



Responding to a Robbery in Progress

by Marty Hayes, J.D.

Earlier this month I read a news story about an armed citizen with a valid concealed weapon permit, who stopped a robbery in progress by shooting and killing the armed robber. According to news reports, the robbery suspect entered a Waffle House, robbed the restaurant and was leaving with the cash drawer in his hands. As he left the building, the armed citizen confronted him. The robber raised his own gun and shot at the armed citizen. The armed citizen returned fire, hitting the robber in the lower abdomen. If you want more information, search the Internet for "Waffle House Robbery Shooting."

While this real-life example sets the stage for this article, the purpose is to neither criticize nor endorse the armed citizen's actions, but instead, drawing upon my experience as a firearms trainer and President of the Firearms Academy of Seattle, Inc. for the last 26 years, to discuss the issues involved in intervening in a robbery in which you are not the targeted victim.

In my school's training courses, we have been putting students into mock robbery scenarios for many years. We give the student that experience in training, so if it happens on the street, the student can fall back on some valid training to handle the situation. This is exactly the same reason for which law enforcement cadets participate in "mock scenes" towards the end of their academy training. I can still recall each scenario I participated in when I was in police academy 35 years ago! The training technique is valid, and every armed citizen who carries a gun for self defense should seek out and participate in scenario-based training.

What are the options when one finds oneself on the periphery of an armed robbery in progress? Let's take a look.

The armed citizen caught up in a robbery has several options available, although they might not understand the pros and cons of those choices without considerable thought. There is the option of simply leaving, or shooting the adversary, or trying to hide, or trying to stop the robbery at gunpoint, as happened in the example at the beginning. Each option raises several concerns we must consider, so let us explore each alternative.

Leaving

Most firearms trainers will tell you that the smartest option you have when you become part of a robbery scene is to leave. I would not argue with that advice. If you are not immediately threatened—a gun stuck in your face, for example—but instead, you find yourself a few steps away and not the center of attention, you might be able to get out.



Will the robber(s) see you as you make your escape? This can affect your decision, but not necessarily. If you can quickly escape, getting out within a couple of seconds, and you are far enough away from the robber(s) to make it unlikely that they can hurt you, then immediately escaping might be the best option.

If you attempt escape, remember that there still may be robbers outside waiting to stop you from leaving, perhaps the person driving the getaway car. So, if you choose this option, remember, the danger doesn't cease just because you escaped the physical confines of the store. It may, however, be prudent to look for a safe place outside from which you can observe and report to the police what is happening.

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Hiding

If a reasonably safe escape is not possible, you might need to pursue a second option: hiding. Understand that I am not simply talking about playing hide and seek from the robber(s) but instead, looking around for a place where you can be hidden from view, but still see what is taking place, so you can stay alert to threats, at least controlling access to you, so that if the robbers come for you, you can react.

As logical as it sounds, hiding has drawbacks. What are the other people at the scene doing? Your observation position might be given away by one of the other store patrons. Someone appearing to be another shopper might be part of the robbery team. So, if you hide, conceal yourself not only from the identified robber(s) but also from anyone else in the store.

Do not hide in an area that is of high priority to an armed robber. For example, avoid the business office where the money is kept. Avoid the cooler and the direct route to it. Often, robbers march the patrons back into the cooler, where they either lock them in or shoot them. I would not want to face a wall of scared shoppers being prodded along by one or more gunmen, knowing that I was about to be discovered.

If possible, try to be far enough away from the center of activity that a 911 call to police will not be overheard. If you are able to make the 911 call, I advise you to simply state the location and "robbery in progress," then end the call. You can do your duty, but staying on the line with dispatch draws your attention away from the threat, and the voice of the dispatcher over your phone might draw unwanted attention to your hiding place.

Frankly, I am not sure that calling the police while hiding in the store really is the best idea. What happens when the

police start arriving with tires squealing, lights blazing and sirens blaring? If they catch the robbers inside, you may be trapped in a spur-of-the-moment hostage situation, in which the worst role to play is that of a hostage.

Under other circumstances, calling the police might make sense, so it is worth discussing. If the robbery ends while you are still hidden, then by all means, make the 911 call and share as many details as you know with law enforcement.

Thanks to modern cell phone technology, anyone who carries a cell phone with an integral camera possesses a portable surveillance device. Make sure the phone is silenced, turn the camera on, and stealthily edge just the lens out from behind cover. You can see what is going on beyond cover, and no one can see you, making it very unlikely that you would be discovered before you could see someone coming your way. Give it a try.



Taking Action

During the research stage, preparatory writing this article, I asked a question on the Network's Facebook page, where we have about 12,000 followers. Over 100 responded to this question: "As in the Waffle House robbery where an armed citizen shot and killed an armed robber, would you do the same?"

(<https://www.facebook.com/groups/221594457860509/>)

The responses were varied, of course, but the following sampling is informative—

"One thing that is important to consider is that the clear shot may not put him down immediately and he may get a shot off and kill someone. Many people would view you (IMHO wrongly) as 'the

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responsible party' for 'escalating the situation and getting someone killed.' If there is a strong belief that he would have left with the money if you hadn't interfered, you might be branded the bad guy."

"As long he is just stealing the businesses' money and not shaking down the customers, I say let it slide. If the robber is aggravated and looking like he would harm anyone then perhaps I would intervene."

