

Target-Focus Training response to criminologist Casey Jordan comments

"Anyone who kills someone can be in potential legal trouble, but a student of target focus training may be held to a higher standard just like some members of law enforcement or the military." Casey Jordan, PhD, JD, Criminologist.

The above quote starts out very accurate. More often than not, the use of violence has serious legal repercussions; particularly when violence is applied in inappropriate circumstances. Someone who misapplies violence will not only face criminal liability but will often face civil liability from a lawsuit by either the victim of the violence or that person's family if the victim dies. Remember, OJ was not convicted for a double murder but a civil jury did find him liable for wrongful death.

Moreover, the "justified use of force" is an affirmative defense in a criminal trial, which means that, if you're pleading self defense, someone (police/District Attorney) already thinks what you did was criminal enough to arrest you and bring you to trial. On the other hand, if the amount of force used is "objectively reasonable" and you had an "honest belief" that the amount of force used was appropriate for the situation at hand, you may never face charges. I know someone who was killed (knocked out, head hit the concrete), in a fight that he started, and the guy who killed him was released after turning himself in the next day because he clearly defended himself against an unrelenting aggressor in front of several witnesses. I also know someone who spent several years in prison for nearly beating a man to death for sleeping with his girlfriend.

The above quote misses the mark when the person asserts that someone who studies the Target Focus Training system will be held to a higher standard. Military and law enforcement are held to a "higher standard" because they not only have the right to use force, but are *obligated* to use force when violence rears its ugly head. The "higher standard" (read: use of *force continuum*) is meant to keep that grant of power in check. Civilians are not obligated to use force but the level of force used is guided by what a jury determines is "objectively reasonable." If the District Attorney does not believe your use of force has been reasonable, then a judge or jury will decide whether your response was appropriate for the situation. Further, YOU will have to prove (convince the jury) that your actions were reasonable in light of your honest belief that the imminent harm facing you required a violent response.

Therefore, at least in California, civilians who study with Target Focus Training are held to the same standard to which all other civilians are held. That said the degree to which you have practiced using violence may factor into the equation of "objective reasonableness" or into whether your belief in the use of violence was honest. **BUT, the standard does not change.** If you are taught how to mechanically break someone's neck and you practice on an unconscious homeless person...good luck! Expect a swift prosecution. If you are shown how to use a firearm

and you randomly shoot someone in the back of the head, you would be the criminal. If after learning about firearms, you justifiably shoot an armed assailant, you would be a hero. While the shooter at Fort Hood was a criminal, the officers who shot him were interviewed as heroes on Oprah. Both applied similar levels of violence by pulling the trigger of a firearm and no one could say that the shooter was reasonable and the officer unreasonable.

The problem that people have with violence is that they want the TFT instructors to tell them that it will be ok when they decide to use violence. They want the law to protect them if they misuse the tool. Unfortunately, whether the use of violence as a tool for self-protection is "ok" is up to you. If you feel uneasy about this answer, you should. Just as you would if we were in a small room with several people and someone began waving around a loaded firearm and pointing it at people.

So, how do I know when it's time to use violence? Well, when the District Attorney or the jury is second guessing whether your particular use of violence was objectively reasonable they focus on the immediacy of the risk of harm that you face and the gravity of your response. If you had an opportunity to walk away from an aggressive drunk but instead walked across the street to "teach him a lesson" and you end up in a fight and he gets hurt, chances are you will be in trouble even if the drunk started punching first because you walked over to him when you could have reasonably walked away. If the drunkard aggressively charges across the street at you with clinched fists and you boot him in the groin hard enough to upend him or you just knock him out, you're probably justified in protecting yourself. However, if you start jumping on his neck and break it while he lays there unconscious or start putting the shoe leather to his unconscious body and destroy his liver, you'll most likely be answering to a jury.

The bottom line is simple. Violence is RARELY the answer, but when it is, it is the ONLY answer. If the ratio of legitimate uses of force to criminal uses of force is 1 in 100, your best bet is to avoid using violence (an asocial tool) as a solution to your social problems. Another way to look at the issue: Society views the use of violence as criminal first, and as "self-defense" second. Mind your manners.

Violence is the last resort, but the first resort when necessary.

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Nothing above should be construed as legal advice. If you're in a situation where legal advice becomes necessary, consult an attorney.