

Defending Against School Shooters—Part II

An Interview with Dr. David R. Walker

Interview by Gila Hayes

In the February 2020 edition of our Network member's journal, we introduced readers to Dr. David R. Walker, the superintendent of Christoval Independent School District (ISD) in San Angelo, TX, who told us about his school district's armed Guardian Plan. If you missed the story of how this program of armed school staff got started and how it works, we suggest you read <https://armedcitizensnetwork.org/defending-against-school-shooters> then return to this interview for the conclusion of the Christoval Guardian story.

Now, we return to our conversation with Dr. Walker, this month detailing how the Christoval, TX, community has reacted to and participated in school safety planning that includes armed staff.

eJournal: At the end of our chat last month, we had a good discussion on training, teacher preparation, and you mentioned—as did Chuck Taylor—that full-sized service pistols like Glock 17s and high-capacity Smith & Wesson M&Ps were the pistols most commonly used. What do you like for holsters?

Walker: Les Rogers of Custom Concealed Wares (<https://customconcealedwares.com/>) is our exclusive holster maker and for gun belts, we use Galco (<https://www.galcogunleather.com/>) and Dillion (<https://www.dillonprecision.com/>).

eJournal: You mentioned last month that the school district provides the long guns, as well as the security/lock up systems, which makes good sense. What kind of gear did you buy?

Walker: First, I want to stress that it is the Indian and not the arrow. As Chuck Taylor says, "If the operator has his head on straight, he'll win. It doesn't matter what kind of weapon he uses because he will use it right. He will use it well."

With that being said, I still want our folks to have good equipment and gear. It matters because I know that they

will use it right and well. Furthermore, I must be able to trust my life with it. We are protecting something sacred and innocent—our children. In addition to the other shortcuts that I do NOT take, I do not take any shortcuts when it comes to equipment, either.



Our rifles/carbines are the CTSS MK 1 from Norman Hanson Firearms LLC (<http://normanhansonfirearms.com/>). Our shotguns are either Mossberg 500 18.5-inch 12 gauge, or the Mossberg 500 Bantam 20 gauge with adjustable stock panels for smaller statured folks or Remington 870 12 gauge shotguns. Long guns have TLR-1 HL tactical lights from Streamlight.

eJournal: Personally, I'm pretty insistent on having a handheld light, not just a weapon mounted one. Is that on your equipment list?

Walker: For tac flashlights we have the Surefire E2T-MV Tactician model.

eJournal: You also mentioned that specific ammunition was issued and approved, and that there were rifles and shotguns secured in the classrooms for teacher use in an emergency. What ammunition choices have you made for the various guns?

Walker: Ammunition for handgun and rifle/carbines is Dynamic Research Technologies (DRT) Terminal Shock Ammunition (drtammo.com) which is a frangible projectile I chose because of our high-density population

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environment, plus it is a frangible that is designed for defense concerns—some frangible is just for shooting steel on the range. There is a difference.

For our shotguns, what I have found to pattern the best as a whole in our multiple 12 gauge shotguns is Remington Managed Recoil 00 Buckshot with 8 pellets. Sometimes that is labeled LE, sometimes not, but the important point is that it is the 8 pellet shells. I have to make it pattern well in a number of different shotguns. Sometimes that can be a challenge, but these shells have consistently patterned well in all of our 12 gauges. For our 20 gauges, we have Remington Express #3 Buckshot.

eJournal: You talked quite a bit last month about providing security for guns when staff like coaches couldn't carry on body.

Walker: We use quick access lock boxes from Secure It Defense (<https://www.secureittactical.com/>) and for the long guns, we have the SecureIt Weapon storage racks cabinets and armory systems. Sean Flynn there has been most helpful.

eJournal: What about medical gear?

Walker: Retired Green Beret Medic and Physician Assistant, Mo Beard of H&H Medical Corp. has been a great asset and trainer for us. We carry a lot of TK-4L (www.buyhandh.com) tourniquets because they are compact and can be used on both small children and adults. Many tourniquets with windlasses cannot constrict small enough on small limbs. Others we carry include the CAT tourniquets from North American Rescue (www.narescue.com) and SOF-T from Tactical Medical Solutions (<http://www.tacmedsolutions.com/>). I'm currently running trials on the TMT tourniquet from Combat Medical Systems and the B.O.A. tourniquet by RCA Medical Products.

We keep on hand a lot of other good medical gear ranging from individual first aid kits, special medical equipment bags, bleed kits, chest seals and more. Some of our vendors include H&H Medical, Tactical Medical Solutions, North American Rescue, Special Operations Equipment and others.

eJournal: Moving to the human factor, now, may I ask, have students, their families, the school board and the community generally been supportive of armed school staff?

Walker: In the past, students have been asked by the news media, "How do you feel, knowing that your teacher may be carrying a gun?" Every time, the response has been that the student feels safer. Our DECA (Distributive Education Clubs of America <https://deca.org>) students help teach the Standard Response Protocol™ and Standard Reunification Method™ to students and new employees as a community service project. Earlier this year, two of our DECA students made those protocols the topic of their DECA competition entry. One went on to win the state competition and qualify for international for the next level of competition.

Sometimes when asked what they think about their teacher carrying a gun, students give what I think is a mature response, that you would not want a school shooting to happen, but unfortunately, the world is not a perfect place. They say that since there are evil people in the world who do evil things, it is nice to know that my teacher will be prepared to protect to me, and that they will have more than an eraser in their hands.

Our armed staff carry their guns concealed or secured out of sight, so the students really don't know which teachers are armed. On October 30, 2018, a person had to be removed from our school premises. In resolving that, an AR-15 was displayed. I don't know if any students saw that, but I know a few members of the public did. The feedback was that everything was handled in an appropriate manner until law enforcement could respond on scene; they were glad to

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Individual first aid kits and backpacks with trauma care supplies are readily available to teachers and staff.

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know that we were able to deal with the problem during the time it took law enforcement to get there.

eJournal: When you're interacting with the children, how do they react to having armed teachers?

