



Articulation for Armed and Unarmed Force

An Interview with Rory Miller

Interview by Gila Hayes

Unlike law enforcement, armed citizens don't have use of force policies to rely on, yet we are bound by laws and court decisions. We have to work extra hard to understand what's allowed because we don't have explicit policies saying here is where you should use pepper spray, but it is OK to use a firearm here. Even legal use of force requires articulation to show why what we did was reasonable. Rory Miller and Lawrence Kane explained this well in their book Scaling Force. Miller, a retired sergeant from a large Oregon county corrections facility and widely-read author on unarmed self defense has put a lot of study into use of force issues.

Miller's books and DVDs help ordinary citizens understand the dangers they face by categorizing violent assailants by goal and teaching realistic responses that are appropriate to the situation. Criminal assaults break down into social violence and asocial or predatory violence. While recognizing what drives an assailant aids in responding effectively, what implication does the type of violence we defended against have on legal jeopardy afterwards? Miller answered this and other questions when we had the opportunity recently to speak at length. He has much to teach, so we switch now to our Q&A format and get right to the point.

eJournal: Does knowing what motivates the criminal change our response and does that knowledge help when we explain why our self-defense actions were necessary?

Miller: Getting people to understand social and asocial is trying to level the playing field. Are you familiar with the concept of affordances? The idea is that how you see something absolutely controls what your brain is capable of doing with it.

If you raise cattle and slaughter them yourself, you don't have to convince yourself it is a bad cow before you do it, you don't give it an equal chance, you just butcher it. At the same time, when you look at a human, when you are seeing a human, all you can do with them is human

things. Slaughtering does not come up on people's radar, so they fight them; they struggle. When you see someone as a human, everything is about communication. You are trying to send them a message.

When humans look at other humans, there are totally different affordances based on how they see each other. That is the big division between social and asocial violence. When a criminal is seeing you asocially, he is not seeing you as a human, and he can do to you the things he can do to nonhumans, so he can hunt you, he can slaughter you, and he can use you as a toy. Until you grasp the fact that criminals are working from those motivations, they are not going to be doing any of the things you're used to. If you are stuck on those scripts, you will be predictable and you won't do him serious injury. He is unpredictable and he is willing to do serious injury, so the winner is pretty clear from the get-go.

The taxonomy you need for legal defense doesn't break down along social asocial, but the affordances—what you allow yourself to do—will. If you've got a 300-pound guy with a knife that has you by the throat, it doesn't matter why he is doing it. It doesn't matter if he is doing it because he is so angry because he thinks you insulted his mom, or if he is doing it because this is what he does for fun. His motivation doesn't change the amount of force you can use or whether force is necessary, but if you understand the affordances, my hope is that that gives you the chance to flip the switch and go asocial yourself when it is necessary.

eJournal: If we went asocial ourselves in order to stop an attacker, what legal implications may await when we get back from our visit to asocial behavior?



Photo courtesy Bokeh Images.

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Miller: I taught use of force for the county for a long time, and I teach this now as part of my self-defense class, but I teach it as an articulation class. There are parts of the concept of self defense that do not function well in real life. Self defense is supposed to be a decision, but a lot of these things happen so fast that a decision is not going to be conscious. Everything is treated like you were doing it when you were not terrified, and being terrified changes your thinking.

Almost everyone actually makes good decisions under stress. Do you want to hurt anybody you don't have to? Do you want to hurt anybody more than you have to? Do you ever want to kill anybody if there is any choice whatsoever? As soon as you are safe, do you want to keep hurting them?

eJournal: No, no, absolutely not and no, and I think those would be the answers of any Network member you might ask, as well.

Miller: Then your instincts are in line with the law. Those are the answers for almost any even vaguely socialized human being in our culture. If you've been raised in this culture, you have internalized the culture's idea of right and wrong and fair. Most people make really, really good decisions, they are just crappy at explaining them.

Are you familiar with Sanford Strong's *Strong on Defense*? It says one of the important things in self defense is your fear, but the best survival strategy is to turn fear into rage. Anger is one of the things that can really mess with your claim of self defense. How do you articulate that?

eJournal: That's an issue and you said earlier that being terrified changes how you think. How can we survive being judged as if we are making conscious choices as the attack progresses?

Miller: Theoretically, self defense is supposed to be judged by somebody with your equivalent training and experience, but in practice it is always the people on the jury, the people who will hear your story, who will judge whether it is reasonable.

It comes down to your ability to tell the story so that they are actually in your head when it happened—because it was reasonable to you or you wouldn't have done it. If you made a good decision and you articulated it correctly, you have to trust that people on the jury are smart enough to get it. Sometimes it takes a pro to help tell the story.

eJournal: We also worry about mistakes slipping in owing to the terror of the moment or the unpreparedness of the victim, such that one uses too much force for the situation or fails to stop using force once the danger is no longer immediate. This incident may be the one and only physical attack the victim has ever faced! What mistakes in judgment are common?

Miller: In my experience there are three places where people mess this up. They are actually fairly rare, but they happen. Number One: Two young guys are monkey dancing [posturing for social standing] and both are convinced it is self defense.

It's like, "He said some shit first, so he started it."

"He pushed me; he started it."

"He punched me first; he started it," and it was actually mutual combat the whole way.

