

A Special Report
to the Governor of the State of New York
Hon. HUGH L. CAREY

POLICE HANDGUNS and DEADLY FORCE



FEBRUARY 1976

Division of Criminal Justice Services
State of New York.

FRANK J. ROGERS, *Commissioner*

EDWARD J. WRIGHT, *Consultant*

46256

c2



A Special Report
to the
Governor of the State of New York

Hon. Hugh L. Carey

* * *

POLICE HANDGUNS AND DEADLY FORCE

* * *

Division of Criminal Justice Services
State of New York

Frank J. Rogers
Commissioner



NCJRS

APR 12 1978

ACQUISITIONS

Edward J. Wright
Consultant

February, 1976

The Division of Criminal Justice Services thanks all the law enforcement agencies who participated in providing the study with its field data, with special appreciation to those Chiefs and Sheriffs who took the time to forward their ideas and comments to the Commissioner.

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
The Governor's Letter to the Commissioner-designate of the Division of Criminal Justice Services	1
Part I Introduction	2
The Governor's Request to the Commissioner	2
Specific Objectives of the DCJS Study	2
Procedures and Methods of the Study	3
Part II Summary of Major Findings and Recommendations	6
Major Findings of the Study	9
Major Recommendations	12
Part III Study Data and Conclusions	29
Handguns Used by Police	29
General Patterns of Handgun Use Among Police Agencies in the State	29
Table I Distribution of Police Handguns Among All Responding Police Departments in New York State	31
New York State Police Adoption and Use of the .357 Magnum	32
Comments on the State Police Choice of the .357 Magnum	41
State Police Choice of Weapon and Cartridge	41
Testing and Evaluation of .357 Magnum Ammunition Used by the New York State Police	42
Table II .357 Magnum Gelatin Test Results	43
Economic Considerations in the State Police Choice	44
Comparative Effectiveness of .38 and .357 in State Police Shooting Incidents	45
Table III Comparative .38 and .357 Statistics of Twenty-two Shooting Incidents Involving New York State Police Personnel Between February 1973 and May 1975	47
New York City Police Department Considerations in the Retention of the .38 Calibre Revolver	48
Table IV Firearms Discharge Statistics of the New York City Police Department for the Year Ending December 1974	52
Off-Duty Handguns of Police Officers	56
Privately Owned Firearms of Peace Officers	57
On-Duty Handgun Inspection	58
Ammunition Used by Police	59
Patterns of Ammunition Used Among Police Agencies in the State	59
Table V Ammunition Prescribed by Selected Departments Throughout the State	61
The LEAA Performance Comparison of Commercially Available Handgun Ammunition	63
Table VI Performance of Commercially Available Handgun Ammunition	65

Test Results From Firing .38 Special Ammunition in .357 Magnum Revolver	70
Table VII Comparison of .38 and .357 Ammunition	72
Wound Ballistics	73
Gunshot Wounds in Police Shooting Incidents	78
Table VIII Perpetrator Woundings and Deaths Throughout New York State Attributable to Police Gunfire for the Year Ending December 1974	80
Comparative Woundings of Perpetrators in Shooting Incidents Involving the State Police Between February 1973 and May 1975	81
Ammunition Purchasing Procedures of New York State	83
Handguns and Ammunitions Used by Police Agencies Outside New York State	87
FBI Firearms Policies	87
Nationwide Survey of State Police Agencies Regarding Weapons and Ammunition	89
Table IX Summary of Findings from the Nationwide Survey of State Police Agencies	92
Firearms Training for Police Officers	98
Recruit Firearms Training	98
In-Service Firearms Training	101
Table X Recruit Firearms Training: All Responding Police Agencies in New York State	102
Table XI In-Service Firearms Training: All Responding Police Agencies in New York State	105
In-Service Training in Defensive Tactics	106
Justifiable Use of Deadly Force: Department Rules and Training	107
Table XII Nature of Department Rules Regarding Use of Deadly Force: All Responding Police Agencies in New York State	109
Peace Officers	110
Civilian Handguns	112
Part IV Additional Data	115
Other References	115
Appendix A, Statewide Survey Questionnaire	117
Appendix B, Summary of Findings from Statewide Survey Questionnaire	119
Appendix C, The Municipal Police Training Council	169
Appendix D, Persons Designated Peace Officers by the Criminal Procedure Law	172
Appendix E, Police Officer	174
Appendix F, Statutes Other Than the CPL That Designate Groups as Peace Officers	175



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

HUGH L. CAREY
GOVERNOR

April 10, 1975

Dear Frank:

Enclosed for your information is a report prepared for me by Superintendent of State Police William Kirwan in regard to the shooting of Keith Ballou by State Trooper James Taylor on January 1, 1975.

This incident has raised larger issues which are of concern to me. Consequently, I request that, upon your assumption of the duties of Commissioner of the Division of Criminal Justice Services, you inquire into the following matters:

1. The necessity for the use by the State Police of the .357 magnum; the damage inflicted on the human body by that weapon as compared with more traditional weapons; and the experience of the State Police and other law enforcement agencies with the magnum since its adoption.

2. The training currently provided members of the State Police and other police agencies in the State in regard to the use of deadly force; existing police rules and regulations in regard to the use of such force; and your recommendations as to how those training procedures, rules and regulations might be improved to provide the public with greater protection against the unnecessary and unwarranted use of deadly force by police.

I will appreciate a report on these matters as soon as your inquiry has been completed.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Hugh L. Carey', written over a horizontal line.

Honorable Frank J. Rogers
Special Assistant Attorney General
Special Narcotics Court of N.Y.C.
26 Federal Plaza
New York, New York

Enclosure

I. INTRODUCTION

A) The Governor's Request to the Commissioner

On January 1, 1975, the day of Governor Hugh L. Carey's inauguration, a seventeen-year-old Albany youth was shot and killed by a State Police Officer. Although the Albany County Grand Jury returned no "true bill" on their investigation of the shooting, and the shooting was also investigated and reported on by Superintendent Kirwan of the State Police, the incident raised certain broader issues of concern to the Governor. Specifically, the youth was shot with a .357 Magnum revolver which led the Governor to inquire into the police need for this weapon and the current state of police rules, regulations and training with respect to the use of deadly force.

On April 10, 1975, Governor Carey wrote to the Honorable Frank J. Rogers, his Commissioner-designate of the Division of Criminal Justice Services (DCJS), and asked Mr. Rogers, upon his assuming the duties of Commissioner, to conduct a study into the following matters:

"1. The necessity for the use by the State Police of the .357 Magnum; the damage inflicted on the human body by that weapon as compared with more traditional weapons; and the experience of the State Police and other law enforcement agencies with the magnum since its adoption."

"2. The training currently provided members of the State Police and other police agencies in the State in regard to the use of deadly force; existing police rules and regulations in regard to the use of such force; and your recommendations as to how those training procedures, rules and regulations might be improved to provide the public with greater protection against the unnecessary and unwarranted use of deadly force by police."

This report, then presents the findings and recommendations of the study as requested by the Governor. In this connection, it is important to emphasize that this study was not designed to investigate the circumstances of any specific police shooting incidents, including the one which gave rise to the Governor's inquiry, nor does the report present any findings or conclusions with respect to any such incident.

B) Specific Objectives of the DCJS Study

To conduct this study, DCJS gathered information from 374 law enforcement agencies throughout the state, and from 46 state-

level law enforcement agencies throughout the nation, to address the following specific questions:

1. What standards are followed by State and municipal police agencies concerning the type and calibre of handguns and ammunition employed by their officers? What standards should be followed in this regard?
2. What standards are followed by State and municipal police agencies in their training programs related to the use of deadly force? What standards are appropriate for such training?
3. What minimum training in the use of handguns are officers required to take by State and municipal police agencies? What minimum standards should be required for this training?
4. What administrative controls do State and local police agencies use to insure compliance with standards and training requirements related to the use of deadly force and the use of handguns? What administrative controls should be established in this regard?

C) Procedures and Methods of the Study

In conducting this study, DCJS used the following procedures to gather the data and information required: a survey questionnaire distributed to all police agencies in the State (Statewide survey); a survey questionnaire distributed to 49 state level police departments across the nation (Nationwide survey); interviews with selected police officials throughout the State; an analysis of medical reports pertaining to police shooting incidents throughout the State; and, an analysis of professional literature, test results and expert opinion regarding criteria appropriate for use by police agencies in selecting weapons and ammunition, and the relative stopping power and wound characteristics of various types of weapons and ammunition.

While the data gathered from these sources appears in appropriate sections throughout this report, the Statewide survey deserves some special comment here.

The study staff encountered its first difficulties in attempting to secure a complete listing of all police agencies in the State. The Bureau for Municipal Police (BMP) listed 620 law

enforcement agencies throughout the State, and, based upon State Police statistics, estimated that these agencies had a total complement of 61,880 full-time officers. However, neither the list of agencies nor the estimated number of officers proved to be accurate. In the course of the study, it became apparent that a number of police agencies had been dissolved, incorporated into larger departments, were comprised entirely of part-time officers, or were merely one-member departments. In addition, it also became apparent that the estimated number of full-time police officers was low, even when adjusted for seasonal variations and layoffs in the departments serving New York City.

DCJS also operates a statewide Uniform Crime Reporting System. Some 585 police agencies report their crime statistics to the UCR System on a monthly basis. Since the UCR listing of police agencies is more current than that maintained by BMP, the UCR listing was used for purposes of the survey.

The survey questionnaire was first distributed to all 585 agencies on May 19, 1975. By mid-July, 291 agencies had responded. As a result of an additional mailing and a follow-up telephone canvass, a final total of 374 agencies, accounting for a total of 58,041 full- and part-time officers, responded to the questionnaire. These responses represent approximately 64 percent of all known police agencies and approximately 90 percent of all known police officers.

The difficulties encountered by the study staff in precisely identifying the number of police agencies and sworn officers point up the need for a state-level central registry of such agencies. Without such a registry, all statewide research and planning efforts related to police operations and needs will suffer from uncertainty because of insufficient information on the law enforcement agencies whose needs are being addressed.

The Statewide Survey questionnaire (see Appendix A) was originally drafted by several staff members of the BMP and then distributed to 16 highly regarded police chiefs for review and comment. According to the staff of BMP, these chiefs considered and approved the questionnaire and the proposed covering letter without recommending any major corrections or changes in either. Despite the approval of the 16 police chiefs, some resistance did develop which was uncovered during the process of generating a higher response rate to the initial mailing.

Typical of the remarks criticizing the tone of the covering letter were the following:

"It is my desire to cooperate with your agency in this issue but I must object to the negative connotation

this survey conveys, particularly with respect to the number '2' objective cited in the original and covering request. Thereafter, each question has the respective agency responding in a defensive tone to particular specifics that I feel are of no consequence to the total issue of lawful fatal force."

During the telephone canvass, similar attitudes were expressed verbally by some chiefs who had purposely withheld their answers as a measure of their feelings. Considered together, though, this "resistance," written and verbal, formed a small portion of the total response. Many chiefs both registered complaints and mailed in answered questionnaires after the telephone appeal.

II. SUMMARY OF MAJOR FINDINGS AND RECOMMENDATIONS

This section of the report presents a capsule description of the major findings of the DCJS study, and a specific set of recommendations for assuring the lawful, reasonable and safe use of handguns by the police in this State. All of the findings presented in this section are developed in considerably greater detail throughout the remainder of the report.

Pursuant to the Governor's directive, the study was particularly concerned with presenting a detailed analysis of the .357 Magnum revolver and the ammunition appropriate for use in this weapon. While such a detailed analysis is presented in the body of the report, the following brief account is presented here to give the reader a general overview of the trend toward police adoption of the .357 Magnum and some of the characteristic differences between the weapon and the more traditional .38 Special revolver.

The most widely used police handgun in the United States is the .38 Special revolver¹. The traditional round for this weapon has been a 158 grain, lead round nose bullet propelled at a nominal velocity of 855ft./sec. This round has remained basically unchanged since its introduction in the early part of the 20th Century. Beginning in the late 1950's and continuing through the 1960's, more and more police departments began to question the effectiveness of the .38 Special calibre revolver ammunition. Police departments complained that this calibre and the ammunition available for it did not have any "stopping power." They cited numerous instances in which officers firing this cartridge in self-defense were unable to stop their attacker before he either injured them or an innocent bystander. That such criticism was valid was confirmed by independent scientific tests of the incapacitating effectiveness of the traditional .38 Special ammunition. These tests were conducted by the Southwestern Institute of Forensic Sciences and the National Institute of Law Enforcement and Criminal Justice²⁻⁵. Both organizations showed the .38 Special revolver firing the 158 grain lead round nose bullet to rank low in "stopping power" compared to other calibres and bullet designs.

1. "LEAA Handgun and Ammunition Survey." PWC Bulletin, November, 1974, pp. 4-5.
2. DiMaio, Vincent J.M., J. Allan Jones, and Charles S. Petty. "Ammunition for Police: A Comparison of the Wounding Effects of Commercially Available Cartridges." Journal of Police Science and Administration, Vol. I No. 3, 1973, pp. 269-273.

As the criticism of the .38 Special increased in intensity, police agencies throughout the country sought remedies to this problem. Two options were open to these agencies. The first was adoption of a new calibre weapon, (e.g. the .357 Magnum, .45 ACP), which was considered a more effective "manstopper" than the .38 Special. The second option was to adopt one of the new high velocity loadings for the .38 Special cartridge that began to appear in the late 1960's. These new loadings which increase the effectiveness of this cartridge as much as 3-4 times, consist of lightweight bullets propelled at considerably higher velocities than the traditional .38 Special bullets. The newer bullets are generally of semi-jacketed soft point or semi-jacketed hollow point design. Introduction of high velocity loadings for the .38 Special cartridge led in turn to similar high velocity loadings and new bullet designs for the .357 Magnum, and the .45 ACP, greatly improving their effectiveness as well.

The .357 Magnum cartridge was introduced in 1935. It is based on the .38 Special cartridge case lengthened about 1/10 of an inch. The .357 cartridge is loaded to considerably higher velocities than the .38 Special. While the traditional 158 grain, round nose lead bullet in the .38 Special revolver has an actual muzzle velocity of 650-750 ft./sec. (nominal 855 ft./sec.), the 158 grain lead semi-wadcutter bullet in the .357 Magnum has an actual muzzle velocity of 11-1200 ft./sec.

The .357 Magnum is superior to the .38 Special in penetrating and incapacitating abilities. This is because the greater velocity possessed by the .357 Magnum produces greater kinetic energy. The superiority of the .357 Magnum must be balanced by a tendency to over-penetration, as well as added muzzle blast and recoil. The latter two defects may be overcome in most individuals by increased training.

3. DiMaio, Vincent J.M.; J. Allan Jones, W.W. Caruth III, Louie L. Anderson and Charles S. Petty, M.D. "A Comparison of the Wounding Effects of Commercially Available Handgun Ammunition Suitable for Police Use." FBI Law Enforcement Bulletin, December, 1974, pp 3-8.
4. DiMaio, Vincent J.M.; J. Allan Jones, W.W. Caruth III, Louie Anderson, and Charles S. Petty, M.D. "The Effectiveness of Snub-Nose Revolvers and Small Automatic Pistols." FBI Law Enforcement Bulletin, June, 1976, pp. 10-13.
5. National Bureau of Standards, Law Enforcement Standards Laboratory. An Evaluation of Police Handgun Ammunition: Summary Report. Prepared for the National Institute of Law Enforcement and Criminal Justice. LEAA No. LESP-RPT-01.01.01, August, 1975.

The new .38 Special high velocity loadings utilizing hollow point bullets can duplicate to a limited degree the incapacitating capability of the .357 Magnum. In doing so, however, they must sacrifice their penetrating capability. In addition, high velocity .38 Special cartridges should not be fired in alloy frame, snub nose weapons because of greater recoil and pressures produced by these cartridges. (DiMaio, et al.) No such problem exists for weapons chambered for the .357 Magnum cartridge. Such weapons are capable of firing all loadings.

As the .357 Magnum cartridge is really only a slightly lengthened version of the .38 Special cartridge, .38 Special ammunition can be readily fired in the .357 Magnum. The reverse is not possible because of the different cartridge case lengths. Even if this were possible, it would be dangerous, since the .357 Magnum develops considerably more pressure than the .38 Special.

A) Major Findings of the Study

1. The statewide survey disclosed 67 departments using the .357 Magnum exclusively and another 113 departments permitting a choice between .38 and .357 calibre weapon by the individual officer.
2. The national survey of state police departments disclosed that 25 of 46 responding agencies have made the transition from another calibre to .357 calibre weapons as their official sidearm.
3. In New York State, 26 departments which use the .357 Magnum, presumably to take advantage of its increased penetration power, have restricted their officers to .38 ammunition, thereby reducing the efficiency of the weapon.
4. Prior to the adoption of the .357 Magnum as the official Division of New York State Police (NYSP) sidearm in 1973, 1,139 Division personnel purchased at their own expense, and were authorized to carry, .357 Magnums as their service revolver.
5. The State Police decision to adopt the .357 Magnum as the official service revolver was based on the following conclusions by that agency:
 - a) a significant number of troopers had lost confidence in the .38 calibre weapon some time prior to the official adoption of the .357 Magnum;
 - b) a large number of state level police agencies throughout the country had already adopted the .357 Magnum;
 - c) it was economically advantageous to make the transition from the .38 calibre to the .357 Magnum at that time;
 - d) the agency needed a weapon that provided a higher velocity projectile with greater penetrating power.

The findings of this study confirm conclusions (a) and (b) above, but raise questions regarding the validity of conclusion (c) (see text page 44). The study has also found that the .357 Magnum, properly loaded, does fire a projectile at a higher velocity and with greater penetrating power than does a .38 calibre weapon. However, if the recommendations of this report pertaining to the use of deadly force by police are adopted (see Recommendation Six a,b,c,d), police agencies would not need handguns with such penetrating power.

The study further found that the .357 Magnum, properly loaded, does possess greater "stopping power" than does the .38 calibre weapon, despite the fact that an examination of shooting incidents involving the State Police failed to show any significant difference in the severity of wounds created by the .357 ammunition currently used by them and the formerly used .38 ammunition.

Based on the foregoing, it would be inappropriate to recommend that the State Police abandon use of this weapon at this time.

6. From January 1, 1974 through May 1, 1975, the period covered by the study, there were no fatalities in New York State attributed to police shootings with the .357 Magnum loaded with .357 ammunition.

7. An independent test-firing conducted at the Southwestern Institute of Forensic Sciences demonstrated that the NYSP .357 Magnum ammunition, previously untested by the National Bureau of Standards, ranked within the Bureau's recommended incapacitation ranges.

8. The ballistics test conducted at the Southwestern Institute of Forensic Sciences confirmed that the New York State Police .38 calibre, 158 grain lead round nose cartridge fired from the .357 Magnum "showed a significant decrease in muzzle velocity" compared to a test firing of an identical cartridge from a .38 revolver.

9. There is no national or statewide consensus among police departments regarding the best type, weight, and calibre of bullet for the .38 police special, .357 Magnum, or the 9MM weapon. Hollow-point, steel jacketed, soft-point, light weights, wadcutters, semi-wadcutters, armor-piercing, high-speed, and lead ball bullets are permitted, outlawed, or issued, depending on the department.

10. Choice of manufacture of ammunition should be of primary concern because of the wide variance in bullet performance for cartridges of the same calibre.

11. Officers of a few departments in New York State were found to be loading their individual weapons, by regulation, with more than one ammunition type and calibre. This practice invites disastrous consequences for the officer.

12. The Bureau for Municipal Police (BMP) requires that all police trainees in the State receive a minimum of 23 hours of firearms instruction, during which time at least 240 rounds must be fired. Approximately half of the police agencies in the State, together accounting for approximately 90% of the police

officers in the State, exceed these minimal requirements. This group includes all the largest departments. While most of the remaining departments appear to meet these minimum requirements, study data on these departments does not indicate how and when the training is provided. Additionally, 36 of the departments responding to the Statewide survey do not require that firearms training be provided prior to placing an officer on duty with a gun.

13) There are no Statewide standards for in-service firearms training. While the vast majority of departments provide for at least some training of this kind, there is great disparity among the departments in the kind and amount of training provided. The costs associated with in-service firearms training programs prevent many departments from upgrading the quality and frequency of the training they provide.

14) A glaring weakness in the firearms training programs of those departments using the .357 Magnum is the practice of firing .38 ammunition instead of Magnum loads during training.

15) In New York State, 112 departments state they have no regulations specifying the type and calibre weapon their officers may carry. A total of 160 departments state they have no regulations as to type or calibre of ammunition their officers may carry.

16) Training in the use of deadly force is adequate among major and many middle-sized police departments in New York State, but is badly in need of uniformity and regularity for the majority of other departments. There is adequate statutory authority to accomplish the goals of assuring the public that its police officers will be adequately trained in how and under what permissible circumstances to use a revolver, but the Municipal Police Training Council as presently constituted is incapable of effective and systematic enforcement of these provisions.

B) Major Recommendations

The following recommendations are submitted pursuant to the Governor's request that the Commissioner set forth recommendations "... as to how those training procedures, rules and regulations might be improved to provide the public with greater protection against the unnecessary and unwarranted use of deadly force by police."

1) Weapons of Police Officers

To assure the safe and reasonable use of weapons by police officers, each department should standardize the type of service weapon and ammunition prescribed for the officers. Furthermore, it has been noted that the individual police officer spends more time each day equipped with his off-duty weapon than with his service weapon. Yet few police departments require, encourage, or suggest that the officer fire his off-duty gun during the course of his in-service firearms course, much less fire a qualifying score with it. In addition, there is great variation in departmental practices concerning off-duty guns, ranging from departments that issue them to departments that ignore them altogether.

RECOMMENDATION

a) EACH POLICE DEPARTMENT SHOULD PROMULGATE WRITTEN RULES REGARDING SERVICE AND OFF-DUTY GUNS AND AMMUNITION FOR THEIR OFFICERS. SUCH RULES SHOULD SPECIFY IN DETAIL THE PERMISSIBLE GUN AND AMMUNITION CHARACTERISTICS.

b) EACH DEPARTMENT SHOULD MAINTAIN A REGISTER OF OFF-DUTY GUNS USED OR OWNED BY ITS OFFICERS ALONG WITH ITS REGISTER OF SERVICE WEAPONS.

c) EACH DEPARTMENT SHOULD REQUIRE ITS OFFICERS TO FIRE QUALIFYING SCORES WITH OFF-DUTY WEAPONS DURING REGULAR IN-SERVICE FIREARMS TRAINING SESSIONS.

2) Ammunition for Police Handguns

The U.S. Bureau of Standards has just completed a study of 142 types and calibres of ammunition (page 63) commercially available to Police Departments. The purpose was to provide police agencies with objective information about the characteristics of various bullet types.

a) ALL DEPARTMENTS WHOSE AMMUNITION HAS NOT BEEN TESTED BY THE NATIONAL BUREAU OF STANDARDS OR BY A RECOGNIZED BALLISTICS LABORATORY SHOULD SUBMIT THEIR AMMUNITION FOR TESTING TO THE STATEWIDE TESTING UNIT (SEE RECOMMENDATION #4, BELOW) AND SHOULD CONSIDER ADOPTING A CARTRIDGE THAT FALLS WITHIN THE ACCEPTED GUIDELINES PUBLISHED BY THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION.

Police departments that do not prescribe ammunition for their officers, but leave the choice to the individual are courting disaster. (See page 65.) An officer may purchase and use a bullet to which he is unaccustomed; or, unfamiliar with its performance capabilities, he may choose a bullet of high penetrating ability but with little stopping power, or a bullet of high ricochet potential that could endanger a fellow officer and innocent bystander alike.

b) A DEPARTMENT SHOULD, BY WRITTEN REGULATION, SPECIFY THE PARTICULAR AMMUNITION TO BE USED BY ITS OFFICERS.

THE DANGEROUS PRACTICE OF MIXING LOADS (CARRYING MORE THAN ONE TYPE OF AMMUNITION IN THE WEAPON) SHOULD BE DISCONTINUED. ARMOR-PIERCING AND HIGH-SPEED AMMUNITION, IF NECESSARY AT ALL, SHOULD BE CARRIED WITH THE OFFICER'S AUXILIARY SUPPLY OF JOSE BULLETS FOR USE IN APPROPRIATE SITUATIONS ONLY.

3) Ammunition Testing and Purchasing Procedures

The purchase of proper ammunition by law enforcement agencies, being a rather complex affair, is fraught with many difficulties. An ammunition manufacturer's published specifications are often misleading because the test procedures employed to obtain them bear only a limited relation to performance expectations when the bullet is fired from a particular handgun. For example, stated muzzle velocity figures based on test firings through an eight-inch barrel which lacks a cylinder yield impressively high figures; while firing the same bullet from a gun with a four-inch barrel, coupled with the loss of velocity in the transit from cylinder to barrel, results in substantially lower velocity figures. Even assuming that the prospective purchaser makes an informed decision with respect to the specifications of the desired ammunition, existing purchase procedures -- at least those studies on the State level -- are not sufficiently thorough or sophisticated to insure either that the product delivered conforms to the required standard or that all the individual bullets delivered are of uniformly acceptable quality.

RECOMMENDATIONS

a) A CENTRALIZED STATEWIDE TESTING UNIT WITHIN A STATE AGENCY SUCH AS THE STATE POLICE SHOULD BE ESTABLISHED, ONE THAT CAN ROUTINELY AND ON PARTICULAR REQUEST CONDUCT TESTING PROCEDURES ON ALL AVAILABLE AMMUNITION THAT CAN BE FIRED FROM GUNS APPROVED FOR USE BY LAW ENFORCEMENT AGENCIES IN THE STATE. SUCH TESTING SHOULD BE CONDUCTED IN A MORE REALISTIC MANNER THAN THAT GENERALLY EMPLOYED BY AMMUNITION MANUFACTURERS, AND THE TEST RESULTS SHOULD BE SENT TO ALL STATE AGENCIES THAT PURCHASE AMMUNITION. SUCH RESULTS SHOULD ALSO BE AVAILABLE, UPON REQUEST, TO ANY LOCAL LAW ENFORCEMENT AGENCY FOR ITS GUIDANCE. THE SERVICES OF THE UNIT SHOULD ALSO BE AVAILABLE, UPON REQUEST OF LOCAL LAW ENFORCEMENT AGENCIES, TO TEST AMMUNITION PURCHASED OR CONTEMPLATED FOR PURCHASE BY THEM.

b) BID LETTING BY STATE AGENCIES FOR AMMUNITION PURCHASES SHOULD BE STANDARDIZED. BID SPECIFICATIONS SHOULD INCORPORATE THE DESIRED BULLET CHARACTERISTICS AS DETERMINED BY THE TEST RESULTS OF THE STATEWIDE TESTING UNIT. SUCH SPECIFICATIONS SHOULD BE DETAILED AND COMPREHENSIVE AND SHOULD BE PERMITTED TO INCLUDE, WHERE JUSTIFIED, A REQUIREMENT THAT A PARTICULAR MANUFACTURER'S PRODUCT BE THE ONLY ONE CONSIDERED.

c) AMMUNITION MANUFACTURERS SHOULD BE REQUIRED OR, AT LEAST, ENCOURAGED TO TEST FIRE AMMUNITION INTENDED FOR NEW YORK STATE LAW ENFORCEMENT AGENCIES FROM A FOUR-INCH BARREL RATHER THAN AN EIGHT-INCH ONE.

d) BID LETTING PROCEDURES SHOULD REQUIRE THAT A SUCCESSFUL BIDDER SUPPLY A SMALL QUANTITY OF BULLETS BEFORE FULL DELIVERY IN ORDER THAT THE STATEWIDE UNIT MAY TEST THEM FOR COMPLIANCE WITH THE REQUIRED SPECIFICATIONS. UPON DELIVERY, SIMILAR COMPLIANCE TESTS SHOULD BE CONDUCTED ON RANDOM SAMPLES OF THE AMMUNITION AS DELIVERED.

4) Recruit Firearms Testing

Police Officers* in New York State are required to have at least 24 hours of firearm training involving the discharge of 240 rounds of ammunition. This training is part of a minimum 285-hour course prescribed by the Municipal Police Training Council; successful completion of such course is a prerequisite to certification as a permanent police officer.

There are a number of criticisms that can be leveled at the present New York State practices relating to firearm training. First and foremost, is the amount of mandated training. While the balance between professionalized training and economic constraints is difficult to strike, it is clear that economic considerations must take a back seat to the compelling social interest underlying highly trained police officers with expertise in both how and, more important, when to use their firearms.

In addition to the amount of training, problems exist with respect to the phasing of firearm training for probationary police officers and the standardization of training procedures. The law presently provides that a probationary police officer must complete all required training within six months of appointment. Because of the phasing of police training school curricula and the policing need of localities, it is not uncommon for a probationary officer to work three or four months on the street before the commencement of his training. This produces the anomalous and potentially unsafe situation of probationary police officers carrying guns without any prior training in their use and operation whatsoever.

The findings of both the Statewide and Nationwide surveys conducted by DCJS indicate almost universal agreement that recruit officers should remain unarmed until they complete at least 40 hours of firearms training and fire at least 600 rounds of ammunition for familiarization and qualification.

* This does not include members of the New York City Police Department and the New York State Police whose minimum standards are not prescribed by the Municipal Police Training Council.

RECOMMENDATIONS

a) THE FIREARM COMPONENT OF THE MUNICIPAL POLICE TRAINING PROGRAM SHOULD BE IMMEDIATELY UPGRADED FROM 24 HOURS TO AT LEAST 40 HOURS WITH A CONCOMITANT INCREASE IN THE NUMBER OF ROUNDS TO BE FIRED FROM A CURRENT 240 TO AT LEAST 600. THIS CHANGE WILL BRING A STANDARD WHICH HAS BEEN OUTDATED FOR APPROXIMATELY 10 YEARS INTO THE RANGE OF CONTEMPORARY TRAINING PROGRAMS IN MOST MAJOR POLICE DEPARTMENTS THROUGHOUT THE UNITED STATES.

b) ALL POLICE DEPARTMENTS IN THE STATE SHOULD PROMULGATE REGULATIONS TO PROHIBIT THE ISSUANCE OF A FIREARM TO A PROBATIONARY OFFICER UNTIL HE HAS AT LEAST COMPLETED THE FIREARM COMPONENT OF THE STATE-MANDATED TRAINING.

c) IF NECESSARY, SECTION 840 OF THE EXECUTIVE LAW SHOULD BE CHANGED TO PROHIBIT ISSUANCE OF A WEAPON TO A PROBATIONARY OFFICER UNLESS AND UNTIL HE SUCCESSFULLY COMPLETES THE MANDATED FIREARMS COMPONENT OF THE MPTC TRAINING PROGRAM.

5) In-Service Firearms Training

Police officers should always be trained with the weapons and ammunition that they will be using on duty. They must know what to expect when they fire their weapons. They must realize the potentials and limitations as well as the peculiarities of their ammunition and weapons. It is proposed that such training cover both bright and dimly lit situations, so that officers are aware of the amount of muzzle flash that their weapons will produce with a particular brand of ammunition. If officers are to be issued .357 Magnum revolvers, training should take place with this ammunition and not .38 Special ammunition. This is important, so that officers will become accustomed to the greater amount of recoil and flash and not develop a fear of their weapon.

RECOMMENDATION

a) FIREARMS TRAINING SESSIONS SHOULD BE CONDUCTED USING AMMUNITION THE OFFICER IS AUTHORIZED TO USE AS HIS SERVICE LOAD. THIS IS PARTICULARLY IMPORTANT FOR OFFICERS USING .357 MAGNUM OR OTHER HIGH VELOCITY LOADINGS.

To insure shooting competency, every law enforcement agency's policy relative to firearms training should require each officer to maintain a minimum qualifying score in the firearms practice course adopted by the agency. It is therefore imperative that every agency require its officers to demonstrate their shooting proficiency at least semi-annually at a practice range.

RECOMMENDATION

b) IN-SERVICE FIREARMS TRAINING SHOULD BE CONDUCTED AT LEAST ON A SEMI-ANNUAL BASIS WITH A MINIMUM OF 100 ROUNDS FIRED AT EACH SESSION.

The shooting course should simulate real conditions, not merely provide stationary, bulls-eye targets. The F.B.I. range at Quantico, Va. provides moving and rapidly turning targets. Many larger departments provide a model shooting simulator for realistic firearms training.

RECOMMENDATION

c) EVERY POLICE OFFICER IN THIS STATE SHOULD BE AFFORDED ADEQUATE RANGE FACILITIES.

As presently constituted, the Bureau for Municipal Police does not certify firearms instructors according to uniform qualifications criteria. If a member department notifies BMP of its intentions to designate a particular officer to conduct firearms training, he is usually accepted without substantiation of his qualifications. Many recognized agencies, such as the F.B.I. at their range at Camp Smith, and the National Rifle Association, offer advanced firearms courses to train men as instructors.

RECOMMENDATION

d) FIREARMS TRAINING SHOULD BE CONDUCTED ONLY UNDER THE SUPERVISION OF A QUALIFIED RANGE MASTER WHO HAS BEEN CERTIFIED BY BMP AFTER COMPLETION OF A RECOGNIZED COURSE IN ADVANCED FIREARMS TRAINING.

The F.B.I.'s Uniform Crime Reports for 1972, 1973 and 1974 indicate that a fairly large number of police officers killed in the line of duty during that time were killed by their own or another officer's gun taken from them at the time of confrontations. This fact suggests that many police officers may not be sufficiently alert to the dangers of particular situations they come upon, or may need additional training in general defense tactics.

RECOMMENDATION

e) THOSE DEPARTMENTS CURRENTLY AFFORDING THEIR MEN TRAINING IN DEFENSE TACTICS SHOULD RE-EVALUATE THOSE TRAINING PROGRAMS AND THOSE DEPARTMENTS WITHOUT SUCH PROGRAMS SHOULD INSTITUTE THEM IMMEDIATELY.

90.100 6) Deadly Force

All too often the public interprets a change in police weaponry as the answer to spiraling crime statistics, especially if they are led to believe that this change in armament is to a deadlier weapon. A community may believe that if their police have newer, higher velocity weapons, they are likely to have less crime. Nothing could be further from the truth.

The police weapon, whether a .38 calibre revolver or a .357 Magnum, has never been, nor was it intended to be an instrument to reduce crime. The only reason we arm our police is for the protection of the officer and for the protection of society.

By law, a police officer making an arrest cannot use more force than necessary to arrest an individual and cause him to answer the charges made against him. If, for instance, a mere touch is enough to overcome resistance, than that is all the officer is legally entitled to use. Opponents of the use of the .357 Magnum argue that the police sidearm should be a defensive weapon and used to incapacitate and not to kill. Debates that one weapon or another inflicts more pain or is more deadly are foolhardy. The wounds inflicted by any weapon are cruel, painful, and a risk of life.

No police officer has the right to use his weapon indiscriminately. Therefore, the public has no reason to fear either the .38 revolver or the .357 Magnum until a situation exists in which the use of the weapon is a real possibility. Once the situation exists, it is ludicrous to debate which weapon is more deadly. Each and every weapon available to officer, citizen or felon alike, whether it be a .38 revolver or a .357 Magnum, is a death dealing instrument.

The real issue is not the kind of weapon or the ammunition used, but the police officer's judgment in a crisis situation.

Since no two shooting confrontations are ever exactly the same, no truly definitive policy covering every possible situation can be set forth as to when an officer can and should draw his service revolver. These situations usually call for split-second decisions and are decided more through reaction based upon training and experience than through conscious deliberations.

It is recognized that there are times an officer can and should draw his weapon when making an arrest although no deadly force confronts him; it cannot be denied however, that once he pulls the trigger of that weapon, he has committed himself to an irreversible course of action. It is therefore manifestly irresponsible to give police officers the most up-to-date weaponry without giving them precise instructions and training as to when deadly force can and should be used.

RECOMMENDATION

EVERY POLICE AGENCY WITHIN NEW YORK STATE SHOULD ARTICULATE, IN WRITING, ITS POLICY REGARDING THE PERMISSIBLE USE OF DEADLY FORCE, AND THAT POLICY SHOULD INCLUDE THE FOLLOWING:

a) SHOOTING FROM OR AT A MOVING VEHICLE SHOULD BE PROHIBITED UNLESS THE OCCUPANT(S) OF THAT VEHICLE IS USING DEADLY FORCE AGAINST THE OFFICER OR ANOTHER, BY MEANS OTHER THAN THE VEHICLE ITSELF.

b) WARNING SHOTS FIRED TO INDUCE A FLEEING SUBJECT TO HALT SHOULD BE PROHIBITED.

c) SHOOTING AT ALLEGED FELONS FOR THE SOLE PURPOSE OF APPREHENDING THEM SHOULD BE PROHIBITED.

d) SHOOTING DURING BARRICADE CONFRONTATIONS SHOULD BE RESTRICTED TO THOSE INSTANCES WHEN THE INTENDED TARGET IS CLEARLY VISIBLE TO THE OFFICER.

e) SHOOTING AT A SUBJECT WHO IS HOLDING AN INNOCENT PERSON AS A HOSTAGE SHOULD BE PROHIBITED WHEN THE FIRING WOULD ENDANGER THE HOSTAGE OR ANY OTHER INNOCENT PERSON.

