

# **OFFICER DOWN!**

**LESSONS FROM THE STREETS**

BY

BRIAN MCKENNA



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## INTRODUCTION

This book is based on my “Officer Down” column in *Police Marksman* and *Law Officer Magazines*, a feature that gave detailed accounts of actual lethal police encounters and then analyzes them for key learning points. As I look back over the 30-year history of the column, I am amazed at how it changed from its original concept. When I first conceived it, I envisioned it as a one-page column that would highlight one or two tactical errors in each issue. The idea was to use real-life incidents to drive home the hazards of the job in a way that would get the readers’ attention and help them avoid the mistakes that commonly cause officers to get hurt or killed. This basic concept has remained unchanged, but it has evolved into much more than I had originally intended. It has become an incredible learning experience that has taught me more about lethal encounters than I ever expected. Almost immediately, I found that every issue drew me into an extensive investigation that dug deep into the heart of what officers undergo during lethal encounters, and what it takes to win. It has helped me understand the complexities of police combat, and has given me insight into the hearts of the fine officers who willingly face that possibility every day.

The first thing I learned was that, by far the police officer’s greatest weapon is his brain. His intellect, emotions, perceptions, attitude and other mental processes can dramatically increase or decrease his vulnerability, and make or break him in combat. This is because the human brain has amazing power. It can prepare the mind and body for combat through awareness, preplanning and learning; it can enable us to detect and then respond appropriately to danger; it can inspire us to fight back with incredible persistence; it can enable us to adapt to changing circumstances; and it can give the strength to overcome bodily injuries that would otherwise result in death. However, it must be used properly, or it may have the opposite effect. It is imperative that trainers and officers alike do everything they can to make sure this powerful weapon is used to its fullest potential.

Two things stand out above all others when it comes to mindset—tactical thinking and mental toughness. Tactical thinking is the ability to think about safety at all times. It is impossible to develop a safety checklist for every call. The real world doesn’t work that way. There are far too many variables in every encounter to be able to follow a detailed rulebook. Certainly, there are some basic principles we should follow, but it is up to us to decide when and how to use them in any given situation. Moreover, there are times that we must, out of necessity, violate certain safety principles. When that happens, it is imperative that we be aware of it and then compensate for our increased vulnerability by ratcheting up our awareness level, changing positions, shifting tactics, etc. The key is to keep thinking, reassessing,

adjusting, and reassessing again. This should be a continual process from the first moment to the last on every call.

Officers who think tactically also analyze every incident after the fact; they think about what they and others did right, and what could have been done better. By using this process, they learn from every experience, which hones their tactical thinking skills and makes them more mentally flexible.

Mental toughness is also vitally important, because police officers work in a dynamic environment with a multitude of variables coming into play at any given time, at least some of which are beyond our immediate control. We can decrease our vulnerability, but we cannot eliminate it altogether, no matter how hard we try. This is where mental toughness can make all the difference. When we must fight for our lives, mental strength, persistence, adaptability, and the will to win are all-important. We must focus not on survival alone, but on defeating our opponent.

Mental toughness means doing what you must do to protect yourself, your fellow officers, and the community you serve. Keep fighting, keep going no matter what, and keep at it until you win. Stay focused on the task at hand, because that's what winners do. They don't worry about their injuries or vulnerability. Instead, they focus on their capabilities and what they can do to win. Winning is the only goal; everything else is secondary, and of no concern during the fight.

Finally, winners are warriors. They understand that they stand in the breach between society's predators and the citizens they are sworn to protect. They understand that there is no greater obligation than the duty to protect. Warriors willingly accept this duty, and they stand firm in the conviction that the use of deadly force to stop a predator is more than the exercise of the right to defend oneself—it is their duty when necessary to defend the innocent. Warriors don't relish the use of violence, but they stand ready to use it when duty calls.

## **Conclusion**

Before closing, I would like to thank all the officers whose stories appear in this book. One officer in particular stands out as an example of the character displayed by these noble officers: After searching extensively for a suspect who had shot and critically wounded an officer in a neighboring jurisdiction, the officer and his partner finally made the arrest. The officer promptly handcuffed and searched the suspect before placing him in his patrol car, and then turned to his partner. As the two officers congratulated each other, the suspect drew a .45 from the small of his back and fatally shot the officer's partner. The officer later told me this story with great difficulty, but readily admitted his mistake. We all miss something during a search at one time or another, he explained, but this time the mistake had cost his

partner his life. As hard as it was for him to talk about it, the officer told me his story because he did not want any of his fellow officers to make the same mistake. He, like all the officers in this book, is a hero. They are heroes because, like all of you, they willingly do a tough job at great personal risk. Furthermore, unlike most of us, they have shed their blood and tears in the performance of that job. But their heroism goes far beyond that: Sometimes it takes more courage to admit our mistakes than it does to face bullets, yet that is exactly what they have done for every one of you. Never forget their courage, and honor them by learning as much as you can from what they have to say to us.

