

Armed Citizens'
LEGAL DEFENSE NETWORK, INC.



Strategies to Escape an Active Shooter

**An Interview
with Ed Monk**

Interview by Gila Hayes

Last month, Network President Marty Hayes' review of three active shooter interdiction courses, including his outline of Lt. Col. Ed Monk's class, generated a lot of feedback from interested readers. When Monk visited us, the opportunity to explore strategies to survive a mass shooting was just too good to pass up. Since Marty covered the firearms training, I asked questions about broader strategies including what to do if not carrying guns due to restrictions as found in most schools, for example.

Co-owner and instructor at Last Resort Firearms Training, Monk retired after 24 years active military duty, with the last 20 years as an armor officer. He holds a master's degree in continuing education, and taught school for three years in a district outside of Louisville, KY and one year in AR. He currently serves as a part time municipal police officer.

In exploring questions about escaping a mass shooting attack, Monk and I discussed a number of topics that I believe our members will find interesting. We switch now to our Q & A format to share Ed Monk's ideas and research in his own words.

eJournal: The problem of mass spree shooters is multifaceted, requiring solutions on many fronts. As a follow up to Marty's review of your class, may we shift our focus to getting out alive and preparing loved ones to do the same? We armed citizens sometimes see everything in terms of shooting problems, and don't always flesh out strategies for times we may not be allowed to carry our defense guns.

Monk: I think it is important to mentally prepare to fight with a gun if you are someone who carries a gun, to fight with other weapons if you don't normally carry a gun or you're in a place where you can't carry, or to fight with no weapon—with your hands. Now, fighting with a gun has by far the best track record, followed by fighting with an improvised weapon if you are without a gun, and then there's just fighting hand to hand. You may find yourself in any of those three situations.

Some people live in states where they can't get a license to carry a gun. They cannot legally carry

anywhere outside their home. One of the three options is eliminated for them, so they focus only on the other two. People in different situations will have a different fight, depending on weapon availability.

eJournal: A disproportionate number of shootings happen where the victims can't shoot back, and that is only one of the statistics we should consider when planning survival strategies. You have a lot of data to help. How long have you been studying this?

Monk: 12 or 13 years.

eJournal: Is there a correlation between location, profile or type of shooter and how they carry out the attack? Are the patterns different if it happens at a school, a church, a nightclub or a shopping mall, for example?

Monk: If it is an active shooter attack at a church—not one person shooting one other person, but an

[Continued next page]

October 2019

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active shooter—it is almost always someone who has not attended that church. Big church shooting attacks usually start in the parking lot. If it is a school shooter at a middle school or high school, it is almost always a student or a person who was very recently a student who got kicked out within the past year. If the shooting is at an elementary school, it is usually someone not associated with that school. If it is a college, the shooter is usually a student or a recently expelled student or one who dropped out. The University of Alabama is the only exception: they had a shooting by a female faculty member, but that is very rare. If there's an active shooter at an office, he's usually an employee or recently fired employee.

eJournal: That's useful for the individual taking responsibility for their own safety, like an employee ramping up awareness if the company has had layoffs.

Monk: You try to be aware of how people act, but not every active shooter will tip his hand. Not every active shooter has a history of mental illness or a criminal past that people know about. Now, the recent shooting at the Henry Pratt Company in Aurora, IL was by a union employee. You can't just fire a union employee on the spot. There was a long record. Everybody knew he was going to be fired that day, so they probably should've had better security there. I am not saying everybody whose employment is terminated pulls out a gun, but when you are going to fire somebody, that is potentially a high-risk situation.

eJournal: Some businesses are so small they can't afford armed security, then what?

Monk: One option is having employees armed. I can't speak for all 50 states, but I bet the vast majority allow people inside businesses to carry while they're inside the businesses, even if they can't out in public. Long before Arkansas had concealed carry licenses, the owner or manager could carry and could designate people to carry within the business.

eJournal: People who are able and motivated to protect themselves and their coworkers would be distributed all throughout the workplace, not just at the entrance where you'd normally post security.

Monk: The people getting shot at in the Parkland, FL high school had much more skin in the game than the deputy who ran over to the building then didn't go in—or

the next seven deputies who arrived at the school, but did not enter the building where the attack occurred.

eJournal: If a terminated or disgruntled employee or a former student becomes a mass shooter, would you expect him to try to kill specific people or shoot people indiscriminately?

Monk: The shooter in the North Carolina nursing home went there to kill his wife. Once you've killed somebody, your life is over, you are going to be executed, die in the fight or go to prison forever—so he just started killing a bunch of other people. There is no additional cost to kill 20 more if you are going to kill one.

If you believe the news about the Colorado STEM shooting, the 16-year-old shooter specifically wanted to shoot one person but was just going to get several others while he was there. That happens a lot, but some shootings are totally random. They happen in places the killer has never been before and doesn't know anybody. In others, there may be a vendetta against the group: "People at the school bullied me, so I am going to take my wrath out on everybody."

Then there is the notoriety. If you kill just one, you won't get any news coverage outside of your state or city, but if you kill 30, you will get worldwide, instantaneous and continuous news coverage.

eJournal: The fame-seeker running up the body count is an example of how failing to stop a shooter quickly costs lives—more than one might think. What is the equation you teach in your active shooter seminars?

Monk: Generally, an aggressive shooter will shoot one person every 10 seconds once the shooting starts. There are going to be more bullet holes than that, because some people will be shot more than once. The notable exception is if the shooters are not aggressive, meaning they're just kind of wandering around, not really trying to shoot every person they can. At Columbine, we left them in there for over 40 minutes. They could have shot hundreds of people, had they been aggressive. Luckily, they were not. Some shooters are more aggressive. On average, someone is going to get shot every 10 seconds once the active shooter starts.

eJournal: How can we turn that equation around?

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Monk: First, the shooters almost always pick a gun-free zone where no one can legally have a gun to shoot back. They are using math and time against us. From when they start shooting, the clock is running up the time it takes for someone to call 911, for the 911 operator to call a law enforcement officer, for that officer to drive to the location and then, once at that location, get out of the vehicle, find an entrance, get in the building and find the shooter—if they are aggressive enough to do that. That delay will almost always allow the shooter to get between 20 and 50 victims. They don't normally start their active shooter attacks in a police station or an NRA convention. They could, but they won't last very long.