7) State Firearms Discharge Review Board

Much can be learned from an investigation into the circumstances under which a police officer or peace officer discharges his weapon. What is learned in any one instance may not be particularly significant, but the study of many such instances should yield sufficient data from which reliable general conclusions can be drawn. These conclusions can then be usefully incorporated into the overall training of police officers. To obtain a sufficiently large and broad sampling of data regarding gun discharge incidents requires the collection of such data on a statewide basis.

A number of large departments, notably New York City, already have well functioning discharge review mechanisms. These departmental review mechanisms are typically oriented to determining whether a police officer violated a statute, rule, regulation or order by discharging his weapon. It is suggested here that all gun discharge incidents by police and peace officers should be subject to such review procedures, and that the departmental review mechanisms themselves should be required to meet certain minimum standards designed to assure the fairness and thoroughness of their reviews.

The State review board proposed herein would analyze the facts and circumstances pertaining to such incidents for the purpose of improving police training. In addition, the review board would establish standards for departmental review mechanisms, certify and monitor such mechanisms, and act itself as the reviewing board where an appropriate local mechanism does not exist.

RECOMMENDATION

A STATEWIDE FIREARMS DISCHARGE REVIEW BOARD SHOULD BE ESTABLISHED TO PERFORM THE FOLLOWING FUNCTIONS:

a) REVIEW ALL INCIDENTS INVOLVING SHOTS FIRED BY POLICE OFFICERS AND PEACE OFFICERS, WHETHER ON DUTY OR OFF DUTY, EXCEPT SHOTS FIRED IN THE COURSE OF LAWFUL HUNTING OR TARGET PRACTICE, IN ORDER TO PROVIDE USEFUL DATA FOR POLICE TRAINING PURPOSES. IN THIS REGARD, IF AN APPROPRIATE LOCAL REVIEW MECHANISM EXISTS WITHIN ANY GIVEN POLICE DEPARTMENT OR AGENCY EMPLOYING PEACE OFFICERS, OR IS HEREAFTER ESTABLISHED THEREIN, ITS INVESTIGATION REPORT MAY BE ACCEPTED BY THE STATE BOARD. IN SUCH CASES THE BOARD WILL ANALYZE THE REPORTS ONLY FOR THE PURPOSE OF ABSTRACTING USEFUL TRAINING MATERIALS, AND NOT FOR THE PURPOSE OF RE-INVESTIGATING THE SHOOTING INCIDENT ITSELF.

b) SET STANDARDS FOR LOCAL FIREARMS DISCHARGE REVIEW COMPOSITION, PROCEDURES AND OPERATION; CERTIFY LOCAL REVIEW BOARDS THAT CONFORM TO THE ESTABLISHED STANDARDS; MONITOR ALL LOCAL BOARDS PERIODICALLY AND REQUIRE LOCAL BOARDS TO FURNISH INCIDENT REPORTS TO THE STATE BOARD.

c) WHERE NO APPROPRIATE LOCAL REVIEW BOARD EXISTS, THE STATE BOARD WILL BE RESPONSIBLE FOR REVIEWING THE FACTS AND CIRCUMSTANCES PERTAINING TO THE FIREARMS DISCHARGE INCIDENT.

d) RENDER AN ANNUAL REPORT TO THE GOVERNOR WHICH PRESENTS A DESCRIPTION AND ANALYSIS OF PERTINENT DATA GLEANED FROM ITS INCIDENT REVIEWS, SUMMARIZE THE TRAINING MATERIALS DEVELOPED OR REFINED AS A RESULT OF THESE ANALYSIS AND, WHERE APPROPRIATE, SET FORTH RECOMMENDATIONS FOR ADMINISTRATIVE, EXECUTIVE OR LEGISLATIVE ACTION.

8) Firearms Wound Data Bank

At the present time it is estimated that approximately 60,000 police officers are employed by almost 600 police departments across New York State. Each year, police officers discharge their firearms in the course of duty. Generally speaking, little basic information is presently being compiled and disseminated concerning wounds which may result from firearms use. Without this information, no informed judgments can be made on such questions as the effect or effectiveness of various weapons and ammunition in actual shooting situations. Such data would aid immeasurably in future studies and evaluations of weaponry, choices of ammunition, and the treatment of gunshot wounds.

RECOMMENDATION

AN APPROPRIATE STATE AGENCY SHOULD BE VESTED WITH AUTHORITY TO COMPEL LOCALITIES TO COLLECT AND REPORT DATA, ESPECIALLY MEDICAL DATA, TO A CENTRAL REPOSITORY IN ALL INSTANCES OF POLICE CONFRONTATIONS RESULTING IN GUNSHOT WOUNDS. THE DESIGNATED STATE AGENCY SHOULD BE DIRECTED TO CONSULT WITH APPROPRIATE AUTHORITIES AND EXPERTS AND DEVELOP A STANDARDIZED REPORT FORM AS WELL AS CRITERIA FOR ACCESS TO THE INFORMATION. ON THE BASIS OF THE DATA SUBMITTED, THE DESIGNATED STATE AGENCY WOULD PRESENT TO THE GOVERNOR AN ANNUAL REPORT WHICH ANALYZES THE NATURE AND EFFECT OF THE WOUNDS INFLICTED, BY THE TYPE AND CALIBRE OF WEAPON AND AMMUNITION INVOLVED.

9) Central Register of Police and Peace Officer Agencies

The opening pages of this report described some of the difficulties encountered by the staff of this study in getting accurate counts of the numbers of police agencies and peace officer groups in the State and the authorized complement of each. The fact is that complete and reliable figures are just not presently available. This represents a surprising and somewhat embarrassing gap in our knowledge; a gap that should be eliminated. The study of many important questions, in addition to those reported on here, require the availability of accurate and complete information as to the numbers and composition of police and peace officer agencies in the State.

RECOMMENDATIONS

a) A CENTRAL REGISTER OF POLICE AGENCIES SHOULD BE ESTABLISHED AND MAINTAINED IN AN APPROPRIATE STATE AGENCY, SUCH AS THE BUREAU FOR MUNICIPAL POLICE WITHIN THE STATE DIVISION OF CRIMINAL JUSTICE SERVICES. EVERY STATE AGENCY AND EVERY UNIT OF LOCAL GOVERNMENT THAT PRESENTLY CONTAINS A POLICE DEPARTMENT OR FORCE SHOULD BE REQUIRED TO FILE A REGISTRATION STATEMENT WITH THE CENTRAL REGISTRY. AS TO POLICE DEPARTMENTS OR FORCES THAT MAY COME INTO BEING IN THE FUTURE AND THOSE THAT MAY CEASE TO FUNCTION AS INDEPENDENT UNITS, THE APPROPRIATE STATE AGENCY OR LOCAL GOVERNMENT SHOULD BE REQUIRED TO REGISTER THE POLICE FORCE, WITHIN 30 DAYS OF ITS BIRTH OR DEMISE. THE REGISTRATION DATA SHOULD, AT A MINIMUM, INCLUDE THE NAME OF THE POLICE AGENCY, THE GEOGRAPHIC AREA OF ITS JURISDICTION, AND THE AUTHORIZED NUMBER OF SWORN POLICE OFFICERS. FURTHER, STATE AGENCIES AND LOCAL GOVERNMENT SHOULD BE REQUIRED TO UPDATE THE REGISTRATION INFORMATION AT LEAST ANNUALLY IF THE RELIABILITY OF THE DATA IS TO BE MAINTAINED.

b) AS A COUNTERPART TO THE POLICE AGENCY REGISTER, A CENTRAL REGISTER OF PEACE OFFICER GROUPS SHOULD BE ESTABLISHED AND MAINTAINED WITH RESPECT TO ALL PUBLIC AGENCIES, STATE AND LOCAL, WHICH EMPLOY PEACE OFFICERS. THE POLICE--PEACE OFFICER DISTINCTION IS PREDICTED ON THEIR SEPARATE STATUTORY DELINEATION (SEE CRIMINAL PROCEDURE LAW SECTION 1.20 (33), (34)) AND THE FACT THAT A NUMBER OF THEIR RESPECTIVE POWERS AND DUTIES DIFFER. SINCE, HOWEVER, PEACE OFFICERS HAVE SOME DEGREE OF POLICE POWERS AND FUNCTIONS, AN ACCURATE INVENTORY OF PEACE OFFICER GROUPS IS NEEDED. IT SHOULD BE NOTED THAT THE DELEGATION OF PEACE OFFICER STATUS IS NOT RESTRICTED TO THE CRIMINAL PROCEDURE LAW A SUBSTANTIAL NUMBER OF GROUPS ARE GIVEN PEACE OFFICER POWERS IN OTHER BODIES OF LAW (SEE REPORT PAGES 175-176). ALL PEACE OFFICER GROUPS, REGARDLESS OF THE LOCATION OF THEIR STATUTORY DESIGNATION AS SUCH, SHOULD BE INCORPORATED IN THE REGISTER. THE DATA ELEMENTS AND THE OTHER REGISTRATION REQUIREMENTS WITH RESPECT TO POLICE AGENCIES SHOULD LIKEWISE BE APPLICABLE TO THE REGISTRATION OF PEACE OFFICER UNITS.

10) Weapons and Training of Peace Officers

Peace officers are not required by law to register their handguns, whether they are service sidearms or off-duty weapons. Firearms training for peace officers is not addressed either by law or regulation (Municipal Police Training Council).

RECOMMENDATIONS

a) PEACE OFFICERS SHOULD BE REQUIRED TO REGISTER WITH THEIR EMPLOYING AGENCY ALL WEAPONS OWNED BY THEM, WHETHER USED ON OR OFF DUTY.

b) PEACE OFFICERS SHOULD BE REQUIRED TO MEET THE SAME MINIMUM TRAINING REQUIREMENTS PERTAINING TO FIREARMS AS ARE REQUIRED OF POLICE RECRUITS. (SEE RECOMMENDATION #4 ABOVE). NO WEAPONS SHOULD BE ISSUED TO A PEACE OFFICER UNLESS AND UNTIL HE HAS SUCCESSFULLY COMPLETED THIS TRAINING.

c) EACH AGENCY EMPLOYING PEACE OFFICERS SHOULD ARTICULATE IN WRITING ITS POLICIES REGARDING THE PERMISSIBLE USE OF DEADLY FORCE, AND SHOULD PROVIDE ADEQUATE TRAINING IN THESE POLICIES FOR ALL RECRUIT PEACE OFFICERS.

11) Civilian Handgun Measures

While the findings and recommendations of this report focus essentially of the use of handguns by police, its concerns cannot be addressed adequately without according some attention to the availability and use of handguns among the civilian population. The concern of the police with their own weaponry is reflective, at least in part, of police concern with the easy availability of handguns to the civilian population.

At present, New York State law essentially authorizes the issuance of a handgun license to virtually anyone who asks. Section 400.00 of the Penal Law authorizes the issuance of a pistol license of any person (1) who is of good moral character; (2) who has not been convicted anywhere of a felony or a serious offense; (3) who has stated whether he has ever suffered from or been confined to a hospital for mental illness; and (4) concerning whom no good cause exists for the denial of the license. Thus, under present licensing regulations, a person may be licensed to own a handgun without any regard to the person's age, the possible presence of a physical disability or vision impairment which would impede the person's ability to use a handgun safely, or the person's proficiency in and knowledge of the proper use of the handgun.

The irrationality of the present licensing scheme is illuminated by contrasting it with the licensing process regulating operation of motor vehicles in New York State. The Vehicle and Traffic Law establishes meaningful standards which must be satisfied before an individual is licensed to operate a motor vehicle. No person is eligible to apply until he is at least 18 (17 if he has successfully completed an approved driver's education course). No person may be issued even a learner's permit until he has taken and passed a vision test and a test for color blindness; nor will a learner's permit be issued until the applicant has taken and passed a test relating to traffic, traffic laws and road signs. Most important, no person will be issued a license until he has demonstrated his driving proficiency during a road test. Finally, a license is valid for a fixed term; renewal requests must be accompanied by proof of continuing fitness and acceptable vision. (Vehicle and Traffic Law Section 502).

A handgun is certainly no less dangerous an instrument than an automobile. Both carry a strong risk of harming or killing when used improperly. Prudence dictates that licensing standards at least as rigorous as those imposed upon a prospective operator of an automobile must be adopted for a prospective handgun owner.

The societal problems caused by a proliferation of handguns in unqualified hands cannot be ameliorated totally by only providing badly needed reforms in the licensing process. Beyond the changes described above, it is clear that measures must be shaped to provide authorities with more information concerning both the owners and users of handguns.

RECOMMENDATIONS

a) THE PENAL LAW SHOULD BE AMENDED IN ORDER TO: (1) ESTABLISH A MINIMUM AGE FOR APPLICANTS; (2) REQUIRE VISION TESTING; (3) REQUIRE TESTING ON THE LAWFUL USE AND SAFE OPERATION OF THE HANDGUN; (4) REQUIRE A PROFICIENCY TEST MANDATING A MINIMUM SKILL LEVEL; AND, (5) AUTHORIZE THE ISSUANCE OF A LICENSE FOR A FIXED TERM ONLY THROUGHOUT THE STATE AND PROVIDE FOR RENEWAL UPON PROOF OF CONTINUING FITNESS.

b) EACH PERSON LICENSED TO OWN A HANDGUN SHOULD BE REQUIRED TO NOTIFY A DESIGNATED AGENCY AND PROVIDE DETAILED INFORMATION WITH RESPECT TO EVERY INSTANCE IN WHICH THE HANDGUN HAS BEEN DISCHARGED OTHER THAN SHOTS FIRED IN THE COURSE OF LAWFUL HUNTING AND TARGET PRACTICE AT LAWFUL SITES.

c) THE PENAL LAW SHOULD BE AMENDED SIMILARLY TO THE MASSACHUSETTS LAW, TO PROVIDE THAT A PERSON CONVICTED OF UNLAWFULLY CARRYING A PISTOL, REVOLVER, RIFLE, OR SHOTGUN, WHETHER LOADED OR UNLOADED, SHALL BE SENTENCED TO A MANDATORY TERM OF IMPRISONMENT OF ONE YEAR.

III. STUDY DATA AND CONCLUSIONS

This section of the report presents the data and analysis prepared by staff in conducting the study. It is the material in this section that gave rise to the major findings and recommendations set forth in Section II. The subsections which follow below basically follow the same sequence in which the recommendations were presented in Section II.

A) Handguns Used By Police

1) General Patterns of Handgun Use Among Police Agencies in the State

While the handgun most widely used by the police in New York State is the .38 calibre revolver, the Statewide Survey indicated a sizable trend in the numbers of departments either allowing or mandating the use of .357 Magnum revolvers, and a small number of departments issuing 9mm automatic weapons to their members. (See Table I, following.) Of 374 responding agencies, 148 use .38 revolvers exclusively; they include most of the large city police departments in New York State and thus employ the greatest number of officers. Another 180 departments use .357 Magnum revolvers exclusively or optionally. Some of their officers do not have a choice of calibre, e.g., where department regulations specify that detectives will carry .38 revolvers and patrolmen .357 revolvers; but conversations with police in the course of telephone canvasses have indicated that where officers have a choice, most opt for the higher velocity weapon.

Of the 180 departments using the .357 exclusively or optionally, 26 name the .38 calibre cartridge as the only authorized ammunition. And the majority of the 180 use .38 ammunition for firearms training. The effects of these practices are discussed at length in the section on ammunition.

A few departments forbid their officers to carry automatic weapons on duty, but the study found 5 departments which specify 9mm automatics as issue weapons for their officers. The 9mm, used virtually everywhere in the world outside the United States as the standard police weapon, has a different set of firepower characteristics from both the .38 and the .357, and is discussed more fully in the ballistics section.

Most of the departments responding to the survey (see Appendix B for the survey findings on all responding departments) specify and issue a revolver by calibre, barrel length, grips, finish, action, capacity for firing without

reloading, and sometimes by make, model, and trigger pull. Some departments list two or more comparable makes and models, leaving the choice of particular weapon to the preference of the officer.

At the other extreme are departments that depend on members' purchases of weapons for on-duty sidearms, which meet nominal department standards and/or monetary means of the officer. Officers are required to purchase their own weapons from the time of employment, then train and assume duty with them. Presumably the advice of other officers, popular gun magazines, and the new officer's prior experience (if any) play a part in this purchase, along with the officer's personal budgetary constraints. Requirements stated by such departments resemble the following examples:

"Men furnish their own weapon, no automatics may be used."

"The only regulation is that the gun be in top working order, not pitted in the barrel."

"Verbal department rule. .38 calibre."

"Service guns at present time bought by each officer."

"Handgun purchased by employee at his discretion."

It should be noted here that this study made no attempt to survey existing practices relative to off-duty handguns, though many departments mentioned them in their responses.

TABLE I. DISTRIBUTION OF POLICE HANDGUNS AMONG ALL
RESPONDING POLICE DEPARTMENTS IN NEW YORK STATE

<u>CALIBRE(S)</u>	<u>NUMBER OF DEPTS.</u>	<u>NUMBER OF OFFICERS</u>
.38 exclusively	148	47,975
.357 Magnum exclusively	67	4,458
.38 or .357	113	5,054
9mm exclusively	5	148
.38 or 9mm	2	59
.38, .357 or .32	2	8
.38, .357 or 9mm	5	36
.357 or 9mm	2	25
.380 automatic	1	3
.38, .357, .45 or 9mm	1	10
No gun	1	1
Information Unavailable from questionnaire	<u>28</u>	<u>264</u>
Totals	374	58,041

2) New York State Police Adoption and Use of the
.357 Magnum

The material presented below describes the factors considered by the Division of State Police in deciding to adopt the .357 Magnum as its official service revolver. These passages were excerpted almost verbatim from a document bearing the title "New York State Police Adoption of the .357 Magnum," and dated June 2, 1975. In brief, this material shows how and why the State Police concluded that the .357 Magnum was the appropriate weapon to meet the particular needs of the agency.

Historical Review

"The Division of State Police has attempted to equip its members with the best technology available for our role in rural law enforcement. Upon organization in 1917, the first Division sidearm was the Colt "New Service" Revolver with 5½" barrel, chambered for the .45 Long Colt Cartridge. The New Service Revolver remained the issue sidearm of the Division until 1955, when a decision was made to rearm with the Colt "Official Police" Revolver with a 6" barrel, chambered for the .38 Special. In 1962 with the reorganization of the Division under command of a new Superintendent, all 6" barreled revolvers were traded for the same model weapon with a 4" barrel. In 1972, as a result of negotiations with the Police Benevolent Association, the State Police Executive Board made the decision to rearm uniform personnel with the .357 Magnum 4" barrel revolver. The decision to rearm was not only based on an employee demand, it included our evaluation of the effectiveness of the firearm, the training given our personnel, the type of area in which we enforce the law, the incident rate and type of crime with which we are confronted and most important, the general inability of personnel to receive back-up assistance due to the distance between patrols.

Employee Suggestion Program

"Throughout the 1960's numerous employee suggestions were submitted urging a change in the Division's issued sidearm. In all cases, the suggestions expressed a desired preference for a weapon of the .357 Magnum class. It was claimed that the .357 Magnum afforded superior effectiveness against the armed criminal in an automobile or barricaded behind other protective covering.

Collective Bargaining

"During the 1970-71 negotiations between the State of New York and the Police Benevolent Association (PBA) representing all Troopers, Sergeants, and Investigators, a demand that the State provide .357 Magnum sidearms for uniform personnel was received at the negotiating table. The State reviewed this demand and submitted sufficient arguments to have the matter tabled for further discussion. In the next contract period, 1971-72, the demand reappeared at the negotiating table. The PBA submitted a strong case in support of their demand for the .357 Magnum. The State, predicated upon its own research and considerations mentioned elsewhere in this report, agreed to the demand. Details concerning the phase-in and the weapon to be selected were referred to a joint State-PBA Labor/Management Committee. The Committee concluded its study on April 13, 1972, recommending a weapon developed by Division personnel and manufactured by the Smith and Wesson Company (Military and Police Model #10, .357 calibre with a 4" barrel).

Division Policy Permitting Personally Owned Firearms to be Carried on Duty

"Commencing with the reorganization of the Division in 1961, existing regulations affecting service revolvers were changed. The new regulations (Article 8, Subdivision 15) authorized a member to carry a personally owned revolver while on official duty, providing such weapon met established criteria and all administrative procedures were followed.

"From 1962 to 1973, when the new .357 Magnums were first issued, 1,139 members elected to carry a personally owned revolver chambered for the .357 Magnum or larger cartridge. The following is a list, in chronological sequence, of the number of members who were authorized to carry personally owned revolvers:

<u>YEAR</u>	<u>NUMBER</u>
1962	36
1963	95
1964	24
1965	109
1966	82
1967	109
1968	144
1969	124
1970	119
1971	110
1972	133
1973	54
Total	<u>1,139</u>

"Each member carrying a personally owned revolver is required to maintain the weapon to existing standards, e.g. properly fitted parts, minimum trigger pull, weight, etc. Each member utilizing a personally owned revolver chambered for a cartridge other than Division issue, must provide all of the ammunition required for training purposes and must maintain the required qualification scores in order to retain authorization to carry the weapon concerned. In all cases involving personally owned revolvers, the quality of the weapon concerned was superior to that of the Division issued service revolver. Such superior quality resulted from improved finished and accessories rather than improved design.

Comparative Test Data, .38 vs .357 Magnum

"In addition to the technical knowledge required, it is interesting to understand the history of the cartridges involved in this study. In an effort to produce a more powerful cartridge than the standard .38 long, the Smith and Wesson Company lengthened the cartridge to hold more powder. This occurred in the days of black powder, when this was the only practical method of getting greater velocity. The year of the first .38 Special was 1902 when Smith and Wesson brought out a new model handgun for their then "new" cartridge. The cartridge was not adopted by the military due to their poor experience with the .38 as a man-stopper in the Philippine Moro Rebellion. The new cartridge was readily adopted by law enforcement and has remained a standard for over seventy years. Starting out as a black powder cartridge, the .38 Special case is much longer than it would have had to be to handle modern gunpowders. In 1935, when Smith and Wesson brought out the .357 Magnum, the case was again lengthened. In this instance, the lengthening of the case was a safety measure to insure that the new high pressure magnum cartridge could not be fired in guns chambered for the .38 Special. Until after World War II the .357 Magnum was relatively unknown and its use was confined to hunters and experimenters. The cartridge's popularity with law enforcement agencies commenced in the late 1950's with the marketing of new model weapons to handle it by both Smith and Wesson and Colt Firearms Company. Today the .357 Magnum is the most popular choice of law enforcement personnel. The principal reason for that popularity is the interchange ability of the .38 Special and the .357 Magnum, which allows great versatility in the selection of loads for different purposes.

"In any comparison of the .38 Special and .357 Magnum cartridges, it is important to dispel some of the erroneous impressions given by experts in the field of ballistics and cartridge design as well as those who draw improper conclusions based on published technical data. While it is true that .38

Specials can be custom loaded to equal the performance of the .357 Magnum, and the Magnum itself can be loaded to greatly exceed factory performance, choices must be based on data evolved from the testing of standard factory loads. It is only factory loaded ammunition that has the required reliability for law enforcement use.

"Although the preliminary choice of cartridge and bullet was made based on research conducted while evaluating member suggestions, it was in 1968 that the Division conducted numerous scientific tests in the continuing evaluation of the .357 Magnum.

Velocity

"The first thing we want to know about ammunition is bullet velocity. Velocity, or bullet speed, is an important factor in influencing bullet performance upon its impact with the target. Velocity testing was conducted with an Avtron Counter Chronograph, under exacting conditions, utilizing the issue weapon, a .38 Smith and Wesson Model 10 Revolver and a .357 Magnum Smith and Wesson Model 19 Revolver. Both revolvers were equipped with factory four-inch barrels. The tests utilized the issue .38 Special 158 Grain lead bullet and the .357 Magnum 158 Grain Jacketed Soft Point Bullet, both manufactured by Remington-Peters.

Published Velocity

.38 Special - 6" test barrel - 855 fps. (ft. per second)
.357 Magnum - 8 3/8" test barrel - 1,550 fps.

Actual Velocity

.38 Special - 4" barrel 789 fps.
.357 Magnum - 4" barrel 1,238 fps.

"Note that the actual velocities are significantly lower than the published figures. This is caused by the shorter barreled weapons used in our testing in comparison with weapons used by the manufacturers in their published reports.

Bullet Expansion

"Bullet velocity is important but the significant factor is what happens to the bullet on impact. There are numerous methods of evaluating the way a bullet will behave, short of shooting into living flesh. Although no method is exact due to the factors of soft skin, heavy muscle and bone found in the human body, our interest was also based on factors relating to penetration and how much of the bullet would be retained in one piece. Our choice for this test was the use of clean, dry sand, free of rocks, stones, and foreign matter. The bullets and weapons used in the tests were the same as in the preceding test.

- .38 Special expanded from a diameter of 0.357 to 0.611
.357 Magnum expanded from a diameter of 0.357 to 0.672

"Both bullets were recovered in one piece with no significant loss of weight.

Bullet Penetration

"This test involved the shooting of test bullets into 12 inch square panels of 5/8" five-ply plywood, spaced two inches apart, one behind the other.

- .38 Special - Penetrated 6 boards
.357 Magnum - Penetrated 9 boards

Bullet Design

"As noted in the preceding data, the .357 Magnum 158 grain jacketed soft point bullet performed in a superior manner in all tests performed. Although a comparative evaluation may be obtained, it must be clearly understood that the relationship of performance in muscle, bone and viscera, does not necessarily correlate with performance in any other available test medium. In the design of a bullet one must consider the expected use of the service revolver and then make concessions for less desirable qualities. There is no way of shooting someone humanely. The considerations of a law enforcement officer in using a side-arm basically are reduced to the life or death choice of, I shoot him or he shoots me. In a situation of that type, there is no person with sufficient skills and psychological control to say "I'll only wound him." Troopers are trained to aim at the largest portion of the body, which is the chest cavity. A hit, or multiple hits, rarely leads to death. The primary purpose of shooting in any instance is not to cause death but to stop the other party from continuing his action. As previously mentioned, a bullet is usually designed for a specific task but an all-round performer is a compromise. The chosen bullet for Division use is such a compromise. This bullet design discourages ricochets, penetrates effectively, expands on contact, yet remains in one piece.

Inadequacy of the .38 Special Revolver

"In the preceding decade, four Division members have been murdered by gunfire while in the performance of their duty. The weapons used in the commission of these murders consisted of one handgun, one shotgun and two rifles. The favored weapon of the urban criminal is the small, cheap, easily concealable .22 or .25 calibre pistol or revolver. In rural New York State, where rifles and shotguns are easily accessible and are a part of the utensils of the average country household, such weapons play a significant role in criminal activities.

"During 1974, rifles or shotguns accounted for 38% of the assaults, 39% of the armed robberies and 40% of the murders investigated by the Division of State Police. These figures are representative of the potential danger to a Trooper in the apprehension of the perpetrator.

"As a rural police agency, a significant number of complaints with which we deal involve animals. A comparison of like periods in 1972 and 1974, involving the destruction of animals, shows a characteristic increase in the effectiveness of the .357 Magnum over the .38 Special, in those instances where a handgun was used. While the majority of cases usually involves wild game animals such as bear, deer, raccoon, etc., many cases involve the destruction of domestic animals, such as horses, cows, sheep, etc. During the time frames in question, both the .38 Special and the .357 Magnum revolver were utilized. In those animals destroyed by handgun fire, it took an average of 2.5 rounds of .38 Special ammunition to kill each animal as opposed to 1.7 rounds for the .357 Magnum. This data is based on 340 such incidents, 159 where the .38 Special was used and 181 where the .357 Magnum was used.

"In October 1963, the FBI Law Enforcement Bulletin printed a study relating to the effectiveness of firearms against automobiles." In summarizing the conclusions reached based on experimentation, the author states, "It is safe to state, with rare exception, that the use of our standard .38 calibre revolver against an automobile body is ineffective. Even in those areas (windows, etc.) where the vehicle would be expected to be vulnerable, we found it usually is not."*

Experiences of Other Law Enforcement Agencies

"The demand for a more powerful handgun by State Police and Highway Patrols has increased directly in proportion to the proliferation of automobiles and crime statistics. In other sections of this report, the lack of effectiveness of the .38 Special in its use against the automobile is well-documented. This lack of effectiveness has created a continuing demand for more powerful and sophisticated weaponry by police agencies in general. The general lack of effectiveness of the .38 Special as a police cartridge has been the subject of numerous articles and studies published in various law enforcement and firearms periodicals. The psychological effect of this publicity has engendered a lack of confidence in the .38 Special cartridge for police use.

*Simon, Donald R. "How Effective are Firearms Against Automobiles?" FBI Law Enforcement Bulletin, October 1963.

"In a comparison of 48 responding State Police and Highway Patrol agencies, it was found that 32 agencies use the .357 Magnum, 15 agencies use the .38 Special and one agency uses the 9MM Cartridge.

Economic Considerations

"In 1967, during previous discussions involving the consideration of a changeover to .357 Magnum revolvers, it was determined that although the weapon was desirable, it was not economically sound as the present supply of Division issued 4" firearms was only 5 years old and still serviceable.

"During the ensuing years, an increasing number of existing service revolvers were having major mechanical failures and proving to be unserviceable. In 1970, it was estimated, based on repairs and random sample of issued weapons, that in excess of 50% of the 4" firearms should be replaced. These weapons were at least 8 years old and repair costs were determined to exceed replacement cost.

"As a result, it was the opinion of the Laboratory that all weapons should be replaced on a gradual basis for the following reasons:

1. The existing weapon was no longer being manufactured, thus a new weapon would have to be found.
2. For training purposes one standard type weapon is best.
3. Over the transition period, all existing 4" weapons would be in need of trade.

"Since the majority of existing 4" firearms were in need of replacement, original economic considerations were of less concern when the collective bargaining ensued on the .357 Magnum during the periods of 1970-1971 and 1971-1972. The estimated cost for .357 Magnums figured on a trade-in basis was essentially the same as for .38 Specials. In 1972-1973, 1400 .357 Magnums were purchased at a cost of \$41,342.00, a net cost of \$29.53 per firearm. In 1974-75, 1600 additional .357 Magnums were purchased for \$58,704.00, a net cost of \$36.69 per weapon.

The Phasing In Of The .357 Magnum

"Bids were opened June 6, 1972, and the contract awarded to Richard A. Sherburne, Inc. of Amherst, Massachusetts. Upon receipt of the first shipment of two hundred .357 S & W Magnum revolvers, distribution and training commenced in Troop "B" on February 14, 1973. Prior to any new firearm being sent to the Field, it is tested by firearms training personnel in the

New York State Police Academy. Phase-in of the .357 continued for the next two years and was completed throughout the Division (except for those members assigned to Division Headquarters) by May 1, 1975.

Training

"During our original evaluation of the .357 Magnum, one of our prime concerns involved the question of whether the average Trooper could handle the cartridge with regard to the additional muzzle blast and recoil. It was decided to evaluate this question by utilizing a recruit training class then in session. Our testing consisted of allowing 20 recruits to fire our normal 60 round P.P.C. Course both with the .38 Special Wadcutter ammunition and .357 Magnum ammunition. The resulting test scores represent the average of firing six separate P.P.C. Courses utilizing each type of ammunition, or twelve courses in all. The average for the .38 Special Wadcutter target load was 243 of a possible 300 points. The average for the .357 Magnum load was 235 of a possible 300 points.

"Our conclusion was that there was no significant change in scores fired, indicating no loss in effectiveness or efficiency with the .357 Magnum. This is particularly true when considering the overall lack of experience in shooting ability of the test group utilized. Our experience to date is indicative that our original premise was correct. Our Field firearms qualification scores do not indicate any loss of efficiency in conversion to the .357 Magnum. Indeed, comments of our personnel are indicative of their confidence in the new weapon.

"In March of 1972, a conference of Senior Firearms Instructors was held at the Academy. The purpose of the conference was to acquaint the supervising Field firearms instructors with the new service revolver, the plans for its issuance, and the pre-qualification required of each member in the Field. Prior to the issuance of the new revolver, each member received familiarization training with the new weapon and then had to fire a minimum qualification score over the required P.P.C. Course. At this time, all uniform Field personnel have been issued the new service revolver, with no incidence of failure to qualify.

Conclusions-Experience to Date

"The Division has experienced no incident that would discredit or diminish the facts stated above in any way. Our experiences with the .357 Magnum have reflected the soundness of the decision to utilize it. Field personnel are confident that they are armed with the best weapon obtainable and reports indicate that the weapon has done the job required of it when necessary. Continuing studies of the effectiveness of the .357 Magnum against an automobile have indicated the more satisfactory results of this cartridge. Reports from the Field are indicative that the new

service revolver has been effective in use against autos. This has lessened past dangerous practices of crashing cars and high speed chases. The .357 Magnum has also proven itself in anti-personnel actions. This has not resulted in wholesale killings or maimings as civil libertarians would believe and the media publish as fact. In the few instances of deaths caused by the .357 Magnum, the result would have been the same with the .38 Special. In the more frequent instances of non-fatal wounds, we find that in few cases would the .38 Special have done the required job of halting the action effectively with the least danger to the Trooper concerned. Despite the protests and misleading information published in the news media, we have found no instance where injury caused by the .357 Magnum has mutilated anyone in a manner which would not have been caused by the .38 Special. This statement includes the experiences of our member personnel who have been wounded with the .357 Magnum cartridge."

3) Comments on the State Police Choice of the .357 Magnum

a) State Police Choice of Weapon and Cartridge

Selection of the .357 Magnum revolver and Western 158 grain semi-jacketed soft point ammunition by the New York State Police is a good example of how the specialized requirements of a particular police agency necessitate adoption of a calibre and cartridge which may be unsuitable for use by another agency with different requirements.

Adoption of the .357 Magnum as the standard side-arm of the New York State Police was based on a number of considerations, the most important of which are:

1. The effectiveness of this calibre.
2. The type of area policed.
3. The type of crime and weapons encountered.
4. Inability of personnel to receive rapid back-up assistance.

What was desired was a calibre that not only was an effective incapacitating agent ("man stopper"), but one capable of piercing an automobile or barricaded house. This latter property gains significance if one realizes that of the 16 shooting incidents in which the New York State Police were involved in from 5-22-74 to 5-16-75, 12 involved vehicles.

The type of area policed is important in that it is generally rural. Gunfights, if they occur, do not take place in heavily populated areas with numerous bystanders. Rifles and shotguns are used in a significant percentage of crimes compared to urban areas. In addition, because of the large area patrolled by the New York State Police, it takes a long time (an average of 30 minutes) for police reinforcements to come to the assistance of a state police officer requiring aid. In view of these facts, the New York State Police decided to improve the performance of their personal sidearm by adopting the .357 Magnum.

Selection of a new handgun calibre by the New York State Police was only half the solution for increasing the effectiveness of their sidearm. The correct ammunition for the duties performed also had to be selected. Adoption of any new form of ammunition by a police agency usually involves a compromise among a multitude of desired but contradictory qualities. Thus, light-weight hollow-point bullets are effective incapacitating agents, but do not show great penetrating ability; full-metal-jacketed armor-piercing rounds show great penetrating ability, but poor incapacitating action.

The cartridge selected by the New York State Police - the Western 158 grain semi-jacketed soft point-is a good compromise between incapacitating and penetrating capabilities. The cartridge shows great incapacitating ability - approximately four times that of the standard 158 grain round nose .38 Special cartridge. (See Table VI, pages 65-69.) In addition, this .357 cartridge has excellent penetrating power. In experiments conducted at the Southwestern Institute of Forensic Sciences, the 158 grain Western soft point bullet is third in penetrating capability as compared to the .357 Magnum armor-piercing round.

The Western 158 grain semi-jacketed soft point round, while a good choice for the New York State Police, is not suitable for use in urban areas. This is because while great penetrating ability is desired by the State Police, as most of their shootouts are centered around motor vehicles and unpopulated areas, such is not the case for urban police agencies. Great penetrating ability for ammunition is a hazardous trait in an urban area. Ammunition in an urban area should have great incapacitating ability, poor perforating ability, and a tendency not to ricochet. Such qualities are desired so as to prevent injury to innocent bystanders, who are numerous in urban areas.

b) Testing and Evaluation of .357 Magnum Ammunition
Used By the State Police

Ammunition now in use by and recently purchased for the New York State Police was evaluated by the Southwestern Institute of Forensic Sciences. The former ammunition is Western 158 grain semi-jacketed soft point and the latter, Smith and Wesson 158 grain semi-jacketed soft point. The weapon used for testing was a Smith and Wesson, Model 28 revolver in calibre .357 Magnum. Barrel length was 4 inches.

Both the Western and Smith & Wesson ammunition had been previously tested by the Institute. Table II gives the results of the tests compared to Remington .357 Magnum ammunition loaded with 158 grain semi-wadcutter bullet and Western 158 grain armor-piercing ammunition. Also included in this Table are the Relative Incapacitating Indexes (RI) for the Remington and Smith & Wesson ammunition, as determined by National Institute of Law Enforcement (NILE) tests. (See Table VI, on pages 65-69, for the Relative Incapacitating Index for all ammunition tested by NILE.)