God bless you as you continue to stand in the breach.

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## QUESTIONABLE-RISK ASSIGNMENTS:

The Nick Ekovich Case

### DESCRIPTION OF INCIDENT

Officer Nick Ekovich wasn't particularly concerned as he pulled to the curb next door to the beauty salon. 911 hang-up calls were even more common in his city than in most places, and they were unfounded almost without exception. In fact, bogus 911 hang-up calls were so common, and the workload so heavy (due to recent deep manpower cuts), that the officers had gotten into the habit of canceling their backup as soon as they were dispatched to them. Even though the field supervisors had recently put a stop to this practice, no one really took 911 hang-ups very seriously. In this case, it was especially easy to take the call lightly, because Ekovich had just cruised past the salon a short time before and nothing had appeared out of the ordinary. Besides, there had been no other calls for help from the salon, and it was mid-afternoon—hardly a peek time for robberies or other violent business crimes—on the Friday before the Labor Day Weekend, a popular time for small businesses to close early. Ekovich had pretty well concluded that the call was unfounded; an assumption that was bolstered by what he saw when he arrived. All the lights in the front room were dark, while the lights in the back rooms were still burning. From all appearances, the salon was about to close, and the staff was cleaning up in the back.

Nevertheless, Ekovich, 51 years old and a 25-year veteran of the city police department, knew better than to take any unnecessary chances. He stopped in front of the store just to the left of the salon, stepped out of his cruiser, and eased up to the salon's far left window. Stopping just to the left of the window, he leaned over and looked inside. It was a clear, warm day, and plenty of the late summer sunlight shown through the window, making it rather easy to see inside. Ekovich paused to give the scene a good look, and saw a young woman walking across the hall that led to the back door. She appeared to have come from a room on the right, and was heading toward a door on the left (later determined to be the color room and bathroom respectively).

The young woman looked at Ekovich. Her face wore a calm, unconcerned expression that didn't change as her eyes met his. Without pause, she continued across the hallway, and walked through the bathroom door. Nothing in the woman's appearance gave Ekovich any cause for alarm, and her manner

and dress led him to believe she was an employee. Ekovich remained there a moment longer to check for signs of trouble. Seeing nothing out of the ordinary, he moved over to the front door and pulled it open to go inside.

The woman Ekovich had just seen was not an employee, but a customer named Grace Finley, and her calm expression belied the excruciating fear in the pit of her stomach. She was living a nightmare, and was too terrified to alert the officer at the window to her plight.

Just a few minutes earlier, she had been in the color room with her two-year-old son, waiting for her hair treatment to set in while the beautician cleaned up the front room. She had heard someone come into the salon and engage the beautician in conversation. When the conversation dragged on and the beautician failed to return when expected, she walked up front with her son to investigate. The first thing she saw was a large, husky man talking to the beautician. The man instantly turned to look at Finley, and then pulled a gun from his waistband and pointed it at her.

“Get over here!” he demanded.

Fear threatened to make Finley’s knees buckle, but she complied. Holding tightly to her son’s tiny hand, she haltingly walked toward the gunman.

The beautician was a young woman named Rita Kline. Kline was no fool, and she knew how to keep her head in a crisis. She had noticed the large man hanging around outside earlier, and something about him had made her very uncomfortable, prompting her to grab the cordless telephone. She had watched him closely, and when he started to move toward the front door, she punched a “9” and then a “1” into the phone. Holding the phone face down to keep the man from seeing its ON light, she approached him and asked if she could be of any assistance. Though he offered no explanation for being there, he showed no interest in leaving either. Hiding her mounting concern, Kline had tried to talk him into leaving, but then Finley had shown up and the man had pulled the gun. Then, before the gunman could turn his attention on her again, Kline punched in a second “1” and held her fingers over the ear-piece to keep him from hearing the call go through.

The robber, later identified as James Morgan, a 35 year-old meth user with a growing and increasingly more violent arrest record, didn’t look like a man to fool with. Kline, like Finley, didn’t hesitate to cooperate with him. She held the muffled telephone down by her leg as Morgan herded them into the color room. Once there, Morgan spotted the phone. “Gimme that phone!” he demanded.