Active shooters are using math and time against us. We just have to turn the tables and regain the initiative on the math. There is something that has a better than 90 percent track record—you ought to pay attention to things that have a 90 percent success rate! In all but maybe one of the active shooter attacks in this country, when there has been an armed person present who acted aggressively, we have had zero to nine victims—single digits. By “present” I mean close enough to see or hear the attack when it started. If a good armed person is close enough to see or hear an attack when it starts, and he or she acts aggressively to stop the killer, we regain the initiative by taking out the delay of somebody making the 911 phone call, the operator making a radio call and the police driving there.

If we can stop this thing within the first 30 to 45 seconds, we have a very reasonable expectation of one to nine victims. If the shooter doesn't self-terminate—shoot themselves or leave—eventually a law-enforcement officer will get to them and stop them, but they keep shooting during the time that takes. It is just mathematically better if someone is there who stops them in 30 seconds than if someone comes eight minutes later and does it.

eJournal: Like you pointed out, the shooter often attacks where guns are restricted. What can you do if prohibited from carrying a gun?

Monk: The government mantra is “run, hide, fight,” putting “run” first. I always put “fight” first because that is the best for humanity. If you and I are sitting in your office and we hear shooting down the hall and somebody runs by and says they fired Freddy this morning and he is shooting people, it is safest for us to run in the opposite direction and get away. The safest

thing for *humanity* is for us to go and stop the clock so Freddy will not go on shooting an average of one person every 10 seconds. So “fight” may not be better for each individual, but fighting is better for humanity.

Even if fighting is not your first choice, you may not be the only voter deciding. You might plan on fleeing or barricading, but it may resolve into you having to fight anyway. If you are going to fight, doing it with a gun has the best track record. If you can't have a gun, you can fight with other weapons.

Take a school, for instance. When I go to schools to talk about this, I say you can grab something with which to strike the shooter. Now, this is against our culture that teaches, “Violence is never the answer. We will not accept violence.” I say, “This is an exception. This is one time where violence is not only accepted but promoted.” Grab a coffee pot, a pointer at the chalkboard, a yardstick, a fire extinguisher or a computer keyboard now and attack the person.

The easiest way to do that is to wait for him in a doorway. Most, not all, but most of the shooters start with a long gun—a rifle or shotgun. Anybody who has done building clearing—going room to room with a gun—knows that going through doorways with a long gun is difficult. Shooters are extremely vulnerable trying to get through a doorway holding a long gun.

As they come through the door, you have a welcoming party. You hit them as hard as you can in the head or neck. Hopefully there's more than one person in that room and you're all waiting to attack him from both sides of the doorway. If that's not possible, you ambush him. Get to where he has to come around the corner and hide there. Attack him there using surprise and extreme violence. Another option is to close the distance by rushing him as the three students did the 18-year-old shooter at the STEM school. When he came in and said, “Nobody move,” and pulled out his pistol, three students independently, without directions from the teachers or coordinating with each other, got up and rushed him. They stopped it very quickly.

If fighting unarmed, you need to understand guns and gun malfunctions, which happen often to active shooters because they are generally punks that don't know how to operate Dad's gun very well. You need to understand what it looks like when they reload or when there's a malfunction. Both of these actions will create a small

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window of opportunity for attacking the killer when his gun is not functional. When I give this talk at schools, I remind teachers how the stapler on their desk gets jammed up with staples, and they have to open it up and pry out the stuck staples to get it going again. I explain to them that sometimes a rifle's ammunition gets jammed much like those staples do, and you've got to partially take it apart to get the gun working again. If you recognize when that happens or when it has to be reloaded, you've got anywhere from a 15- to 30-second window in which you are on an equal footing and can either fight or flee.

A first-grade student in the first classroom the active shooter entered at Sandy Hook Elementary School recognized when the killer's rifle was empty and ran out of that classroom while the killer was reloading. A teacher in the hallway on the third floor of the Parkland, FL school also recognized when the killer was reloading. He and several students ran to the stairwell and out of the building during this pause in the killer's shooting.

You can strike him with improvised weapons. Lots of things are not designed to be weapons, but if someone smacks you really hard with a metal folding chair, that's a weapon. If you're in the school's chemistry lab, throw chemicals at him. If you have hot coffee in a pot, throw the coffee at him, then bash him with the pot.

If you don't have weapons, you can attack the person and tackle them to the ground. If they have greater size and strength and have a long gun—remember, most often they start with a long gun—you can simply tackle the gun. Wrap yourself around the rifle or shotgun and fall to the ground. They can hold the weapon up, but if you weigh 150 pounds, they can't hold up you and the weapon. Those are all options for fighting.

eJournal: Is hurling furniture and other stuff at an active shooter better than dog piling?

Monk: Throwing stuff at them will slow them down. We test that by giving a student a toy air soft gun and instructions to shoot as many as possible. We do that without fighting, and then do exactly the same thing but give out tennis balls or nerf balls to throw at the guy with the airsoft gun. If something is flying toward your eyes, you have to block it, you don't think about it, you just do it. It is just a reaction.

Throwing stuff will slow a shooter down. I would rather he was limited to shooting 18 people instead of 30

before we get him stopped. Stop him if you can. Get away from him if you can. If you can't, slow down his shooting rate.

If you have the opportunity to fight, do it smarter. At the STEM school, the guy comes in and pulls a gun out, so they just did what they could and rushed him. I can give you a long list of where fighting and unarmed resistance has been successful, but I can give you a longer list where it was unsuccessful.

eJournal: How do we define success?

Monk: In the STEM school, three brave young men, got up and rushed the shooter. One was shot and killed; one was shot and wounded. Of the three, that's a 67 percent victim rate, but had he kept shooting, he might have shot 10 or 20 students, or more. While it was not successful for the one brave student who died and the one brave student who was wounded, it was successful for all the other students in the classroom and possibly those who could have been shot in other classrooms. That's why I say, fighting any way you can is better for humanity.

eJournal: If you have school-aged children, what age-appropriate strategies would you teach them to survive a mass shooting? Do we tell our kids to tackle a gunman?