"Depends on the armed robber's actions and numerous other circumstances. My desire would be to not act, but be a highly observant witness. However, if his actions lead me to believe he will be violent and I can act in a reasonably safe manner, I would quickly move to stop the attack."

Let's discuss using deadly force to stop the robbery and how this option might play out in real life.

We must ask: what response might my shots produce? Many simply do not understand that shooting someone is not the same as stopping someone. Assuming you are using a handgun, just because you shot the person, there is no guarantee they will quit doing what they were doing. Even worse, your shooting might incite greater violence. An armed robber waving a gun around threateningly may start shooting in reaction to your shots.

Shot placement counts. There is no handgun round that will effectively stop an attacker in his tracks, UNLESS you hit the central nervous system—the brain or spinal cord. A center of the chest hit may not stop the action immediately. If the robber has someone at gunpoint and you intervene, you better be able to make that brain shot, with a handgun powerful enough to defeat the bony skull and get into the brain. Even then, a brain shot does not mean the armed robber will not reflexively fire a shot. If you see a robber pointing a gun at one single person—like the cashier—and you decide to intervene, you had better be a fine shot, with nerves of steel to successfully pull off a hostage rescue shot.

What if the robbers are simply waving guns around and threatening their victims? The likelihood of the robbers hitting someone with a reflexive shot is less than in the example of a robber closely focused on a cashier. Here, use of a firearm to stop the robber may be a valid option. Still, you had better shoot fast enough and with sufficient accuracy

to overwhelm the robber's central nervous system and blood supply to the brain so that he goes down immediately. The upper chest, neck and head are the viable targets in this scenario.

Observe Rule #4

Be sure of your target, and what is behind/beyond it. This is one of the cardinal rules of gun safety. If intervening to protect the victims of an armed robbery, both of the elements of this rule apply.

First, while you have likely identified the guy with a gun as a violent felon, are you absolutely sure your conclusion is correct? Could the man with the gun be another armed citizen, like yourself, who pulled his gun sooner than you and is attempting to take control of the situation?

As you'll read in my *President's Message* a bit later in this journal, I referee high school football. One of the underlying principles when throwing a flag for a penalty is to make sure, before throwing that flag, that you see the entire act. We commonly see players turn their backs at the last second, in order to be hit in the back by an opposing player, instead of in the side. If I only see the final act of one player being hit in the back by another, without viewing the preceding action to be able to decide if what happened was valid under the rules, I might just be wrong if I throw a flag.

Likewise, if you draw and shoot an armed citizen or perhaps an off-duty cop because you did not fully identify the target, then your claim of righteous defense of self or others will be compromised.

Secondly, you must ascertain that your gunfire will not endanger other human lives if you shoot and miss. Do you ever miss your target when practicing? Of course! That practice wasn't nearly as stressful as being caught up in an armed robbery. I am a huge believer in participating in action shooting sports, such as USPSA or IDPA. Engaging in shooting activities that create stress familiarizes you in making accurate shots under stress. While action shooting's scenario-based stages are not normally based in any modicum of reality, if you use your carry gun and holster, and don't get too wrapped around the axle about the rules and scenarios, it can be grand practice and training.

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Are You a Mind Reader?

Many responses to my question suggested that if the armed citizen felt things were turning more violent, putting their own life at risk, then that escalation would trigger their intervention. And, while the train of thought sounds good, it suffers from one glaring problem: Action beats reaction.

How do you know if the robber is going to pull the trigger? You've already observed signs of impending violence because you are caught up in a violent encounter. We show videos of convenience store robberies in my classes, and in many of the videos, the robber suddenly kills the clerk without provocation or any display of intent immediately prior to the killing. Some just walk in and shoot; others shoot after getting the cash. In one situation, the robber holds the clerk at knifepoint, and all of a sudden, starts stabbing him in the neck, killing him. An overt increase in violence right before the murder is not apparent in any single one of these recorded robberies.

I, for one, do not believe I have the psychic powers to figure out what the robber is about to do. Without the ability to read minds, waiting to react until the robber decides to start shooting, puts your response behind the curve. If you have a gun in your hand, you could probably respond to his gunfire within a second. If your gun is still holstered, then you must expect it to take at least two seconds to decide to what to do, then to implement that action.

Knowing this, one option I've seen used during our role-play scenarios is to simply draw and fire at the very onset of the robbery—instantaneously, without challenge or delay. Effective as it appears, I really am not advocating that response, but only pointing out the option. If you see a lone robber in a store and you draw and fire immediately, how do you know he doesn't have back-up? Another patron in the store might be his partner, designated to interdict anyone who tries to intervene. Additionally, given the increasing number of armed citizens carrying concealed on a daily basis, if you start shooting without warning, how might the other armed citizens react? Are your gunshots going to draw their gunshots, aimed at you? After all, they may not realize that you are a good guy.

Taking Robbers at Gunpoint

Another option that people on our Facebook page indicated they might employ is to challenge the armed robber, put him on the ground at gunpoint and call the

cops. Of all the above responses we are discussing this is probably the most dangerous. I am not saying you shouldn't do it, but in case you ever consider doing it, I do want you to understand the inherent risks and issues. Unless you have been trained in how to subdue and hold a violent attacker, AND you have practiced doing this, it probably should not be an option for you. Police officers receive hours of direct training, and once they leave the academy, should be able to handle a felony arrest, if needed. But understand, they also have radios to call for back up, wear bullet-proof vests, and have the luxury of being instantly identified as one of the good guys, so they do not have to worry about mistaken identity.

