



Mental Preparation for Self Defense **An Interview with Tom Givens**

Interview by Gila Hayes

Uncertainty leads to hesitation and half measures and that's bad indeed during self defense. We need to solidify the resolve to prevail. I wonder if the will to fight is largely an ideal in the minds of many, or, if decisive self defense is needed, will we jump in and take action?

Our Advisory Board member Tom Givens has taught defensive firearms for over four decades, and 66 of his graduates from the private sector have been involved in shootings with 63 prevailing. Clearly, Tom has a good handle on the self-defense mindset. We switch now to Q & A to share Givens' lessons directly with members.

eJournal: Thank you for speaking with me today, Tom. I'd like to explore with you the mindset and the mental preparation that facilitates decisive action to stop criminal violence.

Givens: Several years ago, a psychologist went through several of my classes. After about the third class, he came up to me and said, "I think I know why your students do so well in a real fight. It's because you give them permission to defend themselves."

Students come to class with a large dose of cultural indoctrination that encourages them to be victims. It is hard to get rid of that cultural baggage. "Don't fight back. Call 9-1-1 so somebody else makes the bad man go away..." all of which we know isn't going to happen. We beat it into students' heads that nobody is going to come and save you. It is up to you and you have a right to save yourself.

Students have been taught from childhood that they don't have a right to fight back. If someone punches you at school and you fight back, you'll both be expelled. You've been taught that you may not defend yourself. That entire mindset about violence changes when I explain that you have rights, but it is up to you to enforce your rights.

eJournal: There's a tendency to group all violence under one heading and that is entitled "Bad."



Givens: What criminals do is antisocial violence. It is violence that is against the law and it breaks the social contract. It is immoral, illegal and wrong. There is such a thing as prosocial violence. Prosocial violence is violence done in pursuit of good. An example might be a soldier doing his duty in time of warfare, a policeman enforcing the law, or a private citizen fighting to stay alive when someone unlawfully invades his home.

When you get people to understand that there is such a thing as prosocial violence, that it is perfectly OK and they have a right to do it, then violence becomes a useful tool.

The most basic human right is to stay alive, to not be killed or raped or otherwise harmed. You have to develop a willingness to assert that right. You have to know, "I am not going to let you unlawfully murder me, rape me, cripple me. I am not going to let you do those things to me and I am not going to let you do them to my family." Until you firmly draw that line in your own mind, the whole thing is theoretical.

eJournal: What steps lead to firmly drawing that line?

Givens: Being raped and murdered seems to be a real good way, but it doesn't do any good because then you're dead. Years ago, we used to get people in training who were proactive and decided maybe they ought to do something before it happens to them. Now we get people who, because of their culture, are reactive. Thinking they could be raped or murdered is entirely subjective, entirely imaginary until it happens to someone they know.

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It's imaginary until your neighbor gets shot in his driveway while you are across the street, sitting in your house watching TV. Now, all of a sudden, that is real. If a co-worker is carjacked or a member of your church group gets raped, all of a sudden it is real. If you can put a person's name on it, then it is real, so I think a big piece of it is knowing someone to whom it happened. Everybody puts so much energy into trying to convince themselves that it will never happen to them and that it will only happen to someone else. I tell people to remember that to everyone else on the planet you're "somebody else."

eJournal: So, a man or woman draws that mental line. Now, we have to train, practice and prepare our defenses. Because our concept of violence is pretty theoretical, we're often not sure what we're preparing to face and subsequently don't know what to train to defend against. When private citizens defend themselves, what kinds of attacks do we see over and over?

Givens: I call it the Four Rs: Robbery, Rape, Road Rage and Respect. Almost without exception, those are the four things that get private citizens into shootings. Those are pretty much it.

Robbery: somebody tried to forcibly take something away from you whether it was your money, your watch or your car keys. What they are taking from you is irrelevant. What matters is that they are taking it from you in person through force and violence. That's what robbery is. If you add a weapon, it's armed robbery.

Robbery is probably the most common reason private citizens would actually have to reach for a gun. The majority of our student-involved shootings have been due to robberies. If somebody tried to stick you up in a parking lot, somebody tried to rob your little business, you're car jacked at gun point, or somebody kicked down the door of your house with a gun in their hand, all of those are iterations of armed robbery. That's why I say robbery is probably the most common.

When you talk about rape, a lot of people don't realize that about 20 percent of rape victims are male; it is not exclusively a female problem by any stretch of the imagination. Male rape is pretty often a death sentence and it is not a one-on-one crime, it is usually a three- or four-on-one crime, and typically at least some of the participants are HIV positive, so you are pretty likely to get very ill afterwards. That is a pretty serious issue.

Road rage: We're seeing more and more cases of shootings arising from road rage. I assume that every vehicle around me has a gun in it. You could say three out of four motorists have guns, but then you have to ask which one doesn't have a gun?

I'm just going to assume they all do, so I'm not going to flip off the guy in that Buick over there, because I have to presume he has a gun. I'm not going to give the one-finger salute to somebody that passes me because they might shoot out the right window and hit me in the face, and there really is not much I could do to stop that. Road rage is a real common problem that people need to avoid. You need to yield the lane or whatever, because an awful lot of the cars out there have guns in them.