Monk: No, I would talk to my kids, but I would talk to them differently than I talk to teachers and other adults. How they might respond depends on whether they can run away or are cornered. When I was 5 years old, I could throw a book or other things to make it much harder for a shooter to shoot as rapidly as he could otherwise. It would slow him down and that might help the 5-year-old and other people escape.

If you're cornered, fight. It is hard for me to understand people who say, "We don't want to scare 5-, 6- or 7-year olds." We don't have a problem telling 5-year-olds, "If there's a fire, stop, drop and roll," because it might save them from being burned to death. When we buckle a little baby in a car seat, and they don't want to be in it, we say, "It is to protect you in case we have a horrible car wreck." We have tornado and fire drills in schools, and we don't sugarcoat it and explain it away. We say there are fires and they are horrible. To save us, we will get out of the building. I don't see why it is any different to say, "There are evil people that might come in here and shoot us." It is not hypothetical; they have done it before. We need to have a plan, just like we do for fires.

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eJournal: Schools commonly prevent students from running away from shooters because it is standard response to lock down the facility. Is that a good idea?

Monk: I am not against lockdown; it has a very limited value under very limited situations. You can have an interior lock *in* or lock *down* or an exterior lock *out*. Let's say there's an armed robbery at a convenience store a block away from school. The police are out looking for the robber, who is on foot. You would do an exterior lockout. You would put people at all the doors to be sure the threat didn't get in.

A good reason for a lock down might be if someone told the principal, "I overheard an 11th grader say he had a gun in his backpack or in his locker." We would lock it down, so everybody stays in their classrooms. Nobody goes to the restroom or changes classes; everybody stays where they are until police search that bag or locker. Locking down is related to fight, flee, barricade. It's best to fight, but if you cannot, you should flee. Fleeing is ingrained in us already. A baby rabbit knows to run away from somebody shooting at it, like the survivors who were in the first classroom at Sandy Hook. After the two teachers had been shot, the kids, now without leadership, ran away. It is ingrained in us to run away from something that we can't fight that's trying to kill us. Every kid who left the classroom lived.

Don't have artificial rules or let authorities apply artificial rules to make victims stay put while the shooting gets louder and closer. In the two districts I taught in, during a lockdown drill every single person in every single classroom on every single floor of the school had to do the same thing. That is an easy plan to write; it is an easy drill to do and to check a box and say we did it successfully, but it will get people killed.

Often the shooting starts at the front foyer or the front office, so having students in a classroom right by the front door run away isn't best, either. Barricading the door, and then preparing to fight if the shooter comes through that door is better for them. It is different for the teacher down at the far end of that wing. Their best option is to get out and get away from the building so they are safe. That way there are fewer people to shoot and when the police come, there are fewer people in the school that they have got to worry about. Lock down has got to be determined by the situation. If there is an active shooter in the building, everybody has to know they can act independently.

eJournal: It is hard to imagine school districts endorsing independent responses.

Monk: I was in the military and they don't like independence either. I taught public high school in two different districts in two states over about four years so I know the bureaucracy and some of the mindset. When I talk about this with teachers, I tell them if I am a third-grader and I have been allowed to go down to the bathroom or the office to pick up something, and I am halfway down the hall or in the restroom when a shooting starts, I have no instructions and I will get none. I need to act independently. Schools don't like telling third-graders, "OK, you make your own decisions and you act however you need to."

Students have to be told this is extreme, extraordinary, out of the norm, so your actions need to be extreme. They have to be given permission to do certain things in this extreme, rare circumstance they couldn't do in others. Normally, we do not want you running down the hall, but you can run in this situation. We will punish you if you intentionally break out windows in other situations, but we encourage it here if it will save anybody's life. We don't want you going through doors with signs "Unauthorized Exit/Entry," but today you can. You can do anything to save lives. Anything!

In extreme circumstances it is okay for adults to break rules, too. I remember reading about a fire in a club. There was a sign on the kitchen door "Authorized Personnel Only." People stopped and went back the other way. You can go through the door into the unauthorized area that you ordinarily can't go through, you can break windows to get out, you can violate rules to get away from a person who is shooting at you.

eJournal: An argument sometimes made against running away suggests that the intended victims may run right into a hail of bullets. Another argument is that a second shooter will be outside waiting to kill those who are escaping. Is either valid?

Monk: Several things ran through my head as you asked that. One, if we are talking about schools, where are we going to tell our kids to run? Where doesn't matter. Tell them instead what to run away from. What you are running away from determines the direction of travel. If you can hear the shots, go away from the shots. Just go away from the shots. Will we have people that we cannot find for a few hours? Absolutely. Parents

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will be pissed until we find their kids, and then they will be happy and they will forgive us. If students can be found easily because they are shot to death on the floor of the science room, the parents will never forgive us.

When there has been an active shooter, there has never ever been anybody else outside waiting for the first responders or for those escaping. I am not saying it couldn't happen, because we have seen someone call in a domestic dispute and then shoot the cops when they show up or report a fire and then shoot the fireman and the police. That hasn't ever happened in an active shooter situation.

eJournal: In light of the math and time affecting the numbers of victims, should the armed citizen call 911 before going to try to stop the shooting?

Monk: No. There are plenty of other people that can make the 911 call. If you've got a gun, and you are able and willing to go stop the shooter, don't do anything that would delay stopping him. When I work with cops, I tell them, "It is cool that you have a helmet and a vest, a go bag, an active shooter bag and a trauma bag in your trunk. Leave them all there and go find the active shooter. The time you'll use to get out, pop the trunk and put all that cool gear on, is at least 30 to 45 seconds and in that time, four more people will be shot. If you have a hand gun and you know how to use it, get in there and shoot the guy."

eJournal: If you come across injured people are you going to slow down to help them?