The armed citizen typically does not wear body armor, nor do we usually have armed back-up available. The same issues facing an armed citizen who chooses to immediately draw and fire apply here, too, with one major addition. Cops should arrive on the scene before too long, and they will be taking everyone at the scene at gunpoint, trying to sort it all out. So, you will have police guns pointed at you, which is also dangerous.

If you consider this an option, please review our eighth educational DVD, *Legal Considerations of the Use of Non-Lethal Defensive Force*, where I explain the issues inherent in taking criminal suspects at gunpoint.

It is not my intent to give advice on how to respond to a robbery in progress. Instead, this article is offered to warn our members about the many issues involved. We carry guns to protect our loved ones and ourselves, both at home and out in public. When we carry guns for self defense, we need to be trained to respond appropriately. Sadly, most armed citizens do not receive the training they really need to handle scenarios like an armed robbery in progress. There has never been a better time in America to get good, solid handgun training, and the competition for students amongst instructors has resulted in affordable training courses all across the nation. If you have not taken training this year, then I would respectfully suggest you get some.

In closing, the foregoing is just one firearms trainer's perspective on intervening in an armed robbery in progress. If any of our Network Affiliated Instructors would like to comment or add to this information, please email me a paragraph or two outlining your additional thoughts, and we can continue this discussion next month.

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

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President's Message

by Marty Hayes, J.D.

Yesterday we took a call from a man who was asking questions about the Network. Eventually I ended up on the phone to answer one final question for him. He was

from Northern California, and told me that while he can lawfully carry in his own county, he said that privilege does not extend to visits where his grandchildren live.

I made sure that he understood that Network benefits would not extend to members breaking the law when they had to use force to defend themselves, adding that everyone had free choice in how to live their lives. No one is forcing him to live where he lives, and no one is forcing him to visit where he cannot legally carry a gun. That is free choice. I then made an example of myself, as follows...

It is rare that I am not armed, but sometimes I make the conscious decision to un-gun, in order to participate in an activity that I feel is important enough to merit going without the benefit of being armed. One such example is air travel. Passengers cannot board a commercial flight armed, and so, when I have a choice, I prefer to drive. But driving is not always a logical choice, so the gun(s) go into the checked baggage, and I spend the next few hours without a gun at hand.

Then my caller and I discussed my activities yesterday, which included refereeing a high school football game. I explained that I believe refereeing high school football is important

enough for me to lock the gun in the car when I arrive at the school, and if attacked, the best I could do is throw a flag and blow my whistle. I thought the image was funny enough to take the photo below at my next game.

But seriously, illegal gun possession is an issue with which we here at the Network struggle. Recently, in Oregon, we had a mass shooting on a college campus, where the gunman killed himself and nine others and wounded many more. Umpqua Community College had declared the campus a "gun-free zone." But, wouldn't it have been refreshing to find out the shooter was stopped in his tracks by an armed citizen ignoring the gun-free zone signs? That armed citizen would have been a hero to most, and I doubt our fictional hero would have faced severe punitive action beyond the likelihood of suspension from school for carrying a gun onto campus. That is no different than when someone carries a gun into their gun-free work place, and gets fired because of it.

The Network's policy of not granting benefits to members who violate a firearms possession law while defending themselves was originally drafted to address convicted felons who are prohibited from owning and possessing firearms.



The fact that many businesses and organizations make themselves feel good by posting "No Guns Allowed" signs certainly muddies this aspect of Network policy, because many times—especially on private property—disobeying the sign is not a crime in itself. You must know your state's laws. Having said that, if a Network member didn't see the "No Guns Allowed" sign at the entrance to the shopping mall, and was not subsequently charged with a gun crime after a lawful act of self-defense, we would provide him or her Network assistance.

But, elementary and secondary schools are a different issue altogether, as gun possession on school campuses is against the law in most jurisdictions. That is why I locked my gun in my car the other night.

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I hope this has clarified access to Network membership benefits for our members. I appreciated the good discussion I had with Lloyd from Northern California (who called back the following day and joined the Network). I figured if he had this question, others might, too. Thank you for asking the question.

Network Vice President Vincent Shuck and I took a trip to Arizona last month, and became part of the Gunsite Family. We took Defensive Handgun-250 (I'll tell you more about that experience next month) where I was very pleased to run into two Network members, Othello Rowland and Mickey Younkins. I told them if they posed with Vincent and me, I would get their picture in the *eJournal* (see photo, right).



Left to right: Marty, Mickey, Vincent and Othello at Gunsite.

On my return trip from Gunsite, Network Affiliated Attorney Tim Forshey and I tag-teamed a lecture on deadly force law and the aftermath, at what I called a "prepper gathering." What it really was though, was a gathering of about 200+ true American patriots, organized by Network Affiliated Instructor Jay Okimoto, with proceeds benefiting Oath Keepers of Arizona. (See us in the photo below.)

It was enjoyable to just be amongst people who think like I do and who were not afraid to be identified as gun-owning patriots. The gathering was held at S.H.O.T.S. Ranch, which is east of Kingman, AZ. Jeff Jolly is the owner of S.H.O.T.S. Ranch, and I would highly recommend those Network Members who live in



Left to right: Tim, Jay, Jeff and Marty at S.H.O.T.S. Ranch in Kingman.

Northern Arizona to check out his facility. One caveat though, the road is not conducive to big RVs. My truck and camper did fine, but something 40' or longer might have some problems.