The second, and possibly the hardest: It is over, the guy is down, you are in that wash of hormones and adrenaline and you want to teach the guy a lesson. It makes sense just in that second, so you throw in a couple of extra kicks. That is one that some people can get caught up in. I find that happens less with firearms, because you've got a little bit of distance.

eJournal: That's what I mean when I ask about failing to stop once the threat is no longer immediate. Do you remember a few years ago when a Midwestern pharmacist shot one robber, chased another robber out of the store, then came back into the store, grabbed another gun and shot the first robber in the head five more times although he was already down bleeding on the floor? There are several theories and we'll probably never know what actually happened. I do have to wonder if that isn't a warning that yes, armed citizens can get caught up and go too far.

Miller: Yeah, it can happen if you get caught up and you chase the guy. Oh, and the third exception, before we forget. Sometimes people are trained to do things that are not legal. The classic in martial arts is to teach the student that after you put someone down you stomp on his head twice, "just to be sure." Outside of internet warriors—the ones who are always spouting all the bad assed things they do—I've only ever seen, heard or read of one firearms instructor who taught shooting a disarmed and disabled person "in the face" as part of the technique.

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eJournal: You wrote in *Scaling Force* that we need to enter the force continuum high enough to stop the attacker yet low enough to justify our use of force. How do we attain that correct proportionality?

Miller: You are doing it backwards. Most people are going to use the force that they subconsciously think is appropriate; they just will. The conscious mind isn't fast enough to play catch up with this during self defense.

The force you use is triggered by your fear and it is always commensurate with your fear. I tell rookie officers, you use force when you get scared, you use enough force that you don't feel scared and you keep using the force until you don't feel scared any more. Every act of force is an admission that you were afraid.

It cannot be any other way. It is instinctive. It will not be out of sync with your fear; your fear just has to be reasonable. Once you dissect it, it almost always will be in sync, with those three exceptions we already talked about.

eJournal: What about moving up from physical force to guns without crossing the "objectively reasonable" line? Maybe the situation started with no guns involved and now our armed citizen has decided the danger is so extreme he or she must move up to deadly force with firearms in order to survive. An awful lot of in-the-news cases involve armed citizens who shot unarmed attackers. What's your advice on the articulating how a threat escalated from push and shove intimidation into deadly force?

Miller: Guns are deadly force. In order to justify using a gun, you must be able to articulate why you reasonably believed you were under immediate threat for death or grievous bodily harm. And, though there appears to be an exception for Castle Laws and Stand Your Ground states, you want to be able to explain why you had no option. You couldn't leave, or you tried to leave and were prevented. You couldn't talk your way out, or you tried and failed. You can't justify deadly force over ego: being insulted doesn't do it. Having someone you care about insulted doesn't do it. Getting fouled in a game of pick-up basketball doesn't do it. Being shoved and intimidated doesn't do it, usually.

Being shoved in front of a commuter train? That's facing deadly force. A young woman being shoved into a closet, or being intimidated with a weapon and ordered to come quietly? That's a different thing. But it goes to articulation. A woman saying that a big guy was pushing

her, so she shot him will have trouble. The same woman who says, "He was twice my size and he said if I screamed he'd shut me up forever and then he started pushing me down a hallway and I knew if he got me in one of those rooms, no one could see or hear me, no one could help. If he pushed me into one of those rooms and shut the door, it was over..."

Same situation, but articulation makes a huge difference. And it's not just the ability to tell the story. Practicing articulation is also a huge advantage in teaching yourself what to notice. The behaviors that go into articulation are the same behaviors that make the proverbial "red flags." And almost all humans know them, but it's rarely conscious.

eJournal: This sounds like it draws heavily on your experience working in corrections, a job regularly involving use of force and creating an unusual opportunity to learn from various incidents to explore what worked and explain the how, when and why factors.

Miller: Much as I hated writing reports at the time, it was critical to being able to pick apart my own subconscious and figure out where the decisions came from. It turned out that in almost every case, my subconscious was dead-on. If you just wrote, "I got scared, there was a blur, and the guy was down," that was not going to fly. For me, it was sitting down and playing it over again in my head and picking out the clues. The first couple were just blurs; articulation was a skill I learned over time.

eJournal: I am interested in your transition from working with the inmates and teaching your officers, into your classes for private citizens. Have you identified aspects of use of physical force in self defense that the private citizen is most prone to misunderstand?

Miller: I think that the one universal is that people think fighting is self defense. Last year, in Germany I was told that I was going to be teaching a class to riot police, so I had a lesson plan all figured out. When I got there, the 30 people that showed up were from 13 different agencies and all had different policies and tools—some weren't even allowed to arrest. Some of them didn't carry weapons; some carried full SWAT gear. On the fly, I asked each student, "What do you want out of this class?" When it was all done, it was really easy to break down and I've been working with this ever since. It turns out there are only three things that you use force for:

- You use force to escape.

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- You use force to put someone in a position to control or handcuff them.
- You use force to disable someone, to make them incapable of being more aggressive.

Within those three decisions, the body mechanics are different, the mind set is completely different, the ethics and rules and tools you'll have are all very, very different.

They are three totally different types of force but not one of them has anything to do with fighting, squaring off and giving the other person a chance or turning it into an exchange of blows. All of your strategies, all of your thoughts, everything that goes to head-to-head fighting will actually hamper you if you need to escape, to disable, or put the person in a position to control.

eJournal: Since our members are primarily armed citizens, where does use of the firearm come in to those three basic reasons to use force?

Miller: The principles are the same. Guns are really important if you don't have the physical strength; they are the big equalizer. Everything that we think and believe about equality could not have happened without firearms. The gun is one method that when you need things to be finished quickly, it is absolutely the right tool.