Respect is the fourth reason people get in shootings. You would be amazed how many arguments start with, "He disrespected me." The problem with respect is that it doesn't matter if you did or if you didn't. All that matters is his perception. That's it. If some man thinks you looked at his girlfriend wrong, it doesn't matter if you did or didn't. It makes no difference at all. What matters is what he thinks.

If you take someone's parking space, a space that's "his," that he's been waiting on, that's a territorial issue. Males will fight to the death over territory. A normal, well-adjusted person would say, "It's just a parking space," but to him, you have just taken away something from him that on a basic, primal level he will defend to the death. People get killed over territory every day!

The Dinkheller killing involved a deputy who, during a traffic stop, told a much older man to take his hands out of his pockets. That offended the man to the point that he went to his car, got a rifle, loaded a magazine for the rifle, loaded the rifle, shot the deputy until he got him down and then stood over him and shot him through the head. Now, you ask a normal person, "Would you kill a man over telling you to take your hands out of your pockets?" Well, of course not! Not everybody's a normal person.

eJournal: Few have real life experience being attacked and fighting back. In fact, we strive to avoid the experience, so we are left wondering, "Will we act fast enough to survive?" I'm wondering how private citizens can get a handle on reacting quickly enough.

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Givens: Nowadays video cameras are everywhere, so every day we get dozens and dozens and dozens of shootings on video, quite a lot involving private citizens. If you are not at home, you are probably on camera. According to the last estimate I saw there are at least 20 million people legally carrying guns in this country. We now get private citizen shootings on a daily basis. When you look at the video, you'll notice that the preliminary dancing depends entirely on what kind of crime it is.

Somebody might follow a female through a shopping center for 20 minutes before following her out onto the parking lot and then initiating a violent assault at the end of that time frame. But the first 20 minutes don't count, because the violent assault is going to be over in just a matter of seconds.

If you are pumping gas at a 7-11 and a car pulls up next to you and one of them steps out with a gun, there is very little lead up. The time is no more than it took to pull off the street and stop next to you. But again, once the dude steps out of the car and produces a gun, that assault is going to be over pretty quickly.

When you look at these videos, the preliminary can vary greatly. Once the guns come out it is only about a three to five second window before it is over one way or the other. It's done! The majority of these things happen from two steps away to the length of a car or just barely beyond that. At those kinds of distances, in three to five seconds it is over in one way or another—everybody's out of ammo, they're shot and down or they've run off.

eJournal: I will always remember the phrase you once used in a lecture. You were discussing a female student who shot an armed robber in her store. Of her, you said, "The thug started the incident, but our student started the fight." What did you mean?

Givens: Generally speaking, whoever starts the fight wins it. There is a huge, huge gap if you are trying to catch up with somebody else. Craig "Southnarc" Douglas calls it "the initiative deficit." Clint Smith calls it being "in the hole." They are both describing the same thing: they are describing trying to play catch-up when you are behind the eight-ball. It is very difficult to do. The FBI is doing a lot of research right now into police officer murders. The same behavioral scientists who did the profiling on serial murderers are delving very deeply into police murders and learning some very interesting things.

In two-thirds—66 percent—of police officer murders, the officer starts the contact. He makes the traffic stop; he asks the pedestrian to stop and talk to him; he initiates the contact with the suspect. The suspect bides his time and waits while the officer looks at his driver's license or talks on the radio or turns to go back to the patrol car, and then the suspect initiates the sudden, violent assault. The suspect initiates the fight.

The officer is behind the curve; he has got to catch up from the initiative deficit. In two-thirds of the cases in which officers are killed, they are behind the curve and they can't catch up fast enough. To put it really bluntly, the officer started the contact but the offender started the fight.

That store robbery you mentioned is a perfect example. The guy comes in thinking, "I'm going to produce a gun, tell her what to do and she is going to do it." Everything in his life experience tells him that when he pulls a gun on somebody and tells them what to do that they will comply, so that is what his mind is set up to see; that is what he expects. He comes in and accosts the clerk, expecting compliance. He starts the contact.

When she side-stepped and pulled that gun, it was the last thing in the world he expected. She started the fight. By the time his brain plays catch up, he's got the initiative deficit. She doesn't. She has seized the initiative by moving and drawing a gun. He was playing catch up and never got out of the hole. He caught a bullet in the chest and never got a shot off even though he started with a gun in his hand pointed at her.

eJournal: Often, a criminal has attacked a number of victims in the same way numerous times. We likely have not reacted to as many attacks as they've perpetrated, so here's a different deficit—an experience deficit. How do we overcome that disadvantage?

Givens: Well, the lady in the store shooting you asked about had been robbed twice before. The last time, she had been put on the floor with a gun to the base of her skull and told she was about to die. By sheer luck, the police pulled into the parking lot to get a cup of coffee and the robber assumed that she had tripped a silent alarm although she didn't have one. The robber vaulted over the counter and ran out the door while the cop was getting out of his car. That is the only reason she is still alive.

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She made up her mind at that point, "I'm not going through this again," so she came and took a couple of classes and armed herself and took care of business the next time. She was already mentally primed.

Later, she told me and these are her words, "After the second robbery, the next son of a bitch that pulls a gun on me is getting shot." She had what we call a pre-made decision, so when the third guy came in and produced a pistol she simply took a couple of steps to the side and shot him. Her mental trigger was "The next time a robber points a gun at me, I'm going to shoot him," so she was not thinking, "Oh, no, this guy is pointing a gun at me! What am I going to do?" No, she had already decided, "I am not going to go through that again."

eJournal: Could you tell us more about the process of solidifying the "premade decision?"