My part of the event found attorney Tim Forshey and me sharing information with some attendees in an informal setting. There was simply too much going on for large crowds to attend our part of the program. That's okay though, we had a good time anyway, and educated some great people on the rights and responsibilities of armed self defense.

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

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Attorney Question of the Month

Last month in this column, we asked Network Affiliated Attorneys about protecting your rights after self defense while calling 9-1-1 for law enforcement assistance. The responses were so numerous that we continue this month with more of those answers. The question is—

Assuming the immediate violence is over, the armed citizen and his or her family is safe, should the armed citizen call 9-1-1, and if they do, what should they tell the police dispatcher?

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My recommendation is that a citizen involved in a shooting tell the 911 operator "I'm the victim of an armed robbery (or some other crime). I had to use my licensed pistol to defend my life. The robber is down. The address is -----. Please send a police officer and an ambulance immediately. I am wearing a blue blazer and grey slacks. I will stand by until the officer arrives."

The dispatcher will start a series of questions that likely should not be answered. Simply respond, "I am a robbery victim. Please send an officer and an ambulance to ----- immediately. I will await their arrival."

Then hang up. All these calls are recorded and you can expect that whatever you say will be played back ad nauseum at any subsequent legal proceedings that may stem from the shooting. Don't allow yourself to be interrogated by the operator over the phone. Holster your weapon so that there is nothing in your hands when the police arrive.

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Note that this discussion is NOT about tactics. Some tactical scenarios demand that you be quiet and NOT alert an armed intruder as to your location. It is only about situations where realities permit contact.

OVERVIEW: This area is counter-intuitive. In a true well-prepared scenario, you will ALREADY be on the phone with a 911 dispatcher. Your job then is to NOT get shot by responding officers, and NOT get shot by possible accomplices or a possibly still-combative subject. Hand the scene over to cops, and invoke privilege and right to counsel.

PRELIMINARIES:

Program 911 and an attorney phone number into your cell phone. Practice verbal commands. If you are afraid of particular people for specific reasons, take legal steps and inform local PD (criminal trespass orders, protection from abuse, cease harassment, injunction).

COMPETING PRINCIPLES:

This is a complex area, because of a couple of principles that conflict with each other:

- He who calls first is the presumptive victim (see *Florida v. George Zimmerman*);
- Everything you say can and will be used against you unless privileged;
- Cops won't arrest someone (like the burglar that ran away) without probable cause;
- The longer a scene remains unprocessed, the more likely it is that exculpatory evidence will be lost.

There are two sets of instructions. The first is "pre-shooting" instruction, and the second is post-shooting.

There is also a differential depending on:

- Intruder flees, no shots fired;
- Intruder flees, shots fired—possibly wounded;
- Intruder remains at the scene—dead;
- Intruder remains at the scene—injured or in custody; and finally,
- Homeowner/defender is injured in the encounter.

GENERAL RULES for PRE-CONTACT with bad guy:

- DO contact 911, ask that they record. Give name, names of all persons known to be home, description of your house AND the address and ID of perp, if known. If perp known to be armed, let them know.
 - DO get your dog under control and with you;
 - DO give the verbal command at top volume: "Get out of my house NOW. I've called the police."
- {Maine specific}

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–DON'T discard weapon if a dispatcher tells you to do so, UNLESS you are turning over scene to police already there. Do tell them that you'll surrender weapons to officer as he directs, when he arrives.

–DON'T discuss your location over land line where there is an extension phone.

–DON'T use "personal" epithets, racial slurs, etc. during your threat/demand.

–DON'T leave behind your phone. Keep firearm in hand or holstered, with finger OFF the trigger, when talking on phone.

In Maine, DON'T try to detain or arrest without more education and training re: same. If the bad guy runs, let him run away.

–If there is no cell service in the area -- activate "voice record" on your phone.

POST CONTACT

[Legally, it is best to not talk. Legally, it looks bad if the FIRST call was to your LAWYER. Factually, it is suboptimal if you or a co-occupant gets shot by responding officers. This entire area is a risk/reward analysis.]

If any person is hurt, ask for an ambulance. Ask if officers are on the way. Ask to be put in touch with the officer himself. Describe all "good guys" as to location, gender, age and dress. Then the same for any "bad guys." NO MORE INFO!!

If the bad guy wants to talk, do not engage. He MAY have an accomplice who MAY be locating you by voice. Keep the phone on.

If possible, wait for responding officers in a place where you can see him approach and he can see you well. Do NOT have gun in hand. DO have OPEN and VISIBLE hands. DO have gun within reach. Point it out to him when he arrives. Thank him for responding quickly.

Tell him what the bad guy did. IF there are OTHER bad guys believed to be involved, TELL OFFICER what THEY did, and who they are. Then invoke your right to counsel. Tell him that you'll be happy to give him more information, but you'll need to speak to your attorney first. "I want to speak with a lawyer before speaking with you further--then you'll have my assistance." [Possible exception--the scene is about to be destroyed--arson.]

If he asks to search your home--same deal--wait for my attorney, please. [Exception--you believe ANOTHER bad guy is still in the house, and you aren't running an illegal casino or something upstairs.]

If you DO give consent, say: "You are welcome to look for PEOPLE, but do NOT search through my drawers, papers, etc. I have confidential material there." If he pushes, say, "I guess we'll have to wait for my lawyer."