Monk: If you were fleeing and pausing to pick up and carry out or help someone limp out doesn't cause more damage, then by all means do it. However, if you are the armed person—police or not—who has chosen to go find the shooter and stop him so someone doesn't get shot every 10 seconds, as hard as the decision is, you must not stop to help wounded people.

If you are the first person there with a gun, you are the best person there who can stop the shooter. A lot of other people can evacuate the injured, put on tourniquets and bandages and apply pressure until they let the EMTs in, but until the shooter stops and the place is declared safe, those professionals will be held back four or five blocks away. If you're the aggressive armed person going to stop the shooter, it would be tough to pass injured people who you knew you could help—

especially if they were your coworkers or people in your church—but you have got to go stop the shooter.

The first four cops that entered the Parkland high school saw a wounded staff member and two of the four immediately broke off to evacuate them. That left only two to do the search and slowed down the process of clearing the building. Now, that didn't hurt anything because although they didn't know it, the shooter was long gone. The first armed people in the building have the priority to find the shooter. That could be a hard decision, but we have got to do it.

eJournal: Those escaping may get to the exit about the same time the police arrive. What concerns do those folks need to be aware of?

Monk: If you're fleeing, have your hands plainly visible and if police stop you, follow their directions, but typically that's not going to happen. If you are already outside the building, the police would like you to leave so there are fewer people they have to worry about in there.

eJournal: What would you expect if you haven't reached the exit and you run into police?

Monk: You may be told to stop and get on the floor. If you are still in the building, you very likely may have guns pointed at you. Just do what you are told; try to make the police officers' job as easy as possible. Police are human just like you. They're amped up, too, but they're going the opposite way. If you are fleeing, they are going toward the shooting. They need to check you off the suspect list and go find the person who is shooting. Whether you are a cop or an armed civilian going after an active shooter, you have to look at a whole lot of people and mentally check off, "That's not him. That's not him. That's not him," until you see the one with the gun shooting people.

eJournal: What's the likelihood of there being more than one shooter?

Monk: The STEM school shooting was the fifth attack in America where we had more than one shooter. Of those five, there have never been more than two shooters. More often, it is usually one person who is not well-trained. Someone needs to go in there and stop him. Stopping the shooter does three wonderful things: he will not shoot any new people, he will not shoot the

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ones who have already been shot again, and we can get the ambulances and EMTs in there to treat and evacuate victims.

Here's another thing: more times than not, when there is an active shooter, there are almost always false reports of other shooters. There is usually only one but once you've put him down, people may say, "There is another shooter up on the second floor! There is another shooter down in the parking lot!" Don't totally disregard that, but if you don't hear shooting, stay with the one you shot because the odds are, that is the only one.

If you find the one and you shoot him, then you hear more shooting and decide to go, you need to understand the police are going to show up eventually. The clock is ticking. If it takes you a while to get to that second shooter, the chance for fratricide goes up. It has never happened and the odds are extremely low, but in that situation, the odds start to go up.

eJournal: I am glad you brought that up, because Network members have asked how not to be mistaken for the active shooter.

Monk: Cops have never yet shot an armed citizen reacting to an active shooter. They never, ever have. They have shot other cops, but cops have never shot an armed citizen who is trying to stop an active shooter. That is because the armed citizen who is present gets there and stops the shooting long before the cops show up.

The only reason an armed citizen takes action against an active shooter is because you were present when it started. If you react aggressively, in almost every case you will end it in the first 30 to 45 seconds. There will be single-digit victims, and you will be smoking your third cigarette by the time the first responding officer shows up. That's not because the officer is not brave, but because of the time it takes for police to be notified and travel there. He can't help how long it takes him to get there. It is math and time. That is all it is and math is a bitch.

The exception would be if this is a nonstandard, protracted attack like in the DC Navy Yard's four-story office building. Let's say you heard shooting and you went looking for him, but because it's an office building with cubicles, it takes you a while to find him. If he's moving around inside a complex structure and you've

got your gun out past about two minutes, the chances of fratricide by a cop start going up.

eJournal: If you go to find and stop an active shooter, will you go slow and tactically or go fast and take more risks?

Monk: Generally, if you can hear the shooting, you go fast. The faster you get to him the sooner you can end it and the fewer people will be shot. If you can hear him shooting, he is not waiting somewhere to shoot you. He is in the middle of his fantasy shooting other people. When you come around the corner or go in the door with a gun leveled at him, your muzzle flashes will be a huge surprise. Go fast if you hear shooting. Is that riskier? Yes, but he is not waiting there for you and getting there more quickly saves the most lives.

We teach that there are a lot of speeds between slow and fast. If you see him walk across a hall with a rifle, you can rush down to that door. If you do not hear shooting, so no one is getting shot right now, you can take a little more time going in. Maybe you've heard shooting down the hall, but now it has stopped and you don't know what room it was in, then you would slow down. You do not know where to go to fast, so you go methodically, slowly, to try to find him.

The general rule is to go fast if you hear shooting; go slower if you don't.

eJournal: Does the same principle apply to escape for those who can't be armed?

Monk: Yes. If there has been a shooter, but he is not shooting right now, maybe you can go a little more tactically, slowly, carefully because you don't want to run into him if he is still in the building. But if you can hear the shooting, move! You should be running, crawling, slithering, jumping—whatever you have to do to go in the opposite direction.

eJournal: If you have little children or infirm seniors with you and decide to go stop the shooter, do you separate and leave them on their own to fend for themselves?

Monk: In a training event, I once heard an instructor say, "You are not required to orphan your children and widow your spouse, so that other people can be with their children and spouse." The same thing applies here. You don't have to fight. If you have a police badge and

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you have taken an oath, and voluntarily said you will protect, then you need to do that or renounce the oath and get off the job.

If you are a non-sworn individual, then you will have to make a decision. You could send your family out ahead like the cop in the Salt Lake City Trolley Square Mall shooting did. He told his wife, "Get out and call 911," then he went and dealt with it. That's an option. If your spouse is armed, then you both go and stop him. In the past several years, there've been two incidents in which armed citizens who didn't even know each other worked together to stop an active shooter. In the Sutherland Springs, TX church attack, one armed and one unarmed citizen worked together to stop an active shooter.

eJournal: We've only scraped the surface of a complex topic. In synopsis, what would you would like for Network members to know?

