

**The Bill Blackwood
Law Enforcement Management Institute of Texas**

**Firearms Proficiency:
Examining the Sufficiency of State Minimum Standards**

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ABSTRACT

The purpose of this research was to try and determine if the state minimum standards regarding firearm qualifications was sufficient and if it had a direct impact on officer's skills with their sidearm. It was the belief of the researcher that the state standard was set to low, which enabled officers to pass easily, never allowing them to reach their potential with their weapon. To try and determine this, the main method of inquiry and gathering data was to send out a survey to several different departments of varying sizes. The findings indicated that the majority of officers, as well as departments, did not believe the state minimum standards were sufficient. It also showed that all departments participating in the survey currently have a higher standard than the state standard. The survey indicated that 70% of respondents did not believe they were as proficient with their weapon as they should or could be. This leads one to believe that although officers feel they could be more proficient with their sidearm, the state standard may have no direct impact on it.

TABLE OF CONTENTS

	Page
Abstract	
Introduction.	1
Review of Literature	3
Methodology	5
Findings	6
Discussions/Conclusions	7
References	10
Appendix	

INTRODUCTION

A police officer's firearm is perhaps the most commonly perceived symbol of his/her authority and role. Although this is probably true, law enforcement officers tend to put less emphasis on training with their sidearm than they should. One of the reasons most officers may not train as much as they should with their sidearm is that the standard set forth by the state and most departments does not challenge the officer. The low minimum requirement does not promote the need for officers to train or become more proficient with his/her weapon.

The purpose of this research is to determine if the minimum standards set forth by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) for firearms proficiency, specifically the handgun, is sufficient. This research will assist law enforcement firearm instructors and trainers, as well as policy makers. This research will hopefully help in determining whether or not the minimum standard is a realistic expectation or if the standard should be raised.

The state has specific requirements for firearms proficiency. A minimum of 50 rounds must be fired, with at least five rounds of duty ammunition. The 50 rounds can be fired from ranges of point blank to at least 15 yards, with at least 20 rounds at or beyond seven yards. Somewhere during the course of fire, officers must have one timed reload, but there is no specified time. The minimum passing percentage for this course of fire is set at 70%, and it must be conducted annually (TCLEOSE Commission Rules, 1999).

The state has no other requirements regarding officers performing or conducting any training with their sidearm throughout a training cycle. On the other hand, the state

mandates that officers attend a certain number of training hours for special investigative topics like racial profiling, domestic violence, child abuse, and other miscellaneous topics during the same training cycle. Although these topics are needed and useful, it gives the distinct appearance that firearms training and qualifications are not as important.

In today's times of concern over legal liability, lawsuits, and failure to train issues, it is believed that the state minimum firearms requirements do not protect officers and departments from lawsuits. It is difficult to believe that shooting at a paper silhouette that is not moving or shooting back, with a passing score of 70%, would protect anyone from a lawsuit. The majority of law enforcement administrators, supervisors, or actual officers would not remain in police work if they were making the right decisions only 70% of the time. (TCLEOSE Commission Rules, 1998).

One method of inquiry for this research will be the review of published literature, periodicals, legal briefs, and previous research done in this area. The main method for this research will be the distribution of a survey involving pertinent questions about firearms proficiency. The survey will be distributed to a large number of officers from a wide range of departments and backgrounds.

The anticipated findings for this research are that most officers believe they could be more proficient with their sidearm. This belief is based on their department requiring a higher standard of firearms proficiency from them and providing additional training. This, in turn, will show that the state minimum requirements are not sufficient and changes need to be made. The implications of this research will possibly affect law enforcement firearms instructors as well as administrators. It will show that officers

would like to be more proficient with their weapons, and it will be the responsibility of the instructors and administrators to raise the standards within their own departments. It is difficult to believe that the state will make the necessary changes to raise the minimum standards. This will put the responsibility directly back on each individual department to make the changes necessary to raise the level of their officers' proficiency with their weapons.

REVIEW OF LITERATURE

The world of law enforcement has evolved greatly over the past 20 to 30 years. With the implementation of community oriented policing, use of less than lethal weapons, racial profiling, and cultural diversity, the most hardened veteran would have to agree. The one exception to this trend is the fact that here in the United States, almost all officers and agencies are armed with a sidearm. This being the case, one would think firearms training would have evolved also. The sad truth is that it really has not evolved to the level it should or could have. In the mid to late 70s, it was already suggested and recognized by experts that a fixed course routine of shooting at paper was not sufficient (Skillen & Williams, 1977). This is why it is so difficult to understand why, to this day, this is the most common form of training and qualification. Baratta (1999) stated that "Contemporary firearms training is mainly based upon remaining stationary while acquiring a sight picture, holding your breath and squeezing the trigger" (p. 67).

