

Whether or not there  
would be a time to  
use deadly force  
against an unarmed  
suspe...

Law



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The use of deadly force on an unarmed suspect

The use of deadly force is a hard decision and for many the belief remains that deadly force should be withheld unless in fear of one's life. In the case Tennessee v. Garner a 15 year old youth was seen running across a yard behind the house, by police officers after a burglary call had been received. According to the case syllabus, " A Tennessee statute provides that, if, after a police officer has given notice of intent to arrest a criminal suspect, the suspect flees or forcibly resists, " the officer may use all the necessary means to effect the arrest." (Justia. com, 2011) In this case, suit was brought by the victim's father in the United States District Court for the Western District of Tennessee under the Civil Rights Act of 1871.

The suspect was fleeing and had been seen by officers to appear to be unarmed, in this situation the use of deadly force regardless of the Tennessee statute would have been a negative and was proven to be such upon a reversal by the court. Is the use of force ever justified when a suspect is unarmed? This question can be answered by noting a legitimate study regarding movement capabilities of individuals. If a suspect is making threatening gestures and furtive movements and is not attempting to flee an officer may be justified in using deadly force. According to Dennis Teuller in an article for the Police Policy Studies Council, " It would be safe to say then that an armed attacker at 21 feet is well within your Danger Zone." (Teuller, 2004) This is based on a test in which several participants of varying physical ability, sex, race and age were placed 21 feet from a subject, and at a timer

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the “assailants” ran towards the subject and attacked them. The average time is generally around 1.5 seconds and shows that an unarmed attacker can still engage an officer in a very short amount of time.

Using this test and the findings of the court case which stated, “...the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others.” (Justia. com, 2011) If an unarmed or visibly unarmed suspect makes a furtive movement, which is defined as a movement which shows the intent to attack the officer, or moves towards the officer instead of fleeing then the officer would be correct in employing deadly force. If however, the suspect is attempting to flee and is visibly unarmed and no violence has been committed at the time that the officer is aware of then the use of deadly force should be prohibited.

#### References

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