Monk: In my mind, it is so simple. In every active shooter attack in the U.S., when there has been an aggressive, armed person who saw or heard the attack when it started, they've been able to stop the shooter 100 percent of the time. Once an active shooter gets shot at by another person, cop or non-cop, they stop shooting innocent people and either commit suicide, or they transition to barricading and wait for police.

At the Borderline Bar and Grill in Thousand Oaks, CA, the active shooter did not shoot any more citizens in the bar after a sheriff's deputy and California Highway Patrol officer went in. The shooter shot the deputy, but those shots hit his vest and didn't kill him (his death was blue-on-blue fratricide—the shot that killed him was from a Highway Patrol officer's rifle) and then they pulled the officers out. From that point on, the active shooter was cornered and when SWAT got there, he knew the end was near and he killed himself.

That is fairly common. Some of them choose to fight it out and go out in a blaze of glory, and others think a shot to the head will be quicker so they do that and go

out on their own terms. The Pennsylvania synagogue, the Aurora, IL Henry Pratt Company, the Santa Fe school are examples where the active shooters shot responding cops, but more time elapsed after that during which they didn't shoot any more innocent people. They transitioned from spree shooting to waiting for the police or they killed themselves.

Fighting slows or stops the clock. It stops active shooters from shooting more people. God love the brave, brave people who died after fighting back unarmed, like the student at the STEM school and the North Carolina college student. The three soldiers in the Fort Hood deployment center who rushed the active duty major who was shooting were barehanded except one who tried to hit him with a chair. All three were shot dead. Their fight slowed down the shooting, but I wish they'd had guns. Fighting stops the clock. Fighting with a gun gives, by far, the greatest chance of success.

eJournal: Thank you for studying and teaching how to stop active shooter attacks and for taking time today to explain some of the details about which Network members have questions. We really do appreciate your work!

About our source: Ed Monk is co-owner and instructor at Last Resort Firearms Training (<https://www.facebook.com/Last-Resort-Firearms-Training-180316642038491/>) in central Arkansas. He is a graduate of the U.S. Military Academy (West Point) and retired as a Lieutenant Colonel after over 20 years as an armor officer, including duty in Iraq, battalion command, and three assignments as the leader of military training teams. He provides educational presentations to universities, schools, civic organizations, and other groups on the active shooter threat. He can be reached at edmonk@aol.com.

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Please enjoy the next article.]



President's Message

by Marty Hayes, J.D.

I got a call the other day that I thought would make good subject matter for my *President's Message*. The caller, a Network member for several years, related a story to me. It seems that a good

friend of his is an avid bicycle rider. He was riding along one day and was chased by a dog. In response to the dog chasing him, he drew his pistol and fired close to the dog, with the hope of scaring the dog away. Our member related that he tried to explain to his friend how this might not be the best course of action to take. His friend was having nothing to do with the member's argument and so the member called me to discuss it.

We had a nice discussion covering several factors. First, any discussion of use of force must take into account your local laws, including a search for appellate court cases addressing the issues in the incident. I recently came across a great legal research tool, available free of charge and without commercial advertisement. That tool is called Google Scholar and it is awesome. I have been using it to research case law regarding the Network's fight with the WA Office of Insurance Commissioner and in doing so, cross checked what I found against some other case law search engines. I found it to be accurate.

Google Scholar's use is pretty easy: you click the button for Case Law Search at <https://scholar.google.com> and select the state you wish to search. Then, when you get to the search function, type in the specific statute number if you have one, or a relative term like "shooting dog in self defense" and you should find cases which address your question. You might have to try various different search terms to get to all the cases.

If you find a case or cases relevant to your topic, the decision will likely reference a previous case (indicated by a blue underlined link). You can click on the link and browse directly to that case for further study. Keep reading the various decisions, until you have decisions addressing your area of concern. When I find a case I want to save, I copy the whole case and paste it into a

Word document for future reference. My hard drive is full of these types of files on a variety of legal subjects.

Once you know what the courts have decided about this particular subject, you are in a better position to understand whether or not shooting at a dog chasing you as you ride a bicycle would be considered a reasonable act. If you did not find any cases directly applicable to your area of concern, your particular issue might currently have no case law, meaning that no appellate court in your jurisdiction has ruled on that particular issue yet.

If you go on to commit an act (like shooting to scare away a dog) that gets you arrested, prosecuted and convicted, YOU get to be the test case, which means you are the appellant in the court of appeals decisions. Of course, that process would take many months, if not years to wrap up, not to mention the money you spend. If you are a member of the Network, we would likely assist in a case like this, but we would need to look at the specifics before believing that firing the gun was reasonably necessary.

In a perfect world, you take no shots at or towards the dog, but instead, use a fogger can of pepper spray discharged into the path of the pursuing dog, and at the same time yell a loud NO. Domestic dogs may be conditioned to react to the NO command, and accompanied by the pain of pepper spray exposure, are likely to break off their pursuit. That's much better than shooting at or near the dog.

Whenever a person discharges a firearm in public, that act will be scrutinized and a decision whether to prosecute will hinge on a couple of factors. First, was the person in fear of death or grave bodily injury at the moment the trigger was pulled? If the person was in reasonable fear of death or grave bodily injury, the question becomes, was the force used no more than what was reasonable under the circumstances. If the answer to both these questions is yes, there is a good likelihood that you would not be arrested or prosecuted. But if the answer is NO, or even "Don't Know" then the police may just decide to err on the side of caution, make the arrest, and let the prosecutor make the final decision to prosecute or not.

[Continued next page]

October 2019

Now, getting back to our dog issue. If a dog is chasing me, the first thing I want to do is eliminate the dog's instinctive predator/prey response. I would stop at a safe location, face the dog with my can of pepper spray in hand, and yell a firm NO. The mere act of squaring off to the dog, taking an aggressive posture and giving a forceful command will stop most dogs in their tracks. They are, after all, masters at reading body language and making predator/prey decisions. All of a sudden you turned in to a large and aggressive predator and that should stop the dog.