Devastated by this loss of her lifeline but too wise to argue, she pushed the OFF button and handed the telephone over.

“Wait here!” Morgan commanded, and returned to the front of the salon.

The two women could see the lights go out in the front room, followed by the sound of the front door being closed. Dark despair fell over them as

they heard Morgan returning. A moment later, he stepped back into the room, "Gimme all your money!" he growled. "Jewelry, credit cards—everything you got!"

As the two frightened women emptied their purses, pulled off their jewelry and started to hand it all over to Morgan, they heard someone enter the salon through the front door. "What's goin' on here? Where is everybody?" came the voice of the salon owner, Dana Schmitt, followed shortly by her appearance in the doorway.

Morgan was already moving toward the door. He grabbed Schmitt by one arm, announced the robbery, and ordered her to hand over all her valuables. Without argument, she nervously complied with the request as Morgan stuffed his pockets with the booty. "Is that all you got?" he asked in a threatening voice.

"That's everything," Kline interjected as the other two women nodded their heads in agreement.

"O.K., everybody in the bathroom!" Morgan commanded as he motioned across the hall. Then, looking at Kline, he said, "You first!"

Kline sensed the danger of being cornered in a confined area. But she could see no alternative to compliance, and headed for the bathroom. Morgan was no longer holding the gun, but she was sure he still had it close at hand. With her senses numbed by dread, she stepped into the bathroom, followed very soon by the owner with Finley's son in tow. As the two women stood waiting for Finley to enter the room, Kline realized that there might be some safety in moving as far out of Morgan's line of fire as possible. She suspected that the man intended to kill them, and she didn't want to be caught out in the open. She stepped into the toilet stall, climbed up onto the bowl, and hunkered up against the wall. Finley came in at just about that time, stepped up to the two women, and excitedly whispered, "There's a cop outside! I think he's comin' in."

In the meantime, Morgan had also spotted Ekovich. He snatched one of the spare smocks off its hook, pulled it on, stepped into the hallway, and headed for the front room.

Ekovich didn't feel threatened as he stepped through the front door, but he knew better than to let his guard down. Still scanning for anything unusual, he unsnapped his holster, wrapped his fingers around the grip of his .45 caliber Glock, and left his hand there as he stepped inside. Almost immediately, he spotted someone coming down the hallway from the back room. It was a rather large man in his 30s, wearing a smock. "Must be another employee," he thought as he eyed Morgan closely.

Morgan didn't seem nervous or uncomfortable about Ekovich's presence. "We got a 911 hang-up call here," Ekovich said, "Is everything OK?"

"Everything's fine," Morgan answered pleasantly.

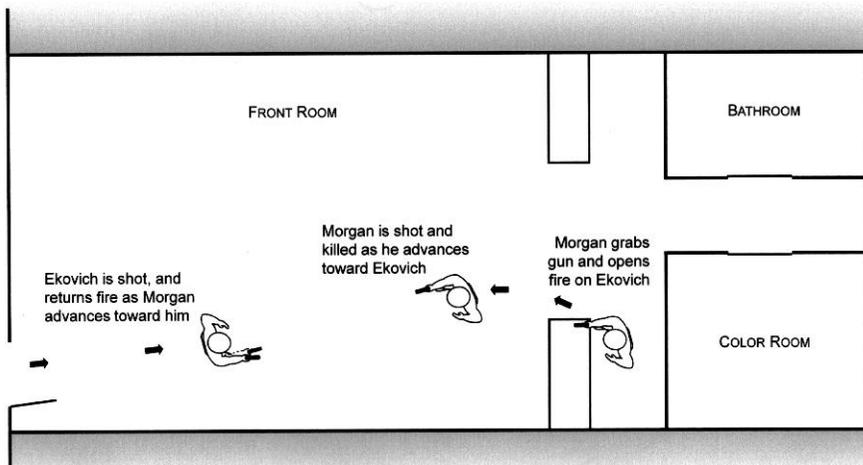
Morgan had approached in a casual manner, his movements unrushed and calm, and his attitude didn't change as he kept walking at the same unhurried pace. He turned to his left, strode over to one of the nearby workstations and stepped up to a small table with a black fanny pack resting on top of it. He casually reached into the fanny pack as if to retrieve identification from inside. It wasn't unusual for people to get their ID without being asked, and Morgan's mannerisms gave absolutely no indication that he had anything else in mind.