The one danger with firearms, and it is the danger with

unarmed styles as well, if you think it is the ultimate solution that is not the same as thinking it is the ONLY solution. People get caught there if all they have is the top end and they have nothing below that. There is no good firearms solution for keeping your drunken friend from driving away from a party.

eJournal: True enough! We have a large number of members who read your work and rely on your experienced voice to give them reality checks like the things you've talked about with us today. I know personally, your books have done much to keep me on my toes. I am so pleased that you are part of our Network, and it is my hope we can come to you with questions and pick your brain from time to time.

Miller: Feel free. That is what brains are for.

To learn how you can train with Rory Miller, visit <http://www.chirontraining.com/Site/Services.html>. For a full list of the many excellent books he has written, see <http://www.amazon.com/Rory-Miller/e/B002M54CNW/>.

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President's Message

by Marty Hayes, J.D.

Are you training this summer? If not, why not? I just got done giving a lecture entitled *Firearms Instructor Liability Issues* at an instructor development course being taught at The Firearms Academy of

Seattle by Network member Kathy Jackson and her Cornered Cat Training Company (see <http://www.corneredcat.com/classes/>). During my lecture, I discussed the idea of continuing to train on a yearly, if not monthly, basis. For an instructor who is concerned about defending their training program in a court of law, continuing education in the field of firearms instruction is vital. But it also applies to the non-instructor armed citizen, as well.

Society has demanded that police officers receive ongoing, job relevant training. If a department fails to train its officers, they are susceptible to failure to train civil litigation, if that failure to train results in injury or death to a citizen. If you want to read up on the subject, a good place to start is <http://www.policeone.com/legal/articles/1665005-Legal-Corner-Departmental-Liability-for-Failure-to-Train/>.

That relates to lawsuits against police, but it doesn't affect the armed citizen, does it? Not directly, of course, because a private citizen cannot deprive another of their civil rights. But, the private citizen can still be sued for anything from the Tort of Negligence, the Tort of Wrongful Death, the Tort of Unlawful Battery, etc. And if you are caught up in an altercation and

the wrong person ends up injured, then plaintiff's lawyers will likely be looking at the incident to see if there is a chance to win a lawsuit against you.

It is not enough to just learn how to shoot your gun effectively, you must also know the laws regarding self

defense AND not make mistakes that would result in innocent persons being injured or killed.

Making the wrong decision is the first area of concern. In this column last month, I mentioned the Martin Zale conviction. Zale shot and killed a person in a road rage incident. While arguably it was a self-defense situation, Zale had other options he could have decided to employ, as opposed to rolling down his window and shooting. He is in prison and will likely spend the rest of his life there because of a string of bad decisions. Because of his lack of training, he was unable to articulate the rationale for why he made the decisions he did (and didn't).

Have you ever trained in decision-making scenarios? If not, that is a huge hole in your preparation to use deadly force in self defense. When I started my training school, I modeled the curriculum after that of a police academy, modified, of course, for the armed citizen. We have four levels of handgun training, culminating in level four working extensively on decision making and force on force scenarios. Why? So our students can go in front of a jury and explain that they have been trained in exactly the same subject matters in which law enforcement officers are trained and that they used their training to assess the situation, then took the best options available to them at the time. And of course, to back up that assertion, I stand ready to go to court for any of my students and explain the rationale behind our curriculum.



Airsoft pistol used in force on force training with appropriate safety gear worn by student.

Just having had the training once is not enough; armed citizens need to continue their training and repeat or seek out new training on a continual basis. When the process server shows up at the door and hands you the papers that claim you were reckless or negligent in your actions that day,

you need some bullets in your gun to shoot back. Training in decision-

making scenarios are those bullets. I will speak to this more in the upcoming months.

*[End of column.
Please enjoy the next article.]*

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Attorney Question of the Month

Use of deadly force in defense of others is a slippery slope with which armed citizens must come to terms as their training and subsequent beliefs mature beyond the stage at which many feel they can and would use a gun with impunity to stop commission of a crime. On this topic, we asked our Affiliated Attorneys—

Under your state's law may someone (not personally threatened with deadly force) use deadly force to stop the in-progress and/or imminent commission of certain crimes? What crimes? Must the crime actually be occurring or imminent, or would deadly force be lawful if the intervenor only believed that one of such crimes was occurring or was imminent?

So many responses—some quite lengthy—came in that we will break responses to this question into several segments. For now, here are some of the responses—

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Under Virginia law, “stopping a serious felony in progress” is an affirmative defense to any charge arising out of the use of force in appropriate circumstances. “In progress” is an important phrase, it can't be a felony about to happen, or one that has been completed. You can't shoot bad guy while he's walking away from the crime and you don't know what's in a person's mind before he commits an overt act.

The phrase, “serious felony,” as of today, means one of five enumerated felonies so identified by the Virginia Supreme Court: rape, robbery, murder, arson, and burglary. The reason force, including deadly force, is justified in such circumstances is the presumption that the felon is engaged in behavior likely to be a serious threat to human life, whether or not some specific person is within the zone of danger.

You don't have to know, for example, that granny's sleeping on the third floor of a frame house while Johnny Firebug is pouring gasoline into the basement window. The house could be empty, but the threat to unspecified

occupants justifies the use of force. There are folks who feel abduction and especially abduction with intent to defile would be considered “serious felonies” by the Court but that case hasn't come up for trial, yet.

