

One expert retraces his steps through his lifetime as an armed citizen, recounting the things he wishes he'd never have believed, and the things he wished he could have known.



WHAT YOU MUST KNOW

BEFORE LEAVING HOME WITH YOUR GUN

FRED BLACK



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WHAT YOU MUST KNOW BEFORE LEAVING HOME WITH YOUR GUN

“The Ordinary Guy” - The Importance of Carrying Your Gun 100% of the Time?

Mark Walters

The decision to carry a concealed firearm for protection is a very personal one. It was for me. It is a decision that puts you within a split second of the ability to take a life or disfigure another human being for the remainder of theirs. It is a decision that requires you to make profound changes in the way you conduct yourself while going about your daily routine if armed, and forces you to act more responsibly than you may be capable of. It is one of, if not the most important decision you will ever make during your lifetime. To exercise this uniquely American right, the right to keep and bear arms... requires you to make an unbridled commitment to carry your firearm with you everywhere you go, every single day.

Several years ago while driving down the road one Friday evening; I had a gun flashed at me while stopped in traffic. I had honked my horn at the car ahead of me for failing to move through a green light. I realized then that I deserved to be shot for being so foolish as to expect someone to move forward at a green light however everything turned out OK. It was at that exact moment that I made the decision to go the extra step and obtain a concealed carry license. I was fortunate that this incident did not lead to further violence as I was unarmed and most likely wouldn't be here writing this article.

After receiving my permit I became a fervent supporter of the right to concealed carry and practicing as much as possible with my firearms became a passion. I took “one on one” personal tactical training and became a NRA Certified Instructor in three disciplines and although I had my permit and trained regularly, I still found myself carrying only when it was convenient...and comfortable. For example, I found myself leaving my gun behind when I went to get the car washed or to a movie with my wife. These places were right down the street from my house in a very nice area of town. I was certainly safe in my own neighborhood, right? I would soon find out just how wrong I really was and how lucky I was to be armed one particular morning.

Shortly after the birth of my first child while en route to work at 6:30 am, I found myself witness to an attempted carjacking directly in front of my vehicle while stopped at a traffic signal. When the two criminals were unable to get into the automobile in front of mine, they immediately turned their attention towards me. Within a split second, I was forced to make a life and death decision. I chose life...my own. From under my shirt in an inside the waistband holster, I retrieved a Glock 36 and leveled it at the man bent on violently attacking my person in an attempt to take my car or worse, the barrel resting against my windshield. It was at this point that I realized just how valuable my training would become.

As my gun rested upon the steering wheel, business end flush against the windshield and held firmly in my grasp, everything I had been taught began to explode in my mind. My first thought was “watch his hands, not his eyes”, after which I began thinking about what or who was behind this dirtball in the event I had to fire my weapon. Would I permanently lose my hearing from the explosion of my gun while firing inside the enclosed car? Where was his partner? Would my rounds continue in the intended direction after exiting my windshield? Watch his hands...watch his hands.... WATCH HIS HANDS!

This encounter had ended peacefully but I had become a statistic. I became one of the estimated 2.5 million times a gun is used in self defense, in particular, one of the 90% of that 2.5 million who never had to fire a shot. The mere site of my firearm pointed directly at his chest was enough to stop the encounter in its tracks. The two individuals retreated to their car (probably not theirs to begin with) and escaped into traffic. But something more important had happened that morning... Myself and those around me went home safe that day. My beautiful daughter Lindsey, now 2 years old (and her new baby brother Ryan) still have their father, the lone woman in that car in front of me wasn't harmed, and any other potential victims of these two scumbags were spared, at least at that particular event.

The reason this situation ended peacefully was because someone was armed. If I had not had my weapon strapped to my body that morning two weeks before Thanksgiving, something terrible would likely have occurred. Someone may have been killed and that someone would have been me. My daughter would be fatherless, my son never born, and my wife a widow.

A person more knowledgeable than myself who had been the victim of a violent armed assault and kidnapping once told me, “Never leave home without it, don’t get gas at the familiar station down the road, don’t go grocery shopping at the local market, don’t walk to the store to get your newspaper without your firearm”. You must never take your safety for granted, as it is the one time, the ONE time you don’t have it with you that will be the one time you let your guard down. It will be that one time that you become a victim.... And you may never get a second chance.



An armchair quarterback can calmly spend ten minutes contemplating a situation that happened violently in fewer than two seconds.

Asking the Right Question: “When do I Have to Shoot?”

Don Stahlnecker

When it comes to self defense, I find that people are always asking the wrong question. People always want to know, “When can I shoot?” Now, I’m not saying that is a bad question. I’m only saying that there is a much better question, a much more appropriate question to be asked. Yet I have never heard it. Perhaps I never will. But I hold out hope that instead some day I will hear someone ask, “*When do I have to shoot?*”

Here’s why.

