

**The Bill Blackwood
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**Gun Range Facilities:
Benefits of Agency Ownership**

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ABSTRACT

Law enforcement officers have the type of career that requires them to carry a deadly weapon for protection against those people and circumstances that force them to lay their lives on the line every day. The most important responsibility those officers have is to be proficient with that deadly weapon should it need to be displayed. To achieve that proficiency, extensive training, and enacting real world scenario drills in a controlled setting is essential for optimal performance. That is why it is imperative that law enforcement agencies establish their own gun range for training their peace officers. An individual who holds the elite position of a peace officer should be granted the opportunity to devote whatever time necessary towards enhancing both their mental and physical skills with a firearm. It is not only the responsibility of the officer, but of the department as well, to make sure the officers are not just qualified, but accurately trained, preferably on a gun range within their own city.

For law enforcement agencies to employ proficiently trained peace officers, they must consider the practical option of manufacturing their own gun range. This paper is to provide substantial reasoning as to why law enforcement agencies should spend the time and money necessary in establishing their own gun range facility. Not only will a department optimize efficient preparation and safety for its officers, but it will also allow instructors to spend more time conducting courses and qualifying officers instead of using time to set up and take down a multitude of training equipment. It will also allow peace officers an opportunity to train in a convenient location, limit the wear and tear on alternative department gun ranges, and cut costs on travel and overtime hours that might otherwise be required.

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INTRODUCTION

For a law enforcement agency to provide its officers with a gun range that offers an unlimited capacity to train and improve their firing skills, they are affording them the opportunity to potentially save the lives of many people, including their own. There are immense advantages to an agency having its own gun range, but the core benefit is for optimal peace officer training. To the agency's advantage, the gun range can be designed to complement the specific needs of the city and its citizens, as well as offer the most crucial training potential in a variety of designated settings. The range can also be altered at any time according to fluctuations in the department's interests, so it may serve to better qualify and train its existing and new officers.

Peace officers face vital decision-making scenarios on a daily basis and must be extensively prepared to make the best choice possible as those situations arise. An officer's expertise through training allows them the opportunity to make quick and accurate choices during a matter of life or death, leaving no room for error. Officers must continue to aggressively train and prepare themselves for any potential circumstance that may arise which would call for them to use their firearm. If an individual trains on occasion but does not train in a variety of settings, their ability to think fast and efficiently is significantly limited. Iannone, Iannone and Bernstein (2008) commented, "Special weapons procedures, self-defense techniques, and the like are not ordinarily used with such frequency in the everyday work routine that the individual can maintain satisfactory skills" (p. 63). It is not part of an officer's daily schedule to draw their firearm and possibly discharge that weapon during a surge of adrenaline. However, when that confrontation arises, the outcome could potentially have a more

positive result should the officer(s) involved be ultimately prepared. It takes consistent role playing and practicing explicit firearms drills to afford peace officers the upper hand during hostile opposition.

When a community finds itself helpless in a violent setting, as with gangs, for example, they rely on the expertise of uniformed officers to provide them with a sense of safety and security. In order to fulfill that sense of security, an officer must have the appropriate amount and type of training necessary to surpass the assailant's expectations of that officer without risking their life and the lives of others. The extent of officer training must go beyond the capacity of the opponent, which may take some elaborate effort, depending on the circumstance. For example, in a recent article, it was noted that many gang members receive military-type training from active military personnel. According to Eyler (2009), "While on active duty, they may use their security privileges and military equipment to further gang activities...pass their training onto other gang members and use their service connections to network between civilian and military gangs" (p. 2). There is concern regarding the officers who are first to a scene, or rapidly deployed. For agencies that have a smaller number of officers employed, it is imperative that each one be efficiently trained, as there is only a small group of qualified officers to choose from in a given situation. In regards to a 2007 poll, Frisbie (2009) stated, "...45% of responding agencies had personnel of 50 or less" (p. 38). Should a situation arise where military trained gang members are in opposition, every available peace officer of that small department may be needed immediately. It is certain that at a time like that, given the level of hostility and violence that could occur,

most civilians would likely be grateful for a city to have trained its peace officers on a specialized gun range in their area.

