

Non-Lethal Force

Non-lethal force is defined as that which a reasonable person would assume would not cause death or grave injury. Much of the law is similar when dealing with lethal and non-lethal self defense force.

General criminal law permits the use of necessary, proportionate, non-deadly self defense force anytime the victim believes that unlawful force is about to be used on her.

The court will use both objective and subjective standards to determine if there was, in fact, a reasonable belief. Subjective standards include the mindset of the victim. Objective standards include the assailants and the defendant's size, strength, handicap, etc.

The legal application of self defense force under American is complex. Most jurisdictions permit the use of force in resisting an attack by someone not known to be a police officer and non-deadly force in resisting a known police officer trying to make an unlawful arrest.

The threat must be immediate and imminent.

Lethal Self Defense Force

The use of lethal self defense force is justified when a person believes that amount of force is necessary to prevent death or serious injury.

Homicide is always a serious issue. Homicide may be justified when a person has no other means of preserving his life. It is the responsibility of the threatened person to take all precautionary measures to prevent the attack. If after taking such precautions he is still attacked he may repel force by force, but cannot kill the attacker after he has secured himself from danger.

A few jurisdictions require a victim to take any means of exit first. This is referred to as a "retreat to the wall". There are three exceptions to the rule: you are not required to retreat from your own home, you are being robbed or raped, or if the victim is a police officer making a legal arrest.

One of the determining factors for force justification is the level of threat made to a person and if the attacker has a weapon. Generally anything that could be used to kill a person, no matter how unconventional, may be considered a deadly weapon. That being said, a chair, a screwdriver or a glass bottle could be considered a deadly weapon.

A martial artist's skill could be considered a deadly weapon, but the threatened person would have to prove knowledge of that to be justified in using lethal self defense force against him.

Here's an interesting twist. If while engaged in the confrontation the attacker withdraws and communicates the withdrawal, he gains the right of self defense. Similarly, if the confrontation suddenly escalates and the attacker has no means of exit the attacker may evoke the right to self defense.