Givens: I believe the simplest thing to do is to subscribe to a big-city newspaper. It doesn't make any difference which city, just pick one and subscribe. In every big-city newspaper that I have ever seen, the first section deals with international and national news and then the second part deals with the local stuff. Some places call it the metro section, others call it the local news.

You will notice that the local section is nothing more than a litany of yesterday's atrocities. The local section is just a big list of all the serious crimes that happened yesterday—stories about a woman being carjacked here, a store that got robbed there, this guy got shot in his driveway. The local news is just a recitation of yesterday's crimes.

Subscribe to the paper, and every morning as you drink your coffee or eat your breakfast, open that local section and pick just two of the crime stories. Read them and ask yourself these questions.

How did this guy get into this? If you look at these critically, an awful lot of the time these crimes are victim-facilitated or victim-precipitated. A guy got robbed at three in the morning at an ATM. OK, note to self, don't go to the ATM at three in the morning. You are identifying victim behavior and every day reinforcing in your mind that it is not what you want to do. By calling it risky behavior and seeing the result of it, you become a lot less likely to do it.

So, the first thing you ask is, "Why did this happen?" and you look for the factors that created the opportunity.

Criminals are opportunists, so if you take away the opportunities, you take away the crimes. You eliminate the opportunity by learning not to engage in these risky behaviors.

The second question to ask yourself is, "If I got into it, how would I get out?" You look at the specific crime in the story, this guy was doing this and the bad guys were doing that and they wound up robbing him and shooting him. You ask, "Well, what would I have done to fix this problem? How would I have dealt with it?"

What are you getting practice doing every single morning? You're making tactical decisions, and then if you have to do it for real, it is not the first time you had to do it. You've been doing it every day of your life. You've done it five days a week for years. To me, it is far more sensible to let somebody else take the bullet but you take the lesson.

eJournal: Your recommended daily review of common crimes may also emphasize how common it is for people just like us in our own communities to be violently attacked.

Givens: It amazes me how little people realize what goes on around them every day. The typical person is so woefully ignorant of the actual level of violence in the country. The media likes to tell you that violent crime is down. That is an outright, abject lie. It is a good example of using statistics in a manner to massage the message into what you want.

What they should say is that the official murder rate is down. The murder rate is not down because people are not trying to kill each other. It's down because few actually die from their injuries due to advanced trauma care. The trauma center in Memphis is an example. There are 20 hospitals in the metropolitan area, but The Med is a Class One trauma center. It has a very good, nationwide reputation. They lose less than 1 percent of people presenting with vital signs, which means if they roll you in the door with a pulse, you are going to walk back out 99 out of 100 times. So, the vast majority of victims someone tried to murder doesn't wind up dying from their injuries, thus there was no homicide.

What is the official yearly murder tally, the official murder count, in the United States? Officially, it is about 12,500. Guess what doesn't count? 30,000 people a year who

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just disappear without a trace and are never seen again. People who study murder for a living will tell you that the majority of those 30,000 permanent disappearances are properly disposed of homicide victims. I happen to be on I-75 in Florida right now, just south of the I-4 corridor. The I-4 corridor has wooded medians all through it and bodies turn up there constantly. It is one of the major dumping grounds in the US for murders. Some of those homicides are 10 or 15 years old by the time a work crew finds the skeleton. The number of murders in the United States is not 12,500 per year; it is more like 40,000.

Let's not quibble about official murder tallies, because murder isn't your primary concern. It is aggravated assaults you have to worry about. In the US, we have from a million to 1.2 million aggravated assaults per year. That means someone tried to kill you but a trauma center intervened and saved your life. You may have had multiple surgeries, you may have lost an arm or leg, or may be blind, could be paralyzed, but you did not die, and if you did not die, it is not homicide. It is aggravated assault. We have 1.2 million aggravated assaults a year: that affects one out of every 300 people.

The murder rate is down, but not because people don't try to kill each other. 1.2 million times a year people try to kill each other, but modern medicine keeps those from being successful. Robbery with injury to the victim, we have about a quarter of a million a year; rapes run about a quarter of a million of those a year; aggravated assaults still run about a million a year. Those are all violent interpersonal crimes with serious, life-long ramifications.

The typical person hears the talking head on the news say, "Violent crime is down by 10 percent," and they think it's true. Violent crime happens all across the US. It doesn't matter where you live. I used to deer hunt in a county that had only about 15,000 people in it and the county seat had 11,000 people in it, and per capita, the homicide rate was the same as Memphis. It was just that the community was so much smaller that their murder count would be two or three, but per capita there were just as many as in a major city. It makes no difference where you are!

eJournal: That's a lesson for those of us who have moved out of big, metro areas seeking a quieter, safer life! You really do hear people say, "I'm going to move to a nicer community where violent crime does not happen."

Givens: People tell me, "I live in a nice, affluent neighborhood," and I say, "That means you have cameras and money and jewelry and credit cards and stuff in your house that other people want. You are basically sitting on the cheese in the rat trap. You are exactly the kind of person a career thug is looking for."

eJournal: Another thing we do is hedge our fear and discomfort behind sanitized words like "interpersonal violence." If we're honestly preparing to defend against rape, assault and murder, we must come to terms with the evil humans do to one another.

