

PreDefence

Self defense before SHTF

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How to NOT get arrested - the strength of weakness

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Sorry to be the bearer of bad news, but...

Being the Good Guy™ is not enough.

Being in the right is not enough.

You can still be arrested.

If you get nothing else out of this, remember the following:

The law and the legal system are 2 completely separate entities. They usually have very little to do with each other.

The fight you're in ... is not the only fight you'll have

There can be three fights in a Self Defense situation:

- 1 - Win the fight (a.k.a. Don't go to the morgue)
- 2 - Win the courtroom fight (a.k.a. Don't go to prison = win the personality test + win the articulation fight)
- 3 - Win any civil litigation fights (a.k.a. Don't go broke if the BG's family sues you)

Today we take a look at (half of) the second fight - not getting arrested. We'll skip the articulation-in-the-courtroom battle for now.

2 parts to staying out of prison

Going to prison tends to happen in 1 of 2 ways after a violent encounter. Firstly, any responding

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officers can arrest you at the drop of a hat, on a whim, or for a reason that might actually be valid. Secondly, if criminal charges are brought against you, and you lose, then a prison sentence might be part of the ruling (as opposed to community service/a suspended sentence etc.).

Winning any criminal charges is likely to depend on your ability to articulate why you took the actions you did, why no other actions would have worked (or were an option) for you. And also passing the personality test. We will not deal with this today, except to say the usual - go read Marc MacYoung's book [In the Name of Self Defense](#). Buy 2 copies, one for you, one for your lawyer.

Pay him to read it if you must.

Not getting arrested

So somebody attacks you, there's violence, you emerge the winner. Well done. So you call an ambulance to show you value the BG's life. Then you call the cops to come assist. Then you mentally remember to purge the term "Bad Guy" from your lexicon. Here are some reasons why a cop might arrest you:

The cop feels threatened. Cops are usually trained that if they feel threatened, uneasy, or nervous, just start slapping cuffs on people until everything's straightened out. They may put cuffs on you while taking your statement and then take them off you when they leave. They may arrest you and take your statement at a police station, then let you go afterwards. It's pretty much up to them. Don't get pissed off, don't get belligerent - to a cop it'll just confirm that he was right to put you in cuffs. Being in cuffs doesn't mean that you're going to be charged - try to keep your cool.

The cop isn't sure about who did what to whom. The cop rocks up to the scene, there's a dead body, or a body lying on the floor groaning in pain. He doesn't know what happened - because you haven't convinced him yet. Cops deal with bar fights all the time (everybody's usually in the wrong, and they ALL claim self defense). Cops deal with domestic violence all the time (where the wife who was being beaten will often turn on the cops - because nothing galvanises a tribe like an outsider interfering). So give the cop a break if his natural reaction to anything involving violence is to just put handcuffs on everybody until things calm down and the facts start solidifying in his mind.

The personality test

Marc MacYoung calls it "the personality test". The cop rocks up and what does he see? You, a Rambo type, who swears at the cop for being too slow to realise who the BG is, while also boasting about how he "finally got one"? Or you, an everyday Joe, who's somewhat shook up and wide eyed, but keeping calm and trying to co-operate?

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Which one is more likely to get arrested?

So here's the personality test, summarised to remove any nuances you could actually use - don't be an asshole.

Don't act

As much as I like using this as an exaggerated example, don't try act out emotions you aren't experiencing. Cops deal with a lot of people, and most of them develop a decent bullshit meter.

<https://youtu.be/aAzXwlmQ0b4?t=132>

Use the emotions you are having, don't try any fake stuff - you aren't that good. If you're nervous, be nervous. If you're completely calm and uncaring, that's fine, just make sure you don't come off like a douchebag about it.

David vs Goliath

If there's one thing we can learn from studying political conflicts, it's this:

Everybody cheers for David while boo'ing Goliath.

From the Vietnamese to 9/11, the side that appears to be the weak David fighting off the mighty Goliath gets the moral support.