This type of training and qualification is not consistent with statistical data kept on police shootings. The truth is that approximately 75% of police involved shootings occur at distances less than ten feet, and one or both parties are moving in some manner

(Barrata, 1999). Data compiled on police involved shootings showed that officers have a hit ratio of 25 to 30%. This is an increase of approximately 15% from 20 years ago. This is a wonderful increase, but the other 75% of shots fired by police officers are misses (Hackathorn, 2000). This raises the question of how officers can improve this hit to miss ratio.

It has been the experience of this researcher, contrary to the public's belief, that most police officers know little about firearms. During this researcher's ten years as a firearms instructor, it was discovered that a large majority of new officer's have never owned or fired a handgun until becoming interested in police work. Very few want to devote any more time to the range than the required training or qualifications. Most civilians assume all officers want to be expert gunmen. The fact is that most officers are neither gun enthusiasts nor avid shooters. They only seem to care about their proficiency with the weapon when qualification time rolls around (Hackathorn, 2000).

The majority of officers only remove their weapon from the holster when it is time to qualify or when they need to clean it before an inspection. A new recruit in an academy receives, on average, approximately 42 hours of training with their sidearm (Teske & Niksich, 1979). The question of whether this is a realistic number of training hours to turn someone loose with a lethal weapon needs to be addressed. This is where the agency the officer works for takes responsibility in training to make sure the officer is qualified to carry a weapon.

The fact that new recruits receive limited firearms training brings up another interesting issue of firearms training and qualifications. Depending on where this new officer finds employment, this may be a direct reflection of how proficient he becomes

with his weapon. If officer A finds employment with an agency that takes a progressive stance in their firearms training and qualifications and officer B finds employment with an agency that is content with the once a year state minimum requirements, there is no question which officer is going to be more proficient. Additionally, there is concern for if the state minimum standards protect an officer or an agency from a lawsuit under sec. 1983. Under sec. 1983, the Supreme Court has held that an individual or agency can be sued when a constitutional violation occurs because of an agency's policy or practice. Hall (1992) found that "A failure to train lawsuit may be described as a chain composed of three essential links: a constitutional violation, a policy of inadequate training, and a causal connection between the two" (p. 20). It could possibly be determined that if a department met the state minimum standards but other agencies of similar size and makeup took a more progressive stance, the department may not be protected.

As it currently stands, it is up to the individual agency to determine what standards they set for firearms proficiency as long as they meet or exceed the state minimum requirements. It is the intent of this researcher to show that changes need to be made to the state minimum standards of firearms proficiency. This would help alleviate the disparity between agencies and officers when it comes to firearms training and qualifications.

METHODOLOGY

The question that this researcher hopes to answer during the course of this research is to determine if the current state minimum standards set forth by TCLEOSE is a sufficient and realistic standard. It is the opinion of this researcher that the minimum standards set forth by TCLEOSE is not a realistic standard and does not challenge an

officer to improve his firearms skill. This researcher also believes that most officers do not feel they are as proficient with their sidearm as they could be, and this could be directly related to the low minimum standards.

The main method of inquiry for this research will be to utilize information gathered from a questionnaire. The questionnaire will be sent to over 30 agencies, with 20 questionnaires contained in each packet. They will be sent to agencies ranging in size from 10 officers to 200 plus officers and from all regions of the state of Texas. The response rate to the questionnaire was a 30% rate of return. It is the intent of the researcher to analyze the returned questionnaires to determine if officers that are required to meet a higher standard than the state minimums feel they are more proficient with their weapons than those who do not exceed the state minimum.

FINDINGS

As stated earlier, the rate of return for the questionnaire that was distributed was at 30%. The size of the departments reporting ranged from 12 officers to over 200 officers. The questionnaire was intended to try to determine if a department's training and qualification standards are a direct relation to an officer's skill with his weapon. It was also intended to try to determine if the state minimum requirements set forth by TCLEOSE are sufficient and commonly followed.

When participants were asked if their department qualifies more than once a year, 95% indicated they did. Of the respondents that do qualify more than once a year, 60% stated they qualify at least twice a year, 15% stated they qualify three times a year, and 20% stated they qualify four times a year. Regarding additional training, 40% indicated they did receive additional training during the year, while 60% stated they did

not. When respondents were asked if they believed their current training and qualifications were sufficient, 60% indicated they believed their training was sufficient, while 40% did not.

