



Book Review

Bruce M. Lawlor, *When Deadly Force Is Involved: A Look at the Legal Side of Stand Your Ground, Duty to Retreat, and Other Questions of Self-Defense* (Lanham, MD: Rowman & Littlefield, 2017), 286 pages, ISBN: 978-1-4422-7528-7.

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In active shooter-type situations, once a 911 call is made, law enforcement officers generally arrive within 10 minutes or so to neutralize the attacking shooter. The victims who are directly targeted by a shooter can exercise the “Fight” option’s countermeasures if the “Run” or “Hide” options are unavailable. Until law enforcement arrives, if one of the potential victims happens to have a gun in his/her possession, are they legally authorized to fire their weapon in self-defense? Moreover, if a potential attacker has not yet drawn his/her weapon, but to a targeted individual it appears as though such a weapon may be used imminently, can they open fire at the potential shooter to avoid being shot first? Finally, if an individual in the vicinity of an ongoing incident happens to have a firearm at his/her disposal and is ready to use it, can they exercise their option to intervene as a “good Samaritan” and use their weapon to neutralize the shooter? In all these scenarios, what are the legal rules of engagement for such non-law enforcement individuals to employ a firearm in confronting a potential or an actual shooter?

These are the types of self-defense questions and scenarios that are discussed in Bruce Lawlor’s excellently argued book [When Deadly Force Is Involved: A Look at the Legal Side of Stand Your Ground, Duty to Retreat, and Other Questions of Self-Defense](#). The author, a retired Four-Star U.S. Army Major General and the Department of Homeland Security’s first Chief-of-Staff (under Secretary Tom Ridge), is also an attorney with a background in security issues, as well as a licensed firearms instructor, so his analysis is based on a practitioner’s expertise on these issues.

In this book, the author finds that, as a legal concept, a person firing a weapon in self-defense “is without fault [and] may use force, including deadly force, to defend against what he or she reasonably fears is an imminent unlawful threat of death or serious bodily injury, provided there is no reasonable alternative to avoid it.” (page 3) When one begins to interpret how this generalization applies to individual cases, however, complications arise in how “local laws and customs that influence how [such] words are interpreted and applied.” (page 3) The purpose of this book, the author writes, is to explain “the system, how one goes about determining if a homicide is justifiable or excusable. It doesn’t offer solutions so much as a description of the approaches taken to find them.” (page 3)

The book is organized into fifteen chapters, with each chapter addressing a specific issue related to self-defense, and how judges and juries go about deciding on their legal merits. The chapters begin with a fictitious case narrative of how deadly force was used in their supposed self-defense, followed by a discussion of the legal reasoning concerning such use of deadly force. The chapters’ fifteen topics include cases in which deadly force was used in situations in which the shooters felt they were confronted with what they regarded as deadly threats, verbal threats, imminent harm, reasonable fear, duty to retreat, stand your ground, “Castle Doctrine” (a provision in which there is

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“no duty to retreat” when confronted by an armed intruder in one’s home), de-escalation of a confrontation, mistakes made (but in good faith), and other situations.

In conclusion, how does the author explain the legal justifications for the use of deadly force in the three active shooter scenarios highlighted earlier? He writes: “A general description of self-defense is that a person who is without fault may use force, including deadly force, to defend against what he or she reasonably fears is an imminent unlawful threat of death or serious bodily injury, provided there is no reasonable alternative to avoid it.” (page 18) Related legal justifications are that the person claiming self-defense did not provoke “the confrontation that led to the shooting,” whether or not “there existed a reasonable alternative to the use of deadly force,” or whether or not the “initial aggressor abandoned the fight, or is he unable to continue it, or has he somehow indicated he wants peace rather than further confrontation?” (page 21)

It is such insights about the legal issues involved in the use of deadly force in self-defense, that make this book a valuable reference guide in understanding the justifications for a spectrum of responses to potential or actual active shooter attack scenarios, as well as scenarios involving responses to other types of confrontations.

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