Walker: It varies. There was an incident that was a false alarm and a Guardian with an AR-15 made a dynamic entry into a classroom full of kindergartners. The kindergartners were basically oblivious. After it was over and after all equipment was concealed, we went back to check on everyone to be sure they were all right, and a group of fifth-graders that saw the Guardian enter the building had quite an amusing retelling of the incident. In their version they said that Mr. or Mrs. So-and-so came in with two pistols strapped to each leg, two shotguns, and [lowers voice dramatically] they had grenades!

We laughed and explained to them that what they saw were not grenades or someone weighted down with four firearms; they had seen tourniquets that the Guardian was carrying exposed for quick access. The students asked, "What is a tourniquet?" so we pulled out the tourniquets and the kids got to play with the tourniquets. In addition to all employees including substitutes, we have the kids trained on tourniquet use and other life-saving skills.

The kids thought that was fine, and the kindergartners were still oblivious to the fact that a firearm was ever in the room. We checked in with everyone after that incident, taking the temperature so to speak, to make sure no one needed counseling. A substitute teacher who is also a parent was teaching music in one of the classrooms we went into that day. When the Guardian went into that classroom after the event to check on everyone, the substitute said, "The students would like to express their appreciation to you and they want to sing you a song." That was a pretty neat experience. The students were second graders, so they were only about as tall as your waist, and they were hugging the Guardian's legs singing and saying thank you.

eJournal: That brings a tear to the eye. I've wondered what particular issues small children should be burdened with—like whether or not their teacher might use a gun to defend them. How do you decide?

Walker: The information has to be age appropriate, and it works well to start teaching the right attitude and the "why" when they are young. A group of fourth graders witnessed the beginning of the incident on Oct. 30,

2018, in which we had to remove a person from school premises. Actually, those students were the first to see the threat. They had already started moving away and had notified the teachers.

We have a system to let everyone know about a threat that includes some redundancies. We use a certain sequence of whistles to alert staff to get the students in off the playground into the safety of the building. In the October incident, the fourth-graders saw the problem first and initiated the response.

eJournal: We under-estimate children's abilities! What has been the attitude of parents? Do they support armed school staff?

Walker: In the beginning, there were questions, but not opposition. Of course, there was discussion on Facebook and social media because there were questions that had to be answered. Once those questions were answered everything was A-OK. We understood that it was new territory, that we were entering a new frontier.

eJournal: Do you do advance emergency planning in tandem with first responders?

Walker: Yes, we do emergency planning and drills together.

eJournal: Who is accountable for the students after an incident?

Walker: Quoting John-Michael Keyes, "Cops own the crime, fire department owns the flames, EMS owns the patients, and the schools own the kids." Under the Standard Reunification Method™ by the I Love U Guys Foundation (<https://iloveguys.org/>), which uses the Incident Command Structure System, the district is responsible to reunite students with their parents. If there is a reunification site, a school employee will serve as the incident commander of that site.

eJournal: Who takes the lead on mental health/emotional health issues in the aftermath of a critical incident at school?

Walker: It is a team approach. In our community, the Tom Green Mental Health Division of the Sheriff's Office would lead this. These deputies have the expertise to

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direct school personnel and parents to appropriate agencies and counseling centers as needed.

Districtwide, we have a good relationship with law enforcement and the mental health division. We make sure we take care of the whole child, to meet all of the social, emotional, and psychological needs. Large schools may be able to have all of these resources in house. We are smaller, so we don't and we rely very heavily on working with other agencies like CPS, mental health and the West Texas Counseling Center. Many of these agencies have resources that can help pay, if the family is not able, so that the child or the family receives counseling or wellness checks.

eJournal: Has the local law enforcement community had any reservations about your teachers taking on armed defense responsibilities?

Walker: Our sheriff's office and the school district have forged a very strong working relationship over the past six years. A while after the adoption of our Guardian Plan, our local sheriff, David Jones, implemented a program of random walk-throughs by deputies.

eJournal: The Guardian program doesn't seem like a replacement for policing but rather to hold the line until law enforcement can arrive. For some remote districts, you could be looking at holding the line for 20 or 30 minutes.

Walker: Our actual response times are classified, but in my opinion, even if there is a police station across the street or there are police officers on campus, the wait time is still too long. Buildings need to have adequate coverage, and – I want to really stress this point – **our faculty and staff know our students, grounds, and buildings the best.** We know that active killers will continue killing until they are met with an immediate and dynamic force.

We know that the police can't be everywhere at once. One very large school district in Texas contacted me. They recognized the shortage of manpower inherent in a school district police force. They were considering adding specialized training for armed civilians. Hiring more officers was not financially feasible. Besides, if police were always present, we would have a police state, and that's not desirable, either.

eJournal: When you introduced the idea of armed school staff at Christoval, was the school board in favor?

Walker: Oh, yes. It would not have happened without the school board. There are different trustees on the school board now than when the original resolution was passed in January 2013. Since then our Guardian program has continued to be part of the shared vision for our school district. I hope that part of the continued support for the success of our program is because the School Board of Trustees and the community trust us and they feel that we are doing a good job. I think if there was any doubt about that, we would not be as successful. I am very, very thankful for their trust.

eJournal: Christoval shows great courage, I think, in resisting the common urge to keep our hands clean and contract for someone else—in this situation, police—to do our fighting for us and then blame them when it proves impractical for police to be omnipresent.

Walker: Our mission at Christoval ISD is to empower students to be productive and successful citizens, by instilling self-sufficiency and integrity. The many initiatives that we have undertaken have had that mission in mind. Part of our mission is keeping kids safe; we act *in loco parentis* (<https://usedulaw.com/345-in-loco-parentis.html>) in terms of law. If we are going to be acting in place of the parent, we have to ask, "What would a parent do if their child is in harm's way?" The parents would try to protect them.

