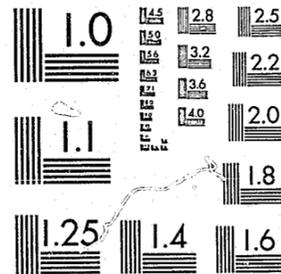


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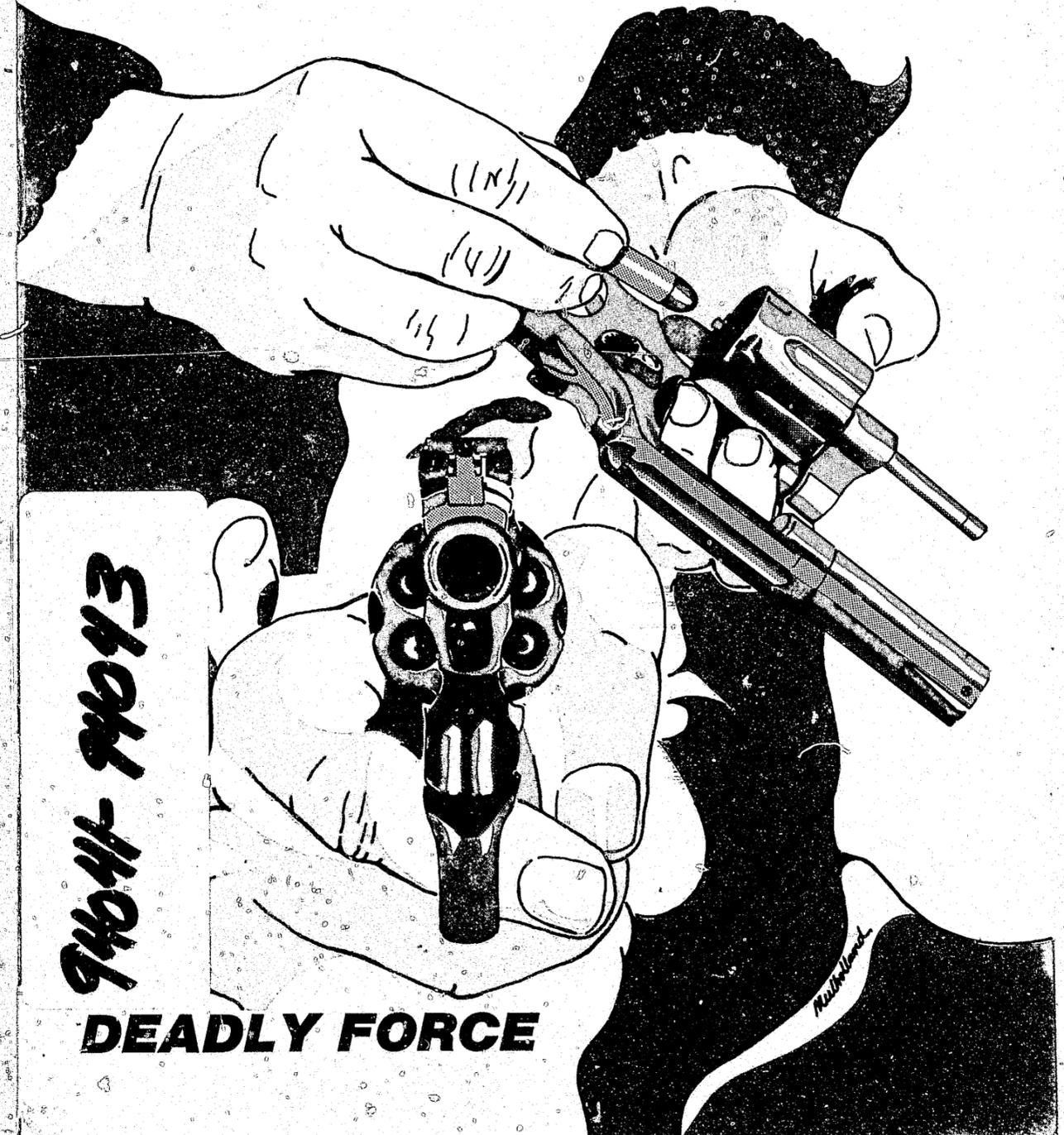
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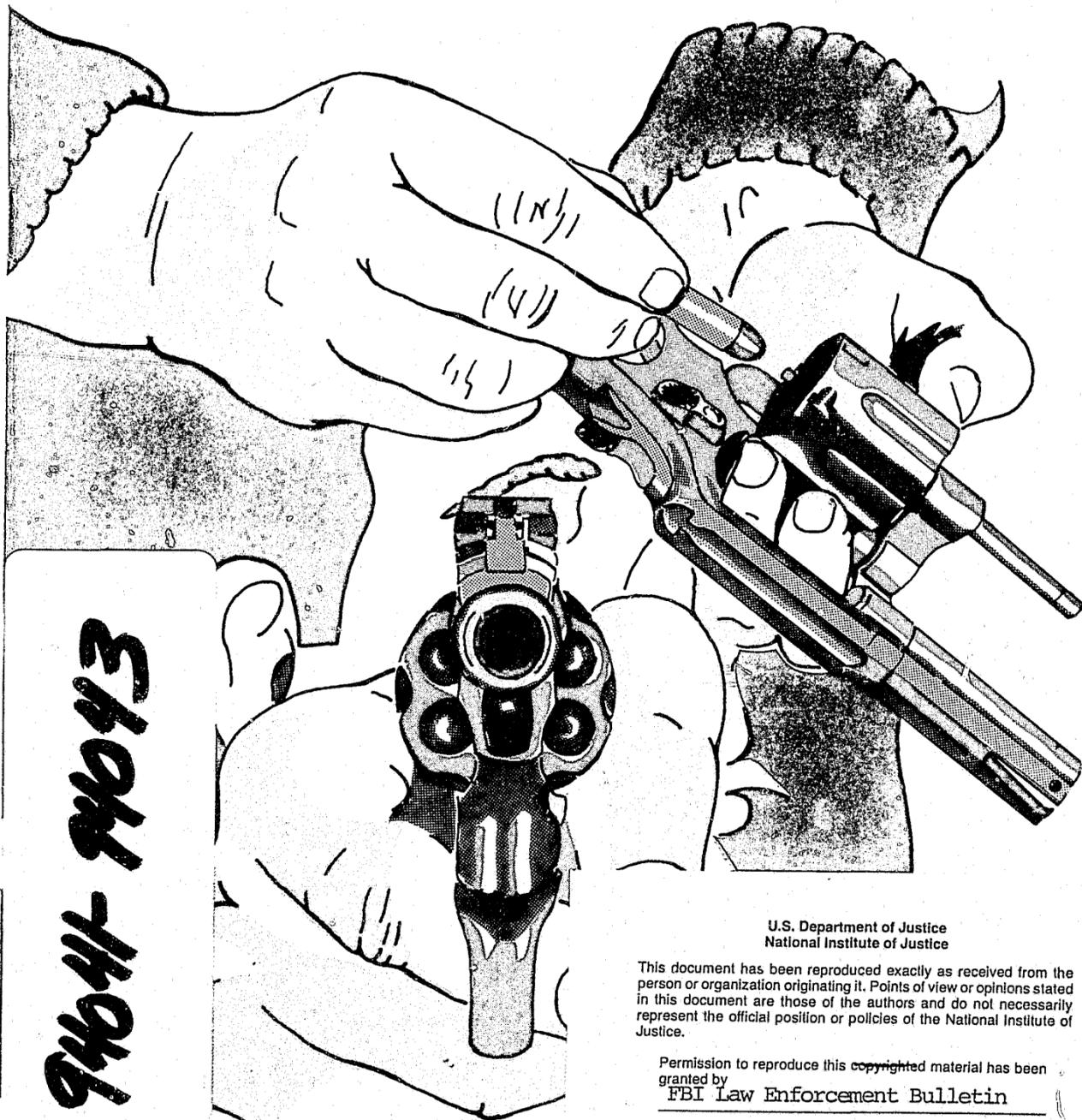
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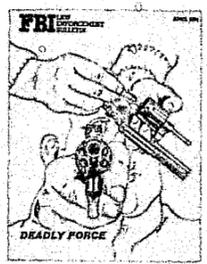
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The Cover:
The use of deadly force is one of the most important issues facing the law enforcement profession today.