Givens: People who haven't seen the results of violence up close just have no concept. We are talking about lives being shattered. If you're murdered, it not only affects you, but it affects a lot of other people, too.

Who is affected if you're murdered? Do you have a spouse or children? How are they going to deal with your sudden, completely unplanned for permanent absence? How are those children going to get a decent education? When they need help from a parent, you're not going to be there. They're going to grow up, graduate, get married, have kids—all without you. They are going to have to get through life without you. What about your co-workers and friends? Most people have some friends. When one person is murdered, it negatively impacts dozens of lives, and in some cases, very seriously.

Then, imagine the results of an aggravated assault. You didn't die, but if you are permanently disabled. How are you going to take care of your family from that point on? Your family is going to be negatively affected; your earning potential just went out the window in the blink of an eye.

There is just so much more cost in human terms to violent crime than most people imagine. It happens so many times every day. According to the Bureau of Justice Statistics there are about six million violent crimes a year in the US. That's one for about every 54 people but that is one for every 30 adults.

One of the things that amuses me is when people say, "I know that the odds of me needing this gun are one in a million." Well, the odds are not one in a million.

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There is one violent crime for every 30 adults every year in this country, and that is just one single year. Your lifetime odds are more like one in three.

That's why I encourage people to say, instead of "I can't believe this is happening," to say, "Oh, I guess I am one of the three." Deal with it instead of being dismayed and astounded by it. Say, "I expected this!"

eJournal: There's also the danger of getting all wrapped up thinking, "Why is this crime happening to me?"

Givens: It is happening to you because you happened to be here when the criminal came by.

eJournal: It is not personal. You just got caught in the net instead of the next guy who happened along.

Givens: I would encourage our readers to Google "Petit family murders." That was a family in Connecticut that lived in a very safe, very nice, upscale suburban neighborhood in a big 4,000 square foot house. Dr. Petit and his wife, who was a nurse, had two young daughters—11 and 17 years old.

On Sunday afternoon, Mrs. Petit and the 11-year-old went to the supermarket to buy some supplies for a birthday party the next day. Two o'clock in the afternoon on a Sunday—that is not what I would call risky behavior! A career criminal saw them in the store and followed them around and out onto the parking lot and watched them get in their car, followed their car home and saw the home they went into.

He called up his friend, who turned out to be a serial murderer, and told him what he had seen. So, at three o'clock in the morning, they go to that house, go inside and beat the doctor unconscious with a baseball bat, rape and strangle Mrs. Petit to death, then after raping the two little girls, tied them to their beds, doused them with gasoline and burned them alive.

Then they get caught by police as they exit the property. There was no question about their guilt. The "risky" behavior that started the whole deal was going to the supermarket at two in the afternoon. Now, the Petits lived in a high income, low crime, safe suburban neighborhood in a nice house. Someone picked them anyway. You can't say Mrs. Petit's behavior was risky! She's buying groceries at two in the afternoon on a Sunday. She didn't choose to be a crime victim.

Someone else picked her to be a crime victim and all it took was being seen in public.

eJournal: That sure challenges the strategy, "I'll just be super careful."

Givens: The first thing that you've got to do is just accept that there are people like those two men. These guys are out there. None of them stay in prison for any length of time because of prison overcrowding. In most states, the sentences and the time actually served are so far apart that it is ridiculous. They go in, they come out, they go in, they come out, they go in, they come out. It is a cycle repeated over and over until they come to the end of their lives. You have to understand that you are swimming in the same water with them and it doesn't matter whether you like it or not.

I would not consider the supermarket at two in the afternoon to be a high-risk environment. However, there are career, multiple-offender murderers who go to supermarkets, as well. When you are in the grocery store, you have no control over who else is in that store. When they spot you and say, "Oh! I like the looks of that person's watch or ring," or "I like the car that person is getting into," or whatever. You have been selected whether you like it or not, whether you engaged in any risky behavior or not— it makes no damn difference! You just have to expect it. You can do everything right and do nothing wrong and you can still be picked. When that happens, you will have to be the one that fixes it.

eJournal: Better to study the Petit family tragedy and then decide, "What will we do if criminals break in at night?" and build some procedures and plans.

Givens: Well, the first thing: those two did not break in. They walked in through the unlocked front door. Lock your damn doors. We live in a world with people like those two in it, lock your damn doors. If they have to kick the door down, at least you get some warning that something is up, but if someone smacks you in the head with a baseball bat as you sleep, it is a little late to get in the loop.

Jeff Cooper said this is almost like a revival meeting. You have to open up and say, "Yes, it can happen to me. I must be ready to deal with it."

eJournal: What a great summation of a big subject.

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Givens: We're not being a sheepdog, we are not looking for problems, but if somebody attempts to harm or kill us, we will make them stop. We have the requisite skills to do that. Without both mindset and skills, you're kidding yourself. Skills without the ability to use them are useless. The mindset without the ability to carry out your will is useless. You have got to have both.

Do the bulk of your training inside the length of a car, do some work beyond it, just in case you run out of luck. I have a student who had to take a shot at 22 yards—by the way, he planted his shot right smack in the middle of the guy's sternum at a measured 22 yards away. He later sat down in my office and talked to me about that, and you could kind of see the light bulb come on over his head. He said, and this is a quote, "When I had to shoot that guy all the way across the street, it never occurred to me that I was a statistical exception. I just had to deal with it." That's an insightful statement.