We cannot always rely on someone else, so it is part of our mission of self-sufficiency to protect the children until help comes. We try to do that with integrity, and that comes into our culture of reporting, not having a police state. We don't have random pat downs or anything like that, but we are all conducting ourselves in a proper fashion. We have a culture of trust, good relationships, and situational awareness are all key components.

eJournal: Engaging everyone, even students, makes good use of the way students are usually first to see behavior that indicates a threat from within the student body. That seems a very different problem than interdicting threats from the outside. What gets higher priority? Do you worry more about internal or external dangers?

Walker: It is thought that at the elementary school there is a greater chance that a threat will be someone coming in from the outside, but at the high school, there is a greater chance that the fox may already be inside the henhouse, so to speak. We have also seen that the

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threat may be someone who is related to students or staff. FBI statistics (<https://www.fbi.gov/file-repository/pre-attack-behaviors-of-active-shooters-in-us-2000-2013.pdf/view>) state that active shooters do not necessarily have targeted victims. The statistics are almost divided by thirds. With past incidents, we have seen some of the following examples, too, suggesting that the threat may have been a student who is already inside the school, another may be a former student coming back to the school, or someone who has no relationship to the school whatsoever, but they are drawn to that school as a target. Not knowing makes it really hard, so we have to train for everything and maintain both situational awareness and good communication.

A lot can happen outside the control of the school: warnings that may have been in a police lead that weren't followed up, failing to provide mental health care, or a family member or neighbor who should have reported something.

Districtwide, we work toward a culture that makes all our students feel accepted and know that they have someone to help them. Our students have been good about reporting about potential problems and helping their peers seek help.

We try to build a culture of reporting, but not tattle-tale telling. When someone is tattling, they are doing that to try to get some personal gain. You tattle on your sister so she gets sent to bed with no dessert and does not get the piece of apple pie that you want. Reporting is different. You make a report because you have a concern about your safety or the safety of another person.

What about all the instances that you have heard about in which a problem was reported, but nothing was done? Part of building a culture of reporting is making sure that the students see that when a report is made, that person actually receives the help that they need. They need to see that help, not punishment, was given.

We have to have more tools than just a hammer. For example, all school employees are trained in emergency medical trauma and have individual first aid kits. To my knowledge, we were the second in the state of the Texas to have designated armed employees, the first to have long guns, and the first to have emergency medical trauma gear. It is great that we can be prepared, and sometimes people say, "Oh, it is so cool that you can

have your teachers armed," but in reality, if we ever have to take out a school shooter, many things will have failed beforehand.

In the end, reporting is all about giving someone the help they need, not getting somebody in trouble. We are all interconnected, we are all part of the Christoval Cougar family. A few years ago, a Christoval family's house burned down. On their own, our students took it upon themselves to do a fundraiser to help that family, who were really down and out and had already experienced some troubles. It brought together the "haves" and "have-nots."

Just like any family, we have imperfections and things that we work on. We continue to learn, and try to build a better mouse trap, so to speak. I would like to think that for the most part our students and the community see that we are trying to get our students and their families help that they need.

eJournal: Looking back, what would you say was the biggest impediment you overcame while initially implementing your school district's Guardian plan?

Walker: Just creating most of this from scratch and having to become immersed in all of this as an avid learner. I believe that this impediment wound up being a huge strength as I have been fortunate to share my knowledge, insight, and experiences with other school districts so they would not have to reinvent the wheel. It has also allowed me to advocate for school safety and be a voice for our children.

Since this was all new territory, there were no organizations for schools with Guardian Plans, so I read as much research as I could find about active killers, mental health, and threat assessment. With my law enforcement and military contacts, I had to glean only tactical skills appropriate for a civilian environment. **It must have tactical legitimacy.** I attended conferences on the subject and built a network of resources ranging from the I Love You Guys Foundation (<https://iloveuquys.org/>) to the Advanced Law Enforcement Rapid Response Center (ALERRT.org), Texas School Safety Center (<https://txssc.txstate.edu/>), and the Armed Citizens' Legal Defense Network.

eJournal: I'm really pleased to hear that our member education videos were useful! Now that you have six years' experience with armed school staff, what are the
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challenges facing the Guardian plan as you continue forward?

Walker: People want to talk about everything except the elephant in the room: mental health and the policies surrounding it. Mental health issues in students and adults continue to grow in our state and nation. Social media, violent movies, and video games continue to desensitize our youth to violence and glorify death.

There is so much money made off of movies and games, that it is sort of like the way the tobacco industry for many years worked to sway elected officials to say there was no medical proof that there was harm in smoking. That is a lie!

I urge everyone to read *Assassination Generation: Video Games, Aggression, and the Psychology of Killing* (<https://www.amazon.com/Assassination-Generation-Aggression-Psychology-Killing/dp/147890979X>) by Lt. Col. Dave Grossman, *Stop Teaching our Kids to Kill: A Call to Action Against TV, Movie & Video Game Violence* (<https://www.amazon.com/Stop-Teaching-Our-Kids-Kill/dp/0804139350>), and *Why Meadow Died: The People and Policies That Created The Parkland Shooter and Endanger America's Students* by Andrew Pollack and Max Eden (<https://www.amazon.com/Why-Meadow-Died-Policies-Parkland/dp/1642932191/>).

There is sufficient evidence on how various types of media affect the human mind at each age group. A non-adult brain is more susceptible to damage and does not require as much exposure time. Private companies are not self-censoring, government entities are not censoring, and many parents are not censoring and limiting their children's time and exposure on electronic devices. Less authentic and less in-person interaction is taking place between family members and friends. We are now connected to everyone in the world, but how much human interaction is taking place?

Let's talk about mental health. Let's talk about our procedures, policies and laws in place. Let's talk about violent video games. Let's talk about the development of the brain and everything else that goes into it. We should quit worrying so much about our foreign enemies because we are going to implode from within.

I am convinced that the most important thing someone can do is to raise good kids. That is the most important thing we can do as Americans and for the world at large.

The kids don't have a voice, so we as adults have to be the voice for them and do what is right for them.