What if it doesn't? If the dog attacks, then you are much better off defending yourself from a standing platform, as opposed to a rolling one. When do you shoot? That will be up to you and entails concerns specific to the situation. For me, I will likely wait until the dog has ahold of my pants, then shoot down into the back, aiming to hit the spine. I don't want to shoot at an angle, as a bullet has a good chance of ricocheting off the hard pavement or gravel and going who-knows-where. As in the original question about shooting to scare a dog, that would very likely get you charged with some type of gun crime—perhaps at the low end of the spectrum violating a local no shooting ordinance, or at the upper end, felony reckless endangerment.

Shooting at dogs is a tricky business. I would do just about anything to avoid it and consider it necessary only after concrete evidence I was being attacked (like bite marks on my calf or torn trouser legs). I would welcome reader input on this issue, either regarding the legalities or the tactics. What worked for you, under what circumstances?

Update on Insurance Commissioner

The old saying "No news is good news" applies. We haven't heard a thing from the Washington Office of Insurance Commissioner, but through our freedom of information/public records requests, I have learned a lot about what the OIC seems to be looking for. As I've mentioned in past columns, they have or are also

investigating NRA and their insurance underwriter Illinois Union Insurance Company, the USCCA, Texas/US Law Shield, CCW Safe, and since my last column, I've learned that they investigated the Fraternal Order of Police's Legal Defense Plan.

Apparently, the FOP investigation is complete and the OIC has not taken any formal action against them. Network membership benefits very closely parallel the FOP's Legal Defense Plan, and both programs were created for the same reasons. When the FOP started their Legal Defense Plan, it was in response to allegations of misconduct against officers and individual officers being targeted unjustly by their agencies. Consequently, they offer three types of plans: A) Administrative Actions, B) Civil and C) Criminal. They describe their plan as follows: "A self-funded ERISA plan that is available to eligible FOP groups and individual members. The Plan provides coverage for administrative proceedings, including those arising off-duty and outside the scope of employment, civil lawsuits, and criminal investigations, prosecutions, and grand jury proceedings that arise in the scope of your law enforcement employments."

If you're interested in greater detail, click <http://www.foplegal.com/>, and spend a little time on the Fraternal Order of Police website. You will find that what they do and offer is very closely aligned with what the Network does. I should have more information for my next column.

Chat with Me at Gunsite Alumni Shoot

For our members who are going to the Gunsite Alumni Shoot October 5th this year, please look me up. I will be the big blond guy shooting a 1911 and wearing a navy Network ballcap. I would love to shoot with some of our members.

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



Attorney Question of the Month

This month's Attorney Question continues a discussion of the legal implications of gripping a holstered handgun while issuing verbal commands to stop an assault. If you missed the first set of attorney responses, read them at <https://armedcitizensnetwork.org/august-2019-attorney-question> and <https://armedcitizensnetwork.org/september-2019-attorney-question> as they are instructive. Here is the question we asked our Affiliated Attorneys:

In many states, a person has committed the crime of assault when he or she verbalized a threat of force accompanied by threatening actions.

This can create a problem when an armed citizen only puts his or her hand on the grip of the holstered pistol and gives verbal commands to stop a threat without actually drawing the gun. If a citizen in your area does that, with what crime are they likely to be charged? If convicted, what is the likely punishment?

What should a Network member do to avoid facing charges after that kind of situation?

The third and final installment of multiple answers to these questions follows.

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There is no crime of "assault" per se in Indiana. In Indiana, the intimidation statute is probably the most relevant statute to consider (IC 35-45-2-1). Although the statute is rather complicated in terms of the number of possible acts that could be considered intimidation, for our purposes, simply consider the possibility that the crime of intimidation could be charged when a person communicates a threat with the intent that another person engage in conduct against the other person's will. Intimidation can be an "A" misdemeanor punishable by a sentence of up to one year. It can also be a level six felony in several other circumstances, including but

not limited to, threatening to commit a forcible felony. Examples of a forcible felony would include murder, rape, and arson of an occupied building. Level six felonies are punishable by up to two and a half years in prison. More importantly, the crime of "intimidation" can be a level five felony with a maximum prison sentence of six years if, while committing it, the person draws or uses a deadly weapon. It should be noted that Indiana courts have indicated that the mere display of a handgun does not express an intention to unlawfully injure a person or his property that would support a conviction for intimidation. The state will probably have to show the existence of words or conduct that are reasonably likely to incite confrontation coupled with the display of a firearm to get a conviction for intimidation. Nonetheless, the consequences following a charge of "intimidation" can be very serious.

Given the ambiguity of the phrase "draws or uses a deadly weapon" in Indiana's "intimidation" statute, it is quite obvious one must be cautious in the display of a firearm — or even simply putting a hand on your holstered firearm while visible to another in a confrontational setting. Furthermore, one can imagine a perpetrator alleging an armed citizen pointing a firearm even if an actual pointing did not occur. Although Indiana does not have a "brandishing" statute, we do have a statute that addresses pointing a firearm at another person. IC 35-47-4-3 indicates a person who knowingly or intentionally points a firearm at another person commits a level six felony. It is a Class A misdemeanor if the firearm is not loaded. Given the severity of the circumstances and the possible charges of intimidation and pointing a firearm, one must be prepared to articulate why you displayed or put your hand on your gun. You must be able to articulate why a reasonable person would have done the same thing under the same circumstances knowing what you knew at the time. The standard is reasonableness—not perfection.

Keep in mind, even though someone might be falsely accused of intimidation, this should not be construed as an indication that one should only draw your firearm, or even place your hand on a holstered firearm unless you are justified to shoot. In our estimation, there are certainly situations where visibly

[Continued next page]

October 2019

placing your hand on your firearm or even drawing the firearm may be justified despite the fact that you may not be justified in pressing the trigger. We will just say that the topic is extremely well covered in Massad Ayoob's MAG 40 class, and you should take that class if you have not already done so. If you are a MAG 40 grad, we encourage you to review your notes. Please also review the Network DVDs you were provided when you joined the Network. We believe the evidence is clear that a firearm can have a life-saving deterrent effect in some situations even without firing a shot. Take a look at the work of Dr. John Lott or Professor Gary Kleck for evidence that there are upward of three million defensive gun uses in this country per year—most never requiring the discharge of the firearm.