It is decisive

It is easy for the armchair quarterback to scrutinize a deadly encounter reported in the news and describe some superior course of action the victims should have taken. This is because the armchair quarterback is in a relaxed, contemplative environment where his thinking skills are at their best. He can calmly spend ten minutes contemplating a situation that happened violently in fewer than two seconds. His proposals are probably even correct. However, it is very unlikely that he could achieve that same well thought out course of action if he tried to do so while actively in the middle of that same violent event.

The key to dealing with a high speed, high stress situation is to have a solid course of action planned ahead of time. Asking, “When can I shoot?” is indeed part of making that plan. But “When can I shoot?” does not help answer the question, “Should I shoot?” The fact that you *can* do something does not mean that you *should* do it, nor does the fact that you are not supposed to do something necessarily mean that you should not. There are other factors to take into consideration, and if the goal is to have a course of action planned out ahead of time, simply knowing what you are *allowed to do* is a bit short of the goal of knowing exactly what you *need to do*. In contrast, the answer to the question, “When do I have to shoot?” is far more decisive. If, in any situation, the answer to that question is yes, then no more debate or consideration is necessary. There is only one thing to do. You must shoot!

It is flexible

Some will reject my argument as superfluous and assert, “When you *can* shoot, you *will* shoot.” But such a strategy limits one’s course of action since *can* will now always be interpreted as *must*.

Suppose a hypothetical person named Tom is woken at three in the morning by a cacophony which instinct tells him means serious trouble. He jumps up and peeks out of his window just in time to see his girlfriend’s drunk and abusive ex-husband approaching his house carrying a rifle. Can Tom shoot the murderous ex to defend his own life? Of course. So, knowing that the ex means business, Tom retrieves his shotgun and prepares for the confrontation. This course of action is dictated by *can* equals *will*. But there may be other options Tom could, and probably should consider.

It is tactically sound

Implicit in the question, “When do I have to shoot?” is the idea that you are going to avoid shooting whenever possible--which is good, because avoidance is almost always the best course of action, both during the encounter and for the legal battle after the

encounter. Our hypothetical Tom is about to be in a shootout, and the problem is that a shootout always entails a high level of risk. For the shooting to be justified, Tom's own life must be in danger. To put it bluntly, the aggressor will have the same opportunity to shoot Tom as Tom has to shoot the aggressor. And regrettably, one very likely outcome of a gunfight is that both participants will end up killing each other. If we acknowledge that Tom's primary goal is to stay alive and, even better, uninjured, then we must note that Tom's odds are not good in a shootout. But if Tom was able to contrive such an advantage in this gun fight, if he found a way to give himself such an upperhand that he could shoot the aggressor without any real risk to himself, then Tom would be at risk from the legal system which will have to wonder, "If you were in such a position of safety, if you were not in danger, why did you have to shoot?" Either way, this course of action leaves Tom at great risk.

A solid principle of tactics is to follow the course of action which accomplishes the goal with minimal risk. If Tom instead snuck out the back door or even jumped out of his bedroom window and ran away, his odds of survival would have been substantially higher and the consequences of the aftermath substantially lower.

Admittedly not all encounters have a safe solution such as the one I offer Tom, and sometimes the answer to the question, "Do I have to shoot?" is yes. In those situations, shooting is the tactically sound thing to do. But a good tactician will consider *all* the options, not just those which involve shooting.

It is pertinent

When people ask, "When can I shoot?" they are asking about the law; when is it legal to shoot, or will I get in trouble if I shoot in this situation? Those are good and important questions to consider, for certainly your situation is not much improved if you jump out of the frying pan only to land in the fire. On the other hand, what good do you gain by burning in the fire for fear of the frying pan?

At the moment when you are in the middle of a deadly encounter, questions of legal liability are not your highest priority. Nor is the law terribly helpful at carrying you alive through a deadly encounter. Nowhere does the law tell you when you must shoot someone. Ordinary citizens are never legally required to defend themselves or others. So while "When can I shoot?" helps with the aftermath, "When must I shoot?" is directly pertinent to surviving the problem at hand.

It is legally safe

In fact, "When must I shoot?" is pertinent to both the problem at hand, and to the aftermath. While I do strongly recommend that everyone become familiar with their local laws regarding justifiable homicide, I can pretty much guarantee that "have to

shoot" is almost universally safe. If there were no other reasonable options either leading up to the event or during the event itself that could have avoided the problem, and if the only course of action you had to save yourself or another from death or grave bodily harm was to counter with deadly force, then you are almost guaranteed amnesty from the law. In all states and even in most countries, the law recognizes that people have a right to defend themselves and that deadly force is sometimes the only means to that end.

Despite how it might seem at times, the law makers do not just arbitrarily decide what is and what is not justifiable homicide. Instead they consider under what circumstances a person might be compelled to use deadly force to protect themselves and they attempt to write the laws accordingly. In other words, the law makers themselves ask the question, "When does someone have to kill?" and almost everywhere in the world they make allowance for this. Therefore, when we consider "When do I have to shoot?" we are asking practically the same question the lawmakers asked when they decided when it was permissible to shoot.