This should not be about the Left versus the Right; it is about raising good children and having good policies in place to intervene if a child needs help especially if someone is exhibiting behaviors that could lead to harm to him/herself or to others. Too often, I hear politicians on both sides pushing the buttons of whichever side they represent. Andy Pollack, who was the father of Meadow Pollack, one of the victims of the Parkland mass murder, stated it best about the people behind the scenes in the preface of *Why Meadow Died* "...the same people who weaponized the tragedy to stoke controversy and division and to advance their own political agenda" (Pollack & Eden 2019, p. xix).

School safety is a complicated problem that involves a lot of things and many variables that fall outside of the school. What can the school do to deter school shootings? If a shooting happens, what can schools do to stop it quickly? Two lives were lost in the shooting in the church in White Settlement, TX, but it was stopped quickly and that averted what could have been a massacre like the one that happened at a church in Sutherland Springs, TX.

We have got to quit blaming guns! A gun is just a tool! If someone is killed with the screwdriver or with a hammer people don't go around saying, "It was a screwing; it was a hammering." No, only if a gun is used do they say, "It was a shooting." Murder is murder.

For parents, or anyone who has concerns about school shootings, I say, think about it like this: if there is a tragedy of any type, an accident, a car wreck, a tornado, hurricane or a fire, there is a likelihood that there are going to be casualties. We can't prevent all emergencies but we can limit the casualties. Loss of life or limb is far too costly and leaves emotional scars on everyone involved—they are affected for the rest of their lives.

We do not want to lose anyone. The reality is that we are in an imperfect world and there are evil and ill people who do evil things, so we have to try to stop or limit the killing as much as we can. The question that always gnaws at you is not "If?" it is "When," so you have to be careful not to get complacent. We cannot fail. We aren't talking about losing a football game; it is losing lives.

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eJournal: Someone had to do the groundwork that you and Superintendent Thweatt of the Harrold, TX, schools did. I know you don't want a lot of adulation, but the fact is someone had to go first. Now, following on, there may be schools which look at what you have done and not be able to do exactly what you did, but perhaps they can implement part of it. They are still safer than they were before. It makes a difference.

Walker: I had a lot of help with the framework from Harrold ISD, but there has been a lot of this that we had to create, invent, and put together. If a superintendent is asked to do this, or a school board is asked to do this, I would like to know that they would not have to re-create the wheel. It does not have to be exactly the way Christoval has it, but at least there could be a good example for them so that they would not have to spend the countless hours that I have spent.

Any time that there is a mass killing event and we do not learn from it, children have died in vain. Remember the faces of the victims at Sandy Hook that were all over the media in December 2012? I do not want those children to have died in vain if history repeated itself. Now, whenever I see that an incident has happened, I want to learn all about it so that we can be better prepared. These things should not happen.

eJournal: Leading the way to prevent the deaths of school children by spree killers will definitely be part of your legacy.

Walker: I hope that I am remembered for three things after my time here at Christoval. I would like to be remembered for what we have been able to do with career and technology education and work-based learning as far as increasing opportunities by educating and getting people prepared for the world. I am determined that our students are marketable and adaptable and that, as jobs and industries change, they

will never be in the unemployment line. Our students will have the hard and soft skills needed for meaningful employment.

I would like to be remembered for our school safety program and being a true guardian to all. When I'm asked to give interviews or speak at other school districts or schools in our region and across the state, it is not beating our chests or anything like that. I just do it to be an advocate of the Guardian Plan. We believe the Guardian Plan works; we believe it increases deterrence.

Lastly, I hope that I am remembered as a good and loving father to my children.

About our source: We think Dr. David R. Walker is well on his way to achieving those goals. As our Feb. 1 edition of this journal was in the final publication stages, Dr. Walker reported that he was just back from co-presenting a well-attended break out session at the Mid-winter Texas Association of School Administrators, discussing options for ensuring school safety. His co-presenter was Attorney Tyler Ezell of the school's law firm, Eichelbaum Wardell Hansen Powell & Munoz. As a result, the duo has been asked by the TX School Safety Center to present again on that topic this summer.

Dr. Walker serves on the TX Education Agency's TX Work-Based Learning Champions Group and is an adviser to the chairman of the House Select Committee on Mass Violence and Public Safety.

On the lighter side, during a follow-up call to tie down details from our initial interview, Dr. Walker apologized for being a little hurried, explaining that his schedule was a little tight because he needed to get into a track suit and head out to the gymnasium where he was to play a game of dodgeball with his students.



President's Message

by Marty Hayes, J.D

Update on WA Insurance Commissioner

Despite 10 months having passed since it started, the Network still does not have a resolution to the

investigation the Washington State Office of Insurance Commissioner instigated against us. We have gone through two different law firms, spent over \$10,000 on attorney fees, and we are still not sure what we are facing in the future. The commissioner has pretty much shut down competitors who sold self-defense insurance products here in WA State, and now that I have a deep understanding of the commissioner's arguments combined with the wordage of the WA insurance statute, I can see where they have cause for their actions against insurance plans.

I am also more convinced than ever of the validity of the Network's claim that we are not an insurer and we are not selling an insurance product. Maybe that is what is taking the Office of Insurance Commissioner so long. In any event, although this column has reported regularly on this issue, I think I will go silent on the topic for the immediate future, until we have real resolution to the issue, or until something of which the membership should be made aware breaks.

The Network Goes to Washington

Remember the old movie *Mr. Smith Goes to Washington*, starring Jimmy Stewart? I kind of felt that way last month, when, along with several other Network members, I testified at the Washington State Senate regarding a bill written to carve out an exception in the WA insurance code for legal defense membership organizations such as ours. If you missed my report on that proposed legislation last month, it is at <https://armedcitizensnetwork.org/february-2020-presidents-message>.

