

Use of Force - AZ CCW

2021



9/1/2020 Course UPDATE

- We are now conducting non-shooting classes for the experienced shooters.
- This is NOT an online course; it is an in-person class with an instructor (John).

UPDATE Continued

- When meeting up with the instructor (John). You can bring your gun (no ammo) and I will go over it with you if you wish to do so.
- Also any and all questions will be answered as needed!
- I will give you a safety briefing and firearms safety demonstration as needed!

UPDATE Continued

- Once you are completed with the material in this presentation, you will schedule a time to come to my office in Buckeye and complete fingerprints (fingerprint cards supplied) & get your completion certificate.
- Master Instructor: John Hansen
- Call/Text 623-694-0377
- Email: info@azccwclasses.com
- Address: 23714 W. Bowker St. Buckeye, AZ. 85326
- Office hours: Monday thru Friday: 4pm to 9pm
- Saturday: 8am to 9pm
- Sunday: 8am to 9pm

INFORMATIONAL PURPOSES ONLY!

- *All legal information contained in the course and what is discussed in the presentation is to be used as GUIDE LINES only!*
- *If you need legal advice, see a lawyer!*

SAFETY

These exercises within this presentation can be done with dry-fire or live-fire methods. If you choose to do the dry-fire method, make darn sure the gun you use is NOT LOADED AND ALL AMMUNITION & MAGAZINES are out of the area of your training! Visually and physically check the firearm to be sure it is unloaded prior to use! SAFETY is important and needs to be adhered to at all times!

AZ CCW

Before we start this presentation, I have one question for you!

Can you use a firearm to take another person's life?

That of a female, male or child/teenager???

AZ CCW

If you are questioning whether you can or stated that you can't, then you have no business carrying a firearm for self defense.

A bit harsh I know, but any hesitation in a life or death situation may be the line between you surviving an incident or dying!

Hesitation can get you hurt or even killed!!!!

If you choose to carry a firearm for self defense, be mentally prepared to take a another human life, if needed!

“It comes with the Firearm”!
“MINDSET”!

Gun owners should accept and be prepared for the fact that they may have to press the trigger while aiming at another human being.

You and I both know that there are firearms owners that don't fully understand this and may even lack the resolve to do so.

We don't have time to discuss all the casual factors behind why a gun owner hesitates or won't use lethal force, but as gun owners we should try to identify and correct it!

A failure to do so could be tragic!

Firearms Safety Rules

THESE 5 BASIC FIREARMS SAFETY RULES
SHALL BE STRICTLY ADHERED TO AT ALL TIMES!

1. All firearms are considered loaded.
2. Always point firearms in a safe direction.
3. Keep your finger off the trigger until on target and ready to fire.
4. Know your target and what's behind it.
5. Maintain control of your firearm (24/7).

Safety Rules Re-Defined!

Here is another way to remember the safety rules:

- *Know the status of your weapon at all times.*
- *Maintain good muzzle management at all times.
(360 degrees)*
- *Maintain strict trigger finger discipline at all times*
- *Be aware of what is between you and your target,
to the sides & beyond it!*

Safety

THERE IS NO SUCH THING AS AN “ACCIDENTAL DISCHARGE” OF A FIREARM.
(USUALLY CARELESSNESS or INTENT).

- **Safety vs. Accessibility** (secured from others getting to them or having one out in a safe place in case it is ever needed. This is a decision that you need to make with plenty of thought and consideration.
- **Safes & Lockable Boxes** (Safes are good for multiple gun and harder for thief's to get into and carry out; Lock boxes are good for 1 or 2 handguns but a lot of them are easy to pry open or even carry out.

If anyone hands you a firearm and states that it is unloaded, ALWAYS visually and physically check it for yourself to make sure.

- Don't let your own familiarity with firearms lead to tragedy.

5 CONDITIONS of AWARENESS

- 1. **White** - No perceived threat, completely unaware of your surroundings (unprepared & unready to take lethal action).
- 2. **Yellow** - Functioning in public, aware of your surroundings (you bring yourself to the understanding that your life may be in danger and you may have to do something).
- 3. **Orange** - Alert, perceived threat or situation (you have determined upon a specific adversary and are prepared to take action that may result in death, but not in lethal mode yet).
- 4. **Red** - Focused, reacting to actual threat (you are in lethal mode and will shoot if circumstances warrant).
- 5. **Black** - This is where you are physically engaged with the criminal. Your mental trigger has been tripped and you have responded. Your only option here is to move forward and inflict as much violence as needed to incapacitate your attacker. There is no time for feeling sorry or scared, you simply react and trust your training.

Mental Preparedness



Readiness

- Mental Rehearsals for Life-threatening Situations
- Prepare mentally for the inevitable & the physical will follow
- In life threatening incidents you will make a split second decision. There will be a lot to consider in just a few seconds or less... Make sure you are realistically ready

BRAIN POWER VS. FIREPOWER!

Brain Power will win every time, before the ***Firepower***, you WILL use ***Brain Power!***

**Without Brain Power, Fire Power is
useless!**

It will always be this way too!

Brain Power vs. Firepower!

Brain Power is an important issue for mental preparedness. You will use it in every step of this presentation. I will show you how important it is. Defensive shooting does not come naturally at all. You will have to train and think for this.

Everything we do in our lives has a preparation stage, just as defensive shooting incidents do too. In a defensive shooting incident you will squeeze everything you know into a couple of seconds or less. Are you ready and do you really fully understand this concept???

3 Fundamentals of Shooting!

In order they are:

1.MINDSET

2.CONDITIONING

3.SKILL

MINDSET

- Mental Conditioning
- Awareness
- Tactics
- The WILL to WIN!!!!

