

Reducing Law Enforcement Misfortunes...What About the Street Officer?

By Fred Leland

Criticism exists only to recognize the truth, not to act as judge" ~Carl von Clausewitz

Officers **Walt Frago, Roger Gore, George Allan, and James Pence** all **California Highway Patrolman** who died on April 5th 1970 while conducting a traffic stop, all be it one with known dangers. The report was at least one gun was brandished according to the victim's statements after an altercation on the highway. These officers responded to and died in the line of duty on this day in one of law enforcement tragic misfortunes. Numerous lessons were analyzed. What have we learned? More importantly what have we learned and applied that makes the street cop better, more effective at what they do today?

In reality it was several guns Davis and Twinning possessed, a sawed off shotgun, a Colt 1911 .45 pistol, revolvers and rifles. In reality Bobby Davis and Jack Twinning were actually out training with firearms in preparations for robberies they wanted to commit. This day the two men would kill in total 4 officers.

Once the vehicle a red Pontiac was spotted driven by Bobby Davis and his fellow career criminal Jack Twinning in the passenger seat. Officers Walt Frago and Roger Gore stopped the vehicle and at first, it appeared as if Davis and Twinning would comply with demands to search their vehicle. Davis was ordered out of the vehicle; he complied and walked to the rear as directed where he was searched by Roger Gore. Walt Frago walked towards the passenger door when Twinning jumped out the door and opened fire. Walt Frago went down from two fatal gunshot wounds. Twinning then adapted and focused his fire on Roger Gore, who drew his revolver and returned fire. This allowed time for Davis to create some distance draw his .38 and kill officer Gore.

Two cops killed in a matter of seconds was not the only misfortune this tragic day. Things were about to get worse. Another 2 man patrol car occupied by Officers George Allan and James Pence, pulled up on the scene and observed what just took place. They immediately took cover behind their patrol car doors and began firing. Davis and twinning returned fire as well with the weapons they had and now the two revolves and the shotgun they took from officers Gore and Frago. This left both Officers Allan and Pence at a severe disadvantage weapon wise. Quite simply they were outgunned and were also killed.

Twinning and Davis fled the scene, and split up. Twinning would eventually hold up in house only miles away and end his own life once he was surrounded by police. Davis was captured and sent to prison for life.

This law enforcement tragedy known as the **NEWHALL INCIDENT** is a piece of law enforcement history and as such has taught us many lessons. **Or has it?** The Newhall Incident was the catalyst for OFFICER SURVIVAL TRAINING and supposedly a new respect for the adversary and what he is capable of when confronted by the police. We now know that criminals are not all poorly trained and police are not all "WELL TRAINED PROFESSIONALS!"

I would like to know your thoughts on these questions.

- Are we 40 years After Newhall better trained than our adversaries?

- Has the policy and procedure culture of law enforcement actually made us more effective than the criminals who would do us or the citizenry we protect harm?
- Has the training we implemented over the last 40 years made better decision makers of street cops?

Here are the lessons from Newhall laid out in the book [Deadly Force: From the Wild West to the Streets of Today by Chris McNab.](#)

The CHP actually used the word “Newhall” as an acronym for key points to remember during traffic stops.

- **N**-Never approach a danger situation until you are adequately prepared and supported.
- **E**-Evaluate the offense and determine if you might just be dealing with something more dangerous than it looks.
- **W**-Wait for backup.
- **H**-Have a plan (in other words, don't just wade into a situation without planning every move).
- **A**-Always maintain the advantage over the opponent.
- **L**-Look for the unusual.
- **L**-Leave the scene when in doubt.

My Thoughts

Still today forty years after Newhall most law enforcement agencies have settled for mere adequacy in individual and small-team skills—we can do better.

Police officers often have little understanding of the reasons tasks were performed a particular way. We cops on the street have little understanding of tactics and operational art. Most cops on the street could recite these lessons learned from Newhall. BUT are we able to apply the lessons on the street?

Police officers are overly reliant on process, not focused enough on results (true in training, but also in planning and leading)

Most institutional training still has a mechanical, check-the-block feel and was focused on throughput. Meaning we focus on getting candidates through training *no matter what* instead of creating nurturing effective cop on the street. Most training was governed by inputs (hours, ammo, etc.) rather than outcomes or results.

There is still a pronounced tendency at all levels of law enforcement to control by rules—each problem seems to result in more rules (policies, regulations, directives, etc.)

Training methodology, combined with too many rules, has stifled initiative: With cops in training...Waiting To Be Told What to Do! This compensated for instructor inadequacies by providing them a script. This may have prevented failure in some, but it prevented excellence in many. Our training methods often not in harmony with human nature and rarely required real problem solving and initiative. Many law enforcement training programs misapplied stress: too much at the beginning, too little at the end.

Training provides little room for experimentation, mistakes. Mistakes are what we learn from. In training cops in training should be allowed to fail under pressure and learn from those lessons.