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Generally speaking, deadly force may be used in Texas to defend someone else.

The threat must be imminent and actual, not just a fear that someone will come and do harm.

This is a carefully guarded answer as the circumstances have to be analyzed in each case.

There was a case in Houston, Texas where a man shot someone on his neighbor's lawn. The shooter was not indicted. This was a controversial shooting and might have a different result in a different Texas county.

The Texas Legislature just ended its 2015 session and many bills are awaiting action by the Governor. I do not know what, if any, legislation may have been passed in 2015.

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Florida does allow the use of force in the defense of others. Florida may also allow a third party to use force to stop the commission of a violent offense. The question for the Court to address in these types of cases in Florida is whether the person who intervened reasonably believed, based on the circumstances, great bodily harm or death was imminent.

The force that can be lawfully used will depend on the potential harm to the victim. For instance, if someone were to witness a robbery where the robber was stealing

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a candy bar from a local 7-11, a citizen could not shoot the robber claiming that the clerk working in the store was in some kind of danger. Under those facts there is no evidence that the clerk was facing imminent death or great bodily harm.

In short, Florida is very fact specific in determining whether the use of force is proper. In simple terms the intervener should place themselves in the shoes of the victim. If the intervener would believe they are facing death or great bodily harm if they were in the victim's shoes then the use of force may be justified depending on the facts.

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In Maine, at least for criminal law purposes, the answer is provided in 17-A MRSA section 108 (<http://www.mainelegislature.org/legis/statutes/17-A/title17-Asec108.html>):

2. A person is justified in using deadly force upon another person:
- A. When the person reasonably believes it necessary and reasonably believes such other person is:
- (1) About to use unlawful, deadly force against the person or a 3rd person; or
- (2) Committing or about to commit a kidnapping, robbery or a violation of section 253, subsection 1, paragraph A, against the person or a 3rd person

Thus, the three specific "deadly force" crimes are kidnapping, robbery (not just theft) and "gross sexual assault via compulsion."

All three can be justified on a "reasonable belief" (as opposed to "in fact") basis. Note also that one must believe that he/she cannot resolve the situation without deadly force. Thus, where a small man attempts to rob an old woman, and a much larger man wants to stop it, the larger man probably cannot shoot, unless the little robber has a weapon.

Also, Maine (like NH) adheres to the rule that simply threatening deadly force is not, itself, deadly force. Thus, you could produce a firearm and demand the robber to stop in many more cases than one could actually shoot. Also, though generally a bad idea, the "warning shot"

may be non-deadly force if fired in a direction other than in the direction of a person.

The theft/robbery distinction is important, because in Maine, deadly force cannot be used to prevent what is merely a theft. However, a theft can become robbery via the use or threat of force against anyone present, with the intent described in the robbery statute.

Finally, in defense of premises, section 104, one can use deadly force on a reasonable belief basis to prevent an arson (<http://www.mainelegislature.org/legis/statutes/17-A/title17-Asec104.html>):

2. A person in possession or control of premises or a person who is licensed or privileged to be thereon is justified in using deadly force upon another person when and to the extent that the person reasonably believes it necessary to prevent an attempt by the other person to commit arson.

Also, under 104, SOME criminal trespasses of dwellings may generate justification for deadly force:

3. A person in possession or control of a dwelling place or a person who is licensed or privileged to be therein is justified in using deadly force upon another person:
- A. Under the circumstances enumerated in section 108; or [1975, c. 740, §26 (NEW).]
- B. When the person reasonably believes that deadly force is necessary to prevent or terminate the commission of a criminal trespass by such other person, who the person reasonably believes:
- (1) Has entered or is attempting to enter the dwelling place or has surreptitiously remained within the dwelling place without a license or privilege to do so; and
- (2) Is committing or is likely to commit some other crime within the dwelling place.

So, FIVE specifically named crimes. The final one is much like common law "burglary" of a dwelling. It is the only one specifically requiring a demand or warning.

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In response to your question, in Michigan a person may use "deadly force" not only in self defense, but in defense of others, as well. The person asserting self defense/defense of others does not have to be correct,

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merely have an honest and reasonable belief that they are acting in self defense or the defense of others. I am including the statute on Deadly Force and the Jury Instruction for your convenience.

780.972 Use of deadly force by individual not engaged in commission of crime; conditions.
Sec. 2.

(1) An individual who has not or is not engaged in the commission of a crime at the time he or she uses deadly force may use deadly force against another individual anywhere he or she has the legal right to be with no duty to retreat if either of the following applies:

(a) The individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent death of or imminent great bodily harm to himself or herself or to another individual.

(b) The individual honestly and reasonably believes that the use of deadly force is necessary to prevent the imminent sexual assault of himself or herself or of another individual.

(2) An individual who has not or is not engaged in the commission of a crime at the time he or she uses force other than deadly force may use force other than deadly force against another individual anywhere he or she has the legal right to be with no duty to retreat if he or she honestly and reasonably believes that the use of that force is necessary to defend himself or herself or another individual from the imminent unlawful use of force by another individual.

Michigan Criminal Jury Instructions: 7.21 Defense of Others—Deadly Force

(1) The defendant claims that [he / she] acted lawfully to defend _____. A person has the right to use force or even take a life to defend someone else under certain circumstances. If a person acts in lawful defense of another, [his / her] actions are justified and [he / she] is not guilty of [state crime].

(2) You should consider all the evidence and use the following rules to decide whether the defendant acted in lawful defense of another. Remember to judge the defendant's conduct according to how the circumstances appeared to [him / her] at the time [he / she] acted.