Examination of Table II reveals that the Smith & Wesson and Western semi-jacketed soft point ammunition dropped 280 and 334 ft/lbs of energy in the gelatin blocks, making them superior to the other two forms of ammunition. In addition, on exiting these gelatin blocks, they have relatively low exit velocities and exit kinetic energies compared to the other two forms of ammunition.

TABLE II. .357 MAGNUM GELATIN TEST RESULTS - 4" BARREL REVOLVER

<u>Ammunition</u>	<u>Muzzle Velocity (ft/sec)</u>	<u>Exit Velocity from Gelatin (ft/sec)</u>	<u>Exit Kinetic Energy (ft-lbs)</u>	<u>Kinetic Energy Lost in Block</u>	<u>R.I.</u>
Remington 158 gr SWC	1191	972	331	166	10.2
Western 158 gr Armor Piercing	1206	925	301	209	-
Smith & Wesson 158 gr JSP	1078	603	128	280	17.2
Western 158 gr JSP	1180	661	154	334	18-21*

* Estimated

c) Economic Considerations in the State Police Choice

The State Police report raises more questions than it answers with respect to how strongly economics was a motivating factor in the decision to change over from .38 revolvers to .357 Magnums.

According to the report, fully 50% of the .38 revolvers had to be replaced by 1970. These weapons were only eight years old. A 1970 task force report to the National Commission on the Causes and Prevention of Violence stated that a weapon is "expected to last indefinitely if given proper care." The task force also found that "... it is unlikely that any significant number of firearms are worn out through use." While it is true that the task force was studying the use of firearms generally, and not specifically by police departments, the experience of the New York City Police Department seems to indicate that the conclusions of the task force would be equally applicable to the police. In New York City, the police department inspects, each year, approximately 60,000 on and off duty weapons. Of this 60,000, an estimated 200 are found to be mechanically inoperative and in need of major repairs. These 200 weapons equal less than 1% of the guns inspected and provide a marked contrast to the 50% figure estimated in the State Police report.

While there may be reasons to explain the high percentage of State Police weapons in need of major repair, these reasons were not explored in the State Police report. Perhaps, there were inadequate controls in effect at the time the weapons were originally purchased. Perhaps, there were inadequate periodic inspections. Or, perhaps, the "random sampling" and "repairs" system used did not provide an accurate estimation of the percentage of weapons actually in need of major repair. It is also important to note that the trade-in allowance received by the New York State Police on the used .38 revolvers totalled over \$111,380. This figure represents two-thirds of the original purchase price of weapons the majority of which were estimated by the State Police to be in need of major repair.

Assuming that all the statements contained in the "Economic Considerations" section of the State Police report are valid, the only conclusion which necessarily follows is that the weapons did, in fact, need to be replaced. It does not follow, however, that from an economic standpoint the weapons had to be replaced with Magnums. In fact, the State Police report mentions, albeit briefly, that the cost of purchasing new .38 revolvers as opposed to .357 Magnums was approximately the same. In light of this fact, it would appear reasonable to conclude that there were other, more compelling reasons for the purchase of the Magnums, than the "economic considerations" outlined in the State Police report.

d) Comparative Effectiveness of .38 and .357
in State Police Shooting Incidents

During the period between February, 1973 and May, 1975, State Troopers were using both .38 calibre and .357 Magnum revolvers. Table III presents comparative statistics for shots fired from the two weapons in a total of 22 shooting incidents involving State Police during that time period.

The comparison indicates that the overall percentage of scored hits against their intended targets was 58% for the .38 and 61% for the .357, barely a noticeable difference on the face of it. A similarly insignificant difference was found in the State Police comparative firearms test, in which recruits scored better firing the .38 (81%) than when they fired the .357 (78.3%).

Table III also shows that in perpetrator-related shooting incidents, the .357 Magnum users fired as many rounds per perpetrator, 3.3 rounds to 3.1 rounds, as did the .38 users, but had a lower hit percentage (41% compared to 50% by .38 users).

In vehicle-related incidents, the results were reversed in that .38 users fired nearly twice as many rounds at each vehicle as did .357 users (6.5 rounds and 3.9 rounds respectively), and had a hit percentage of 69% compared to 74% for .357 users.

It is possible that Troopers using .38 weapons were aware of the stated inability of a bullet fired from this calibre gun to penetrate vehicles, and thus fired more rounds at vehicles in order to compensate. The .357 users, on the other hand, fired fewer rounds per incident at vehicles and hit them more often, while firing the same number of rounds per incident at perpetrators and hitting them less often than did the .38 users. The latter observation might reflect that effects from recoil and muzzle blast from a .357 make it more difficult for the .357 user to hit a smaller target under combat conditions.

These conclusions are merely suggestive, since the number of shooting incidents involved is too small to yield any definitive results upon analysis. Table III combines all shots fired, all Troopers firing, and all incidents together. Furthermore, the validity of the conclusions is tempered by the following additional considerations: (1) not all conditions of firing were "fair," in that Troopers and assailants were not

each shooting from behind cover; (2) two Troopers lost their lives in two of these situations, yet each was mortally wounded before returning fire--their shots are included on the Table III; (3) another Trooper and a local officer were both shot in another incident before both returned fire--the Trooper's shots are included on Table III; (4) since each incident is unique, and each is a "stress" experience, at best, the conclusions presented above might be reliable for all incidents considered together, but totally unreliable for any one incident considered alone.

TABLE III

COMPARATIVE .38 AND .357 STATISTICS OF TWENTY-TWO*
SHOOTING INCIDENTS INVOLVING NEW YORK STATE POLICE PERSONNEL
BETWEEN FEBRUARY, 1973, AND MAY, 1975

<u>SHOTS</u>	<u>WEAPON USED</u>	
	<u>.38 Special</u>	<u>.357 Magnum</u>
Total shots fired	33	57
Shots that hit	19	35
Percentage	58%	61%
 <u>PERPETRATORS</u>		
Perpetrators fired upon	6	7
Perpetrators hit	4	7
Percentage	67%	100%
No. shots fired at perpetrators	20	22
Average no. shots per incident	3.33	3.14
Shots that hit	10	9
Percentage	50%	41%
Wounded	2	7
Fatal	2	0, but one suicide
 <u>VEHICLES</u>		
Vehicles fired upon	2	9
Vehicles hit	2	8
Percentage	100%	89%
No. shots fired at vehicles	13	35
Average no. shots per incident	6.5	3.9
Shots that hit	9	26
Percentage	69%	74%

*There were an additional four incidents. Two vehicular incidents did not lend themselves to the above analysis and have been omitted because three different calibres of weapons were used (.38, .357 and 12 gauge shotgun). There were eight hits of undetermined calibre in one of these instances; the field reports did not indicate the number of hits in the second incident, in which fifteen shots were fired.

The remaining two incidents involved one 12 gauge shotgun disabling a vehicle and one .270 rifle discharged in a barricade situation without determinable results.

e) New York City Police Department Considerations
in the Retention of the .38 Calibre Revolver

The New York City Police Department, one of the largest law enforcement agencies in this country, has not been excluded from the controversies that have plagued departments over the effectiveness or ineffectiveness of the .38 Special cartridge and the .38 revolver itself.

The Firearms Section of the New York City Police Department conducted a lengthy internal study over a several-year period during which they reviewed their entire arsenal, conducted tests and examinations, and evaluated their weaponry. As a result of this extensive study, they updated and replaced all their shoulder weapons but retained the .38 revolver as the Department's official service weapon.

The standard 158 grain, .38 Special round-nose police load was modified, however, with a custom-made semi-wadcutter bullet. This change was in the configuration of the bullet, not in the calibre or ballistic properties of the cartridge.

The material presented below regarding the New York Police Department weapons tests and conclusions, when compared with the foregoing material regarding the State Police decision to change over to the .357 Magnum, effectively illustrates the point that departmental choice of weapon should be based on the characteristics of the weapon and cartridges considered within the general environment and typical field situations encountered by the agency. Essential differences in environment and typical field situation account for the fact that the State Police and the New York Police Department, after extensive testing and analysis, came to very different conclusions vis-a-vis the relative merits of the .38 calibre and the .357 Magnum revolvers.

Of the 84 "gunfight situations" NYC police officers were engaged in during 1974, 53 took place at distances from point-blank range to 7 yards.

A study embracing many years found that of the more than 200 New York City policemen slain in the line of duty, all but one were killed at a distance of less than 7 yards.⁶ Similarly, in the cases of the 567 members of the service in 1973 who had to use their revolvers to protect themselves or others, the vast majority of the confrontations occurred at less than 7 yards, a few between 7 and 25 yards, and none past 25 yards. Also in most of these cases the officers were confronted by more than one adversary, usually with little forewarning.

6. New York City Police Academy Firearms Unit. Police
Revolver Bullet Potential. March, 1974. p.1.

Lt. Francis J. McGee, Commanding Officer, NYCPD Firearms Unit, in "Police Revolver Bullet Potential"⁷ states, "If one were to generalize - and we must speak in generalities when discussing police combat situations because each confrontation is unique - the majority are (1) relatively surprise situations, (2) at very close quarters, and (3) involve more than one adversary. It should follow that the police handgun must be of a size, design, and calibre that an officer can carry conveniently and employ swiftly, safely, and accurately. Similarly, the police cartridge must be capable of performing its designed task, that of penetrating the vital organs and, hopefully, expending all its energy within the body mass."

The New York City Police Department saw no justification for a change to either an automatic weapon or a higher powered revolver as the official service weapon. Classifying most police officers as "occasional users who fire their revolvers only on days they appear for firearms qualification,"⁸ the Department found that the standard .38 calibre revolver generally can be drawn and placed into action much faster and more safely than automatic weapons. The faster reloading capability of the automatic was unimportant, considering that Department data show that the average number of rounds expended during a confrontation is 2.6, about half the capacity of a service revolver. Investigation of cases in which members of the NYCPD were killed in the line of duty failed to disclose that any deaths resulted from an inadequate supply of ammunition.

It is the position of the Firearms Section of the NYCPD, based on their study, that the recoil and muzzle blast of a higher power load inevitably yield a greater period of adjustment to the recoil, and a large number of officers never become accustomed to it. They have also documented the fact that marksmanship scores and the ability to strike a target at close range decrease with a cartridge of higher velocity, even among firearms instructors and gun hobbyists, largely due to an increase in recovery time. The firearms training manual describes recovery time as the time required to return a fired weapon into alignment with its target. This time or lapse of time becomes critical⁹ when an officer is confronted by more than one armed adversary.

7. Ibid., p.2.

8. McGee, Francis J., Commanding Officer, New York City Police Academy Firearms Unit.

9. NYC Police Academy Firearms Unit, Police Revolver Bullet Potential, p.7.

The effect of ballistics on marksmanship is one of the considerations deemed most important by the NYCPD in the selection of a weapon and cartridge. Stopping a person whose brain may be anesthetized by drugs, alcohol, fear, or emotion, a person who is in an alarmed physical condition and who will mobilize all the body's resources for a stand-and-fight confrontation can best be accomplished by immediate interference with the primary life-supporting organs or the body support structure. Conversely, however, an individual who is aware that he has been struck by a bullet, and who thinks that the wound may cause his death, may immediately stop his action. In fact, he may even collapse from a most superficial bullet wound. But, when this immediate sobering effect is precluded by a strong emotional motivation, a person may completely disregard his wound. Then only a deadly or crippling strike will stop his action and the question of marksmanship takes on added significance.¹⁰ In this regard, even detractors of the .38 Special cartridge admit that it is superbly accurate and that its mild recoil makes it relatively easy to train recruits.

Other considerations which went into the selection of the NYCPD semi-wadcutter were the bullet's ricochet and penetration potential. The wadcutter has a low tendency to ricochet, which is an important factor in urban places. Further, the penetration of the bullet does not tend to be as great as a rounded projectile, making it less likely to pierce a wall and strike someone on the other side. The blunt-nose bullet leaves a clear, distinct wound channel and offers greater resistance to penetration, expending its energy quite rapidly within the body mass.¹¹

The New York City Firearms Unit is quick to acknowledge the truth in what most vocal detractors emphasize about the lack of penetration of the .38 Special, standard velocity cartridge. Firearms officers say, it is true that this bullet will not readily penetrate an automobile body. But penetration of an automobile is more dependent upon the angle of deflection than the velocity, penetration, or expansion potential of handgun projectiles. They state that penetration capabilities are not synonymous with bullet efficiency in combat situations. "Ricochets from an automobile, or the automobile glass for that matter, may be as dangerous or deadly to innocent

10. Ibid., p. 3.

11. Ibid., p. 8.

bystanders as the projectile in its initial flight. But again the mission of the policeman's sidearm must be reiterated - it cannot be all things for all men. Firing at an automobile, particularly one in motion, is fraught with danger. If the officer is successful in penetrating the body, he must not only be justified in killing the operator and/or other occupants of the automobile, but he must assume responsibility for a ton and a half of steel careening down a roadway out of control and endangering vehicular and pedestrian traffic".¹²

The New York City Police Department position on service firearms is that "the .38 Special revolver, loaded with an efficient bullet of minimum recoil, muzzle blast, and muzzle flash, while not a panacea, is about maximum in size, bulk, weight, mechanical manipulation, and RECOIL that the average police officer can handle quickly, safely and efficiently. Used skillfully, it will most certainly do the job for which it was intended." ¹³

Table IV presents the statistical data submitted by the NYCPD regarding all firearms discharge statistics for the year 1974.

12. Ibid.

13. Ibid.

TABLE IV

FIREARMS DISCHARGE STATISTICS OF THE NEW YORK CITY
POLICE DEPARTMENT FOR THE YEAR ENDING DECEMBER, 1974

Total number of shooting incidents reported.....420
Total number of members of the service (M.O.S.) involved....542
Total number of shots fired.....1,079
 At perpetrators.....949
 At animals..130

Total number of shots that hit..... 330
 Perpetrators.....238
 Animals..... 92

M.O.S. hit percentage against perpetrators..... 25%
Total number perpetrators fired upon.....739
M.O.S. shots fired per perpetrator.....2.2
140 perpetrators fired 306 shots at police in 134 incidents,
scoring 51 hits

DEATH AND INJURIES

Members of service killed	-	4 shot by perpetrators
Members of service injured	-	32 shot by perpetrators 23 stabbed by perpetrators 63 other injuries
Perpetrators killed	-	56 shot by M.O.S.
Perpetrators injured	-	65 shot by M.O.S. 1 other injury

DISTANCES AT WHICH M.O.S. FIRED

Less than 3 yards	-	232
3 - 7 yards	-	82
7 - 15 yards	-	42
15 - 25 yards	-	28
Undetermined	-	32
		<u>420</u> (includes gunfights)

GUNFIGHT SITUATIONS

Total number of gunfight situations reported	-	84
Total number of M.O.S. involved	-	137
Total number of shots fired	-	450
Total number of hits scored	-	89
Average gunfight hit percentage	-	19.7%
Average shots expended per incident	-	5.3
Average shots expended per man	-	3.2

TABLE IV (continued)

DISTANCES AT WHICH GUNFIGHTS OCCURRED AND HIT PERCENTAGE FOR
DISTANCE

<u>DISTANCE</u>	<u>No. OF INCIDENTS</u>	<u>SHOTS</u>	<u>HITS</u>	<u>HIT AVERAGE</u>
Point blank	2	19	11	57.8%
1 foot	1	6	1	16.6%
2 feet	1	12	6	50.0%
3 feet	2	2	1	50.0%
4 feet	2	16	10	62.5%
5 feet	6	32	7	22.5%
6 feet	7	51	11	21.5%
8 feet	4	19	11	57.8%
3-7 yards	28	203	30	14.7%
7-15 yards	12	29	1	3.5%
15-25 yards	10	33	0	0.0%
Undetermined	9	39	7	18.0%

TYPES OF WEAPONS USED BY M.O.S. WHO FIRED, AND RESULTS

<u>FREQ. OF USE</u>	<u>WEAPON</u>	<u>SHOTS FIRED</u>	<u>HITS</u>	<u>REMARKS</u>
328	Service .38 S&W or Colt 4"	723	218	(+20 warning shots)
182	Offduty revolver	427	115	(+18 warning shots)
12	Shotgun	20	12	
3	Tranquilizer gun	5	5	(against dogs)
1	.357 revolver	2	0	
1	.365 revolver	1	0	(acc discharge)
1	.380 automatic	1	1	
3	9mm automatic	3	2	(acc discharge)
4	.25 automatic	9	0	
1	7.65 automatic	1	0	(acc discharge)
1	.22 derringer	2	0	(to summon assistance)
1	.22 pen gun	1	0	(acc discharge)
1	.22 revolver	1	1	(acc discharge)
1	.22 rifle	1	0	(acc discharge)
1	flare gun	1	1	(acc discharge)
1	unknown cal. rifle	1	0	(acc discharge)

TABLE IV (continued)

OF THOSE MEMBERS OF SERVICE WHO FIRED

Number who had weapon ready.....	333
Number who did not have weapon ready.....	190
Undetermined.....	29
Shots fired double action.....	933
Shots fired single action.....	238
Undetermined.....	28
Aim - Yes.....	167
Aim - No	351
Undetermined.....	24
Reloaded - Yes.....	24
Reloaded - No	488
Undetermined.....	30

REASON FOR MEMBERS OF SERVICE FIRING WEAPON

Fired warning shots.....	21
Fired at vehicles.....	20
Fired from vehicle.....	1
Fired in self defense.....	348
Fired to capture perpetrator.....	6
Fired to defend another.....	8

KNOW CALIBRE OF GUNS USED OR POSSESSED BY PERPETRATORS

.22 Revolver.....	24
.22 Automatic.....	3
.22 Pen Gun.....	1
.22 Derringer.....	1
.25 Automatic.....	8
.32 Revolver.....	19
.32 Automatic.....	8
.365 Revolver.....	1

TABLE IV (continued)

.38 Revolver.....	21
.357 Revolver.....	10
.38 Drrringer.....	1
.380 Automatic.....	3
.635 Automatic.....	1
7.65 Automatic.....	2
9mm Automatic.....	2
.45 Automatic.....	4
16 Gauge S/G.....	1
12 Gauge S/G.....	2
M-1 Carbine.....	1
30/30 Rifle.....	1
22 Rifle.....	1
Zip Gun.....	1

116 (There were 162 other firearms used or possessed by perpetrators for which calibre was not available)

There was a percentage decrease of 22.3% in incidents where M.O.S. used their firearms as compared to 1973: 541 in 1973 and 420 in 1974.

f) Off-Duty Handguns of Police Officers

This study did not specifically inquire into the use of off-duty weapons by police officers, but many departments responding to the questionnaire included "manuals of procedure" which, in turn, included rules embracing the subject.

The rules and regulations respecting off-duty weapons and registration of privately owned firearms varied greatly as illustrated in the sampling of responses presented below:

"Under no circumstances will any officer be permitted to carry, outside the city limits, the officially issued pistol while in an off-duty status."

"All department personnel will carry an off-duty sidearm of their own."

"All revolvers will remain at the police station during officers' off-duty hours, unless permission is granted by the Chief to take them elsewhere."

"Members of the department are always subject to respond when not on active duty...where practical, shall be in possession of a firearm. Failure to be in possession of a firearm when off-duty will not excuse any member of the department from taking required action when a violation of law is observed by him or called to his attention by another person."

"No requirements for off-duty officers of this department to (carry) any sidearms, (they may) if they wish."

"We do not control off-duty handguns."

"Off-duty guns are allowed to be carried, providing the officer qualifies on the range with it."

"Probationary police officers must carry the issued department weapon. They cannot purchase an off-duty weapon until they are permanently appointed."

A police officer's professional responsibilities, in most localities, do not end when his tour of duty ends. If the rules and regulations under which he works require an officer to be on call 24 hours a day, to be subject to duty and carry a revolver at all times, it would be safe to assume that he is armed with an off-duty weapon for longer periods of time each day than he is armed with his service revolver.

The in-service firearms training manuals of many departments devote most of their attention to firing various courses with the service revolver. Practice firing of off-duty weapons is

minimal at best and is usually done just to assure that the off-duty weapon is operable. In addition, most off-duty weapons are smaller in frame and barrel length, and are therefore less accurate than service weapons.

The establishment of rules and regulations requiring an officer to be armed and to take proper police action while off-duty, but not affording him at least as much training with that off-duty weapon as with this service revolver is a dangerous practice. The potential hazards to officers and bystanders alike are numerous.

There is no question that an officer who takes official action while off duty is acting within the scope of his employment. If that officer is inadequately trained, his locality may be found directly negligent if, in the attempt to prevent crime and apprehend criminals, a tragedy occurs that is attributable to that lack of training.

g) Privately Owned Firearms of Peace Officers

Under provisions of the Penal Law, Section 265.20, persons in the military service of the State of New York when duly authorized by regulations issued by the Chief of Staff to the Governor to possess the same, members of the Division of State Police, and peace officers (Criminal Procedure Law, 1.20.33) are exempted from the licensing requirements of handguns contained in Penal Law Section 400.00 et sq.

Police officers, therefore, are not required statutorily to register their off-duty or privately owned weapons. Many police departments have issued rules and regulations with respect to minimum calibre, use, registration of off-duty weapons, and private ownership of handguns by their respective officers. A further sampling of rules pertaining to private weapons owned by police officers is cited verbatim.

"A new member of the force will register with the Department all personal firearms capable of being concealed on the person. If loss or theft of any such weapon occurs, immediate report will be made to the Department." A penalty is imposed for "carrying any rifle, shotgun, machine gun, or substituting for the regulation service revolver any weapon not authorized by the Chief of Police."

"A member of the force who possesses handguns, other than the service and off-duty revolvers prescribed ...including antique guns, gun collections, etc., may carry such firearms only while en route to or from a practice range, firearms demonstration or display or similar activity. However, the purpose of the possession of such additional firearms shall be recorded on his Pistol Index Card on file

in the Equipment and Supply Section, Headquarters Division."

Many departments have designated firearms instructors and other firearms personnel as the officers responsible for handgun registration procedures. Additionally, several departments provide a period during the year in which officers can belatedly register weapons which may have been overlooked, in order to comply with departmental regulations. The type of registration may vary. Firearms cards and personnel files are frequently cited. One department requires notarized "Firearms Ownership Affidavits" which contain gun identification or, if none are owned, a sworn statement stating such.

From the rules and regulations reviewed during this study, it would appear that at least among police departments, the rules governing ownership of any weapon other than the service revolver are as stringent for police officers, if not more so, than for the average citizen.

h) On-Duty Handgun Inspection

On-duty handgun inspection is another area of police operations which is subject to local rules and regulations of the individual police department. There are no statutes governing what is essentially an in-house activity. Some departments do have formal handgun inspections, but vary as to thoroughness and frequency. Personnel assigned to oversee this inspection function include the police chief, the desk sergeant on duty or supervisory officers. Unfortunately, many departments leave this responsibility solely with the firearms instructor, and the officers' weapons are therefore inspected on those one or two occasions a year they report for firearms training.

The purpose of handgun inspections is at least twofold. First, to afford the greatest possible protection to the police officer by insuring that his weapon has been well maintained and is serviceable and will perform to its maximum calibre potential. Second, handgun inspections permit the police chief to monitor the ammunition being used by his officers and to be assured that all personnel comply with rules and regulations with respect to on-duty ammunition.

Several departments who responded to the questionnaire and conduct routine but unannounced weapons inspections have found their men to be carrying other than department issue ammunition in their service revolvers. Most responding departments conduct roll-call inspections of guns and ammunition; a few indicated that their superior officers stop patrolling officers for tour inspections of weaponry. A good number of departments omitted mention of any inspections whatsoever, and one department stated, "each individual officer has been directed to inspect his handgun on a weekly basis," which may or may not mean the weapons are routinely inspected.

B) HANDGUN AMMUNITION USED BY POLICE

1) Patterns of Ammunition Used Among Police Agencies in the State

Although the Statewide survey questionnaire neglected to ask specifically what ammunition each department uses, many respondents volunteered the information, and many also volunteered opinions about various types of handgun ammunition currently on the market. (See Appendix B for ammunition data supplied by each responding department.)

Surprisingly, a number of departments do not have regulations concerning the type of calibre of ammunition which their officers may carry: 160 departments with 5,481 officers replied "no" to question 2 on the survey questionnaire. The lack of regulation of ammunition, which leaves choice to the individual officer, could have disastrous consequences. Recent studies¹⁴ have shown that bullet performances may vary substantially even if they are of the same or equal loadings but of different manufacturing origin. If a police department does not issue or prescribe ammunition for its officers, it is conceivable that an officer may purchase and use a bullet to which he is unaccustomed. For example, if an officer is not familiar with the performance capabilities of various cartridges, he could choose a bullet of high penetration ability but with little stopping power, or a bullet of high ricochet potential that would endanger a fellow officer and innocent bystanders alike, or a bullet whose performance is seriously affected by the weapon it is fired from. It would thus appear that optional ammunition selection is both unwise and hazardous.

Financial considerations play a part in the lack of regulations. It would be safe to assume that virtually every chief and sheriff in the state wants uniform purchase and issuance of ammunition to his officers, but many town or county boards fail to provide funds for doing so.

While it is important for departments to regulate and/or issue ammunition, the survey indicated that among those departments which do so, there is great variation with respect to the ammunition prescribed. What one department issues its officers the next department

14. DiMaio, Vincent J. M., et al, "Ammunition for Police: A Comparison of the Wounding Effects of Commercially Available Cartridges" (footnote 2). Also, National Bureau of Standards, An Evaluation of Police Handgun Ammunition: Summary Report (footnote 5).

forbids. There appears to be a noteworthy lack of understanding among police departments on the whole, of ballistic properties and potential capabilities of certain ammunition. Essentially, this situation seems to reflect the lack of facilities for testing, the lack of research in the field, and the plethora of misconceptions about ammunition held by police and public alike. (The discussion of wound ballistics in the pages to follow develops the point further.)

Police departments which regulate the ammunition carried by their officers generally penalize officers who are discovered carrying non-regulation cartridges on duty. Some departments specify ammunition by calibre, bullet shape, weight, factory load, manufacturing materials, and brand name; some go so far as to specify how much ammunition an officer is required to carry, and where and in what manner on his uniform it is to be carried. Some departments correctly think that strict regulation of ammunition is a means of regulating type(s) of weapon authorized.

The study found no consensus among departments as to the most appropriate loads for their weapons. Table V lists a sampling of departments that do regulate ammunition use, by the calibre, type and characteristics of the ammunition prescribed. The "LEAA Ranking" appearing in the last column of the table is the "Relative Incapacitation Index" score attributed to that type of ammunition in a study recently completed for the Law Enforcement Assistance Administration. That study and its results are described in more detail in the pages immediately following Table V.

TABLE V. AMMUNITION PRESCRIBED BY SELECTED DEPARTMENTS THROUGHOUT THE STATE

.38 CALIBRE AMMUNITION USED BY SELECTED DEPARTMENTS

<u>DEPARTMENT</u>	<u>WEIGHT</u>	<u>TYPE</u>	<u>MANUFACTURER</u>	<u>LEAA RANKING</u>
Brighton	158 gr.	lead ball		
Greece	125 gr.	semi-jacketed blunt point, nickel plated		
Guilderland	158 gr.	lead		
Lynbrook	158 gr.	semi-wadcutter	Winchester	14.3
Malone	200 gr.			
Maybrook		lead ball		
Medina	158 gr.	jacketed hollow pt.	Smith & Wesson	13.0
Monticello	358 gr.	flat nose lead copper half jacket		
Newburgh City	150 gr. 125 gr.	round nose soft lead semi jacketed		
Niagara Sheriff	125 gr.	jacketed hollow point	Smith & Wesson	8.9
Ogden	125 gr.	jacketed blunt nose	Smith & Wesson	
Orangetown	125 gr.	jacketed soft point	Smith & Wesson	14.5
Suffolk Co. P.D.	158 gr.	jacketed hollow point	Winchester-Western, Remington	
Sullivan Sheriff	125 gr.	semi-jacketed soft point	3-D Company	10.1, 16.5
Waverly		armor piercing		
Wyoming Sheriff	110 gr.	Norma		
Monroe Sheriff	158 gr.	lead round nose		

TABLE V. continued

9 MM AMMUNITION USED BY SELECTED DEPARTMENTS

<u>DEPARTMENT</u>	<u>WEIGHT</u>	<u>TYPE</u>	<u>MANUFACTURER</u>	<u>LEAA RANKING</u>
Manlius	116 gr.	full jacketed hard nose	Norma	
Broome Sheriff	124 gr.	full metal jacketed ball	Remington	13.8
Aurora	100 gr.	hard nose	3-D Company	
Kenmore	115 gr.	jacketed hollow pt.	Remington	38.0
Evans	100 gr.	jacketed hollow pt.	Smith & Wesson	

.357 CALIBRE AMMUNITION USED BY SELECTED DEPARTMENTS

<u>DEPARTMENT</u>	<u>WEIGHT</u>	<u>TYPE</u>	<u>MANUFACTURER</u>	<u>LEAA RANKING</u>
Chatham	125 gr.	jacketed hollow pt		
Chautaugua Sheriff	- High velocity, half jacketed, hollow point			
Chemung Sheriff	158 gr.	lupaloy		
Dansville	158 gr.	super velocity		
Franklinville	158 gr.	jacketed soft point	Federal	18.7, 21.1
Guilderland	158 gr.	jacketed soft point		
Kent		semi-wadcutter		
LeRoy	158 gr.	soft point flat nose		
Olean	158 gr.	super-x lupaloy lead round nose	Western	14.4, 16.6
Oneida City	158 gr.	jacketed soft point	Smith & Wesson	17.0, 17.2
Poughkeepsie Tn.	125 gr.	jacketed hollow point	Smith & Wesson	17.7, 22.1
	110 gr	jacketed hollow point	Smith & Wesson	13.9, 24.0
Silver Creek	158 gr.	jacketed soft point	Smith & Wesson	17.0, 17.2
		armor piercing	Western Super X	
Wayne Sheriff	125 gr.	soft nose		

2) The LEAA Performance Comparison of Commercially Available Handgun Ammunition

Under the auspices of the National Institute of Law Enforcement and Criminal Justice, the U.S. Bureau of Standards recently completed a study to compare the "terminal effects" of 142 types and calibres of commercially available police service handgun ammunition. The study, funded by the Law Enforcement Assistance Administration (LEAA), was designed to provide police agencies with much more objective information about the characteristics of various types of bullets than has been available in the past.

The study was interested in measuring the ability of each bullet to incapacitate an armed person who is, for example, assaulting a police officer or threatening another party. To do this, an elaborate, three-dimensional electronic model of a human being nicknamed "Computer Man" was "shot" many times, using all the types of bullets included in the study. A determination was then made of the shock effect of each "wound" incurred; this was the bullet's stopping power. The stopping powers of all the bullets, listed in order, became known as the Relative Incapacitation Index (RII). The higher the Index number for a bullet, the greater its ability to stop a person; thus, a bullet with an RII rating of 16 has more stopping power than a bullet with an RII rating of 9.

The report issued following the study suggested that police use ammunition with an RII between 10 and 25. It continued by saying, "This statement should not be construed to indicate, on an absolute basis, that an RII either higher than 25 or lower than 10 is unsuitable, undesirable or unnecessary. It has been demonstrated, many times over, that a hit in a vital spot by any bullet, whatever its RII, can cause death or incapacitation and should not be underestimated."¹⁵

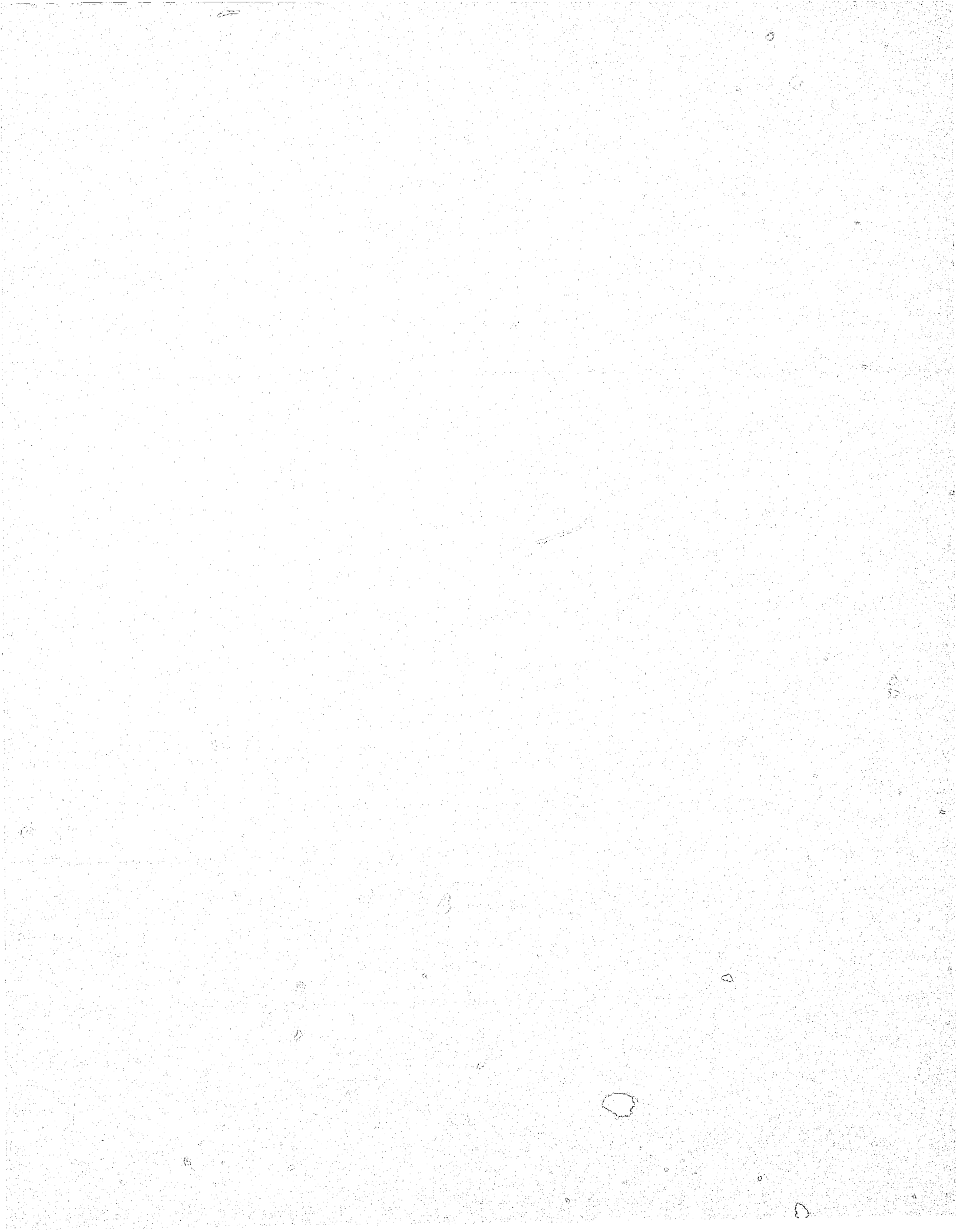
L. D. Shubin, an LEAA official who supervised the study, said the ammunition with a rating higher than 25 is difficult to fire because it produces a strong kick. "The .44 Magnum is generally bad for police because a second shot is almost impossible. To go

15. U. S. Department of Justice. LEAA News Release. Thursday, August 7, 1975, page 4.

much over 25 is really unnecessary and generally you start getting a fairly high recoil."16

Table VI, reproduced directly from the LEAA study, presents the study's findings for 142 types of ammunition tested. It is presented here as a reference for use by police agencies within the State.