We will discuss mental conditioning in this presentation!

CONDITIONING

- Safety
- Loading & Unloading
- Reloading – Stress & Tactical Reload
- Malfunction Clearing
- Presentation
- Physical Conditioning too! Most likely, you will fight to get to the gun!

SKILL

- Stance
- Firing Grip
- Sight Alignment
- Sight Picture
- Breathing
- Trigger Control and Reset
- Doing Shooting Drills Correctly & Realistically!

Mental Preparedness

Mental preparedness means staying calm, focusing on your opponent, seeking cover, and getting the bad guy before he gets you. Apply first aid to yourself. If you are injured, that is not the end; it's the beginning of a new stage in tactics that your positive mental attitude will get you through. Your will to survive will cause you to win the battle versus lying on the ground waiting to be slaughtered or die. Believe in yourself, train your mind to win, have confidence in your equipment by training and creating muscle memory and mental preparedness.

Mental Rehearsal

First, think of some actual incidents in your mind that you may encounter. Be realistic when you do this. Example, in your car, sitting in your house, sleeping, ect...

Play these in your mind and instruct yourself to react to them and win them.

Mental & Physical Rehearsal

So repeat specific threat situations (physically act them out) and repetitions of the tactics that have you winning those encounters.

Remember, just because something works out in thought, does not mean it will in actual practical use. So practice them mentally and physically!

Mental & Physical Rehearsal

Mental Rehearsal is both a mental and skills drill where you're actually instructing yourself through visual imagery.

Here's some ideas for realistic incidents....

Possible Incidents

Road Rage



Armed Robbery



Possible Incidents

Domestic violence with a family member attacked



Child Abduction



Skills Training

Skills training, probably the most important element when it comes to mental preparedness. Positive thoughts and mental rehearsal aren't substitutes for thorough training and frequent practice.

You must have the physical skills you need to perform the tasks that will get the job done. Without them, these positive thoughts are just thoughts!

Injuries

You may get shot or stabbed while engaging in a life-threatening encounter.

You may be even seriously hurt.

Mentally rehearsing emergency first-aid procedures you might have to perform on yourself after you've won the fight and taken the bad guy is down or gone; isn't a bad idea either!!!!

Injuries

As a defensive carrying firearms owner you must commit your mind for survival. The truth is, you may be incapacitated if shot, you may fall due to the surprise; however, your mind needs to subconsciously get back into the fight. The bad guy is looking to finish you off, if your tactical mindset does not take over. Your subconscious mind, and muscle memory need to activate into play. Your subconscious mind should be telling you: shoot and/or move, to cover, and neutralize the threat. You must, make a powerful decision in your mind that you will survive, no matter what, period!

“STAY IN THE FIGHT”

Be realistic too...

Think of the following when training:

- Can I get to my gun? **(Getting to the gun first very well may not be an option, fighting might be).**
- Will I have to use physical force first? **(chances are you will).**
- What position will I be in when an incident happens to me? **(Don't make it easy for your self, train exactly as how you would be caught)!**
- Who and what is around when this happens? **(If you shoot, where could your rounds impact)?**

Civil Law & Criminal Law

COMPARISON CHART CRIMINAL LAW & CIVIL LAW		
	CRIMINAL	CIVIL
Parties	Government v. Individual (prosecution v. defendant)	Private party v. private party (plaintiff v. defendant)
Penalties	Fine, jail or prison, or both (sometimes death)	Financial compensation, restraining orders & injunctions, contempt proceedings, specific performance
Standard of Proof	Beyond a reasonable doubt (99% + certain of guilt)	Preponderance of the evidence (50.1% + more likely than not) Clear and convincing evidence (*can be applied as a standard)
Burden of Proof	Rests on the state ("Innocent until proven guilty")	Rests on plaintiff
Examples	Theft, assault, DUI	Personal injury, breach of contract
Rights	To an attorney To examine and compel witnesses To a speedy trial To a jury trial To reasonable bail To remain silent Against unreasonable searches and seizures Against double jeopardy Against cruel and unusual punishment	To be made whole - actual damages (compensation for loss sustained economic or noneconomic losses) Compensation for harm caused - presumed damages (physical, emotional and financial) Personal liberties

CIVIL LAWS IMPACTING ON THE USE OF FIREARMS

CRIMINAL vs. CIVIL LAW

There are 2 sources of civil laws:

(1) The rules have evolved over the centuries as a result of “Reported” or “Published” court decisions, i.e.: “common law” (2) The rules that have been passed by the Legislature, i.e., statutes or printed laws.

Common law consists of cases that have been published into law books. They are not considered precedents until they have been printed in these books, also known as “reporters”. Newspaper and magazine accounts of a trial do not count. Over the years, the Common law has developed rules, which if violated, may allow someone the right to sue the violator.

Across the country including Arizona, most civil laws are not written in statutes, rather they are legal principles that come from hundreds of years of court decisions. These principles are continually being changed by current and future court decisions and legislation.

***Intentional Acts:** Acts done with intention rather than accidentally. (Intentionally shooting or striking a person without justification).

Negligence: Accidental discharge or shooting is the unintentional act committed by careless or improper use of firearms. (Firing a weapon you believe is unloaded).

WHEN GIVING A DEPOSITION/STATEMENT

- ✓ Keep answers brief and to the point.
- ✓ Tell the truth. There is nothing more damaging than being caught in a lie!
- ✓ Answer only if you know the answer and the answer is based on your own personal factual knowledge.
- ✓ If you don't know the answer, then your answer is "I don't know".
 - NEVER A. Guess the answer.
 - B. Speculate about things you have no personal knowledge
- ✓ Don't volunteer information. Answer ONLY what the question calls for and then STOP!
- ✓ The other side is taking your deposition to use it against you at trial; consequently, testimony that is helpful will not be used. ONLY information that is harmful will be used.