Although beyond the scope of legal analysis, we would suggest to you that gun handling proficiency, in terms of presentation from concealment, can help you avoid displaying a handgun if that is preferable under the circumstances. Obviously, if you can present a handgun from concealment in 1 to 1.5 seconds, you will be afforded more opportunity to avoid problems associated with displaying a handgun than someone who takes longer to present from concealment. This is simply an example of how honing your skills can potentially help you avoid legal issues. This question also brings to mind the issue of pocket carry with an appropriate pocket carry holster. Although there are downsides to pocket carry, one advantage is that you can potentially have your hand on your firearm in your pocket thus avoiding display, if appropriate.

To minimize the chances of being charged with intimidation, one should call 911 to report the encounter.

Generally, by calling 911 first, you will be labeled the victim by default, which is consistent with the truth. It could also ameliorate the consequences of a bad guy calling and falsely reporting you as some crazy person waving a gun.

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It's different in my state (NY). A completed assault requires an actual injury. Merely touching a gun wouldn't even be an attempt. However, unless justified it could be considered menacing, coercion, and/or criminal use of a firearm. This would be so even if one didn't touch the gun. I would counsel anyone against displaying, brandishing, or even verbally threatening the use of a gun unless circumstances allowing its actual legal use are present.

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If a threat is recognized, and that is several columns all by itself, self defense is a defense to a charge of brandishing.

A big "Thank You!" to our affiliated attorneys for their comments. Please return next month when we ask our affiliated attorneys for their thoughts on a new topic.

Book Review

Guns and Self-Defense: 23 Inspirational True Crime Stories of Survival with Firearms

By Robert A. Waters and Sim Waters

Published by Real Crime Press, May 2019

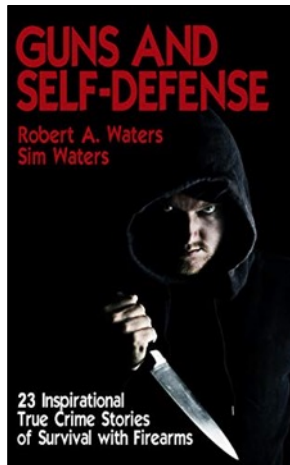
ISBN-13: 978-1095644812

227-page paperback \$9.99; Kindle 182-page

eBook \$4.99

<http://www.robertwaters.net>

Reviewed by Gila Hayes



Studying crime reports is one of the best ways to encourage “what would I do if...” questions to hone mindset, readiness and self-defense skills. I’m a big fan of true stories about men and women who fight back against violent criminals. A few weeks ago, a Network staffer showed me a book he’d read over the weekend that was coauthored by Robert A. Waters, whose earlier work I reviewed in this journal in August of 2010. I downloaded his new book and started reading the same day.

The armed citizens in Robert and Sim Waters’ news snippets in *Guns and Self-Defense: 23 Inspirational True Crime Stories of Survival with Firearms* represent a cross section of American citizenry—poor people, blue collar workers and professionals, retired people, single moms and caring neighbors defending neighbors who are being harmed.

The authors of *Guns and Self-Defense* introduce their stories by observing that “about 17,000 Americans are murdered annually. First responders rarely reach a crime scene until after the fact. U.S. courts have ruled that it is not the duty of police to ‘protect’ citizens. For this reason, many Americans keep firearms in their homes or carry guns on their person.” Their book avoids politics and questions of constitutional law, focusing instead on violent criminals, their evil deeds and how ordinary men and women used guns to avoid being seriously injured or murdered. As the co-authors explain, none used guns in defense of property.

I was struck by how many of the victims or their loved ones were injured before shooting to stop their attackers. One case in point is the authors’ story of an elderly man and his wife who found an intruder in their home when they returned home from an outing. Both

were shot in an exchange of gunfire, but they killed the intruder and the man was able to call for medical intervention that saved their lives. Others were brutally beaten or suffered knife wounds before shooting the attacker.

Most of the criminals shot were repeat offenders. Drug use and to a lesser degree drunkenness are often present in the attackers’ profiles in these stories, and quite a few of the crimes are by teenaged gang members. That was the situation when four teenagers planned to invade and steal from a marijuana dispensary in

WA State, but became confused about the location and instead broke into a 60-year-old couple’s home. After demanding the “weed, money and gold” from the man at gunpoint, the robbers realized that this wasn’t the pot dispensary and began demanding jewelry and money. They restrained the couple with an electrical cord, threatening to shoot and kill them. Finding no gold or marijuana, the teens took a little jewelry then left abruptly, but broke back in to retrieve a backpack containing their stolen goods and cell phones. The homeowners had freed themselves, called police and gone to their bedroom for a loaded pistol when the teens burst back in. After one was shot, the teens fled again.

The book relates a similar FL case. A gang of about 15 convicts and parolees became convinced a home was occupied by drug dealers because numerous cars were frequently parked outside. One gang member claimed the residents had \$90,000, anticipating that they would be rich if they stole it. A violent invasion ended in the death of the instigator, but not before the grandmother living there was crippled and her husband suffered a head wound while their grandson cowered in his bedroom and prayed.

Teenaged criminals figure prominently in the stories told, including an attack by two teens and a 24-year-old against a wheelchair-bound man, who is missing both of his legs. When they forced his front door open, the resident began shooting when the intruders tipped him out of his wheelchair and onto the floor.

Some of the defensive shootings were to protect others, like the shots that saved the life of the AZ Highway Patrolman who was badly injured before a motorist saw “a state trooper lying on his back while an

[Continued next page]

October 2019

assailant straddled him, punching him over and over.” The motorist hesitated only long enough to move to an angle that would miss the downed officer and then he shot and killed the attacker, *Guns and Self-Defense* reports. The good Samaritan who saved the patrolman's life had had his rights restored after losing them some years earlier in a felony theft conviction.