With blazing speed, Morgan's hand flashed back into view. It held an S&W 9 mm that belched flame almost before it cleared the top of the fanny pack. The muzzle flashes bloomed savagely in the darkened room as Ekovich drew his own gun and returned fire. Ekovich hadn't expected this, but the surprise didn't delay his response—he simply fought back. At this range it seemed unlikely that either man would miss, but Ekovich felt no impact or pain from Morgan's bullets, nor did he worry about it. Still, as his .45 bucked again and again in his hand, he could see that Morgan wasn't going down. The big man was advancing toward him, still shooting and showing no sign of giving up!

"I have to shoot this guy in the head," Ekovich thought to himself.

He raised the Glock, pointed it at Morgan's head, and pulled off another round. Morgan flinched, and then crumpled to the floor (Figure 1). Ekovich immediately looked at his gun and saw that its slide was forward. Now confident that he had at least one round left, he kept the .45 trained on Morgan and backed off to the front door for cover. Morgan lay there in motionless silence. Ekovich had witnessed death many times in his long career, and had no doubt that Morgan was dead.

After reaching the doorway, he holstered his Glock and reached for his shoulder mic with his left hand—or at least tried. His left arm refused to move. He looked down and saw the arm hanging limply by his side, drenched in blood. Morgan had fired five times, and three of those shots had hit Ekovich's left arm. One had slammed into the upper arm, fracturing the humerus, and the other two had struck the forearm, cracking the ulna and tearing a path along the radial nerve. Morgan's remaining two rounds had also landed on target, and, had it not been for Ekovich's body armor, they would have inflicted devastating, if not fatal, wounds. Both had struck the center of his chest, but had caused nothing more than the deep bruises common to body armor hits. It is believed that these were Morgan's first two shots.



**Figure 1: Morgan and Officer Ekovich shoot each other; Morgan is killed.**

Ekovich’s arm was now useless and bleeding profusely, but he didn’t let it bother him. Instead, he focused on what he had to do next. Using his good right hand, he keyed his shoulder mic and called for help. That done, he knew it was time to tend to his wounds. He leaned against the doorframe, eased himself down into a sitting position and began to apply direct pressure to the brachial artery to stop the bleeding. It was then that he noticed the Glock at his feet. He had unwittingly missed his holster and let the gun drop to the floor. Keeping an eye on Morgan, he made up his mind that he would grab the gun if he saw any movement, and then kept up the pressure on his bleeding arm. Soon, one of the women showed up with a towel, which he used to help control the bleeding while he waited for backup.

Assistance and an ambulance were not long in coming. Morgan was pronounced dead at the scene, as expected. Ekovich had fired thirteen of the fourteen rounds in his Glock, and all but two had found their mark. Two had hit Morgan in the right arm, one in the head, one through the heart, and the remaining seven had struck him in the torso, mostly in vital areas. Ekovich was transported to the hospital, where he began his long recovery. The damaged nerve eventually regenerated itself, the other injuries healed and, after a year of extensive rehabilitation, he returned to work. He went on to retire after a 30-year career on the street, but regretfully passed away just two years after his retirement.

While Ekovich was in the hospital, Finley’s husband came to visit him. He told the wounded officer he wanted to thank him for saving his wife and son’s lives. He was probably right. The investigation had revealed that Morgan was planning to murder his victims, including the Finleys’ young son, after robbing them. Officer Ekovich had done his job superbly well.

## STUDY QUESTIONS

The following analysis will address a number of important lessons to be learned from this incident—lessons that can save lives. Before you read the analysis, however, please review the following questions and work through your own answers:

1. Unfounded 911 hang-up calls were so common in Officer Ekovich's community, and the department's officers were so overworked, that the accepted procedures for handling them was to simply enter the scene, find out why the call had been made, obtain the caller's name and pedigree, and leave. What tactical options are there for handling various kinds of questionable-risk situations more safely, and the pros and cons of each?
2. Officer Ekovich lost sight of Morgan for just an instant, but it almost cost him his life. How important is it to always watch the hands? What can be done to help develop this habit?
3. What are the options for dealing with a suspect who reaches into an area where a weapon could be concealed?
4. What should our attitude and expectations be about the ability of bullets to stop an opponent quickly?
5. Why are post-shooting tactics important? Evaluate their use in this case.
6. Officer Ekovich accidentally dropped his gun while trying to holster. How important is it to become proficient at holstering your gun?
7. In what ways did Officer Ekovich's attitude and actions exemplify winning mindset?