Law enforcement agencies should purchase and maintain their own gun range facility to proficiently train their employed peace officers in a competent and lucrative manner. According to an article by Morrison (2003), "In Washington, only three in five (58.3%) departments have their own ranges" (p. 201). This is an unacceptable percentage if cities are expected to strive towards consistently lowering their crime rates. Creating a facility where officers can be offered the training they need and be allowed to train at times convenient for them and the department may be costly at first, but it is still essential.

POSITION

Carrying a firearm is not a right awarded to just anyone who graduates from the police academy. Not every peace officer has what it takes to uphold both physical and ethical capabilities in stressful situations. Some officers can be trained to understand ethics by learning from continuing education courses, experience in the field in general, as well as what they learned from other officers. However, the physical training required to the extent of making the best choice possible in a high stress confrontation is not something one can learn from a book or from years of watching other officers on the force. It is the type of physical ability that can only be obtained by learning from hands-on experience in a specified training environment. It is a privilege earned by a peace officer who shows both the mental and physical knowledge of that firearm and can show, through extensive corporal training, they are able to use it appropriately. The case of *Walker v. City of New York* (1992) discussed how a man wrongfully spent 19

years in prison for a crime he did not commit due to an officer's perjured testimony. This case prompted the U.S. Supreme Court of Appeals for the 2nd Circuit to state that, "If the conduct on which the claim is based is such that a common person would know the right response without training, there is no duty to train" ("Walker v. City of New York," 1992). It is not a common person's ability but a peace officer's duty to protect citizens and optimally serve a community of residents to their best ability. Therefore, it is a direct moral obligation of that community's police department to offer every opportunity to effectively train that officer, which includes training them on a gun range specifically established by their own department.

Several factors are considered when a department decides they should purchase and maintain their own gun range facility. The most important of these factors is for officers to have a nearby location where they can optimize efficient training and safety techniques with regard to deadly force circumstances. Bohrer and Chaney (2010) noted, "The law enforcement professional spends considerable time and resources training officers to use firearms and other weapons and to understand the constitutional standards and agency policies concerning when they can employ such force" (p. 1). For peace officers to be confident in their skills, they can optimally prepare themselves by practicing on a gun range in close proximity to their department. In this way, the range can be designed according to the needs of the police department, the city in which it resides, and to the respective crime that primarily takes place in that area.

As an important part of the training process, the gun range should be specifically designed to stimulate the training senses by including a variety of obstacle courses, props, precision targets, and lighting. Dempsey (1999) stated, "Training has to be

realistic so that the officers can apply that training in the real world setting. Training should include areas such as shooting with cover/concealment, point shooting versus sight acquisition, barricade shooting, etc” (p. 1). It is important for common objects found within the city and in nearby neighborhoods, such as mailboxes, fire hydrants, and even brick walls, to be used on the range during training. When officers efficiently train with these items, they will be more familiar with how to use them as a means of both shielding themselves and taking aim on their target.

Specific types of targets would also be necessary on the range, such as turning targets which are decision-making aides, moving targets that simulate a fleeing suspect, and barricaded targets that offer a location for protection from the potential barrage of bullets shot from the gun of an adversary. All of these training aids and settings located within a department’s private gun range facility give officers a fair opportunity to maximize their performance and accuracy through repetitious practice. Lighting is another major area of necessary tactical training. Santos (2009) stated, “Seventy percent of law enforcement officers we lose in the line of duty are lost in a low-light environment” (p. 19). This is a rather high statistic. Therefore, extensive training in this area would be of vast importance and an integral part of designing a department’s gun range to allow for such training. This is not only an effective method of training but, most importantly, an essential one. Pike, in 1989, stated, “Reinforcing new information six times from lecture to application has been shown to improve recall from 10 percent to 90 percent after thirty days” (as cited in Iannone, Iannone, & Bernstein, 2008, p. 63). It is not suitable for an individual to practice a task every now and then, expecting to capitalize on that negligible effort in high stress scenarios.