When asked if they were as proficient with their weapon as they could be, 70% indicated they were not, and 30% stated they were. All respondents when asked if their current departments exceed the state minimum standards indicated that they do. Sixty percent indicated they incorporated combat style shooting in their qualifications, while 40% did not. Eighty percent of the officers stated they did not have access to a range at their department, and 20% stated that they did. There did not appear to be a direct correlation between an officer's feelings about their proficiency with their weapon and having access to a range. To no surprise, when asked if they believed discharging their weapon in the line of duty would be a most critical decision, 100% stated it would be.

After reviewing the returned questionnaires and compiling data, there was one area that immediately presented peculiar results. Although 60% of the respondents indicated they believed that their departments training and qualifications to be sufficient, only 30% reported they were as proficient with their weapon as they could be. The questionnaire also revealed that 100% of the departments that participated do not believe the standard of 70% passing and qualifying once a year is sufficient. If most departments do not believe the state minimum standards are sufficient, it is hard to understand why they have not changed it in so many years.

DISCUSSION/CONCLUSIONS

The question raised was whether the state minimum requirements regarding qualifications with handguns are a sufficient standard. The purpose of this study was to

try and determine if the standards set forth by the state need to be changed and raised to a new level. The question posed was whether departments and police officers want to simply meet or exceed the state standard. It was the belief of this researcher that most departments and police officers would want to be able to exceed the state minimum standards. There could be many reasons why the standards have not been changed, such as budgetary constraints, training time, or the simple fact that some believe officers may not be able to qualify if the standards were raised. As stated earlier, policing has evolved greatly in the past 20 years in many areas other than firearms training. If officers are going to continue to strap on a sidearm and carry it, they should be as proficient with it as possible to ensure both the safety of the officer and the public they serve.

It was concluded that most departments and police officers do want to exceed the state minimum standard. Although the data showed that all participating departments exceeded the state minimum requirements, it reflected that only 30% of the officers participating in the study felt they were as proficient with their handgun as they could be. If 70% felt as though they were not as proficient with their weapon as they could be and they already qualify at a higher standard, one would think there is a true correlation between the state minimum standards and an officer's proficiency with his sidearm.

The findings of this research, in some aspects, support the initial hypothesis, but it does not directly support the belief of the state minimums being set to low. The findings supported that most officers did and do want to exceed the state minimum requirements; however, it showed that all participating departments already exceeded

the state minimum requirements. Yet 70% of the officers still felt as though they are not as proficient with their weapon as they could be. Although this research has shed some light on the belief that most officers want a higher standard, it is noted that this is only a very small percentage of officers and departments in the state of Texas. As stated earlier, the rate of return on the research questions was that of only 30%. All the departments participating currently exceed the state minimum requirements, and it would have been beneficial to the research if there would have been departments participating that did not exceed those standards.

The most relevant issue regarding this research is that most officers want to exceed the state minimum requirements when it comes to qualifying with their weapon. However, it is unlikely that the state, at any time in the near future, will raise the standards. It is up to law enforcement administrators and firearm instructors to push forward and try to elevate standards within their departments. This can only be accomplished with progressive thinking and people that are willing to carry out the task. They will take on the overwhelming duty of trying to motivate officers to challenge themselves.

REFERENCES

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APPENDIX

Firearms Proficiency Survey

This survey is being conducted in part for successful completion of the Bill Blackwood Law Enforcement management Institute. All findings and results will be of an administrative research paper. The success of this research is directly dependent upon a high return rate of this survey. It is imperative all parties receiving a survey be honest in their answers. I thank you in advance for your cooperation in participating in this survey.

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1. Does your department qualify more than the state mandated once a year? **Yes**
No
2. If you answered yes to the above questions, how many times a year? **1 2 3 4**
3. Do you receive any other firearms training from your department throughout the year?
Yes No
4. Do you believe the current firearm training within your department is sufficient?
Yes No
5. Do you believe you are as proficient with your weapon (handgun) as you should be?
Yes No
6. Is your minimum passing qualification higher than the state required 70%?
Yes No
7. Does your current qualification incorporate any moving and shooting (combat)?
Yes No

8. What is the approximate number of sworn officers within your department?

1-20 21-50 51-100 101-200 200+

9. Does your Department have their own range you have access to? **Yes No**

10. Do you believe one of the most critical decisions you may make, is to discharge
you weapon to take a human life? **Yes No**