The week following publication of February's President's Message, we did it again, this time testifying in the House of Representatives, speaking in favor of a bill

sponsored by State Representative Larry Hoff <https://app.leg.wa.gov/bills/summary?Year=2020&BillNumber=2367>. While we received a much warmer reception in the House Consumer Protection and Finance committee than at the Senate, we ultimately got nothing out of the effort because while it prevailed in the consumer protection committee (see <https://www.tvw.org/watch/?eventID=2020021106> starting around timestamp 06:00), it didn't make it any further. The house bill went to the rules committee but was not voted out for a full House hearing. That's a convenient way of saying the party which opposed the bill didn't want it going in front of the whole House of Representatives, for fear it might actually pass. Frankly, I think the process sucks, as it boils down to one powerful politician stopping bills by not allowing them out of the rules committee.

Nevertheless, our efforts provided a good exercise in the political process here in Washington State. Until more conservative, pro-gun Senators and Representatives are elected to the state legislature, there is not much we can do legislatively to stop the insurance commissioner's overreach.

More About Red Flag Laws

A couple days ago, our office staff took a call from a 10-year Network member, who gave up his membership because we do not assist our members if they are "red flagged." While we were sorry to see him go, we remain solid in our decision to not promise assistance for members who are served Extreme Risk Protection Orders.

This is because, as I was just discussing, the Network is not selling insurance. You see, being served an Extreme Risk Protection Order is an act which is out of your control. Any plan that provides assistance for "an out of your control" action (a contingency) would likely be deemed to be providing "insurance" for that contingency. If we are to remain in business and continue to pay our members' legal fees after self defense, we must not expand into services that constitute insurance coverage. We have developed our business model around the fact that the Network voluntarily provides assistance to members after the member has voluntarily and intentionally acted in legitimate self defense.

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This discussion naturally raises a question we're frequently asked: "So, if we voluntarily provide assistance to members, how do our members know they can count on us to assist them after a self-defense incident?"

It's all about trust. Our members either trust us to keep our word, or if they do not trust us, at least hope we will. We have no signed contract, just our list of member benefits and our proven history of having, since 2008, assisted 23 members who had to defend themselves. Nonetheless, having said all that, we would be in a sorry state of affairs if we failed to keep our promise to provide assistance after a legitimate act of self defense, because word would spread like wild-fire that we were not doing what we said we would do. In addition, the Network has been a member of the Better Business Bureau for six years. We have never had a complaint filed against us, hence our A+ rating.

This is the age of the Internet and instant communications, and we live and die by our reputation.

In fact, we have made our livelihood by serving members who choose the Network after taking a careful look at all the different companies and we continue to grow, although we don't spend a lot on advertising.

If our way of doing business is not to someone's liking, I understand. Nefarious, cheating liars and other unscrupulous people like to take advantage of people and play upon their fears until they buy out of desperation. Instead, I want to be sure that each Network member wants to be here and trusts us to keep our word.

Marty goes to Force Science

I spent last week taking a Force Science Analyst Certification Course <https://www.forcescience.org/training/certification/>. Next month, I will be writing the lead article for this online journal about what Force Science has to offer the private sector. It is an interesting topic, since they are primarily involved with law enforcement use of force issues.



Attorney Question of the Month

Network members have questions about self-defense shootings that occur in and around cars. Late last summer, news reports about a spree shooter who killed seven people and injured more than 20 while driving around Odessa, TX, before he was shot by police gave rise to questions that we posed to our affiliated attorneys. We asked:

Setting aside the many tactical and marksmanship issues associated with shooting from vehicles, if an armed citizen faced a similar situation in your state, do laws that prohibit shooting from or across roads and from vehicles make an exception for self defense?

What legal issues could you envision arising from shooting back if caught in a moving attack?

We had so many responses that we carry the attorney responses forward to this month's journal. If you missed last month's edition, you may wish to return to <https://armedcitizensnetwork.org/february-202-attorney-question>. Here are the rest of the attorney comments:

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Alaska laws do not make an exception per se. Rather, Alaska allows the use of deadly force to prevent death, serious physical injury, kidnapping (except custodial interference), sexual assault in the first or second degree, sexual abuse of a minor in the first degree or robbery. Whether the use of force occurred from or across roads or from vehicles is not really an issue.

Having said that, the tactical and marksmanship issues would be the legal issues because even when using deadly force, a person has to be reasonable. Shooting across a roadway or from a moving vehicle would increase the chances of hitting a by-stander. The *mens rea* in my state is recklessness, which is defined as a conscious disregard for a substantial and unjustifiable risk. I represented a client who had a decent self-defense case but hit a by-stander because he fired into

the dark. While the jury was sympathetic, and the court substantially reduced his sentence, jurors later said that he should have had better aim and his firing into the dark was reckless. He was convicted because while the jury thought he legitimately believed he was in life-threatening danger from someone approaching him with a pickaxe, he was found to have been reckless in not ensuring that his bullets went to their intended target. Fortunately, the person hit was not killed although his injuries were not minor, but it goes to show that jurors are not very sympathetic to bad aim.

It strikes me that if you are in a moving vehicle and see someone pull a firearm, use your vehicle to either get away or immobilize the threat, i.e., drive toward the bad guy and run over him, if at all possible. That is less likely to endanger by-standers and thus less likely to land you in trouble.

However, I remember the plumber (Stephen Willeford) who followed the guy in Texas that had just shot up the church. I expect that if something similar happened and a member was following a mass shooter, there would be some greater leeway, particularly if the bad guy was firing from a vehicle and a member fired shots to prevent further shootings.

This shows that context is key. Once you pull the trigger, you are never getting that bullet back. So, don't pull that trigger unless you have to and you know where that bullet is going to go. Shooting over a roadway where cars can be coming by at any moment or firing from a moving vehicle are inherently risky and frequently not worth the potential legal issues. I would not do it unless someone was actively shooting at many people and there was absolutely no other way to stop the shooter.

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In Sacramento county there is a complete prohibition against discharging a firearm. In reality if you discharge your firearm for any reason, it will likely lead to the violation of several statutes including possibly shooting

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within 500 feet of residence, or 1000 feet of school. These typically are not felonies. While no lawyer advocates breaking the law, I do advocate weighing life choices. The balancing test is your safety and well-being on the one side and a misdemeanor on the other side. I advocate preservation.