It is morally correct

Above, and perhaps outside, the scope of the legal issue is the moral issue. There is a suggestion in "When can I shoot?" of anticipation and desire. Like you've got your finger on the trigger just waiting, hoping for the "can shoot" light to turn green. In contrast, "When do I have to shoot?" expresses distaste for, but acceptance of, the necessity to sometimes take another life.

However, I won't waste much time here because I do not believe that the vast majority of people are just waiting and hoping for an opportunity to shoot someone, no matter how they phrase the question. What is more important than the moral correctness of the question is the fact that...

It is technically correct

This is important because the text of the question will determine one's satisfaction with the answer. When someone asks, "When can I shoot?" they probably really want to know all of the issues and implications surrounding the topic. But if all they receive is a short dissertation on the law, they will feel satisfied with an inadequate answer. But if instead they ask, "When do I have to shoot?" and all they get is a short dissertation on the law, they will know they've been short changed, and that the question has not been fully answered. They will be inspired to look harder, to search deeper, and to learn more. And I believe that the more a person knows, the safer they will be.



Lessons Learned! A Visit to the 24-Hour Superstore

Christopher Galosi, USCCA Member

It happened on a pleasant Sunday afternoon at a 24-hour superstore off Military Highway in Norfolk, Virginia. I was armed that afternoon with my standard H&K P7 chambered in 9mm, carried in a Bagmaster camera pouch style holster. This holster does not allow quick access to my firearm, but it is a very discreet way to carry.

My friends and I were in the DVD section when a fight broke out in the next aisle over. The fight was hardly a fair fight with two against one. Since I am not law enforcement anymore, I chose not to get involved, but to watch and be a good witness. However, I also discreetly opened my bag to allow myself quick access to my firearm if needed.

I chose this option for a few reasons:

1. I saw an employee call store security immediately.
2. I saw several people pick up their cell phones to record the scene and call the police.
3. I did not know what happened and who was really involved. I just knew a fight was in progress.
4. I saw an off duty police officer run up and deploy his firearm. He took control of the scene quickly and efficiently.

One of the assailants unfortunately managed to escape, while the other was detained. The escaping attacker ran right past me. Once again I chose to do nothing. My reasoning is simple; I did not have a clear backstop. If I drew my gun and was forced to fire, I would have had a very good chance of my rounds overpenetrating and striking the officer or innocent bystander. In a worst case scenario, I might miss all together and strike the above mentioned people. In my opinion it was just not worth the risk. Law enforcement officers have a saying: "I'll catch him next week." If they are dumb enough to fight in public with cameras and security; they are dumb enough to come back and do something else stupid again.

I did however sit back at a safe distance and covered the officer as best as I could without letting him know while he was searching the individual and then placing cuffs on him. By now most of the people left and I had a clear shot in case the suspect did something stupid. Once the cuffs were on and the suspect was properly restrained I left the scene, although I did stick around long enough to hear several store employees telling the officer they saw everything and were willing to give statements, and to

hear another individual telling the officer that the entire event was captured on tape.

The last I saw of the individual being assaulted, he was answering questions from a store employee. He was definitely torn up.

If I had gotten involved, the officer might have mistaken me for a bad guy and either drawn down on me or worse yet shot me. In this case it was better for me to stand a safe distance away and take due notice of the events unfolding. I didn't have a dog in this fight. I chose the safe route, to be a good witness and do nothing. No innocent bystanders were hurt; and that is a good thing.





After the Smoke Clears

RK Campbell

A point I have often made concerning instructors is that it is best by far to learn from an instructor who has both police experience and who has survived critical incidents. I realize sport shooters are fine shots and that military professionals have a more dangerous duty than any I may have pulled. But we must consider what we are training for. That is the reality of the situation. As I often point out in a class I love to stretch my handguns to the limit and learn how accurate they are at long range, but there is little point in such shooting for practical self defense. Learning to quickly manipulate the piece at moderate range is what is critical.

Experienced instructors are not as few and far between as you might think, and their understanding of critical incidents and their aftermath is priceless. At the least your instructor should have a decade of police experience. The fellow who has attended lots of schools but not walked the walk may be a good shot but good

shooting is not the whole story. The marksmanship problems in self defense are not severe. Controlling your nerves, well, that is another matter. Knowing when to shoot is as important as knowing how to shoot.

A point I think that is not stressed enough is that we should not fire unless we are sure of a hit. A miss is unacceptable. A harsh rule? Not at all. Learning not to press the trigger unless the shot is properly lined up and learning to call your shots on the range is not a difficult program. A fast hit with a powerful handgun is better than a ragged group of fifty light hits on a pulp target.

A great advantage of an instructor who has been involved in a critical incident is that they understand the tyranny of the moment. And they understand that some incidents may be avoided. No matter how clear cut the case may appear in your mind hostile witnesses or impetuous action can be devastating to your position. Survival is the first priority. Peace officers involved in shootings under color of law often find the experience gut wrenching. According to my research eighty per cent of the officers involved in a shooting move to another agency after a shooting. I understand first hand the dynamics involved. A civilian may follow a similar but solo path.

