



The Legal Aftermath Following a Self-Defense Incident.



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The Second Fight

- A self-defense shooting doesn't end when you've stopped the threat or when you're able to extricate yourself from a situation that threatened your life or the lives of others around you.



The Second Fight

- Next comes “the second fight,” where you interact with our legal system and possibly go on trial for your actions.



The Second Fight

- When it comes to this second fight, the clock starts immediately — before the smoke even clears.
- And you can expect that your every action and every word will come under scrutiny.



The Second Fight

- The most pressing issue after a self-defense incident is making sure you are actually out of danger.
- “Definitely make sure the immediate threat to you is over.”



The Second Fight

- Do a tactical reload, if necessary, while keeping the magazine that had been in the gun prior, obviously, preserving evidence.”



The Second Fight

- Do not leave the scene unless it's absolutely necessary because the perception is that flight equals guilt.



The Second Fight

- What to do with your firearm?
- Have it on your person, under your control.
- There's always the chance your attacker's reinforcements get there before the police. In such a case, you're going to need that gun.



The Second Fight

- Ideally, you would want it holstered when law enforcement officers arrive on the scene.
- The dispatcher, will tell you to secure the gun somewhere.
- I would holster my gun and say, “My gun has been secured.”



THE CALL

- The most important factor after ensuring the threat has ended is to win the critical race to be the first to call 911.
- Right or wrong, the perception is that “innocent people” call the police and bad guys avoid the law.



THE FIRST CALL

- And unless there's a fatality as a result of your use of self-defense, you're going to have two people with obviously two different versions of what happened.



THE FIRST CALL

- As a result, whoever gets in touch with 911 first is often deemed to be the victim by responding law enforcement, while the other party is the soon-to-be defendant.



THE FIRST CALL

- Why is this important?
- First impressions last forever.
- “The first impression informs the lead investigator,” he said, “who, in turn, informs the prosecutor, who, in turn, decides whether you’re going to be judged or not.”



THE FIRST CALL

- Just by nature if you've been involved in a use-of force event, you are going to be righteously indignant.



THE FIRST CALL

- The fact that somebody has done something so evil that you had to use deadly force in order to protect yourself or someone else is going to make you unbelievably angry.”



THE FIRST CALL

- Most Lawyers recommend something to the effect of:
- “I was attacked, feared for my life and had to defend myself.”
- “Please send both police and an ambulance to my location.”



THE FIRST CALL

- The reasoning behind asking for both law enforcement and an ambulance is clear.
- Always ask for the ambulance, because no one wants to kill or hurt anyone.



THE FIRST CALL

- And it's what police do every time they have shoot someone.
- They immediately try to save them.
- It illustrates that your use-of-force wasn't a premeditated decision.



THE FIRST CALL

- Your actions were to stop the threat, not to kill.
- Asking for an ambulance also makes you more sympathetic to a jury, judge or prosecutor down the road.



THE SECOND CALL

- Your next call following a self-defense incident should be to line up an attorney as soon as possible.
- Having a pre-existing relationship with a lawyer ahead of time is just plain smart.



THE SECOND CALL

- When things go south, you want to make sure you have a relationship with your attorney.
- There's also the peace-of-mind factor that goes with knowing an attorney beforehand.



POLICE INTERACTIONS

- When the police arrive, it's imperative to comply with their orders and to be very careful about what you choose to say (or not to say).
- “I was attacked, feared for my life and had to defend myself.”



POLICE INTERACTIONS

- Stay in the victim mentality.
- Now is not the time you want to sound like you're tough.
- You shot someone because you were afraid for your life, not because you're a badass.



POLICE INTERACTIONS

- A prime reasons to avoid saying too much to law enforcement immediately after a use-of-force incident, is a phenomenon called “Critical Incident Amnesia” and it affects everyone to some degree,



POLICE INTERACTIONS

- Where literally your memory of the events is not as clear right after a huge adrenaline dump, like you just had as the result of being in a gunfight, than it is two or three days later.



POLICE INTERACTIONS

- The last thing you want to do, is give a statement and then, a day later, remember that you forgot to tell the cops that your assailant had a gun or a knife or any other lethal weapon in his or her hand or pointed at you.