There is also the consideration that officers are expected to transition from one disposition to another within seconds, yet possess the precise skills required to do so without regard to the extreme adrenaline rush that may ensue during that transition. It was suggested by Miller and Kurata (2007) that officers should be made to run for several minutes before putting them up against a deadly force scenario in order to increase their adrenaline and simulate elevated stress levels during confrontation. Bertomen (2006) further added that "Agencies are legally obligated to create stressful force-decision scenarios. These scenarios must demonstrate the officer on duty is capable of the same processes under duress" (p. 112). In the case of *Zuchel v. Denver* (1993), a group of kids were talking to Zuchel, who was the primary suspect in a disturbance call. An officer who arrived on the scene was told by the kids that Zuchel had a knife. The Denver officer shot Zuchel four times, killing him. Upon examination of the suspect, no knife was found, but a pair of fingernail clippers were located nearby. The officer's training was questioned in court and was found to be insufficient as it was simply a movie and lecture depicting how the officer should react in this situation. The officer was obviously not trained in a high stress environment to the point of him practicing and making rational decisions that could have prevented him from taking another person's life.

Another factor promoting the purchase of a private gun range facility is regarding instructors and their obligations to the officers in training. According to Fletcher (2009), "Training is the act of attaining or refining new skills, tactics or behaviors. It specifically refers to the acquisition or knowledge, skills and competency of a practical skill" (p. 14). Instructors must utilize as much time as possible training an officer in a one-on-one

setting. The officer should perform the obstacle courses set up by their instructor. Their scores must be recorded and note taken of the officer's deficiencies. The instructor may then spend time with that officer repeatedly practicing their shortcomings.

Unfortunately, when instructors train on gun ranges of other departments, they are not able to alter the range setup in a way that may allow for them to isolate specific insufficiencies and practice those as needed. Instructors end up spending so much time setting up and taking down range equipment, valuable time that could be spent educating officers is lost. Of course, some equipment will certainly have to be stored off-site, but if the majority of supplies could be stored on the range, it would offer quicker access and allow for more time-efficient setup by the instructors. This would, in turn, allow the instructors to spend more time drilling, teaching, and maximizing officer performance.

For a department to have their own gun range facility, they would have the ability to set their own training course schedules and not be dependent on another city's dates and times of availability. If an officer needs to qualify, it can be quickly accomplished as the range would be open to their discretionary use. Peace officers are required to meet a certain standard of firearms proficiency to retain credentials for the state licensing commission (Texas Commission on Law Enforcement Officer Standards and Education [TCLEOSE], 2010). Some of the requirements are that they can efficiently take their guns apart, clean them and then put them, back together. They are also required to qualify one time per year with whatever firearm they intend to carry. This usually includes at minimum, a handgun, but it can also include rifles, shotguns, and automatic

weapons. Timely and efficient qualifications are imperative, as the failure of an officer to qualify is, in essence, a failure of the department.

Finally, a department purchasing their own gun range allows officers to do short-term training and qualifications while on duty. This reduces overtime costs and allows the officer to remain in their jurisdiction should they be required to assist as back-up for an emergency call. There is less travel time required; therefore, there is less cost for gas and mileage and more time available to spend on the range itself. The department would also save money over time, as they would not have to pay other cities for rental of their gun range. This, in turn, would reduce the wear and tear on those other gun ranges as well.

COUNTER POSITION

There are several arguments against the idea that a law enforcement agency should purchase and maintain a gun range for its officers. The initial fear of having a nearby gun range is safety. Most citizens fear that gunfire will occur in random directions and that bullets may extend past the gun range if fired inaccurately. There is concern for its location and how close its development will be with regard to neighborhoods, schools, and children's play areas, such as parks and general recreational facilities. One article by Hester (2010) showed a general concern for the decline of property value if a gun range was developed next to a neighborhood, suggesting it would be reduced by possibly 25%. These issues are certainly taken into consideration when initially discussing the optimal location for a gun range. The safest locale will be determined by addressing the distance of the gun range from all locations

mentioned above. A law enforcement agency would conduct surveys to reduce the liability that could incur due to choosing a poor gun range site.

Another concern for citizens is that they will be subjected to the sound of loud gunfire each time a bullet is fired. Both the concern of having to simply hear the constant popping of gunfire, as well as the potential threat of harm to an individual's hearing, make many people resent the idea of a nearby gun range. According to the National Rifle Association (NRA, 2004), "Shooting ranges reproduce high levels of sound. Sound waves often travel beyond the boundaries of the range property. Escaping sound waves may be perceived as unwanted community noise by neighboring property owners" (p. I-6-3). This is not denoting they will experience any hearing damage, but that the noise itself will be more of a nuisance than a medical concern. What citizens do not realize is that when they personally discharge a firearm, they are accepting levels of sound that reach a minimum of approximately 140 decibels [dB] (Hamby, 2004). Hamby's (2004) research also showed that for every doubling of distance that individual steps away from the gunfire; they can subtract 6 dB from the original level. With the degree of natural soundproofing that would take place just by the location of the gun range, the actual decibel level of noise citizens would hear would be quite minimal. Brush, trees, walls, nearby buildings and general distance would all be sound barriers to lessen the degree to which a citizen might recognize the sound of gunfire. Additionally, a gun range would be equipped with built-in sound barriers. Also, anyone who would be within a decibel level that would be of medical concern for ear damage would certainly be required to wear ear protection.

