

# Self-Defense and Defense of Self: There Is a Difference.

## *What is Self-Defense?*

Self-Defense is a person's justifiable use of force against another person when such force is necessary to defend themselves or a third person from what they reasonably believe to be the use or imminent use of unlawful force.

## *Elements to Claim Self-Defense*

- The person using force had a reasonable belief that she\he was at risk of bodily harm. (note not did the officer think she was at risk but did she think it )
- The risk of harm was imminent
- The force used was that force reasonably necessary to prevent or stop the infliction of bodily harm.

## *Who is the Pre-dominant Aggressor?*

In cases where both parties use illegal violence against the other the pre-dominant aggressor is the party who is clearly the more aggressive and potentially dangerous of the two.

## *Criteria Officers May Use to Determine Who is the Pre-dominant Aggressor.*

Officers should when applicable consider the following to establish who the pre-dominant aggressor is;

**Determine who is the more aggressive generally in the relationship**  
especially if in this event the violence was somewhat similar.

- There have been a number of calls to this home and he has been arrested twice before for domestic violence; once against her and once against his mother.

**Eliminate the probability that one party was acting in self-defense.**

- In this case the officer concludes that the woman used self-defense when she bit him but not when she kicked him.

### **The comparative strength to each other**

- he is stronger than her

### **Each party's ability to do what was alleged.**

- Both parties seemed able to do what was alleged.

### **Witness statements**

- No witnesses except neighbor who called 911 and said she heard a woman screaming "I'll call the police if you don't get away from me!"

### **Harm done, severity, and extent of injuries to each party.**

- Bite mark on him fading, clump of hair missing on her, slap mark on her face fading.

### **Likelihood of future injury to either party.**

- High likelihood of him assaulting her again with two past arrests and him not being very straight forward on this incident.

### **Who is afraid of whom and what are they afraid of?**

- She may be afraid of him but she isn't acting afraid she's being very openly hostile toward him and officers.
- He seems more annoyed than afraid.

### **Why did each party use violence; was it to control, to resist, to punish?**

# Who are You Going to Arrest?

Pick two of the following four vignettes to watch and use this exercise to analyze two of them. You can watch; "My Crazy Wife Stabbed Me!", "She Almost Killed Me!", "Back Off, Chuck!", or "No One".

You will act as the police officer responding to the domestic argument and will try to determine the following:

- a) If you have probable cause that either party committed an assault. Which one?
- b) Did either party act in self-defense? Which one? If both parties committed an assault is there a predominant aggressor? Which one and why?

<i>Arrest Considerations</i>	<i>Title of Vignette</i>	<i>Title of Vignette</i>
<p><b>Listen to and watch the man in clip what evidence points to him assaulting her?</b></p> <p>List everything.</p>		
<p><b>Listen to and watch the woman in clip what evidence points to her assaulting him?</b></p> <p>List everything.</p>		
<p><b>What evidence was there that either party was acting in self-defense?</b></p>		

<i>Arrest Considerations</i>	<i>Title of Vignette</i>	<i>Title of Vignette</i>
<p>Do you have probable cause to arrest either party?</p> <p>If so who and why?</p>		
<p>If both committed an assault is one the predominant aggressor?</p> <p>Make a list of what might indicate that.</p>		
<p>Who are you going to arrest?</p>		

# Domestic Violence TURNING POINTS