16. Crime Control Digest, August 11, 1975, page 7.



Performance of Commercially Available Handgun Ammunition

BULLET ID NO.	CALIBER	WEIGHT (grains)	BULLET TYPE	MANUFACTURER	BARREL LENGTH (in)	VELOCITY		RI INDEX	
						NOMINAL* (fps)	MEASURED (mps)		
1	.44 MAG	200	JHP	SPEER	4.00	1675	1277	389	54.9
2	9MM	96	SAFETY SLUG	DEADEYE ASSOC	4.00	1365	1839	560	54.5
3	.41 MAG	210	JSP	REMINGTON	4.00	1500	1260	384	51.9
4	.357 MAG	96	SAFETY SLUG	DEADEYE ASSOC	4.00	1120	1725	525	50.0
5	.44 MAG	240	SWC	WINCH-WESTERN	4.00	1470	1330	405	50.0
6	.44 MAG	240	SWC	BROWNING	4.00	1470	1311	399	49.8
7	.44 MAG	240	SWC	REMINGTON	4.00	1470	1286	391	48.9
8	.44 MAG	240	JHP	BROWNING	4.00	1330	1257	383	47.9
9	.44 MAG	240	JHP	REMINGTON	4.00	1470	1229	374	46.7
10	.357 MAG	96	SAFETY SLUG	DEADEYE ASSOC	2.00	1120	1615	492	46.0
11	.44 MAG	240	JSP	SPEER	4.00	1650	1203	366	45.7
12	.357 MAG	125	JHP	SPEER	4.00	1900	1301	396	44.4
13	.357 MAG	140	JHP	SPEER	4.00	1780	1221	372	44.4
14	.357 MAG	125	JHP	REMINGTON	4.00	1675	1366	416	42.5
15	.38 SPEC	96	SAFETY SLUG	DEADEYE ASSOC	4.00	1800	1585	483	41.8
16	.44 MAG	180	JSP	SUPER VEL	4.00	1995	1495	455	41.6
17	9MM	115	JHP	REMINGTON	4.00	1160	1192	363	38.0
18	.38 SPEC	96	SAFETY SLUG	DEADEYE ASSOC	2.00	1800	1496	455	37.5
19	.357 MAG	125	JHP	REMINGTON	2.00	1675	1173	357	37.1
20	.357 MAG	140	JHP	SPEER	2.00	1780	1125	342	34.4
21	.357 MAG	110	JHP	SPEER	4.00	1700	1246	379	33.4
22	.357 MAG	125	JHP	SPEER	2.00	1900	1161	353	30.6
23	.357 MAG	158	JSP	SPEER	4.00	1625	1156	352	28.0
24	.38 SPEC	95	JHP (+P)	REMINGTON	4.00	985	1187	361	28.0
25	9MM	100	JHP	SPEER	4.00	1315	1188	362	27.9
26	.38 SPEC	125	JHP	REMINGTON	4.00	1160	1108	337	25.5
27	.38 SPEC	110	JHP	SUPER VEL	4.00	1370	1159	353	25.1
28	.38 SPEC	110	JHP	SUPER VEL	2.00	1370	1148	349	24.8
29	.357 MAG	110	JHP	SMITH+WESSON	4.00	1800	1226	373	24.0
30	.357 MAG	110	JHP	SPEER	2.00	1700	1178	359	23.3

Performance of Commercially Available Handgun Ammunition

BULLET ID NO.	CALIBER	WEIGHT (grains)	BULLET TYPE	MANUFACTURER	BARREL LENGTH (in)	VELOCITY			RI INDEX
						NOMINAL*	MEASURED		
						(fps)	(fps)	(mps)	
31	.38 SPEC	125	JSP (+P)	SPEER	4.00	1425	1047	319	22.5
32	.357 MAG	125	JHP	SMITH+WESSON	4.00	1775	1227	373	22.1
33	.357 MAG	158	JSP (HI-VEL)	FEDERAL	4.00	1550	1255	382	21.1
34	.45 AUTO	185	JHP	REMINGTON	5.00	950	895	272	21.1
35	.357 MAG	110	JHP	WESTERN SUP-X	4.00	1500	1309	398	21.0
36	.357 MAG	110	JHP	WESTERN SUP-X	2.75	1500	1258	383	20.2
37	.38 SPEC	125	JHP (+P)	SPEER	4.00	1425	1006	306	19.9
38	.38 SPEC	90	MP	KTW	4.00	1030	922	281	19.6
39	.38 SPEC	110	JSP	SUPER VEL	4.00	1370	1202	366	19.4
40	.38 SPEC	110	JHP (LOT-Q4070)	WINCH-WESTERN	4.00	#####	1106	337	19.3
41	.357 MAG	158	JSP (HI-VEL)	FEDERAL	2.00	1550	1195	364	18.7
42	.38 SPEC	140	JHP (+P)	SPEER	4.00	1200	978	298	18.6
43	.38 SPEC	140	JHP (+P)	SPEER	2.00	1200	897	273	18.5
44	.38 SPEC	158	LHP	WINCH-WESTERN	4.00	855	915	278	18.4
45	.357 MAG	125	JHP	SMITH+WESSON	2.00	1775	1188	362	17.7
46	.357-MAG	158	JSP	SPEER	2.00	1625	1030	313	17.5
47	.357 MAG	158	JSP	SMITH+WESSON	4.00	1500	1168	356	17.2
48	.357 MAG	158	JSP	SMITH+WESSON	2.00	1500	1091	332	17.0
49	9MM	115	JHP	SMITH+WESSON	4.00	1145	1193	363	16.6
50	.357 MAG	158	LRN (LUBALOY)	WESTERN SUP-X	4.00	1410	1230	374	16.6
51	.38 SPEC	125	JSP	3-D	4.00	1085	1091	332	16.5
52	.38 SPEC	90	MP	KTW	2.00	1030	734	223	15.6
53	.38 SPEC	125	JHP (+P)	SPEER	2.00	1425	931	283	15.5
54	9MM	100	FJ (FMC)	SMITH+WESSON	4.00	1250	1341	408	15.2
55	.45 AUTO	185	WC (TARGETMASTER)	REMINGTON	5.00	775	821	250	14.7
56	.38 SPEC	125	JSP	SMITH+WESSON	4.00	1350	1064	324	14.5
57	.357 MAG	158	JHP	SMITH+WESSON	4.00	1050	1116	340	14.4
58	.357 MAG	158	LRN (LUBALOY)	WESTERN SUP-X	2.00	1410	1169	356	14.4
59	.38 SPEC	158	SWC	WINCHESTER	4.00	855	924	281	14.3
60	.38 SPEC	95	JHP (+P)	REMINGTON	2.00	985	1019	310	14.0

Performance of Commercially Available Handgun Ammunition

BULLET ID NO.	CALIBER	WEIGHT (grains)	BULLET TYPE	MANUFACTURER	BARREL LENGTH (in)	VELOCITY		RI INDEX	
						NOMINAL* (fps)	MEASURED (mps)		
61	.38 SPEC	110	JHP (LOT-Q4070)	WINCH-WESTERN	2.00	####	956	291	14.0
62	.38 SPEC	110	JSP	SUPER VEL	2.00	1370	1076	327	14.0
63	.357 MAG	110	JHP	SMITH+WESSON	2.00	1800	1044	318	13.9
64	9MM	124	FJ (FMC)	REMINGTON	4.00	1120	1084	330	13.8
65	.41 MAG	210	SWC	REMINGTON	4.00	1050	944	287	13.7
66	.38 SPEC	125	JSP (+P)	SPEER	2.00	1425	983	299	13.2
67	.38 SPEC	158	JHP	SMITH+WESSON	4.00	1050	1047	319	13.0
68	.38 SPEC	90	JSP (HEMI)	SMITH+WESSON	4.00	1350	1158	352	12.4
69	.38 SPEC	110	JHP	SMITH+WESSON	4.00	1380	1014	309	12.4
70	.38 SPEC	148	WC	REMINGTON	4.00	770	741	225	12.4
71	.38 SPEC	148	WC	BROWNING	4.00	770	731	222	12.3
72	.38 SPEC	148	WC	FEDERAL	4.00	770	737	224	12.3
73	.38 SPEC	148	WC	SMITH+WESSON	4.00	800	726	221	12.3
74	.38 SPEC	148	WC	REMINGTON	2.00	770	700	213	12.2
75	.38 SPEC	148	WC	FEDERAL	2.00	770	674	205	12.1
76	.38 SPEC	148	WC	SMITH+WESSON	2.00	800	662	201	12.1
77	.38 SPEC	148	WC	SPEER	4.00	825	679	206	12.1
78	.38 SPEC	148	WC (CLEAN CUTTING)	WESTERN	4.00	770	696	212	12.1
79	9MM	115	JSP (POWER POINT)	WESTERN SUP-X	4.00	1160	1272	387	12.0
80	.38 SPEC	148	WC	SPEER	2.00	825	652	198	12.0
81	.38 SPEC	148	WC	BROWNING	2.00	770	618	188	11.9
82	.38 SPEC	148	WC (CLEAN CUTTING)	WESTERN	2.00	770	618	188	11.9
83	.38 SPEC	90	JSP	SMITH+WESSON	4.00	1350	1118	340	11.8
84	.357 MAG	158	JHP	SMITH+WESSON	2.00	1050	982	299	11.1
85	.38 SPEC	158	LHP	WINCH-WESTERN	2.00	855	805	245	11.0
86	.38 SPEC	158	SWC	FEDERAL	4.00	855	823	250	10.9
87	.38 SPEC	158	SWC	SMITH+WESSON	4.00	850	1006	306	10.8
88	.38 SPEC	158	JHP	SMITH+WESSON	2.00	1050	950	289	10.6
89	.38 SPEC	110	JHP	SPEER	4.00	1245	857	261	10.5
90	9MM	115	FJ (FMC)	SMITH+WESSON	4.00	1145	1192	363	10.3

Performance of Commercially Available Handgun Ammunition

BULLET ID NO.	CALIBER	WEIGHT (grains)	BULLET TYPE	MANUFACTURER	BARREL LENGTH (in)	VELOCITY			RI INDEX
						NOMINAL*	MEASURED		
						(fps)	(fps)	(mps)	
91	.357 MAG	158	SWC	REMINGTON	4.00	1410	1088	331	10.2
92	.38 SPEC	125	JSP	3-D	2.00	1085	957	291	10.1
93	9MM	125	JSP	SPEER	4.00	1120	1058	322	9.9
94	9MM	115	FJ (FMC)	WINCHESTER	4.00	1140	1126	343	9.7
95	.45 AUTO	185	WC	FEDERAL	5.00	775	751	228	9.7
96	.38 SPEC	125	JHP	SMITH+WESSON	2.00	1350	899	274	9.6
97	.357 MAG	158	SWC	REMINGTON	2.00	1410	958	291	9.3
98	9MM	115	FJ (FMC)	BROWNING	4.00	1140	1067	325	9.2
99	.38 SPEC	158	LRN(+P)	FEDERAL	4.00	1090	999	304	9.0
100	.38 SPEC	125	JHP	SMITH+WESSON	4.00	1350	1002	305	8.9
101	.38 SPEC	158	SWC	FEDERAL	2.00	855	796	242	8.5
102	.38 SPEC	158	SWC	SPEER	4.00	975	803	244	8.5
103	.38 SPEC	158	LRN(+P)	FEDERAL	2.00	1090	947	288	8.2
104	.38 SPEC	158	SWC	WINCHESTER	2.00	855	779	237	8.2
105	.38 SPEC	158	LRN	WINCHESTER	4.00	855	919	280	8.0
106	.38 SPEC	110	JHP	SPEER	2.00	1245	789	240	7.7
107	.38 SPEC	90	JSP (HEMI)	SMITH+WESSON	2.00	1350	1053	320	7.2
108	.38 SPEC	125	JHP	REMINGTON	2.00	1160	911	277	7.0
109	.38 SPEC	110	JHP	SMITH+WESSON	2.00	1380	888	270	6.8
110	.45 AUTO	230	FJ	REMINGTON	5.00	855	839	255	6.7
111	.45 LC	255	LRN	WINCH-WESTERN	7.50	860	821	250	6.6
112	.38 SPEC	90	JSP	SMITH+WESSON	2.00	1350	975	297	6.5
113	.45 AUTO	230	FJ	WINCH-WESTERN	5.00	850	740	225	6.5
114	.44 SPEC	246	LRN	REMINGTON	2.00	755	640	195	6.3
115	.38 SPEC	125	JHP	SMITH+WESSON	4.00	1350	900	274	5.9
116	.38 SPEC	158	SWC	SPEER	2.00	975	640	195	5.7
117	.38 SPEC	125	JSP	SMITH+WESSON	2.00	1350	896	273	5.6
118	.38 SPEC	158	LRN	FEDERAL	4.00	855	795	242	5.0
119	.38 SPEC	158	LRN	WINCHESTER	2.00	855	780	237	4.6
120	.38 SPEC	158	LRN	REMINGTON	4.00	855	749	228	4.5

Performance of Commercially Available Handgun Ammunition

BULLET ID NO.	CALIBER	WEIGHT (grains)	BULLET TYPE	MANUFACTURER	BARREL LENGTH (in)	VELOCITY		RI INDEX	
						NOMINAL* (fps)	MEASURED (fps) (mps)		
121	.38 SPEC	158	LRN	SPEER	4.00	975	749	228	4.5
122	.38 SPEC	200	LRN	REMINGTON	4.00	730	647	197	4.5
123	.38 SPEC	200	LRN	SPEER	4.00	850	710	216	4.5
124	.38 SPEC	158	LRN	REMINGTON	2.00	855	694	211	4.4
125	.38 SPEC	158	LRN	SPEER	2.00	975	635	193	4.4
126	.38 SPEC	158	LRN	SMITH+WESSON	4.00	910	708	215	4.4
127	.38 SPEC	158	LRN	FEDERAL	2.00	855	632	192	4.2
128	.38 SPEC	200	LRN (LUBALLOY)	WESTERN SUP-X	4.00	730	626	190	4.2
129	.38 SPEC	200	LRN	SPEER	2.00	850	598	182	4.1
130	.38 SPEC	200	LRN (LUBALLOY)	WESTERN SUP-X	2.00	730	592	180	4.1
131	.38 SPEC	158	SWC	SMITH+WESSON	4.00	1060	875	266	4.0
132	.38 SPEC	158	SWC	SMITH+WESSON	2.00	850	870	265	4.0
133	.38 SPEC	200	LRN	REMINGTON	2.00	730	593	180	4.0
134	380 AUTO	95	FJ	WESTERN SUP-X	3.86	955	948	288	4.0
135	.38 SPEC	158	LRN	SMITH+WESSON	2.00	910	626	190	3.5
136	.38 SPEC	125	JHP	SMITH+WESSON	2.00	1350	716	218	3.0
137	.38 SPEC	158	JSP	SMITH+WESSON	4.00	1050	828	252	2.9
138	.38 SPEC	158	SWC	SMITH+WESSON	2.00	1060	678	206	2.5
139	.22 CAL	37	LHP	WINCH-WESTERN	2.00	1365	872	265	2.3
140	.38 SPEC	158	JSP	SMITH+WESSON	2.00	1050	730	222	2.0
141	.38 SPEC	64	SHORT STOP	MBA	4.00	####	738	224	0.9
142	.38 SPEC	64	SHORT STOP	MBA	2.00	####	671	204	0.4

* - Advertized Velocity
- Velocity not available

- 69 -

TABLE VI. (cont'd.)

3) Test Results From Firing .38 Special Ammunition
in .357 Magnum Revolver

The .357 Magnum cartridge was introduced in 1935. The general specifications of the case are the same as the .38 Special, except that the case is larger (Table VII). This precludes use of the .357 Magnum cartridge in revolvers chambered for the .38 Special. Weapons chambered for the .357 Magnum, however, will chamber and fire .38 Special cartridges. Discharging a .38 Special cartridge in a .357 Magnum will not improve the cartridge's ballistic characteristics, and in fact, may decrease them. This is illustrated in Table VII, which gives the actual muzzle velocities of ammunition supplied by the New York State Police to the Institute of Forensic Sciences. Remington-Peters 158 grain, .38 Special ammunition was fired in a Smith & Wesson Model 10, calibre .38 Special and a Smith & Wesson Model 28, calibre .357 Magnum. The .38 Special ammunition had a mean muzzle velocity of 768 ± 14 ft/sec in the .38 Special revolver and a muzzle velocity of 707 ± 5 ft/sec in the .357 Magnum. Both weapons had 4" barrels. The .38 Special ammunition showed a significant decrease in muzzle velocity when fired in the .357 Magnum revolver. This is believed to be due to the fact that the chamber is longer in the .357 Magnum, thus, resulting in increased gas loss and, therefore, decreased velocity to the bullet.

The 26 police agencies in New York State who specify .38 calibre ammunition for their .357-using officers are thus doing these officers a disservice, in that the reasons for purchasing the Magnum are nullified by using a lower velocity ammunition than the gun is intended to use, and when that ammunition is fired from a .357, it loses its potential velocity because of the weapon firing it. The agencies which issue .38 calibre ammunition for training are doing their officers a disservice, too. The smaller cartridge is easier to fire than the Magnum load, and scoring on the range is comparable with that of officers firing .38 ammunition from .38 revolvers. However, should the Magnum-carrying officer be forced to fire on duty, he will be ill prepared for the greater recoil of the .357 with the Magnum load, and he may lose the advantage of having the higher powered weapon because his recovery time in returning the weapon on target is increased. Thus, if his first shot is not effective, he may lose precious seconds that determine life or death in gunfight confrontations. If an officer trains with .38 ammunition in his .357 Magnum revolver, he probably shoots a qualifying score firing fewer rounds than he would if all his practice and timed rounds were Magnum loads. How many .357-carrying officers would fail to qualify using just Magnum cartridges?

Once again, financial considerations relate to the undesirable practice of firing .38 ammunition from a .357 weapon. The .38's are less expensive than the .357's, cartridge for cartridge, and the difference multiplied by many officers firing several times a year can mean a significantly greater ammunition expenditure for a department purchasing .357 cartridges than for one purchasing only .38 cartridges. Add to this the likelihood that officers using Magnum loads would have to fire more of them to qualify at each training session, and relevant department expenditure pyramids. Conversations with range training officers reveal that each section of the timed-fire courses, such as the PPC, requires a larger time frame for officers firing .357 loads because of the increased recoil and consequent increased recovery time after each round. Multiply each longer section by the number of them in a course, times the numbers of officers shooting the .357 course, and financial considerations are thus considerable when measured in man-hours, too.

It is true that most officers will never have to fire their weapons at other armed people in the line of duty, and this is probably the major reason that the financial and training-score considerations have outweighed the importance of the Magnum-carrying officer's life and health. However, this undesirable practice may be sustained by other factors, including: (1) lack of departmental knowledge about the difference in the nature of .38 cartridges fired from a Magnum, compared to .357 cartridges fired from the Magnum, and (2) soreness of the firing hand of an officer using a .357 cartridge, due to recoil, especially after many rounds in close succession.

Table VII. COMPARISON OF .38 and .357 AMMUNITION

I. Dimensions

<u>Shell Case</u>	<u>.38 Special</u>	<u>.357 Magnum</u>
Maximum Length	1.155 inches	1.290 inches
Maximum Outside Body Diameter	.379 inches	.379 inches
Maximum Inside Mouth Drain	.358 inches	.358 inches
<u>Bullet</u>		
Maximum Diameter	.359 inches	.359 inches
Cross Sectional Area	.101 square inches	.101 square inches

II. Test Firings

<u>Weapon Used</u>	<u>Ammunition</u>	<u>Muzzle Velocity ⁺ LSD* (ft/sec)</u>
Smith & Wesson M10 .38 Special	.38 Special, Remington- Peters 158 gr. round nose	768 [±] 14
Smith & Wesson M28 .357 Magnum	.38 Special, Remington- Peters 158 gr. round nose	707 [±] 5
	.357 Magnum, Western 158 gr. jacketed soft point	1256 [±] 37
	.357 Magnum, Smith & Wesson 158 gr. jacketed soft point	1185 [±] 51

* Standard Deviation - SD

4) Wound Ballistics

Research on the effects of various bullets fired at people has been underexplored, historically speaking, because with the exception of military interests, not many individuals or organizations have wanted to be associated with "morbid" pursuits. A second major reason for this lack of research was the lack of enabling technology for some kinds of testing and measurement, until the last few years.

The need for the study of various types of ammunition and the types of damage they inflict has nonetheless been urgent all the while. Police agencies, nine out of ten of whom have no facilities for testing bullet types, have not had the same requirements or restrictions as military organizations, in terms of arms or ammunition. Therefore, while military studies have been ongoing for years, the results produced there have been only selectively applicable to civilian police needs, and not widely publicized at that.

What police agencies desire is a pistol cartridge that will stop a person "dead in his tracks." There is not, and never will be, such a handgun cartridge. This is because "stopping" an individual depends on at least three factors: the amount of kinetic energy lost in the body by the bullet; the organs struck by the bullet, and the individual physiological makeup of the person shot. This last factor is a unique attribute of each individual which cannot be predicted. Thus, while one individual shot through the heart collapses immediately, another individual shot with the same weapon and ammunition, under the same circumstances, will be able to run 100 yards and/or return fire. Unfortunately, until fairly recently, scientific evaluation of a calibre or form of ammunition was impossible. Selection of ammunition by police departments was in fact usually made on the basis of unsubstantiated opinion, hearsay, emotion, and in some cases wishful thinking. Publication by the military services on the results of their continuing research in wound ballistics has now made possible scientific evaluation of different calibres and forms of ammunition. Such evaluations are possible by utilizing the theories and techniques of testing devised by the military.

In the past two years, two groups have published results of their evaluation of police handgun ammunition.¹⁷ Both groups used as a basis for their testing, the theories and techniques developed by the military. The military services came to the following conclusions concerning wound ballistics:¹⁸

1. Every missile by virtue of its mass and velocity possesses kinetic energy.
2. The greater the amount of kinetic energy lost in the body by a missile, the larger the size of the temporary cavity.
3. The feature of a bullet's interaction with soft tissue that contributes most to instant incapacitation is the temporary cavity.
4. The bullet producing the largest temporary cavity at the proper depth of penetration (the location of vital organs) will have the greatest probability of producing instantaneous incapacitation.

The amount of kinetic energy lost and the particular organs struck by a bullet can be controlled to some degree. Intensive, realistic training of police officers will improve the accuracy of their shooting, thus, theoretically exerting some control on what organs will be struck by the bullet. It is much easier, however, to control the amount of kinetic energy lost by a particular calibre or form of ammunition in the body. This can be done easily by altering bullet velocity, weight, construction, and configuration.

17. DiMaio et al., "Ammunition for Police" (See footnote 2); and National Bureau of Standards, An Evaluation of Police Handgun Ammunition, (See footnote 5).
18. Beyer, Major James C., M.D. ed. Wound Ballistics. U.S. Printing Office, 1962; and Herget, Carl M., Ph. D., and Bower, Warner F., Wound Ballistics, Chapter 25, "Surgery of Trauma," 1953. pp. 495-510.

The following report on Wound Ballistics was prepared and submitted to the Division of Criminal Justice Services by Vincent J. M. DiMaio, M.D. Dr. DiMaio, currently the Medical Examiner for Dallas, Texas, was formerly Chief, Wounds Ballistics Section, Forensic Pathology Branch, Armed Forces Institute of Pathology and also Chief, Legal Medicine Section, Forensic Pathology Branch, Armed Forces Institute of Pathology. Dr. DiMaio is widely accepted as one of the leading experts in the field of wound ballistics.

"In order to understand the increased incapacitating effectiveness ("stopping power") of the .357 Magnum, and the new high velocity pistol ammunition, it is necessary to know something about the field of wound ballistics. A moving projectile by virtue of its movement possesses kinetic energy. This energy is determined by the weight and velocity of the bullet,^{19,20} as demonstrated by the formula $K. E. = \frac{WV^2}{2g}$ with g equalling gravitational acceleration, W the weight of the bullet, and V the velocity. From the formula it can be seen that velocity plays a greater role determining the amount of kinetic energy possessed by bullet than does weight. Doubling the weight doubles the kinetic energy, but doubling the velocity quadruples the kinetic energy.

"The concept of a gunshot wound held by most individuals is that the bullet goes through a person like a drill through wood, "drilling" a neat hole through structures that it passes through. Such a concept is erroneous. As the bullet moves through the body, it imparts kinetic energy to the surrounding tissue, flinging it away from the bullet's path in a radial manner, producing a temporary cavity considerably larger than the diameter of the bullet.²¹ This temporary cavity, which has a lifetime of 5-6 milli-seconds, undergoes a series of pulsations and contractions before it finally disappears, leaving the permanent wound track. The size of the temporary cavity depends on the amount of kinetic energy lost by the bullet in its path through the tissue, as well as the elastic properties of the particular tissue.²² The maximum volume in diameter of this cavity is many times the volume in diameter of the bullet.

19. DiMaio, et al., "Ammunition for Police," op. cit. (see footnote 2).

20. U.S. Department of Justice. LEAA News Release. Thursday, August 7, 1975, p. 4.

21. Beyer, and Herget, Wound Ballistics, op. cit. (see footnote 18).

22. Ibid.

"The temporary cavity phenomenon is important because it has been found to be the most important factor in incapacitation of the individual when considering the interaction of a bullet with the body.^{23,24} In rifle shootings, the expanding walls of this temporary cavity are capable of doing severe damage. Local pressures in the order of 1500 lbs/sq inch may develop.²⁵ Part of the injuries caused by high velocity rifle bullets is due to this expanding temporary cavity. Temporary cavities produced by rifle bullets may result in injuries to blood vessels, nerves, or organs at a considerable distance from the path of the bullet.²⁶

"Such a phenomenon does not take place in injuries due to pistol bullets. A pistol bullet to cause significant injuries to a structure must directly strike that structure. The amount of kinetic energy lost in the tissue by a pistol bullet is insufficient to cause the remote injuries caused by a rifle bullet. Thus, DeMuth in discussing wounds from pistol bullets says "..., but severe wounds remote from the wound due to the explosive effect from the temporary cavity are not inflicted by such (pistol) bullets."²⁷

Wounds Due to Magnum Pistol Calibre and High Velocity .38 Special Loads

"The increased velocities and new bullet configurations in both the Magnum pistol calibres and the new high velocity .38 Special cartridges result in greater kinetic energy loss in tissue. This in turn leads to larger temporary cavities, and thus, greater incapacitating potential. The increased incapacitating effectiveness produced, however, is not due to any significant increase in tissue destruction, but rather is due to the "shocking" effect of these larger cavities. To put it another way, the increased incapacitation is on a physiological basis rather than a physical basis. The best analogy to such a "shock" effect is the difference in being punched in the solar plexus (the abdomen) by a five-year-old child versus being punched by a 25-year-old man. In neither case will there be "tissue destruction," but the "shock" will be considerably different.

23. National Bureau of Standards, An Evaluation of Police Handgun Ammunition, op. cit. (see footnote 5).

24. Beyer, Herget, Bower, op. cit. (see footnote 18).

25. Ibid.

26. Ibid.

27. DeMuth, W.E., and J.M. Smith. "High Velocity Bullet Wounds of Muscle and Bone: The Basis of Rational Early Treatment," Journal of Trauma, 6:744 p. 746.

"Critics of the new high velocity ammunition and the Magnum calibres are opposed to their use principally on the basis of medical and safety grounds. They claim that such ammunition causes massive wounds, greater suffering, and greater mortality than "standard" ammunition. No valid documentation for such statements is given, however, requests for documentation of these claims are usually answered with statements to the effect that the severe nature of the wound inflicted is "common knowledge." If references to scientific articles are given, review of these articles reveal them to be concerned with wounding by high velocity rifle bullets rather than pistol bullets.²⁸

"The Southwestern Institute of Forensic Sciences at Dallas is a unique facility combining the Dallas County Medical Examiner's Office and the Dallas County Crime Laboratory. The facilities are under one director who is both the Chief Medical Examiner and the Director of the Laboratory. The area serviced by this facility has a population of approximately 1.5 million people. The integration of these two facilities permit a physician doing an autopsy on a gunshot wound case to see and handle the weapons that inflicted the fatal wounds as well as to observe directly the ballistic tests utilizing these weapons and ammunition. Thus, he is able to integrate the findings at autopsy with those from ballistic examination of the weapon and ammunition. Because of these circumstances, the Institute has been able to evaluate the wounding effectiveness of the standard and high velocity loadings in .38 Special, .357 Magnum, 9 mm, and .45 ACP.

"Claims that hollow point pistol bullets or Magnum calibre bullets cause massive mutilating wounds are untrue. In a review of the cases at the Institute, it was found that there was no way to tell whether the wounds inflicted on either the external aspect of the body or the internal organs were due to hollow-point bullets, Magnum bullets, or lead round nose bullets propelled at traditional velocities.²⁹ The extensive wounds in which organs are reduced to "chopped meat" described in the popular press do not exist.

28. DiMaio, Vincent J.M., M.D. "Book Review of a Report: Police Use of Ammunition," Forensic Science Gazette 6:4-5 February, 1975.

29. DiMaio, Vincent J.M., M.D. "Hollow-Point Pistol Ammunition: Myths and Facts," Forensic Science Gazette, 5:1-2, September, 1974.

"Analysis of the cases to see if there was a greater mortality associated with high velocity pistol bullets and/or the Magnum calibre revealed no such association. In virtually every case the wound inflicted would have been mortal whether the bullet had been solid, hollow point, low velocity, or high velocity. In the cases in which the wounds in themselves were not necessarily mortal, death occurred because of failure to receive prompt medical attention. More important in regard to mortality than the type of calibre of cartridge is the physical condition of the individual, i.e., age and cardiac status, and the time it takes to transport him from the scene where he was shot to the nearest hospital."

5) Gunshot Wounds in Police Shooting Incidents

Laboratory simulations and firing range tests contribute greatly to the understanding of bullet performance, but their results do not constitute the complete picture. Empirical data provides further amplification, and for this reason the study sought to collect and pursue information about recent police shooting incidents in New York State.

Reports of all such incidents occurring since January 1, 1974, were requested for this purpose (question 7 of the survey questionnaire). It turned out to be far more difficult to collect such information than anticipated. Some of the larger departments had shooting reports filed at each station in whose jurisdiction shootings had occurred, but not maintained at headquarters or other central location. Consequently, these departments had to undertake a research project just to answer the question. Field investigators visited each police department which reported a shooting, but in order to document what became of each victim they also had to visit hospitals, district attorney offices (where releases were obtained for obtaining medical records), and coroners' offices (for autopsies). Once pertinent documents or information were obtained by the field investigators, another group of problems emerged. For this study, bona fide comparisons of gunshot woundings could not be made with any hope of statistical validity because of the numerous flaws and omissions in the reports of the incidents by the various sources. The collected records differed as to specific information, and generally lacked such crucial data elements as shooting distances, weather conditions and times of day of shootings, angle of bullet entry, calibre of bullet, shape of bullet, apparent psychological status of assailant, calibre of assailant's weapon, path of wound, size of wound, position of officer and assailant, and whether the officer aimed or not.

The shooting incidents were too few in number to yield firm conclusions. Taken together, though, the incidents provide a general profile of field experience with various calibres of ammunition when police were called upon to fire their service weapons. (Table VIII). Statewide, 78 perpetrators and nine police officers lost their lives in "criminal" confrontations in 1974. All of the perpetrators were killed with .38 calibre handguns, and six of the officers were killed with handguns (.25, .32, .38, and .357 calibres). The study attempted to derive statistically significant conclusions from the death-and-injury results of all reported shootings in the state, but the lack of uniformity in the data available did not lend itself to such statistical analysis.

The FBI's report entitled, "Law Enforcement Officers Killed, 1972-1974" was analyzed to shed further light on the relative "deadliness" of .38 and .357 handguns.

No discernable difference was found in the effectiveness of the .357 Magnum as compared to the .38 calibre handgun. In the 203 cases reported where the number of wounds could be determined, 135 officers, or 67 percent, were killed as a result of one wound. When the .357 Magnum was the weapon used, 19 officers out of 30, or 63 percent, lost their lives due to one wound. In the case of the .38, 59 out of 94, or 63 percent, died of one wound. The percentage of death by one bullet wound was the same for both the .357 and the .38.

These figures seem to indicate that it makes very little difference as to what kind of handgun is used against the officer. In 67 percent of all handgun cases, one shot was sufficient to kill the officer.

Percentage of cases where one wound sufficient as cause of death:

<u>Calibre</u>	<u>One Wound</u>	<u>Total Known Wounds</u>	<u>Percent</u>
.357	19	30	63
.38	59	94	63
Total handguns	135	203	67

TABLE VIII. PERPETRATOR WOUNDINGS AND DEATHS THROUGHOUT
NEW YORK STATE ATTRIBUTABLE TO POLICE GUNFIRE
FOR THE YEAR ENDING DECEMBER 1974

<u>Upstate</u>	<u>Wounded</u>	<u>Killed</u>	<u>Weapon Calibre</u>
Buffalo	1	1	.38
Holley	1	0	.357 w/ .38 ammo.
Mt. Vernon	2	0	.38
Rochester	7	2	.38
West Seneca	1	0	.357
Yonkers	1	0	.38
Yorktown	1	0	.38
 <u>State Police</u>	 2	 0	 .357
 <u>Long Island</u>			
Nassau	2	2	.38
Suffolk	1	5	.38
 <u>New York City</u>			
NYC Police Department	65	56	.38
NYC Housing Authority Police	8	5	.38
NYC Transit Authority Police	33	7	.38
	—	—	
Totals	125	78	

6) Comparative Woundings of Perpetrators in Shooting Incidents Involving the State Police Between February 1973 and May 1975

The State Police, upon request, provided data relative to shooting incidents for both 1974 and 1973, while all other agencies in this study were asked for data on shooting incidents in 1974 only. The study had discovered the relative lack of experience, statewide, with the .357 Magnum, and in the interests of working from as broad a statistical base as possible, asked the State Police (this agency being the largest .357 user) for data on all shooting incidents since adoption of the Magnum. The information was made available as requested.

<u>Type of Wound</u>	<u>Number of Wounds By Calibre of Ammunition</u>	
	<u>.357</u>	<u>.38</u>
Penetration (bullet enters, does not exit)	5	5
Perforation (bullet enters, and exits)	<u>4</u>	<u>5</u>
	9	10

There were 19 wounds distributed among nine persons wounded and two killed during the above period. Nine wounds were by .357 calibre ammunition, of which five entered the body and remained --medical reports indicated that these bullets struck bone or fragmented. The other four .357 bullets entered and exited the lower extremities. The two deaths, one occurring in 1973, the other in 1975, were both attributed to .38 calibre ammunition.

The ten .38 calibre woundings were divided equally in the number of bullets that exited and the number of bullets that remained in the body. The two perpetrators who died were both shot in the chest region, and each bullet exited the body. Since one fatal bullet went through the heart and the other perforated the pulmonary valve, the calibre of bullet was secondary to the organs struck: the results would have been fatal no matter what size bullet had struck the body.

Further comparison between the two calibres is difficult and statistically dangerous because of the small numbers involved. It would appear that the .357 and .38 calibre bullets used by the State Police during the period noted were about equally likely to go through the body as they were to expend all their kinetic energy within the body. Of course, this statement assumes that all parts of the body were equal in mass and density and that all distances were comparable, and it is well known that such was not the case - hence the hazard in offering further conclusions.

One conclusion is outstandingly evident, however, and it has been well stated by the National Rifle Association:

It appears that a great many people put top priority on the type of ammunition when, rightly, it should be on proper training of the officer in the use of his service arm. Only after there is some assurance that he can put the bullet into the target does the bullet really become important. There have been enough instances where .22 calibre bullets did vital damage to give weight to the idea that accurate fire is the first consideration. This is about as close to a conclusion as we have come.³⁰

30. National Rifle Association, letter addressed to Edward Wright, dated August 28, 1975.

7) Ammunition Purchasing Procedures of New York State

The recent LEAA ammunition study found that two bullets of similar calibre and weight, (i.e., .357 calibre, 158 gr., jacketed soft point) but manufactured by separate companies (Smith & Wesson and Speer) could have substantially different performance characteristics.

It was also found that a manufacturer of a particular bullet may, in fact, obtain a wide margin of bullet performances (See LEAA bullet ID numbers 100 and 115). This is partly explained by the common practice of sub-contracting to other bullet manufacturers when an especially large order is due. Another finding was that manufacturers tend to down load police ammunition with less powder than commercially available ammunition.