POLICE INTERACTIONS

- Because when you go back and try to amend your story, it sounds like you're lying.
- Remember anything that comes out of your mouth after a shooting is considered evidence.



ANOTHER PERSPECTIVE

- Here is a five-point checklist that is strongly advocated when you must deal with law enforcement in the aftermath of a self-defense shooting.



ANOTHER PERSPECTIVE

- One
 - Establish the active dynamic.
 - This man pulled a gun on me.'
 - 'This man pulled a knife on me.'
 - 'This man attacked my wife.'
- Whatever it was."



ANOTHER PERSPECTIVE

- Two
- Indicate that you will cooperate with law enforcement.
 - I'll be happy to make a statement, or words to that effect.



ANOTHER PERSPECTIVE

- Three
- Point out any evidence before it's trampled by first responders or disappears entirely.



ANOTHER PERSPECTIVE

- Four
- Point out any potential witnesses before they leave the scene.



ANOTHER PERSPECTIVE

- Lastly
- Ask to speak with your Attorney
- Indicate that you will offer full cooperation after you've spoken with counsel,
- And tell them that, right now, you do want an attorney.



ANOTHER PERSPECTIVE

- Cops are going to be very pleasant.
- In fact, if anything, they're going to be essentially suggesting that what you did was right.
- They want you to feel a level of validation.



ANOTHER PERSPECTIVE

- You also have to make sure you project the right image without coming off as insincere or rehearsed.
- And you should absolutely never lose your cool, no matter the circumstances.



ANOTHER PERSPECTIVE

- A common mistake, is to think that your brothers are there to protect you. That's actually not accurate.
- Their client: is the prosecuting attorney



ANOTHER PERSPECTIVE

- So, you're dealing now with a representative of the Prosecutor's Office.
- Your mannerisms are being viewed.
- Your demeanor is being viewed.



ANOTHER PERSPECTIVE

- All the more reason to keep your wits about you — even if you feel like you're being treated unfairly as you're being taken into custody and led away.



