



With [Mike Callahan](#)

The Objectively Reasonable Officer

3 myths about officer-involved shootings

It is imperative police leaders use research and scientific evidence to correct erroneous media and public perceptions about officer-involved shootings

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I have been honored to serve in law enforcement for 44 years, as an NCIS Special Agent, an FBI Supervisory Special Agent/Chief Division Counsel and a Massachusetts Deputy Inspector General. I trained thousands of law enforcement officers on the critically important topic of use of lethal force for 36 years, including several years as an Instructor of Law at the FBI Academy in Quantico, Virginia. I have also published two books on this subject.

I have learned many things regarding the reality of use of deadly force that deal directly with the intricate dynamics of officer-involved shootings. These things include such critically important subjects as the legal requirements for a lawful shooting and the scientific foundation pertaining to officer reaction time, wound ballistics and human physiology.

The United States Supreme Court has made it clear that absolute certainty is not the standard that officers will be judged by when using deadly force. (Photo/Tony Webster via Flickr)

I have likewise observed the many myths created by the entertainment industry that have erroneously shaped media and public knowledge, opinion and reasoning on this vital subject. My goal is to dispel some of these myths and provide information police leaders can use to correct erroneous media and public perceptions about [officer-involved shootings](#).

MYTH 1: AN OFFICER MUST BE ABSOLUTELY CERTAIN HE/SHE IS FACING A DEADLY THREAT BEFORE USING LETHAL FORCE.

The United States Supreme Court has made it clear that absolute certainty **is not** the standard that officers will be judged by when using deadly force. The Court ruled in [Tennessee v. Garner](#) [1] that before an officer can use deadly force, he/she must have probable cause to believe that the suspect poses a threat of serious harm to the officer or other people. The probable cause standard is far removed from absolute certainty. It means, more likely than not, e.g., a 51% belief. Absolute certainty would require a 100% belief.

The Court has demonstrated it understands the extreme danger officers face in potentially deadly street confrontations and consequently adopted the probable cause standard to judge police

shootings. For example, the Court further clarified the probable cause standard in the seminal case of *Graham v. Connor*. [2] In *Graham*, the Court ruled that it is the “objectively reasonable” police officer that must possess probable cause that the suspect is a deadly threat. The question in every case is: Would an objectively reasonable police officer have reason to believe, i.e., probable cause, that a deadly threat was present?

The Court explained that the “reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” [3] Here the Court made clear that future judges, juries and police administrators must place themselves in the shoes of a reasonable officer on the scene of a deadly incident in deciding what was right or wrong. They are not to engage in the very human concept of “Monday morning quarterbacking.” Remember 20/20 vision is always perfect, but when you’re confronted by a person with a gun, knife, hatchet or hammer, the officer does not have to be perfect. Acting with “objective reasonableness” is sufficient.

The Court concluded by stating, “The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split second judgements – in circumstances that are tense, uncertain and rapidly evolving – about the amount of force that is necessary in a particular situation.” [4] Here the Court is once again signaling caution to future authorities that they must be careful to take into account the rapidly accelerating dynamics of a deadly force confrontation. The Court is reminding them that perfection/absolute certainty is not the proper standard to apply in these situations.

MYTH 2: OFFICERS HAVE SUFFICIENT TIME TO REACT TO A DEADLY THREAT POSED BY A SUSPECT CONFRONTING THEM.

Deadly force incidents often transpire instantly without warning. This is particularly true with respect to so-called “routine” [traffic stops](#). Officers on patrol witness a traffic infraction involving a moving violation and stop the offender to issue a traffic citation. Officers have no knowledge of the past criminal history of the driver or any passengers and no reason to suspect that anyone in the car may possess a firearm. An officer will approach the vehicle without knowing that someone inside is or has been previously involved in violent criminal behavior. The officer asks the driver to produce his driver’s license and instead he points a handgun at the officer’s face.

Reaction time for the officer to counter the deadly threat is virtually non-existent. Time and motion studies have scientifically established the average time that an officer has to react to a deadly handgun threat. I call the time gap between the emergences of a life-threatening action directed against an officer and his/her ability to react and make a counter move, the “Deadly Reactionary Gap.”

One scientific study conducted in 2003 involving over 100 officers demonstrated that the average time for officers to fire one shot when a light turned green in front of them was 31/100ths of a second. [5] A later study revealed that after the initial shot, subsequent shots could be fired in an average time of .25 second intervals. [6] The bottom line here, simply stated, is a suspect who points a handgun at an officer with intent to shoot can fire four shots at the officer in 1.06 seconds.