There is a flip side of the coin. My friend Ed's twin sister recently shot and killed a burglar who had had his run of the county for some time, and had threatened the community. This fine lady was regarded as a hero. While arguably she is an ordinary person defending her rights, this woman, well into her 60's, simply stood her ground with a .357 Magnum revolver.

A civilian involved in a shooting must be very careful in considering their words and deeds. I would advise against any statement to responding officers beyond, 'I was in fear for my life' and the pertinent details. Anything further, and I would consult an attorney. Never lie; lies are difficult to keep track of as my time in interviewing criminals shows. A peace officer with any time at all in can track a lie easily. Cops do not become investigators without a well turned BS detector hardwired in. Remember a hidden witness or unexpected piece of evidence may trash your story. Neither add nor detract. Just state the facts.

First, **survive the incident**. Your chances of being shot in a gunfight are about 50-50 if that information helps in choosing to avoid the fight if possible. Most handgun wounds are survivable so take heart. Remember taking cover greatly increases your chances of survival. Whether or not the felon is shot or escapes your goal is to survive the shooting and its aftermath.

Once the adversary is down **do not leave cover**. Be cautious and be certain he is indeed down. Visually confirm that he is down and beware of a second member of a team. You will wish to see where his weapon fell and if it is still in his hand. The adversary may be able to acquire the weapon again. A shot to the adversary after he

is grounded is a bad idea. I have heard the flippant ‘Better be tried by twelve than carried by six’ but if your actions end you up in the crossbar hotel with a room mate devoid of social graces and personal hygiene, well, you may regret this attitude.

It is advisable to **ask for an ambulance** immediately as you also call for police assistance. Advise them in a general way of the circumstances and let them know you are armed and have the suspect in custody or down.

Collect the names and addresses of any witnesses. A couple of witnesses of good character gives weight to your testimony. Once you have the names of reluctant witnesses if need be you may subpoena them to a court hearing.

Never move anything on the crime scene. Planting evidence or moving objects is transparent to a trained investigator. Despite rather highly publicized incidents such as the Jon Benet Ramsey case, all police investigators are not incompetent.

When you **call 911**, tell them what happened in concise terms. ‘I was attacked. I was forced to shoot a robber.’ Give your location and a description of yourself. Remember even trained peace officers have shot one another in cases of mistaken identity. Cops don’t get armed citizens calls. My calls were ‘man with a gun’ calls.

Be certain you have holstered or made your pistol safe when the officers arrive and follow their commands. If they disarm you or even handcuff you then comply. Cops are human and not immune to over excitement. Avoid being shot by an overexcited rookie.

Control your emotions. If you have faced a bad guy most peace officers will be sympathetic. They are more likely to sympathize with those who respect their authority. Some will advise that you say nothing to the police. That course of action will probably result in an arrest. You may decline a question but do not lie. Investigators will find you out. They will not care if were involved in an illicit affair and an angry spouse attacked you. Moral judgment is not present but your legal right to defend yourself is in question if you lie. Your motives become suspect. The police may ask why you were in a certain neighborhood. Give all information that is important and especially a description of any suspects who fled the scene. Be certain you present your role as victim effectively. ‘He assaulted me during a robbery. I was in fear for my life. I had no choice but to fire.’

Never answer questions requiring more than a few words. You were afraid, stress that, and never volunteer anything that may be used against you. Your thought processes may not be working at top form! Your round count may not be accurate. Don’t say you fired three rounds. You may have fired four or five. Do not appear to give inaccurate statements. Do not put yourself in a situation in which you may have to explain why you made an inaccurate