We just had a case where there was a stabbing in Auburn, CA. There was an off-duty law enforcement officer in the area, but because he had traveled through a prohibited area, he had taken off his weapon and was unarmed.

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In Maine, any violation of law is negated if “justified,” under section 101 of our criminal code.
<https://legislature.maine.gov/statutes/17-A/title17-Asec101.html>.

“Conduct that is justifiable under this chapter constitutes a defense to any crime; except that, if a person is justified in using force against another, but the person recklessly injures or creates a risk of injury to 3rd persons, the justification afforded by this chapter is unavailable in a prosecution for such recklessness.”

The “recklessness” part of the analysis is where it gets complicated. The definition is, at one level, “Conscious disregard of a risk.” That would spell trouble for “shooting back” in an urban compact zone. However, the definition includes significant “weasel words.” See <https://legislature.maine.gov/statutes/17-A/title17-Asec35.html>.

“For purposes of this subsection, the disregard of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to the person, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.”

I have one opinion from a deputy attorney general that suggests the weasel words exempt shooting back in active shooter situations. Still, section 101 would seem to require some quick assessment of cover vs. danger to innocent persons of shooting back, vs. danger of NOT shooting. Probably a lot would depend on the actual result. If you kill an active shooter who has already been

shooting at others, and you don't cause loss of innocent life, as a practical matter, the prosecutor will find it a waste of time to attempt prosecution of you. The more collateral damage you in-fact cause, the more the balance will swing in favor of prosecution based on the caveat in section 101.

Title 17-A, §35 Definitions of culpable states of mind. C. For purposes of this subsection, the failure to be aware of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to the person, must involve a gross deviation from the standard of conduct that a reasonable and prudent person...

Title 17-A, §101: General rules for defenses and affirmative defenses; justification. 1. The State is not required to negate any facts expressly designated as a “defense,” or any exception, exclusion or authorization that is set out in the statute defining the crime by proof at trial, unless the existence of the defense, exception, exclusion or authorization is in issue as a result of evidence admitted at the trial that is sufficient to raise a reasonable doubt on the issue.

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Although our knowledge of the referenced event in Midland and Odessa, Texas last year is simply based upon press reports, we understand the scene of the murders and injuries stretched over 15 miles and occurred during an approximate one-hour time span.

Although recognized by the question, we believe it is important to re-emphasize that there are many safety, marksmanship and tactical considerations that must be considered before becoming voluntarily involved in such a chaotic situation. We can only address a small component of the potential legal considerations raised by the question. In Indiana, the most likely charge one might face for shooting across a roadway or from a car would be criminal recklessness. Specifically, Indiana Code 35-42-2-2 indicates, in part, that a person who recklessly, knowingly, or intentionally performs an act that creates a substantial risk of bodily injury to another person commits criminal recklessness.

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Also, we should mention Indiana Code 14-22-6-9, which prohibits shooting across, from, into, or upon a public highway at an animal or object. It's not likely that someone would be charged under this statute, given that it seems to primarily be meant to address hunting. However, it is possible that someone could be charged under this statute.

More importantly, our Indiana self-defense statute at Indiana Code 35-41-3-2 would have definite applicability and provide the best legal guidance to examine the situation. That Code section, in part, provides that:

A person is justified in using reasonable force against any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person: (1) is justified in using deadly force; and (2) does not have a duty to retreat; if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

Hence, the primary question will be whether your conduct under the circumstances is consistent with what a reasonable and prudent person would do under the circumstances, knowing what you knew at the time. If justified under our statute, you should not be placed in any legal jeopardy. This protection would also extend to potential civil immunity in response to a civil lawsuit filed against you by the bad guy's family or estate.

In 2019, Indiana adopted a civil immunity statute that provides, in part, that in no case shall any use of force justified under IC 35-41-3-2 give rise to any claim or action for damages or compensation against a person, employer, or estate of a person using such force by or on behalf of any person who was attempting to commit or committing a forcible felony at the time such force was used; or was attempting to cause or causing unlawful serious bodily injury to any other person at the time such force was used. Not only would you potentially be entitled to summary judgement, but you can also collect your attorney fees for defending a civil lawsuit - provided your use of force was justified under Indiana's self-defense statute.

Another observation is that Indiana's "castle doctrine" might also apply to the situation described in the question if the attack was directed at your occupied motor vehicle. Specifically, our "castle doctrine" statute indicates a person is justified in using reasonable force, including deadly force, against any other person; and does not have a duty to retreat if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle (note the statute says occupied - don't use deadly force solely to protect your unoccupied car).

With respect to other legal issues that one could envision, we would refer you to the Attorney Question of the Month that was addressed in the August 2017 edition of the ACLDN Online Journal. That question addressed the likelihood of an armed citizen facing criminal charges for collateral damage, and/or incurring civil liability for a stray bullet. You can find that detailed discussion here: <https://armedcitizensnetwork.org/august-2017-attorney-question>.

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I live in New York State. Although our gun laws are unconstitutionally restrictive, our self-defense law is more reasonable than in some other jurisdictions. In fact, we don't have a self-defense doctrine as such. We have a more expansive doctrine called "Justification" where conditions (including self defense) allow people to do what is ordinarily unlawful.

It would seem to me that in NY shooting back would be permissible if doing so would be truly defensive. Firing back at a nut in close proximity constituting an immediate danger would be permissible. But chasing him and starting a shooting drag race would not be; nor would taking potshots at his fleeing vehicle.

A big "Thank You!" to our affiliated attorneys for their very detailed contributions to this interesting discussion. Please return next month when we ask our affiliated attorneys for their thoughts on a new topic.