(3) First, at the time [he / she] acted, the defendant must not have been engaged in the commission of a crime.

(4) Second, when [he / she] acted, the defendant must have honestly and reasonably believed that _____ was in danger of being [killed / seriously injured / sexually assaulted]. If [his / her] belief was honest and reasonable, [he / she] could act at once to defend _____, even if it turns out later that the defendant was wrong about how much danger _____ was in.

(5) Third, if the defendant was only afraid that _____ would receive a minor injury, then [he / she] was not justified in killing or seriously injuring the attacker. The defendant must have been afraid that _____ would be [killed / seriously injured / sexually assaulted]. When you decide if [he / she] was so afraid, you should consider all the circumstances: [the conditions of the people involved, including their relative strength / whether the other person was armed with a dangerous weapon or had some other means of injuring _____ / the nature of the other person's attack or threat / whether the defendant knew about any previous violent acts or threats made by the attacker].

(6) Fourth, at the time [he / she] acted, the defendant must have honestly and reasonably believed that what [he / she] did was immediately necessary. Under the law, a person may only use as much force as [he / she] thinks is needed at the time to protect the other person. When you decide whether the force used appeared to be necessary, you may consider whether the defendant knew about any other ways of protecting _____, but you may also consider how the excitement of the moment affected the choice the defendant made.

(7) The defendant does not have to prove that [he / she] acted in defense of _____. Instead, the prosecutor must prove beyond a reasonable doubt that the defendant did not act in defense of _____.

But please note, that Michigan does not allow the use of deadly force to stop any other crimes, e.g. simple assault, domestic violence, drug deals, robbery, larceny, etc., only the crimes which cause the person to believe either they or another are in imminent danger of death, great bodily injury, or sexual assault.

We extend a heartfelt "Thank you!" to all of the Network Affiliated Attorneys who responded to this question. Please return next month for more of the answers we received to this question.

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Book Review

Citizen's Guide to Armed Defense

By Kevin R. Davis

Paperback: 304 pages

Gun Digest Books, April 2, 2015

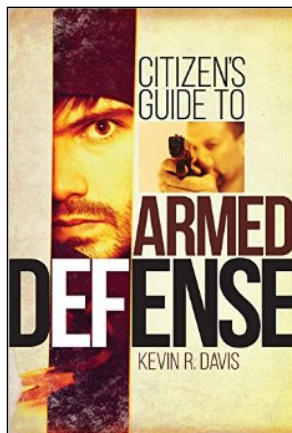
ISBN-13: 978-1440243639

8.8 x 6.4 x 0.6 inches

\$20.15 when ordered online at

<http://www.gundigeststore.com/citizen-s-guide-to-armed-defense>;

eBook version also available.



Reviewed by Gila Hayes

I enjoyed meeting Network member, author and trainer Kevin Davis at the NRA Annual Meeting in Nashville last April. In addition to letting me put a face with a name, Kevin graciously gave me an autographed copy of his latest book, *Citizen's Guide to Armed Defense*. I have enjoyed reading it these past few weeks, and believe our members will also enjoy it.

Written in a thoroughly personal voice, *Citizen's Guide to Armed Defense* is generously sprinkled with anecdotes and case studies from the author's career in law enforcement and includes a lot of quotes from quite a variety of sources. I was surprised, while reading the book, at how many resources Davis and I share in common, as I read quote after quote from a wide variety of leaders who have influenced my own thinking. Other quotes, amusingly, are from popular culture, books and movies that many have seen, and are cited to cement the lesson in the mind of the reader.

Davis likens common advise to harden the home's exterior and take other theft-prevention steps to the armed citizen's decision to carry an array of safety rescue equipment—a gun and spare ammunition, a cell phone, and perhaps the OC and expandable baton he always carries. He illustrates awareness without paranoia, addressing what he terms “Vigilance vs. Apathy,” in one subheading. Advice to avoid dangerous areas is supported by an interesting analysis attributed to Kristy Kilgore: “A high risk environment is any place where other people have more control over the variables than you do.”

Speaking from experience, this law enforcement officer defines the very real threat criminals pose, offering stories and explanations of the evil the reader may

encounter. One case study tells of a criminal Davis describes as an “intelligent, cunning and extremely violent man with absolutely no remorse,” illustrative of many of the predators working in society. While Davis spells out clearly the dangers criminals pose, the chapter concentrates on recognizing and interdicting crime, and is much more than a recitation of the problem.

This chapter also includes an excellent synopsis of pre-assault behavior that manifests as the sympathetic nervous system is activated by the assailant's agitation. Bear in mind that the SNS is also activated in the intended victim, and the author spells out the myriad effects of hormones entering the system when a threat ambushes you. In citing training as part of the solution, Davis writes, “Repetition of motor skills develops training competence, competence=confidence, and confidence helps control the SNS.” In later chapters he provides other tips for controlling the tunnel vision, auditory exclusion, shaking hands, and fuzzy thinking common to the body's emergency response system kicking in.

In his chapter *The Reasonable Person*, Davis dissects the many factors that justify use of force in self defense. Many authorities' quotes comprise this chapter to explain factors including multiple assailants, unarmed and armed assailants, defense in the home and applications of Stand Your Ground. It is a studious chapter, requiring a bit more focused reading than earlier chapters. In discussing how the totality of the circumstances determines justification, he bullet points a list of errors that can impinge on your argument that your use of force was reasonable.