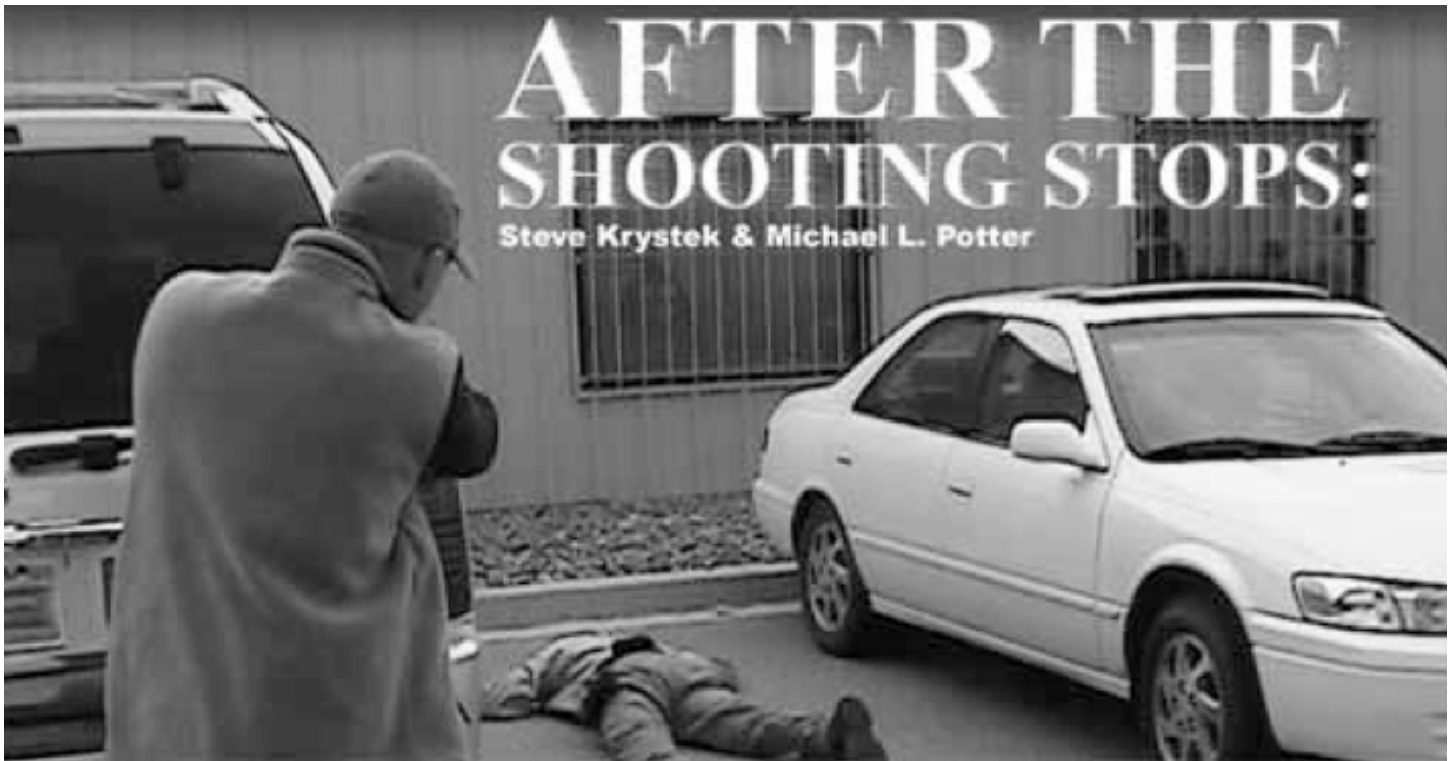
statement. Stress that you have done nothing wrong but you do not wish to say anything further.

An important piece of advice is to **check for injuries**. I have been stabbed and knew it but I was not immediately aware of a gunshot wound in my lower calf that was probably a ricochet. Don’t bleed out on the scene!

As far as you are able **point out witnesses and evidence to arriving officers**. You may be arrested. Certainly you will be temporarily detained. You may be placed in a patrol car, disarmed and handcuffed. If you are taken to jail do not discuss the situation with other inmates. They are not likely to be sympathetic. You may have shot their friend or accomplice!

You will be allowed a call. Be certain to **call someone reliable you can trust**. A spouse, brother or sister should be informed to call an attorney immediately. Finding an attorney is easy, finding a good one another thing altogether.





After the Shooting Stops: Dealing With the Aftermath of a Lethal Encounter

Steve Krystek & Michael Potter

When he turned off the light and laid back on his pillow that night, 71-year-old retiree, John Madison, had no idea that 27-year-old, armed predator, Jonas Scott, was lurking outside of his home. But within an hour, Scott invaded the Madison residence and lay dead on the floor, felled by two shots that were launched by the homeowner. As the sound of wailing sirens came closer, Jonathan turned to his wife and asked simply, “What happens now?”

Let’s face it. Much time is devoted to the “how to” of self-defense. But just as important is its timing. The decision to fire is not one to be taken lightly. Because of the consequences, it’s worthy of close examination by everyone who carries a firearm, whether for law enforcement or for personal protection. Here, we’ll examine the aftermath of a lethal encounter. The key is keeping your wits about you after the shooting stops.

PRESENCE OF MIND AFTER THE SHOOTING

After a defensive shooting, you may have successfully saved your own life or that of others. But make no mistake. You are at legal risk until the shooting has been officially characterized as

“justifiable.” What you say and do in the minutes and hours after a lethal encounter will have a direct effect on how others perceive the shooting and how your actions will be legally treated later.

Even before calling 911, collect your thoughts. Replay in your mind the exact sequence of events. Recall precisely what you perceived on the part of your assailant before you drew your sidearm. Remember what it was that made you perceive an imminent danger, and then call 911 to get help on the way.

FIRST RESPONDERS ON SCENE

It’s always best for you to call 911 and report what happened, rather than a third party who may distort or confuse the facts while trying to help. When the 911 operator answers, calmly and clearly state that an armed “suspect” assaulted you, give them your location, and request an ambulance for the suspect who has suffered a gun shot wound.

Remember that your 911 tape will probably be played back in court later. Stating your situation in these terms will get the communication process with law enforcement off to a good start. Once you’ve addressed those three main points, let the 911 dispatcher take over. Dispatchers care most about officer safety and necessary medical aid, so you should be prepared to provide the following vital information when asked:

- Number of “suspects” and number of “victims.”
- Who has been injured and what are the injuries?