The guy on the other side of the street was firing a pistol at my student who had children around him. With the children's lives in immediate danger, he had to respond. He moved to draw fire away from the children and then he engaged from the middle of his front yard to all the way across on the other side of the street. He hit the guy and put an end to the problem. He had been to the

range to practice nine times in the 12 months that preceded the shooting. Do you think that might have had some effect?

Again, though, that skill without the will is meaningless, just as the will without the skill is meaningless, too.

eJournal: That's the challenge—and as always, you've inspired us to do better. Thank you for all the knowledge and encouragement you share, Tom. It's truly a privilege to have you as part of our Network Advisory Board.

Tom Givens and his wife Lynn Givens operate Rangemaster Training Services and organize the Rangemaster Tactical Conferences each year. Tom's experience includes a 25-year career in law enforcement and specialized security work, operating an indoor range in Memphis, TN for nearly two decades, and he is a certified expert witness on firearms and police firearms training in state and federal court. Learn more at <https://rangemaster.com/about/tom-givens/>.

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President's Message

NRA Annual Meeting Report

by Marty Hayes, J.D.

Last month, I told you I would report on the NRA Annual Meeting. It was an interesting meeting for the non-profit

organization known as the National Rifle Association, but if you were paying attention since then, there have been a lot of articles and social media commentaries regarding what has been happening with the leadership of the NRA. Lawsuits are being filed daily—well, that's a joke, but there have been several—between the NRA and Ackerman McQueen, its ad agency.

While some have made much of it, frankly, I find it all pretty boring. However, I also have this little itch to say, "I told you so, NRA!" Okay, I said it, and my messages regarding the issues surrounding the introduction of Carry Guard are detailed in a series of articles at <https://armedcitizensnetwork.org/open-letter-to-nra> , <https://armedcitizensnetwork.org/june-2017-presidents-message> , <https://armedcitizensnetwork.org/open-letter-to-nra-board> , and <https://armedcitizensnetwork.org/july-2017-presidents-message> . My opinion has not changed, so I am happy to pronounce that Carry Guard is, for all intents and purposes, dead. Both the training aspect and the CCW insurance were ill conceived. It was a poor program when introduced, and it never got better.

So how did the Network do at the NRA Annual Meeting 2019? We had a very good meeting. Exhibiting at these Annual Meetings costs us a bunch of money to travel, buy the booth space, and put up four people in stupidly expensive hotels. We always hope to at least break even on costs v. income from new members. I am happy to report that we did this year, and in fact this year's new member recruitment tied our best year. It put a smile on our faces, for sure.

But, for Vincent, Gila, William and me, working in the Network booth, the better thing that put bigger smiles on our faces was the way so many people came up to shake hands and say, "Thanks for starting the Network" or "Thanks for being there." That means a lot to us.

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Left to right: Network President Marty Hayes, with Advisory Board members Dennis Tueller, Emanuel Kapelsohn, Jim Fleming, John Farnam, Massad Ayoob and Network Vice President Vincent Shuck greeted members in our booth at the NRA Annual Meeting.

June 2019

So, all in all we had a good meeting, and we look forward to seeing our Nashville, TN members next year.

You Can't Save Them All

This sad tale falls into the above category. We received a call today from the widow of a member, who was responding after receiving a renewal notice. She told us that her husband was deceased so would not be renewing.

Now, we actually handle a sad number of calls and e-mails about members passing away, but the circumstances of this member's death are what put me back. It seems that he was shot in his home after police came to his door in response to a fire alarm. The police watched him go back into the back of the house and come back with a gun in hand. He then opened the door and according to police pointed it at the officers, refused to drop the gun when commanded to do so, and was shot four times. He died at the scene.

I am really quite disturbed that this gentleman was not more responsible and that he pushed the officers into feeling like they needed to shoot. One contributing factor was alcohol; he had a .14 blood alcohol level. I have written before that I am not a tee-totaler, but I would not have that load of alcohol on board and have a gun available to me. Even more distressing, the deceased went and retrieved the gun. It seems like he was not thinking clearly, and absent more information it is hard to imagine the reason.

Please, dear members, if you are having issues in your life that result in over-medicating with alcohol or other mood-altering drugs, put the guns away and don't get them out under any circumstances. I cannot imagine the pain and likely guilt feelings the widow has endured. How sad. On that note, I will bid you a fond farewell for this month, and I will talk to you again in July.

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Attorney Question of the Month

Because the Network has a membership benefit of assisting innocent members in obtaining bail bond, members often express a wish to understand how posting bail works in their state. We asked our affiliated attorneys to help out by responding to the following questions.

Is bail bonding allowed in your state?

If not, what options exist for a defendant to be released from jail following self defense gun use?

Typically, what conditions, restrictions or allowances affect bail if the defendant has used a gun against another human? When you counsel clients and their families, what "reality checks" do you explain to dispel unrealistic expectations?

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Bail bonding is allowed in Georgia.

In cases where a gun is used against another person (i.e., another was actually shot, not just threatened or shot at), the defendant is most likely going to be charged with aggravated assault (if there was not a death) or murder (if there was a death). There are some other possibilities, but the police normally do not get very nuanced when they apply for arrest warrants. They let prosecutors do that.