Another scientific study reveals that an officer with a handgun holstered in a level two holster, – that is a holster that requires the officer to disengage two levels of anti-draw protections before drawing – will take approximately 1.92 seconds to draw and fire his/her firearm. [7] This officer's reaction time must be considered in addition to the approximately one second it will take for the officer to initially recognize the nature of the deadly threat. [8] All told, the average officer reaction time to recognize a deadly threat and draw and fire a handgun will be approximately 2.92 seconds. This very short amount of time – 2.92 seconds (the Deadly Reactionary Gap) – would allow a deadly adversary to fire 11 rounds at the officer in 2.81 seconds before the officer can fire one shot. Science reveals the horrific disadvantage faced by our brave police officers in their daily service to our communities.

MYTH 3: AN OFFICER WILL BE ABLE TO ELIMINATE A DEADLY THREAT BY SHOOTING A SUSPECT ONE OR TWO TIMES IN THE ARM OR LEG.

Hollywood movies and TV shows created the myth that a deadly adversary can be neutralized by firing one or two shots into an arm or leg. Fortunately, medical science and common logic have come together to trash this fantasy.

During a gun battle between police officers and violent offenders, the goal of the officer is to bring the encounter to a stop as quickly as possible. The goal is not to kill the offender (although this may happen), but rather to stop him from causing serious harm to the officer, other officers, or the public. Ideally, the closer the officer gets to immediate incapacitation, the more likely the officer will survive. Conversely, the longer the deadly encounter goes on, the more likely the officer will be killed or seriously wounded. [9]

The only way to bring a gun battle to an immediate end is to shoot your adversary in the brain or upper spinal cord. Direct hits to the brain or upper spinal cord are rare and the result of extraordinary marksmanship or more likely, pure luck. [10] The only other way to bring an expeditious end to a violent encounter is through bullet placement that causes massive bleeding. This is most likely accomplished by bullet penetration of the heart, or other major organs and blood vessels located in the torso of the adversary. Massive bleeding will result in blood pressure drop, deprivation of oxygen to the brain and circulatory collapse. [11]

Unfortunately for the officer, circulatory collapse takes time and immediate incapacitation will not occur. Even a direct bullet wound to the suspect's heart will permit voluntary and continued action by a violent offender for 10 to 15 seconds. [12] Consider how many bullets a determined adversary can fire in 10 seconds (4 rounds in 1.06 seconds).

In the infamous FBI shootout in Miami, Florida, on April 11, 1986, which resulted in two FBI agents being killed and five more wounded, one of the two killer suspects received a non-survivable bullet wound early into the gun battle. [13] A nine millimeter round penetrated the suspect's upper right arm, severed his brachial artery, entered his right chest, passed almost entirely through his right lung and stopped just before exiting the lung into the heart. [14]

After receiving this non-survivable wound, the suspect, armed with a mini-14 Ruger semi-auto rifle, continued his deadly assault upon the surrounding FBI agents. He immediately shot and [seriously wounded two FBI agents](#). [15] He was then able to move quickly, flank the agents and

move into their space undetected. He subsequently executed two agents at close range and severely wounded a third. [16] He was still alive and trying to drive away in an FBI vehicle when he was shot and killed by a wounded FBI agent who shot him in the chest and through to the spinal column. [17] This suspect was shot a total of 12 times before finally dying at the end of the firefight.

The Miami shooting is just one of numerous examples known to the author wherein a wounded suspect continued to deal deadly mayhem after receiving non-survivable wounds. Suffice it to say that the idea that a deadly confrontation can be immediately terminated by shooting an adversary once or twice in the arm or leg is a Hollywood created myth. First, shooting a person deliberately in the arm or leg during a dynamic gun battle involving erratic suspect movement would be very difficult indeed. The size of the target alone makes a successful hit highly unlikely. Second, even if such a hit occurred, it is highly unlikely to bring about the massive bleeding necessary to cause circulatory collapse. This is why officers are taught to fire at center mass located in the torso of the adversary and to fire as many rounds as necessary to cause circulatory collapse.

CONCLUSION

These are just some of the myths that exist about officer-involved shootings.

It is imperative police leadership convey this information and educate both the media and the general public to the grave dangers officers face on a daily basis.

About the author

John M. “Mike” Callahan Jr. served in the field of law enforcement for 44 years. He was appointed as a Special Agent with the United States Naval Criminal Investigative Service, appointed as a Special Agent with the FBI and advanced to the position of Chief Division Counsel and handled all legal matters for those FBI Divisions. After his FBI career, Mr. Callahan was hired by the Massachusetts Office of the Inspector General and served for several years as a Deputy Inspector General in charge of the Investigations Division before retiring in July 2012.