In a similar incident, a FL sheriff's deputy pursued a speeding motorist who was pointing a handgun out of his window. Stopping abruptly, the assailant, who was in the throes of a psychotic break, ran back and tackled the deputy before he could get out of his car. The assailant was getting the upper hand when an armed citizen shot and killed the attacker. The citizen heard the deputy calling out for help and saw him trying to keep his gun secured. He explained that although a number of people witnessed and video recorded the assault, none tried to stop the attack.

About a third of the self-defense incidents reported involved multiple assailants. In one, a young mother and registered nurse fended off two assailants as she arrived home at 1 a.m. They demanded her keys, but she feared they'd harm her children who were asleep in the house. In her other hand, she protected a zippered pouch containing her gun. When one attacker went to their car to get a gun, the woman was able to get her own gun out and shoot the other teen who was still fighting with her. The previous night, the youth she shot had shot a man in a carjacking attempt. The investigation following the nurse's defensive shooting led to arrest and conviction of the youth and several of his accomplices.

Home invasions aren't always about theft. In one of the *Guns and Self-Defense* stories, renters in an apartment building endure repeated threats and assaults by a deranged, fellow resident. The final assault was videotaped when a man renting one of the units recorded video to show the landlord in hopes of getting some relief. Instead, the video showed a shooting after the front door was kicked down and the neighbor barged in brandishing a machete. Another resident of the building had just chased him out of his apartment.

The armed citizen explained, “Everybody has the responsibility to take care of themselves and their family, and everybody needs to take that with the utmost responsibility because government or police are not going to be able to be there to do that for you.” He explained that the intruder fell to the floor after being shot three times, after which the armed citizen consciously stopped his counter attack. He had read that justification to use deadly force ended when he and other innocent people were no longer in danger of being killed or crippled and he acted on that knowledge.

The county prosecutor commented, “This is the perfect example of your legitimate right to defend yourself in your home from a violent intruder...Mr. Thomas asked why the occupant shot him and the occupant said, ‘I thought you were going to kill me.’ And Mr. Thomas said, ‘I was.’”

While gun model and caliber used are generally included in the stories, specifics about ammunition are not. While the numbers of criminals surviving the gunshots cannot be attributed entirely to caliber or poor marksmanship, the savvy reader will pay attention to where the attackers were wounded in the gun fight. In one story, a home intruder died after being shot with a .22 and another home intruder paralyzed by a .22 lodged in his spinal column. In others, shots from .380s deter criminals enough that they ran away but were later picked up by police with gunshot wounds to their legs and buttocks.

Many of the intended victims called police for help, battled their attackers hand to hand and were injured before resorting to shooting. In one chapter, the authors contrast a six-minute police response with a nearly 20-minute wait for police. In both, women hide in their homes while criminals break through doors, told through the transcript of their calls to 9-1-1.

I've enjoyed Robert A. Waters' writing in years past and I would like to see it continue. Visit his website at <http://www.robertwaters.net> and if you like this kind of information as much as I do, join me in buying his books to support this source of data showing why gun ownership is essential for private citizens.

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



Editor's Notebook

by Gila Hayes

Ed Monk's research, as discussed in this month's lead interview, emphasizes how attractive a so-called gun free zone full of victims who can't fight back is to a sociopath wanting to make headlines for committing an

atrocious. I was doing some additional study on armed intervention when I ran across a web page made up of news reports compiled by John Lott at <https://crimeresearch.org/>. It seems to me that instead of posting "No Guns Allowed" signs, any rational business or administrator or government entity should reach out to law-abiding concealed carry practitioners, saying, in effect, "We're safer with you around. Please, come on in to our offices, hospitals, schools, shopping centers and churches!"

Discreetly armed citizens discourage violent crime, both one-on-one victimizations and crimes involving larger pools of victims because who knows if someone is going to be carrying a gun in the place and at the time a criminal decides to "get paid." Combine the news snippets on Lott's website with stories in the book I reviewed on the previous pages of this journal and mix in the reportage of Chris Bird in *Thank God I Had A Gun* and *The Concealed Handgun Manual* <http://privateerpublications.com> for an interesting analysis of how armed men and women thwart and prevent crime. While few of the armed citizens featured in those stories would call themselves a "hero," they were present when the shooting started and used their own guns to quickly stop the murders.

John Lott's website confirms Monk's comment that a shooter may set out to kill one person—like the Georgia nursing home shooter who went to kill his wife, but once started, run up a body count—although the incidents reported on crimeresearch.org are more general in nature and not strictly limited to mass shootings. In addition, Monk's observation that the quickest way to

stop a murderer in a public place is aggressive action by a good man or woman with a gun who is close enough to see and hear the first gun shots and takes the initiative to stop the killing.

This truth is illustrated over and over in Lott's collection of incidents reporting successful armed intervention. I was intrigued by the frequencies of public violence in places to which most of us go with considerable regularity—well, all but the bars and nightclubs, anyway. Lott reported on shootings in 18 stores which included auto repair shops, cell phone stores, gas stations, grocery and liquor stores, gun stores, jewelry stores and a barbershop. Eight were in restaurants, six were in bars or clubs, six were in residential areas, five were in churches, five were in schools, four were out on the street, three were at private parties and celebrations, and two were in clinics—and that takes into consideration only the 50-or-so reports that Lott discussed as part of his argument that concealed carry licensees reduce the death toll and injuries caused by violent criminals.

Statistically, being caught up in an active shooter attack is extremely unlikely: some have proposed that it is about as probable as being hit by lightning. I think that is partly because of the categorization that does not consider shootings in which one or two die and several suffer non-fatal wounds as a mass shooting. I doubt that comforts the injured, the terrified survivors and the people who have to bury loved ones. I believe Tom Givens' aphorism "It's not the odds; it's the stakes" is extremely applicable.

Law abiding men and women—people who've gone to the trouble to take training, undergo background checks for carry licenses and in some states have to get permits to even buy guns—do a world of good. What foolishness it is to restrict these legally armed citizens from going to schools, stores, government buildings, churches and other venues where they could increase the safety for those who do not carry guns.

*[End of October 2019 Journal.
Please return for our November 2019 edition]*

October 2019

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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October 2019