If you are arrested for murder, you could be incarcerated for several days or even longer before your bond amount is set, and you may be denied bond altogether. That will depend on the circumstances of your case, both what you are accused of doing and what your life factors are (ties to community, job, family, criminal history). I would expect most people who are members of the Network would be able to get a bond, but it might be high (six figures) and it still might take a while.

If you are arrested for aggravated assault, you probably will get a bond set pretty quickly and it probably will be more manageable (five figures). In either case, it is a virtual certainty that a bond condition will be not to possess firearms, so you should be prepared to make arrangements to have your firearms placed where you will not be able to access them so they are not seized when you are arrested.

One thing people may not realize, is if you pay a bail bondsman his fee in GA, he still is going to want someone other than the defendant to sign on as being responsible for the bond amount if the defendant fails to appear. Usually that would be a relative or close (really close!) friend. This can be a big problem for people who do not have a close network. If no one will sign for you, even if you can afford the bonding fee, you don't get out.

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In New York, bail bonding is permitted.

The purpose of setting bail is to ensure the presence of the accused at future court proceedings. Bail should never be used as a punitive proceeding. The factors that a judge will consider are the severity of the crime, the accused's past criminal history, ties to the community, employment, assets and their location, and any other relevant factors. There may even be occasions when the judge feels assured the accused will come back to court without any bail being posted and thus "release on your own recognizance" may be appropriate.

If, however, the judge believes bail is necessary to ensure the accused will be present at future proceedings, the next decision for the judge is to decide how much bail is necessary and in what form it should be. Bail can take many forms in New York State. It can be cash, bond, property, real estate, undertaking from another person, release under supervision of probation, release into the custody of a family member, etc.

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It is the job of your attorney to explain to the court all the relevant factors and address any concerns the judge may have so that the accused is released from custody pending prosecution. No one wants to be unnecessarily incarcerated. Being out of jail means you have more time and resources to effectively work on your defense and get ready for future court proceedings.

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Yes, bail bonding is allowed. Below is link from San Diego Superior Court for bail bonding and, in fact, bail is presumed per California Penal Code Section 1271.

http://www.sdcourt.ca.gov/pls/portal/docs/page/sdcourt/criminal2/criminalresources/bail_schedule.pdf

In some cases, the judge will deny bail and these can include firearm charges and firearm related charges. To deny bail, the judge must find the below and each case is individual as to counseling.

1. Accused of committing crime;
2. For all bail hearings, presumption of guilt and not innocence;
3. If released, would be a present danger to the community.

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Bail bonds are allowed in Washington and, in most, cases required (the exception being capital cases).

When I talk with clients about bail, much depends on where this occurred. There is a huge difference in bail amounts between counties. Generally, what I am looking for are ties to the community, the ability to show community support for the accused, other ties to the community (work, home, children), and longevity of those ties. Obviously, severity of the crime factors in (assault in the second degree vs. murder for example). And the condition of the victim(s) is significant as well.

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Is bail bonding allowed in your state?
Yes.

If not, what options exist for a defendant to be released from jail following self-defense gun use?

We also have personal recognizance bonds, since there is a movement away from bonds as means to ensure presence at trial.

Typically, what conditions, restrictions or allowances affect bail if the defendant has used a gun against another human?

There may be restrictions on places where the citizen accused may go, e.g. near home or workplace of alleged victim. There may be a requirement to relinquish possession of firearms, usually done by passing them to a friend or relative with whom the citizen accused does not live. There may be other restrictions; e.g. drug testing if the allegations involve conduct while under the influence of drugs.

When you counsel clients and their families, what "reality checks" do you explain to dispel unrealistic expectations?

The process is long. Usually time is the ally of a citizen accused, once things cool down. Further, in a fight, never negotiate yourself. Set your sights high, whether you make the goal dismissal, acquittal, or a particular sentence (if the evidence and facts are against the citizen accused).

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You asked, "What are the bail options in Wisconsin?"

Wisconsin does not use bail bondsmen. What the judge sets is what the accused must post. Signature bonds (an agreement between the accused and the court with no cash component) are common. The chief purpose of bond is the re-appearance of the accused, but public safety figures prominently.

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In any shooting case, I would expect to have to fight hard for anything other than a high cash bond, even if my facts are favorable. Most judges in a shooting case will error on the side of caution (and politics) and leave favorable facts for the jury, while setting significant cash bond.

I have often found that the families of the accused have tunnel vision on raising bond for their loved ones, while losing sight of the fact that their chosen lawyer is unlikely to take an IOU when they put all of their available resources into bond. This is a conversation I have early with the folks of the accused. It's also an excellent reason to be an Armed Citizens' Legal Defense Network member.

By far the most difficult bond and jury arguments to make are on behalf of the "loud and proud Second Amendment" types (i.e. "I have a right to stand my ground." "I have a right to shoot until the threat is down." "We don't dial 911." "Forget the dog, beware of the owner." "Yada, yada, yada.") The statements you make can be uncovered by the prosecution and used to advance a pre-meditation argument on both bond and guilt. Be prepared for a zealous prosecutor to send investigators to your CCW instructor asking, "Who was the bad apple in your class?" In short, watch your mouth. It can sink your ship.

A big "Thank You!" to our affiliated attorneys for their comments. Please return next month when we pose a new question to our affiliated attorneys.