## ANALYSIS

### **Complacency and Dangerous Assumptions**

The "routine" nature of police work can lead to some very dangerous assumptions. Time and time again silent alarms, 911 hang-ups and other potentially dangerous calls are unfounded. Consequently, we tend to dismiss them as false unless there is clear evidence to the contrary. This makes for a perilous blend of dangerous assumptions and complacency that leaves officers ill prepared for those rare occasions when a threat actually exists.

Like many officers, Officer Ekovich was especially prone to this deadly phenomenon because of his exceptionally high workload. Deep budget cuts had reduced manpower to an astoundingly low level—often only nine patrol officers per shift for a city of 200,000. But for its size, Ekovich's city had a low crime rate with little violent crime. This resulted in a very large

number of calls per officer, but few serious ones. As previously mentioned, the problem of canceling backup had been corrected by the field supervisors, but complacency remained. This complacency, when coupled with the fact that the call was received in midafternoon and there was no subsequent information to indicate trouble, makes it not surprising that Ekovich didn't expect to walk into a holdup. This probably accounts for why he also assumed that the staff was just cleaning up when he saw the dark front room and Finley in the hallway. This assumption, though logically based upon past experience, increased his vulnerability to Morgan's dangerous ruse.

Such dangerous assumptions must be countered whenever they occur. One way to do this is to continually remind ourselves that most violent encounters start out as "routine" activities. It only takes one miscalculation to leave you open to a lethal attack, and people like Morgan won't give you a second chance. Remember, there are no safe assumptions in this business. Assume nothing, and be ready for anything.

Another way to counter dangerous assumptions, and the complacency that often breeds them, is to make a habit of slowing down. Besides keeping you from becoming committed to a particular course of action before you are ready, this forces you to stop and think about what is going on. This will make you much less likely to dismiss calls as unfounded, or to ignore subtle danger signs.

### **Danger Signs**

Closely associated with the problem of making dangerous assumptions is the problem of missed danger signs. Though most danger signs are subtle and easy to miss if you are not looking for them, it is exceedingly rare for any attack to occur without at least some forewarning (in fact, aside from some ambushes, this author is unaware of any exceptions to this rule). In this case, for example, despite the approaching holiday weekend, it was still quite early for the salon to be closed, and Finley's neutral response to Ekovich's presence was rather unusual. Most people react with surprise, concern, puzzlement, or even alarm when an officer unexpectedly appears. In retrospect, it appears that Finley was afraid to betray any emotion, which is a possibility we would do well to consider in similar situations. Finally, it was also unusual that Morgan walked directly to his fanny pack without asking permission or explaining why. Although not unheard of, this kind of behavior was unusual and indicated that Morgan was highly focused on a particular course of action. Such single-minded focus is often associated with a committed intention to launch an attack.

As is often the case, none of these danger signs alone were strong enough to set off alarm bells or to justify the use of high profile tactics. This is a common problem because most subtle danger signs turn out to be

unfounded, which in turn desensitizes us to all but the most obvious ones. The best way to combat this phenomenon is to get into the habit of constantly seeking out anything that seems unusual, no matter how subtle, and then use these cues to continually reassess the situation. In this business, we can never be too suspicious.

### **Questionable-Risk Assignments**

Another very serious and common problem that came into play in this case was a lack of any tactical options for handling the call. Unfounded 911 hang-up calls were so common, and the officers were so overworked, that the accepted procedures for handling them was to simply enter the scene, find out why the call had been made, obtain the caller's name and pedigree, and leave. Officer Ekovich later commented that it was not so much complacency, but procedure that dictated the way he handled the call, stating it was "just the way we did business." Sound familiar?

Officer Ekovich's observations highlight one of the most commonly overlooked threats to officer safety—the dangers posed by questionable-risk situations. Things like 911 hang-ups, suspicious persons, suspicious vehicle stops, etc., get less attention than clearly high-risk activities when it comes to the development of tactics and training. How many departments have standard safety procedures for handling 911 hang-up calls, for example, and how many academies teach specific tactics for handling them?

In the absence of anything else, officers tend to get into a tactically deficient routine when handling these calls. By contrast, tactics that have been carefully developed beforehand provide a safety net in the case something goes wrong. More effort must be given to the development of specific tactics for questionable-risk assignments, and proper training in their use. This training should then be reinforced by requiring officers to routinely use the proper tactics on the street. Until this happens, officers should develop and use these tactics on their own.