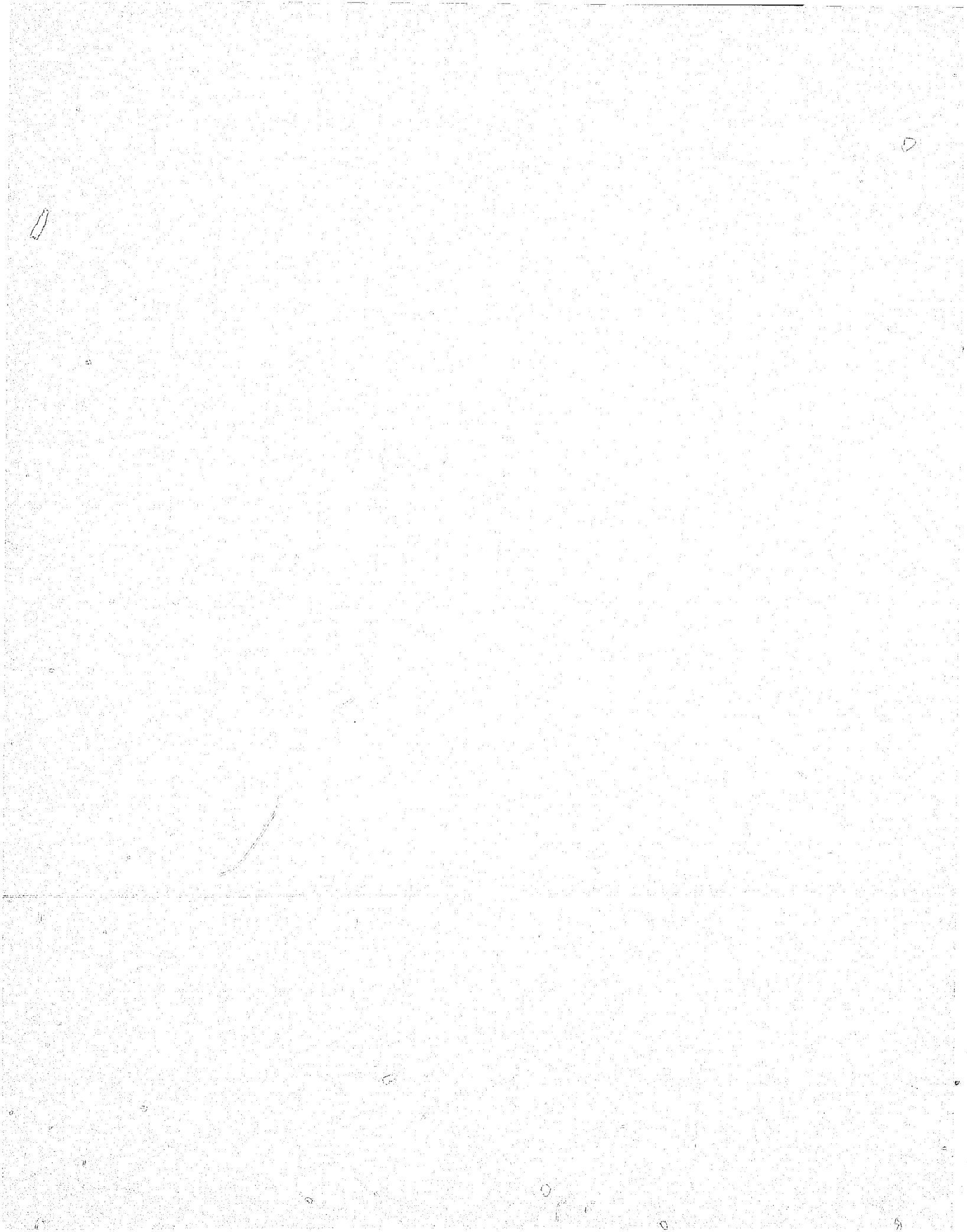
Finally, bullets are test-fired by manufacturers from a stationary eight-inch barrel rather than from a standard four-inch barrel police revolver. The objection to the current method of testing, in addition to the unrealistic barrel length, is that the test barrel does not have a "cylinder gap," which is that point between the revolving cylinder and the barrel through which the bullet passes. The distance of the gap is measurably short, but it is here that the bullet loses some of its initial velocity and energy due to escaping gases.

For these reasons, we inquired into the purchasing procedures and specification requirements of the State Office of General Services (OGS).

Manner of Purchasing and Bid Letting

1. The Office of General Services receives ammunition orders from New York State police agencies (Capitol Police, NYS Parks & Recreation, State University, NYS Police, NYS Police Bureau of Criminal Investigation, NYS Environmental Conservation, NYS Department of Correctional Services) specifying the calibre and weight desired; however, muzzle velocity, muzzle energy, and even the manufacturer are not included.

2. The Office of General Services then prepares both the general and detailed specifications for bid letting. In the detailed specifications, it includes the information provided to them by the State agencies and then refers to manufacturers' catalogues for the muzzle and energy velocities; it also specifies, and again according to the manufacturer's specifications, that the testing will be according to the eight-inch barrel.



CONTINUED

1 OF 3

3. Bids are let and the successful bidder (typically a wholesaler) provides the Office of General Services with the names of the manufacturers of the bullets to be furnished.

This bidding and purchasing procedure does not provide for adequate specifications in light of what is now known about manufacturer's testing procedures and the performance differences among similar cartridges produced by different manufacturers. Therefore, it is recommended that the bidding and purchasing procedure be changed as follows:

1. The New York State departmental police agencies should indicate in their specifications to the Office of General Services the desired manufacturer in addition to the calibre, weight, muzzle velocity and muzzle energy.

2. Because the manufacturer of a bullet often determines the essential data on muzzle velocity and muzzle energy, it is imperative that a bid letter specify at the bidding who the manufacturer will be.

3. It would also be desirable to require that bullets to be sold to New York State police agencies be test-fired from a four-inch barrel by the manufacturer in order to provide a more accurate means of predicting bullet performance.

4. Assuming that a manufacturer cannot be legally cited as the desired manufacturer in the bid letting (as recommended in #3 supra), it is recommended that the successful bidder supply a specified quantity of cartridges to be tested by the ordering state police agency, before the full delivery of the successful bid. Testing shall include, but not be restricted to: laboratory fire range and chronographs, or any other accepted method deemed appropriate by the ordering state agency.

5. Should the ammunition specified by the successful bidder be of less than the ordered specifications as determined by tests conducted pursuant to #4 above, then the successful bidder shall provide ammunition of equal calibre and specifications of another manufacturer for testing, which will, in turn, be subject to the same testing; if the second testing fails, then that portion of the contract shall be declared null and void and bids will be opened for the voided portions.

6. Periodic shipments of ammunition to the receiving agencies shall be subject to the same testing procedures contained in #4 supra.

These recommendations should not pose any hardships to the bidder, since as the Office of General Services pointed out, bullet manufacturers do not bid on ammunition contracts in New York State.

Rather, wholesalers or "jobbers" bid, since they are able to assemble small quantities of bullets and can meet readily the variety of packing specifications for easier distribution of ammunition. (The State Police have three areas for distribution and storage of ammunition.)

As to the requirement that the manufacturer publish muzzle velocity and muzzle energy according to a four-inch test barrel, it will be in the interest of both maker and user to have a more reliable testing procedure upon which future purchasers may rely.

Pre-testing of ammunition by the receiving agency prior to full shipment is consistent with the purposes of government to provide to the extent possible and practicable the health, safety and well-being of the public.

The above recommendations are in conformity with those of the National Advisory Commission on Criminal Justice Standards and Goals. In its 1973 community crime prevention task force report, page 251, it recommended some of the very changes envisioned by these proposals.

" 'Brand name or equal' descriptions may be used as a means to define the performance or other salient requirement of a procurement, and, when so used, the specific features of the name brand which must be met by offerors should be clearly specified."

The Commission encouraged the provision of assistance by federal agencies including the National Bureau of Standards (which tested bullets for the LEAA study published in 1975). Furthermore, the Commission recommended that "random spot checks of commodities" be made of those delivered and that tests be conducted on those products. It is suggested that the bid-letting agency should not accept goods which are adequate if they do not meet its specifications.

Finally, the Commission also recommended that all records of the purchasing department be public information, and that they be sufficiently cross-referenced to increase their usefulness to the public. Such records should include: correspondence with other governmental agencies; correspondence regarding policy and procedure; complaints against general purchasing procedure; memoranda; notices of removal from bid list; bonds; prequalification of bidders; authorized signatures; delegation of authority; and personnel matters.

C) Handguns and Ammunitions Used by Police Agencies
Outside New York State

1) FBI Firearms Policies

The FBI has not been immune to the disturbing increase in gunfight confrontations that is being experienced by law enforcement agencies throughout our country. Special Agents of the FBI have always prided themselves in their ability to apprehend dangerous individuals without harm either to themselves or to the subjects. The Bureau's arrest techniques were based on the premise that once a subject became aware he was outmanned, outgunned, and outmaneuvered, he would realize that his only alternative was surrender. Notwithstanding the success of these arrest techniques, FBI Agents have become involved in gunfight situations at an alarmingly increasing rate. Since 1972, when agents were involved in 13 gun battles, these confrontations have been steadily on the rise. In 1973, there were 26 gunbattles involving agents, while from January 1, 1974 to December 1, 1974 there were 34 gunfights.³¹

FBI policy restricts agents from firing warning shots to stop fleeing persons.³² Their deadly force guidelines parallel those generally accepted by all law enforcement agencies- to wit - shoot only in self-defense when they reasonably believe that they or another is in danger of death or grievous bodily harm.

The FBI firearms training program stresses the obligation of the agent to neutralize the criminal as quickly as possible in such a manner as to minimize the danger to innocent bystanders and fellow agents or police officers.

During the calendar year 1973, 83 percent of the gunfights involving FBI agents occurred at distances of less than 20 yards.³³ The Bureau recognizes that in any shooting situation within a contained area, the use of a particular cartridge is of great concern and care must be exercised that the projectile fired will not penetrate the subject or other material and thereafter strike and injure innocent persons.

31. FBI Memorandum, 12/24/74.

32. FBI Memorandum .S. 31-72, 11/21/72.

33. FD-418 (FBI Gun Battle Evaluation Form).

The present service ammunition of the Bureau is the Winchester-Western 158 grain, all lead, hollowpoint, controlled expansion cartridge. This round is carried by agents in their service weapons, personally owned weapons, and .357 Magnum weapons. FBI regulations require that Magnum ammunition supplied by the Bureau be carried in a pouch on the belt or elsewhere on the person, for use in Magnum weapons in those instances where more penetration or distance is a consideration.

Considering what they deem their most important priorities, neutralizing an opponent with minimal risk of over-penetration or ricochet hazard, the FBI believes that the hollowpoint, controlled expansion bullet is one of the safest, most effective bullets for use in those situations where the agent must use deadly force. It is said that this choice was made after long and exhaustive study and deliberation, and was based on scientifically developed evidence that this bullet meets the above criteria. The Bureau believes that a roundnose or fully jacketed bullet is more likely to pass through a human adversary and pursue an unintended, erratic, and perhaps lethal course to an innocent party.

FBI in-service firearms training for field agents is the optimum, something range officers at local departments can dream about but never hope to achieve because of financial and logistical constraints. Special Agents fire their various courses eight times a year, approximately once every six weeks. Firing is required on outdoor ranges four times a year and indoors four times. The average agent fires about 750 rounds a year and in addition must qualify with shoulder weaponry (shotguns).

Bureau supervisors are under strict orders to spot-check Magnum weapons carried by Special Agents within their jurisdiction to insure that they adhere to the FBI policy as to the type of cartridge they carry in their weapons.

2) Nationwide Survey of State Police Agencies
Regarding Weapons and Ammunition

With the return of the questionnaires from New York State law enforcement agencies, it became evident that the collective experiences of those departments that had adopted the .357 Magnum was limited. Shooting incidents with the .357 were so few that it would have been unrealistic to ask the agencies using this weapon if it provided the desired features that the State Police found lacking in the more widely used .38 calibre revolver.

In addition, because the New York State Police describes itself as a rural agency and makes a distinction between its weaponry needs and those of urban departments, it was decided to canvass other agencies whose responsibilities were commensurate with those of our Division of State Police.

A nationwide survey of state police agencies was conducted with the hope of assembling practical information that would be useful to all the departments participating in this study. A questionnaire was sent to forty-nine state police departments inquiring as to:

- 1) the type and calibre of the official sidearm of the particular department;
- 2) the type and calibre of ammunition authorized for both field use and in-service training;
- 3) the type and calibre of weapon previously used by the department, and date of changeover;
- 4) the reasons for adopting the current weapon;
- 5) field experiences, advantages and/or shortcomings of the current weapon;
- 6) any difficulties experienced by the men in adapting to a change if one had taken place; and,
- 7) whether or not a change in weaponry is contemplated, and if so, to what type.

The response to this survey was most gratifying. Forty-six State Police Superintendents replied to the letter. The extent of the replies indicated more than just a willingness to cooperate with a brother law enforcement agency. The tone of

the letters and the depth of the answers showed a genuine concern by these responsible law enforcement officials to this most perplexing problem: What is the most suitable weapon and type of bullet for a department, not only from the standpoint of that agency's particular needs and the well-being of its officers, but also from a public relations point of view.

Twenty-six state police agencies are currently using the .357 Magnum revolver. Twenty-two of these departments formerly used .38 calibre weapons; three states, Connecticut, Colorado, and Maine, are currently undergoing the transition. Fifty percent of the states using the .357 Magnum have been doing so for an average of ten years. Utah has been carrying the .357 for thirty years, and Mississippi claims the distinction of being the first state law enforcement agency in the United States to adopt this weapon. The Montana State Police carry the .357 side-arm but have discontinued the use of .357 ammunition "due to the heavy recoil" which they have found has affected shooter accuracy.

The Oklahoma State Police allows officers to carry the .357 or a bigger Magnum, either the .41 or .44, and surprisingly they find a trend to the heavier weapon. In addition, Oklahoma is the only state that does not dictate the type of ammunition the officers may use in their official sidearms.

Nineteen states issue the .38 calibre revolver to their officers, and with the exceptions of Kansas and Arizona, the .38 has always been the official weapon of these departments. Kansas carried the .357 Magnum through the mid-1950's and then made the transition to the .38 revolver. Arizona officers used to carry either the .38 revolver or the .357 Magnum. In 1969, in order to standardize both weapon and cartridge within the department, Arizona chose the .38 calibre weapon and, utilizing hollowpoint ammunition, feel they equal the performance of the .357 Magnum. Two states that have been using the .38 calibre gun for years, Minnesota and Iowa, have just completed extensive tests and will shortly adopt the .357 for their respective departments.

The State of Illinois issued the .357 Magnum for on-duty use and the smaller models of .38 calibre guns as off-duty weapons. They have now made a transition to the 9mm semi-automatic to standardize the department's weapons and firearms training. Tests conducted by their ballistics people convinced them that the design, weight, and overall competency of the 9mm eliminates the need for different weapons on and off duty.

The most oft-recurring arguments of the .357 users for making the transition from the .38 revolver was a need for better

penetration in barricade situations and in the disabling of motor vehicles, "more knockdown or stopping power, and a general loss of faith in the capabilities of the .38 weapon among the rank and file of their respective departments."

On the other hand, those departments that chose to keep the .38 calibre weapons argue that there are .38 cartridges available today that are the equal of the .357 Magnum loads, and more important, bullet placement in a target area is of greater concern than the velocity of a particular bullet.

This nationwide canvass pointed up the same problems among State Police Superintendents that seem to plague our state chiefs: deciding on some uniform choice of ammunition, for the weapons in use. Only five of the twenty-six .357 users issue the same cartridge as the New York State Police. Seven departments issue hollowpoint ammunition but even then vary as to the choice of weight. Some advocate 110 grains, others 125 grains, and still others 158 grain cartridges. Eight agencies chose semi-jacketed soft point cartridges, but weight varied. Two departments use steel jacketed armor-piercing ammunition, where a third bans it because of disastrous consequences when the officers who used it in gunfight confrontations found it passed through the intended targets without knocking them down.

Choices of ammunition was just as varied for the .38 calibre users. Eight different types of ammunition are being used. Seven departments issue hollowpoint ammunition while another, California, bans hollowpoint, wadcutters, armor-piercing, and military ball cartridges.

Surprisingly, this survey disclosed the same disturbing facts as emerged from our statewide questionnaire concerning firearms training. In those departments using the .357 Magnum, only four train their men with .357 ammunition exclusively. Six other departments recognize the need to familiarize their men with .357 ammunition on a continual basis, and afford some range firing of .357 cartridges; but the bulk of the practice is still with .38 calibre wadcutters. Fully, sixteen agencies using the .357 Magnum make no mention of using .357 ammunition at the firing ranges, although that question was specifically asked.

As to the matter of agency policies concerning recruit training, none of the 45 responding agencies issues a firearm to the new candidate until he has completed at least fifty hours of familiarization and qualification firing; the average number of rounds fired is about 600.

Table IX, which follows, lists each state law enforcement agency and the information it provided in response to the study's canvass letter.

Table IX. Summary of Findings from the Nationwide Survey of Selected State Police Agencies

STATE POLICE AGENCY	OFFICIAL SIDEARM	AUTHORIZED AMMUNITION FOR FIELD USE	AUTHORIZED AMMUNITION FOR FIREARMS TRAINING	SIDEARM FORMERLY IN USE	COMMENTS
ALASKA	.357 Magnum	.357 semi-jacketed hollow point	.38 calibre wadcutter	changed from .38 calibre in 1967	Satisfied that present weap. has more "stopping power" and longer range.
CALIFORNIA	.38 calibre Colt or Smith & Wesson with 6" barrel	.38 calibre 150 gr lubaloy high speed Winchester (considering change to .38 cal 90 gr SJSP)	.38 148 gr wadcutter	No change anticipated.	Prohibit the use of Hollow point, wadcutter, armor piercing, military ball for official use.
CONNECTICUT	.357 Magnum model 66 with 4" barrel	.357 calibre jacketed hollow point 125 gr	.38 calibre 148 gr semi wadcutter. (Will change to .357 calibre ammo when they obtain .357 reloading equipment)	Transition from .38 calibre colt is currently taking place.	Found the .38 calibre weapon ineffective in neutralizing opponent.
COLORADO	.357 Magnum Colt Python	.357 calibre 125 gr jacketed soft point	.38 calibre 158 gr semi wadcutter	Transition from .38 calibre Colt and the 38/44 Smith & Wesson currently taking place	
DELAWARE	.38 calibre Smith & Wesson Model 10	.38 calibre, 125 gr jacketed hollow point	.38 calibre, 148 gr wadcutter and 125 gr jacketed hollow point	Changed from .38 calibre Colt to present weapon several years ago.	Feel that by their choice of ammo. they maintain a performance capability compatible with the .357 Magnum.
DISTRICT OF COLUMBIA	.38 calibre Smith & Wesson Model 10 or Colt in 2" & 4" barrels	.38 calibre 158 gr lead round nose	.38 calibre 148 gr wadcutter	Always been the official sidearm.	Satisfied that it meets department needs.
FLORIDA	.357 Magnum	.357 calibre 158 gr jacketed hollow point	.38 calibre 148 gr wadcutter reloads	Changed from .38 cal. Colt in 1958.	Dept. felt it wanted weapon with more velocity and penetration.
GEORGIA	.357 Magnum	.357 calibre 158 gr lead ball	.357 158 gr wadcutter reloads	Changed from .38 cal. Colt in 1956.	Desired more firepower for disabling vehicles and in barricade situations.

STATE POLICE AGENCY	OFFICIAL SIDEARM	AUTHORIZED AMMUNITION FOR FIELD USE	AUTHORIZED AMMUNITION FOR FIREARMS TRAINING	SIDEARM FORMERLY IN USE	COMMENTS
IDAHO	.357 Magnum 4" bbl. model 28 Smith & Wesson	.357 calibre 158 gr 3/4 jacketed flat-nose (also issue armor piercing bullets on limited basis)	.38 calibre wadcutter reloads	Changed in 1954 from 38/44 Smith & Wesson with 4" bbl	Desired increased penetration or "car stopping ability". Satisfied with change.
ILLINOIS	9mm Semi-Automatic Smith & Wesson Model 39	Special Police Service Load with minimum foot pounds of energy approximately 400 F.P.E.		.38 calibre .357 calibre	Transition was due to desire to issue a state-owned firearm which by design and weight and overall competency would serve as both on-duty and off-duty weapon and maintain a training program for that one gun.
IOWA	.38 calibre Smith & Wesson for uniform .357 Investigative Force	.38 calibre, 125 gr	.38 calibre, wadcutter		The investigative division currently using the .357 The Patrol Division will make switch shortly to the .357 Magnum.
KANSAS	.38 Special Smith & Wesson	.38 special 158 gr lead round nose	.38 calibre 148 gr semi wadcutter	Changed from a .357 Magnum in early 1950's	Satisfied with current weapon but are aware of limitations with present cartridge.
KENTUCKY	.357 Magnum	.357 calibre 158 gr jacketed soft point	.38 calibre 148 gr wadcutter	Changed from the .38 calibre Smith & Wesson with 4" bbl in 1966	Found that penetrating and "knock down power was not sufficient in .38 cal. weapon.
LOUISIANA	.357 Magnum	.357 jacketed hollow point weight is matter of officer's choice	.38 calibre 148 gr wadcutter reloads		Satisfied that .357 provides superior fire power for Dept. needs.
MAINE	.357 Magnum	.38 calibre 158 gr. (changeover is currently taking place and men have not yet qualified with .357 ammunition)	.38 calibre 158 gr	Transition from .38 Spec. is currently taking place.	Found the .38 Spec. lacked sufficient velocity and shocking power.
MICHIGAN	.38 calibre Special	.38 cal. 125 gr Special +P jacketed soft point	.38 calibre 148 gr wadcutter		Satisfied with present weapon, contemplate no change.

STATE POLICE AGENCY	OFFICIAL SIDEARM	AUTHORIZED AMMUNITION FOR FIELD USE	AUTHORIZED AMMUNITION FOR FIREARMS TRAINING	SIDEARM FORMERLY IN USE	COMMENTS
MINNESOTA	.38 calibre Smith & Wesson with 4" bbl	.38 calibre 158 gr lead high velocity blunt nose	.38 calibre 148 gr special	Smith & Wesson is currently making a stainless steel .357 Magnum which will replace the present weapon.	
MISSISSIPPI	.357 Magnum	.357 calibre 158 gr lead nose & 158 gr steel jacketed	Star reload wadcutters	FIRST STATE TO USE THE .357 MAGNUM	"Would not recommend for city use."
MISSOURI	.38 Special Combat Masterpiece S&W	.38 calibre 158 gr lead alloy hollow-point Winchester	.38 calibre 148 gr wadcutters	Always .38 calibre.	Satisfied with present weapon not contemplating change.
MONTANA	.357 Magnum	.38 calibre semi-jacketed softpoint, high speed or super vel. load	.38 calibre wadcutters	Have discontinued the use of .357 ammunition due to the heavy recoil which has affected shooter accuracy.	
NEBRASKA	.357 Magnum	.357 calibre 158 gr jacketed softpoint	.38 calibre wadcutters	.38 calibre Colts & Smith & Wesson 4" bbl.	Found .38 bullet ineffective in gunfight.
NEW JERSEY	.38 calibre Colt or S&W with 6" bbl	.38 calibre 125 gr semi-jacketed hollow point, Remington	.38 calibre 148 gr wadcutters and 125 hollow point		Satisfied with current weapon since transition to ammo. currently used.
NEW HAMPSHIRE	.357 Magnum	.357 calibre 158 gr hollow point S&W	148 gr wadcutters and .357 158 HP	Changed from .38 Model to S&W 1973	All members of Division are very much satisfied.
NEW MEXICO	.357 Magnum	.357 calibre 158 gr semi wadcutters	.38 calibre 158 gr wadcutters	Changed from .38 in 1964	
NEW YORK	.357 Magnum Smith & Wesson Model 10	.357 calibre 158 gr lead soft point Winchester Western	.38 calibre 158 gr lead roundnose	.38 calibre Colt or Smith & Wesson 4" barrel	
NEVADA	.357 Magnum	.357 calibre 110-125 gr semi-jacketed HP .357 calibre 158 gr lead	.357 Wadcutters	Changed from the .41 calibre Magnum in 1969	.41 Magnum caused a lack of shooting proficiency because of its considerable recoil and loud report. Men became "gun shy".

-95-

STATE POLICE AGENCY	OFFICIAL SIDEARM	AUTHORIZED AMMUNITION FOR FIELD USE	AUTHORIZED AMMUNITION FOR FIREARMS TRAINING	SIDEARM FORMERLY IN USE	COMMENTS
NORTH CAROLINA	.357 Magnum	.357 calibre, 125 gr semi-jacketed hollow-point	.38 calibre, 148 gr wadcutters .357 calibre, 158 gr semi-jacketed soft pt.	Changed from .38 calibre M&P in 1971.	The greatest disadvantage to present weapon is adjusting to the noise and recoil. The physiological affect of the large weapon outweighs any disadvantage to date.
NORTH DAKOTA	.38 calibre Smith & Wesson	.38 calibre Armor Piercing	.38 calibre wadcutter	Prior to 1958 used .38 calibre Colt.	Satisfied with present weapon no change contemplated.
OHIO	.38 calibre Smith & Wesson Model 10	.38 calibre, 125 gr semi-jacketed	.38 calibre, 148 gr mid-range wadcutter	Prior to 1967 used 38/44	Satisfied with present weapon no plans to change
OKLAHOMA	.357 Magnum .41 Magnum .44 Magnum	Officer's Choice	Target wadcutter, mid-range	Prior to 1971 used .38 calibre S&W Model 15	85% of Troopers carry .357 but after recent shootings more are turning to the .41 & .44 Magnum
OREGON	.357 Magnum Smith & Wesson or Colt 4" barrel	.357 calibre, 158 gr semi wadcutter	.357 calibre 158 gr semi-wadcutter and .38 calibre 148 gr wadcutter	.38 calibre Revolver 6" barrel changeover initiated in 1967 completed in 1972	Find the .357 Magnum has proven to be an entirely satisfactory police weapon.
PENNSYLVANIA	.38 calibre Colt Police Special 6" barrel	.38 calibre, 125 gr semi-jacketed hollow point	.38 calibre, 158 gr roundnose, lead		Feel that the .125 grain, semi-jacketed hollow point ammo. negates the need for a Magnum weapon.
RHODE ISLAND	Uniform: .38 calibre S&W Detective: 9mm S&W Model 39	.158 gr hollow point .115 gr hollow point	.38 calibre 158 gr Reloads	Prior to 1958 .45 calibre Colt	Find the .38 calibre more accurate, cheaper and lighter to carry.
SOUTH CAROLINA	.38 calibre Smith & Wesson Model 10 4" bbl.	.38 Special (MS) 158 gr hollow point Lead, Winchester	.38 calibre, 148 gr lead wadcutter		Feel that increased recoil and noise level make the .357 difficult to keep on target.

Table IX - cont'd

- 96 -

STATE POLICE AGENCY	OFFICIAL SIDEARM	AUTHORIZED AMMUNITION FOR FIELD USE	AUTHORIZED AMMUNITION FOR FIREARMS TRAINING	SIDEARM FORMERLY IN USE	COMMENTS
SOUTH DAKOTA	.357 Magnum Model 19 Smith & Wesson Chrome Finish	.357 calibre, 125 gr jacketed hollow point	.38 calibre wadcutters .357 replacement ammo. to maintain proficiency	Prior to 1972 .38 calibre.	Transition took place because of age of .38's and general consensus of uniform members.
TENNESSEE	.38 calibre Model 15 4" barrel	.38 calibre, 158 gr lead, round nose	.38 calibre, 148 gr wadcutters	Always been the official sidearm.	
TEXAS	.357 Magnum	.357 calibre, 158 gr metal jacketed soft point - Remington	.38 calibre wadcutters	38/44 Revolver	Officers are satisfied because of the confidence they have in the weapon. Have monthly firearms training to improve officer performance.
UTAH	.357 Magnum	no restrictions on type of .357 ammo. to be used.	.38 calibre semi or full wadcutters. Some Magnum reloads to familiarize men with heavier recoil.	.357 for 30 yrs.	Feel that it is top all-round weapon for law enforcement. Also .38 calibre ammo. can be used for training which is an economic factor to the depart- ment.
VERMONT	.357 Magnum	.357 calibre, 158 gr jacketed soft point Remington	.38 special wadcutters	Prior to 1968 .38 Special	Changed because of the general inability of the .38 cartridge as commercially loaded to meet the needs of a rural police agency in terms of penetration and stopping power.
VIRGINIA	.38 calibre M&P Special 4" barrel	.38 calibre, 158 gr lead round nose	.38 calibre 148 gr lead wadcutters	Prior to 1967 used .38 calibre with 6" bbl.	Satisfied with current weapon; not contemplating change in either weapon or ammunition.
WASHINGTON	.357 Magnum 6" barrel Model 28-2	.357 calibre, hi-speed 158 gr soft point Remington	.38 calibre 158 gr semi-wadcutter	Prior to 1961 used .38 calibre revolver with 6" bbl.	Dept. experience indicates the weapon has been accurate, dependable and adequate for most State Police applications Changeover due to fact previ- ous weapons in use over 15 yrs Replacement cost was only slightly greater than repair.

Table IX - cont'd

STATE POLICE AGENCY	OFFICIAL SIDEARM	AUTHORIZED AMMUNITION FOR FIELD USE	AUTHORIZED AMMUNITION FOR FIREARMS TRAINING	SIDEARM FORMERLY IN USE	COMMENTS
WEST VIRGINIA	.357 Model .19 Smith & Wesson	.357, 158 gr Soft Point Remington	.38 calibre wadcutters some .357 158 gr	Until 1966: .38 Special Official Police 1966-69: .357 Colt Trooper	Originally issued two types of ammo. for field use. .357 semi-wadcutter normally. .357 full metal jacket for maximum penetration through autos, houses, etc. Found to be unworkable, men used full jacketed ammo. exclusively and found it went right through assailant without knocking him down. Now testing 110 grain and 125 grain jacketed soft point ammo. for future use.
LATE RESPONSES:					
MARYLAND	.38 Colt Official Police 6" barrel. .38 Smith & Wesson Model 10, 4" barrel .357 Smith & Wesson Model 13, 4" barrel commissioned officers -2" barrel Colt or Smith & Wesson	.38 calibre 158 grain ball	wadcutters for bullseye, 158 grain ball for combat training	.38's listed at left. 75 .357's issued this year.	Some officers like 6" barrel, but the 4" makes it possible to carry service weapon off duty, thereby eliminating added expense to the Trooper
MASSACHUSETTS	.38 Special Smith & Wesson Model 10 6", 4" heavy barrel; plainclothes .38 Special Smith & Wesson Model 49, 2" barrel	.38 Special 158 grain semi-wadcutter	.38 Special 148 gr mid-range Wadcutter	.38 Special Smith & Wesson Model 10, 6" standard barrel changed in 1967	Found the 4" barrel easier to handle in combat situations. Not contemplating change at present but recently tested S&W Model 59 9mm semi-automatic for possible future use.
ARIZONA	.38 Special Smith & Wesson Model 15	.38 Special 110 grain hollow point	target wadcutter and service loads	personally owned .38's or .357's. changed 1969.	The change was made to standardize and control both weapons and ammunition within the department.

D) Firearms Training for Police Officers

1) Recruit Firearms Training

All sworn municipal police officers are required to participate in a firearms training program within six months of their appointment as part of their Basic Course, according to the rules set forth by the Municipal Police Training Council (MPTC) and approved by the Governor as provided for in Section 488 of the Executive Law.

New York City and State Agency police departments, with the sole exception of the Parks and Recreation Department (which was designated a municipal police department, see Session Law of 1975, Ch. 839), are exempted from the compulsory minimum requirements. They do, however, operate their own training programs.

The Bureau for Municipal Police (BMP) provides staff services to the MPTC with respect to police training standards and programs throughout the State. BMP is responsible for organizing and coordinating training programs for local police agencies in accordance with MPTC guidelines. Its primary functions are to approve proposed curricula, certify instructors, develop schools where needed, and award certificates upon submission of a permanent record testifying to the police recruit's attendance, maintenance of a notebook, passage of examinations, and firearms qualification.

Page three of the Bureau for Municipal Police Basic Course for Police Officers manual describes the following program for firearms training:

A minimum of 23 hours of firearms instruction is required to all trainees. This includes 2 hours of classroom instruction in range procedures and safety precautions. Each officer must fire at least 240 rounds of ammunition with his own service revolver. Because each officer's previous experience with handguns, and ability to master the weapon, will vary, the firing of 240 rounds is set only as a guide. Some officers may need more practice to qualify satisfactorily. Proficiency with the service revolver helps an officer gain confidence in himself and his weapon, aids in the prevention and suppression of crime and gives greater protection to the public and the police officer.

Circumstances of Basic Firearms Training

The basic firearms training program is not administered uniformly in terms of physical facilities and particular instructors, except that the courses must be conducted by MPTC certified firearms instructors.

Police departments often operate their own firearms training ranges, such as New York City and Nassau and Suffolk Counties. Some sheriffs' departments are likewise equipped to train local police recruits, including Erie, Onondaga, and Westchester Sheriffs' Departments.

Several local police departments utilize borrowed FBI and State Police instructors at their own schools or send their recruits to FBI facilities at Camp Smith in Peekskill, New York.

The Federal Bureau of Investigation training facility at Camp Smith has trained 457 police officers in the 5-day Advanced Firearms School since September, 1969. Of this number, they have trained 366 to be firearms instructors for their respective departments. This program was designed to encourage police departments to develop firearms training programs of their own and to provide them with well-trained instructors.

The FBI Firearms unit at Camp Smith also conducts recruit training for police departments in their area, and although no record of the number of individuals trained is available, the following is a breakdown of the training man-hours provided to departments since 1969³⁴:

1969	-	4,071	hours
1970	-	4,613	hours
1971	-	3,737	hours
1972	-	4,511	hours
1973	-	4,383	hours
1974	-	3,999	hours

Survey Findings

The Statewide Survey found that the 11 largest police departments in New York State require at least 40 hours of actual range training for recruits to fire their weapons for familiarization and qualification. The number of rounds fired runs from 600 to 1,000 per recruit during this 40-hour period. In all, 152 departments accounting for approximately 52,000

34. Robinson, Roger W., FBI Firearms Supervisor, Camp Smith, Peekskill, N.Y. Letter addressed to Edward Wright, dated July 21, 1975.

officers, or 90% of the total complement of law enforcement personnel included in the study, exceed the suggested minimum hours set forth in the Bureau for Municipal Police manual. However, 50% of the responding departments indicated that they do not themselves provide the minimum standard of 24 hours/240 rounds, nor do they have a basic firearms training program. (See Table X, following.)

This latter observation is explained in part by the fact that prior firing experience acquired either during military service or at local pistol ranges is viewed as meeting the requirements. Also, some departments in this group give their recruits abbreviated firearms training, usually less than 10 hours, which is expected to "hold" them until the next school for thorough recruit training is available. Finally, some of these departments may have misinterpreted the survey question and indicated that they do not provide the training while failing to indicate that such training is provided through BMP organized schools.

It is disturbing, nevertheless, that 36 departments do not require firearms training prior to placing an officer on duty with a gun.

There are a number of cases on record of recruits who, prior to firearms training, take their revolvers home and accidentally kill or cripple members of their families...

The practice of arming recruits on their first day is often defended by the statement that most recruits have handled guns in the service, or are hunters, and "know" guns. The experience of this Department is that these men invariably have the greatest difficulty in firearms training. To admonish recruits against taking their guns out prior to training and not to purchase ammunition is unavailing. The first thing many of them do when they get home is take the revolver out and show it off. Ammunition is as accessible as the closest sporting goods store.³⁵

This is especially noteworthy since litigation for civil damages is increasing where it is thought that a department might be negligent in failing to train properly its police officers in the use of deadly force or in the use of handguns.

³⁵. McManus, George P., et al., Police Training and Performance Study. Police Training and Performance Study. Prepared for the New York City Police Department. LEAA No. 339. December, 1969.

The Bureau for Municipal Police does not conduct police training schools, but organizes and coordinates them, and sometimes sends Bureau personnel to conduct a particular class. Larger police departments, such as New York City, Buffalo, and several of the downstate counties, do maintain full-time police schools. In all other instances, the Bureau for Municipal Police creates ad hoc schools organized in 13 defined geographical areas of the state, as shown on the accompanying map.

Because of the importance of firearms training for the police officer, it is suggested that this component of the BMP Basic Course be increased to at least 40 hours with a concomitant increase in the number of rounds to be fired from a current 240 to at least 600. This standard is more in keeping with that maintained by the larger departments throughout the nation, as well as those recommended by the National Commission on Criminal Justice Standards and Goals.

It must also be recognized that, given its present staffing size and configuration, BMP does not and cannot monitor as extensively as it should the extent and quality of the training provided to municipal police officers. Therefore, a more vigorous system, a schedule for such monitoring should be developed, and increases in the staff assigned to BMP for this purpose should be seriously considered.

2) In-Service Firearms Training

The Statewide Survey asked each department to indicate whether or not it had an in-service firearms training program and, if so, to describe it in terms of course content, number of sessions, number of rounds fired, etc. The results of the survey indicate that in-service firearms training across the State is a literal patch-work of diverse standards and practices.