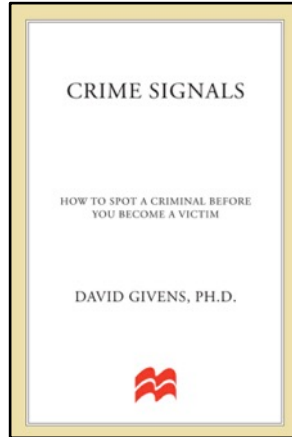
Book Review

Crime Signals

How to Spot a Criminal Before You Become a Victim

By David B. Givens, PhD
 Publisher: St. Martin's Press;
 Reprinted Nov. 19, 2013
 237-page eBook \$7.99
 240 pages, paperback, \$18.57
 ISBN: 978-0312362195

Reviewed by Gila Hayes



“Crimes rarely go unannounced, without prior notice, clues, or warnings,” David Givens, an anthropologist and specialist in nonverbal communication, writes in *Crime Signals*. “Murderers, sexual predators, terrorists, and thieves all emit telling cues before their misdeeds.” These include poor eye contact called “gaze avoidance” and other cues. With terrorism and crime on the rise, citizens are warned to remain alert to suspicious behavior, but what they should notice instead “is really anomalous behavior,” he explains.

Anomalies might include someone with an obviously weighted-down backpack inside an upscale shopping center, a car with lots of able-bodied passengers pulling in to a handicapped parking space near a store entrance, customers all standing motionless inside a convenience store, a person in running clothes smoking a cigarette beside a parked van and more. All of these anomalies suggest that the person is acting out a pretense to obscure what is really planned. Rarely is the acting perfect.

“What,” Givens introduces, “do their bodies say when they lie?” He details how “hands, shoulders, lips, and eyes” will tell the truth, despite words to the contrary. Later chapters detail how skilled liars manipulate eye contact, illustrating that presence or absence of one “sign” alone isn’t proof positive. Aggressively pointing index fingers or complete absence of gestures, vehement assertions of innocence, aggressive displays of anger or a flat, unemotional, disconnected demeanor can all support a conclusion of untruthfulness.

Conversely, truth telling is often accompanied by “raising the eyebrows, lifting the toes while seated, and rising up on the toes while standing—to add emphasis at the end of their sentences,” he quotes FBI profiler Joe Navarro. Still, the study of faces, as illustrated by wife-killer Scott

Peterson’s emotionless face or a rage-filled abusive spouse as seen at other murder trials, alone is not enough. Predicting who will or identifying who has killed relies on a confluence of anomalies.

Just as we’re taught to watch the hands to detect danger, Givens notes that, “Hands are such incredibly gifted communicators that they always bear watching, especially in matters of truth or falsehood.” Likewise, touching one’s lips with hands or objects such as a pencil or pen can signal lying. Infamous news images of documented lies illustrate shoulder shrugs, palms-up gestures called “hand shrugs,” averted gazes and thin, tight-lipped expressions.

Givens notes that gaze behavior is culturally-dictated and can be faked by one skilled and experienced in deception. Likewise, clever con men learn to charm and convince through “body language, facial expressions, and posturing.” Touch, dramatic or flamboyant gestures, conspicuous charm, and repetitious rituals can all serve to beguile victims. Watch and understand what people do, as that’s more truthful than what people say, he later stresses.

Intermittent explosive disorder, attacks to derail a perceived trap and territorial aggression are discussed as triggers that “may quickly ignite into violence.” Givens explains that the study of proxemics, popularized by Edward Hall in *The Silent Language* was particularly insightful, since, as Givens notes a bit later, because silence when talking is ordinary is “one of the most commonly recognized danger signs.”

Givens discusses facial expressions—both intentional and unintentional—beginning with eyes that are narrowed or extraordinarily wide (which he dubs flashbulb eyes and names a “visceral sign of emotion”), blinking, and the constriction or enlargement of the eyes’ pupils as dictated by the sympathetic nervous system, drawing examples from news photos of prominent criminals like Charles Manson.

He details “assault warnings afforded by facial sweating, skin color, pulsing arteries, biting movements, flashbulb eyes, and rapid blinking, visible and audible changes...in the way we breathe.”

Nonverbal cues given off by sexual predators are discussed at length, including watching and testing for

[Continued next page]

submissive victims, forward through additional stages into physical abuse. Lists of warning signs are useful not only to avoid victimization but also for family members and friends who wonder if a loved one is falling victim to a predator.

Visual indicators given off by terrorists is the subject of an interesting chapter in which Givens addresses use of color and symbols, and physical behavior that has tipped off immigration officials, airline staff, and others who have interdicted terrorists. "Anxiety is a telltale sign that something is wrong. Eyes widen, fingers fidget, voices tremble, foreheads glisten with sweat," he details. While one anomaly alone might not set off internal warning sirens, several in tandem certainly should.

An engaging aspect of *Crime Signals* is the author's use of notorious evil-doers as examples to help readers envision the gestures and expressions that reveal a truth obscured by words. He talks about analyzing the motions and content of a TV network interview with Saddam Hussein, as one example that will be remembered by many. The OJ Simpson trial, the trial of Martha Stewart, Bill Clinton and priests convicted of sexual molestation illustrate other points.