When developing tactics for responding to 911 hang-ups, we must deal with the fact that the risks, though very real and serious, are not usually obvious enough to justify a high-profile response. We cannot deploy as we do for an armed robbery, for example, despite the fact that a holdup may actually be in progress. On the other hand, this doesn't mean our tactics can't be similar. Low-profile deployment, followed by a callback from the dispatcher, should be standard procedure on all 911 hang-ups, especially when the call comes from a business during business hours. Depending upon the circumstances, you may also want to tell the dispatcher to ask the caller to come outside. The deployment of firearms will depend upon the circumstances, and can range from the use of long guns from distant covered positions to simply placing your hand on your gun as Officer Ekovich did.

The most important element of the response is to slow down and gather more information before proceeding further. If the call back is not answered, for example, move forward cautiously, stop at a location that offers the best available cover, or at least concealment, and stay there while you gather further information about what is going on inside. Ideally, you should never enter the location without backup but, if you must enter alone, don't rush. Enter very cautiously and be ready for anything.

It is also a good idea to make a habit of obtaining plenty of information from anyone you meet inside. We routinely tell the person why we are there, ask him/her if everything is all right, and then quickly dismiss the call as unfounded. Besides limiting the amount of information you can obtain, this procedure makes it much easier for the person to hide his/her intentions. In this case, for example, Morgan was able to break contact with Officer Ekovich quickly, and keep going toward his gun without disclosing any nervousness or deception. In other cases, it may not be the suspect who you contact, but an employee who was ordered to set your mind at ease or to convince you to leave. By firmly telling the person to stop and talk to you, you can disrupt his efforts to deceive or trap you and then proceed to gather information to help you assess the situation more accurately.

Ask questions like, "Do you know who called," "Is anyone else here," "Are all your phones working properly," "Do you need me here?" etc. Even if the person's answers to these questions don't give you any direct information about the situation, they will help you assess his state of mind and may help you to pick up on some other danger signs. Officer Ekovich's case provides a good example of the value of this tactic. Considering the way Morgan single mindedly went for his gun, it is unlikely that he would have stopped to talk to Ekovich if asked. Nevertheless, the mere fact that he ignored the request would probably have alerted Ekovich to the danger.

Another tactic is to stand in the doorway and ask the first person you see to step outside with you. This gives you greater distance from any assailants inside, leaves you a quick escape route if needed, and allows you to gauge the person's response to your request. Again, this tactic, though inoffensive to the public, gives you a subtle tactical advantage in case something goes wrong.

### **Watching the Hands**

Officer Ekovich reacted quickly to Morgan's surprise attack, but he probably could have reacted even more quickly if he had been able to watch Morgan's hands more closely. One thing that hampered his view was the dim lighting. Even though there was a considerable amount of ambient light, the lack of adequate direct lighting was made worse by the fact that he had just come inside from the bright sunlight. Since poor lighting can

become a safety issue at any time of day, it is a good idea to carry a flashlight at all times. For belt carry, compact high-intensity lights with side or end switches are the best. Though considerably more expensive than mini-lights with twist-head switches, they provide superior illumination and are much easier and faster to switch on when needed. A good light enables you to brightly illuminate areas where a suspect is reaching, which not only improves your visibility, but also alerts him to the fact that you are watching him closely. This may help deter an attack. The light can also be shined in the subject's eyes to distract and temporarily blind him. However, since this may appear to be excessive to some, this tactic should be reserved for higher-risk situations.

Keep in mind that the eyes take time to adjust to the dark. Some officers alleviate this problem by closing their dominant eye or squinting slightly when approaching a dimly lit area from a well-lit one. The use of sunglasses also helps, but only if you remember to take them off when going inside.

Another element that made it harder for Officer Ekovich to detect the attack was the fact that Morgan moved casually without any outward nervousness or other indication of his true intentions. We are conditioned to take notice of sudden or unusual movements, but casual actions are generally perceived as nonthreatening. Many violent street criminals understand this, and will use it to their advantage, so be on guard against it. Any movement that gives anyone the opportunity to reach for a weapon, even if made in a casual manner, should be viewed with suspicion.

It is also important to consider that even under more favorable conditions than those just described, officers often have a hard time watching subjects' hands as closely as they should. This problem can be significantly alleviated by making a point of watching the hands at all times, even during lower risk situations, such as report calls. This habit, when combined with awareness and increased vigilance when confronted with even mildly suspicious behavior, can help you detect a weapon sooner, thereby reducing your reaction time if attacked.