Concern for lead contamination in the soil of the gun range and surrounding vicinity is also an issue. According to the United States Environmental Protection Agency ([USEPA], 2005), lead can be harmful to the body by causing neurological damage, hearing disorders, high blood pressure, pregnancy complications, memory and concentration issues, musculoskeletal conditions, reproductive and digestive problems, and hinder the growth of children. These are legitimate concerns, but there are several considerations to be made in preventing lead soil contamination to a degree that could cause any of the above. The Resource Conservation and Recovery Act (RCRA) does not consider an outdoor gun range a hazardous facility; therefore, the shooting of lead bullets is permitted (“Connecticut Coastal Fisherman’s Association v. Remington Arms Company,” 1993). However, it is important to understand that used lead shot must be considered solid waste and therefore handled appropriately so as not to contaminate the environment (USEPA, 2005). The USEPA lists four factors to consider when establishing an outdoor gun range to ensure its surroundings are protected which are, “control and contain lead bullets and bullet fragments; prevent migration of lead to the subsurface and surrounding surface water bodies; remove the lead from the range and recycle; and documenting activities and keeping records” (USEPA, 2005, p. III-1). If those factors are maintained appropriately, there should be minimal to no physical lead damage to the gun range property and associated environment.

Finally, there is the issue of budget and how much of the city’s money will be spent on surveys, preparation specifics, equipment, and facility maintenance. Budget is always a major topic of discussion for any business or establishment, but if spending money deterred them all, cities would eventually go broke. The budget for a gun range

would not be something thrown together, but rather strategically developed by needs analysis. Variable and fixed costs would be examined. In an article by Schwartz (2009), he compares benefit, or variable, costs to benefit values. He noted that if the benefit is better than the cost, then it is worth it. He then asked a couple of very thought-provoking questions when discussing adequate and appropriate training for officers. When referring to a life or death situation, Schwartz (2009) asked, "How do you assign values to negative benefits? How do you assign a value to the ultimate risk? Furthermore, are you prepared to bear the cost?" (p. 29). Agencies as well as citizens should consider the answers to those questions and should do so as if it were one of their family members being "valued." To all involved, budget should be a legitimate focus, but not to the degree that it causes a department to not supply its officers with a select gun range on which to train.

CONCLUSION

Law enforcement agencies have a responsibility to present their peace officers an opportunity for elite training that is required to protect themselves and others in a life-threatening situation. In order to give officers the confidence to prevail in an emergency situation, an agency must strongly consider constructing and maintaining its own gun range facility. An agency would be able to design the gun range to fit the criteria of training necessary for the specifics of their city and the crime within that city. It would be cost effective and more time efficient for officers to have a nearby location for training that allows them to be readily available for immediate assistance in case of city emergencies. Instructors would have the opportunity to spend the much needed quality

time with their training officers to optimize their learning abilities instead of deciphering equipment layout.

There are several concerns from the city population with regard to safety, noise level, gun range location, lead contamination from bullet fragments, as well as budget expenses to build and supply the range. These areas of hesitation are legitimate, but they are ones that can be appropriately addressed in a manner to which safety and compliance obligations are upheld. The issues mentioned above may initially give city residents several reasons to be concerned. However, the apprehensions of community citizens should not deter a law enforcement agency from establishing a location to optimally train their peace officers. These same concerned citizens will likely wish the officers, who may be called to their place of residence for an emergency in the future, are well-versed in the actions and logistics of what is necessary to potentially save their life.