If you are shot/badly hurt ALL BETS ARE OFF. Unless you are the perpetrator, your own flesh is a pretty important testimonial to the fact that "serious bodily injury" was justifiably feared--BECAUSE IT HAPPENED.

Have a lawyer or two in mind. They should know criminal procedure and substantive criminal law for your state.

This is a VERY, VERY complex area. It is not something you should attempt to handle under stress ANY MORE THAN YOU HAVE TO.

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If an armed citizen has been required to use deadly force in defending one's home, or family, as posed in your question, I believe it would be prudent for that citizen to call 911.

The comments to the dispatcher should be brief and informative. The caller should try to take a deep breath and get composed before making the call.

The caller should indicate that they were attacked on the street, burglarized or attacked in their home, etc. and required to shoot the intruder to defend themselves, their home or their family, or all of the above.

A description of the assailant should be given, as well as the caller and the caller's family.

The location of the incident should be given and a request for help made.

I would recommend that long narrative comments be avoided. The caller should understand that everything

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he/she says will be taped and used against them later, should there be a prosecution or a civil lawsuit filed.

Whether or not prosecution ensues, civil lawsuits quite often follow, no matter how legally justified the citizen was in defending himself/herself, his/her home, family or all of them at that same time.

If a justified armed citizen were to flee the scene or not call for help, it could be used against the citizen as consciousness of guilt, gross indifference to the medical state of the assailant, or in some other harmful legal theory against him/her.

A prudent call to 911 might go something like this: "Hello, my name is Sam Smith. I would like to request an ambulance and medical help for an individual who has been shot at my home. I live at 1010 Main Street, Any City, Any State. I'll open my back door for ambulance personnel and police to enter when they arrive. The man broke into our house and attacked my wife and children with a knife. I asked him to stop and he came at me with the knife. I had to shoot him to defend my family. He needs medical help. We are all very upset and hope you get here soon. We have a firearm in the house. I'm tall, 50 years old, wearing a blue shirt. I will be waiting by the back door and will follow the directions of the officers and ambulance folks when they get here."

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Assuming an intruder is down, calling 911 for an ambulance is advisable. Calling for an ambulance tends to show that (1) the armed citizen's intention was not to end life, but to protect it. And (2) deadly force was used to stop the imminent threat of death or serious bodily injury, not to end life. The caller should tell the dispatcher that an individual presented an imminent threat of death or serious bodily injury. A response to stop the threat was made. The threat was terminated and the individual is down and needs medical attention. Even if the intruder is unresponsive, he may need medical treatment.

If the intruder is being held at bay, calling 911 for police

dispatch is advisable. If the intruder is injured and being held at bay, police and ambulance dispatch is advisable.

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A failure to call 911 will cause immense problems with the police, the responders, prosecutor, and even a jury.

So, someone needs to call. When you are the caller, know the dispatcher will pump you for information. That is a danger. It is therefore important that the information given is as basic as possible. Plus, there is always the possibility that your actions might be unlawful, or walking a thin line. Therefore, saying the wrong thing could convict you—whereas keeping your mouth shut would have avoided it.

Laws also differ state-to-state. In Florida, the only "safe" use of deadly force is where someone broke into your home or was in that process, or usually when resisting an armed robbery or armed kidnapping. If so, the response should be "a man was breaking into my home, and I was forced to shoot him. Please send an officer immediately."

If asked if he was armed, your answer should be either "yes" if he was, or "I think so" if you are unsure. Never say "no" or "I don't know" unless you want to be arrested.

Anything else beyond your name, address, a very brief description of what you look like, if you are still armed, if anyone else was injured, or if the invader is still alive should be: "I'm really too upset now to talk, I want to speak to an attorney. Please send someone quickly!" Rehearse this last part. There will be significant pressure to vary it, and spill your guts out unless you have mentally prepared. Dealing with responding police is another matter your question did not address.

We extend a heartfelt "Thank you!" to all of the Network Affiliated Attorneys who responded to this question. Please return next month for more commentary from our Affiliated Attorneys on this important topic.

Book Review

Conflict Communication (ConCom): A New Paradigm in Conscious Communication

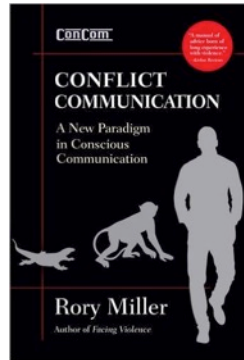
by Rory Miller

YMAA Publication Center

Paperback, 168 pages, \$14 on

[Amazon.com](https://www.amazon.com), Kindle, \$8.99

Reviewed by Gila Hayes



If a book about human communication seems an odd topic for a Network book review, consider this: use of force incidents often result from strained relationships with neighbors, and some of our greatest fears are of attacks by disgruntled people at work or school, dangers from strangers brought into the fold at church, or discomfort with an odd guy or gal at the edge of your social group. We worry about road rage, but some communication—verbal or non verbal—nearly always occurs, creating opportunities to divert impending violence if we know how to manipulate the situation. *Conflict Communication* by Rory Miller introduces the requisite skills.

Miller introduces, “If you don’t see a problem, you can’t solve it. But how you see a problem completely controls the options you have. Each way of seeing an object or situation gives you different options...” This is true of violence, so he explains differences between social conflict, in which you deal with a person, compared to predation in which you are merely a resource or a toy. Different strategies are indicated by the type of violence offered.