Federal Bureau of Investigation
United States Department of Justice
Washington, D.C. 20535

William H. Webster, Director

The Attorney General has determined that the publication of this periodical is necessary in the transaction of the public business required by law of the Department of Justice. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through June 6, 1988.

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Director's Message

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ACQUISITIONS

Perhaps no subject in the world of law enforcement is more charged with emotion than is the use of deadly force. No police officer authorized to carry a side arm wants to use it against another human being. The hard reality is that under some circumstances the use of deadly force is necessary and is a part of a law enforcement officer's responsibility. Drawing that difficult line successfully is a combination of clearly defined policy, training, and discipline.

This issue of the FBI Law Enforcement Bulletin is devoted to this single subject, deadly force. It is, ultimately, the most important issue facing the profession, for no court can correct a deadly mistake once it has been made.

The current status of the law on deadly force and how it developed from the English common law are considered in the Legal Digest. This area of law is in a state of flux, as the courts consider various issues, including the adequacy of firearms training and the supervision of their use.

An article by Professor Shenkman of the University of Florida explains how one Florida department approached this issue and the author makes several cogent points. He notes that a "department's policy concerning the use of deadly force" must be clearly understood by all and personnel must be provided with the skill to carry out the department's policy.

Professor Shenkman, like the Federal Bureau of Investigation, argues for police firearms advanced training with service ammunition. Wadcutters should be restricted to beginning firearms training. In author Shenkman's words, "We should not allow officers with marginal firearms ability to have the power of life or death."

The Firearms Training Unit at the FBI Academy has outlined the current FBI firearms training program in an article in this issue. Adoption of the Weaver stance in 1981, additional

judgmental/reactive shooting training, and adoption of the double tap (two quick shots) to increase the stopping power of the service round without the added recoil of the magnum are recent changes in FBI training. These could be, or have been, adopted by police departments with the assistance of the more than 900 FBI firearms instructors around the country.

An article from Alaska shows that a pistol competition by the State troopers with the Royal Canadian Mounted Police was inspired by the RCMP to foster informal liaison at the working level of both organizations, a side benefit of this increased firearms training. A Champaign, Ill., police sergeant suggests some guidelines for the selection of countersnipers within special weapons and tactics units.

Ideas for improving firearms training, for the protection of your citizens and officers, are readily available from a myriad of competent authorities—the police administrator needs to consider the department's policies and practices and then choose, but choose he must.

I think it is regrettable that as this issue goes to press, there is still no nonlethal alternative weapon available to police officers on the street which will permit them to stop a fleeing suspect without running the risk of causing his death in less than life-threatening situations. Surely a Nation that can put a man on the moon can provide this additional weaponry to police officers. Our citizens are entitled to this alternative choice and so are we.

William H. Webster
Director
April 1, 1984

94041

be used. Each police administrator must decide what positive or negative traits he wishes to have identified before a psychologist can select an appropriate test. There are five basic traits to consider when selecting a countersniper, including:

- 1) Marksmanship ability with the rifle;
- 2) Top physical condition;
- 3) Good vision without glasses;
- 4) Emotional stability; and
- 5) Good judgment, including excellent decisionmaking abilities.

Physical Condition

Physical conditioning has a direct link to mental conditioning. Physical conditioning develops balance, muscle coordination, and endurance which ultimately leads to increased self-discipline. Physical conditioning can govern one's emotional state. "Proper exercise affects the endocrine glands, and the glands are closely tied up with the emotions.¹ The emotional or mental self-discipline of a police officer plays a large role in the countersniper position. Often the police countersniper will be called upon to lie motionless in one position for extended periods of time under varying weather conditions or in various positions looking through either a pair of field glasses or a sniper's scope. This is not only extremely fatiguing but becomes very monotonous. During these long periods of inactivity, the countersniper must remain mentally alert for any details that may change, and when given permission to shoot, he must be able to make a rational decision on when to pull the trigger.

Whether an officer wears eye-glasses should also be taken into consideration when he is being considered for the countersniper position. Countersnipers work under all types of weather conditions and are under a tremendous amount of stress. If they wear glasses, this negative stress could increase by having the eye-glasses fog over, become dirty or wet, or perhaps even break. If his glasses should get broken, the coun-

tersniper may not be able to complete his assignment.

Countersnipers should not smoke. Research has shown that "of all the substances known to be present in tobacco smoke, nicotine alone can produce the drug dependence associated with habitual smoking. When a smoker's nicotine level declines twenty or thirty minutes after using a cigarette, he begins to feel subtle withdrawal symptoms that cause him to smoke another cigarette."² If the police officer chosen to be a countersniper smokes and reaches this level of withdrawal, his mind will be on his desire for a cigarette rather than on his mission. Nicotine also constricts the blood vessels which raises the blood pressure, causing the heartbeat rate to rise. The countersniper, when deployed, is already under a great deal of stress. His heart beats a little faster than normal, and the added increase in his heart-

"The selection process for the position of police countersniper should not be taken lightly."

beat makes it more difficult for him to keep his rifle and scope steady for that one precision shot.