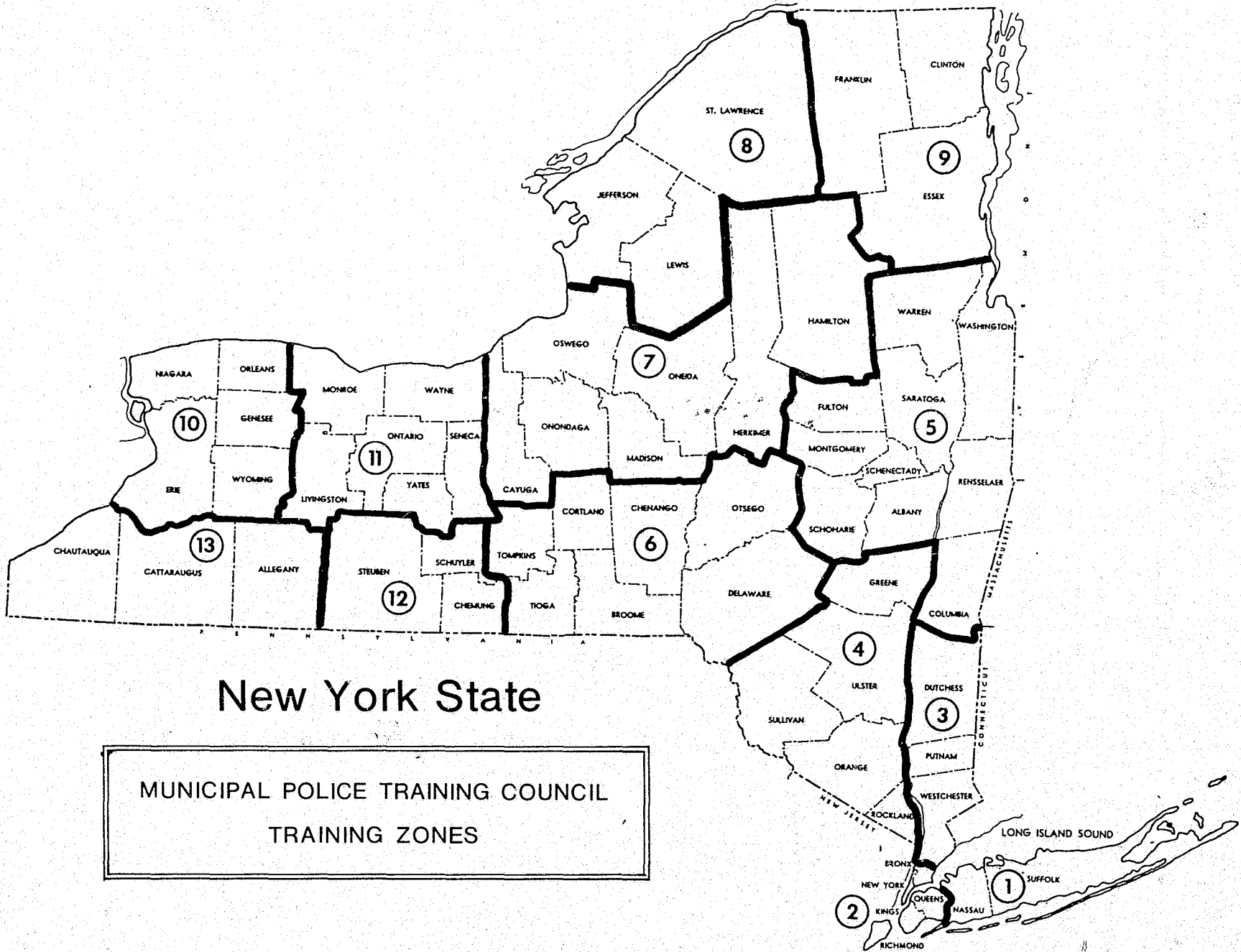
While a number of departments require their members to fire the Practical Pistol Course (PPC) for practice and qualification once a year, many others neither require nor provide any in-service firearms training at all. Indeed, the range of responses in-between made categorization of the data for presentation and analysis very difficult. Table XI shows the distribution of all 374 responding departments across eight categories ranging from "Monthly or Weekly" firing through "No Gun."

Strictly speaking, most of the responding departments lack a genuine in-service program, in that they have no regularly scheduled sessions during which every officer is required to practice and fire a qualifying score on some sort of department-wide standardized course.

TABLE X.

RECRUIT FIREARMS TRAININGALL RESPONDING POLICE AGENCIES IN NEW YORK STATE

<u>HOURS</u>	<u>NUMBER OF DEPARTMENTS</u>	<u>NUMBER OF OFFICERS</u>
Over 40 hours, and fire an average of 600 rounds for familiarization and qualification	11	45,823
Over 40 hours (number of rounds unspecified)	141	6,264
21 - 39 hours	20	1,102
11 - 20 hours	37	1,071
1 - 10 hours	94	2,577
Other method	42	831
No response to question	25	355
None	3	17
No gun	<u>1</u>	<u>1</u>
TOTALS	374	58,041



In commenting on in-service training, a recently done survey of the Yonkers Police Department indicated that:

The primary limitation on in-service training has been a budgetary one. Members of the bureau state that since overtime pay has become a reality, training programs have been cut to a minimum--to avoid paying one-and-one half times the basic salary rates to conduct training.³⁶

This DCJS study found that this was the case among many of the smaller departments, with fewer than 10 officers. "Cannot afford ammunition or instructors," wrote one Chief. "Men are suggested (sic) to do as much target shooting as possible, as budget restriction does not allow for extra shooting practice," responded a Sheriff. A few departments try to accommodate both the lack of funds and overtime allowances and the need for in-service firearms training by making shooting facilities available during off-duty hours ("the range is open once a week") and sometimes provide practice ammunition, but the initiative is the officer's alone and there is no indication of follow-up. As the Chief of one such department said, "We have an indoor range and it is used at the discretion of all police officers." At least one department pays its officers a \$100 bonus for participating in an annual 5-day in-service program during off-duty hours. This gives the officers something extra while relieving the department budget from time-and-a-half salary payments for overtime, and both parties to the plan gain from having the training completed. A large city department responded thusly: "Due to the number of new men in the department over the past several years, the re-qualification program has been temporarily suspended. The cost of training new men has had a considerable effect on the ammunition budget."

The National Commission on Criminal Justice Standards and Goals also underscores the importance of economic considerations and police training. The Commission says:

Training in itself is not controversial; every police agency wants the best trained personnel it can get or develop. But there is no question that this is a major expenditure on the part of agencies and the jurisdictions they serve.³⁷

36. International Association of Chiefs of Police, Field Operations Division. Survey of the Police Department, Yonkers, New York. 1971. p. 201.

37. National Advisory Commission on Criminal Justice Standards and Goals. Police. 1973. p. 383.

IN-SERVICE FIREARMS TRAININGALL RESPONDING POLICE DEPARTMENTS IN NEW YORK STATE

<u>CATEGORY</u>	<u>DEPARTMENTS</u>	<u>OFFICERS</u>
<u>Annual</u> - Generally includes 1 day or 8 hours and about 50 rounds	107	8,136
<u>Semi-Annual</u> - About 100 rounds per session, more than 1 day per year	113	45,220
<u>Monthly or Weekly</u> - A range of 300 - 1,000 rounds annually per officer	87	3,412
Less than 50 rounds or 8 hours per year	3	76
<u>Discretionary</u> - Training as need dictates	17	297
No In-service Training	43	881
No response to question	4	18
No gun	<u>1</u>	<u>1</u>
TOTALS	374	58,041

Notwithstanding the above, the majority of departments (including small ones) maintain programs wherein each officer fires 2-52 times per year as the required in-service firearms training. Such departments usually employ multiple methods, e.g., target practice, Practical Pistol Course, Close Combat Course, Night Firing Course, single and double action shooting, throughout the year. Special-weapons training is also frequently included with each officer firing tear gas rounds, shotgun shells, and perhaps some rifle and chemical mace rounds. (This report is concerned primarily with handguns and as such did not collect data on other types of department weapons used, though many agencies included descriptions of training in these arms in their responses.) The in-service range training may or may not be coupled with classroom study. Since the questionnaire did not ask specifically about this, the data gathered will support no conclusions in this area.

The National Advisory Commission on Criminal Justice Standards and Goals makes the following observation on the need for in-service firearms training for police officers:

Although relatively few officers ever have occasion to fire their sidearms in the performance of duty, they must nevertheless always be prepared to do so; their lives or the lives of others may depend on their shooting proficiency. It is, therefore, imperative that every agency require its officers to demonstrate their shooting proficiency at least monthly at a firearms practice course.³⁸

3) In-Service Training in Defensive Tactics

In the course of pursuing background information about weaponry used in confrontations with police officers, the following statistics were encountered. They were developed into a brief discussion here because of their appropriateness to the subject of firearms training - both recruit and in-service.

The FBI Uniform Crime Reports for 1972, 1973, and 1974 indicate that 262 of the 378 law enforcement officers who lost their lives in the line of duty during this period were killed by handguns. Of those killed with handguns, 61, or 23% of the total, were killed with officers' guns taken by the assailant at the crime site.

Since 23 percent of all officer deaths were attributed to an officer's handgun, it is evident that there is a strong need for academy training in alertness and self-defense. The officer must be trained to recognize that his own gun can easily be turned into a deadly weapon against himself.

38. Ibid., p. 251.

Further analysis of these reports shows that 47 State Troopers or State Highway Partol officers were killed during these three years. Of these 47 officers, 19 were shot down while making a car or traffic stop. Here again is an indication that academy training in alertness is necessary. One of the most frequent law enforcement occurrences, the stopping of a vehicle, is the cause of 40 percent of all deaths of state officers.

This study had no means of investigating the above situation with respect to current training practices among police agencies in New York State. The survey questionnaire had been developed and disseminated before the phenomenon of police deaths with police handguns was even identified as significant. However, more than a few respondents mentioned "defensive tactics" in their replies to the in-service and/or recruit firearms training questions. Perhaps they are alert to findings like the above and include procedures in their programs to address the problems. In any case, these statistics do suggest the need in police training programs to emphasize the danger of the police officer having his own gun turned against him.

E) Justifiable Use of Deadly Force: Department Rules and Training

In its questions regarding the use of deadly force, the Statewide Survey Questionnaire asked responding departments to submit written material prepared or used by it to provide guidance and training to their officers with respect to the provisions of the law dealing with the use of deadly force. Fewer than 100 departments submitted regulations that would satisfy that description. The largest group of departments merely cited the relevant Penal Law or Criminal Procedure Law sections (one agency added, "You should have a copy") without expanding further. (See Table XII.) This group, the group citing oral instructions, and the group whose members stated they had no department rules, leave interpretation of the law solely up to the individual officer. One Sheriff's department responded, "Does not apply, as this department employs jail personnel only."

Several departments forwarded "firearms regulations" whose contents were more related to proper decorum and to procedure in disposing of firearms than to policies about when and when not to shoot. This finding reinforces that of the President's Commission on Law Enforcement and Administration of Justice, as reflected in the following text, "In view of the importance, complexity, and delicacy of police work, it is curious that police administrators have seldom attempted to develop and articulate clear policies aimed at guiding or governing the way

policemen exercise their discretion" in the use of deadly force. "Many police departments have published... 'rules, regulations, and procedures' manuals running to several hundred pages. They deal extensively, and quite properly, with the personnel conduct of officers on and off duty, with uniform and firearms regulations, with the use of departmental property, with court appearances by officers...what such manuals almost never discuss are the hard choices policemen must take" -- when to draw their sidearms, when to make an arrest at gunpoint, when to fire, should they fire a warning shot, can they fire at a moving vehicle fleeing the scene of a crime. Yet these decisions, though they confront an officer infrequently, can be the most important ones in the course of his career. "How they are made determines to a large degree... the attitude of the public toward the police and the substance of court rulings on police procedures."³⁹

The area of justifiable use of deadly force is the most difficult for police departments to document, the most difficult for this study to investigate, the most difficult area for effective training programs, and the most difficult for police officers to grasp. Considerable variation among the guidelines was observed even among those departments that did submit written regulations. Some of the regulations received in response to the questionnaire were superior and deserving of their adoption by other departments (for example, "Firearms are dangerous. They should never be used to warn. Sirens, whistles, etc., may serve the same warning function...Note that a bullet from a .38 calibre revolver can travel one quarter of a mile (five city blocks) and still cause serious physical injury"). Those departments whose response indicated use of those "oral instructions," who had "departmental rules," and probably those who did not respond to this question have a serious deficiency which leaves their officers confused and their departments vulnerable to civil suit. As the President's Commission indicated, "while it is true that many departments have oral firearms policies, these policies have normally developed through customary practices that rarely are the product of careful analysis and are usually not well understood by patrolmen."⁴⁰ One department training director wrote a thoughtful letter which said in part, "We cannot place primary importance on the subject upon whom deadly force is used, but must instead consider first and foremost the lives of innocent citizens and police officers on the scene." But the attached departmental regulations bore no mark of his insight, no interpretive support for the officer.

Training practices were equally difficult to classify for purposes of this report, in part because of the lack of specificity of the survey question. Numerous respondents interpreted "training in the use of deadly force" to mean practice in use of nightsticks

39. President's Commission on Law Enforcement and Administration of Justice. The Challenge of Crime in a Free Society. 1967. p. 103.
40. President's Commission on Law Enforcement and Administration of Justice. Task Force Report: The Police. 1967. p.189.

TABLE XII.

NATURE OF DEPARTMENT RULES REGARDING USE OF DEADLY FORCE:ALL RESPONDING POLICE AGENCIES IN NEW YORK STATE

<u>CATEGORY</u>	<u>DEPARTMENTS</u>	<u>OFFICERS</u>
Written departmental regulations, or citations of Bureau for Municipal Police regulations, the Penal Law, the Criminal Procedure Law, or the N.Y.S.P. <u>Manual for Police</u>	253	55,508
Oral instructions	65	1,841
No department rules	28	318
No response to question	27	373
No gun	<u>1</u>	<u>1</u>
TOTALS	374	58,041

and mace, defensive tactics, even firing-range training. Some departments went to great lengths to describe their use of training films, classroom discussions, decision-firing sessions, legal bulletins, and roll-call question-and-answer periods. More frequently, though, they just entered "basic training course" or "in-service training."

Overall, then, the study found outstanding examples of local department efforts to keep officers abreast of change in interpretation of laws, to keep them aware of the dangers of over-reaction to armed confrontation, to remind them of their purposes as police officers. The study, of course, had no way to determine whether or not the officers avail themselves of this information. Notwithstanding this observation, however, too many departments have not attempted to develop written regulations and guidelines in this area; as a result, a sizeable number of police officers are probably confused with respect to a critical dimension of their role.

F) Peace Officers

The Statewide Survey did not include the study of peace officers, their weapons and training both in firearms and in use of deadly force, but some comment in this report is necessary because of the apparent inconsistencies in statutes that set certain specific guidelines for police officers, but exempt peace officers from the State's gun licensing and training requirements.

The following sections are taken directly from a document on the subject produced by the Temporary Commission on Revision of the Penal Law and Criminal Code, of the New York State Legislature:

"Section 1.20 Subd. 33 of the Criminal Procedure Law (CPL) designates twenty-five groups, including police officers, as peace officers." (See Appendices D & E.) "There are an additional sixteen statutes (See Appendix F) outside the CPL that designate groups as peace officers.

"Peace officers enumerated in the CPL have a general exemption from the weapons licensing requirements in Section 265.20 of the Penal Law. This exemption permits them to carry and possess firearms both on duty and off duty. Even in those situations where an employer may prohibit on-the-job possession, this would have no effect on off-duty possession.

"Those peace officers appointed outside the CPL possess all the general peace officer powers of arrest, search, and use of physical force, but only on duty. They are not exempt from the gun licensing requirements of the Penal Law.

"Section 35.30 of the Penal Law deals with the use of physical force, by peace officers and private individuals, to effect an arrest or prevent an escape. This section does not differentiate between "peace" and "police" officers. But, the definition of "peace officers" in Section 1.20 of the CPL includes "police officers," so both groups possess the same authority to use force while effecting an arrest or preventing an escape.

"The statute lists three instances when a peace officer can use deadly force in effecting an arrest. He can do so when he reasonably believes that the offense committed was a felony involving force or was kidnapping, robbery, burglary, or escape. He can also use deadly force to arrest any felon who is making an armed escape. Regardless of the offense, a peace officer can use deadly force to protect himself from what he reasonably believes to be the imminent use of deadly force (Penal Law Section 35.30, Subd. 1).

"The courts have held that the CPL designation of peace officer carries no vested right to carry weapons on the job. This on-duty prohibition creates the anomalous situation in which individuals supposedly appointed peace officers because of the duties and dangers of their employment cannot carry guns while performing their on-duty tasks, but are authorized to carry them at any other time.

"Minimum qualifications and training for police officers are prescribed by statute and the New York Code of Rules and Regulations (General Municipal Law, Executive Law Section 840, NYCRR Subtitle U). Under this statutory arrangement the Municipal Police Training Council recommends rules and regulations to the Governor and, after their inclusion in Subtitle U of the New York Code of Rules and Regulations (NYCRR), police officers appointed to a probationary term or on other than a permanent basis must meet these requirements in order to qualify for permanent appointment or continued employment.

"Subdivision 2 of Section 209-q of the General Municipal Law defines police officers as members of a police force or other organization of a municipality who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state. It includes part-time policemen who are members of a police force and responsible for enforcement of the general criminal laws, but it does not include peace officers, such as town constables who do not possess the same authority as police officers in respect to that enforcement.

"The minimum police officer training consists of not less than 285 classroom hours, and is to cover such major groupings of subjects as: Basic Law, police procedures, police proficiency areas, and supervised field training. No police officer may be certified without receiving the full 24 hours of firearms instruction.

"There is no similar statutory minimum qualification and training required for all peace officers. As stated above, peace officers are not subject to the police officer training requirement. Consequently, what training there is must result from statutes involving the agency or authority in question, requirements stated in the NYCRR or from internal employer regulations.

"The Education Law provides that all state university peace officers must satisfactorily complete a course of law enforcement training approved by the Municipal Police Training Council. The Railroad Law states that a proposed appointee as a railroad police officer must complete the minimum police training required for local police officers or equivalent training approved by the Municipal Police Training Council.

"Most of what training there is results from the employers' internal rules. For example, the Triborough Bridge and Tunnel Authority requires two-day classes of instruction in the use of handguns.

"This lack of legislatively prescribed minimum standard of training in the proper use of weapons and police procedures creates a risk of harm to the public. It also increases the likelihood that a municipality or authority will be subject to liability for the wrongful acts of its inadequately trained peace officer employees."

In the interest of public safety, this report suggests that all peace officers should be required to meet the minimum firearms training requirements established by MPTC, and that all agencies employing peace officers should articulate in writing their specific policies and regulations regarding the use of deadly force and provide adequate training in these policies and regulations.

G) Civilian Handguns

Deputy Inspector Peter Maloney of the New York City Police Department, License Division, recently testified that as of December 31, 1974, there were 28,747 valid pistol licenses in New York City.⁴¹ The New York State Police files of pistol permit holders outside New York City list another 520,000 licenses.⁴² There are, then, some 550,000 pistol permit-holding civilians in New York State. The number, however, is the number of civilians who can legally carry pistols--not the number of pistols owned by civilians.

41. Maloney, Peter J. "Firearms Legislation." Testimony before the U.S. Congress House of Representatives Subcommittee on Crime, Committee on the Judiciary. 94th Congress, 1st Session, July 25, 1975.

42. Thomas, Lee, Senior Investigator, New York State Police, Civilian Firearms Registration Section.

This study did not investigate in depth the status of civilian ownership of handguns, inasmuch as other groups are doing current research in the area (United States Congress, Convention of Governors) and the mandate from Governor Carey called for study of police sidearms. There are a number of inconsistencies which came to light during the study, though, and it is appropriate to discuss them here.

The New York City resident applies for a pistol license to carry/use a particular weapon, which, following his purchase, is noted on his license. If he wants to purchase an additional handgun he must apply to the New York City Police Commissioner for an additional purchase order. The second handgun is then listed on the license. Normally, an individual is allowed to own no more than two handguns at any time in New York City. The upstate resident applies for a license which enables him to purchase a handgun. In order to purchase another gun from a dealer, he must reapply to the issuing agency for an additional purchase coupon at which time an amendment is made to his license to reflect this fact.

The New York City resident's pistol license is renewable every two years, and the background of each applicant (references, place of business, etc.) is checked by members of the police department. The upstate resident's license is a lifetime certificate unless he is convicted of a criminal deed or is declared mentally incompetent. When he dies his handgun license remains on file with the Civilian Firearms Registration Section of the State Police because of the failure of the issuing agency to notify them of the change in status. In fact the State Police estimate that as many as one-third of the licenses on file may no longer be active.

The above regulations pertain to handguns legally bought from dealers. There are many handguns bought and sold or traded amongst friends or acquaintances about which government sources would remain uninformed. Guns stolen and carried illegally are another group. What all this demonstrates is that no one knows how many people other than police actually own handguns, or how many guns are owned by people other than police in New York State.

There are further inconsistencies. The New York State Vehicle and Traffic Law established meaningful standards which must be satisfied before an individual is licensed to operate a motor vehicle. No person is eligible to apply until he is at least 18 years of age (17 if he has successfully completed an approved drivers education course). No person may be issued even a learner's permit until he has taken and passed a vision

test and a test for colorblindness; nor is a learner's permit issued until he has taken and passed a test relating to traffic, traffic laws, and road signs. Finally, and most importantly, no person is issued a license until he has demonstrated his driving proficiency during a road test. (Vehicle and Traffic Law, Section 502).

Section 400.00 of the New York State Penal Law authorizes the issuance of a pistol license to any person who is of good moral character and who has not been convicted anywhere of a felony or a serious offense, and in addition has not suffered mental illness or been confined in a mental institution. If the above conditions are met, and no good cause exists for the denial of such license, after the statements have been investigated and verified, the license is granted.

Nowhere in the gun-licensing sections is consideration given to the demonstration of proficiency or competence of a prospective licensee with a handgun prior to issuance of a license. Nowhere in the licensing section of the Penal Law are minimum age or physical qualifications established for an applicant.

Therefore, the handgun licensing sections of the Penal Law allow a person to own a handgun without regard to age. However, the practice throughout the State, relying on an interpretation of another section of the Penal Law, is to require that an applicant for a handgun be at least 16 years of age. The practice in New York City is to require an applicant to be at least 21 years of age. The federal law provides that no one may be sold a handgun by a licensed dealer unless they have attained the age of 21. However, this federal law does not appear to prevent a dealer from selling a gun to an individual over the age of 21 who may in turn sell it to an individual under 21 years of age. A person may suffer from a physical disability or vision impairment which would impair his ability to use a handgun safely, and such a disability might never come to the attention of the licensing authorities. It is suggested here that authorizing the issuance of a handgun license without requiring any indication or test of the applicant's proficiency in and knowledge of its proper use amounts to an abdication of governmental responsibility.

There is little justification for continuing a statutory scheme that creates more stringent requirements in applying for a driver's license than in applying for a pistol permit. A handgun has at least the same mortality risk in unskilled hands as an automobile.

IV. ADDITIONAL DATA

Other References Used But Not Footnoted

1. DiMaio, Vincent J.M., M.D. "Report:Wound Ballistics and the Selection of Suitable Handguns and Ammunition for Police." Prepared for this study.
2. New York State Legislature. Temporary Commission on Revision of the Penal Law and Criminal Code. "Peace Officers."
3. Sherrid, Samuel D., Ph.D. "Comparison of Effects of the .357 Magnum and the .38 Handguns." Prepared for this study.
4. U.S. Department of Justice. FBI Uniform Crime Reports. "Law Enforcement Officers Killed. Summary 1974."

APPENDICES A - F

STATEWIDE SURVEY QUESTIONNAIRE

May 19, 1975

1. Do you have regulations concerning the type and caliber of handguns issued to members of your department?
 YES _____ NO _____

2. Do you have regulations concerning the type of ammunition to be used by members of your department in handguns?
 YES _____ NO _____

If you have regulations regarding 1 or 2 above, please attach hereto.

3. What control do you exercise over the type of handgun issued or carried, or the type of ammunition used, such as roll call inspection, departmental issue, etc.
- _____
- _____
- _____

4. Do you require firearms training prior to placing an officer on duty with a gun?
 YES _____ NO _____

Extent of training:

Number of hours _____

Nature of training _____

5. Is your initial firearms training given at the time of the basic course?

YES _____ NO _____

6. (a) Do you have in-service firearms training?

YES _____ NO _____

- (b) What is your current procedure concerning in-service firearms training? Include type of course, number of sessions, number of rounds fired, etc.

May 19, 1975

(Continued) 6. (b) _____

7. (a) Please cite the total number of incidents in which officers of your department have had to shoot their handgun in defense of a human life, since January 1, 1974.

(b) Did any of these incidents involve the use of a .357 magnum revolver by your officer?

YES _____ NO _____

8. (a) What rules or regulations do you have concerning the use of deadly force? Please attach copies if not included under #2 above.

(b) What training is provided in regard to the use of deadly force?

It would be very much appreciated if you will complete and return this questionnaire no later than June 20, 1975.

Number of officers in your department _____

 Signature

Calibre of sidearm(s) your department uses _____

 Title

Calibre(s) of ammunition _____

 Department

APPENDIX B

SUMMARY OF FINDINGS FROM STATEWIDE
SURVEY QUESTIONNAIRE

In the interests of space, the following abbreviations and acronyms are used frequently throughout this chart:

Approv....Approval	Iss....Issue, Issues
Arm-pierc., Armor-p....Armor-piercing	JHP...Jacketed Hollow Point
Avail....Available	JLP...Jacketed Lead Point
Bluntpt....Bluntpoint	JSP...Jacketed Soft Point
Chk....Check	LP...Lead Point
Cks....Checks	LRN...Lead Round Nose
Cmbt....Combat	Ld....Lead
Compet....Competition	Ldnose...Leadnose
Cond....Condition	Ld.Rdnose...Lead Roundnose
CPL....Criminal Procedure Law	Lgr....Larger
Cr, Crs, Crses....Course, Courses	MPA...Municipal Police Academy
Dbl. Act.... Double Action	MPTC...Municipal Police Training Council
Dec....Decision	Man....Manual
Disc....Discussion	Mil....Military
FJ....Full Jacketed	Mod....Modified
Fact....Factory	Neces....Necessary
Famil....Familiarization	Obsv....Observation
Fltnose....Flatnose	Offcr....Officer
Gr....Grain	PPC...Practical Pistol Course
HP....Hollow Point	PPC Mod...Modified Practical Pistol Course
Hdnose....Hardnose	Per. Insp....Periodic Inspection
Hol. Pt...Hollow Point	Profic...Proficient, Proficiency
Insp., Inspec., Inspect....Inspection	

Pur., Purch...Purchase, Purchases
Qual...Qualify, Qualification
Rdnose...Roundnose
Rds...Rounds
Reg...Regular, Regulates, Regulations
Rng...Range
Rpts...Reports
Rqrmnts...Requirements
SJ...Semi-Jacketed
SJSP...Semi-Jacketed Soft Point
SN...Soft Nose
Satis...Satisfy
Ses., Sess...Session
Sev...Several
Sftnose...Softnose
Softpt...Softpoint
Sp., Spec...Special
Spot Cks... Spot Checks
Super., Superv...Supervisor, Supervisory
Svc...Service
Tact. Pist...Tactical Pistol
Tact. Rev...Tactical Revolver
Vol...Volunteer
x...Times (Occasions)
Yrly...Yearly

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE-		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
<u>ALBANY</u> County Sheriff	90	Yes	Yes	.38	.38 ball.	Dept. iss.	Yes	40 hours class & range	Quarterly	450 rds per sess.	Penal Law	None at present	
Albany	389	No	No	.38 sp.	.38 sp. 158 gr lead	Dept. iss. gun, ammo.	Yes	35 hrs	Suspended, Budget Deficiency. Previous: Annual	FPC Mod. 60 rds	Penal Law	Yes	
Altamont	1	Yes	Yes	.38	.38	Dept. iss.	Yes		Semi-Annual	60 rds tact. rev. 50 rds dbl. act. 50 rds PPC 30 rds Police "L"	Oral	Repetitive Indoctrination	
Bethlehem	28	Yes	No	.357	.357, .38	Dept. iss. gun, .357 ammo.	Yes	40 hrs	Semi-Annual	FBI Sponsors 6,000 rds. handgun & shotgun	Penal Law	Yes	
Cohoes	33	Yes	No	.38	.38	Dept. iss. gun.	Yes	PPC Basic Combat; as many rds as necess.		PPC	Yes	Yes	Roll call, legal bullet- tins
Colonia	70	Yes	Yes	.38	158 gr softpt.	Dept. iss. gun, ammo; check by patrol sgt.	Yes	40 hrs	Semi-Annual	PPC	Yes	Yes	

APPENDIX B

-121-

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG,	RECRUIT TRAINING	IN-SERVICE TRAINING
Green Island	7	Yes	Yes	.357	.357	Dept. iss.	Yes	15 hours firing range	Monthly	30 rounds			
Guilderland	6	Yes	Yes	.357	158 gr JSP .357	Dept. iss.	Yes	8 hrs	Quarterly	120 rounds close combat, PPC 120 rds, tact. rev. 120 rds, dbl. action 120 rds.		Yes	
Menands	9	Yes	Yes	.38	.38	Dept. iss.	Not Required		No	In-Serv.			
Watervliet	27	No	No	.38 spec.	.38 spec.		Not Required	Advised of dept. regs., responsib. of carrying weapon	Chief's discretion	75 rounds silhouette target, bar- rier shoot- ing	Yes (BMP)		
<u>ALLEGANY</u> County Sheriff	5	No	No	.38, .357	.38, .357	Roll call inspection	Yes	Work on range	Bi-Monthly	Varies	Last Resort	Yes	
Andover	1 FT 2 PT	No	No	.357 .38		Chief's discretion	Yes	40 hours BMP course	Annual	300 to 400 rounds	None	Covered in basic course	
Belmont	1	No	No	.38, .357	No rd nose, No .41 No .44	No auto. weapons	Yes	PPC 24 rds FBI instr.	Monthly	PPC 100 rds	Penal Law	Yes	Monthly sessions, films

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Canaseraga	2 PT	No	No	.38	.38	None	Yes	Police training school	None		No	Yes	
Friendship	3 PT	No	No	.38	.38	Nothing smaller than .38	Yes	MPTC	None at present time but will in near future.		Penal Law	MPTC	None
Wellsville	9	No	No	.38	.38	Dept. iss. gun	Not required	Basic police training school	None - Cannot afford ammunition, or instr.		Penal Law	Basic police training school	
<u>BROOME</u> County Sheriff	67	Yes	Yes	9mm	9mm	Roll call inspection	Yes	40 hrs tactical rev.	3 times a year	100 rds		Yes	Changes in Penal Law
Binghamton	135	Yes	Yes	.38	.38	Dept. reqs. .38	Yes	48 hrs		Combat course 56 rounds	Yes	Recruit school	Yes
Deposit	4	No	No	.38, .357 .32		None	Military exper. or basic training and firing			200 rds per yr.	No		None
Endicott	42	Yes	Yes	.38	.38	Dept. iss. gun, ammo.	Yes	PPC until proficient		3 days, 260 rds	Yes		In vari- ous courses
Johnson City	35	Yes	Yes	.38	.38	Dept. iss. gun, ammo. impromptu inspection	Yes	4-5 hrs	Annual	PPC, 500 rds	Oral, CPL	Oral	Oral

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE			
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING	
Port Dickinson	4	Yes	Yes	.38, .357 opt.	.38, .357	Dept. iss.	Yes	40 hrs basic police course	No set amount		Self defense only			
Vestal	22	Yes	No	.38 or larger		Dept. iss.	Yes	40 hrs + range qualification	Semi-Annual	Mod. PPC, Mod. dbl. action, 200 rds per session	Yes		Yes	
Whitney Point	1	Yes	No	.38 or larger			Yes	4 hrs 30 rounds	Semi-Annual	30 rounds	Yes			
<u>CATTARAUGUS</u>														
County Sheriff	22	Yes	Yes	.357		Dept. iss.	Not required		Monthly	2 hrs 50 rds per session	Penal Law	None	None	
Allegany Vil.	1 FT 4 PT	No	Yes	.38, .357, 9mm	.38, .357 9mm	Factory loads only	Yes	8 hrs State Police Instructor	Annual	100 rounds	Oral		Annual	
Cattaraugus Vil.	1 FT 2 PT	No	Yes	.38, .357		Gun must be in working order; No reloaded ammo.	Yes	5-10 hrs	Monthly	100 rounds	No set procedures	Yes	Material from Sheriff	
Franklinville	2 FT 4 PT	Yes	Yes	.357	.357 158 gr sftnose	Dept. iss. gun, ammo.	Yes	MPTC	Annual					

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE REQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Gowanda	5	Yes	Yes	.357, 9mm opt.	If 9mm super vel. hol- low pt.	Dept. iss. gun, ammo. spot cks.	Yes	40 hrs MPTC	6 Sessions per year	120 rds Combat course	Yes		
Olean	39	No	No	.357 158 gr super X	.357	Dept. iss.	Yes	8 hrs instr. plus firing	Weekly for 4 months	30 rds	Penal Law		At various levels
Salamanca	14	Yes	No	.357	.357, .38	Dept. iss.	Not Required		None		Penal Law		
<u>CAYUGA</u>													
County Sheriff	15	Yes	Yes	.38	.38	Dept. iss.	Yes	Basic training	Annual	50 rds	Verbal at time of appointment	Yes	Yes
Auburn	62	Yes	Yes	.38, or own if approved	.38	Dept. iss. & periodic inspection	Yes	16 hours MPTC	Annual	120 rds	Yes, and NYSP Manual		Yes
Fair Haven	1 PT			.38 sp	.38 sp		Yes	This part-time	officer is a deputy with the Cayuga Co. Sheriff's Dept.				
<u>CHAUTAUQUA</u>													
County Sheriff	51	Yes	Yes	.357, .38 opt.	.357, .38 Both hi-vel half jacket HP	Dept. iss. gun, ammo.	Yes	32 hours, Bullseye, PPC	Fire monthly + qual. annually	120 rds per ses.	Yes	Yes	Yes

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Busti	6	Yes	No	.38, .357	.38, .357	Officer purch. own weapon	Yes	Basic combat course	Semi-Annual Qualification		CPL		None
Dunkirk	35	Yes	Yes	.357	.357 158 gr JSP	Dept. iss., Periodic inspec.	Yes	Minimum 16 hrs	6x/yr	1,080 rds total	Penal Law	Yes	Yes
Ellicott	6	No	No	.38 sp or own .357		Dept. iss., Monthly inspec.	Yes	8 hrs. field training	Semi-Annual	PPC + 4 compet. shoots/yr.	None		
Falconer	6	Yes	Yes	.38, .357	.38, .357	Officer purch. own weapon, Periodic inspec.	Yes	32 hrs class + range	Annual	PPC + compet. shoots. 200 rds.	Yes	Yes	Yes
Fredonia	17	Yes	Yes	.38	.38	Dept.iss. gun, ammo.	Yes	32 hrs PPC		Try to attend as many in-service schools as possible.	No		
Hanover	2	Yes	Yes	.357		Dept.iss. gun, ammo.	Yes	8 hrs safety + firing	Monthly	50 rounds	CPL		Constant update
Jamestown	80	Yes	Yes	.38	.38	Dept. standards manual	Yes	PPC Qualifi- cations	6x/yr	Combat course 600- 800 rds per year	Yes	Yes	Yes
Lakewood	6	Yes	Yes	.357	.357 hi- vel	Dept.iss., random inspection	Yes	16 hrs PPC	Semi-Annual	PPC & Cmbt. 120 rds per session	Self-defense	Yes	Yes

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Silver Creek	5 FT 4 PT	No	No	.357	158 gr JSP; ar- mor-p. super X every	Dept. iss.	Yes	40 hrs, Training Academy other bullet.	Monthly	PPC .200 rds	Penal Law	Penal Law	
Sinclairville	1	Yes	Yes	.38		No Magnum guns, ammo	Yes		Monthly	4 hrs 50 rds	Nothing larger than .38 with HP ammo.	Stress minimum use of handguns	
Westfield	6	Yes	Yes	.357	.357	Dept. iss.	Yes	Familiarization and qualifica- tion		PPC fired fully, then PPC with .357 ammo.	Penal Law	Yes	Dept. policy
<u>CHEMUNG</u>													
County Sheriff	37	Yes	Yes	.357	.357 158 gr Lubaloy	Dept. iss. gun, ammo. Roll call inspec.	Yes	18 hrs PPC, night crs.	Semi-Annual	PPC + Indoor 200 rds per session	None	Regularly briefed on Penal Law	
Elmira	105	Yes	Yes	.38	.38	Dept. iss. gun, ammo. Freq. insp	Yes	40 hrs FBI Instructor	Annually	PPC 100 rds	Yes	Yes	Yes
Elmira Heights	9	No	No	.38	issue or own .357	Dept. iss. gun, ammo.	Yes	32 hrs Basic police school	Monthly	PPC 100 rds per session	Penal Law, CPL		
Horseheads	14	No	No	.38, .357	.38, .357	Dept. iss. gun, ammo.	Yes	16 hrs Class + Range	Monthly	50 rds per session	Defense of life	None	
<u>CHENANGO</u>													
County Sheriff	16	Yes	No	.38, .357	.38, .357	Insp.	Yes	40 hrs Class + Range	Annual	PPC 250 rds per year	Yes	Yes	Yes

-127-

APPENDIX B

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Bainbridge	1 FT 5 PT	Yes	Yes	.38, .357		No dummdms	Yes	4 hrs Safety + Firing	PPC		Defend life	Classroom Lectures	
New Berlin	1	Yes	No	.357	.357		Yes	Varies until qualified	Annual	100 rds	Penal Law CPL		
Norwich	17	Yes	No	.38, .357	.38, .357	Inspec. by shift sgt.	Yes	40 hrs MPTC	Semi-Annual	PPC 100 rds	Yes	Yes	Yes
<u>CLINTON</u> County Sheriff	26	No	No	.38, .357	.38, .357	None		30 hrs handgun, shot- gun, gas gun	Semi-Annual	100 rds		Yes	
Champlain	1	No	No			None	Not Required		Chief is a hunter safety instructor.		None	None	None
Plattsburgh	45	No	No	.38, .357	.38, .357	Off. purch. own gun	Yes	8 hrs Range	Semi-Annual	PPC 50 rds	Penal Law	Classroom Discussion	
<u>COLUMBIA</u> County Sheriff	10	No	No	.38, .357	.38, .357	Dept. iss. .38; Peri- odic insp.		8 hrs	Annual	200 rds per sess.	Yes	Yes	
Chatham	4	Yes	Yes	.357	125 gr JHP	Spot chk. gun, ammo.	Yes		Semi-Annual	Mod.close combat 50 rds	Penal Law	Yes	Yes

