RUSHING into High Risk Situations

By Brian McKenna

As distasteful as it is to second-guess the actions of a fellow officer, especially one whose mistakes have cost him so much, it is even more distasteful to see an officer's blood shed in vain, to deny others the lessons to be learned from his tragic misfortune. Officer deaths and injuries are rarely unavoidable. Some errors are more obvious than others, but usually something could have been done to prevent the dire outcome.

The purpose of this column is not to unnecessarily criticize those who have given so much—we have all made similar, if not worse, mistakes—it is to hopefully prevent similar tragedies in the future. This regular feature will analyze actual incidents in which officers have been killed or wounded, and will focus on what can be learned from them. With this in mind, "Officer Down" is dedicated to the officers whose blood was shed in the course of the incident it analyzes, and to all our brother officers who have been killed and injured in unselfish service to their communities.

APRIL 6, 1970

DESCRIPTION OF INCIDENT

The highway wound down from the ridge in the desert far from the large metro area where Jack Tidwell and his wife Pamela lived. The couple was headed home after a family reunion. Pamela had fallen asleep in the seat beside him, and Jack—lulled by the serenity of the air and the steady drone of the engine—longed for a nap as well, but he had to work in the morning and they were still almost two hours from home. Without warning, an oncoming car whipped into a U-turn, crossed the median, and cut into the lane right in front of them. Jack swerved out of the way, anger boiling inside him as his wife, jarred awake by the sudden movement, gasped in fear. He fell in behind the car, a large red Pontiac, and started flashing his high beams while Pam wrote down the tag number. The Pontiac soon slowed, then eased onto the shoulder. Jack asked Pam to roll down her window. She protested mildly, but did as he asked as he pulled up alongside. He leaned toward the other driver—a mild-looking young man—and, in a voice cracking with anger, told him what he thought of him. After threatening to kick the man's ass, he added that he was going to call the highway patrol. The man's response was not at all what Jack had expected. He grinned and poked the ugly muzzle of a snub-nosed .38 out the window at him. "Okay," he growled, "just try it!"

Pam screamed and begged him not to shoot. Jack's anger turned to fear, but he held back panic as his mind raced. The glare of headlights in his rearview mirror caught his eye, and gave him an idea. "That's a cop car behind us," he announced. The other driver glanced back nervously, then dismissed the Tidwells with a jerk of the revolver's barrel. Before the man discovered he'd been tricked, Jack let the clutch out and jammed the accelerator to the floor, pushing the engine to its limit as he sped away. Amazingly, the Pontiac didn't follow. The area was sparsely populated, and it took about 15 minutes before the couple spotted a service station. There was a phone booth in a corner of the parking lot. Jack stopped there, called the highway patrol, and reported the incident, including a description of the car and its license number.