Never lie, tell a lie in trial and you will be known as a liar!
Know the ground you walk on!

Applicability in criminal and civil cases - A.R.S. § 13-413

- ✓ 1. No person in this state shall be subject to civil liability for engaging in conduct otherwise justified under the provisions of this chapter (Chapter 4, Justification 13-413).
- ✓ 2. Nonetheless, if you are required to use deadly force, you face the potential of a civil lawsuit. Your responsibilities and potential liabilities for carrying a concealed weapon are great, so do not take them lightly. NEVER USE A GUN IF YOU CAN AVOID IT, CONSIDERING YOUR SAFETY AND THE SAFETY OF THOSE AROUND YOU.
- ✓ **A gun may not be the right tool for every situation, but it certainly is the only tool for some situations.**

**“JUSTIFICATION” Response
to Resistance/Aggression**

**AKA – “Use of
Force”**

Use of force – “Definitions”

“Deadly Physical Force”

Means force which is used with the purpose of causing death or serious physical injury or in the manner of its use or intended use is capable of creating a substantial risk of causing death or serious physical injury.

“Physical Force”

Means force used upon or directed toward the body of another person.

Use the “*IDOL*” method:

ImmEDIATE Defense Of Life!

This is a way of basically remembering as armed civilians, we have the ability and the right to use lethal force when a failure to do so could result in someone's death or serious bodily injury! Using “IDOL” with actions that are reasonable and justified, we can make the decision making easier and save lives!

Use of force

For the use of “Deadly Physical Force” to be justifiable, a reasonable person must be in imminent danger of death or serious bodily injury to himself or someone else. For this situation to exist these 3 factors are needed!!!!

What are they?.....

Use of force

#1 ABILITY:

Meaning the power to kill or cause serious injury. The suspect usually will have a weapon such as a gun or knife. The suspect might be using makeshift weapons such as club/baton, bottle, brick, rocks, etc.. Disparity of force also can be used and exist when the victim faces overwhelming force of numbers, size & strength, the victims medical conditions, etc.....

#2 JEOPARDY:

Meaning the suspect words or actions would convey to any reasonable person who was in the same situation and knew what you knew would know that the suspect obvious intent was to kill or seriously injure someone he had no right to do so by law.

Use of force

3 OPPORTUNITY:

Meaning the suspect is capable of immediately carrying out the power to kill, or carrying out a clear threat to kill or seriously injure the victim in a very short/close time frame. The distance between the suspect and victim is the key element in determining the opportunity factor!

PRECLUSION:

Consideration of reasonable lesser means of force or tactical redeployment.

This is basically the decision you make when you determine all options for the 3 prior elements exist!

Three lines of thought in “Self Defense”

1. **Escape.**
2. **Physical Force.**
3. **Deadly Force.**

Use of force

Use of Force:

You should balance the need to apprehend (stopping an incident) versus letting it happen until Police arrive to handle the situation.

Use of force

Justification - A.R.S. 13-401 - 421

Self Defense is the most critical part of the CCW training on the lawful use of Deadly Force! Self Defense, By far, is the most likely reason for the justified use of a firearm against another person.

You have a right to use deadly force, never a duty to use it!

Use of force

You will be justified in threatening or using **Physical Force** against another person when and to the extent a reasonable person in your position would believe that **Physical Force** is immediately necessary to protect yourself against the other persons use or attempted use of **Unlawful Physical Force**. (A.R.S. 13-404). **You would be justified in threatening or using Deadly Physical Force when a reasonable person in your position would believe that Deadly Physical Force is immediately necessary to protect yourself against the other persons use or attempted use of Unlawful Deadly Physical Force (A.R.S. 13-405).** It is important that you understand that the law permit's a measured self defense. Generally, you can only use the force necessary to resist the unlawful force. You can resist unlawful **Physical Force** with **Physical Force**. You can resist unlawful **Deadly Force** with **Deadly Force**. You cannot use **Physical Force** in response to mere words, no matter how offensive. As you cannot use **Deadly Physical Force** to mere words or in most cases to resist unlawful **Physical Force**.

Use of force

The difficulty comes when trying to determine what force you may use as a confrontation evolves from mere to Physical Force to Deadly Force. In general, you cannot be the aggressor. In reality, you should avoid any confrontation, unless circumstances require you to defend yourself or another.

Use of force

Disparity of Force

Means that the opponent's physical ability to cause death or serious bodily injury with his/her bare hands or feet are much greater than the defenders! This ability constitutes the equivalent of being armed with a weapon (Examples are but not limited to: a blade, bludgeon, firearm or makeshift weapons', even 2 or more assailants').

Unarmed People

1 person – NO! 2 people – maybe, you need to show that they were dangerous and your life was in jeopardy. 3 or more – Yes. When shooting multiple people your justification “may” lessen as you shoot the group of people. Just reverse the above order.

Use of force - Legal

Defense of a Third Person - A.R.S. 13-406

The rules for determining whether you are justified in using Deadly Physical Force to defend someone else are similar to those for self defense.

* You would be justified in threatening or using Physical Force or Deadly Physical Force against another person to protect a third person if, under the circumstances known to you, a reasonable person would believe (1) that the third person would be justified to use such force against the other person, and, (2) a reasonable person would believe that your intervention is immediately necessary to protect the third person.

Use of force - Legal

Defense of Property - A.R.S. 13-408

A person is justified in using physical force against another when and to the extent that a reasonable person would believe it necessary to prevent what a reasonable person would believe is an attempt or commission by the other person of theft or criminal damage involving tangible movable property under his possession or control, but such person may use deadly physical force under these circumstances as provided in sections 13-405, 13-406 and 13-411.