The police administrator should review each police officer's personnel file, including past and present evaluations, and should talk individually with his immediate supervisor and watch commander. Reviewing the file will allow the administrator to gain some insight into the officer's character, what disciplinary actions he has received, whether he has any particular weaknesses, where his strengths lie, what his personal work goals are, what work goals have been made for him, his use of sick time, and his dependability.

The individual interviews with the

perspective countersniper's immediate supervisor and watch commander will reinforce the information in his file and provide an opportunity for more clarification. The supervisor will also be able to give insight into the officer's ability to follow orders, his decision-making abilities, and how his peers view him. This will also give them the opportunity to express their personal opinions about his ability to be a countersniper, and most importantly, whether he possesses the good judgment and emotional stability necessary to perform the duties of a countersniper officer under stress. The final step is an interview with the officer. This interview could be either very formal or merely involve casual conversation. All the administrator hopes to gain from this interview are his own personal impressions which, when added to all of the information he has accumulated, will be basis for his decision.

Conclusion

The selection process for the position of police countersniper should not be taken lightly. It is a very serious position which, if not held by a qualified person, could result in many grave ramifications. In the event the countersniper must use deadly force, the department will in all probability be called upon to justify the selection of this officer, as well as the guidelines used for that selection. Select this officer carefully!

FBI

Footnotes

- ¹ Thomas Kirk Cureton, Jr., *Physical Fitness and Dynamic Health* (N.Y.: Press, 1975), pp 32-33.
- ² Shainberg Jones Byer, *Drugs: Substance Abuse* (San Francisco: Harper and Row, Publishers, Inc., 1975), p. 79.

EDITOR'S NOTE: Material published in the FBI Law Enforcement Bulletin is solely for the information and assistance of law enforcement personnel. While brand names and companies may be mentioned from time to time, this is done in a strictly objective manner to help present articles in their entirety from authoritative sources. In such instances, publication of the article in the BULLETIN should not, under any circumstances, be construed as an endorsement or an approval of any particular product, service, or equipment by the FBI.

Police Handgun Training and Qualification

A Question of Validity

"Skilled use of firearms can be an insurance policy for the individual officer, as well as a deterrent to claims against the department he represents."

By
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Ph.D.

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In the fall of 1981, this writer contracted with a southeastern police department to conduct an empirical study on the use of deadly force by its sworn personnel during the 4 preceding years. At the time of the study, the department had 160 sworn officers. While the study differed mainly in scope from other similar studies that had been done or were being conducted in larger police agencies, the motivation for having this study was somewhat ironic.

Most police departments that have incurred problems with their policies on the use of deadly force have believed that their officers did not exercise proper restraint and shot at suspects much too frequently. Oftentimes, police shooting incidents are followed by citizen protests, resulting in the department reexamining its firearms policy.

This was not the case with this particular police agency. In December 1980, the police department changed its shooting policy to what is generally considered to be a "defense of life policy." The policy states that an officer may discharge his firearm at a regular range for practice or training purposes; to kill a seriously wounded or dangerous animal when other dis-

position is impractical, but only on authorization from a superior officer, if time permits; or to defend himself or another person from death or serious bodily injury when other means have failed.

The police department serves a city that has a rather high crime rate. The new policy, which severely restricted the circumstances under which an officer could use deadly force, received strong criticism from a small but vocal minority. It was perceived by its detractors as being soft on crime in a city that could ill afford this approach. The situation was somewhat exacerbated by the fact that the promulgator of the new shooting policy was a newly appointed black police chief. Racial overtones were seen by both professional and nonprofessional observers as being at least partially responsible for the heated controversy.



Mr. Shenkman

The Study

An attempt was made to establish some baseline data for the 4-year period to be considered. (See fig. 1.) The first step was to determine as accurately as possible the conditions involved in each shooting incident; the second step was to discuss what training implications, if any, could be extracted from the raw data. All available information pertaining to each shooting incident was carefully analyzed. If additional information was necessary, individuals who had relevant knowledge of each situation were contacted.