Book Review

Why Meadow Died:

The People and Policies That Created the Parkland Shooter and Endanger America's Students

by Andrew Pollock and Max Eden

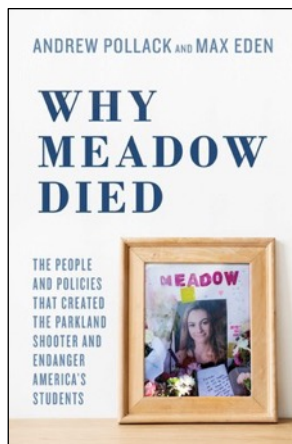
Hardcover: 336 pages

Post Hill Press, Sept. 10, 2019

ISBN-13: 978-1642932195

\$18.99 hardcover; \$14.99 eBook

Note: The book I read this month is so compelling that I'm unable to limit its review to two pages. To give this important topic its due and because the opinions expressed by Pollock and Eden so closely mirror my own, the book review does double duty as the editorial this month.—Gila Hayes



Meadow Pollack, 18, was murdered on February 14, 2018 in Building 12 of the Marjory Stoneman Douglas (MSD) High School in Parkland, FL. Her father has since become a very genuine voice advocating true school safety reform. Determined to fix the unconscionable discipline breakdown he found in Broward County, FL schools and schools all across the nation, Andrew Pollack has also founded a non-profit foundation to fix school safety issues and demand justice for the families of school violence victims. His transformation into school safety activist from businessman and father is chronicled in *Why Meadow Died*, cowritten with education policy expert, Max Eden. "This book is about exposing what went wrong in the schools so that parents across the country can learn from the MSD tragedy, find out what's happening in their own kids' schools, and keep their kids safe," they write.

I am pleased that he refuses to use the name of the murderer through much of his book, instead referring to FL prisoner number 18-1958. Much of the book illustrates the problems caused by leniency programs by recounting multiple failures to treat or punish 18-1958's criminal behavior.

"Students told the media after the tragedy that 18-1958 had committed all sorts of crimes in school without consequence. If he'd been arrested, he could have been prohibited from buying a gun. Or maybe an arrest would have made the FBI follow up on, rather than drop, tips that 18-1958 might shoot up the school." Students told reporters that he "threatened to kill them; he brought knives and bullets to school; he brought dead animals to school and bragged about mutilating them," so many

warnings existed before the killings, Pollack writes. How could all the crimes go ignored? Pollack and others began to investigate.

Pollock and his associates learned that failure to interdict violent students is a much bigger problem. In 2013, the Broward school superintendent rose to national fame in an article asserting, "Harsh discipline policies are falling out of favor across the country, but Broward County, Fla., is hoping to do away with them entirely." Superintendent Robert Runcie had previously implemented leniency policies in the Chicago Public Schools earning praise from President Obama and Secretary of Education Arne Duncan, and spawning a leniency initiative dubbed PROMISE. After the Parkland murders, a reporter found that 18-1958 had been ordered to attend PROMISE in middle school but skipped out with no effort made to enforce his attendance.

The problem is much bigger than Broward County. Pollock cites 27 state laws mandating reductions in suspensions expulsions and/or arrests for crimes committed at schools. Pressure on schools to reduce discipline prevents educators from reporting student crimes and violent students are left in place where they disrupt classrooms instead of being moved into therapeutic settings that can treat their dysfunction.

In Broward County, the school district and sheriff's office agreed to allow students three misdemeanor crimes per year before any report was filed with law enforcement. The negligence extended outside the schools. Sheriff Scott Israel had publicly stated, "We measure our success by the kids we keep out of jail, not by the kids we put in jail." This mirrored schools across the nation that had also established campuses as "no-go zones for law enforcement."

Liberals floated accusations that "racially biased teachers were unfairly punishing minority students" and pushed leniency in the name of equality. Max Eden writes that PROMISE projected "bottom lines" of lower suspensions, higher test scores and graduation rates in urban schools. Instead, standards dropped, school administrators created work-arounds to further avoid reporting student crime, and "principals across the district had dropped standards so low that students no longer needed to attend school in order to graduate."

Nationwide, teachers and security personnel were punished for reporting student misbehavior. They made

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tremendous allowances for fear of being sued by parents and suffering retaliation from school administrators. Educators in Buffalo, NY complained about, “No consequences for anything.” A teacher elsewhere said, “I was told by an administrator...that he rips up paper write-ups [of disciplinary infractions].” A Broward School Resource Officer said an administrator told him they should not arrest students even for committing felonies for which state law mandates arrest. Pollock concludes that the culture of tolerance assured students that the school would run interference on their behalf keeping them out of trouble even if they brought guns to school, sexually assaulted students and teachers, stole, trespassed or committed other crimes.

18-1958 didn't slip through the cracks, Pollock asserts, his problems were deliberately ignored. After the murders, school administrators, judges and others excused and complimented one another, and a judge went so far as to describe the murder of the 17 Marjorie Stoneman Douglas students a “so called tragedy” and labeled as “racist” anyone wanting to return to punishing students who commit crimes.

Why Meadow Died is divided into quarters. The first is told through the experiences of Parkland survivors, including a teacher who relied on training received elsewhere and kept her kids in the classroom when the fire alarms went off. Another source is a Venezuelan immigrant. His son was shot five times but survived. Other teachers' and students' stories are included. 19-year-old home-schooled Kenneth Preston is a prominent voice in this book. He pursued the truth and wrote extensively about facts his research uncovered, but the school superintendent and school board smeared his reputation and recanted information they gave him. The youth was not the only one treated badly. Parents and teachers, before and after the murders, were routinely brushed off by Broward school administration. Pollock asserts that, “the self-righteous and contemptuous attitude displayed by Broward's leaders after the MSD tragedy helps to explain why it happened.”

In a troubling Part II, the authors study the upbringing of 18-1958, whose mother had a violent criminal history related to drugs, his adoption and home life, early violent acts, and school history. He was only briefly treated at a school for students with extreme behavioral disabilities, returning to Marjorie Stoneman Douglas despite continued obsession with violence because he asked to be “mainstreamed.”