Most training still today, is focused on meeting minimum standards and avoiding failure, not on excellence and effectiveness on the street. Faulty assumptions about how humans make decisions condition cops to fail.

Cops in training could succeed without understanding the why behind their decision and actions, a major problem with today's training.

Authority usually not aligned with responsibility, resulting in little accountability at all levels of policing.

How law enforcement training must shift

Law enforcement training must shift from training law enforcement officers how to apply solutions and enforce standards. To teaching officers how to frame problems and solve them. This is called “adaptive leadership” The main difference is our acceptance that we cannot predict all the types of problems our officers will have to solve. So we must train officers who can succeed in almost any situation.

Method of doing so is “Adaptive Leader Methodology (ALM)” Analogous to shifting

- From industrial-age mass production by fairly narrow experts
- To more individually tailored crafting by all-around artisans

To put things in context, most law enforcement cultures developed in a fairly stable, predictable environment and are very good at teaching street officers how to respond to certain well-defined problems. Officer and Leader training focused on how to apply solutions and enforce standards—very effective as long as the situation was predictable. Over time, it fostered a culture of bureaucracy, rules, and engineered “best solutions”

Now the environment is changing rapidly and requires thinking leaders leading thinking officers. Street officer training must now focus on identifying the problem and solving it using the tools available. Law Enforcement must accept less standardization, more focus on achieving desired outcomes that requires:

- Leader judgment must replace detailed rules
- ALL TRAINING must be designed to include decision-making and develop judgment
- Law enforcement Leader training is the most important part, but by itself it is insufficient

Law Enforcement Approach

- Use real problems as the basis for training (LESSONS LEARNED FROM LAW ENFORCEMENT HISTORY)
- Generally start with the particular rather than the abstract theory
- Focus on the why, not just the what and how
- All teaching must combine doing with explaining and student understanding; all training requires employing skills to solve problems
- Standardize by outcomes, not by inputs or processes—allow both teachers and students the opportunity to try new approaches—minimize controls

- Create an environment in which it's ok to make mistakes—penalize only failure to think or failure to try
- Constant feedback is essential—and must be acted upon
- Assess what's important rather than what's easy to measure
- Align incentives. What's rewarded? What's penalized?
- Cross-share what's worked and what hasn't at all levels

The knowledge and lessons learned of Newhall and the countless other incidents where cops have lost their lives in the performance of their duties over the last forty years and beyond, must be brought to a much higher level through training. To achieve application of what we know, to circumstances on the street, we must start walking our talk towards training outcomes. Is what we are teaching making cops effective on the street in dangerous dynamic encounters?

Trainers don't tell people how to solve a problem, instead allow cops in training to take ownership through discovery. Let them try it themselves. Let each individual do as much of it (SKILLS BEING DEVELOPED) himself as he's capable of. Indeed make sure they understand the theory...sometime in the process and yes mastery of the basics is crucial to survival and winning on the street. Use the 70/30 principle, 70% of time on mastering basics; ~30% of time on applying them, incorporating problem solving. Begin with no stress, and then add increased difficulty as the student gains in capability.

Expectations of leaders:

Whoever's in charge must know: What he's trying to accomplish (what's the outcome?) How he'll know if it's working. All leaders must be able: To do the task themselves. To explain why it's done that way and to teach it.

I have written about the lesson from [Newhall in the past](#). There are numerous lessons here we must focus our efforts on and at the same time understand that when dealing with people, complexity is always part of the equation. So we must train to a level of effectiveness that allows for [full spectrum law enforcement officers](#) to deliver full spectrum responses.

The solution is found in our collective ability to constantly strive to be better at what we do and learn from experience, to include experience from others. Many have paid the ultimate sacrifice by making mistakes and having them exploited by those who would do them harm. Some questions and points to explore in reviewing law enforcement case studies, to help in mapping out law enforcement misfortunes and applying the lessons learned I took and adapted from the outstanding book, [Military Misfortunes by Elliot Cohen and John Gooch](#) they are;

1. **What was the failure?**
2. **What were the critical tasks that went unfulfilled or incomplete?**
3. **We must conduct a *layered analysis* examining the behavior of different levels of the organization and their relative contribution to the law enforcement misfortune. This procedure leads to the fourth step.**
4. **The drawing of an *analytical matrix*, a simplified chart of failures and lessons learned that presents the key problems leading to law enforcement misfortune. From these lessons we derive our:**

5. **Pathways to misfortune, the larger causes of the failure in question.**

These **mistakes and lessons** learned from them have been written and talked about for 40 years now and yet many of those killed in the line of duty today perish from the same mistakes being repeated again and again. **Let's get better at what we do. You owe it to those you protect, those you love and care for. And you owe it to yourselves!**

“Strategy is a mental tapestry of changing intentions for harmonizing and focusing our efforts as a basis for realizing some aim or purpose in an unfolding and often unforeseen world of many bewildering events and many contending interests.” –COL John Boyd