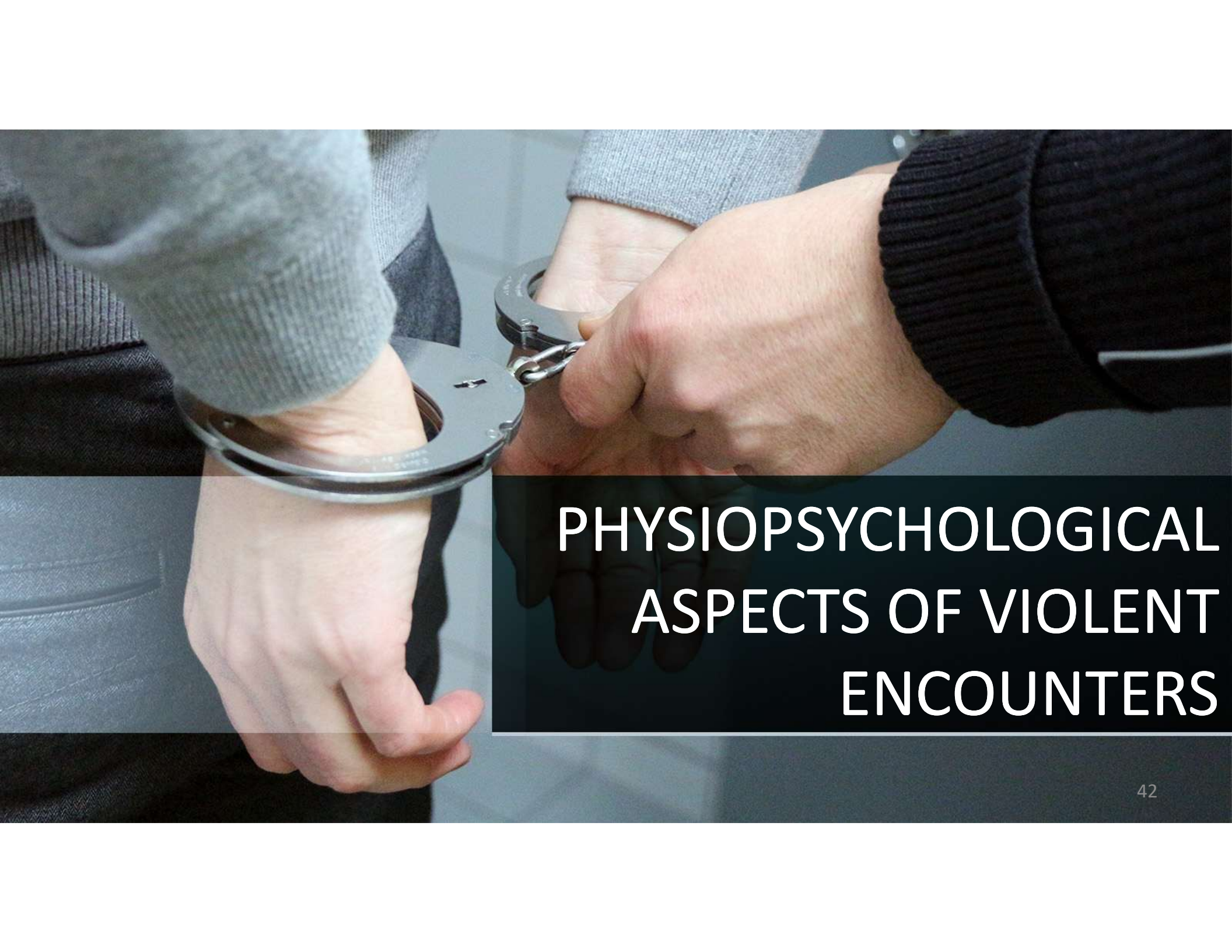
ANOTHER PERSPECTIVE

- Expect to be taken into custody.
- Expect to be disarmed.
- Expect to be handcuffed.
- And don't argue about it.



ANOTHER PERSPECTIVE

- The cop doesn't know who's who.
- A cop can't see the halo over your head that you think is there.
- It's important to remember that, your firearm will be seized and logged as evidence.
- This is standard.



PHYSIOPSYCHOLOGICAL ASPECTS OF VIOLENT ENCOUNTERS



Auditory exclusion

OR

The mental and physical effects of a high-stress situation such as a self-defense shooting.



Auditory exclusion

- Much of this research comes from Dr. Walter Cannon's work at Harvard Medical School in the early 20th century and, more recently, that of Dr. Alexis Artwohl, a clinical psychologist.



Auditory exclusion

- These are terms that you should ensure that your Legal Counsel is familiar with regarding your defense.



Auditory exclusion

- Also known as “sound muting.”
 - Gunshots, screams and shouted warnings may go entirely unheard.
 - Gunfire may sound like a soft “popping.”



Auditory exclusion

- According to Dr. Artwohl, it is the most common of these phenomena, occurring 84 percent of the time.



Tunnel vision

- Described as the intense focus on the threat and the weapon the threat is holding, leaving other dangers unseen.
- It also creates a literal optical illusion that makes opponents and weapons appear larger and closer.



Tachypsychia

- The sense of things happening in slow motion, and it occurs because the brain is processing input much faster than normal, creating the impression that actions are occurring more slowly than they actually are.



Memory Distortion

- This is defined as events remembered out of sequence or that did not actually occur.
- Actual occurrences are blotted out from the individual's memory.



Excorporation

- This is known as an “out-of-body experience.”
- It is a sense of being outside oneself, usually above the scene, looking down on the participants (including oneself) and the action.



Excorporation

- It is usually seen with someone who is gravely wounded or who believes death is imminent and unavoidable.



Amaurosis fugax

- A visual whiteout, described as “everything going white” or “white flames.”
- It is also known colloquially as “panic blindness.”



Amaurosis fugax

- It is theorized that the brain sees something so awful that it can't bear to process it.



LASTLY

- Again the importance of lining up an attorney as soon as possible cannot be over stressed as well as having a pre-existing relationship with your attorney ahead of time.
- It is just plain smart.



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