Conflict Communications' first fifteen pages wean the reader from emotional judgments of “good” or “bad,” because those discourage solutions, Miller stresses. A good example is his explanation of “othering,” the mental switch by which we rationalize harming humans who aren’t “like us,” and while he explains that this is common to predation, “othering” also removes inhibitions to fighting back. Eliminating hatred or empathy frees you to use force without hesitation and in the aftermath, reduces post-incident psychological disturbances, he writes.

Next, he outlines the three-brain theory. This is a review for die-hard Miller readers, but to synopsise, he dubs the hindbrain, that part tasked with physical survival, the lizard, long called “reptilian.” The limbic system,

emotional and fast to react, he nicknames the monkey, while calling the neo cortex, capable of reasoning, the human brain. The first two are responsible for most quick reactions, many based on survival priorities.

The need for a community or to be in a group is one of the strongest of human needs, Miller explains. This drives many actions and reactions, whether on an individual level or between groups. “Your natural responses to conflict are subconscious, scripted, and for the good of the group,” he stresses, illustrating the principle with productive and counter-productive scripts common in daily interactions. These are the product of the monkey brain, he asserts. The limbic system so equates change with death that even a hurtful script feels safer to the monkey brain. Likewise, the reptilian brain concludes that past occurrences didn’t kill you so repeating even a bad script is preferable to chancing an unknown. Only the reasoning human brain risks change. The bottom line? We don’t deviate from common scripts for fear that we will not survive change.

Scripted behaviors are driven by emotion and kick in before the rational mind catches on, Miller continues. How can the human brain grab control and move from emotion into reason? Instead of trying to deescalate aggression in others, Miller urges readers to first deescalate their own reactions. Amongst a wealth of coaching we lack space here to pass along, Miller teaches that triggering the human brain requires active listening and recognizing emotion, especially anger, as a red flag. “This means your neo cortex, which could solve the problem, is off-line. You are physically incapable of making a good decision if your monkey brain has been triggered...Conversely if you trigger some one else’s monkey brain all the facts, data and supporting evidence in the world will not help,” he warns.

Hints that your rational brain is not in charge? You feel emotion, start to like or dislike the person you’re interacting with, the focus shifts from solving a problem to proving you were right or making sure you get the credit, making excuses or justifications and worrying more about how something is done than that it gets done. Recognizing these signs is important because, even when dealing with genuinely detestable people, becoming emotional disengages the one part of your brain you could use to manipulate them, he urges.

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Miller teaches that scripts are so effective at inciting conflict because the script's roles—be that victim, boss, subordinate, student, savior or something else—do not honor individual personality, identity and life experience. The emotional responses a script triggers make being involved in a script feel intensely personal. It is not; it is role-play and you can change roles, he suggests. Abandoning our perceived identity and assuming a role is one of the hardest things for a human to do, he acknowledges, “We feel it is not a real win if we win by being someone else.”

What initiates scripted conflict? Miller writes that certain words carry great power, and one of the strongest is the word “you.” It makes it personal, activating the limbic system and shutting out the rational brain. “Drop ‘you’...It’s a challenge...As much as possible without seeming insincere or stilted, use the word ‘we.’ It’s still tribal, but helps to prevent othering and encourages cooperation,” he advises.

Beyond our responsibilities for conflict, Miller writes that scripts are highly effective in both predation and social violence, adding that an aggressor can be extremely persistent. Each jab makes it less likely that the intended victim can stay rational. Whether predatory or social, the initiator needs an emotional reaction. A small slip into script participation is all he or she needs to justify the harm they want to inflict. “You must recognize it and spit out the hook,” Miller advises. “Take a deep breath. Acknowledge your internal state. Get back to the problem.”

“Say, ‘Sorry, I was starting to get angry for some reason. So what should we do about the situation...’ It acknowledges the monkey trap but refuses to play. Does not make it personal (no ‘you’ in there) and focuses back on the problem. It even uses ‘we’ as a way to build a perceived unity,” he coaches.

Miller’s long segment on conflict within groups ends with a warning that while much of social conflict does happen at the “Belongingness” and “Esteem” levels of Maslow’s Hierarchy of Needs, this is not true of predatory violence, because the predator is not operating out of the limbic system. Predation is planned and executed from the human brain, and just because the victim must be hooked into responding from the monkey brain, do not

make the mistake of thinking you can manipulate the predator in the same way, he warns.

He breaks predation into two categories, the first being predation for survival by one who desperately needs your resources. The second he terms the self-actualized predator, ranging from one who creates drama and social conflict for entertainment to process predators who enjoy hurting people, feel no shame, and use ritualized, sadistic violence, Miller defines.

Both select victims “unlikely to injure them. Someone who looks, moves, and talks like he or she won’t fight. The meek and timid, but also the overly socialized and polite.” The victim also needs to be hooked into limbic system responses, to further the predator’s physical safety. Script manipulation taught for coping with social conflict is dangerous against a process predator, Miller stresses. “If the person is working from another level, whether predatory (human brain) or in the lizard brain of panic, your social skills *will* not work,” he warns.

“Predators must be handled with human logic. Not the monkey logic of, ‘Let’s be reasonable about this’ but the cold mathematical logic of, ‘You won’t get what you want and what you do get will cost more than you are willing to pay.’”

In closing, it is important to consider at length how to put the book’s lessons to work. Miller urges realistic goals and expectations: “This is not about making your human brain so strong that it can control your limbic system. No simple handbook can beat that much evolution. This is about two things: preventing other people from getting into their monkey brains, or, if it is too late, appeasing the limbic system so you can engage with their human brains, and first and foremost appeasing your monkey brain so it shuts up and lets the humans talk.”