The single finding that appeared to attract the most attention and controversy was the officers' poor level of accuracy. It was determined that it was far more valid and realistic to count every shot that the officer fired as the basic component of any calculus on the use of deadly force. This is a more stringent standard than is used in other comparable studies, and the end result is a lower measure of relative accuracy.

The reaction to this information by command staff was first one of denial, then chagrin. Finally, after a number of meetings, there was a resolve to discover some reasons for the problem and to find some solutions.

Any consideration of the level of proficiency of the police use of deadly force must necessarily involve several basic components, including statutory law, departmental policy, training, qualification requirements, and the weapon and ammunition to be used.

After this department instituted the "defense of life policy," the number of shooting incidents declined considerably. The other areas of consideration were not nearly so progressive. Firearms training in the department was sporadic at best. In addition, virtually all the training was conducted with reloaded .38-caliber wadcutter ammunition. Very little training time was devoted to judgment, weapon retention, moving and multiple targets, etc.

Firearms qualification was held twice a year. Reloaded .38-caliber wadcutter ammunition was again used. No attempt was made to determine the officer's ability to distinguish between "shoot-don't shoot" situations or his ability to hit multiple or moving targets. There was also no attempt to simulate lighting conditions, to make the officer seek some kind of cover, or to create artificial pressure.

The most obvious omission on the part of this department was the failure to test or qualify its officers with the correct combination of weapons and ammunition. The standard issue sidearm and ammunition of the department were a Smith and Wesson Model 19 or Model 66, both with 4-inch barrels, and Remington .357 magnum 125 gr. H.P. ammunition.

Perhaps the most important and difficult decision a police officer must make is whether to invoke the use of deadly force. It is therefore incumbent upon the police agency to do everything within its power to insure that each officer is properly trained in carrying out this responsibility. This training must include exercises in the decisionmaking process itself, as well as the technical proficiency needed to carry it through, should the need arise.

Figure 1

SYNOPTIC OVERVIEW OF SHOOTING INCIDENTS INVOLVING POLICE DEPARTMENT SWORN PERSONNEL DURING THE PERIOD BETWEEN JULY 31, 1977, AND SEPTEMBER 4, 1981

I. General

- | | |
|---|--------------------------------|
| A. Number of Distinct Incidents=32 | C. How Incident was Initiated |
| B. Number of Individual Shootings=39 | On View=16 |
| C. Total Number of Different Officers Involved=31 | Dispatched=13 |
| D. Number of incidents per year: | Citizen=3 |
| 1977-9 | D. Type of Dispatched Incident |
| 1978-7 | Burglary=7 |
| 1979-10 | Robbery=4 |
| 1980-4 | Disturbance=3 |
| 1981-2 | Alarm=2 |
| | Suspicious Conditions=2 |
| | Attempted Rape=1 |
| | Prostitution=1 |
| | Theft=1 |
| | Warrant Arrest=1 |

II. Characteristics of Officers Involved

- | | |
|---|---------------------------------------|
| A. Males=38 | Females=1 |
| B. White=35 | Black=4 |
| C. Average Age=30.8 years | |
| D. Length of Service with Department=5.12 years | |
| E. Rank | |
| Patrol Officers=33 | Investigators=3 |
| Airport Security=1 | Sergeant=1 |
| Lieutenant=1 | |
| F. Special Assignment | Assigned to Special Operations Unit=8 |
| G. Duty Status | On Duty=37 |
| | Off Duty=2 |

III. Characteristics of Incident

- | | |
|----------------|-------------|
| A. Day of Week | |
| Sunday=3 | Monday=3 |
| Tuesday=5 | Wednesday=7 |
| Thursday=10 | Friday=0 |
| Saturday=4 | |
| B. Time of Day | |
| 0001-0400=13 | 0401-0800=1 |
| 0801-1200=3 | 1201-1600=4 |
| 1601-2000=3 | 2001-2400=8 |

IV. Conditions of Shooting

- | | |
|---|-----------------------------|
| A. Time of Day | Day=8 |
| | Night=24 (18 in poor light) |
| B. Reason for Firing Weapon | Prevent Escape=18 |
| | Protect Self or Citizen=15 |
| | Other=6 |
| C. Average Distance Between Officer and Suspect=43 feet | |
| D. Type of Weapon Used for Each Shot Fired | Handgun=88 |
| | Shotgun=12 |
| E. Accuracy of Fire | Misses=90 |
| | Hits=10 |

It is extremely important to have confidence in the fact that the officer both thinks straight and shoots straight. It would be impossible to determine which facet of the process is more vital—they are inextricably related to each other. However, for the purposes of analysis, it is the actual shooting skills that the officer should possess that will be addressed.