Use of force

"STAND YOUR GROUND" LAW

The "Stand Your Ground" (aka Castle Doctrine) law was implemented in Arizona as ARS 13-418.

A person is justified in threatening to use or using physical force or deadly physical force against another person if the person reasonably believes himself or another person to be in imminent peril of death or serious physical injury and the person against whom the physical force or deadly physical force is threatened or used was in the process of unlawfully or forcefully entered, a residential structure or occupied vehicle, or had removed or was attempting to remove another person against the other person's will from the residential structure or occupied vehicle. ***A person has no duty to retreat before threatening or using physical force or deadly physical force pursuant to this section. ARS 13-418.***

Use of force

Arizona is a Stand Your Ground jurisdiction!

Castle Doctrine

Designates one's place of residence as a place in which one enjoys protection from illegal trespassing and violent attack. It then goes on to give a person the legal right to use deadly force to defend that place, and/or any other innocent persons legally inside it, from violent attack or an intrusion which may lead to violent attack. In a legal context, therefore, use of deadly force which actually results in death may be defended as justifiable homicide **(meaning you had the right to "Kill", not an obligated or duty to kill!)** under the Castle Doctrine.

Stand-your-ground

Expressly relieve the home's occupants of any duty to retreat or announce their intent to use deadly force before they can be legally justified in doing so to defend themselves. Clauses that state this fact are called "Stand Your Ground" clauses, and state exactly that the shooter has no duty or other requirement to abandon a place in which they have a right to be, or to give up ground to an assailant.

Use of force

13-421. Defensive display of a firearm; definition

- A. The defensive display of a firearm by a person against another is justified when and to the extent a reasonable person would believe that physical force is immediately necessary to protect himself against the use or attempted use of unlawful physical force or deadly physical force.
- B. This section does not apply to a person who:
 - 1. Intentionally provokes another person to use or attempt to use unlawful physical force.
 - 2. Uses a firearm during the commission of a serious offense as defined in section 13-706 or violent crime as defined in section 13-901.03.
- C. This section does not require the defensive display of a firearm before the use of physical force or the threat of physical force by a person who is otherwise justified in the use or threatened use of physical force.
- D. For the purposes of this section, "defensive display of a firearm" includes:
 - 1. Verbally informing another person that the person possesses or has available a firearm.
 - 2. Exposing or displaying a firearm in a manner that a reasonable person would understand was meant to protect the person against another's use or attempted use of unlawful physical force or deadly physical force.
 - 3. Placing the person's hand on a firearm while the firearm is contained in a pocket, purse or other means of containment or transport.

Use of force

ARS 13-421

There is a self-defense justification that permits the “defensive display” of a firearm “when and to the extent a reasonable person would believe that physical force is immediately necessary to protect himself against the use or attempted use of unlawful physical force or deadly physical force.” A.R.S. § 13-421. In other words, a person threatened with unlawful physical force or deadly physical force can respond with “defensive display of a firearm.”

“Defensive Display” means (1) verbally informing an aggressor that you are armed; (2) exposing or displaying a firearm in a manner that a reasonable person would understand is meant to protect against the aggressor’s use or attempted use of unlawful physical force or deadly physical force; or (3) placing your hand on a firearm that is contained in a pocket, purse or other means of containment or transport. You may not use the defensive display justification if you provoked the fight or altercation, and you may not use the defensive display justification if you are committing a “serious offense” or “violent crime” as defined by other statutes.

Use of force

ARS 13-421 Cont'

The defensive display justification is a much more restrictive version of the statutory right of a police officer to threaten deadly physical force in response to any potential threat of physical force. However, witnesses are much more likely to become alarmed if they see a non-police officer draw a firearm, so the “reasonable person” standard in the defensive display statute may be difficult to apply in practice. Therefore, under most circumstances, the CCW permittee should refrain from actually drawing a gun in self-defense, unless faced with an imminent threat of serious bodily injury or death. If confronted only with a threat of unlawful, non-deadly physical force, defensive display should be restricted to verbally informing the aggressor that you are armed and/or placing your hand on the firearm without drawing it.

You cannot use self-defense physical force in response to mere words, no matter how offensive. Similarly, **YOU CANNOT USE DEADLY FORCE IN RESPONSE TO MERE WORDS** or, in most cases, to resist unlawful physical force. “Defensive display” can be used in self-defense to resist threats of unlawful physical force or unlawful physical force.

13-411. Justification; use of force in crime prevention; applicability

- A. *A person is justified in threatening or using both physical force and deadly physical force against another if and to the extent the person reasonably believes that physical force or deadly physical force is immediately necessary to prevent the other's commission of (See crimes listed in this section)....*
- B. **There is no duty to retreat before threatening or using physical force or deadly physical force justified by subsection A of this section.**
- C. *A person is presumed to be acting reasonably for the purposes of this section if the person is acting to prevent the commission of any of the offenses listed in subsection A of this section.*
- D. *This section is not limited to the use or threatened use of physical or deadly physical force in a person's home, residence, place of business, land the person owns or leases, conveyance of any kind, or any other place in this state where a person has a right to be.*

13-411. Justification; use of force in crime prevention. Cont'

- ✓ 13-1704. Arson of an occupied structure
- ✓ 13-1507. Burglary in the second degree
- ✓ 13-1508. Burglary in the first degree
- ✓ 13-1304. Kidnapping; classification
- ✓ 13-1103. Manslaughter
- ✓ 13-1104. Second degree murder
- ✓ 13-1105. First degree murder
- ✓ 13-1405. Sexual conduct with a minor
- ✓ 13-1410. Molestation of a child
- ✓ 13-1406. Sexual assault
- ✓ 13-1904. Armed robbery
- ✓ 13-1204. Aggravated assault

13-3107. Unlawful discharge of firearms; AKA “Shannon’s Law”

A person who with criminal negligence discharges a firearm within or into the limits (**without justification**) of any municipality is guilty of a class 6 felony.