The chapter on tactics has many lessons, including a good list of reasons to avoid predictable routines a stalking criminal can exploit to set up a trap or ambush. Criminal interview tactics—their steps to assessing whether or not you will make a good victim—are also outlined, including preliminary chit-chat. Although Davis emphasizes the value of always carrying a gun and later outlines principles for firearm selection, he acknowledges the mental aspect of surviving violent crime. “Many times armed self-defense can turn into a hardware conversation or a focus on guns and gear when it should be mostly about ‘software’ or the mental aspects...” he writes. “In addition to having equipment, you must know how to competently use your deadly and non-deadly force options, observe pending danger,

Continued next page...

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strategically avoid if possible, be prepared to repel or stop the threat efficiently, while handling the stress of the encounter—to shoot (if necessary), move and communicate,” he concludes.

Beyond the mindset, though, Davis discusses accurate shot placement and ammunition selection. From there, he moves on to drawing to either a ready position or on target, use of cover, movement, building searches, verbal challenges, what the armed citizen should expect from police if an intruder is in their home, making the best use of time and distance, working under poor lighting conditions, flashlight selection and use.

Although strongly in favor of weapon-mounted lights, he writes, “While using weapon-mounted lights for SWAT, I would have a white light around a lanyard on my wrist. Yes, I had a white light on my MP5 or M4 and a Xiphos on my Glock 19 in my holster, but I also had a Blackhawk Gladius on my wrist. In this way, I could search or illuminate an area without pointing a firearm.”

Closing out a 90+ page chapter on tactics, Davis observes that inhibitions about cheating or taking unfair advantage don't apply to violent encounters, describing the aggressor's actions thus: “They are the one who put their arm in the lion's cage. They are the one who started it,” which he attributes to a fellow trainer.

Execution of good tactics is the result of good training undertaken well in advance. Davis writes another long chapter on training, observing, “Unfortunately the training that most CCW permit holders go through is better described as an introduction rather than serious, worthwhile training. Training preparation for the armed citizen need not be as intensive as an Olympic athlete or Navy SEAL but good fundamentals practiced on a regular basis will certainly improve your chances.”

In this chapter, Davis covers shooting platform, trigger control and sight use, describing Jeff Cooper's flash front sight picture concept and wisdom that “the body aims and the eyes verify.” After discussing skill maintenance with dry fire and related skill-builders with technology like SIRT pistols, he concludes the chapter with a lengthy discussion of the necessity of simulation training and options for force-on-force, shoot-don't-shoot,

and stress inoculation, to learn how to work through the effects of stress.

Delving into the final chapters of the book, we find a lot of good advice for interacting with police after self defense, including several check lists, advice for interacting with dispatchers, and what to expect when officers arrive on the scene. “Keep your mouth shut except for the following,” he writes, then lists, “You do want to clearly state: you are the victim; where any evidence might be located...where you were, where they were and in which direction you and he fired; ask for a victim advocate,” he concludes.

Davis, a 34-year career law enforcement professional, adds a useful chapter on non-emergency contact with police for armed citizens. Even more valuable is the next chapter about dealing with investigators, in which Davis explains that small police agencies (comprising the majority of law enforcement in the U.S.) lack experience investigating shootings and their administrators “have little knowledge about the legalities of use of force” and are generally political appointees. He underscores that both police and citizens will be treated as criminal suspects after causing the death of another citizen.

His advice touches on preserving evidence of the assault, insisting on legal counsel during questioning, and he makes a strong recommendation for belonging to the Armed Citizens' Legal Defense Network. Although I knew Davis was a Network member, of course, I did not realize he had written such a strong endorsement of our organization until, closing in on the end of the book, I read his explanation of Network membership benefits. This chapter also details post-incident realities like memory distortion/loss, coping with flashbacks and other stress.

You will want to read *Citizen's Guide to Armed Defense* with a notepad and pen close at hand. It is full of references to useful books by other authors, and with interest ignited by Davis' advice, you will want to do some follow up reading.

*[End of article.
Please enjoy the next article.]*

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News from Our Affiliates

Compiled by Gila Hayes

Jeff and Robyn Street of
Step by Step Gun

Training in Naples, FL are partnering with Naples criminal defense attorney and Network affiliated attorney Donald Day to present a free educational lecture entitled *Defending Yourself in Florida with a Weapon: The Law from A-Z* on July 21st, 2015 from 6:30 to 8:30 p.m. at the First Baptist Church Naples.

"There is no charge but Donald would ask that all make some contribution to the NRA or sign up for the Armed Citizen's Legal Defense Network," Jeff explains. Space is limited, so reservations are required. To reserve your seat, contact Jeff by calling or texting him at 239-641-6140.

Gary Morgan at Ingham Small Arms in Leslie, MI recently asked for more copies of our Foundation's booklet, *What Every Gun Owner Needs to Know About Self-Defense Law*, adding, "I don't want to run out. I'm still putting them in every student's material packet, along with including your website on the site list that I give them. I also mention your booklet when I go over the materials, and let them know that they should read it in its entirety as soon as time allows."

Gary's business is dedicated to providing effective training for owning and using a handgun, with an emphasis on using a handgun for personal defense, especially with respect to licensed concealed carry. To ask Gary more about his classes, call 517-676-1354 or write to garymorgan@inghamsmallarms.com for further information on classes.