Any form of testing or evaluation process is inexact and artificial. The problems related to establishing the validity of a procedure to measure skills with a handgun under combat conditions are especially difficult. Great strides have been made in recent years in creating a more authentic atmosphere that reflects situations. Changes in qualifying courses, such as shooting distances, moving targets, and shoot-don't shoot scenarios, are but a few of the advancements that have been made. Nevertheless, artificial situations can never duplicate the real-life encounter when human life is at stake.

For some time it had been the policy of the department to have officers qualify with the weapon they actually carried on duty. This makes infinite sense. For instance, if a person carried a Smith and Wesson 2" Model 36 on duty, it would be totally invalid to allow that person to qualify with a 6" target-sighted Smith and Wesson Model 19, since the relative difficulty of shooting a revolver with a sight radius that is three times shorter and weighs less than half as much is considerably greater. Nevertheless, if this is the weapon that one would actually be called upon to use in a life-threatening situation, this is the weapon with which one should have to demonstrate a high level of proficiency.

"The most obvious omission . . . was . . . [the] failure to test or qualify . . . officers with the correct combination of weapon and ammunition."

While a sound policy has been adopted regarding the *weapon* used to qualify, the same is not true regarding *ammunition*.

The standard issue handgun ammunition for this police department is Remington .357 magnum 125 JHP. However, the ammunition that is used at qualification is a .38 Special 148 grain wadcutter. The difference between firing these two types of ammunition in the same weapon is easily demonstrated. (See fig. 2.)

Figure 2

Cartridge	Bullet	Muzzle Velocity (F.P.S.)	Muzzle energy (ft. lbs.)
.22 long rifle	40	1060	100
.38 Special	148	710	166
.357 magnum	125	1450	583

The single most important ballistic figure is the muzzle energy each round produces. For instance, the issue ammunition produces 3.5 times more muzzle energy than the qualifying ammunition. By comparison, the .38-caliber Special wadcutter produces only 1.5 times the amount of kinetic energy produced by a .22 LR cartridge. The ammunition used to qualify is much more similar to shooting a .22 caliber than it is to approximating a .357 magnum.

The ballistics produced by a .357 magnum produce significantly higher levels of felt recoil, muzzle blast, and muzzle flash than those produced by the .38 Special qualifying round. All of these components seriously add to the difficulty of producing high levels of accuracy and controllability with magnum ammunition. This is especially true when fired in a medium frame,

4-inch revolver which is what the majority of officers carry on duty. Therefore, it makes about as much sense to measure shooting ability by using .38 wadcutter ammunition when .357 magnum ammunition is used in the field as it would be to test officers' driving skills in a four-cylinder car when the officers actually drive V-8 powered cruisers.

Skilled use of firearms can be an insurance policy for the individual officer, as well as a deterrent to claims against the department he represents. Certainly, firearms training is no remedy for the many problems faced by the contemporary police officer, but if firearms proficiency bolsters the self-confidence of the individual officer or saves the life of one innocent person, it is worth the price.

It is within this context that the following proposal was made. As soon as it was reasonably possible, it was recommended that a pilot study be instituted to examine the effects of using .357 magnum ammunition for the purposes of qualification. Considering the restraints of manpower and economics, it was recommended that a random sample of 15 percent of all sworn personnel be chosen to participate in the project. The training officer in charge of firearms qualification should lead the project with the full cooperation of each bureau commander in order to facilitate maximum efficiency of personnel.

Methodology

A random sample of 27 sworn personnel was chosen from all ranks in the department. Standard procedures for the semiannual firearms qualification were followed, with the exception that officers who normally worked at night qualified under simulated night fire conditions. No advance notice was given to those officers who had been selected to participate in the experimental group. The course of fire for firearms qualification is a modified version of the New York Police Department (NYPD) Practical Revolver Course. Participants in both the experimental group and the control group were given a basic orientation regarding shooting techniques and range safety procedures. After the orientation, the experimental group was exposed to a single variable differentiating them from the control group. That single variable was the ammunition with which they were expected to qualify.