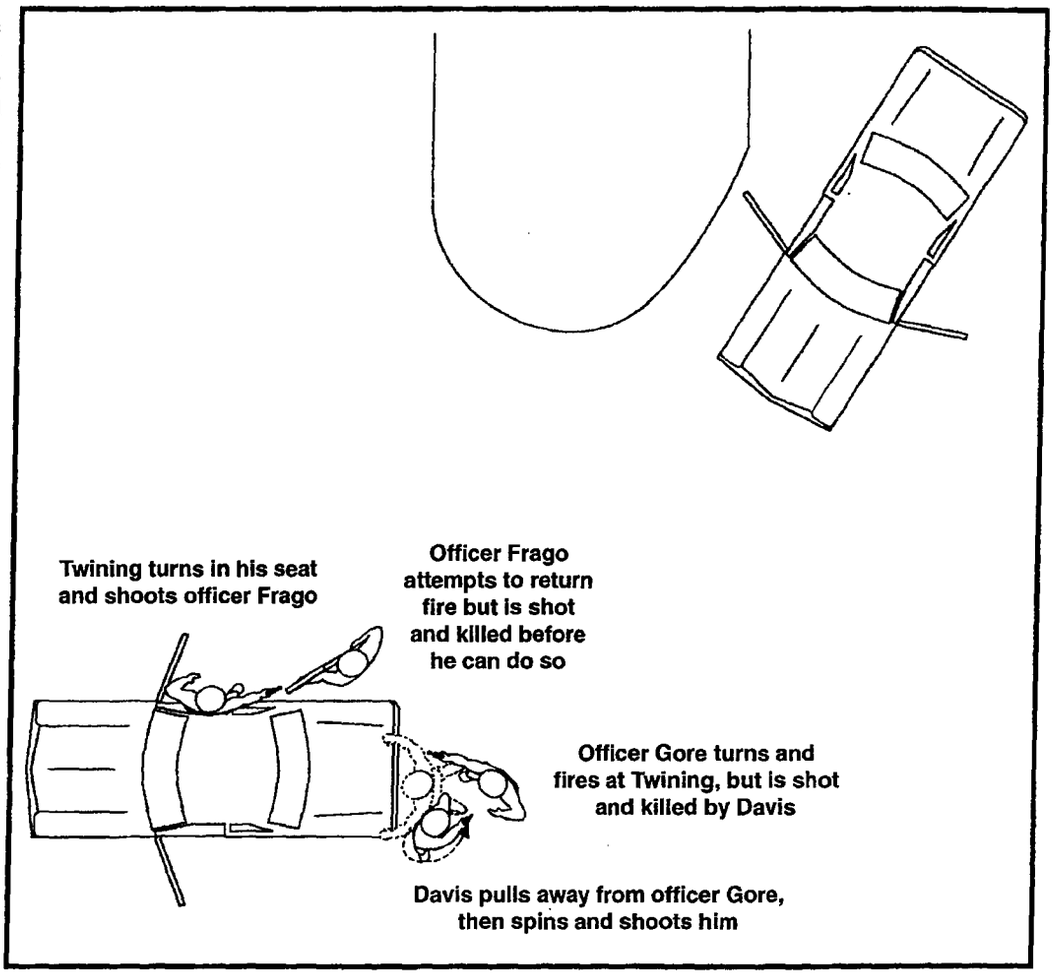
The Tidwells' fear of being followed had been unfounded. The red Pontiac was still miles behind them. Its driver, a 27 year-old parolee named Bobby Davis, whose clean-cut appearance belied his violent past, wanted to go after them but he didn't have time. The U-turn he'd made prior to the confrontation had been caused by his frustration as he searched for his partner, Jack Twining. Like Davis, Twining was on parole for robbery but, being older and more hot-tempered, he had a longer record. At 35, his trouble with the law spanned 20 years and included at least one charge of assaulting an officer with a deadly weapon. Davis and Twining were planning an armored car robbery, and needed explosives to blow the doors open after murdering its occupants. Davis had dropped Twining off near a construction site so he could case the site for explosives. They had intended to communicate with walkie-talkies, but the radios malfunctioned. Davis had been unable to find Twining, and was turning around to continue the search when he cut off the Tidwells.

Not long after the encounter, Davis found Twining. "Where you been?" Twining asked as he slid a 4" S&W .357 Magnum out from under his sweatshirt and laid it in the seat. Davis told him what had happened and, concerned that the couple may have called the police, suggested that they ditch their cache of guns. Besides the S&W he'd pointed at the couple and Twining's .357, the men had 10 other guns. There were four more handguns and three rifles in the trunk. None of the weapons in the trunk would play a role in the events to follow, but there were three more guns in the back seat and two of them would be used with brutal effects....

Highway Patrolmen Roger Gore and Walter Frago were in a good position to intercept the two heavily-armed ex-cons. Both officers, aged 23, were partners and had been close friends since attending the academy together about a year earlier. Both were married with young children and dedicated to their work. Incidents of brandishing firearms were common in the area. Hunters frequented this part of the state and there were a lot of remote places to target shoot. Guns would sometimes be drawn following mishaps and disagreements between motorists. Usually nothing came of it, but occasionally someone would get hurt Although it was only a misdemeanor to brandish a firearm in this state, Gore and Frago were eager to find the vehicle. They set

up along the likely route of travel and waited. Sixteen minutes later, their efforts paid off. A red 1964 Pontiac cruised past them—the license number matched. The vehicle was now occupied by two men, both relatively clean-cut—hardly the look of dangerous criminals.

Frago, who was riding shotgun, called in that they were behind the Pontiac. Before he had the chance to ask for backup, the unit manned by Highway Patrolmen James Pence and George Alleyn radioed that they were just south of their location and were en route to assist. Like Gore and Frago, Pence and Alleyn were youthful and relatively inexperienced. Both were 24 years old with less than two years on the job and both were married with young families. Unlike Gore and Frago, they had only known each other for a few months. Nevertheless, they had developed a close friendship and worked well together.



Gore and Frago were approaching an exit, and decided to stop the Pontiac on the off ramp. Frago called Pence and Alleyn, advised them of the intended location of the stop, and asked them to stand by there. Alleyn answered almost immediately, "standing by at the ramp." Frago activated the semi-marked unit's single red light, but the Pontiac didn't stop right away. Instead, it turned right at the bottom of the ramp, continued a couple of hundred feet to the next cross street, and made another right. Frago radioed Pence and Alleyn about the change of location, then quickly updated it again as the Pontiac pulled into a busy truck stop and stopped just inside its parking lot.

Gore stopped at an angle about two car lengths behind the Pontiac and several feet to its right. With Alleyn's words, "We'll be there in a minute!" crackling from the radio, Gore jumped from the driver's seat, took cover behind the door, and leveled his .357 magnum revolver at the Pontiac. At the same time, Frago snatched up the Remington 870, racked one into the chamber as he stepped quickly from the car, and moved up to the right-front fender.

