



CHAPTER 2

6 THINGS YOU DIDN'T KNOW

WOULD HAPPEN WHEN THE POLICE ARRIVE



1

YOU WILL BE DETAINED AND POSSIBLY ARRESTED

YOU WILL LIKELY BE PLACED IN HANDCUFFS. THOUGH YOU WILL NOT NECESSARILY BE UNDER ARREST, YOU WILL BE TAKEN INTO POLICE CUSTODY.

If you've decided to carry a firearm for self-defense, you've undoubtedly thought about the reality of having to use it. You've thought about how you need to train, what kind of ammunition best fits your defensive needs and which holster will best fit your gun, body type and preferred method of carry. There's more to armed self-defense than just these things though.

After the threat to your life ends, the most difficult part of the process is often just beginning. There's a lot that happens following a self-defense shooting — things that most people don't realize are not just possibilities but rather hard realities. Read on to find out how the USCCA can help support and guide you through the often confusing aftermath of a self-defense incident.

If you are forced to defend yourself with a firearm, the police will have to get involved. You need to dial 911 immediately and tell the dispatcher your location, that someone has been shot and that you need an ambulance. Describe to them what you look like and what you're wearing, but apart from that, simply repeat that you were in fear for your life and that someone has been shot.

Officers will arrive at the scene of the shooting, but before they do anything else, they will need to immediately

ascertain who presents a deadly threat to innocent life. They will evaluate everyone at the scene — principally you, as you're the one whose description they got over the radio. They will order you to drop your firearm (if you haven't already done so), and you will likely be placed in handcuffs. Though you will not necessarily be under arrest, you will be taken into police custody until they can sort out exactly what happened. Until they do this, they can't proceed with anything else.

It is mandatory that you comply with all of their physical demands. Before they arrive, you'll need to reholster your firearm or place it on the ground; it can be extremely dangerous to be the one holding a gun when the police arrive at the scene of a shooting, so be sure you aren't.

Remind yourself that you are not being handcuffed because you did anything wrong; you are being handcuffed because the officers need to be sure that no one at the scene is going to start shooting again. It is extremely important that you not resist them or try to fight back. Remember: You haven't done anything wrong. You were in fear for your life or the lives of others and were forced to employ deadly force in defense of said innocent life.



2 YOUR GUN WILL LIKELY BE SEIZED AND HELD AS EVIDENCE

THE POLICE WILL LIKELY TAKE YOUR GUN AS EVIDENCE IN THE INVESTIGATION OF THIS SHOOTING.

The officers will be responding to a “shots fired” call or a shooting that occurred during a homicide. Do not let the word “homicide” panic you; despite most individuals’ use of the word “homicide” to refer to a crime (the “deliberate and unlawful killing of one person by another”), it can also simply mean “the killing of one human being by another.” Either way, the police will likely take your gun as evidence in the investigation of this shooting. Again, do not let the word “evidence” rattle you. As long as you acted in self-defense and were in fear for the loss of innocent life, you’ll likely be able to work with an attorney to vindicate your actions.

Your gun, however, will probably be in police custody longer than you will. Nazir Al-Mujaahid, the first concealed carry permit holder in the state of Wisconsin to use his sidearm in a defensive situation, had to wait almost two years to recover his pistol from the evidence locker, even though no charges were ever filed against him. The state law enforcement agency handling the shooting will understand that if they relinquish custody of that gun, the chances of ever getting it back will be very low; they will hang onto it as long as they can on the off-chance they will ever want to assess it again.



3 YOU WILL LIKELY BE INTERROGATED AT THE SCENE AND AT THE POLICE STATION

THOSE OFFICERS WILL BE INTERACTING WITH YOU THE SAME WAY THEY INTERACT WITH EVERYONE THEY PUT IN HANDCUFFS: AS A SUSPECT.

Responding law enforcement officers will ask you a lot of questions. They will demand to know what happened that led to you shooting another person. They will demand to know if you are alone, and they will demand to know what led up to you discharging your firearm.

Though it can be extremely tempting to tell them everything that comes to mind, a little caution can go a long way here. Those officers will be interacting with you the same way they interact with everyone they put in handcuffs: as a suspect. They will be trying to get you to say as much as possible — to cut loose with what in the legal world are called “excited or spontaneous utterances” — before you invoke your right to remain silent without an attorney present. These statements are exceptions to both the hearsay rule and the Miranda rule. That means that even if you’ve invoked your right to remain silent or your right to counsel, any spontaneous or excited utterances you make are most likely admissible

in court. Furthermore, even non-spontaneous statements you make after you’ve invoked your rights can probably be used against you. As you will likely be extremely excited and upset in the wake of a shooting, it is probably best that you limit your statements of any kind until you have had time to calm down and consult with an attorney.