What do you do after you have been involved in a shooting!

First: You have been involved in a shooting with the assailant down. You were a shooter. Do not say a word and don't tell the first officer or whomever what you think you did and what you think just happened.

Keep your mouth shut and simply give the following .

- ✓ Suspect Descriptions.
- ✓ Number of outstanding suspects.
- ✓ Direction of your shots that were fired.
- ✓ Suspect Vehicle Description, Last direction of travel if relevant.
- ✓ Where suspect was last seen running if relevant. His or her last direction of travel.
- ✓ Location of Witnesses (If any)
- ✓ Location of any evidence (Suspect's weapon)

What do you do after you have been involved in a shooting! Cont'

If an Officer/Detective orders you to talk:

Make sure you have a witness to this order from the Officer/Detective and make the following statement.

I am making this statement against my will and under direct orders from Officer/Detective _____? And without the presence of legal counsel...

This pretty much covers you from anything you say from being used against you legally. And that is my aim to protect you!

Get to know your rights!

Know them well!

Know your rights & use them! Once you make a bad or controversial statement, that's it, it's on the record and there is no pulling it back, like a shot fired.

You have the right to remain silent.

Anything you say can be used against you in a court of law.

You have the right to the presence of an attorney to assist you prior to questioning, and to be with you during questioning, if you so desire.

If you cannot afford an attorney, you have the right to have an attorney appointed for you prior to questioning.

Do you understand these rights?

Will you voluntarily answer my questions?

Law Enforcement Contact



LE Contact

- **Officers are authorized to require permit/non permit holders in possession of a weapon to temporarily surrender the weapon to the Officer(s), for safety reasons.**

Declaring possession of weapon and CCW permit

When asked by a law enforcement officer if one has any weapons, the permittee must answer truthfully and produce the CCW permit if required by any other law to carry the permit. If the officer asks if one has a firearm, one is obligated to answer truthfully (A.R.S. § 13-3102.A.1(b)), and should describe the firearm, its location and its status (unloaded or loaded, etc.).

The law does not require that one volunteer to law enforcement officers that one is a CCW permittee or is armed, but one should consider doing so in particular situations (*e.g., if the presence of a firearm is likely to become a safety concern*).

Approaching an officer during volatile situations



Approaching an officer during volatile situations

Approaching an officer during volatile situations can further aggravate the situation. DO NOT approach officers without first getting their attention and requesting permission. Best to stay away. 1.) Ask the Officer if help is needed! 2.) Inform the officer that you are armed! 3.) Follow his directions at that point! If asked to help you are covered from GROSS NEGLIGENCE.

Volatile Situations Cont'

In volatile situations when one comes into contact with law enforcement personnel, one should assess the situation quickly.

Unless one can't immediately leave the area, generally you should make it clear to law enforcement personnel that you are a CCW permittee and armed. This is common sense and safety, but not a steadfast rule.

One does not want to alarm an officer or interfere with an officer. One wants to protect against surprise or concern under circumstances where an officer might discover that one is armed and mistakes one's intentions.

Volatile Situations Cont'

Such disclosure is not required by law. One must bear in mind that law enforcement personnel in volatile situations are operating under stress, are likely experiencing the physiological effects of adrenaline, may be concerned primarily with their own safety, and are armed. One wants to avoid becoming a threat or target simply because one is armed.

Contact In Traffic Stops

If a police officer stops you while you are driving and armed, follow some common sense rules:



Contact In Traffic Stops

(1) keep your hands visible, preferably on the steering wheel;

(2) if your gun is accessible in the car or if the officer asks whether you have a gun, inform the officer that you are armed, that you have a CCW permit, and the location of your gun;

Contact In Traffic Stops

(3) follow the officer's instructions (depending upon the officer and the circumstances, you may or may not be asked to surrender your gun during the traffic stop);

(4) if you are asked to surrender your gun, be certain that you communicate with the officer clearly regarding how you are to present the gun, and always remember the four basic safety rules.

Surrendering a firearm upon request of law enforcement (A.R.S. § 13-3102.J)

If a law enforcement officer asks for your firearm, you should ask the officer how he would like you to present it to him, and follow his instructions in a safe manner.

LAW ENFORCEMENT PERSONNEL ARE ALWAYS AUTHORIZED TO REQUEST THAT YOU SURRENDER YOUR FIREARM TEMPORARILY TO ENSURE THEIR OWN SAFETY.

Summary of LE Contact

Regardless of the Law Enforcement contact;
follow the officers instructions!

The 2 greatest liability's you have are your hands, make sure they are in plain sight at all times.



Speaking to the Police

When speaking to Police in regards to your incident, be able to articulate the incident in great detail. Remember, the Police most likely will not see the incident happen, so you will need to explain in great/fine detail in terms of what happened!

Use words that speak for themselves, NOT words that need to be defended and/or need further explanation! ***Can you do this??????***

Speaking to the Police

Use words like; “I believe...” or “I was in fear for my life....”. These speak for themselves!

Stay away from words like; “I thought....” and “I think....” These words create “doubt” and most likely will need further explanation, meaning you will defend them, that’s not good!

Speaking to the Police

Let's role play!

You will be given 2 scenarios; act them out and then get a paper and pen/pencil and write out a statement that tells what happened.

Be able to tell what happened to someone that was not there, they need to be able to read the incident and see it as if they were the one that was dealing with the incident! Nothing less should be given by you!