"Step out of the car!" Gore commanded, but neither men budged. Gore repeated the command two more times before the driver's door swung open and Bobby Davis stepped out. Following Gore's orders, he moved to the rear of the Pontiac and assumed the classic frisk position—feet spread wide, body leaning forward and hands on the trunk lid. Twining was still in the right-front seat, making no effort to move. Both officers moved forward, Gore on the left and Frago on the right. Gore stopped behind Davis and began to frisk him as Frago moved up to the right side of the car and stopped behind the passenger door. A load of 00 buckshot rested in the chamber of Frago's shotgun, but he held it upright against his hip, muzzle pointed skyward. The gun was in his right hand, leaving his left free. Twining was still sitting behind the closed passenger door. Frago reached for the door handle with his left hand....

The door flung open, and Twining pivoted out to his left, coming out of his seat into a crouch. The bulky .357 flashed in his right hand as he whipped it into firing position. "Hold it!" Frago cried as he started to bring the shotgun down to fire, but it was too little, too late! A ball of flame boomed from the magnum, then another. Both slugs tore into Frago's left side, one blasting through his left lung, aorta and right lung before exiting the right side of his back, and the other slicing through his left lung and lodging in his spine. He stumbled backward, fell to the pavement, and was dead within seconds.

Officer Gore, his attention now riveted on the horrifying sight on the other side of the Pontiac, turned to face his partner's murderer, his own .357 whipping up into

firing position and booming lead. Twining was already shooting back, but neither man's bullets found their mark. Twining's bullets—now being discharged under the pressure of return fire—were jerked low, while Gore's two shots went wide. This distraction was all Davis needed to launch an attack on the unwary officer. He ducked away from Gore, snatched the short-barreled .38 from his waistband and fired two shots pointblank into the unsuspecting officer's left torso. One slug ripped through Gore's stomach and exploded in his spleen, and the other tore through his left lung and buried itself in his spine. He slumped to the pavement, dead almost before he hit the ground.

Pence and Alleyn had been close behind—close enough to hear the shots and put out an "officer down" call as they came on scene. It had been less than a minute since Gore and Frago had initiated the stop. Pence whipped into the parking lot and stopped just to the left of the other patrol car. Dodging a hail of lead, both officers abandoned their cruiser and ran to cover. Alleyn had time to grab the shotgun, and racked in a round as he ran to the rear of Gore and Frago's car. He maneuvered to the other side of the cruiser and up to its open passenger door. In the meantime, Pence had drawn his .357 Magnum and taken up a position at the left rear corner of his own cruiser.

Now out of ammo, Davis and Twining dove into the back seat of the Pontiac for the guns—two Colt .45 semiautomatics and a sawed-off 12-gauge pump shotgun. Twining grabbed one of the .45s and Davis the shotgun. They came back out of the car, guns blazing under return fire from the officers. Twining's .45 jammed after the first shot. He threw it back into the car, climbed inside again, and grabbed the other .45. As he did, a load of buckshot from Alleyn's 12 gauge tore through the Pontiac's back window, showering glass through its interior. One of the pellets struck Twining in the middle of his forehead, but the window glass had absorbed most of its energy. It tore flesh but failed to penetrate or break any bones. Nevertheless, it hurt enough to enrage Twining, who now crawled across the back seat, exited the driver's side, and opened fire on Pence.

Davis, who been firing at Pence, now focused on Alleyn. Having accidentally ejected one live round, Alleyn had fired the other three into the rear of the Pontiac. He quickly tossed the empty shotgun aside, drew his .357, and backpedaled to the right rear of the cruiser, the magnum blazing. Alleyn managed to fire four shots before a blast from Davis' shotgun tore into his upper chest and face. He slumped against the trunk as he struggled to stay on his feet. An instant later, a second load of buckshot crashed into his chest. Reflexively, his muscles tensed with the impact, causing him to discharge his final round. The bullet flew harmlessly through the back window of the patrol car. Alleyn's knees buckled and he tumbled to the pavement. Mortally wounded, he would not survive the ride to the hospital.

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A new figure appeared on the scene. Gary Kness, a local man on his way to work, had witnessed the last few moments of the bloody drama. Rather than drive by the death scene and out of harm's way, he stopped and ran to the aid of Alleyn. The fallen officer looked terribly vulnerable, and Kness refused let

him suffer further harm. He grabbed Alleyn by the gunbelt and tried to drag him to shelter, but he was too heavy and Kness could see Davis by the Pontiac, a shotgun in his hands. After firing his own shotgun dry, Davis had picked up Frago's. Apparently confused by the fact that there was already a round in the chamber—the one racked in by Frago but never used—he struggled to activate the slide. A moment later, the 12 gauge suddenly boomed into the air. Startled and angry, Davis threw the 870 down, bent over Frago, and yanked the dead officer's .38 from its holster.