The experimental group was given 50 rounds of Remington .357 magnum, 125 gr., jacketed hollow point ammunition. This is the exact ammunition that all officers are expected to use while on duty. The control group was issued 50 rounds of reloaded .38 Special, 148 gr., wadcutter ammunition, which is used by the department for training and qualification purposes only.

Findings

The experimental group (N=27) first fired the qualification course with Remington .357 magnum ammunition. Using this ammunition, the group averaged 81-percent accuracy with a

range of 45 to 95 percent. The experimental group then fired the same course, using reloaded .38 Special wadcutter ammunition. Using this ammunition, the group averaged 93.4 percent accuracy, with a range of 80 to 100 percent.

The control group fired the course using only .38 Special wadcutter ammunition. This group averaged 94.3 percent accuracy, with a range of 81 to 100 percent.

It also was determined that the members of the experimental group averaged 93.7 percent in the fall of 1981, using only .38 Special wadcutter. This attests to the relatively high level of reliability of the course of fire.

Shooting .357 magnum ammunition was significantly more difficult than the .38 Special wadcutter, which was traditionally used. Scores with magnum ammunition were 13 percent lower than scores shot by the same group of individuals using .38 Special reloads. Additionally, 22 percent of those firing .357 magnum ammunition failed to make a passing score of 80 percent, which is the department's minimum standard for qualification. A failure rate of 22 percent corresponds to an absolute number of 39 officers who might not have qualified if they had used .357 magnum ammunition. This is based on a department total of 178 sworn personnel.

There appeared to be no significant difference between scores fired during daylight hours and those fired at night. However, attempts to simulate night firing conditions were far

from satisfactory. The firing range was illuminated by floodlights. While the night firing lighting conditions were far from optimum, they were far better than are usually present in a nighttime altercation.

Two of the weapons used by officers using magnum ammunition failed to function; another revolver functioned with serious impairment. This is a combined failure and malfunction rate of 11 percent. This rate of failure or malfunction translates into the possibility of 19 officers having weapons that could not be depended upon with magnum ammunition.

The findings concerning weapons malfunction should be viewed from several perspectives. First, the absolute number of failures does not lend itself to a generalization that would have a high level of statistical reliability. Second, because the weapons were not examined by the department armorer prior to the experiment, it is impossible to determine whether the revolvers in question were impaired prior to the testing. There were no malfunctions with the weapons fired by the control group using reloaded wadcutter ammunition.

Because of the greatly increased heat produced by the more powerful ammunition, officers experienced considerable discomfort when opening the revolver's cylinder. Difficulty in holstering was also experienced by officers who normally wore shoulder holsters or other types of off-duty holsters.

Policy Implications and Recommendations

The purpose of firearms qualification is to determine the level of ability an individual officer possesses in the use of his weapon. On a nationwide

basis, police officers are only accurate between 10 to 25 percent of the time. The average officer in this department scored a 95.5 percent over the past year. This makes the average officer a master-level shooter. The semiannual firearms qualification scores achieved by this department would indicate that the department members, taken as a whole, were highly proficient in the use of their sidearms.

The firearms qualification does not go nearly far enough in differentiating officers with wide ranges of ability in the use of their revolver. Perhaps among the most obvious and simplest changes that could be suggested would be a transition from the use of "target-type" ammunition to that of "full-service" loads for purposes of qualification.

While it is extremely difficult to simulate combat conditions totally, the officer should, at the very least, be expected to perform with the same equipment he carries while on duty. With a defense of life policy for the use of deadly force, it becomes even more important that an officer be able to exercise his most awesome of responsibilities both efficiently and accurately.

We should not allow officers with marginal firearms ability to have the power of life or death. The cost differential between having officers qualify with .38 Special wadcutter reloads and .357 magnum reloads is almost negligible. It is estimated that on a yearly basis, the additional cost incurred by a department of this size would be less than \$1,000. The .38 Special round that has traditionally been used may be appropriate for elementary

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"We should not allow officers with marginal firearms ability to have the power of life or death."

training purposes but is not valid when certifying that an officer is qualified with his duty weapon. As a department, we are culpable if we do not do everything reasonably within our power to ascertain the level of proficiency that each individual officer possesses in judgment and technical proficiency in the use of deadly force.

A department should evaluate its firearms training and evaluation procedures on a regular basis. Its firearms training program must adequately prepare its people to perform at a level that is acceptable to the agency and the community it serves. A police department cannot make a better investment of its time, energy, and resources.

