

**THE BILL BLACKWOOD  
LAW ENFORCEMENT MANAGEMENT INSTITUTE OF TEXAS**

The Justification for the Development of a Firearm Training  
Program for a Small Department

A Policy Research Project  
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by  
Thomas E. Norton

Corinth Police Department  
Corinth, Texas  
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## **ABSTRACT**

The need for firearms training for police officers is greater than ever in today's society. Law enforcement organizations are under a great deal of scrutiny from both society and the courts on the way they train their police officers in the use of firearms.

The purpose of this paper is to present the justification for the development of a firearm training program for all officers of the department. The program will go above and beyond the requirements set out by the state. A review of the history and development of police firearms training programs, the liability issues a department may face as a result of inadequate or inappropriate training, legal implications of police training, and educational theories used by current firearms training programs are presented. A firearm training program is presented to illustrate how a police department can construct, evaluate, and operate a firearm training program that is justifiable and based on the needs and locale of the department.

The conclusion of this research indicates that a well-designed firearm training program, specifically designed around the needs of the agency, will provide the officer with the training needed for that particular agency. A firearm training program that is well structured, researched, and evaluated, will better protect a police department, the city, and its citizens from liability by justifying the way its police officers are trained in the use of firearms.

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## **Introduction**

Today's law enforcement professionals are faced with an ever changing and complex society. Everyone expects their local police service to do a competent and thorough job, solve all the crimes, catch all the criminals, and do well all around. Investment in advanced training for officers enables that person to be confident, competent, and helps a department project a professional image (Ahrens 89). Because of changes in society, police organizations have been held increasingly more responsible under the legal doctrine of vicarious liability, for the negligent admission, training, and retention of officers who are unable to perform appropriately in the field of police work (Kuboviak 2; Hess and Wroblewski 139; del Carmen 1). This is most important in the area of use of deadly force, the critical factor upon which the reputation of the department and of each individual officer rests is the quality of the decisions made in all areas of policing, but especially in the area of use of force (Gallagher 9). The purpose of this research is to find new ways, through advanced firearms training, to minimize the liability to the department.

The department must ask its self two questions concerning its firearms training program. First, is the program current and responsive to officers' needs and the potential threats they may encounter? Second, does the program continually review and research new techniques for teaching firearms training?

The intended audience for this policy research project will be the Chief of Police and city administrators of Corinth, Texas, it's training coordinators, firearms instructors, and all officers of the department.

There are several sources of information pertinent to this project. A review of current case law on liability issues as it relates to firearms training of police officers and a study of training programs of other departments citing how their programs might be used to develop a training program for the Corinth Police Department.

The purpose and intended outcome of this policy research project will be to justify the development of a policy for an advanced firearm training program. This will include a review of the history and development of police firearms training programs, the liability issues which departments may face resulting from that training process, and the legal implication of inadequate or inappropriate training.

### **Historical, Legal, and Theoretical Context**

In Texas, once an officer has graduated from the basic police academy and passed the state mandated peace officer test, he is licensed and permitted to officially act in the capacity of a police officer (TCLEOSE 6). The basic academy is conducted in a classroom setting and attempts to afford the new officers the basic competencies that will be required to adequately perform as police officers in the field. The academy training includes classes in firearm's safety, the use of deadly force, and firearm's proficiency. These classes are of short duration and consist of the safe use and carrying of firearms, Texas state law on the use of deadly force and firearm's qualification. New officers are taught night and day time firing on the shooting range. This training consists of shooting stationary targets and qualifying to state standards (TCLEOSE 15). This training will not prepare the new officer for real life situations on

the streets. After graduation from the Police Academy, the new officer is required to show firearm's proficiency once a year, under Texas State Law with a minimum passing score of 70 %.

This is an era when officers are increasingly engaged in gunfights with criminal elements at close range, under poor or no light conditions, and where surprise, combat tension, blinding muzzle flash, distracting noise and other events occurs while the perpetrator shoots back. Major changes should be made in the method in which members of most law enforcement agencies are being trained to shoot. The FBI's 1992 Law Enforcement Officers killed and assaulted report covered a 10 year period on officers feloniously killed by firearms. The summary showed that 650 officers were killed by firearms: 500 by handguns, 94 by rifles, and 56 by shotguns. Distances involved were 367 at five feet or less, 127 at six to ten feet, 77 at 11 to 20 feet and 79 at 20 feet or further. Some 62 % were killed between 1800 and 0600 hours (FBI 1992). The New York City Police Department's Firearms Discharge Assault Report, covering the three year period fro 1991 to 1993 covers approximately one thousand shooting incidents. Of these shooting incidents, 52 % took place in the dark and 50 % at ranges less than 21 feet (Applegate 46-51).

The officer's equipment is not the highest priority in survival; the officer's skills, training, and tactics are more important (Lesce 163-166). The negligent use of firearms is at the top of the list for civil actions against officers and their departments, and an officer's training is specifically attacked as being inadequate in most cases. Many departments maintain that they need only meet their state's minimum requirements to

be free from firearms training related liability. In many cases the courts have said that adequate firearms training should include shooting at moving targets, night shooting and shooting in scenarios that resemble areas found in the department's jurisdiction (Glidden 25-28). Training programs that are justified and documented can help to reduce or eliminate areas where police departments may be the most vulnerable to liabilities.