After 18-1958 instigated a particularly vicious fight, school officials ordered students who took videos of the fight to delete them, fearing embarrassment if the footage showed up on YouTube. Frightened, the students begged for help, complaining that he had “threatened to kill them and/or their families; he had threatened to rape people; he brought dead animals, knives, and bullets to school.”

The mental health agency charged with ordering treatment for 18-1958 interviewed him four days before February 14, 2018 but failed to refute the obvious when he denied suicide attempts while displaying cuts he had made on his arms. A frightened school counselor appealed to the mental health agency that had treated 18-1958, but the agency “decided [he] didn't even merit observation,” although he had stated his intent to obtain firearms. Sheriff's deputies responded to 18-1958's home 45 times prior to his killing rampage but when a citizen warned about 18-1958's Instagram of guns and comments that he planned to kill people in his school, law enforcement declined to so much as write a report.

Although she frequently called for police intervention, 18-1958's mother lied to investigators about her son's problems and late in 2016 allowed her son to buy his first gun. By then, he had turned 18 and many options to intervene had evaporated. His adoptive father died and then his mother. When his cousin asked the sheriff's office to seize 18-1958's firearms in the wake of his mother's death, a deputy refused to write a report about her concerns.

The negligence compounded on the day of the shooting. A gate that school policy mandated should be locked was routinely left open for the convenience of loading buses of special education students. A campus security monitor riding a golf cart around the perimeter recognized 18-1958 as he got out of an Uber ride carrying a black canvas rifle bag. The monitor considered approaching him but was afraid to, so he radioed another security monitor.

Either man could have called a “code red” warning, but did not, later stating that training allowed “code reds” only if a gun was seen. Additionally, the principal had mandated that only he was allowed to call a code red, although he was out of the country on vacation with his girlfriend. The assistant principal who was in charge said the volume on his portable radio was turned down so he did not hear the first gunshots nor any of the early radio warnings about 18-1958's intrusion on to campus.

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The perimeter security monitor radioed another monitor to report 18-1958 was headed into Building 12. This monitor, presuming 18-1958 planned to go upstairs, ran into a stairwell intending to visually observe the intruder. 18-1958 instead loaded a magazine for his rifle and started killing. After warning a freshman to get out of the way, he shot and injured a band student on her way to the bathroom, then killed three students. The second security monitor heard the shots and still did not call a code red. Finally, a fire alarm activated, prompting the assistant principal to evacuate the building, exposing a host of students to deadly danger. Students rushed out of classrooms and crowded into the hallways. If a code red had been announced, their teachers would have secured them inside the classrooms.

Meanwhile Sheriff's Deputy Scot Peterson, the school's SRO, arrived outside building 12 and ordered security monitors to get out of the building. Peterson drew his gun and hid outside for nearly an hour. When other Broward County deputies arrived, they, too, remained outside. 18-1958 moved through the school unimpeded. A student and two heroic teachers were killed as they shielded students or helped them escape. 18-1958 dropped his rifle and walked out in the crowd of escaping students. He was later picked up by law enforcement several miles from the school.

Woven through the history of discipline-free schools, is the story of Andrew Pollock dealing with his daughter's death. As Meadow's senior class celebrated graduation, Pollock reports that he went out of town to support "a new generation of armed guards to protect schools under the Coach Aaron Feis Guardian Program. It meant the world to me to watch those guards get trained. Because I know that if Aaron Feis had had a gun, Meadow would be alive," he explains.

The school later unanimously rejected funding for armed guards under the program named for Feis, the heroic coach who died at their school trying to save children from 18-1958. After months of blustering, the school hired eight of the 80 armed guards originally authorized. Metal detectors were promised as well, but two weeks before the 2019 school year started, Runcie decided not to install them and it was later learned that they had never even been ordered.

Frustrated by the official inaction, Pollock busied himself raising funds for a memorial playground built to honor his daughter and the other victims killed February 14, 2018, campaigned for election of school board members who would change Broward School District, and

continued to investigate and dispute lies by the many officials involved in Meadow's death, from SRO Scott Peterson to Superintendent Runcie.

Nationwide, David Hogg greedily sought the spotlight to politicize the murders of the 17 at Marjory Stoneman Douglas. His pursuit of fame eclipsed much of what went wrong in the Broward schools. In counterpoint, *Why Meadow Died* tells—often in his own words—the story of another young man, a physically frail 19-year-old who worked tirelessly to expose the truth about the Broward School District, Broward Teacher's Union and all the corrupt administrators and elected officials. Kenneth Preston's influence is felt in nearly every chapter of *Why Meadow Died*, and while he'll never get a second of time in the mainstream media's spotlight, that young man's hours of hard work should have been the counter-balance to Hogg's insatiable lust for fame.

Unlike most of the books we review, *Why Meadow Died* is not a gun book, it is not about legal defense or about the courts or even about personal safety. The book outlines the factors that allowed 18-1985 to become who he was, get a gun, and go to his school to murder students. The book underscores how schools are manipulated for political and material gain, and although in the end, Pollock wasn't able to change Broward School District, there have been schools that have discarded failed leniency policies and schools that may be able, through understanding the connections Pollock and Eden draw, to save their schools from deteriorating as badly as the Broward County, FL schools.

Pollock's final words are, "Talk to your kids' teachers. Talk off the record so that they'll tell you the truth. And if they're telling you that the social justice discipline stuff is a problem, then take the issue to your school board. Tell them to get rid of restorative justice or Multi-Tiered System of Supports or Response to Intervention or whatever else they call it. Tell them to get back to the old system that the social justice activists say is now politically incorrect: rules, warnings, and consequences. And if you can't convince them, vote them out of office," he urges. "The only reason that our schools work this way is because we, the parents, allow it. You simply have to step up, get involved, and make a difference for your children. You can't let your schools be run like the Broward County Public Schools district."

Pollock is right and now readers know why I ceded my editorial page to accommodate a more in-depth review of his book. My opinions could never wield the same power as Andrew Pollock's story of *Why Meadow Died*.



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