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Germantown	2	Yes	Yes		.38 sp	Reg. insp.	Yes	24 hrs, Class + Range	6x/yr	24 rds per session	Yes	12 hrs	Classrm
Hudson	21	Yes	No		.38, .357	Daily roll call	Yes	Not Specified. Range Practice	Annual	100 rds	Yes	MPTC	Yes
<u>CORTLAND</u>													
County Sheriff	28	No	No		.38 sp, .38 .357 mostly	Off. purch own gun	Not Required	MPTC School, 500 rds				Yes	
Cortland City	43	Yes	Yes		.38, .38 sp .357	Roll call	Yes	5 hrs, Class. + Range		PPC, Police L, 300 rds	CPL	MPTC School	
Homer	3	Yes	Yes		.357 -	Dept. iss.	Not Required			NYS Arm. range	Yes	Yes	
Marathon	1	No	No			None					Yes		
<u>DELAWARE</u>													
County Sheriff	12	Yes	Yes		.38 sp, .357, 9mm	Inspect.	Yes	40 hrs range	Annual Qual.	Monthly 50 rds	Yes	"Skull" sessions + weapon proficiency	
Fleishmanns	1 Summer Policeman - Does not carry a gun.												
Hancock	2	No	No		.38, .38, 9mm 9mm	Off. purch own gun	Not Required		Annual	Tact. pist. course 60 rds	Penal Law	Penal Law is stressed	
Sidney	6 FT 5 PT	No	No		.38, .38 .357 .357	Chk. cond. of gun	Yes	4-6 hrs PPC	Random	PPC 100 rds	Common sense	None	None

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Walton	5	Yes	Yes	.38 sp., .357		Dept. iss. gun, ammo.	Yes	8 hrs Class + Range	Semi-Annual	Tact. Pist. Course 50 rds	Yes		Yes
<u>DUTCHESS</u>													
County Sheriff	57	Yes	No	.38, .357		Dept. iss.	Yes	Continuous. Safety, firing	Monthly		Yes		Instruction in Penal Law
Beacon	34	Yes	Yes	.38, .357	.38 only	Dept., iss. + Inspec.	Yes	1 hr	Semi-Annual	PPC 50 rds, FBI Camp Smith 600 rds.	Yes		DA Discussion
East Fishkill	20 PT	Yes	Yes	.38, .357		Rout. Insp.	Yes	16 hrs, Class + Range	Quarterly Qualifications		Penal Law		Yes
Fishkill	20 PT	Yes	Yes	.38	.38	Reg. Insp.	Yes	20 hr; Bullseye, Combat, Famil.	Quarterly	Mod. PPC 50 rds per session	Yes	Yes	Yes
Pawling	4	Yes	No	.38, .357	Fact. load		Not Req.	1 hr monthly Basic NYS Sch.	Monthly	50 rds	Yes		Yes
Poughkeepsie City.	113	Yes	Yes	.38	.38 158 gr ball	Dept. iss. gun, ammo. Roll call inspect.	Yes	Until certified Safety, marks- manship	Monthly	50 rds	Penal Law	MPTC Tr.	
Poughkeepsie Town	55	Yes	Yes	.357	.357 125 gr JHP + .357 110 gr JHP	Dept. iss. gun, ammo. Daily insp.	Yes	8-40 hrs Qual. .357	3x/yr	Army L, etc 50 rds per session	Penal Law	Yes	Yes

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE			
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING	
<u>ERIE</u>														
County Sheriff	153	Yes	Yes	.38 sp .357	.38 sp .357	Dept.rules Inspec.	Yes	48 hrs Safety, range	Annual	NRA 50 rds per year	Penal Law	Yes	Yes	
Akron	1	No	No			None	Yes	Basic NYS Tr. Crs.	None		None	Yes	None	
Amherst	128	Yes	Yes	.38 sp		Dept. iss. gun, ammo.	Yes	66 - 76 hrs Rules, laws, safety, firing	Semi-Annual	Qual. 30 rd Wkly Prac. 30 rds.	Yes	Yes	Yes	
Aurora	16	Yes	Yes	9 mm	9 mm	Dept. iss. gun, ammo. Roll call inspec.	Yes	Combat Course, Police L		Refresher courses - indiv.basis	Yes	Yes	Yes	
Blasdell	6	Yes	Yes	.357		Dept. iss. gun, ammo.	Yes	2 hrs Safety+ Familiarization	Monthly	PPC - 50 rds per ses	Penal Law	Yes	Advanced Training	
Boston	13	Yes	No	.38, .357		Dept. reg. gun. Inspections	Yes	10 hrs Class + Range	Monthly	Qualify PPC	Penal Law	6 hr	Yes	
Buffalo	1,467	Yes	No	.38, .357		Dept. rules	Yes	80 hrs Phys. agility, range (PPC, bullseye, etc.)	Quarterly	150 rds per ses.	Yes	12 hrs	Yes	
Cheektowaga	130	Yes	No	.38, .357		Super. Inspect.	Yes	56 hrs all type shooting	Monthly	30 rds per ses.	Manual for Police	Yes		
Evans	15 FT 8 PT	Yes.	Yes	9mm	9mm 100 gr JHP	Dept. iss. + inspec.	Yes	16 hrs Cent. Police Service Academy		Auto.pistol combat crs. 100 rds	Penal Law	Academy	Refresher	

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Grand Island	5	Yes	Yes	.38	.38	Dept. iss.	Yes	Varies by exper.	Semi-Annual	50 rds per ses.	Yes		
Hamburg Town	19	Yes	No			Dept. iss. gun, ammo.	Yes	Not set. Must qualify	Weekly	15 rds per ses.	Yes		
Hamburg Village	20	No	No	.38		None	Not Req.	40 hrs basic training	In the planning stages.		Penal Law	None	None
Holland	4	Yes	Yes	.38 sp		Range insp.	Yes	10 hrs Class + Range	Monthly	50 rds per ses.	Yes	Yes	Yes
Kenmore	33	Yes	Yes	9mm	9mm 115. gr JHP	Dept. iss. Daily insp.	Yes	2 hrs Combat, Silhouette		Mod. PPC	Yes		
Lackawanna	74	Yes	Yes	.38	.38 158 gr	Dept. iss. gun. Insp.	Yes	8 hrs PPC	Annual	2 hrs 200 rds	Yes	Yes	Yes
Lancaster Town	20	Yes	Yes	.357, 9 mm		Dept. rules		MPTC	Quarterly	Varies	Yes	MPTC	Yes
Lancaster Vil.	15	Yes	Yes	.38, .357	Fact. loads	Rules + inspect.	Yes	Central Police Service Course	No In-Service, but full range facilities		Yes	Yes	
Orchard Park	24	Yes	Yes	.38 .357		Dept. iss. gun, ammo. Roll call insp.		Varies until the patrolman can qualify	Semi-Annual	100 rds	Penal Law Distributed	Yes	Yes
Tonawanda City	35	Yes	Yes	.38	.38	Dept. iss. gun, ammo.	Yes	30 hrs basic police course	Monthly	NRA Course 30 rds per ses.	Yes	Yes	Yes

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Tonawanda Town	118	Yes	Yes	.38	.38	Dept. iss. gun, ammo.	Yes	Neces. to qual.	Monthly pract. Annual qual.	PPC; up to 125,000 rds per year (dept.)	Yes	Yes	Range program
West Seneca	50	No	No	.38, .357, 9mm	.38, .357, 9mm	Requests to carry guns evaluated indiv.	Yes	57 hrs Indoor +Outdoor rng., safety	No in-service, but one- third of dept. ^m compet. shooting, uses 1000 rds/wk	Penal Law	Yes	IACP Bulletin	
<u>ESSEX</u>													
County Sheriff	14	Yes	No	At least .38			Not Req.	When possible	As much target shooting as possible.		No		
Lake Placid	11	No	No	.357		Dept. iss. gun	Not Req.	PPC when FBI instr. avail. 500 rds	Annual	As ammo. budget allows	Penal Law		None
Willsboro	2	No	Yes	.357	No HP	Chk. before patrol	Yes	40 hrs, NRA, NYSP	Same as State Police		Yes		
<u>FRANKLIN</u>													
County Sheriff	14	No	No	.38 sp	.38 sp		Yes	40 hrs, MPTC	Summer months	rounds + sessions vary	Yes	MPTC	
Malone	15	No	No	.38	.38 200 gr	Dept. iss. gun, ammo.	Not Req.		Semi-Annual	PPC qual. outdoor; .22 qual. indoor	Yes		Yes
Tupper Lake	12	No	No	.38	.38 150 gr	Dept. iss.	Yes	16 hrs basic	None		Penal Law		Lecture

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
<u>FULTON</u>													
County Sheriff	14	No	No	.38 sp, .357	.38 sp, .357	Dept. iss. or chief's approval. Inspection	Yes	16 hrs MPTC	Semi-Annual	50 rds per ses.	CPL	MPTC	Yes
Gloversville	32	Yes	Yes	.38 sp	.38	Dept. iss. gun, ammo. Roll call insp.	Yes	Combat course until profic.	Monthly	Combat Crs. 50 rds per ses.	Yes	Yes	
Johnstown	23	Yes	Yes	.38	.38	Dept. iss.	Yes	4 hrs modified PPC	Semi-Annual	60 rds per ses.		Yes	Yes
<u>GENESEE</u>													
County Sheriff	29	Yes	Yes	.38	.38	Per. insp.	Yes	Basic Police Cr		60 rds	NYSP Man.	Yes	
Batavia	35	Yes	Yes	.38	.38 158 gr JSP	Dept. iss. gun, ammo. roll call insp.	Yes	12 hrs Class + Range	3x/yr	510 rds	Yes	Yes	Yes
Le Roy	8	Yes	Yes	.357	.357 158 gr SPt.Flat nose	Dept. iss. gun	Yes	4 hrs dept. seminars on rng	Annual	200 rds	Penal Law	Range instruction	
<u>GREENE</u>													
County Sheriff	8	Yes	No	.38	.38	Dept. iss.	Yes	MPTC rqrmts.	No in-service		MPTC		

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE			
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE TIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING	
Athens	7	Yes	Yes	.38 or own .357	.38, .357- 158 gr	Dept. iss. .38 gun, .38+.357 ammo.	Yes	16 hrs Class + Range	Annual	12 hrs, 120 rds	CPL	MPTC School		
Catskill	14	Yes	Yes	.38sp	.38	Unsched. inspection	Yes	8 hrs FBI Crs.	3x/yr	Close combat, Police L, Tact. rev. crs 100 rds per session	Yes	Yes	Yes	
Coxsackie	3 FT 1 PT	Yes	Yes	.38	No hollow point		Yes	Basic	Annual	300 rds	<u>Manual for Police</u>	Yes		
<u>HAMILTON</u>														
County Sheriff	5 FT 4 PT	No	No	.38, .357	Reg. rdnose	Dept. iss.	Not Required		No In-service		Yes	None		
<u>HERKIMER</u>														
County Sheriff	20	Yes	Yes	.38	.38 lead	Dept. iss. gun, ammo.	Checked by range officer.		Annual	PPC, Combat, tact. revolver, double action 260 rds	Jail personnel only - no outside patrol.			
Frankfort	4	No	No	.38, .357		Chief's approval	Not Required		Annual qual.	200 rds officers purch. ammo.	Penal Law			
Herkimer Vil.	18	Yes	Yes	.38, .357	.38, .357	Gun calibre specified	Yes	MPTC	Annual qual.	8 hrs 250-300 rds	Penal Law CPL	Yes		
Ilion	14			.38	.38	Dept. iss. gun	Yes	Firing range						

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Little Falls	17	No	No	.38, .357		Off. purch own gun	Yes	80 hrs Class + Range	Annual		No	Lectures	
Mohawk	6	Yes	Yes	.38, .357	.38 158 gr	Dept. iss. ammo.	Yes	40 hrs	Semi-Annual	PPC 90 rds per sess.		Discussions, court dec.	
<u>JEFFERSON</u>													
County Sheriff	37	No	No	.38 or own .357	.38, .357	Dept. iss. .38 gun, ammo.	Yes	24 hrs MPTC	Annual	PPC 250 rds	None	Yes	
Adams Vil.	1	No	No					Not Required	None		None	None	
Carthage	5	No	No	.38 sp				Not Required Range	No In-Service		None	Seminars	
Glen Park	1	No	No	.357		1 man dept.		20 hrs Range	Police range		Same as State Police		
Watertown	63	No	No	.38 sp	.38 sp	Dept. iss., Roll call insp.	Yes	40 hrs - use of weapon, disc. of law	Semi-Annual	40 hrs 120 rds per ses.	Penal Law	Yes	Yes
<u>LEWIS</u>													
County Sheriff	15	Yes	Yes	.38	158 gr 1dnose	Dept. iss. gun, ammo.	Yes	4 hrs Firing + Nomenclature	In-service on basis of individual need for training		Yes	MPTC	Yes
Lowville	6	No	No	.38	.38 sp	Dept. iss. gun, ammo.	Yes	Varies w/each trainee		Refresher target shooting 50 rds	<u>Manual for Police</u>	Yes	

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
<u>LIVINGSTON</u>													
County Sheriff	40 FT 20 PT	Yes	Yes	.357	.357	Dept. iss. gun ammo.	MPTC			Semi-Annual course firing 200 rds. Team matches year-round.	Law	Sheriff + D.A. instruction	
Dansville	9	Yes	No	.357	158 gr, 110 gr super vel., 6 arm.- pierc.	Dept. iss. gun	Yes	5 hrs basic school	Basic School		No	Class Ses.	
Geneseo	4	Yes	Yes	.32, .38, .357	110 gr to 158 gr	Dept. iss. Per. insp.	Yes	4 hrs handling, firing	Monthly	PPC 50-75 rds per ses.	None		
<u>MADISON</u>													
County Sheriff	15	Yes	Yes	.38, .357	.38	Dept. iss. .38 gun, ammo. Per. insp.	Yes	40 hrs PPC, safety	Annual	PPC 120 rds	NYSP Manual for Police	Yes	Re-empha- sized
Canastota	6		Yes	.38, .357		Dept. iss.	Yes	8 hrs 100 rds		8 hrs 100 rds	Penal Law	Yes	
Cazenovia	6	No	No	.38, .357	.38, .357	None	Yes	5 hrs	No In-Service		None	None	
Hamilton Vil.	4	Yes	Yes	.38	.38	Dept. iss.	Yes	Police Academy	Semi-Annual	200 rds per ses.	Penal Law	None	
Oneida City	22	Yes	Yes	.357	.357 158 gr JSP	Dept. iss.	Yes	4 hrs	Annual	138 rds, + Practice as desired	Yes	Yes	Yes

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
<u>MONROE</u> County Sheriff	188	Yes	Yes	.38	.38, 158 gr ld. rdnose	Dept. iss. gun, ammo. Roll call insp.	Yes	32 hrs 500 rds	Annual, presently	Police Combat Course, 100 rds	Yes	Yes	Dept. policies
Brighton	38	Yes	Yes	.38 sp	.38 sp 158 gr ball	Dept. iss. Roll call insp.	Yes	Basic Training	Annual qual.		Yes		Yes
Gates	16	Yes	Yes	.38	.38	Dept. iss. gun, ammo.	Yes	PPC + Profic. Legal points	Semi-Annual	PPC 100 rds	Yes		Yes
Greece	57	Yes	Yes	.38, 9mm	125 gr SJ Bluntpt	Weekly roll call insp.	Yes	8 hrs	Quarterly	PPC 50 rds	Yes		Seminars, roll call
Irondequoit	48	Yes	Yes	.38	.38	Roll call, Dept. rules	Yes	40 hrs MPTC	Semi-Annual	50 rds per sess.	Yes	MPTC	Range instr.
Ogden	4 FT 5 PT	Yes	Yes	.38	.38 125 gr jacket. blunt nose	Dept. iss. gun, ammo. Roll call insp.	Yes	As needed. Must pass PPC	Monthly Prac. Annual Qual.		Yes		Yes
Rochester	635	Yes	Yes	.38	.38	Dept. iss. gun, ammo. Weekly + surprise insp.	Yes	58 hrs PPC, Night shooting, run- ning man, etc. courses	Annual	4 hrs, 50 rds	Yes	Annual, in-service and weekly bulletins.	
Webster	22	Yes	Yes	.357	.38 sp		Yes	80 hrs, Safety, shooting, laws	Semi-Annual	2 Classes minimum PPC, 60 rds	Penal Law	Yes	Yes

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE				
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING		
<u>MONTGOMERY</u>															
County Sheriff	27	Yes	Yes	.38, .357		Dept. iss. gun	Yes	PPC, Certified Federal Course	Monthly PPC	50 rds	Yes	Classroom			
Amsterdam	42	Yes	Yes	.38	.38	Roll call insp.	Yes	3-4 hrs, PPC	2-3 times/yr	50-100 rds PPC		Techniques in safety			
Fort Plain	3 FT 2 FT	No	No	.38, .357	.38 No HP	Check by Chief	Yes	8 hrs, Basic Police School	Semi-Annual	Training by Chief. 50 rds	<u>Manual for Police</u>	Yes	Interdepart- mental		
St. Johnsville	4	No	No			Off. purch. own gun	Not Required		No in-service training. Officers practice on their own.		Strict orders from Chief		Orders		
<u>NASSAU</u>															
County Sheriff	405	Yes	Yes	.38,	.38 sp	Roll call insp.	Yes	16 hrs classim 50 rds	Semi-Annual	8 hrs 50 rds		3 hrs			
County PD	3,893	Yes	Yes	.38	.38	Superv.insp Annual insp all equip.	Yes	35 hrs, 400 rds		7 hrs decision, PPC, combat, 120 rds	Yes	7 hrs	3 hrs + legal bulletins		
Floral Park	40	No	No	.38	.38 SWC	Dept. iss. gun, ammo.	Yes	24 hrs Nassau Co. Police Academy	Annual	8 hrs PPC, combat, 120 rds	Yes		FBI		
Freeport	80	Yes	Yes	.38	.38	Dept. iss. gun, ammo. Reg. insp.	Yes	35 hrs until qualified	Semi-Annual	Combat, Army L, 30-50 rds per sess.	Penal Law		Yes		

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Garden City	53	Yes	Yes	.38	.38 sp, 158 gr SWC	Roll call	Yes	35 hrs, complete familiarization	Semi-Annual	Combat crs. 120 rds	Yes		Yes
Glen Cove	49	No	No	.38	.38	Dept. iss. gun, ammo.	Yes	35 hrs Recruit training	Semi-Annual	Target Prac.	Yes	None	
Hempstead	90	Yes	Yes	.38, .357		Super. insp.	Yes	35 hrs Firearms training 42 hrs Defensive training		2 hrs Nassau Co. Close Combat Crs.	Penal Law	Yes	Yes
Kensington	6	No	No	.38	.38	Dept. iss.	Not Required				None	Nassau County PD Courses	
Kings Point	21	Yes	Yes	.38		Dept. iss. Roll call	Yes	15 hrs MPTC	Every 2 yrs.	1 day 60 rds	Penal Law	MPTC	Trooper Manual
Lake Success	20	Yes	Yes	.38 sp	.38 sp	Dept. iss. insp.	Yes	21 hrs PPC, Combat, Decision Firing	Semi-Annual	PPC, Combat, Decision Firing			Yes
Laurel Hollow	12	Yes	Yes	.38 sp, .357	.38 sp .357	Record of gun. Inspection by Sgt.	Yes	Nassau Co. Police Academy		PPC, Close Combat, 200 rds	Yes	Yes	Yes
Lynbrook	46	Yes	Yes	.38	.38 sp 158 gr SWC	Dept. iss. gun, ammo.	Yes	40 hrs, 84 rds Combat Course	Weekly Prac. Oct.-June	50 rds per sess.	Yes	Yes	Roll Call training
Malverne	23	Yes	Yes	.38	.38	Dept. iss. gun, ammo.	Yes	Nassau Co. Police Academy	Bi-Monthly	Combat Crs. 100 rds	Penal Law	Seminars, discussion of court decisions	

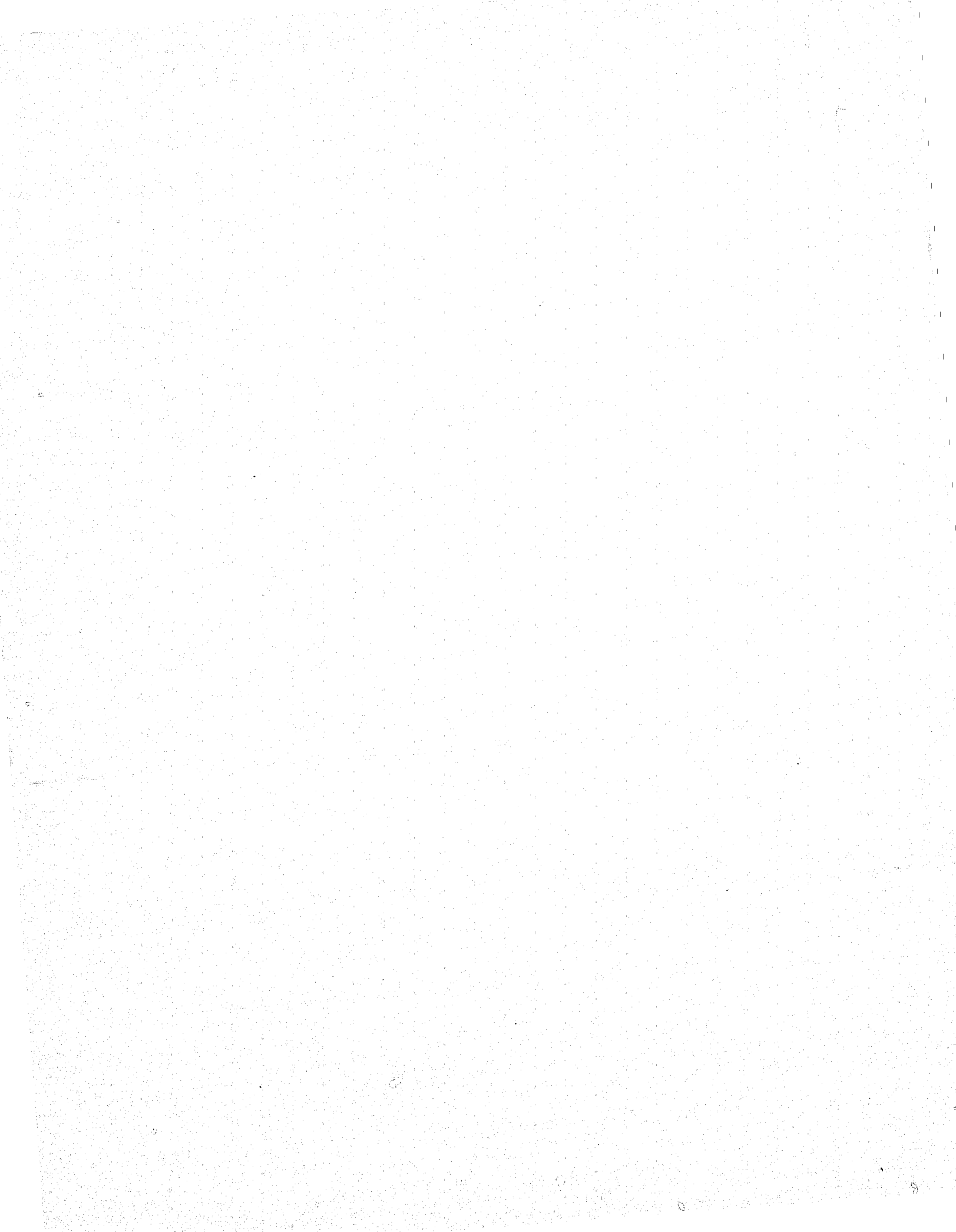
COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE			
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE REQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING	
Old Brookville	28	Yes	No	.38 sp	.38 sp	Super.obsv.	Yes	35 hrs Basic Recruit	Annual Qual.	Simulated street cond- itions	Yes	Yes	Yes	
Old Westbury	20	Yes	Yes	.38 125 gr JHP		Dept. iss. gun, ammo.	Yes	24 hrs Basic + On-the-job training	8x/yr	Close Combat Course, Army L 115 rds per sess.	Yes	Yes	Yearly Refresher	
Oyster Bay Cove	3	No	No			Appr. of Chief	Yes	16 hrs Safety, Range, Laws	At Chief's discretion.		Penal Law	Nassau Co. basic crs.		
Plandome	11	Yes	Yes	.38	.38 sp	Dept. iss. gun, ammo.		MPTC	Nassau Co. P.D.		Common sense		Yes	
Port Washington	44	No	Yes	.38, .357	.38 SWC	Dept. iss. ammo.	Yes	80 hrs All types firearms	Annual	PPC 100 rds	Yes	Yes		
Rockville Centre	55	Yes	Yes	.38	.38 158 gr SWC	Dept. iss. ammo., gun Roll call insp.	Yes	40 hrs Close Combat Course	8x/yr	Police L 200 rds, Indoor combat 100 rds	Yes	Yes	Yes	
Sands Point	20	Yes	Yes	.38	.38 200 gr	Dept. iss. ammo.	Yes	40 hrs Standard, advanced, dec., PPC	Annual	Combat Course 84 rds	Yes	Yes	Chief's orders	
<u>NIAGARA</u>														
County Sheriff	138	Yes	Yes	.38 sp, .357	125 gr JHP No mil., No arm. pierc.	Dept. iss. ammo., .38 gun	Yes	Classroom 8 hrs, Range 40 hrs, 300 rds	Bi-Monthly PPC, 200 rds		Yes	20 hrs	Yes	

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Lockport	46	Yes	No	.38	.38	Dept. iss. gun	Yes	2-4 hrs Safety, famil.	Semi-Annual Quals.		Yes	Yes	Yes
Niagara Falls	241	Yes	Yes	.38 sp	.38	Dept. iss. gun, ammo.	Yes	80 hrs: Outdoor range 40 Indoor range 40	Monthly	Bullseye, silhouette, PPC	Yes	PPC - once a	
No. Tonawanda	50	Yes	No	.38	.38 158 gr	Dept. iss., roll call insp.	Yes	10 hrs Safety, Use of deadly force	Monthly	PPC 20 rds	Yes		Yes
<u>ONEIDA</u> County Sheriff	104	Yes	Yes	.38, .357		Dept. iss., roll call insp.	Yes	16 hrs Bullseye, Indoor range	Semi-Annual	Bullseye + PPC; 250 rds per sess.	Penal Law		Yes
New York Mills	1 FT 2 PT	Yes	Yes	.38, .357		By dept.	Yes	16 hrs		300 rds	No	MPTC	
Rome	64	Yes	Yes	.38, .357	.38 only	Dept. iss. gun, ammo.; or, Chief's appr.	Yes	MPTC	In-Service Program being formulated		Penal Law		In-Serv. + Roll call
Utica	195	Yes	No	.357	Option- al	Dept. iss. gun; roll call insp	Yes	80 hrs PPC, night firing	3x/yr	120 rds	Penal Law	Yes	Yes
Waterville	3	No	No	.38 sp	.38 sp	Dept. iss. gun, ammo.	Not Required		Several times per year	Informal Practice 24 rds	<u>Manual for</u> Reading Manual Req. <u>Police</u>		

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Yorkville	2	No	No	.38 sp	.38 sp		Yes	MPTC School	Annual	300 rds	None		Yes
<u>ONONDAGA</u>													
County Sheriff	228	Yes	Yes	.38	.38	Dept. iss. gun, ammo. roll call insp.	Yes	40 hrs mod. PPC	Monthly	50 rds per sess.	Yes	2 hrs basic	Roll call, research unit rpts.
Baldwinsville	3	Yes	Yes	.380 semi- auto	.38	Dept. iss. gun	Yes	Proficiency training.	Monthly Practice; Semi-Annual Qualific.		Yes	MPTC	Monthly meetings.
Camillus	12	Yes	No	.38	.38	Dept. iss. gun	Yes	12 hrs Safety, laws, proficiency.	3x/yr	PPC, 330 rds	<u>Manual For</u>	Basic	<u>Police</u>
Clay	16	Yes	Yes	.357	.357 hi- vel 125 gr JHP	Dept. iss. equip; roll call	Yes	10 hrs Familiarization, use	Semi-Annual	PPC 50 rds per sess.	Yes	MPTC	
Dewitt	19	Yes	No	.357	.38	Dept. iss. gun, ammo.	Yes	8 hrs 400 rds Several courses	Quarterly	Army L, Combat courses, 400 rds per sess.	Yes		
Fayetteville	11	Yes	Yes	.38, .357		Inspection	Yes	8 hrs Safety, range		Bullseye, mod. PPC 184 rds	Penal Law	MPTC	Yes
Jordan	1	"Small village - about 1400 population, 1 part-time certified officer"											

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Liverpool	3	No	No	.38, .357		Dept. iss. .38. Daily check	Yes	16 hrs Pistol range FBI crs.	Semi-Annual 8 hrs FBI crs. 500 rds	Oral		Yes	
Manlius	9	Yes	Yes	9 mm 116 gr Hdnose FJ		Dept. iss. gun, ammo.	Yes	16 hrs FBI crs. Safety, assembly	Semi-Annual FBI course	Yes	Yes	Yes	
No. Syracuse	13	Yes	No	.38 sp .38		Dept. iss. gun	Yes	28 hrs Basic training	Semi-Annual PPC, 50 rds per sess.	Yes	8 hrs		
Skaneateles	5	No	No	.357 .38, .357		Dept. iss. gun, ammos.	Yes	16 hrs Handling PGA range crs.	PGA range crs. 300 rds	Penal Law, CPL	Police Training Academy		
Solvay	14	Yes	Yes	.357		Dept. iss. gun. Periodic check	Yes	40 hrs, MPTC School	Semi-Annual PPC, 60 rds per sess.	Penal Law, CPL	Yes	Yes	
Syracuse	483	Yes	Yes	.38 .38		Roll call inspect. Field insp.	Yes	8 hrs. Class 32 hrs Range Combat course	Semi-Annual Combat Course 60 rds per ses.	Yes	1 hr Penal Law	Dept. Instr.	
<u>ONTARIO</u>													
County Sheriff	27	Yes	Yes	.357 .357		Dept. iss. gun, ammo.	Yes	16 hrs Indoor + Outdoor	Semi-Annual Varies		Training films, Decision shooting		
Canandaigua	25	No	No	.38, .38 .357		Dept. iss. guns, ammo.	Yes	30 hrs, Basic School, Handling + firing	No In-Service Program. Discretionary	Penal Law	Basic School		

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Geneva	35	No	No	.38	.38	Dept. iss. gun, ammo. Periodic inspect.	Yes	Familiariz. + Qualification	Weekly - Volunteer 60 rds Annual Qual. - 1,000 rds		Basic	Periodic	
<u>ORANGE</u> County Sheriff	70	No	No	.38, .357		Not issued by dept.	Yes	MPTC	Semi-Annual PPC, 150 rds	Oral	Rec'd at various schools		
This department is not involved in highway patrol or criminal investigation; only civil process, correction, family court, and prisoner transportation.													
Chester	3	Yes	No	.38, .357		Roll call inspec.	Yes	20 hrs, Use of gun, use of deadly force	3x/yr PPC, Bullseye 200 rds	Teaching + reteaching	Annual training		
Goshen	10	No	No	.357	.38 158 gr LRN; .357 158 gr SWC	Dept. iss. gun, ammo. Inspect.	Yes	MPTC, Dept. range 40 hrs	Monthly PPC, Dept fires 10,000 rds per year	Penal Law	Penal Law		
Greenwood Lake	7	Yes	Yes	.357	.357 HP	Dept. iss. Periodic inspect.	Yes	24 hrs Local + MPTC	Quarterly 200 rds per sess., Silhou- ette Target	Yes	Lecture, 2 hrs on hypothetical situ. Also, training film.		
Highland Falls	11	No	No	.38	.38	Dept. iss. or own gun. Roll call	Yes	8 hrs, Safety; target combat shooting	No formal combat course. Target shooting + safety.	Penal Law	Lectures + training aids.		
Maybrook	1	Yes	Yes	.38, .357	Ld ball	None	Not Req.		Periodic NYS Dept. of Corr. Svcs. course, 70 rds	Penal Law	Discussed at meetings		



CONTINUED

2 OF 3

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Middletown	52	Yes	Yes	.38, .357	.38, .357 No HP	Dept. iss. .38. In .357, first 2 rds .38	Yes	PPC, 8 hrs	Semi-Annual PPC 100 rds	Yes		Self familiz. w/ Penal Law Sgt. quizzes officers.	
Monroe	13	No	No	.357	.357	Dept. iss. gun. Ammo. chk. weekly	Yes	80 hrs, FBI instr. MPTC	Quarterly PPC 200 rds	Yes	Yes	FBI Camp Smith	
Newburgh City	67	Yes	Yes	.38, .357	.38 150 gr rdnose or 125 gr SJ	Dept. iss. ammo. Daily insp.	Yes	MPTC Basic School	3x/yr PPC 60 rds	Yes	Yes	Being drafted.	
Newburgh Town	19	Yes	Yes	.357	.357	Dept. iss gun. roll call insp.	Yes	40 hrs FBI Instr. at Camp Smith	Monthly vol. practice 100 rds. Qual. 200 rds	Penal Law	Yes	Ann. Qual.	
New Windsor	13	Yes	Yes	.38, .357	.38, .357 Super vel.	Dept. iss. .38 gun. Chk. by shift Sgt.	Yes	40 hrs FBI Instr. at Camp Smith	Quarterly 38 Wadcutter Close combat, PPC	Penal Law, CPL	Yes	Yes	
Port Jervis	18	Yes	Yes	.357		Roll call insp.	Yes	4 hrs Cleaning + handling + target.	Annual 100 rds	Penal Law, CPL	Yes	Seminars	
Tuxedo Town	5	No	No	.38 sp, .357		Dept. recommends calibre	Yes	8 hrs Safety + range qual.	Annual 8 hrs Safety+ range qual.	Penal Law	Yes	With ann. qual.	

-147-

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Tuxedo Park	7	Yes	Yes	.38 sp	.38 sp	Dept. iss. or approv.	Yes	4 hrs Instr. + firing	Semi-Annual	50 rds per sess.	Yes	Basic only	
Walden	6	Yes	Yes	.38, .357	.38, .357	Dept. iss. gun, ammo.	Yes	4 hrs Firearms instr.	Semi-Annual	200 rds	Penal Law	Yes	Yes
Warwick Town	3	No	No				Yes	10 hrs Safety + handling	Basic FBI Requirements		<u>Manual For Police</u>	Yes	Yes
Warwick Vill.	7	Yes	Yes	.357		Dept. iss. gun, ammo.	Yes	10 hrs Basic	When avail. MPTC		Yes	Yes	
Woodbury	5	No	No	.357	.38, .357	Dept. iss. gun, both ammos.	Yes	1 week Camp Smith		200 rds Wadcutters		None	None
<u>ORLEANS</u>													
County Sheriff	33	Yes	No	.38	.38	Dept. iss. gun	Yes	3 hrs PPC	Monthly	PPC 100 rds per session	Penal Law	Yes	None
Albion	10	Yes	Yes	.38	.38	Regular police ammo.	Not Req.	Erie County Sheriff's Acad.	Monthly	50 rds per sess.			
Holley	4	No	No	.38, .357	.38, .357		Yes	10 hrs PPC	No In-Service		Penal La	PPC	
Medina	10	Yes	Yes	.38	.38 sp 158 gr JHP	Dept. iss. gun, ammo. Per. Insp.	Yes	None set	Weekly Prac., Monthly Qual.-50 rds		Yes	Yes	Seminars

APPENDIX B

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE				
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING		
<u>OSWEGO</u>															
County Sheriff	35	Yes	Yes	.38 sp, .357	.38, .357	Dept. iss. gun, ammo. No HP	Yes	Must qualify on range	Annual	Qual. 120 rds	Yes				
Fulton City	28	No	No	.357	.357	Dept. iss. gun, ammo. Roll call insp.	Yes	8-24 hrs Mod. PPC, dbl.+ single action		Mod. PPC 180 rds .38; 60 rds .357			Yes		
Oswego City	50	Yes	Yes	.38	.38	Inspections	Yes		None at present time.		<u>Manual For Police</u>		None		
Pulaski	1	Yes	Yes	Each weapon approved by Chief		Per. Insp.	Yes	4 hrs PPC,	Occasional supervised firing, 300 rds per sess.		Penal Law	4 hrs class	4 hrs		
<u>OTSEGO</u>															
County Sheriff	6	Yes	Yes	.38	.38	Dept. iss. gun	Yes	40 hrs FBI course + instr.	Semi-Annual	Refresher. 50 rds per sess.	Oral	Yes	W/range quals.		
Oneonta	30	Yes	Yes	.38, .357	.38 sp only	Dept. iss. ammo.	Yes	10-20 hrs Lecture + Range	Annual	500 rds Must fire more on their own.	Yes		Lectures, movies.		
<u>PUTNAM</u>															
County Sheriff	34	Yes	Yes	.38, .357	.38, .357	Gun + ammo. Must comply	Yes	4 hrs Firearms instr.	Annual	PPC 100 rds	CPL		Oral Instr.		
* Department is phasing out .38 gun and ammunition.															