### **Review of Practice**

The past 25 years have seen an increase in the quantity and quality of inservice law enforcement training to develop operational knowledge, physical and communication skills, and habits related to job performance. Economically stressed times and status quo fiscal budgets present a challenge to police training directors (Konkler 1).

The most frequent cause for civil actions against police officers is negligent use of firearms. While meeting their states minimum requirements for firearms training once protected departments against most litigation, recent court decisions have stated that departments must improve their firearms training programs. The costs and time involved in training police firearms' instructors are the most often cited reasons for departments choosing a specific course of fire for limiting the amount of training time, and for training only to meet minimum standards (Glidden 25). It does not have to cost a lot of money to start a firearm training program for a small police department.

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The Lamesa, Texas Police Department is a small department with a limited budget. The Lamesa Police Department has quarterly qualifications: one night tactical, one day tactical, one night marksman, and one day marksman qualification. The department currently has five certified firearms' instructors. The training is not limited to qualification, but also includes night shooting, distance between shooter and target, time limits, reloading, "shoot or don't shoot" training, and alternative levels of force (Parrott 1).

The Tallahassee, Florida Police Department uses the firearms training system (FATS). This program uses a computerized movie projector and a standard service weapon retrofitted with a laser emitting device. The program simulates high risk encounters involving the potential use of deadly force. The FATS displays three scores (Decision, Reaction time, and Accuracy) at the end of each scenario. The system is used to study police officer reactions in high risk encounters (Doerner 49). The study determined that police officer characteristics did not influence their judgment. Whites were just as likely as blacks to have a bad shoot, males were just as likely as females to register a wrongful death, and veterans performed no better than rookies. About forty-five percent of all shots missed the assailant. Officers in general were more apt to miss hitting the target when confronted with multiple suspects. We teach a new skill to our officers, certify their mastery of the skill and bring them back next year to re-certify their training. It might serve us better to schedule periodic refresher classes. This would prevent our having to annually re-teach the skills to some unmotivated officers who will not practice on their own (Kidder 22).



Large agencies usually have an easier time finding the resources to conduct specialized in-house schools for their officers. Small agencies, with limited budgets, are stretched thin to assemble instructors and officers to make such training economical. But small agencies can get the firearm training they need by pooling the resources of other departments in the area.

Recently, the Bernalillo, New Mexico Police Department and several small agencies from the surrounding area pooled their efforts to put on an officer survival school for their officers. One agency contributed classroom facilities, using the city council chambers, and two instructors. Another agency got the local high school to allow use of its facilities for dry-fire tactical exercises. The Santa Ana Tribal Police contributed use of their firing range (Lesce 163-166).

By pooling their resources the agencies were able to teach their officers not only the proper use of firearms, but also topics such as, use of force, body armor, officer awareness, effects of stress on an officers attitude, coping with stress techniques, threat assessment, tactical retreat and many others. The officers in the training got valuable information that they may not have gotten other wise. By using multi-agency training all the departments benefited from the program and cost to each agency was low.

### **Discussion of Relevant Issues**

A firearm training policy should go beyond just meeting state standards for firearm's qualification. The policy must answer the following questions.

1. Does the training program require shooting at moving targets?
2. Does the program require night shooting qualification?
3. Does the program provide training for situations that the officer will be exposed to in the department's area?
4. Does the program include instructions on state law, city, or county regulations, department policies on use of deadly force and non-deadly force and how are they applied in practice?
5. Does the program require that firearm's training be given on a continual basis?

police administration must ensure that training translates into appropriate officer attitudes and behaviors under the variety of scenarios face by officers (Abshire 34).

The courts have stated over and over that the officer's reactions, omissions and decision making during a deadly force encounter are the direct result of the firearms training program. Failure to train can be a basis for municipal liability and/or establish a standard for determining such liability (Wilkinson 21).

A good firearm training policy will cover all the questions referenced earlier. The policy should include in the training such things as, illumination (what is the officer capable of seeing)? (Michel, Karlson 88), speed shooting (McEwen 30), re-loading under high-stress conditions, (Nichols 32), and positive mind set (Smotzer 30). All of these can be taught not only on the range, but at roll call and in the use of training bulletins and films and required reading programs.

The cost of the program will vary from department to department. Small departments may want to combine resources with other neighboring departments to

keep down costs. Sharing of a shooting range, instructors and materials could make for a better firearm training program for several departments which other wise could not afford alone. A well structured, researched and documented firearms training program will help protect the department from liability in shooting situations and more effectively prepare officers to handle the complexities of police in today's society.

## **Conclusion**

The purpose of this research project is to show an important need for a firearm training policy that covers all aspects that the officer may need to survive when he has to use deadly force. When faced with a close encounter of a deadly kind, firearms training should take over and enable an officer to get through the situation alive. Without proper firearms training for its officers, agencies have little defense against liability in the use of deadly force.

By having a firearm training program, a department can better protect its self from liability and help insure that each officer goes home at the end of his or her tour of duty. Equipment is not the highest priority in officer survival; the officer's skill, training, and tactics are more important.

In conclusion, a firearm training program, which is well structured, researched, and continually administered, will more appropriately protect a police department from liability by justifying the way its officers are trained and will better prepare the officers to handle the difficult job of policing today.

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