We were pleased recently to renew our affiliation with Kevin Roth at Arms to Bear in Reno, NV. His extensive list of pistol classes range from basic to advanced handgun, plus courses focused on responses to survive an active shooter scenario. Learn more at <http://www.armstobear.com/course-descriptions/> where it's readily apparent his training covers a lot more than basic shooting skills with both weekend and evening classes. For more info about classes, give him a call at 775-770-4961 or email Training@ArmsToBear.com.

Norm Hood of Defensive Solutions, LLC in South Bend, IN has classes for all levels of shooting skill, ranging from simply learning how to properly operate a gun, to advanced handgunning skills, revolver-specific classes, pepper spray classes, carbine training, classes formatted especially for youth and others in a ladies-only format, expandable baton, force on force, unarmed control techniques and more. Check out the courses at <http://www.defensivesolutionsllc.com/courses/> or email akhoodlum@gmail.com or call him at 574-400-0852 to find out how to get into one of his training sessions.

In Illinois, affiliated instructor Peter Kolovos, a former deputy sheriff, teaches pistol, rifle and shotgun courses, as well as force on force using Airsoft. His school, Academy of Tactical Training, also offers a precision rifle class, and trauma and emergency intervention courses, too. In addition, he teaches a variety of NRA instructor courses. Coming soon, he has unarmed defenses for women and weapon retention and defensive tactics training. If you're on the IL/WI border and looking for training, get to know Peter Kolovos. Give him a call at 847-322-3255, email director@guntrainingil.com and check out his website at <http://www.guntrainingil.com>.

Paul Tribble of Defensive Firearms Training of Montana has a busy summer planned, and he notes that he has classes going every weekend for the foreseeable future. In addition to a full slate of NRA classes, with lots offered for the ladies, he also teaches advanced pistol classes, classes focusing on concealed carry skills, and rifle and shotgun classes, too. See <http://www.dftmontana.com/advanced-classes/> then give Paul a call at 406-250-4790 or email paul@dftmontana.com to find out how you can get in on the fun.

Affiliates, please remember to let me know when you need more copies of the Armed Citizens' Educational Foundation's booklet *What Every Gun Owner Needs to Know About Self-Defense Law* and our tri-fold brochures by emailing me at ghayes@armedcitizensnetwork.org or calling 360-978-5200.

At the same time, don't forget to send me an email if you have any special events like open houses, special classes or other interesting tidbits that we can announce for you in this column. About 60 days advance notice is best since we publish only once a month.

[End of article.
Please enjoy the next article.]

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Editor's Notebook

by Gila Hayes

Pebble in a Pond

I'd like to start a ripple in the pond and spread word about an excellent article I recently read addressing a problem that gives enormous traction

to anti-gun forces. That problem is use of firearms in suicides and in atrocities. Although addressing obtaining guns to commit suicide, the principal of individual interdiction instead of government restriction is expressed so clearly, I just had to share it with you.

You'll find this powerful column about guns and suicide by Network Advisory Board Member Massad Ayoob in the May/June 2015 issue of *Backwoods Home* at <http://backwoodshome.com/articles2/ayoob153.html>. Read it and glean strategies for productive responses to a disturbed person wanting to buy or borrow a firearm.

Ralph Mroz, in addition to being a well-recognized writer and trainer, is a Network Affiliated Instructor. He recently emailed to bring his new blog site to my attention, so I clicked over to <https://thestreetstandards.wordpress.com> to check it out. It is full of great information leavened with Ralph's trademark sense of humor. In fact, his post about fighting the flinch starts, "My name is Ralph and I flinch. I know I'm not supposed to, and I try really hard not to, but Satan will have his due. The devil makes me do it." It just gets better from there—including useful practice tips for the rest of us who need to go to Flinchers' Anonymous meetings, too. I've added his blog to my "check in regularly" reading list. You should, too!

Another very interesting resource is Kenn Blanchard's podcasts at <http://www.blackmanwithagun.com>. Regular readers may remember when we reviewed the second edition of Kenn's book, *Black Man With A Gun*, and how enjoyable it was. Kenn recently engaged in a debate on Fox News about pastors armed for defense of their church congregations. The transcript is at <http://insider.foxnews.com/2015/06/21/should-clergy-be-armed-guns-after-charleston-church-shooting>. Kenn does a great job of representing armed citizens. Don't miss it!

Always curious about the world around him, Kenn hits a lot of interesting topics in his podcasts. A recent sampling of podcasts, shows him studying how the gun

industry tries to use sex to sell equipment, responses for getting out of an active shooter situation, carrying a gun in the restroom, police and the armed citizen, just to cite a few. If you've not been a regular listener, give a listen at *Black Man With a Gun*.

If you don't already read the Tactical Professor blog by Claude Werner, you should! The most recent had an exceptionally insightful commentary on interacting with an assailant and the human instinct to try to move in and control at close proximity. On June 23rd, Werner wrote:

"It's very common to see in news reports where Armed Citizens have pursued criminals after the criminal has broken off from the crime. Pursuit is fraught with hazards, both legal and tactical. Dependent on the laws of the particular State, pursuing a robber or attacker could result in losing the 'mantle of innocence.' This could result in charges being brought against the original victim. It also could put you in a position leading to becoming the victim of a mistaken identity shooting by a responding police officer. Keep in mind that although you know the victim/aggressor roles of the parties involved, the police have to sort that out upon arrival and it's not always easy."

See the rest of the post at <https://tacticalprofessor.wordpress.com/2015/06/23/closing-with-the-enemy/>. It is very good.