In response, Kness picked up Alleyn's shotgun and tried to fire it at Davis, but a sickening click told him the gun was empty. By this time, Davis was back into a shooting crouch, gun in hand. He opened fire with Frago's .38. as Kness picked up Alleyn's handgun. Holding the revolver in both hands, Kness brought it to eye level, cocked the hammer, and took aim on Davis. The magnum cracked, sending the bullet wide to the left. After ricocheting off the side of the patrol car, a large bullet fragment plowed into Davis' upper chest. It wasn't a serious wound, but Davis winced and began to retreat. Kness cocked the gun and pulled the trigger again, but this weapon was also empty.

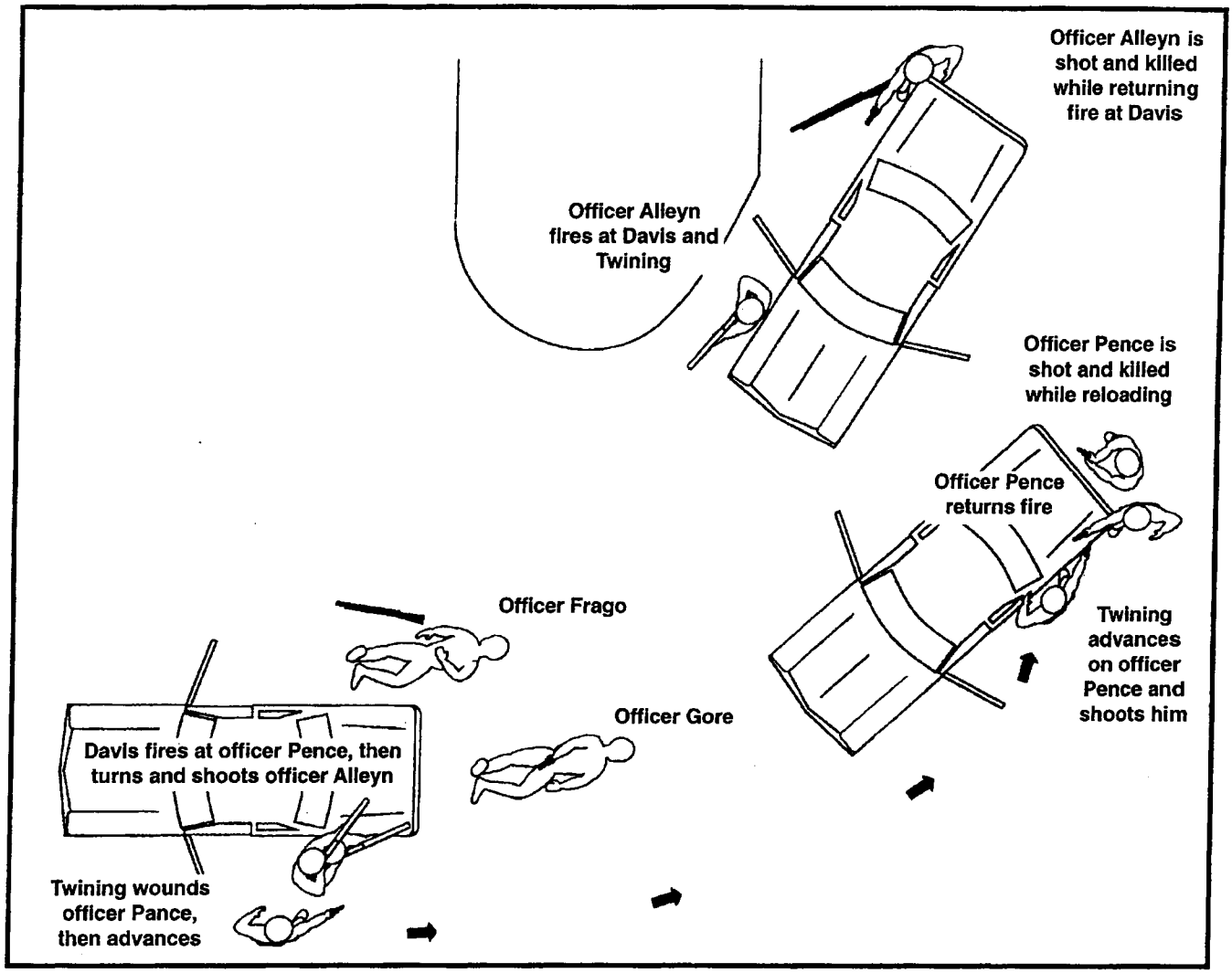
Kness' courageous actions managed to rescue Alleyn from further attack, but the bloodshed was continuing to his left. Pence, still at the rear of his own patrol car, had been exchanging fire with Twining—and losing the fight. Now seriously wounded, he was frantically trying to reload. Although the exact sequence of events cannot be determined, slugs from Twining's .45 had slammed into his chest and both legs, shattering the bone in one. Valiantly, he fought back until, after dropping the hammer on three spent cartridges, he realized the magnum was empty. Desperately, he squatted down for cover. After managing to dump six fresh rounds into his hand from the pouch on his belt, he fumbled in the semidarkness and clumsily fed them into the cylinder. He was snapping the cylinder shut when he sensed something to the left side of his cruiser. As he turned to look, Twining was there, the cruel muzzle of the .45 staring down at him. "Got you now, motherf__ker!" the man growled as the large auto boomed in his hand. It was the last thing Pence ever heard—the heavy bullet crashed through his skull just above the left eye and burrowed deep into his brain.