- Where are those injured located?
- Who is armed and what are they armed with?
- Where are the weapons now (yours and the suspect's)?
- What is your exact location/position, and what are you doing right now?
- If you're in a house, is there anyone else there?
- How long ago did the assault/shooting occur, and was it at the same location?

Once the exigent circumstances have been relayed, the call taker may request more specifics about you and the incident, and may advise you to do a few things:

- What is your physical description? (So the officers know who the "victim" is.)
- If you're in a house, is it safe for you to go outside (and away from the crime scene)?
- What exactly happened? (The short version. Do not volunteer too much information.)
- Do you know the suspect? If so, what is the relationship?
- Was there anyone else with the suspect?
- Are there any vehicles involved, and what are the vehicle descriptions?
- If you haven't already done so, secure your weapon before police arrive.

Keep in mind, everything you say during this 911 call is being recorded, even the sound of your breathing. The tone of your voice and the words you choose will be listened to many times in the coming weeks or months by people who weren't there. Be careful about giving too much information. Keep your statements and answers simple and factual.

Most likely, the call taker will ask you to stay on the line until police arrive, which can be to everybody's benefit, especially if the situation changes and officers en-route need a critical update. Even though most law enforcement communication systems are very good, arriving officers will not know for sure if you are alone, whether you are still armed or if you were in fact the assailant. Upon initial contact, the police will present an overwhelming show of force to quickly dominate and control a (still) dynamic situation. This will likely consist of multiple officers tactically positioned with firearms at the ready, firmly issuing verbal

commands. Expect to be treated like a "suspect" and do not take it personally if you are forced into a prone position, handcuffed, disarmed and placed in the back seat of a patrol car. Specific circumstances will dictate the initial treatment you receive by law enforcement. In general, pay attention, cooperate, and be prepared for anything, as response protocols for these types of calls may vary from agency to agency.

Your post-conflict positioning and physical behavior are key to a safe and tactical after-action sequence. You may be required to multi-task like never before, depending on your environment, who is around you, the status of your assailant and how quickly law enforcement or EMS personnel may arrive. Do not let your guard down, but do not stand over your downed adversary with the smoking gun either. Do your best to balance readiness and the appearance of not posing an overt threat to anyone. If the incident occurred in your home, move your family to safety, inside or outside the residence, where this potentially horrific crime scene cannot be observed or disturbed. If the incident has occurred on the street, gain distance, get behind cover if possible, and stay aware of everyone and everything in your environment. Maintain control of your firearm, which may be holstered or at the ready, depending on the danger still perceived (until police arrive). Operate your cell phone with your support hand if possible, and verbally communicate with bystanders and/or the assailant if necessary.

Do not make the mistake of having a Clint Eastwood moment after you've won your gunfight. Blurting out macho, feel-good statements such as, "He had it coming" or, "One less scumbag to crowd our prisons, right guys?" will not be well received by responding officers or witnesses. Instead, try to make friends with those who witnessed what occurred and encourage them to stick around so they can give their statement to the police and/or further assist you in other ways. Clear thought and communication immediately following a shooting will be difficult for most. Good, deep breathing will help immensely. Taking in oxygen will help to lower the heart rate and achieve a better state of physical and mental relaxation. When you are calm, you are in control. And after surviving a lethal confrontation, you must have absolute control of yourself, your adversary and your environment.

When initially questioned by the police, think very carefully about what you will say. You should expect to be read your Miranda Rights if you are asked any questions about the incident by police while in custody. It is your right to request an attorney before giving any written or verbal statements. However, decline to answer questions in a respectful manner. Tell them that you fully intend to cooperate with the investigation, but you'd rather wait to answer questions due to the traumatic event that you've just experienced. If you choose to answer questions on the scene, stick to the facts, do not embellish, and make sure that what you say then will be consistent with what you will say later.

KEEP YOUR WITS ABOUT YOU

This is a critical time. What you say and how you behave will make an impression on both the police and any witnesses. The comments you make now can make or break you.

Remember: You did not fire a “warning shot.” You did not shoot to kill. You fired your weapon at another human being for only one purpose, and that was to “stop” the deadly attack initiated by the perpetrator. You took the action that you did because you were in fear for your life or the life of another, period. End of story. If you say more than that, you may dig yourself a legal hole. Whatever you say will be written down or recorded, so don’t hang yourself now by saying something macho or dumb that you’ll regret later.

As you sit safely reading this article, remember that after a shooting incident, even the smallest aspects of each pertinent fact associated with the shooting will be looked at in excruciating detail by people who weren’t there when it happened.

You will probably be asked the same questions, in different ways, several times over, to see if your answers are consistent or if you ‘change your story’ from interview to interview. And remember that people standing nearby as witnesses may have been thinking about something else when you perceived a danger. They simply may not have been aware of the same things that you were, and this may be the reason that they have a different “version.” If the witnesses were completely unaware of the danger when you drew your sidearm, then from their perspective, they simply heard gunfire and turned to see someone (you) standing there with a gun over someone bleeding on the ground. For all they know, you may be the assailant. The witnesses may not have perceived exactly what you did, even though they may have been in close physical proximity to the event.