The law enforcement agency and its employed officers are the ones who will have to answer for their actions in a given situation. There are legal ramifications for the officers and the city alike, which could cause great financial expense to those individuals involved in circumstances where the outcome included an officer not being efficiently trained. In the *City of Canton vs. Harris* (1989), a woman was arrested, and while in the cell, demonstrated that she potentially needed medical assistance. The officers did not obtain any medical care for the woman. She brought forth a lawsuit against the city, and the United States Supreme Court determined that “a municipality may be held liable... where violations result from the municipality’s failure to adequately train its employees, only if that failure reflects a deliberate indifference on the part of the

municipality to the constitutional rights of its inhabitants” (“City of Canton v. Harris,” 1989). No peace officer or law enforcement agency wants to find themselves in a lawsuit due to their own negligence. Proper training on a gun range developed within a city for its employed officers will ultimately improve an officer’s conscious decision-making capabilities and potentially save lives.

As quoted by Dickenson (2009), “Law enforcement is the only occupation in the United States where employers are legally authorized to restrict a citizen’s freedom or intentionally inflict injury or death upon another citizen in the performance of their duties” (p. 13). What a true and powerful statement. Citizens must be able to depend on the officers to legally do what is right. Peace officers must have the ultimate confidence in themselves to do their jobs as efficiently as possible without causing unnecessary injury or death. Police departments have the worthy obligation of providing training for all of the above. It is an honor to be responsible for efficiently training peace officers on a gun range in their own city and doing so in a way that assists them in superior positive outcomes consistently in their career as an officer.

REFERENCES

- Bertomen, L. (2006, April). Firearms tactics: Scrounging for an effective training program. *Law Enforcement Technology*, 33(4), 112, 114-119.
- Bohrer, S., & Chaney, R. (2010, January). Police investigations of the use of deadly force can influence perceptions and outcomes. *FBI Law Enforcement Bulletin*, 79(1), 1-7.
- City of Canton, Ohio v. Harris, 489 U.S. 378 (1989).
- Connecticut Coastal Fisherman's Association v. Remington Arms Co., Inc., 989 F.2d 1305 (1993).
- Dickenson, E. (2009). More cameras: The solution to police shooting controversies. *The Firearms Instructor*, 47, 10-13.
- Dempsey, J. (1999). *Police firearms training: Ample, archaic, or asinine*. Huntsville, TX: The Bill Blackwood Law Enforcement Management Institute of Texas.
- Eyler, G. (2009, March 9). Gangs in the military. *The Yale Law Journal*, 118, 696-742.
- Fletcher, T. (2009). The importance of one-on-one firearms training. *The Firearms Instructor*, 47, 14-18.
- Frisbie, K. (2009). A realistic approach in responding to the active shooter. *The Firearms Instructor*, 47, 38-39.
- Hamby, W. (2004) Ultimate sound pressure level decibel table. Retrieved from <http://www.makeitlouder.com/Decibel%20Level%20Chart.txt>

- Hester, W. P. (2010, June 9). Powhatan residents take aim at gun range. *Powhatan Today*. Retrieved from <http://www.powhatantoday.com/index.php/news/article/powhatan-residents-take-aim-at-gun-range/>
- Iannone, N., Iannone, M., & Bernstein, J. (2008, May 25). *Supervision of police personnel* (7th ed.). Upper Saddle River, NJ: Pearson Prentice Hall.
- Miller, B., & Kurata, B. (2007, August 1). 12 critical elements of a modern firearms training program. *PoliceOne.com News*. Retrieved from http://www.policeone.com/pc_print.asp?vid=1341567
- Morrison, G. (2003, June). Police and correctional department firearm training frameworks in Washington state. *Police Quarterly*, (6)2, 192-221.
- National Rifle Association. (2004). *The NRA range source book*. Fairfax, VA: National Rifle Association.
- Santos, E. (2009). Point of impact. *The Firearms Instructor*, 47, 19.
- Schwartz, R. A. (2009). Firearm training need not be constrained by staff, time, and budget. *The Firearms Instructor*, 47, 28-34.
- Texas Commission on Law Enforcement Officer Standards and Education, (2010). *Rules Handbook*. Austin, TX: Texas Commission on Law Enforcement Officer Standards and Education.
- United States Environmental Protection Agency. (2005, June). *Best management practices for lead at outdoor shooting ranges*. (EPA-902-B-01-001). New York: United States Environmental Protection Agency.
- Walker v. City of New York, 974 F.2d 293 (2d Cir. 1992).

Zuchel v. Denver, 997 F.2d 730 (10th Cir. 1993).