Nevertheless, no matter how cautious you are, there is still the chance that a suspect will be able to reach into a place where a weapon may be concealed. If he does, the safest alternative is to draw your gun, and order the person not to move. Then order him to turn around and slowly show you his hands, palms to the rear and fingers spread. On the other hand, this may be too high profile for most questionable-risk situations. A lower-profile alternative is to be ready to instantly move off to one side while drawing and returning fire if he pulls a weapon. This will catch him off guard, and force him to rethink his plan of attack, re-aim, and then try to hit a moving target that is aggressively counterattacking. But this tactic cannot be effective if you hesitate, so you must plan for it in advance.

Another good option, when close enough, is to move within contact range of the person, raise your hands to about mid-chest level, and be ready to deflect his weapon and counterattack if he produces one (see Chapter 3, pages 65-71, for a detailed discussion on responding to close-quarters armed attacks). Unfortunately, Officer Ekovich was too far away and things happened too fast for him to employ this tactic, but in many other similar cases it can greatly improve your ability to effectively counterattack.

### **When Bullets Don't Work**

Remarkably, Morgan kept coming even after taking ten hits from Officer Ekovich's .45. Many gun experts consider the .45 to be the best defensive handgun caliber made, and there is good reason for this opinion. The .45 hits hard, and will often fell even the most aggressive assailant very quickly. Nevertheless, no handgun round can guarantee instant incapacitation, as this case graphically illustrates. If we expect otherwise, we risk being shocked into inaction, or even panic, in the event that our shots are slow to stop our attacker. Instead, we must always be prepared to keep shooting until the threat is neutralized, no matter how powerful our firearm happens to be.

### **Post-Shooting Tactics**

Unlike many officers, Officer Ekovich had received some training in post-shooting tactics. This training, coupled with his winning mindset, probably accounted for his quick retreat to cover while still holding his downed offender at gunpoint. As it turned out, this was not necessary because Morgan died almost instantly, but this doesn't change the fact that post-shooting tactics are an important component of officer safety. Multiple hits to the body—and even headshots—are not guaranteed to stop a determined assailant, and the same holds true for wounds that put him down. This truth goes against what is portrayed in the media, and often in our training as well. In addition, we naturally want to relax as soon as the immediate threat is past, especially if we are wounded. These factors tend to work against us in the immediate aftermath of a shooting, which is why it is so important to train for the rare, though very real, threat of an attack by a downed offender.

Officer Ekovich's training proved valuable in this case, but it is important to note that there were other things, rarely addressed in training, that he could have done to improve his tactical advantage. First, if at all possible, a wounded officer should stay on his feet and cover the suspect until backup arrives to relieve him. This improves mobility if the wounded officer must fire from cover, change positions, or engage another previously unseen assailant. Similarly, the officer should not reholster until relieved, and, if possible, he should reload from behind cover as soon as he gets the chance. In

Officer Ekovich's case, it would have been difficult for him to reload because of the wounds to his left arm, but proper training in one-handed reloading techniques would have enabled him to do so. A backup gun would also have helped by giving him the option to draw it instead of struggling to reload while coping with his injuries.

It is also important for officers to be properly trained in holstering their guns. This may seem to be a rather simple process, but it can become difficult under the stress of a shooting, especially when wounded. We tend to overlook this important fact in training, when instead we should be focusing on holstering as an essential component of firearms training. Officers must be taught to holster smoothly without looking down at the holster. If this is ignored, they may take their eyes off the threat or drop their gun as Officer Ekovich did. Training, including insistence that officers holster properly every time on the range, will go a long way toward preventing this kind of dangerous mishap. Firearms instructors should make sure this happens, but if not, officers should do so on their own. It is also a good idea to work reholstering, as well as other post-shooting tactics, into your mental imagery scenarios to ensure that it can be done under stress.

### **Other Training Issues**

Officer Ekovich's shooting provides an exceptionally clear example of the lifesaving value of good training. His department's trainers had recognized the need to prepare officers for intense unexpected violence through highly realistic simulations. To achieve this goal, they had designed a reality based training scenario that thrust the trainees into a situation in which they were suddenly attacked at close range from a completely unexpected source; i.e., one of several harmless looking patrons at a restaurant table during a lunch break. As the trainee entered the scene, the man at the table suddenly stood, drew a gun and shot him at point-blank range. The performance objective of the scenario was to immediately return fire after being shot. Regardless of how well they performed, the trainees were required to repeat the scenario several times to make sure that the proper response became a habit.<sup>1</sup>

It was not long after completing this training that Officer Ekovich faced Morgan in the beauty parlor, and he responded exactly as he had been trained to do. Even though he had not anticipated the attack, he responded coolly, quickly and effectively with deadly force of his own. He later commented that he was "surprised but not shaken" by the attack, and credited the aforementioned training exercise with making this possible. He said he felt like he "had been there before" and won. Instead of freezing up, he

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<sup>1</sup> Blum, L.N. Ph.D. (1999) *Force Under Pressure: How Cops Live and Why They Die*, Lantern Books; New York, NY 10003. pp. 51-54.

focused on his ability to win, instantly adapted to the situation, and fought back.