This compact 168-page book contains many strategies we can use to ease social conflict and avoid physical threats. I have only touched upon some of the high points of its instruction. Like the blind men and the elephant, what the reader takes away will be viewed through the lens of his or her life experience, but I am convinced that it contains important lessons for all of us.

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



News from Our Affiliates

Compiled by Gila Hayes

A warm Network welcome to a nice batch of new affiliated attorneys, including Blake A. Payne who joined our Network Affiliated Attorney group after "press time" for this column on the final day of September. Mr. Payne practices in Jasper, AL, and in approaching us at the Network, expressed his interest in being able to be a resource to other armed citizens. I believe the Network's advertising outreach is paying off in more than just increased membership. It has raised awareness of the Network among practicing attorneys and we are getting a lot more contacts from attorneys instead of our usual task of reaching out to the attorneys and introducing a new organization about which they've never heard.

Louis C. La Pietra, of White Plains, NY, who came highly recommended by a Network member, who is also a retired law enforcement officer (see his website <http://www.excoplawyer.com>). We are always grateful when Network members recommend their criminal defense attorney to the Network for affiliation. It works really well when the member can pave the way by explaining to their attorney why they value their Network membership and how their attorney can both assist the Network and gain the benefits of Network membership for himself or herself.

We were assisted in a similar fashion when a Kentucky firearms instructor suggested that attorney William Smallwood of London, KY should call and offer to affiliate with the Network. While much of Mr. Smallwood's firm's income derives from business and tax matters, he and his colleagues are well able to represent a member in the immediate aftermath of self defense, he assured me when we spoke by phone.

Coming to us from Southern Oregon, our latest Affiliated Attorney, Gregory T. Day, practices family law, criminal defense, social security disability and general civil litigation, and is even a past president of his county's bar association. A Lt. Col. in the Oregon Army National Guard, where he serves as Executive Officer of the 1st Battalion, 186th Infantry, he has served our country in the Sinai, Afghanistan, New Orleans and Iraq. I was amused to read a biographical piece he published in his state's bar journal, entitled *Guns, Goats and Justice in Afghanistan*. I think you may enjoy it, too. See

<http://roguefirm.com./the-firm/gregory-day/guns-goats-and-justice-in-afghanistan>.

One Affiliated Attorney's relationship with the Network brought us a new affiliated attorney in a neighboring state. Our Affiliated Attorney in the Spokane, WA area had worked on a case with Joseph R. Sullivan, an attorney across the state line in Post Falls/Coeur d'Alene and Hayden, Idaho. Thus informed of the Network's mission to protect armed citizens after use of force in self defense, this former Idaho State Patrol trooper turned attorney offered to be available to Network members in North Idaho. We are delighted to add his experience, skills and knowledge to our base of resources along with all the other new Affiliated Attorneys. Welcome, gentlemen!

Our little community of shooters is quite closely related when you consider how many times one of our Network affiliates can be found working hand in hand with another. A good example comes from Colorado where rifle builder Keith Everett, who's been an Affiliated Instructor with the Network for several years, teamed with our Advisory Board member John Farnam in creating the signature FSM4 Rifle. This .223 M4/AR-15 rifle is set up to Farnam's exacting specifications and each rifle ordered is test fired by Farnam, as well. It includes an Aimpoint red dot optic, folding back up iron sights, Robar finish, several hand guard choices and an optional weapon light. For a serious rifle that is all set up and ready to go, contact Keith by e-mail at keith@m4precision.com or telephone 970-581-1545.

Keith and M4 Precision, LLC also offer a variety of classroom and range instruction, including NRA Basic Pistol Classes, Advanced Pistol and Rifle Courses, as well as individual instruction for customers based on their personal firearm choice, in order to achieve a more specialized knowledge of the finer details and nuances associated with a given firearm.

Our Gresham, Oregon affiliated instructor Tony Kriss of Advanced Firearms Training is expanding his teaching outreach. In addition to his popular Laser Shot simulator classes, he and his instructor, retired LEO Leland Rowley, also teach concealed pistol licensing classes for the Oregon, Utah and Nevada permits. They also offer a variety of National Rifle Association courses, ranging from the popular Refuse to be a Victim class to range safety officer training, personal protection classes and other basic introductory courses. Advanced Firearms

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Training also operates a full service gun shop at 1121 NE Division St., Gresham, OR, selling firearms, ammo, and all the accessories. Call on Tony and his crew at 503-912-1842 or browse their website at <http://www.aftusa.net/about.html>.

Our Affiliated Instructor John Pemberton of Spartan Dynamics in South Bend, IN is busily splitting his time between work as a manager at South Bend's Kodiak Firing Range and Training Facility and teaching a full curriculum of gun safety, women's only sessions, MI, FL and UT concealed carry license training, rifle and shotgun classes, low light training, knife defense and hand to hand defense skills. Owner and chief instructor John Pemberton is a USMC vet, multiple black belt holder, and certified firearms instructor in a variety of disciplines. Learn more at John's website <http://dynamicspartan.com/courses/> or give him a call to talk about your training needs at 574-387-2282.