Areas of Expertise

"I am sorry, sir, we cannot give you legal advice about your state's gun possession laws." We fielded a couple of calls last week from a self-proclaimed TN redneck who wanted us to confirm that it was lawful for him to open carry his black powder pistol. Unsatisfied when we suggested he contact a leading attorney in his state on whom he could rely for an authoritative answer to his question, he phoned back several times, growing increasingly strident.

We simply are not privy to enough facts to provide an opinion—even if it was prudent to try to do so, which it is not. We get a lot of very similar emails, and it is frustrating because giving legal advice or explaining specific state laws is not the purpose for which we formed the Network. Had that been our wish, we would have set up a pre-paid legal program.

Continued next page...

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Every hour I spend on Internet research trying to figure out where these callers and correspondents can find answers to their questions, I am not answering questions about Network membership benefits from potential members, promoting membership and increasing Network growth, developing meaningful content for this journal, helping current Network members locate the Network Affiliated Attorneys closest to them or working to affiliate more attorneys with the Network. Calls and emails asking for legal advice are extremely frustrating because the Network office staff really cannot provide the assistance requested. But wait! There are several good alternatives.

Both Andrew Branca at *The Law of Self-Defense* (<http://lawofselfdefense.com>) and Mitch Vilos, author of *Self-Defense Laws of All 50 States* (<https://www.gunswestpublishing.com>) have made a specialty of understanding and explaining gun and self-defense law, and both have books written on these very topics. In addition, Andrew has a lot of these details on his website. Within the individual states, many of our Affiliated Attorneys and other authorities have also written handbooks explaining their state's laws (Bloomfield Press is a good resource for state gun law books <http://gunlaws.com/books.htm#gloa>). Yes, I realize you will need to do some study, but know what? When we are asked these questions, we do, too! We have never sold the Network as a one-stop legal knowledge resource. It is not.

I also realize that not all of the laws make sense when you read them. This is where an attorney's opinion is needed, so if you've read the law and still do not know where you stand, you need to call an attorney. I am sorry, folks, the Network cannot substitute for your attorney. Network members who don't know an attorney can log in and view the list of our Affiliated Attorneys by state at <http://www.armedcitizensnetwork.org/affiliated-attorneys>. Please bear in mind that attorneys need to be paid for their time, so you need to be ready to spend some money to get answers to questions you cannot research yourself.

Don't want to spend money? Start research at websites like those cited above, as well as <https://www.nraila.org/gun-laws.aspx> and <https://www.atf.gov/questions-and-answers/firearms-qas>, for example. You might be surprised how much you can learn when you look for answers for yourself!

Updating Affiliated Attorney Data

We are smack in the middle of a big project to contact all 390 of our affiliated attorneys to be sure we have the most current information available for our members. If you are reading this and you are an affiliated attorney, watch your mail for your letter asking you to confirm your mailing address, office address, and contact information. We have found a few websites no longer valid and some new firm names. Congratulations on the new partnerships, new offices, and to those of you going out solo.

If you are a member, know that we are hard at work making sure that you have the most up-to-date attorney information available. We do urge you to make contact with an attorney long before you ever need one and once you have had a consultation with your chosen attorney, make sure you write the attorney's telephone number on the back of your membership card with a permanent marker.

No Membership Details Online

Every month I am contacted by members who instead of just calling or emailing, searched the Network's website to no avail looking for their membership expiration date or the date they joined. I understand that it is common to be able to access subscriptions and other services that are paid in advance for a specific period of time online.

For gun owners, however, I do not believe it is wise to store any more information on a website than is absolutely necessary to accomplish the regular flow of business. Since a Network membership account includes your name, email, phone number, mailing address and other details, do you really want all that stored on a website that obviously caters to gun owners? I didn't think so.

And I have from day one put my foot down and refused to store online anything other than the bare minimum needed to establish member log-in accounts so members can access Network Affiliated Attorney lists, coupons and discounts and information for members involved in a self-defense incident who need to contact us after hours. Those details do require security behind a member log-in system, so I've grudgingly agreed that member names and emails do have to be stored on the website's server and the security of those data files treated with utmost seriousness. I hope you understand and know you can always email ghayes@armedcitizensnetwork.org or phone us at 360-978-5200 for your membership details.

*[End of July 2015 eJournal.
Please return for our August edition.]*

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About the Network's Online Journal

The **eJournal** of the Armed Citizens' Legal Defense Network, Inc. is published monthly on the Network's website at <http://www.armedcitizensnetwork.org/our-journal>. Content is copyrighted by the Armed Citizens' Legal Defense Network, Inc.

Do not mistake information presented in this online publication for legal advice; it is not. The Network strives to assure that information published in this journal is both accurate and useful. Reader, it is your responsibility to consult your own attorney to receive professional assurance that this information and your interpretation or understanding of it is accurate, complete and appropriate with respect to your particular situation.

In addition, material presented in our opinion columns is entirely the opinion of the bylined author, and is intended to provoke thought and discussion among readers.

To submit letters and comments about content in the **eJournal**, please contact editor Gila Hayes by e-mail sent to editor@armedcitizensnetwork.org.

The Armed Citizens' Legal Defense Network, Inc. receives its direction from these corporate officers:

Marty Hayes, President

J. Vincent Shuck, Vice President

Gila Hayes, Operations Manager

We welcome your questions and comments about the Network.

Please write to us at info@armedcitizensnetwork.org or PO Box 400, Onalaska, WA 98570 or call us at 360-978-5200.



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