

Defensive Strategies



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The Force Science Research Center at Minnesota State University recently brought my attention to some research done at the University of Fresno by psychology professor Dr. Matthew Sharps and his colleague, Adam Hess. They wanted to explore how people with no firearms or law enforcement experience would judge the use of force in various situations. Why should you care? Because people just like this might be in your jury some day if you ever have to defend yourself!

Sharps and Hess performed two experiments which were reported in the December 2008 issue of *The Forensic Examiner*, in an article titled "To Shoot or Not to Shoot: Response and Interpretation of Response to Armed Assailants." (Academia just has a way with catchy titles, don't you agree?)

They performed two experiments. I'll bet that you can predict the outcome of the first experiment while I'm describing it.

In the first experiment, they wanted to explore what a typical

Shoot/Don't Shoot: Who Should Pull the Trigger?

member of the public (untrained, but with a pretend gun) would do when faced with a situation in which an "assailant" might be holding a gun, or might be holding something that is not a gun. The experimenters developed high-quality digital photographs of plausible crime scenes. They had expert police and field training officers to ensure that the pictures were realistic. The basic photograph showed a white man armed with a Beretta 9mm handgun. Four different scenarios were developed, the simplest was very sparse in terms of potentially distracting objects, the second was more complex (including street clutter, garbage cans, and so on), the third built on the complex scenario by including several bystanders and young female "victim" being threatened by the armed man. The fourth scene was identical to the third except that instead of a gun, the man was holding a power screwdriver. All the scenes had good lighting.

A hundred and twenty-five people were recruited to serve as subjects, 87 women and 38 men. Remember that none of them had any firearms experience. Each person was given either a button to push to indicate "shoot" or a toy dart gun to shoot at the screen. Each person was shown briefly one of the four scenes, and was instructed to press the button (or fire the dart gun) if they thought that there was a source of danger.

So, how do you think people per-

formed? Did it matter whether a button was pressed to indicate shooting, or the dart gun was used? Did women and men react differently? How closely did their performance match what you think you, a highly trained person by comparison, would have done?

Here are the basic results. Men and women performed the same. They were somewhat more likely to "shoot" if they could do so by pressing a button rather than firing a dart gun. In Scene 1 (simple environment, man holding a gun, no victim), 64% of the people made the decision to shoot. Did that surprise you? It did me, because the man holding the gun on screen wasn't necessarily pointing it at anyone. Nonetheless, a great majority of people decided to shoot him anyway. In Scene 2 (same man, same gun, but with typical street clutter), more people, 67%, decided to shoot. In Scene 3 (man with gun, street clutter, bystanders, female "victim"), the proportion of "shooters" rose again, to 88%. In Scene 4 (same as Scene 3 except that the man held a power screwdriver instead of a gun), 85% of the subjects decided to shoot him anyway.

In other words, this experiment concluded that untrained people were extremely likely to decide to intervene with lethal force if there was a gun and a victim involved, but equally likely to mistake a screwdriver for a gun, and consequently shoot someone who should

not have been shot.

As I said, you probably would have predicted that result. The really interesting part of this study is the second experiment conducted by the same scientists. Let's see how good your powers of prediction are here.

The second experiment investigated what untrained people's attitudes were about police using lethal force in various situations.

Again, the experiment involved high-quality digital photographs of crime scenes that were developed with the involvement of knowledgeable police personnel. Two scenes were created. In one, a white male perpetrator held a Beretta 9mm handgun in a one-handed grip, pointing it toward a young female "victim" amid a typical street scene. The second scene was essentially identical to the first, but the perpetrator holding the gun was female. Both scenes met the most stringent police guidelines for a "shoot" situation.

The subjects (33 women and 11 men) were each allowed to study one of these scenes for a full 5 seconds (much longer than most police officers have to make life-and-death judgments). They were asked afterward what a police officer should do on encountering the situation they had just seen. They were also asked the rationale for their responses.

Now's your chance to see whether your predictions were right. Did people think a police officer should have shot the person with the gun? Did it matter whether the "perpetrator" holding the gun was male or female?

Only 11% of the people thought that police should shoot in this situation. (Does that surprise you? It amazed me.)

Did gender matter? The numbers were too small for definitive results, but no male subject thought the

police would be justified shooting a female perpetrator. Female subjects were about twice as likely to justify the shooting of a male perpetrator compared to a female one, but at least they did occasionally say that shooting a woman with a gun was justified.

What reasons did people give for their overwhelming reluctance to say that a police officer would be justified in shooting a person holding a gun to a young woman? How could virtually 9 out of 10 people say that police bullets were not justified, in situations where police believed 100% that shooting was necessary to save the young woman's life? The reasons are quite revealing...

Some people felt that the daylight, public conditions of the situations would prevent the perpetrator from firing at the victim. Others invented rules of engagement, such as saying that police should wait until the suspect fired first. Others said that a police officer should first attempt to convince the perp to drop the gun. One said that the police use of lethal force would be justified if the suspect had already committed murder. Some said that an officer should not fire because the suspect "did not look like she wanted to kill." Some qualified their response, saying that if the police had to shoot, they should shoot the perp's arm or leg. Another said that if the perp tried to run away, it would mean that he was guilty.

These experiments were developed to study people's attitudes toward police who shoot in the line of duty. It isn't clear whether these kinds of attitudes would carry over to a private citizen who used a gun for self-defense, but they might. This would make a good topic for future research. In the meantime, what lessons can you take away?

When making their own shoot/

don't shoot decisions, average untrained folk tend to be trigger happy and are often wrong, especially when distinguishing a gun from a tool. Police are routinely pilloried for making this kind of mistake. Remember the Dialou shooting in New York City when police shot an unarmed man who was behaving very suspiciously, but just drawing his wallet in a dark foyer? More recently, in Tacoma, WA, police shot and killed a man who pointed a small black cordless drill directly at them after threatening to shoot them. That's why a similar tool was used in the first experiment here.

Even though the vast majority of the civilian respondents indicated a readiness to shoot a perceived dangerous person themselves, only about 1 person in 10 felt it would be appropriate for the police to do so under the same circumstances! If this generalizes to trained civilians legally carrying, we may be in equal trouble when it comes to the court of public opinion, or the criminal court.

If you are charged with a crime and tried by a jury of such "peers", you might need an expert witness to explain why what you did was reasonable, and to dispel the myths and magical thinking that ordinary people might use to believe that you could have done something other than shoot.

You are far more likely to be chosen for jury duty than to shoot someone. Thus, if you are ever on a jury that is considering a case that involves shooting (as I was a few years ago on an attempted murder case), remember that several of your fellow jurors probably have some of these misconceptions about the use of lethal force. Think about how you could educate them so that the accused receives justice.