Training also played a role in Officer Ekovich's ability to adapt to the rapidly changing situation when Morgan failed to fall after multiple hits. Like most officers, he had been required to do failure drills of two shots to the body and one to the head. Even though he didn't follow the drill exactly, this training—combined with cool thinking—enabled him to calmly decide on a head shot when the body shots failed.

### **Physical Conditioning**

As mentioned earlier in this analysis, Officer Ekovich exercised regularly. He faithfully maintained a rigorous, but not overly ambitious, routine of running and weight lifting, even when he wasn't in the mood for it. He did about 45 minutes of heavy weightlifting every other day, and light weightlifting followed by a three-mile run on the alternate days. Besides building strength, stamina and improved reaction time, this kind of training fosters a winning mindset, aids in recovery from wounds and helps the body stand up to blood loss. All these factors played a crucial role in Officer Ekovich's ability to win the encounter and overcome his injuries.

### **Body Armor**

Once again, body armor proved its value in this case. Officer Ekovich's vest stopped the two bullets to his center chest, both of which would probably have caused fatal wounds. Even if these wounds had not killed him, they would have undoubtedly caused considerable damage to vital organs. This would have incapacitated him very quickly, or at least seriously disrupted his ability to return fire. If that had happened, Morgan would have been free to continue his attack unchecked with deadly results. There is no substitute for body armor, and officers who choose not to wear it are only courting disaster.

### **Winning Mindset**

It was not training alone, however, that made Officer Ekovich a winner. He also had a very positive and healthy attitude. He was dedicated, determined to win no matter what, and made a point of pushing himself hard. This last point is an important one. Persistence is a habit, and it can be developed like any other habit, by forcing ourselves to persist in everything we do, no matter how unpleasant it may be. When it comes to regular exercise, for example, we must make a point of sticking to our routine even when we don't feel up to it. This conditions us to overcome our natural tendency to give up on unpleasant things, which can be a fatal flaw in a life-and-death struggle.

Officer Ekovich's positive mindset also helped him cope with the emotional aftermath of the shooting. He views police officers as defenders of the innocent, and the use of justified deadly force as a necessary part of that role. He recognized that it was Morgan's actions, not his, that made it necessary for him to apply deadly force, thereby putting the responsibility for the shooting where it rightfully belonged—on Morgan. This is a healthy attitude that others would do well to emulate.

It is important to note that Officer Ekovich's training also played an essential role in his emotional reaction to the shooting. Interestingly, the reality based training exercises that helped him react so well to the shooting were also designed to help inoculate officers against the severe emotional trauma associated with the use of deadly force in unexpected violent encounters. Experience has shown that there is a strong correlation between the officer's expectation of violence prior to a violent encounter and the severity of the event's emotional aftermath. It was believed that prior experience in responding appropriately to unexpected violence would reduce the emotional trauma it creates, and one of the purposes of the training was to simulate such experience. As it turned out, the training worked remarkably well in this respect. Officer Ekovich suffered no adverse emotional reactions to the shooting, even though it had come so unexpectedly.

## **SUMMARY**

- Complacency is dangerous. Slow down, assume nothing, be ready for anything, and Keep scanning for danger signs at all times.
- Specific tactics should be developed for the safe handling of questionable-risk situations, and these tactics must be regularly employed on the street.
- Watch the hands. Be especially cautious under low-light conditions.
- Be mentally and tactically prepared to counterattack, if necessary, any time a suspect's hands disappear from view. Possible responses include lateral movement and moving in closer.
- Officers must be trained to shoot back in sudden attacks. Intense reality based training scenarios that catch them by surprise are an excellent way to develop this essential skill.
- Don't expect too much from any firearm. Be ready to keep shooting until the threat is terminated.
- Post-shooting tactics are an important component of officer safety, and training should include these tactics.
- One way to help develop the kind of persistence needed to win violent encounters is to make a habit of being persistent, including to exercise regularly even when we do not feel up to it.

- Physical fitness also builds strength and stamina, improves reaction time, aids in recovery from wounds, and helps the body stand up to blood loss.
- Always wear your body armor.
- Fight back, no matter what!