Conclusion

The merits of a shooting policy that allows the officer to fire his weapon only in defense of himself or another has been much debated. However, the issue of the relative ineffectiveness of the police officer in carrying out his duty has been ignored far too long. The degree of apathy that exists regarding this issue is inexcusable. The police cannot be held accountable for most of the causation factors proffered by criminologists, such as poverty, unemployment, racism, etc. Nor is it in the purview of the police to have much of an impact on other facets of a criminal justice system that does not convict often enough, does not require long enough sentences, and which so often allows obviously unrehabilitated felons back on the street. The police, however, are responsible and should be responsible for the implementation of their own policies and the carrying out of those policies. Budgetary and manpower limitations notwithstanding, it

is incumbent upon the police to be as efficient and effective as possible concerning those matters in the criminal justice system that are within their purview. Included among these elements certainly should be training and supervision of their personnel. Any policy is only as good as the individuals who are charged with the implementation and the enforcement of that policy. A police department's policy concerning the use of deadly force must be among its highest priorities. The policy should be clearly written and well understood by all involved personnel. Personnel must not only understand the policy but must also be provided with the necessary knowledge, skill, and insight to enable them to carry out that policy effectively. Nationally, police departments have been woefully lacking insofar as providing the quality and quantity of training necessary to carry out the dictates of use of deadly force policies.

For instance, the vast majority of police agencies do not require night firing as part of their training programs. Only a very small percentage of departments use electronic or similar targets to provide a program of shoot-don't-shoot multiple selection of targets and moving targets.

In addition, a majority of departments require firearms qualification only twice a year. Worse yet, only 20 percent of police departments train with service-type ammunition and 25 percent fire their qualification courses with regular service-type ammunition.¹

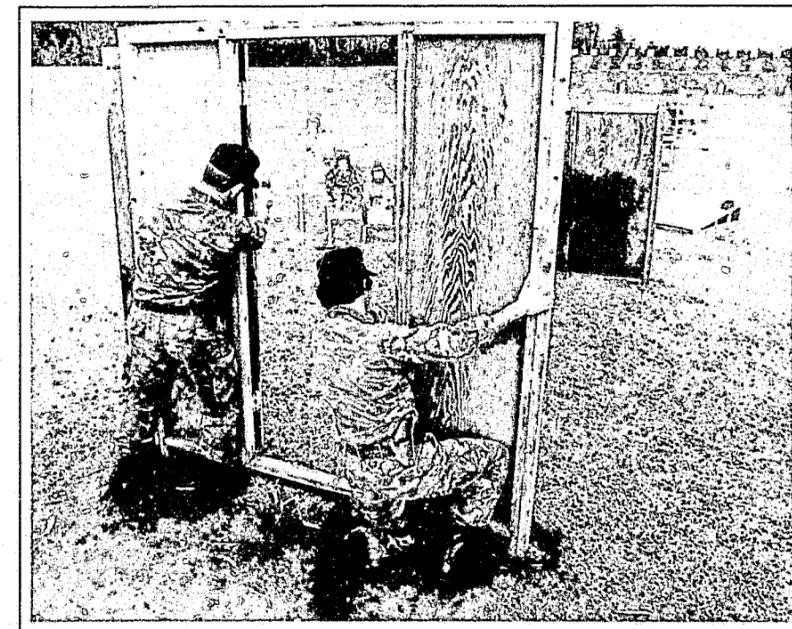
These are not issues that can be taken lightly when one considers that police officers miss their intended target between 75 and 90 percent of the time, not only failing to accomplish their basic intention of stopping the attacking felon but also placing innocent bystanders in grave jeopardy. It is simply a question of whether a community is willing to accept this level of performance on a matter of such great consequence. If there is a genuine commitment in the direction of improving the effectiveness and safety of the use of firearms by police departments, there are procedures and training processes which could greatly aid in the accomplishment of this goal. **FBI**

Footnote
Charles R. Skillen and Mason Williams, *American Police Handgun Training* (Springfield, Ill.: Charles C. Thomas, 1977), pp. 108-127.

An Update on **FBI FIREARMS TRAINING**

By
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Instructors demonstrate obstacle stamina course.

The FBI has made many contributions to law enforcement in the firearms training field. In order to assist the entire law enforcement profession, the Firearms Training Unit (FTU) at the FBI Academy recognizes the need

to update and improve its training programs continually. This article describes some of the changes and innovations in techniques and equipment recently incorporated into the FBI firearms training program.

END