Speaking to the Police

Make sure you have the following answered in your statement. The following may not follow this order.

1. Who (is involved, witnesses if any).
2. What (happened).
3. When (did it happen).
4. Where (did it happen).
5. How (did you deal with it).
6. Why (did you do what you did).

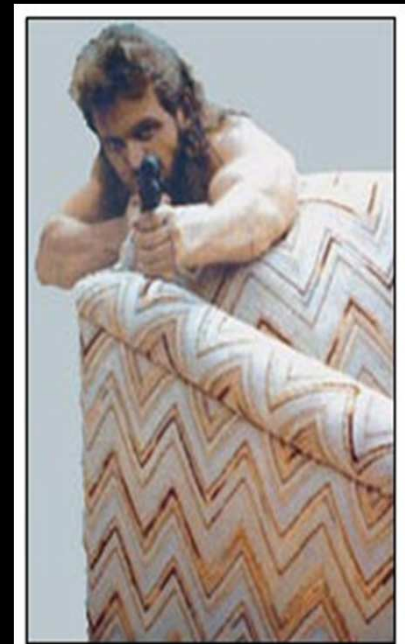
What you say happened will play a significant part in your “justification” outcome!. Say it right the first time!

Speaking to the Police

You come home and enter your house, as you enter the house this guy comes out from behind the couch....

You role play here and act out this scene and write a statement.

Scenario #1



Speaking to the Police

You are exiting your house and you discover that your child is being abducted.....

You role play here and act out this scene and write a statement.

Scenario #2



Speaking to the Police

Keep this in mind, when you defend yourself and shoot an aggressor. You have essentially committed a crime (Aggravated Assault, Manslaughter, 1st or 2nd Degree Murder, etc....). The next issue is; Are you “justified” in what you did?

What you say or your statement will help determine this.

Everyone is given 2 resources to help them obtain a “justified” decision. You must know/understand them and use them.

Speaking to the Police

The 2 resources are :

1. The right to remain silent
2. The appointment of an attorney

Even the best need assistance! Before you give a statement; make sure you are well prepared and know what you are about to give/do! Choose your words wisely! Get yourself together, speak with a clear mind.

Speaking To Police

Invest in the future. "This is perhaps most important part of Self Defense training. Learn what to do after a shooting incident, way before you even get into a shooting! There WILL BE NO time to learn after you shoot!"

When it comes this area, there are 2 ways to approach it!

Choose the best for you!!!!!!

Speaking To Police

Talking to Police after a Self Defense Shooting!!! Should you with or without a lawyer???? That is a very common question I get asked all the time. As an investigator myself, getting a lawyer/attorney to assist you is an important thing to consider! Now, I do fully believe it depends on circumstances of the incident. In a self-defense shooting, you may want to talk to them with a lawyer. If you "lawyer up" on them, Police cannot talk to you at all from that moment on, they can at that time (depending on circumstances) could possibly book you into jail. When you lawyer up, the police are not required to wait for your lawyer to show up. Under most circumstances, you will be given time to compose yourself.

Speaking To Police

Lawyering up can give the police the idea you have something to hide! Even if you talk to the police you are most likely going to get 24 hours to settle down and give a statement to police (with or without a lawyer assisting you). Talking to police at the time of the incident is not really a bad thing at all. You will show raw emotions and these emotions can be very valuable to showing you were in fear of your life! Sometimes waiting 24 to 48 hours to give a statement will not show the dramatic effect of how you were in fear of your life!

Speaking To Police

At the time of the self-defense incident you are required to answer some questions (which cannot be used against you). Example: How many shots were fired, direction fired, suspect's descriptions, how many, etc.....

There are so many people that say DO NOT talk to the police at all without a lawyer, this is extremely good advice if you are a criminal or you did something wrong (illegal). Talking to Police is something you need to think about before you get into a shooting!

Make the best choice that works for you!

Speaking To Police

The decision you make in regard to talking to Police or not; can be a major factor on what happens to you or even the outcome of your ordeal. Make a well thought out decision for you. Again, this is something a person needs to think about before the shooting, not right after it happens. Chance favors a prepared mind!

Anyone who carries a gun for self-defense reasons, needs to have this area (after the shooting ordeal) well thought out before they get into a shooting. The sad thing is most of the people focus on firearms handling/marksanship only. The 3 areas of a shooting that need to be kept up on are: #1. Avoiding a situation, #2. stopping a situation, #3. After the Shooting! Most people are training for #'s 1 & 2 and expect #3 to fall inline..... #3 needs to be part of your training regimen as well.

“TO MUCH GUN AND MALICIOUS INTENT “

“Justify Your Gun and Ammo”

Be able to justify your choice of firearm.

1. Be able to defend Hollow-Point Ammo on the same grounds as the police do: fewer rounds needed, to stop the attack (THREAT), there's less danger of ricochet and over-penetration that could strike innocent by-standers.
2. Gear your defense to the fact that your actions were justified by the instant circumstances, because even if unknown prior bad acts by your attacker should be introducible in your defense, they often are not allowed in as evidence for justification.
3. Be prepared to explain how defensive shots can strike behind the lateral mid-line or in the back. *Example: The victim moving out of the way of the attack is now oriented to the side and rear of the attacker, and particularly the attackers turning away from return fire happens faster than the shooter can react and make his finger stop pulling the trigger.*

Your Right's! Protect yourself!

1. "Don't assume that the Police are looking out for your best interests" in a controversial situation. Study your rights, know them well, and take a proactive role in defending yourself.
2. "Excel in everything you can, so when your time comes your reputation precedes you. When the jury hears you testify, your word will possibly carry some weight.
3. When it comes to juries, there is a 10% disaster factor. (example; Jury wanting to go home quickly, the possibility of the jury not being aware of the dynamics of a gunfight or even being gun favorable people or simply not liking you for whatever reasons).