Our affiliate Jimmy Minor is busy teaching concealed carry courses and operating his gunshop Granville Gun Works in Creedmoor, NC. He recently asked for more copies of our Foundation's booklet *What Every Gun Owner Needs to Know About Self-Defense Law* for both his NC concealed carry students and visitors to his gun shop. We happily sent along a fresh supply. If you're in the market for a pistol, rifle or shotgun, need holsters, gun cases, ammo or other parts for any of those, cleaning equipment, optics, knives or all the other bits and pieces that fill out your defense inventory, check them out at <http://www.granvillegunworksonline.com>, e-mail questions to granvillegunworks@gmail.com or give them a call at 919-529-9200. Granville Gun Works is supporting the Network by spreading our educational message; let's support our Network affiliates when we shop.

Now that November's here, something that has been on my To-Do list for a long time is coming up quickly. Affiliated Attorney Andrew Branca travels around the country teaching his Law of Self-Defense seminars. This

November, I am finally in a position to go and learn from him when he teaches this popular program in Sherwood, OR. This instruction is important enough to merit one of my days off work during elk season! To make it doubly cool, this seminar is hosted by Network Affiliated Instructor Ryan Tuttle of Threat Dynamics. (See details at <http://lawofselfdefense.com/event/losd-seminar-portland-or-1003/>) I've got a car full of some of my closest friends also registered and we are going to head out early in the morning and spend the day learning about self-defense law in Washington and Oregon from Andrew. I'll tell you all about it in next month's *eJournal*!

Andrew teaches this program all across the nation, so check out the discount he offers Network members at <http://armedcitizensnetwork.org/members/coupons> and don't miss the opportunity to learn about the law of self defense in your state.

I always enjoy sharing news tidbits I've heard from our affiliates, so folks, please send me an email if you have any special events like open houses, special seminars and classes or other interesting tidbits that we can announce for you in this column. If announcing an event, about 60 days advance notice is best since we publish only once a month.

Also, please 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.

We're all in this together, so let's work as a team to get the word out so armed citizens in your community have a better understanding of lawful, judicious use of deadly force and what to expect in the aftermath.

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



Editor's Notebook: Original Membership Goal Exceeded

by Gila Hayes

On the final Monday in October the Network hit our original membership goal of 10,000 active Network members conceptualized by Network President Marty Hayes way back in 2007 when he was pulling together

our Network leadership team in preparation to launch our organization. It was a kind of funny goal achievement, because by day's end, our membership roster count had exceeded 10,000, so that fun "ta-dah" moment passed quickly with no champagne bottles popped open, and after a brief discussion, we all just went back to work. Mondays are like that.

My first contact with Member 10,000 came early on Monday morning. Having been told about the Network by his concealed carry license instructor Frank Le Fevre of Saginaw Firearms, Inc., the gentleman called to ask a few questions about Affiliated Attorneys in his area. We had a nice conversation, and he was cordial and understanding when I explained that the list of actual names and locations of our Affiliated Attorneys is a benefit withheld for the private use of Network members.

Instead, I read him the cities in which Affiliated Attorneys in his upper mid-western state practice, and he happily observed that two practiced law within 50 miles of the suburbs in which he lives. I also explained that Network members are always free to choose any attorney they prefer and the Network will pay that attorney's fees to represent the member after self defense.

We hung up the phone, both went back to work, and then at noon, right before going to the refrigerator to grab my lunch, I checked for online membership orders and recognized his name. For the past few work days, Marty had been curiously intent upon identifying which new member would push our membership roster up to 10,000, so when I set up the membership account for Member 10,000, I told Marty and we worked out a little bonus to give our newest member just to make it fun.

We didn't want to slip too deeply into the "Umpteenth Customer" trope. We had not run any "Join now and become our 10,000th member" contests, did not promote a drawing for a free gun as an incentive to join,

or dangle any other artificial enticements in front of prospects to join the Network.

If the value of Network services and benefits does not speak for itself and we have to resort to gimmicky salesmanship, we would have, in my opinion, no business providing something so serious as after-incident assistance for the self-defense community. Instead, we talk, often at length, with armed citizens who call to ask what the Network offers and during those exchanges of information, we help the callers understand why having the Network backing them up after use of force in self defense is so very important.

I found it unsurprising that the new Network member to briefly hold the spotlight as our 10,000th active member matches our most common member demographic to a "T." Member 10,000 started gun ownership in the way that many of us do—as a young person taking a hunting rifle out to the woods and fields and bringing home some of Nature's bounty to put on the dinner table. He told me that only in recent years had crime in his community grown so rampant that he grew concerned that the property crimes he and his neighbors and family have suffered might turn into a home invasion or a strong arm robbery attempt when he is working at his sign shop.

This sixty-something small business owner has started carrying his handgun when he is at work in his shop. For the first time in his life, he commented, he realized that he must be vigilant and ready to defend against violence. He explained that acknowledging the need to protect himself made him think long and hard about the difference between preventing property crimes like theft compared to using a gun for the defense of his life or of other innocent life. He is looking forward to receiving the Network member education package for more in depth instruction on this important issue.

Hardworking, soft-spoken citizens like Member 10,000 are the backbone of America. I'm not much given to sentimentality, yet I find much to be thankful for in reaching our 10,000th member goal. What a privilege it is to play a small part in providing peace of mind to each of our 10,000+ members who know that if they have to defend self or family, the Network will be there standing beside them in the aftermath, helping to defend their lawful use of force in self defense.

*[End of November 2015 eJournal.
Please return for our December edition.]*

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About the Network's Online Journal

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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:
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We welcome your questions and comments about the Network.
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