Too late to lessen the carnage, a third highway patrol unit came screeching onto the scene. Officers Ed Holmes and Richard Robinson leaped out, guns drawn. There was a brief exchange of gunfire, but the two cop killers had enough. Twining, his .45 now empty, snatched up Frago's shotgun and Gore's revolver, and ran back to the Pontiac. Davis, who was still carrying Gore's nearly empty revolver, was already behind the wheel. He fired the engine as Twining dove into the passenger seat. Davis gunned it, sending the Pontiac screeching across the parking lot as one last bullet blew the remaining glass out of the back window. They soon reached the other side of the lot, where they found themselves boxed in—no exit. Both men abandoned the car, and fled into the darkness. The pair split up as officers poured into the area, closing off their escape routes.

About three hours later, Davis came across a pickup truck/camper with a man sleeping inside. He needed a vehicle to make his escape, but when he tried to steal the pickup, the occupant, who was armed with an old low-velocity .38 S&W caliber revolver, put up a fight. During the brief exchange of gunfire, Davis fired the last round from Frago's revolver and was wounded in the shoulder, but managed to convince the man to come out of the camper. When he stepped outside, Davis pistol whipped him and stole the camper, but was stopped a short time later by two deputies—he surrendered without a fight.

Less than an hour after Davis' capture, Twining took a man and his family hostage inside their home, but not before the man's wife was able to call the police. Later, after the house was surrounded by officers, the woman escaped with the couple's teenage son, leaving Twining with her husband as his only hostage. By that time, hostage negotiations had begun. It was then that Twining made a chilling comment that said a lot about his mindset. When asked what had happened at the truck stop, he coolly remarked, "They stopped us. We were ready; they weren't. One of them got real careless, so I wasted him."

As the morning hours dragged on, Twining released the homeowner, but refused to surrender. Tear gas was sent in and officers stormed the house. As they



entered, Twining pressed the muzzle of Frago's shotgun up under his chin and pulled the trigger. The officers, thinking they were under fire, opened fire, riddling his body with bullets. The bloodshed had finally ended, but four young officers lay dead and lives would be changed forever.

Gary Kness was honored by the Highway Patrol for going to the aid of officer Alleyn. In the long run, his valiant efforts proven futile, but he acted with selfless courage and compassion. Bobby Davis was convicted of four counts of capital murder and sentenced to die in the gas chamber, but the Supreme Court later declared the state's death penalty unconstitutional, his death sentence was reduced to life imprisonment without parole. He is currently serving time in his state's highest security prison.

Analysis

This tragic event remains a dark day in American Law Enforcement. It is the bloodiest armed confrontation involving uniformed officers in our nation's history. But it occurred well over 30 years ago. As such, it has been largely forgotten. This only adds to the tragedy. These four fine officers should never be forgotten. The terrible price they paid should be enough to burn their sacrifice into our memories. The way they died has a lot to teach us about officer safety. In its aftermath, the Newhall Incident, as this massacre came to be known, jarred many in law enforcement out of their complacency, and launched the modern officer survival movement. Even more significant, is the distressing fact that many of the lessons from Newhall have not yet sunk in. Officers are still making many of the same mistakes—thankfully with less frequency—but they are making them nonetheless.

DANGER SIGNS

The fact that Davis and Twining were being stopped for a weapons violation was more than enough reason to be cautious. It has often been speculated that Gore and Frago used low profile tactics because brandishing a firearm was only a misdemeanor in their area. Apparently, this line of thinking was rather common then, but few officers today would agree with this. Newhall has taught us that any weapons offense, whether misdemeanor or felony, is particularly dangerous. We also have to remember that even minor offenses can kill officers. Every encounter has the potential to turn deadly,

so we must continually assess the situation and scan for danger signs. In this case, at least three significant danger signs stand out. The first was Davis' refusal to stop right away. Any time a motorist keeps going after being signaled to stop, we must be alert to the possibility that he is not just looking for a safe place to pull over. He may be delaying while he plans his attack, accesses a weapon, searches for a spot that gives him tactical advantage, etc.