RECOGNITION OF THE ARIZONA CCW

Arizona is currently recognized by the following States (this state list can change at anytime):

Alabama, Alaska, Arkansas, Colorado, Delaware, Florida, Georgia, Indiana, Idaho, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, Mississippi, Montana, Nevada, New Hampshire, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia & Wyoming.

States that are underlined are states that require the permit holder to be a resident of the state from which they are using a CCW permit.

13-3102. Misconduct involving weapons

A. A person commits misconduct involving weapons by knowingly:

1. Carrying a deadly weapon except a pocket knife concealed on his person or within his immediate control in or on a means of transportation:

- (a) In the furtherance of a serious offense as defined in section 13-706, a violent crime as defined in section 13-901.03 or any other felony offense; or**
 - (b) When contacted by a law enforcement officer and failing to accurately answer the officer if the officer asks whether the person is carrying a concealed deadly weapon; or**
- 2. Carrying a deadly weapon except a pocket knife concealed on his person or concealed within his immediate control in or on a means of transportation if the person is under twenty-one years of age; or**

10. Unless specifically authorized by law, entering any public establishment or attending any public event and carrying a deadly weapon on his person after a reasonable request by the operator of the establishment or the sponsor of the event or the sponsor's agent to remove his weapon and place it in the custody of the operator of the establishment or the sponsor of the event for temporary and secure storage of the weapon pursuant to section 13-3102.01; or

B. Subsection A, paragraph 2 of this section shall not apply to:

- 1. A person in his dwelling, on his business premises or on real property owned or leased by that person or that person's parent, grandparent or legal guardian.**
- 3. A firearm that is carried in:**
 - (a) A manner where any portion of the firearm or holster in which the firearm is carried is visible.**
 - (b) A holster that is wholly or partially visible.**
 - (c) A scabbard or case designed for carrying weapons that is wholly or partially visible.**
 - (d) Luggage.**
 - (e) A case, holster, scabbard, pack or luggage that is carried within a means of transportation or within a storage compartment, map pocket, trunk or glove compartment of a means of transportation.**

Permit holder requirements

1. Notify the AZ DPS CWPU if you have been arrested for any felony or domestic violence misdemeanor.
2. Renew permit after **five years**. Submit application packet no more than **90** days in advance.
3. Notify AZ DPS CWPU within 10 days of any address or phone number changes. AZ DPS CWPU contact # (602) 256-6280.

**FIREARMS ARE PROHIBITED or
RESTRICTED IN THE FOLLOWING
PLACES**

with or without a permit

PROHIBITED or RESTRICTED IN THE FOLLOWING PLACES

1. *Businesses serving alcohol on the premises.*
“Bars/Restaurants”. CAN I CARRY A FIREARM INTO AN ESTABLISHMENT THAT SERVES ALCOHOLIC DRINKS FOR CONSUMPTION ON THE PREMISES IF I HAVE MY CCW PERMIT? Yes, unless the establishment has posted signs prohibiting weapons (A.R.S. 4-229). You may not consume alcohol while in possession of your firearm (A.R.S. 4-244; Unlawful Acts). There are some additional exceptions see A.R.S. 13-3102; Misconduct Involving Weapons.
2. *Polling places on election days.*

PROHIBITED or RESTRICTED IN THE FOLLOWING PLACES

3. School grounds

State law regarding “Deadly Weapons” on public right-of-ways:

13-2911. Interference with or disruption of an educational institution; violation; classification; definitions

A. A person commits interference with or disruption of an educational institution by doing any of the following:

1. Intentionally, knowingly or recklessly interfering with or disrupting the normal operations of an educational institution by either:

shall adopt rules pursuant to title 41, chapter 6 for the maintenance of public order on all property of any educational institution under its jurisdiction that is used for educational purposes and shall provide a program for the enforcement of its rules. The rules shall govern the conduct of students, faculty and other staff and all members of the public while on the property of the educational institution. Penalties for violations of the rules shall be clearly set forth and enforced. Penalties shall include provisions for the ejection of a violator from the property and, in the case of a student, faculty member or other staff violator, the violator's suspension or expulsion or any other appropriate disciplinary action. A governing board shall amend its rules as necessary to ensure the maintenance of public order. Any deadly weapon, dangerous instrument or explosive that is used, displayed or possessed by a person in violation of a rule adopted pursuant to this subsection shall be forfeited and sold, otherwise disposed of pursuant to section 13-3105 and chapter 39 of this title. This subsection does not do either of the following:

PROHIBITED or RESTRICTED IN THE FOLLOWING PLACES

1. Preclude school districts from conducting approved gun safety programs on school campuses.

*****I. Notwithstanding section 15-341 and subsection D of this section, the governing board of an educational institution may not adopt or enforce any policy or rule that prohibits the lawful possession or carrying of a deadly weapon on a public right of way by a person or on or within a person's means of transportation.*****

K. For the purposes of this section:

1. "Educational institution" means, except as otherwise provided, any university, college, community college, high school or common school in this state.

2. "Governing board" means the body, whether appointed or elected, that has responsibility for the maintenance and government of an educational institution.

3. "Interference with or disruption of" includes any act that might reasonably lead to the evacuation or closure of any property of the educational institution or the postponement, cancellation or suspension of any class or other school activity. For the purposes of this paragraph, an actual evacuation, closure, postponement, cancellation or suspension is not required for the act to be considered an interference or disruption.

4. "Property of an educational institution" means all land, buildings and other facilities that are owned, operated or controlled by the governing board of an educational institution and that are devoted to educational purposes.