You will be questioned about details. The first police officers on the scene, as well as the investigators assigned to the homicide will take turns interviewing you. They will ask you questions such as: What happened? Why did you shoot your gun? What did the (dead) assailant do or say exactly? How far away from you (or the innocent intended victim) was the assailant at the time that you perceived a threat? Why did you think that this person was a threat? What did you do to avoid the incident, if anything? When did you act? Did you say anything before the shooting? What did he say? Repeat this phrase several times: “I was in fear for my life and I had no other choice, in order to stop him.” When that consistently shows up in the incident report of several officers, the lead investigator will take it into account when deciding whether to press charges or let you go home.

THE EMOTIONAL AND LEGAL AFTERMATH

Mental and emotional suffering is common amongst survivors of lethal conflicts.



Depending on the circumstances of your encounter and whether or not you’ve experienced a situation like it before, your thoughts and feelings about the incident may consume you for a short to a long period of time. Some may experience the affects of Post Traumatic Stress Disorder (PTSD), guilt, self-doubt or paranoia. These emotions resulting from a defensive shooting are normal; that is one of the reasons why police officers are routinely given time off after a shooting. During the following weeks, professional counseling may be beneficial, and discussing what happened with trusted friends can help us decompress emotionally from the seriousness of the experience. To be successful in the legal aftermath, this is what you should keep in mind:

No Other Choice: When the decision was made to use deadly force, your perception must have been that you or the person you were defending were about to die at the hands of the perpetrator or suffer unavoidable, serious physical injury if you did not act immediately.

Threat Specific Response: Remember, lethal force must be later determined to have been “reasonable” and “necessary,” based on the surrounding circumstances at the moment force was used. What

were “reasonable” and “necessary” will always be a deciding and critical factor in every single self-defense shooting.¹

CONCLUSION

You have a duty to know how and when to use the weapon. Don't rely on friends at the range or the gun shop to give you the word. Get yourself properly trained, take part in the IDPA or USPSA to improve your skills, and by all means, take the time to learn your state's guidelines for the use of lethal force. If you have undertaken the effort to gain multi-state carry rights through reciprocity, then you have more than one state to deal with. Plus, there's one more perspective.

The old saying goes, “When the only tool you have is a hammer, every problem starts looking like a nail.” So don't tie your own hands. Expand your range of defensive options.² Non-lethal force may be what's called for. If your only option is that of lethal force, and you're faced with a serious self-defense situation that calls for “something less,” you are at a distinct tactical and legal disadvantage.

A prosecutor could then try to make you into a poster child for gun control, by saying that you had trained and armed yourself with only one option in mind – that of killing – and that you were just waiting for an “excuse” to use it. The argument would be that you were a “gun nut” with a predisposition to killing, by virtue of your exclusive training with only one single tool – your firearm.

However, having defensive skills in both firearms and non-lethal force may well be central to both your tactical and your legal defense. That way, you have been trained in more than one option and can be shown to recognize the difference when it is called for. Let's face it. Self-defense is serious business, no matter what tools are in your toolbox. But sitting months later in a courtroom, facing the jury in a civil or criminal trial, you will want to know in your “heart of hearts” that your actions were not only timely, but appropriate for the threat that you were facing at the time.

1. ‘Reasonable’ under the law refers to what the “reasonable and prudent person” would have done under similar circumstances with the same knowledge that you had at the moment the incident occurred.
2. Training in intermediate force options is prudent and street-wise for any CCW permit holder. Take it upon yourself to learn empty-hand tactics, takedowns, techniques, as well as the use of defense sprays and the proper use of the folding knife and kubaton. See www.pfctraining.com for more.



From Incident through Acquittal: Snatching Defeat from Victory

Marty Hayes, JD

Consider the following hypothetical scenario, one that is not too far-fetched: You are leaving the shopping mall, making your way to the second level of the three-level parking garage that is connected to the mall. It is wintertime and already dark. You are aware of your surroundings, cognizant of the fact that you are alone in the dimly lit parking garage. You say to yourself, “It is for times like this, that I carry a gun.” In fact, you check to make sure you can get to your concealed carry quickly. You are aware of the clop-clop of your footsteps as you make your way through the garage. Upon approach to your car, you see the unmistakable list of the vehicle and you immediately know that you have a flat tire. Let's say you are female. But, your father taught you how to change a tire when needed, so this is not a big deal. You look around the parking garage, still no sign of anyone, either to hurt you or to help you. Being a self-reliant sort of person, you open your car door, drop your purchases on the seat, and unlatch the trunk.

About that time, you get the feeling you are being watched. When you look up, you see two males waking towards you with a very purposeful gait. As they approach, one of them asks politely, “Do you need some help lady?” You, (even more politely) respond, “No thanks, I have it covered.” Your response doesn't dissuade them; in fact they become a little aggressive, stating, “No, really lady, we will help you.” About that time, you see the tire iron one of them (the mouthy one) is carrying, and you now realize you are in fact about to be attacked. Time slows to a crawl. You see the mouthy one bare his teeth in a wide, toothy grin. He lowers his head slightly, and looks you up and down like a piece of meat.