The second danger sign was Davis and Twining's initial refusal to exit the car. There may be tactical reasons for an assailant to do this, and we must assume that he's planning something until we determine otherwise. Twining also ignored the officers even after Davis complied with their orders. He sat there motionless as Frago approached. Inactivity, under such circumstances, is a serious danger sign, and must be regarded with suspicion. Officers Gore and Frago either did not pick up on these danger signs, or failed to act on them. We must avoid complacency and continually assess every situation for danger, and not hesitate to take precautions when necessary.

RUSHING AHEAD

Rushing ahead is probably the one thing that gets more officers killed during high-risk situations. Gore and Frago initially stayed behind cover and ordered the suspects out of the car, but they soon abandoned this position to move in closer. This action put them in a more vulnerable position, and led to the bloodbath that followed. This simple but significant mental error led to a number of serious tactical mistakes. The bottom line is that Davis and Twining would very likely have surrendered without a fight if Gore and Frago had only waited a little longer for backup to arrive, then taken the time to remove the two men from the car in a controlled manner. Considering Davis and Twining's streetwise instincts, we can be reasonably certain that they would have understood the consequences of trying to take on four officers in good tactical position. Even if they had been foolish enough to attack under such circumstances, the outcome would likely have been much different.

One of the most puzzling aspects of this case is why Gore and Frago, with Pence and Alleyn obviously just moments away, did not wait for them. We will never know—there wasn't a great deal of emphasis placed on officer safely and tactics at that time. Even more likely, however, is that they acted out of overconfidence. They were young officers who knew they could work together as a team successfully, but who had very little or no experience dealing with noncompliant suspects, much less violent hardened criminals. Adding to this problem was the fact that they were in two-man units. For the most part, two-man units are safer than solo units, especially when the officers have the proper mindset and have developed well-coordinated tactics with clearly defined areas of responsibility. They do have one drawback, however. With time, the officers may come to rely so much on one another that they think they don't need to wait for additional backup. Two-man units provide a significant tactical advantage, but this advantage can be negated if they ignore basic officer safety principles.

HIGH-RISK STOP TACTICS

This analysis will not provide a detailed discussion of high-risk stops. Every officer should know how to conduct a high-risk stop safely, but even the best tactics are useless if they are not used. It is not unusual to see officers abandoning felony stop tactics in their rush to take dangerous offenders into custody. At times, they swarm the suspects, guns drawn, with little or no regard for crossfire concerns. Another common mistake is to simply rush the vehicle, grab the offender, and throw him to the ground without waiting for backup. There are a number of different tactics for handling high-risk stops, but the basic ingredients for safely handling these stops are:

- Wait for backup before initiating the stop.
- If you must stop the vehicle before backup is on the scene, don't try to do too much. Take cover with your weapon drawn, order the suspects not to move, and wait. Under some circumstances, you may order the occupants to place their hands on

their heads or into some other controlled position, but that is as far as it should go. Don't try to remove the occupants until sufficient help is on scene and properly positioned.

- Use a controlled, well-managed procedure for removing the occupants, one at a time.
- Bring the occupants back to you.
- Maintain control at all times.
- Never rush things. Time is on your side; use it to your advantage.

ENTERING AN AREA CONTROLLED BY SUSPECTS

Considering the training available at the time, Gore and Frago handled the stop pretty much according to the book. Most likely, they felt they had a degree of control, when in fact they were walking into a deathtrap. By leaving cover and penetrating into a kill zone, they violated one of the cardinal rules of officer safety—Don't go to them. Have them come to you!

This mistake was compounded when Frago moved next to the Pontiac to confront Twining. Both officers were dangerously exposed, and, by splitting up, they lost the ability to take coordinated action. Neither officer had established any control over Twining, which left him free to move at will. Worse yet, his hands were completely hidden from view. As a result, Frago didn't see the attack coming until it was too late, which in turn opened the floodgates for the bloodbath that followed.

It is safer to take cover and order the suspect back to you, because it draws him out into the open. It also lets him know that you intend to fully control the encounter and it puts him off balance. Now, he has to focus on what you're telling him to do, and if he intends to attack you he'll have to adjust his plans accordingly. When dealing with multiple suspects, this tactic disrupts their ability to communicate, and splits them up so they can't launch a coordinated attack.

