases of suspected criminal activity, a law enforcement officer behaves in a difference manner when compared to a private citizen, particularly in regard to the effects of the legal system on a person's actions. In this context, it is important for an officer of the law to consider legal concepts like reasonable suspicion and probable cause whose primary objective is to ensure that the criminal justice system is not abused. The idea of reasonable suspicion means that a person should be reasonably suspected of a crime before any action can be taken against him or her. In the interest of protecting the interest of the general public, instead of taking deadly action, a person who is suspected of performing a crime should only be taken in for questioning at worst. In case one has to be arrested or even presented to the court of law on suspicion of committing a crime, then no deadly force can be taken against him or her. An officer of the law is obligated to take action in a manner that reduces chances of taking deadly force as much as possible because the role of law enforcement officers is usually to protect all people as much as possible. However, there are some cases when it would be acceptable to risk or even end a person's life in the interest of protecting other people. While a private citizen can use deadly force to protect himself or herself, the primary distinguishing factor with the action that can be taken by a law enforcement officer is that the latter can do so when protecting others.[9]The main reason an officer of the law can act in a manner that private citizens is because the former act in the interest of others while the latter act on their own behalf.

Conclusion

The idea of using deadly force in self-defense is a highly complex one because of the legal distinctions that exist between the actions of law enforcement officers and those of private citizens. In the case of private citizens, if the threat presented by another person is immediate and personal, then it is possible to use deadly force with little to no legal ramifications. In this regard, the ability of private citizens to take action that may result in the death of other people is highly limited because one has to be facing an immediate threat if he or she is to threaten or even take the life of another person. In contrast, an officer of the law is usually a representative of the ideas and ideals of other people such that his or her actions may not be personal. For instance, in the interest of protecting as many people as possible, an officer of the law may be forced to kill or maim one person if the person would have eventually caused the death or maiming of other people. Due to the far-reaching implications of the actions of an officer of the law, law enforcement officers are usually faced with more limitations and requirements relative to those of private citizens. While reasonable suspicion is usually a reason to stop citizens and question them temporarily with their permission or extenuating circumstances, it is usually never enough to have reasonable suspicion and use deadly force. In addition, in many cases, probable cause is usually the reason to arrest a person or get a warrant to search his or her premises, it is usually never enough to use deadly force against another person. Instead, it is acceptable for an officer of the law to use deadly force as long as the threat that necessitates the force is immediate and cannot be avoided through any legal means, even if it does not threaten the life of the law enforcement officer. In <https://assignbuster.com/supreme-court-rulings-on-self-defense-and-deadly-force/>

this case, a law enforcement officer can use deadly force in the same way a private citizen would if it means protecting his or her life from being terminated in criminal activity. In addition, the law enforcement officer can use the tools at his or her disposal to use deadly force in the preservation of lives that may be threatened by criminal activity. Although most existing research and case studies answer the questions in regard to the difference between the actions of private citizens and law enforcement officers, so much is left to assumptions that further research needs to be done in this respect.

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