Look at it this way: When a law enforcement officer is forced to shoot someone in the line of duty, he or she is immediately removed from the scene, assessed by EMS and kept from outside contact until he or she has had an opportunity to relax, collect his or her thoughts and avoid saying or doing anything that could further complicate an already complex situation. You should request the same treatment. Use this window of time to calm yourself, to make sure you are physically unharmed and to ensure that you don’t make any unfortunate errors that could later cost you.

4

IF YOU DON'T ALREADY HAVE ONE, YOU WILL NEED TO HIRE AN ATTORNEY – AND FAST

IF YOU ARE FORCED TO DEFEND YOURSELF, OFFICERS WILL WANT TO KNOW THE PARTICULARS OF WHAT HAPPENED TO DETERMINE WHETHER OR NOT YOU WERE ACTING OUTSIDE OF THE LAW.

We've all heard that when questioned, every American has "the right to an attorney." How to get hold of one, however, can be confusing and difficult without a little forethought.

What that specifically means – "You have the right to have an attorney present during questioning" – is that after you are placed under arrest, officers are not allowed to ask you any more questions unless you consent to answering them. However, they will ask you as many questions as they can before they actually place you under arrest. This is what they are trained to do, as they understand that, after you have been arrested and "Mirandized" (apprised of your Fifth Amendment right against self-incrimination), any information they get from you that you do not offer voluntarily will likely be ruled inadmissible in court.

If you are forced to defend yourself, officers will want to know the particulars of what happened to determine whether or not you were acting outside of the law. This is where an experienced attorney comes in. He or she can help you navigate the intricacies of such a situation.

If you are a USCCA Member and don't already have a trusted lawyer on speed dial, you can contact the Delta Defense Critical Response Team for help connecting you with an attorney of your choice.





5 YOU MAY HAVE TO POST BAIL OR PAY BOND

FEW PEOPLE KEEP ANYWHERE FROM THOUSANDS TO HUNDREDS OF THOUSANDS OF DOLLARS IN CASH ON HAND.

Depending on the particulars of your situation, you may actually be arrested and taken to a city or county jail. If this is the case, and you are not accustomed to being treated like a criminal, you're going to be in for a very unpleasant experience.

Once arrested, you will likely be given the option to post bail, which is either a quantity of cash or other security that the law enforcement agency will hold as insurance that you will return for a court hearing, or to sign a document representing your promise to do so. This will

depend on your specific situation, but posting bail can be very difficult for the average individual. Self-defense shootings seem to happen after banker's hours, and few people keep anywhere from thousands to hundreds of thousands of dollars in cash on hand in their residences. Your options might be to call either a bail bonds company (if such a company is legal in your area) or a family member who can try to collect the necessary funds. Alternatively, the benefits included with a USCCA Membership can assist you with all of those stressful details.



6 THE DA WILL GATHER POLICE REPORTS TO MAKE A CHARGING DECISION

MAKE SURE THAT YOU ARE HOME DURING THIS PROCESS, NOT SITTING IN A JAIL CELL.

After all of the officers have asked all of their questions, they will compile their notes into their official reports and decide if they think there is evidence of a crime. If they believe you have committed a crime, they'll send their reports to the District Attorney — along with a DA referral form, which means that the officers believe there is enough evidence that a crime was committed for you to be taken to court and charged with something. This is not a rapid process.

It may take anywhere from days to a week or more for all officers involved in an incident to complete their reports. This is not out of laziness or carelessness; this is because, depending on where the incident occurred, your incident may be only one of a dozen or more calls these officers had to handle that day. In order for their reports to be as accurate as possible, they'll have to

take their field notes and, as soon as possible, read through them and put them into a narrative form — one that will help someone who was not at the scene understand exactly what happened in the clearest possible language.

After they're done with the immediate situation involving you, they have to get back onto the streets and get back to their job as cops, deputies or troopers. Their field notes may sit in their squad cars until they can write their reports, and after their reports are complete, they may sit in a basket in the station or in the District Attorney's office for anywhere from hours to days. Remember: This is before anyone has even started to decide whether you will actually be charged with a crime. The key is to make sure that you are at home during this process, not sitting in a jail cell.



HELPING YOU PREPARE FOR THE BEFORE, DURING AND AFTER OF A SELF-DEFENSE INCIDENT

Here's something you must accept right now: In the aftermath of a self-defense shooting — even a justified one — you will likely encounter all six of these harsh realities. As unfair as it may seem, keep in mind that such realities are standard procedure following any shooting.

It is imperative that you spend time now thinking about and preparing for what comes after a deadly force encounter. After all, the difference between going to jail and going home to your family will likely be determined by your ability to navigate through the rough terrain that in-

evitably follows a self-defense incident. The unfortunate truth is that proving your innocence without a plan can be incredibly costly — mentally and financially.

The good news is that you don't have to bear that weight alone. The USCCA is a membership association that helps its members prepare for the before, during and after of a self-defense incident. Learn more about all the benefits of a USCCA Membership and the peace of mind you'll gain at www.USCCA.com.