Gang clothing, hair styles, tattoos and jewelry, gestures, swaggering gait and even dances all communicate messages the watcher ignores at his own peril but each comes with subtle distinctions to separate the genuine from the imitation. "Recognizing how the body language of gang members differs from wannabes who mimic their actions is a good way to protect yourself from harm," he writes. His discussion of criminal gangs explains how group unity is communicated through appearance and gesture.

Givens then draws interesting comparisons between gang leaders and corrupt corporate moguls. One leading trait is bullying. "Psychologists identify bullying as one of the most stable of all human behaviors. It may begin in childhood and continue as an adult coping style.

'Bullies turn into antisocial adults,' Hara Marano wrote in *Psychology Today*, 'and are far more likely than nonaggressive kids to commit crimes, batter their wives, abuse their children—and produce another generation of bullies,'" Givens quotes.

He details one disgraced executive who had a "hair-trigger temper, publicly belittled people in meetings, and launched aggressive tirades at critics and colleagues alike." While some use "confrontational body language and strident tones of voice," others use gifts with strings attached to exert control. "Anthropologists today agree that when accepted, gifts incur strong obligations. Accepting a gift carries an implicit obligation to reciprocate in kind," he writes.

Body language of thieves is dissected. The strategy of acting like people with good reason to be in a location lets thieves work in plain sight, but a robber working the streets relies on catching you unawares or lulling you into unmerited trust, he writes. Detecting an intended home invasion uses unintentional cues an innocent-looking decoy gives away that their clothing and physical features conceal: "If their body language seems abnormally tense or anxious, it's because they've arrived on your porch fully primed for action. You will see adrenaline-charged demeanor, men standing taller, moving faster, showing tense hand gestures. That they lean forward and crowd your doorway telegraphs eagerness to come in. They poise to spring forward should you barely crack open the door," he writes.

Givens theorizes that crime is basically theft, so closes his book synopsis, "Crime—whether violent, conniving, or petty—is almost never completely unpredictable. Nonverbal signs betray criminals throughout their misdeeds. As we've seen, crime signals are best decoded prior to unlawful acts." *Crime Signals* was entertaining reading that also contained useful lessons for the reader who wishes to be more alert to impending danger. I enjoyed it.

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



Editor's Notebook

by Gila Hayes

Do you carry knives? Silly question, right? Who doesn't?

Admittedly, the knives most of us carry are used most for such mundane functions as

the simple utility of opening packages, slicing food for an impromptu lunch, or cleanly severing the stems of wild flowers impulsively gathered for a bouquet. In the background, however, is the idea that we consistently carry a knife or two as a backup to a gun or as a primary defense in locations where guns are prohibited.

Like any weapon, training makes self defense with a knife not only more effective in the moment of necessity but also less risky in the legal aftermath. Whether your last input on knife use was at the cinema watching *The Hunted* or a traditional Indonesian martial arts class that taught knife use, what you've seen as knife fighting may not stop hostilities as quickly as needed. But let's say your knife technique works well enough that you survive, now you face justifying a dozen or more deep cuts you inflicted while fending off the ongoing assault?

While knife wounds certainly can be deadly, instantaneous stops is not the knife's strong suit, so the length of time over which you have to fight creates not just a survival problem; it magnifies the post-incident legal issues because of the difficulty of justifying the myriad of wounds inflicted.

Long-time readers will remember the interesting article *Court Defensible Knife Tactics* in the March 2013 edition of this journal in which Michael Janich explored just those issues. Now, completing a project that has taken a lot longer than we ever expected, we have posted a video presentation for members to stream from the member-only portion of our website outlining Janich's work on knife defense. Set aside some time and check it out at <https://armedcitizensnetwork.org/knives-introduction>.

Network President Marty Hayes hosts the wide-ranging presentation. In it, Janich touches on equipment selection including a discussion of common prohibitions like blade length, commenting, "You don't want to have a felony in your pocket when you start to defend yourself. You want to have something that is going to be considered to be a legal knife." Other topics focus on effectiveness in cutting, targeting to disable an attacker's ability to grasp and attack with a weapon, targeting to limit an attacker's mobility, and legal issues commonly raised by prosecutors and plaintiff's attorneys.

Consider Janich's articulation to justify cutting an attacker. Suppose you were attacked and used a knife to sever the quadriceps so you could run away and the attacker couldn't come after you to continue the attack. Your statement to investigators might be, "I cut his leg to make him fall down so I could get away, so he couldn't attack me anymore," Janich suggests, explaining, "It shows your intent as disabling the attacker versus the idea of trying to kill him."

Later, if responding to charges that you tried to kill the attacker, Janich explains that if employing targeting taught in his *Martial Blade Concepts* you would be able to say, "No, I had access to his entire body when he attacked me. I was close enough to have a choice of targets. I cut his leg to disable him. I cut his arm to disable him," adding, "Again, that shows your clear intent; it shows that you acted responsibly and ethically."

Responsible citizens, forced into violence to survive, have trouble grasping how cutting or shooting distorts opinions of who and what we are. We see ourselves as good citizens, not the danger we may be accused of being. Our new member education video *The Use of Knives in Self Defense* contains important lessons about responsibility and articulating survival decisions to counter those who would distort self defense as malicious, mentally unstable or irresponsible.

[End of June 2019 Journal.
Please return for our July 2019 edition].

June 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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J. Vincent Shuck, Vice President

Gila Hayes, Operations Manager

We welcome your questions and comments about the Network.

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June 2019