They are now within feet of you, and as you start to draw your small, black, concealed carry handgun, they rush you. As they lay

hands on you, you fire. Your first two shots hit the one without the tire iron squarely in the chest. As your first attacker crumples to the ground, the mouthy one is starting to turn away and break off the attack as you fire the third shot, hitting him in the arm--unfortunately, not the arm holding the tire iron. He runs away, taking the tire iron with him. What do you do now?

First off, congratulations are in order. You avoided being raped, robbed, and perhaps murdered. That's the good news. The bad news is that you are standing or perhaps sitting in a parking garage, alone, with a dead body in front of you, and a smoking gun in your hand. Your actions during the next few minutes will likely either land you in jail, facing a prosecution for murder or manslaughter, or result in you going home and sleeping in your own bed tonight. There are two pathways to take here, let's amble down the first for a moment.



"Let me 'help' you change your tire, lady..."

Pathway #1

Because you have never really considered the next step, you actually don't do a damn thing for a couple of minutes. Time enough for Mr. Tire Iron to call the police on his stolen cell phone, and report that he and his brother have just been shot by a crazy lady in the parking garage. He gives the dispatcher a very detailed account of how they were walking from the store to their car, saw a lady with a flat tire, and offered to help her. You see, he must tell them something, because he realizes that he has a hole in him and needs medical attention. He says, "Then she pulled a gun for no reason and started firing. Please send police and ambulance and be careful of the lady with the gun!"

Minutes later, police arrive with guns drawn, order you to drop your gun (which you do) and ask, "What the hell happened here, lady?" You calmly state: "I want a lawyer." You make this statement because you have read and heard time and time again,

that when questioned by the police, you are better off not saying anything. Of course, you likely haven't taken the time to get that lawyer in place.

Readers, do you have an attorney's name in your wallet who you can call after business hours to come interact with the police and arrange bail? I would estimate perhaps five percent of armed citizens have, and I commend them for that. Now back to our story.

Because you invoked your constitutional rights to remain silent, you will be treated like a criminal. In fact, you will be treated like a murderer because police now have probable cause to believe you shot a man without reason. Remember, there is an eyewitness, Mr. Tire Iron, who is blabbing on about how they were just trying to help you, how you got that crazed look in your eyes, and how you just started shooting. He is likely crying because his arm hurts so much, and he is fearful his brother is dead. In addition, in his escape to his car that he parked on the third level, he dropped the tire iron over the side into some bushes. Police will never look for, let alone find, the tire iron because they don't know it is there.

The next morning you go in front of the judge. With judges, you are playing Russian roulette. You may get a sympathetic judge who will buy into your status in the community and your claim of self-defense and either release you on your own recognizance or set a low bail; or you may get that judge that is known as a judge who doesn't cotton to people using guns, and sets your bail at, say, a million bucks. So, for taking pathway #1, you have just about assured the above described fate. Let's talk about the other option.

Pathway #2

You have been trained to know exactly what to do after a shooting. Perhaps you have even just read this article and the information is fresh in your mind. Instead of freezing up and wondering what to do next, you know you **MUST** win the race to the phone. You dial 911 on your cell phone and tell the dispatcher that you were just attacked and that there is one suspect down. You give a brief description of yourself, you state that you are an armed citizen, and ask them to send police and medical aid. You then set the phone down and alertly watch for approaching police or other people who may be able to help, or might be out to hurt you. When the police arrive, you make sure you do not have your gun in your hands, and be sure to have your hands up in a surrender position, visible at head level. The Police will secure the scene and let the EMTs (also known as the evidence destruction team) attend to the guy you just shot. When that is accomplished, they will ask you what happened. Now, is when you need to be careful, just like in pathway #1. You decide to explain to the police that you were attacked by two men, one of which had a tire iron. You had to defend yourself, and the guy with the tire iron escaped. Remember, he also has called 911. You then say something to

the effect of: “Officers, I will cooperate fully as soon as my attorney arrives. Can I call him? I have his number in my purse.” At that time, you say nothing further. God willing, your attorney will show up within the next hour or so, talk to you, talk to the police, and hopefully convince them that you were the victim of the robbery or rape attempt and that they should be investigating THAT crime first. What happens next depends on local protocol, but let’s assume, for the sake of discussion, that they decide to transport you to the police station. Your attorney follows, there is a discussion with the police, who in turn call the prosecutor, and your attorney and the prosecutor have a discussion. With any luck, the prosecutor decides that he would rather the police investigate the case more before they arrest and book you for murder. You go home and sleep in your bed that night.

Please understand, dear readers, I am not suggesting either course of action. I don’t know you well enough to know if you could pull off telling the police that you were attacked, that you had to defend yourself, and that you want to call your attorney. That is for you to decide. I would recommend though, that if you choose pathway #1, be sure to have that attorney ready to come and bail you out of jail, and make sure you can raise somewhere between 100,000 and a million dollars, or your next home will be the inside of a jail cell. And all for doing nothing more than defending your life and invoking your right to remain silent. Sleep well.