It wasn't an attempt by a very sneaky communist movement to take control of the entire country's government - it was the poor, teeny tiny Vietnamese being attacked by the huge American war machine.

If wasn't the entire United States being attacked by a couple dudes in caves who didn't even have toilet paper - it was an attack by the world's most extensive and sophisticated terrorist network.

The smart people in the PR world know the power, the strength, of appearing to be weak.

Again, I am **not** saying to act or pretend (and never ever make shit up!), but one aspect of passing the personality test is to make sure everybody knows that you are the David in this situation.

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So what's that look like?

Standard advice:

- don't be waving your weapon around when the cops turn up
- don't get offended, don't let your self feel "attacked" by the cops' questions
- be as calm as you possibly can be
- point out the basics - the Threat's weapons; any witnesses who saw; a basic outline of the attack
- offer to give a more complete statement later, you're just very unnerved at the moment, so you want time to calm down before you give a more detailed statement
- insist on getting checked out at a hospital - it gives you time to calm down and call a lawyer, and there are **many** stories of people being injured without realising it for a long time
- call a lawyer!
- don't get sucked into any questions - "did he come from this direction, or that? Did he lunge then shout, or shout then lunge?" Anything detailed is designed to trip you up and look for lies. You likely have tons of adrenaline at this point, which tends to make your understanding of reality a little "fluid". Weapons, witnesses, basic outline of attack
- think "he got close, I saw a weapon in his hand, I defended myself". The more details you give the more likely you are to have mixed something up and contradicted yourself or a witness (things happen fast + adrenaline = things can get mixed up easily). "What did he say when he threatened you?" and "How many times did you shoot him?" are not things you answer until a lawyer (who's read that [Marc MacYoung book](#)) tells you it's OK to answer it (if ever - read the book for much more detail on shit like this).

If you DO get arrested

Sometimes shit just happens (you just got attacked for instance) and you get arrested. First thing, don't fight them about it, in the cop's mind it'll just reinforce that he's right to put you in cuffs. Be as co-operative as possible. Make peace with the fact that you're in for a shitty night.

Very important - never fail the personality test, even while being arrested (if that's the case). Because you see, there's this dirty secret that nobody will ever admit to - the opinion of the cop that responds will colour the opinion of everybody down the line. It "shouldn't" happen, it officially can't happen, the law states that prosecutors and magistrates etc. are impartial, therefore they must be so. But it does happen.

If the cops who respond write their statements (and possibly give testimony later, or even just chat with the state prosecutor) to the effect that you were co-operative even though you were shook up, you were concerned about letting your family know you were OK, and your behaviour made it seem

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like you were in some deep-shit fear for your life - then that helps create the impression that you were a David who got attacked by a Goliath.

If the cop's statement talks about how you were combative with the responding officers, that you swore at them for doubting you, you refused to surrender your weapon for the officer's safety^{***}, you refused to say anything without a lawyer, you appeared angry and aggressive - then that creates a totally different impression.

Parting thoughts

Winning court case > getting arrested.

It's good to not get arrested after the incident. But they can still arrest you and press charges later on. So be co-operative with the cops at the time (weapons, witnesses, **basic** highlight of events), but do not jabber away and potentially give them a reason to arrest you later on. Do not say so much that you step on your own dick (as Marc MacYoung is very fond of saying). Rather be arrested at the time and let go without charges the next day, than be let go then only to be arrested and charged a week later.

And if I had to summarise this whole topic and give you one piece of advice (i.e. offer some glib, shorthand answer that skips too much important stuff), I'd say this:

Don't be an asshole.

^{***} - There is the story doing the rounds of a guy in South Africa who got attacked, and shot his attacker. The cops told him to surrender his weapon until any investigations got concluded (very different to "officer safety"), and he told them fine, but they have to give him another weapon he can use to defend himself and his family until he gets his gun back. So they let him keep his.

True or not I don't know. Advisable or not I surely have no clue. Indicative of the times we live in, absolutely.