5. ******"Public right of way" means any highway, street, road, thoroughfare, path, alley or other right of way that is publicly accessible and that is established and maintained by this state or a political subdivision of this state. Public right of way does not include property of an educational institution.******

PROHIBITED or RESTRICTED IN THE FOLLOWING PLACES

4. Commercial nuclear generating stations.

5. Military Installations.

6. Indian Reservations. (excluding main public roads, I-10, McDowell Rd, Ect..)

PROHIBITED or RESTRICTED IN THE FOLLOWING PLACES

7. Correctional Facilities.

8. Federal buildings

9. Airports (in or beyond security check points).

10. State or local government/private establishments or events: when asked by the operator/sponsor/agent. Most government facilities will provide a location to temporarily store a firearm. Persons who refuse to leave and/or secure their weapon are trespassing and can be cited or arrested for ARS 13-1502 or ARS 13-1503, depending on the venue (peace officers are excepted)

AKA Parking lot law!

12-781. Transportation or storage of firearms; motor vehicles; applicability

- A. A property owner, tenant, public or private employer or business entity shall not establish, maintain or enforce a policy or rule that prohibits a person from lawfully transporting or lawfully storing any firearm that is both:
 - 1. In the person's locked and privately owned motor vehicle or in a locked compartment on the person's privately owned motorcycle.
 - 2. Not visible from the outside of the motor vehicle or motorcycle.
- B. Any policy or rule that is established or maintained or the attempted enforcement of any policy or rule that is in violation of subsection A is contrary to public policy, is null and void and does not have legal force or effect.
- C. This section does not apply if:
 - 1. The possession of the firearm is prohibited by federal or state law.
 - 2. The motor vehicle is owned or leased by a public or private employer or business entity and is used by an employee in the course of the employment, unless the employee is required to store or transport a firearm in the official discharge of the employee's duties or if the public or private employer or business entity consents to the transportation or storage of the firearm.
 - 3. The property owner, tenant, public or private employer or business entity provides a parking lot, parking garage or other area designated for parking motor vehicles, that:
 - (a) Is secured by a fence or other physical barrier.

“Shoot” or “Or No Shoot” Scenario’s

Scenario # 1

A man exiting his car at a neighborhood store, the man came in contact with 3 gang members. One of the gang members recognized him as a witness in one of his court cases in the past. The man stated that they were mistaken and walked into the store to complete his business. While inside the store, the man saw the gang members return to their car and retrieve baseball bats. The gang members raced into the store and rushed toward the man saying something about how they were going to ‘give out some of their own criminal justice’. The man pulled out his own 6 shot revolver and pointed it at the approaching gang members. The man yelled for the gang members to stop, but they kept approaching. The man, fearing that his own weapon would be taken from him and used against him fired off shots into an adjacent wall and threw his weapon under a rack of potato chips. The man then fought back using his hands & feet until he was knocked unconscious. Fortunately for the man he was not killed and later fully recovered from his ordeal.

- 1. What if anything would you have done differently?**
- 2. Was deadly force justified in this incident?**
- 3. Could this have been prevented?**

“Shoot” or “Or No Shoot” Scenario’s

Scenario # 2

A man visited a bank to conduct some financial business. While standing in line waiting for a teller, armed bank robbers came into the bank and demanded everyone lay on the ground and not move. The man and other patrons complied and laid on the ground. The bank robber then went to the front of the line and demanded cash from the teller at gunpoint. The man saw the robber’s attention was focused on the teller and thought it would be a good time to intervene and stop the robbery. The man stood up withdrew his handgun, and demanded the robber to lay down his weapon. Just then a hidden assailant who was disguised as a bank patron shot & killed the man from behind.

- 1. What if anything would you have done differently?**
- 2. Was deadly force justified in this incident?**
- 3. Could this have been prevented?**

“Shoot” or “Or No Shoot” Scenario’s

Scenario # 3

A man was shopping at an indoor enclosed shopping mall. While looking at merchandise in one of the stores, he heard several gun shots and a lot of screaming and panic coming from the main corridor directly outside the store. He immediately ran to the front of the store and saw a man with a gun chasing another man through the mall. Both men were running his way. The man drew his weapon and aimed it at the man with the gun and shouted “STOP”. The man with the gun spun around and looked at the man. When he saw the man with the gun spin around in his direction he became in fear of his life and fired 2 rounds at the man with the gun. One of 2 rounds fatally struck the man with the gun in the head, killing him instantly. The man being chased continued to run and disappeared into the mall parking lot. After a short investigation, it was later learned that the man with the gun was actually an off-duty officer who had witnessed a jewelry store robbery and was in pursuit of 1 of 2 robbery suspects.

- 1. What if anything would you have done differently?**
- 2. Was deadly force justified in this incident?**
- 3. Could this have been prevented?**

“Shoot” or “Or No Shoot” Scenario’s

Scenario # 4

A man was out shopping with his 5 year-old daughter. While in the parking lot outside a local strip mall, 2 armed robbers rushed out of a store with their guns in clear view. The man directed his daughter to get down low and stay behind a near-by parked car. The man took out his 8 shot semi-auto (no additional ammo) and while using the parked car for cover, identified himself and for the robbers to “drop their weapons”. The robbers immediately turned toward the man and began firing. The man returned fire until he was out of ammo. At some point during the fire fight, the man’s daughter was struck and killed by a ricochet round. The robbers were able to get away.

- 1. What if anything would you have done differently?**
- 2. Was deadly force justified in this incident?**
- 3. Could this have been prevented?**

Conclusion....

If you only take one thing from this presentation, please make it the following quote:

“It's always better to avoid a gunfight than to win one.”

The gun fight you avoid, will be the best win you could ever ask for!

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