PROPER USE OF THE SHOTGUN

The manner in which Frago deployed his shotgun also contributed to his inability to respond to Twining's attack. The shotgun is a very intimidating and effective weapon, but only if it is used properly. Like any long gun, it is cumbersome at close range, and it is particularly ineffective when held muzzle up at the hip. Twining obviously knew this, and he was too streetwise to be intimidated by the mere presence of a weapon that could not be used effectively against him. If Frago had held his shotgun—or his revolver—in the low ready position, he might have been able to get a shot off before Twining did, or at least before the man could turn on Gore. Or, better yet, it might have discouraged Twining from attacking in the first place. By Twining's own cold-blooded admission, he shot officer Frago because he "got careless." A man who is that calculating about murder would probably have thought twice about attacking a cop who was obviously ready to shoot back. Because of its large size and limited maneuverability, the shotgun is generally better suited for use as a cover weapon. When the weapon is so used, the officer can stay far enough back to keep the muzzle at the low ready for quick action. This also avoids the problem of trying to use the weapon effectively with just one hand when the other is needed for a task, as when Frago reached out to open Twining's door.

CONTACT AND COVER

When officers Gore and Frago split up, each of them focusing on a different suspect, they could no longer provide effective cover for one another. This enabled Twining to launch a surprise attack against Frago while Gore had his attention focused on Davis. Then, as Gore instinctively focused on engaging Twining, Davis was free to attack him. In short, Gore and Frago inadvertently divided their forces, and Davis and Twining used surprise and distraction to capitalize on this mistake. Violent street offenders have the instincts to use ploys like this to divide and conquer.

The best defense is to practice contact and cover. Contact and cover assigns responsibilities to each officer so they can work together effectively as a team. The contact officer handles everything that requires contact with the suspect(s), including interviews, searches and arrests. The cover officer monitors the situation from a distance, preferably from cover. He does not become involved in the encounter unless his partner gets into trouble or he perceives some other threat. This tactic keeps the cover officer from becoming directly involved with the suspects, and thus distracted by them. He can maintain a broad view of the scene as he focuses exclusively on providing cover. Moreover, he is less likely to be emotionally drawn into the situation. Finally, contact and cover may discourage resistance by sending a clear message that the officers are prepared to deal with any threat.

This does not mean that contact and cover alone would have enabled Gore and Frago to safely approach Davis and Twining without backup. The use of contact and cover would have greatly improved their chances of winning the encounter, but they knew they were dealing with at least one armed suspect. Two officers may not be enough under such circumstances, no matter how well they are deployed. Additional backup adds an extra measure of safety, as does the use of proper felony stop tactics. Officers should make use of every tactical advantage when confronting an armed suspect.

SUSPECT MINDSET

This incident offers a prime example of the way many cop killers think. Acting on predator-like instincts, Davis and Twining quickly assessed Gore and Frago as possible targets, immediately detected their vulnerability, and promptly took advantage of it. The idea of being identified didn't bother them either, because they willingly attacked the officers in a well-lit parking lot with witnesses. People who are willing to kill police officers generally don't worry about long-term consequences. When they see something standing in the way of their immediate goals, they simply take action to eliminate the obstacle. These people possess a potential for violence that exceeds that of the ordinary street criminal. Even though we rarely encounter such individuals, the potential for doing so is always there. We can't let our guard down.

STOPPING IN THE KILL ZONE

Officers Pence and Alleyn were thrust into a very dangerous situation as soon as they arrived on the scene. They showed

admirable courage by stopping as they did and rushing into the fight, but the results were catastrophic. Despite the urgency of the situation, this was no time for bad tactics. In retrospect, it would've been much safer to have cut their lights, sped past the scene and stopped a short distance away where they could safely exit their car. From that position, they could've paused briefly to decide on their next move, moved to an advantageous position, and opened fire on the cop killers from there. Faced with such a counterattack, it is likely that Davis and Twining would have fled the area, especially when Holmes and Robinson arrived a few moments later. The idea is to exit the kill zone long enough to make a plan, then deploy for a counterattack and/or rescue of anyone inside the kill zone. When another officer is down, your first responsibility is to stay in the fight so you can take out or drive away the attacker. Only then can you really focus on getting to the downed officer.

It isn't surprising that officers Pence and Alleyn reacted as they did. They were under incredible stress. Something must be done to precondition the mind to react properly in a crisis. Herein lies the value of forethought, preplanning and training. At the very least, every officer should think about how he would handle such a situation, and this can be taken a step further by incorporating the appropriate response into crisis rehearsal scenarios. Still, realistic hands-on training is the most effective tool for dealing with the threat. Training should include tactics for going to the aid of downed officers, and for escaping an ambush (which is essentially what Pence and Alleyn drove into).

VEHICLES AS COVER

Although Pence and Alleyn took cover, they received all but one of their wounds while shooting from behind the patrol cars. Although car bodies are sometimes criticized for their inability to stop some rounds, they provide reasonably effective covers, especially against rounds that come in at a low angle. Often, the real problem with using a car for cover does not rest with the vehicle's inability to stop bullets, but with the barricade technique used.

For the most part, Pence and Alleyn stood or squatted behind the patrol car, leaving their upper bodies dangerously exposed (which was the technique that was commonly taught at the time). A far superior technique is to kneel or squat low and fire around one corner of the vehicle, leaving just the weapon and a narrow sliver of your head exposed. If a quick peek and/or frequent changes of location are employed, this position provides even greater protection. Unfortunately, officers without proper training still commonly stand when firing from behind vehicles. Most likely, this is because we feel more comfortable when shooting from a standing position. It is a more natural position and affords greater freedom of movement and a wider field of view. The preferred technique is rather awkward, unnatural, and confining. It is also considerably more tiring, and is a harder position from which to shoot accurately. Consequently, officers must practice this technique until they become proficient with it. Training in proper techniques for shooting from behind cars as well as other common cover is an essential component of any realistic firearms training program.

FIREPOWER

Considering the number of shots fired at Newhall (15 by the officers and 25 by their assailants), it would seem that firepower was an important factor. It was, but not to as large a degree as it might seem. Officer Frago never fired a shot, Gore only fired twice, and Alleyn's revolver still held two unfired rounds when he went down. Only Pence was forced to reload and that proved fatal. If he had been armed with a semiauto pistol, there is a good chance he would have been able to deliver a telling hit to Twining before having to reload. And, even if he had been forced to reload, he almost certainly would have been able to do so quickly enough to open fire on Twining. Although a seemingly minor factor, the bottom line is Pence would likely have survived if he had been carrying an autoloader.

A semiautomatic is not the only thing that would have helped Pence counter Twining's attack. Speedloaders (which were issued by his agency not long after Newhall) would probably have enabled him to reload rapidly enough to fight back, and a backup gun would have eliminated the need to reload at all. Backup guns can be lifesavers—no officer should work the street without one.

TRAINING ISSUES

Several important training points can be gleaned from an analysis of the Newhall shooting. First, Pence had not been trained to reload just one or two rounds when a rapid emergency reload is needed. A round or two might well have been enough to stop Twining as he got closer. Newhall is also the case in which it has been said that one of the officers (Pence) was found with spent cartridge cases in his pants pocket. Although this has been officially denied by the department, many sources insist that it did happen. If so, this points strongly to the need to train officers for the real world.

Similarly, despite the fact that Gore, Alleyn and Pence were all carrying .357 magnums, there is no record that they ever trained with anything other than .38 wadcutters. This was very common at the

SUMMARY

- Never rush into a dangerous situation.
- Practice appropriate tactics when conducting high-risk stops.
- Don't go to them. Have them come to you.
- Deploy your shotgun properly. Failure to do so will often negate its effectiveness.
- Always use Contact and Cover when working with a backup officer.
- Don't stop in the Kill Zone. Proceed through it, then stop at a safe location before deploying to counterattack.
- When aiding a downed officer, your first priority is to eliminate or drive away his attacker.
- Proper technique is important when shooting from behind a vehicle for cover, but practice is needed to develop this skill. Firearms training must include realistic vehicle barricade shooting techniques.
- Firearms training must be geared to the real world to be effective in preparing officers to win on the streets.
- Body armor is essential not only to the safety of the officer wearing it, but to the safety of his fellow officers as well.

time, as was the fact that officers were routinely trained to shoot one-handed only. These factors may well have played a part in their failure to score any significant hits. It is one of the legacies of Newhall that many departments reexamined their firearms training and made it more relevant to the street. Sadly, however, a good number of police agencies still routinely use cheaper target grade ammunition, and many have not yet moved beyond the standard qualification course as their only range training.

BODY ARMOR

Concealable body armor was not available when this tragedy occurred, but it is today. Officers Gore and Frago would almost certainly have survived if they had been wearing body armor Besides saving their own lives, this would have given them a chance to stop Davis and Twining before Pence and Alleyn were drawn into the bloodbath. Alleyn might also have survived his wounds, and Pence may have been able to reload if he had not been so seriously wounded. Still, many officers fail to avail themselves of this lifesaving piece of equipment. By doing so, they not only put themselves in jeopardy, they may also jeopardize the lives of fellow officers. ☆

Bibliography

1. Anderson, John P. and Cassidy, Marsh. **The Newhall Incident: America's Worst Uniformed Cop Massacre.** (1999), Quill Driver Books; Clovis, CA 93611

2. Ayoob, Massad. **The Ayoob Files: The Book.** *Newhall Massacre.* pp. 114-129. (1995), Police Bookshelf; PO Box 122, Concord, NH 03302-0122. This excellent book contains a number of case studies with learning points of great value. It can be purchased for $19.90, including shipping, from the above address, by telephone toll-free at 1-800-624-9049, or on the web at www.ayoob.com.

Note: As a service to its readers, *The Police Marksman* includes "Officer Down" as a regular feature in each issue. In order to present cases that demonstrate clear and relevant case studies, we would like to draw from our largest available resource—our readers. If you have, or can obtain, factual information on actual incidents that you think we can use, please write to:

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