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Carmel	30	No	No	.357	.357	Dept. iss. gun, ammo.	Yes	MPTC	No In-Service	Penal Law, CPL			
Kent	14	No	No	.357	.357 SWC	Dept. iss. gun, ammo. Per. Insp.	Not Req.		Quarterly PPC, Combat 100 rds per sess.	None	None	None	
<u>RENSSELAER</u>													
County Sheriff	40	No	No	.38 sp, .357	.38 sp, .357	None	Yes	8 hrs MPTC	Semi-Annual Qualific.	Yes	Yes	Yes	
East Greenbush	9	No	No	.38	.38	Dept. iss. Roll call insp.	Yes	20 hrs Safety + range + basic course	3x/yr PPC 150 rds NRA Instr.	Yes		Based on CPL	
Hoosick Falls	3	Yes	No	.357 or own gun		Dept. iss. .357	Yes	3 hrs Various targets	Rapid fire, single and double action silhouette, bullseye + 100 rds FBI Course	Oral		Not yet	
Sand Lake	7	No	No	.38 sp	.38 sp	Town iss. gun	Yes	4 hrs Range + combat	3x/yr NRA Course 100 rds per sess.	Penal Law	None	None	
Schoadack	2	Yes	Yes	.38 sp, .357	.38sp, .357 hi- speed	Dept. iss. .38; or .357 if qual.	Yes	6 hrs Class, 6 hrs Range	Semi-Annual Tact. Rev. Course, 200 rds per sess + class	Penal Law	Ass't D.A. Lectures Semi-Annually		

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE			
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE- TRAINING	
Troy	120	No	No	.38	.38	Officer purch. svc. ammo. Roll call insp.	Yes	23 hrs Basic	Annual	4 hrs Mod. PPC 50 rds	Penal Law			
ROCKLAND County Sheriff	82	Yes	Yes	.38 sp, .357		Dept. iss. gun, ammo.	Yes	6 hrs Combat Course		PPC, Police L 100 rds	Yes		Film, lecture, legal instr.	
Clarkstown	84	Yes	No			Officer purch. own gun*	Yes	40 hrs MPTC	Curriculum and range courses attached.		Yes	No formal training		
Haverstraw	17	No	No	.38, or own .357		Dept. iss. .38	Yes	40 hrs FBI instruction		200 rds Standard course	Oral		Standard firearms training	
Orangetown	80	Yes	Yes	.38, .357	.38 sp 125 gr JSP + .357 158 gr lead	Dept. specifies ammo.	Yes		Quarterly- PPC, Combat Semi-Annual- Police L 30 rds	Yes	Yes	Instruction		
Ramapo	72	Yes	Yes	.38 sp	.38 sp	Daily roll call insp.	Yes	40 hrs Safety + Firing	One day Camp Smith FBI Instructor	Penal Law	Ass't DA Instructor Basic School	Roll call		
South Nyack	4 FT 7 PT	Yes	Yes	.357	.38	Dept. iss. gun, ammo.	Yes	No limit; until qualified	Village Board requested to buy training ammo.	Penal Law	MPTC			
* Town requested to purchase weapons and ammo. for uniformity and tighter control.														

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE REQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Stony Point	18	Yes	Yes	.357	.357, 158 gr	Dept. iss. gun, ammo.	Yes	16 hrs Safety, Deadly Force, Target, Situ. Firing	Semi-Annual	Police L, Combat Course, 100 rds per session	Penal Law, <u>Manual for</u> <u>Police</u> verbatim	Lecture, tests	Training films
Suffern	20	Yes	Yes	.38 sp	.38 sp	Dept. iss gun, ammo	Yes	Weapon funda- mentals	3x/yr	Qual. 30 rds per sess.	Penal Law	Officers required to know Penal Law	
<u>SARATOGA</u> County Sheriff													
Corinth	4 FT 5 Specials	No	No	.38, .357		None	Yes		No In-Service				
Mechanicville	12 FT 7 PT	Yes	Yes	.38	.38	Dept. iss. gun, ammo.	Yes	4 hrs if no armed services training.	Semi-Annual	50 rds per session		Basic	
Saratoga Springs	46	Yes	Yes	.38 on .44 frame	.38sp	Dept. iss. gun, ammo.	Not Required	Basic Training	Annual	4 hrs Class + PPC 100 rds	Oral	Instructions	
Schuylerville	1	No	No			Officers purch. own gun, .38 or larger; 9 mm, .45 if auto.	Not Required	0	None	Informal shooting at range.	Oral	Basic Course + Dept. order	
So. Glens Falls	5 FT 5 PT	Yes	Yes	.38, .357	.38, .357	Dept. iss.	Yes	8 hrs Class + Range	Semi-Annual	FBI Course 300 rds per sess.		1 hr during firearms course	

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
<u>SCHENECTADY</u>													
County Sheriff													
Niskayuna	21	Yes	Yes	.38, .357		Dept. iss. or approval Officer buys ammo.	Yes	40 hrs PPC	3x/yr	PPC Qual.	Penal Law, CPL	Dept. rules, reg., training	
Rotterdam	31	Yes	Yes	.357		Dept. iss., roll call insp.	Yes	12 hrs Target, Safety, Care	Semi-Annual	PPC, 100- 200 rds	Yes	Yes	Updating
Schenectady City	150	Yes	No	.38 sp 158 gr lead	.38sp	Dept. iss. gun, ammo.	Yes	2-3 hrs Firing + Safety	Bi-Monthly	PPC 42 rds per session	Yes		Orders, rules re: Penal Law.
Scotia	13	No	No	.357	.38	Dept. iss. gun, ammo.	Yes	Varies, Use + Safety		Basic Combat Course	Yes		
<u>SCHOHARIE</u>													
County Sheriff													
Cobleskill	7	No	No			None	Not Required	MPTC	None		State Law	None	
Middleburg	1	No	No	.38	.38		Yes	As much as needed to satis. Chief	No formal range facility available. Use a shale bank.		Oral	Chief's instr.	
Richmondville	1	No	No			Nothing larger than .38	Yes		No In-Service except frequent target practice.		"Do not use deadly force".		

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
<u>SCHUYLER</u> County Sheriff	17	Yes	No	.38, .357		Dept. iss. gun, ammo; or own gun (.38 or lgr)	Yes	FBI Instr.	3x/yr	200 rds per sess.	Yes	MPTC	Yes
Montour Falls	1	No	No			None	Yes	Instr. from Dep. Sheriff	Semi-Annual	200 rds	Oral	None	
Watkins Glen	2	No	No			Must be a revolver	Yes	Deadly force, range qual.		1 day PPC 100 rds	Penal Law	Inter-departmental training	
<u>SENECA</u> County Sheriff	22	Yes	Yes	.38, .357	Ball or HP	Dept. iss. ammo. Spot inspection	Yes	40 hrs Basic School	3x/yr	PPC 50 rds per session	Yes	Yes	Lectures
Seneca Falls	15	Yes	No	.38, .357		Dept. iss.	Yes	40 hrs Basic Course	Semi-Annual	PPC 200 rds	None	None	None
Waterloo	5	No	No	.38	.38	Village issue or may buy	Yes	24 hrs MPTC	No	In-Service Training	Penal Law	None	None
<u>ST. LAWRENCE</u> County Sheriff	47	No	No	.38	.38	Dept. iss. .38. Or own gun if .38 or lgr. Offcrs. buy ammo.	Yes	35 hrs FBI Instructor PPC	Annual	PPC Dept. iss. ammo. 250 rds	Penal Law	1 wk firearms training and defensive tactics.	

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE REQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Canton	10	No	No	Chief's approval		Dept. iss. police service ammo.	Yes	PPC until qualified.	Semi-Annual	PPC Qual.	None	Legal Instr.	
Gouverneur	10	Yes	No	.357		Dept. iss. .357 gun	Yes	12 hrs Class + Range	Semi-Annual	Class + PPC, Tact. Rev. Crs., 250 rds per sess.	Penal Law	Yes	Yes
Massena	27	Yes	Yes	.38, .357		Dept. iss.	Not Required		Varies.	Use local range.	Yes	Basic Crs.	Roll Call, handouts
Ogdensburg	25	No	No	.38 sp, .38 sp .357		Off. purch gun. .38 ammo. only	Not Required		No In-Service Training.		Yes	None	
Potsdam	18	Yes	Yes	.357 .357		Dept. iss. gun, ammo.	Yes	40 hrs Safety, Combat Course	Annual	Army L, PPC Qual. 500 rds	Oral	Basic	
<u>STEUBEN</u> County Sheriff													
Bath	14	Yes	No	.357		Dept. iss. gun, ammo. Periodic insp.	Yes	32 hrs Handling Firing, Deadly Force		PPC Course until qualif.	Penal Law	Basic	Intermediate Training.
Corning	27	Yes	Yes	.38 sp, .38 sp .357		Regulations being drafted	Yes	1-2 hrs Safety, Handling, When To Fire.	Pending		Pending		

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT/ TRAINING	IN-SERVICE TRAINING
<u>SUFFOLK</u>													
County Sheriff	148	Yes	Yes	.38	.38	Dept. specifies gun, ammo.	Yes	8 hrs Safety + Range	(3) Police L 100 rds (2) Double Action 100 rds	Yes	Suffolk Co. Police Acad.	Yes	
County Police Department	2,415	Yes	Yes	.38	.38, 125 gr HP	Dept. iss., roll call insp.	Yes	40 hrs Class + Range	Annual	8 hrs Bulls- eye, Combat 350 rds	Yes	8 hrs Training + Films	
Amityville	26	Yes	No	.38, .357			Yes	40 hrs Suffolk Co. Police Aca.	Annual	8 hrs PPC 200 rds	Penal Law	Academy Periodic	
Asharoken	5 FT 5 PT	Yes	No	.38, .357	.38	Dept. iss., Inspect.	Yes	4 hrs Academy	Annual	Combat Course 50 rds	Penal Law	Academy	
East Hampton Tn	15	Yes	Yes	.38 sp, .357		Dept. iss. gun, roll call	Yes	40 hrs Suffolk Co. Police Aca.	3x/yr	16 hrs Qual. 50 rds per ses.	Yes	Basic Intermediate, Advanced	
East Hampton Vil	14	Yes	No	.357	.357	Dept. iss. gun or Chief's approval	Yes	20 hrs Class + Firing, at Police Academy	Annual	Combat, Bulls- eye Courses 90 rds	Penal Law	On-going	
Lloyd Harbor	12	Yes	Yes	.38, .357	.38, .357	Dept. iss. ammo., specifies gun	Yes	24 hrs Police Academy	Annual qualification, voluntary practice		Penal Law	Police Academy	
Northport	19	Yes	Yes	.38	.38 sp	Periodic checks	Yes	16 hrs MPTC	Monthly - Annual -	Bullseye 30 rds Combat Course 120 rds	None	Suffolk Co. Police Acad.	

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Riverhead	50	Yes	Yes	.38	.38	Dept. iss. Periodic checks	Yes	16 hrs Safety, Care, Defense, Combat Shooting	Semi-Annual	Combat one time, Police L other time. 60 rds per session	Penal Law, Manual For Police	Academy	With fire- arms qual.
Southampton Tn	40 FT 15 PT			.38	.38	Dept. iss. gun, ammo.		Suffolk Co. Police Acad.		Suffolk Co. Police Acad.	Penal Law	Academy	
Southampton Vil.	16	Yes	No	.357		Dept. iss., roll call insp.	Yes	8 hrs Suffolk Co. Police Acad.	Semi-Annual	Army L, Combat Crs. 125 rds per session	Penal Law	Academy	Intermed., Seasonal courses
Shelter Island	5	No	No	.357	.38 sp, .357	Carry only 1 weapon on duty.	Yes	8 hrs Police Acad. firearms course	Annual	1 day Suffolk Co. Police Acad,	Penal Law	Academy	
Southold	30 FT 6 PT	Yes	Yes	.357	.38 HP	Dept. iss. Per. insp.	Yes	8-16 hrs Pol. Academy, Mcd. PPC	Annual	1 day Class + Range	Penal Law	Academy	
Westhampton Beach	9	No	No	.38	.38	Dept. iss.	Yes	Suff. Co. Police Acad., Combat Course		1 day Suffolk Co. Police Acad.	None	Academy	
<u>SULLIVAN</u> County Sheriff	47	Yes	Yes	.38, .357	.38, 125 gr SJSP	Dept. iss. gun, ammo.	Yes	22 hrs FBI, NRA, SP, crses.		State Police Course. 4 hrs Class, 420 rds	Penal Law		Yes
Fallsburg	17	Yes	Yes	.38, .357	.38, .357	Daily insp.	Yes	8 hrs		8 hrs on range 400 rds			Trained by super- ior off.

-157-

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Mamakating	6 PT	No	No				Yes	2 hrs Qual. on range	No In-Service Training	Oral	Stress on Law		
Liberty	15	Yes	Yes	.38, 125 gr .357		Dept. iss. ammo.	Yes	8 hrs Handling, Firing, Safety, Rules + Regs.	Semi-Annual PPC 120 rds per sess.	Yes			
Monticello	22	Yes	Yes	.38, .38 sp .357 158 gr fltnose ld. SJ		Dept. iss. ammo.	Yes	40 hrs Bulls- eye, Combat Courses	Annual "Same Training Course as NYSP" 120 rds	<u>Manual For Police</u>		Discuss moral & legal aspects at yrly qual.	
Woodridge	4	No	No			Offcr. inspects own gun	Not Required		Annual Qualification		MPTC	Continuous reading, instr.	
TIOGA County Sheriff	34	Yes	Yes	.38 sp 158 gr rdnose, .38 sp, .357 125 gr 158 gr HP or SP		Dept. iss. .38 ammo. Off. pur. own gun, .357 ammo.	Yes	40 hrs MPTC	Semi-Annual, PPC, Tact. rev. course 100 rds per sess.	Penal Law	Training films from MPTC		
Newark Valley	1	Yes	No	.38	.38	None	Yes	Unknown at this time.	Monthly PPC 100 rds	Yes	None		
Owego	18	Yes	Yes	.38	38	Dept. specifies gun, ammo.	Yes	8 hrs if no armed services or MPTC train- ing	Do not feel the need in this area. In the past had a 3-day FBI Seminar on range.	Oral	Basic	Advanced, roll call.	
Waverly	15	Yes	Yes	.38, .357	.38	Armor- piercing only	Yes	10 hrs When & where to use gun	Monthly 50 rds	Oral			

APPENDIX B

-158-

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
<u>TOMPKINS</u>													
County Sheriff	34	Yes	Yes	.38	.38	Dept. iss. gun	Yes	40 hrs Fire- arms Safety, Range	Standard Police Course	Oral	Basic		
Cayuga Hgts.	5	Yes	No	.38	.38	Dept. iss. gun	Yes	16 hrs Basic Training.	Annual FBI Qual.	Yes	Yes	Yes	
Groton	2	Yes	Yes	.38	Solid form	Chief's rules	Yes	8 hrs Basic Training.	Shoot on a regular basis at range.	CPL		CPL	
Ithaca	59	Yes	Yes	.38	.38	Dept. iss. gun	Yes	80 hrs Instr.+ Firing	Annual 12 Sessions 500 rds	Oral	Yes	Yes	
Trumansburg	1	Yes	Yes	.38	.38 sp Sftnose	Freq. chks	Yes	Proper shooting and handling	Monthly range firing.	Penal Law		With monthly training.	
<u>ULSTER</u>													
County Sheriff	66	Yes	Yes	.38, .357		Dept. iss.	Yes	16 hrs MPTC	Annual Qual. 50 rds	Oral		4 hrs in 2/75	
Hurley	9	Yes	No	.38, .357		Roll call insp.	Yes	3 hrs Field	Yes		Yes	Classroom	
Kingston	69	Yes	Yes	.357	.357	Dept. iss. gun, ammo. Roll call insp.	Yes	8 hrs Safety + Use	Every 6 weeks	50 rds per sess.	No	Yes	
Marlborough	4	Yes	No	.38, .357	158 gr	Monthly insp.	Yes	8 hrs	Quarterly PPC 100 rds per session	Penal Law	2 hrs per month training sess.		

APPENDIX B

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Saugerties Tn.	10	No	No	.38, .357	.38, .357	None		MPTC	No In-Service Program		None		None
Saugerties Vil.	9	Yes	Yes			None	Yes	20 hrs Firearms Instruction	No In-Service Program, but monthly firearm practice		Oral		With practice
Woodstock	10	Yes	Yes	.357	.357, .38	Offcr. purch. own gun	Yes	24 hrs: 1 day Class, 2 days Range	Semi-Annual	PPC 200 rds	Penal Law	MPTC	FBI
<u>WARREN</u> County Sheriff	42	Yes	Yes	.38, .357	.38, .357	Dept. iss. .38 gun ammo.	Not Required	Required School	Yearly	PPC 150 rds	Penal Law		Yearly range qual.
Glens Falls	39	Yes	Yes	.38	.38	Dept. iss., roll call	Yes	1 wk PPC	Semi-Annual	Qualif.	Yes		LETS Simula- tor
Lake George	6	Yes	Yes	.38, .357	.38 SWC & Ball. + own purchase	Offcr. purch. own gun. Inspection	Yes	NRA Instructor 4 hrs Class, 4 hrs Range	Annual	PPC 50 rds	Penal Law		Hours in Penal Law, CPL
Lake Luzerne	2	Yes	No	.38, .357		Dept. iss. guns, ammo. Inspection	Yes	PPC 16 hrs	Annual	20 hrs 100-200 rds	Yes		Police School Films, Study Law
Queensbury	9	No	No	.38	.38		Yes	MPTC	No In-Service		None		None
<u>WASHINGTON</u> County Sheriff	34	Yes	Yes	.38, .357	.38, .357	Dept. iss. guns	Yes	20 hrs Depart- mental Training		PPC Course	Oral		MPTC

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Cambridge	1	No	No	.38, .357		Dept. iss. .38	Yes	4 hrs Safety, Handling, 4 hrs Range	Annual	50 rds	None	None	
Greenwich	2	No	No	.38, 9mm, .357	Reg. only	Dept. specificies gun, ammo.	Yes	4 hrs Range 2 hrs Class	Quarterly	50 rds per sess.			Every 3 months 2 hrs class.
Hudson Falls	10	No	No	.38, JLP or .357, JHP .45, 9mm		Dept. iss. .38 gun. Officer purch. ammo.	Yes	3 hrs Class, Dryfire, Range		Combined FBI, NRA, NYSP Courses. 6 rds each position, all distances.	Oral		Classroom talks and demonstra- tions
Salem	1	Yes	No	.38	.38	Dept. iss.	Yes	32 hrs FBI + BMP Training School	No In-Service Training		Oral	FBI, BMP Training School	
<u>WAYNE</u>													
County Sheriff	44	Yes	Yes	.38, 125 gr .357 SN		No less than .38	Yes	3 days on Range PPC	Quarterly	150 rds per sess.	Oral		Phys. Ed. Training, Use of Weapons
Macedon	2 FT 1 PT	Yes	Yes	.38, .357		Dept. specifies gun, ammo.	Yes	40 hrs FBI Instr.	Annual	Wayne Co. Sheriff's range 100 rds	Oral		Periodic Schools
Lyons	5	No	No	.38, .38, 357 .357		Dept. iss. .38 sp. gun, OK to use .357	Not Required		Semi-Annual	PPC, Tact. Rev. Crs. 400 rds	Penal Law	None	None
Palmyra	5	No	No			None	Yes	Basic School	Annual	FBI Course 500 rds	None	None	None

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Wolcott	2	No	No			None. Both offcrs. veteran police	Not Required		No In-Service Training	None	None	None	
WESTCHESTER County Sheriff	125	Yes	No	.38	.38	Dept. iss. ammo., regulates gun	Yes	40 hrs. Safety, Handling, Marks- manship	Semi-Annual Police L 50 rds per sess.	Penal Law		Semi-Annual Lecture by D.A.	
Ardsley	14	No	No	.38	.38	None	Yes	1 hr Instr., Target Shooting + MPTC	Annual 18 rds Target Encourage Competitive Shooting	Penal Law	Directed to follow Penal Law.		
Bedford	34	No	No	.357	.357	Dept. iss. gun, ammo.	Yes	1 hr Safety, Handling	FBI Camp Smith PPC, Police L 220 rds	Penal Law	MPTC	MPTC	
Bronxville	23	Yes	Yes	.38	.38	Rules + regs.	Yes	Range 100 rds	Quarterly 100 rds per sess.	Yes		FBI Camp Smith	
Buchanan	5	No	No	.357	.357	Dept. iss.	Yes	40 hrs FBI Camp Smith	FBI Camp Smith	None	Basic	Camp Smith	
Croton-on-Hudson	17	No	No	.357	.357	Dept. iss.	Not Required	Rookie School	Pistol matches w/other depts. thru winter	CPL	Rookie School		
Dobbs Ferry	21	Yes	Yes	.357	.357	Dept. iss. gun, ammo. Inspection	Yes	8 hrs Safety + Use	Competing in local shooting matches.	Oral		Defense Shooting	
Eastchester	60	No	No	.38	.38	Dept. iss., inspection	Yes	10 hrs in 5 days 50 rds per day	Monthly - 30 rds Annual Qualification	Yes	Yes	Yes	

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Elmsford	14	No	No	.38, .357	.38, .357	Dept. iss. .38 or Chief's approval	Yes	Safety, range. Unlimited time		Voluntary practice, dept. iss. ammo.	Penal Law	None	
Greenburgh	107	Yes	Yes	.357	.38 158 gr SWC	Dept. iss. gun, ammo. Roll call insp.	Yes	40 hrs FBI Camp Smith	Semi-Annual	Mod. PPC 150 rds per sess.	Being drafted.	Basic	Lectures + Training Bulletin
Harrison	73	Yes	Yes	.357	.38	Dept. iss. Roll call insp. Patrol insp.	Yes	40 hrs PPC & other firing	3x/yr	PPC 50 rds KD 30 rds	Penal Law	Firearms Training	
Hastings-on- Hudson	22	No	Yes	.38	.38	Dept. iss. gun, ammo.	Yes	2 hrs Certif. Instructors		Qual. 1 hr	None		None
Irvington	18	No	No			Dept. iss. gun	Yes	8 hrs Familiz. PPC + E Target	Semi-Annual	Qual. Course	Penal Law, CPL	Having a seminar in the near future.	
Larchmont	28	Yes	Yes		.38	Monthly spot cks.	Yes	5 hrs + 40 hrs at Rookie Sch.		Voluntary practice. Annual Qual. 80 rounds	Yes	Rookie School	Current Training
Lewisboro	8 PT	Yes	Yes	.38	.38	Dept. iss.	Yes	4 hrs Theory, Safety, Deadly Force, Range	Semi-Annual	PPC 60 rds per sess.	Yes	Basic	Yes
Mamaroneck Tn.	38	No	No	.357	.357	Dept. iss. gun, ammo. Daily insp.	Yes	1 hr Army L Qualifications		Army L Slow + Rapid Fire, 10 rds each	Penal Law	Firearms Training	

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Mamaroneck Vil.	46	Yes	Yes	.38 sp	.38 125 gr HP	Full control	Yes	Safety, profi- ciency	Annual	Army L 150-600 rds	Penal Law CPL		Yes
Mt. Kisco	24	Yes	No	.357		Dept. iss. gun	Yes	40 hrs Safety, Firing	Annual	8 hrs, Safety, Firing	Yes		Roll call sessions
Mt. Pleasant	44	Yes	No	.38	.38	None	Yes	2 hrs Nomen- clature, Safety	Program suspended due to relocation of department.		None	Internal - Parameters of Penal Law.	
Mt. Vernon	186	Yes	Yes	.38	.38	Rules + regs.	Yes	48 hrs Dept. Class, Firing, MPTC	Annual	Qualification, Movies + Class Study	Yes	Continuous Class & demonstration	
New Castle	31	Yes	Yes	.38	.38	Dept. iss. gun. No handloads or wadcut- ters.	Yes	7 hrs Safety, Deadly Force, Care, Range	Semi-Annual	Qualification Combat Crs. 100 rds per sess.	Penal Law	3 hrs	Class
New Rochelle	197	Yes	Yes	.38	.38	Dept. iss. gun, ammo.	Yes	48 hrs. Safety Deadly Force, Qualification	Annual	PPC, Night Firing, Targets	Yes	, Basic	
North Castle	24	Yes	Yes	.38, .357	.38, .357 both 158 grain	Dept. iss. gun, ammo.	Yes	16 hrs. Target, Combat Shooting Deadly Force	Semi-Annual	300 rds per sess.	Penal Law	Classroom lectures & Discussions	
Ossining Town	9	No	No	.357	No HP	Dept., iss. gun, ammo. Periodic insp.	Yes	MPTC	Semi-Annual	PPC, Combat Crs. 220 rds	CPL	None	
Ossining Vil.	45	Yes	Yes	.38, .357	.38 or .357 both hi- speed, No HP	Dept. iss. inspection	Yes	40 hrs Familiz. + Practice	3x/yr	PPC 100 rds	Yes, & Penal Law	Periodic roll call training sessions	

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Peekskill	48	Yes	Yes	.38	.38	Dept. iss. gun	Yes	8 hrs super- vised by superior offcr.	Competitive shooting + qualification 150 rds	Oral	Constant reminding		
Pelham	26	Yes	Yes	.38	.38 158 gr	Dept.iss. gun, ammo. Inspect.	Yes	8 hrs Safety, Care, Shooting	Annual Qual. Silhouette Target; Summer Practices Dept. uses - 10,000 rds per year			Seminars	
Pelham Manor	27	No	No			Dept. iss. gun, ammo. Daily inspect.	Yes	Dept. has out- door range.	Annual Silhouette, dbl. action 180-450 rds per year.	Penal Law	Issue a copy of Penal Law		
Pleasantville	18	Yes	Yes	.38	.38	Dept. iss. Periodic inspect.	Yes	3 hrs Instruc. at range.	No In-Service Program	Penal Law	MPTC		
Port Chester	60	No	No	.38, .357	.38 158 gr	Dept. iss. .38 gun, ammo. or Chief's ok for .357	Yes	8-12 hrs Safety, Profic.	10 hrs per yr; 8 hrs at Camp Smith's range 400 rds	Penal Law		Roll call training	
Rye City	14	Yes	Yes	.38	.38 148 gr lead	Roll call inspect.	Yes	16 hrs Dept. range + MPTC	Monthly PPC, Bullseye	Penal Law	Classroom instruction	Yes	
Scarsdale	45	No	No	.38	.38 158 gr lead	Dept. iss. gun, ammo. Tour insp. Roll call insp.	Yes	2 hrs General Use, Firing, Care, Cleaning	Monthly Practice 30 rds	Yes	Roll call training and review		
Tarrytown	30	Yes	Yes	.38	.38	Dept.iss. gun, ammo.	Yes	30 hrs Dept. training + MPA	Semi-Annual 200 rds per sess.	Penal Law		Yes	

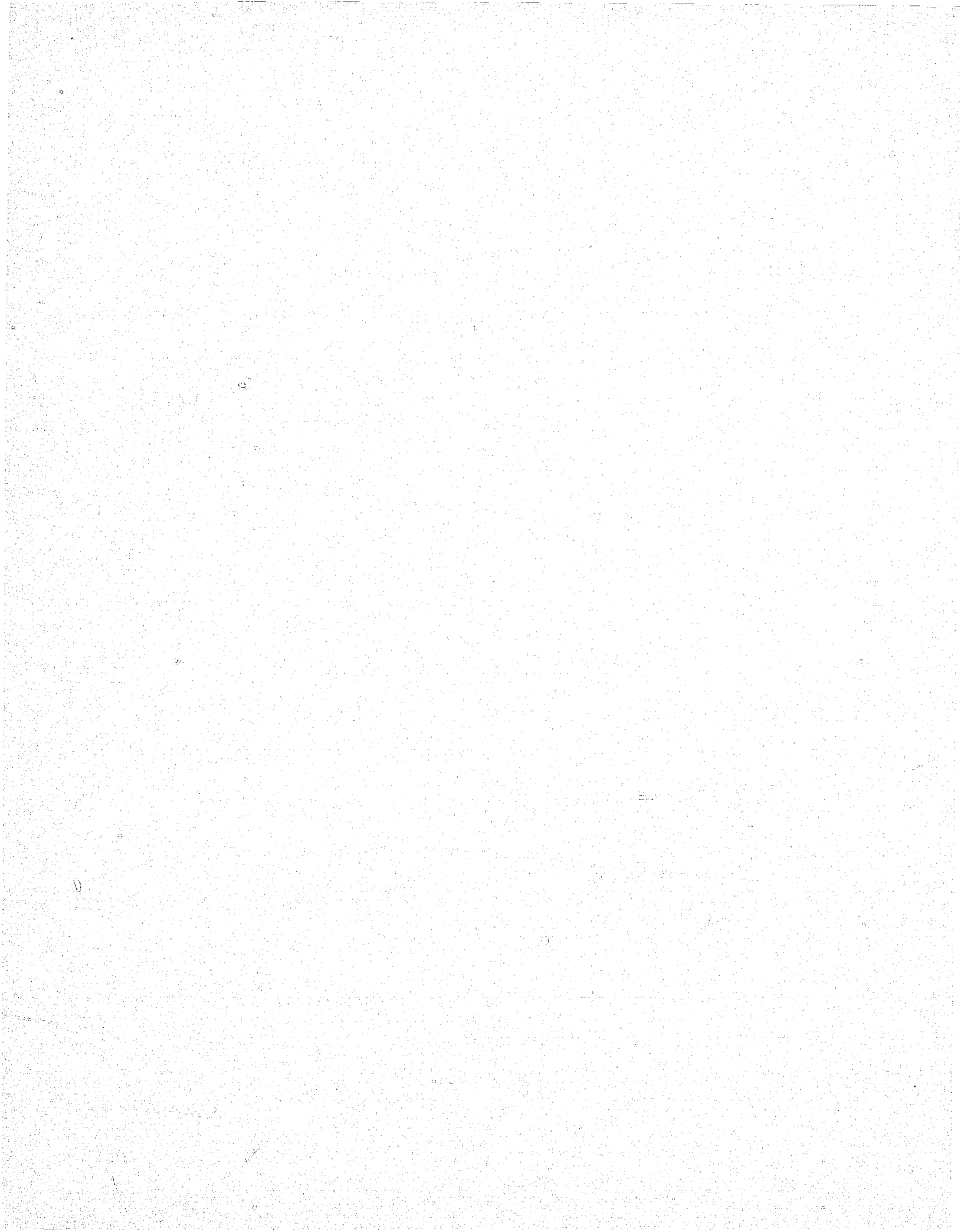
COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Tuckahoe	23	Yes	Yes	.38	.38	Dept. iss. Roll call insp.	Yes	-4 hrs Dept. Training + MPTC	Monthly Practice 30 rds	Penal Law	Penal Law		
Westchester Co. Parkway	153	Yes	Yes	.38	.38, 158 gr	Dept. iss. Roll call insp.	Yes	8 hrs Bulls- eye, L, Dbl. Action 66 rds	Continual In-Service except winter months 36 rds	Penal Law	Roll Call		
White Plains	194	Yes	Yes	.38	.38	Dept. iss. gun, ammo.	Yes	40 hrs Lecture + Firing	Semi-Annual PPC 200 rds per sess.	Penal Law	Lecture on state law		
Yonkers	468	Yes	Yes	.38 sp, .357		Dept. iss. gun, ammo.	Yes	36 hrs PPC 400 rds + 8 hr Class	3x/yr 50 rds per sess.	Yes	Penal Law training	4 hrs yearly	
Yorktown	43	Yes	No	.38	.38	Dept. iss. gun, ammo.	Yes	40 hrs Basic course for police	No In-Service. Some members sent to FBI special firearms courses.	Penal Law	Bulletins from other depts. are reproduced and distributed.		
<u>WYOMING</u>													
County Sheriff	13	Yes	Yes	.38, .357	.38, 110 gr Norma, .357 Norma	Dept. iss. ammo.	Yes	8 hrs Dept. trains indiv.	Semi-Annual PPC 200 rds per sess.	Penal Law	MPTC		
Arcade	2	No	No			Village iss. handgun		Not Required, "Make sure the officer has knowledge in use of handguns."	None. Only at basic school.		Yes		
Warsaw	3	Yes	Yes	9mm, .38, .357	SP or HP Jacket or Semi- Jacket	Personal recom- mendation. Inspect.	Yes	60 hrs MPTC	Annual + Informal target pract.	Penal Law	MPTC	Departmental meetings	

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE				
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING		
<u>YATES</u>															
County Sheriff	23	Yes	Yes	.38	.38, 153 gr LP	Dept. iss.	Not Required, but plan to.		In-Service Program as soon as range completed. PPC	Oral		Staff meetings.			
Penn Yan	12	Yes	Yes	.38	.38	Dept. iss. gun, ammo.	Yes	Depends on prior exper. + handling	Annual	PPC 150 rds	Penal Law, <u>Manual for</u> Police	Yes			
<u>NEW YORK CITY</u>															
New York City Police Dept.	26,891	Yes	Yes	.38	.38 158 gr SWC		Yes	40 hrs 800 rds	Semi-Annual	25 rds Night Firing; 50 rds PPC 50 rds cover + conceal	Yes	Yes	Yes		
Port Authority Police	1,200	Yes	Yes	.38	.38 158 gr. LRN	Dept. iss. gun, ammo.	Yes	8 hrs Class + 40 hrs range	Annual	8 hrs 90 rds	Yes	2 hrs	Yes		
Housing Author- ity Police	1,634	Yes	Yes	.38	.38 158 gr. SWC		Yes	48 hrs 600 rds	Semi-Annual	100 rds per sess.	Yes	Emphasis at Police Acad.	2 hrs/ yr		
Transit Police	3,214	Yes	Yes	.38	.38 158 gr SWC		Yes	63 hrs 600 rds	3x/yr	140 rds/yr	Yes				
<u>NEW YORK STATE</u>															
State Police	3,000	Yes	Yes	357	357 158 gr SJSP	Dept. iss. guns, ammos.	Yes	60 hrs 1000 rds	Annual	120 rds	<u>Manual for</u> Police	classroom	Yes		
	523	Yes	Yes	.38	.38 158 gr LRN										

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Environmental Conservation Dept. Police	233	Yes	No	.38, .357	.38 Ball	Dept. iss. ammo.	Yes	40 hrs Basic Instr. + Single + Dbl. Action Firing	Annual	PPC 120 rds	Penal Law	Yes	Yes
Parks and Recreation Dept. Police	441	Yes	Yes	.38	.38		Yes	8-40 hrs	Annual	Minimum 150 rds, + 2-4 Practices per year			
<u>OTHER POLICE DEPARTMENTS</u>													
Capitol Police	125	Yes	Yes	.38	.38	Periodic roll call inspect.	Yes	3 hrs Fire- arms Policy, Indiv. instr. 35 rds		112 rds PPC, Dbl.act., marksmanship	Yes	Yes	Yes
State University of New York	14	Yes	No	At least .38		Rules + regs.	Yes	23 hrs PPC + Safety	Semi-Annual	PPC	Yes	MPTC	Yes
Syracuse Univ.	11	No	No	.38sp	.38sp		Yes	16 hrs MPTC approved	Semi-Annual	MPTC Apprvd			Firearms Training
		Officers are firearms trained upon hiring; but no guns routinely carried on campus patrol.											
Cornell Univ.	41	Yes	No	.38, .357		Periodic inspect.	Yes	16 hrs Class + Range	3 sess.per yr. 100 rds per session Combat Course		Penal Law	Basic	Regular sessions
Delaware & Hudson Railroad	17	No	Yes	.38, .357	No HP	Periodic inspect.	Yes	40 hrs 100 rds	Monthly	Combat Course 100 rds per session	Oral		Instruction

-168-

COUNTY/AGENCY	COMPLE- MENT OF FORCE	DEPARTMENT REGULATIONS		DEPARTMENT USES		FIREARMS CONTROL	RECRUIT TRAINING		IN-SERVICE TRAINING		USE OF DEADLY FORCE		
		GUN	AMMO	GUN	AMMO		TRAINED BEFORE ARMED?	COURSE FIRED HOURS, ROUNDS	CYCLE FREQ.	COURSE FIRED, HOURS, ROUNDS	WRITTEN REG.	RECRUIT TRAINING	IN-SERVICE TRAINING
Penn Central RR	236	Yes	No	.38	.38		Yes	8 hrs Safety, Use, Care	3x/yr	Slow + Rapid Fire 30 rds + occas.combat courses	Yes	MPTC	During range qual.
REA Express	11	Yes	No	.38	.38	Dept. iss. gun, Peri- odic insp.	Yes	40 hrs Basic Safety, Handling + Firing	Semi-Annual	Tact. rev. course, 100 rds per sess.	Yes	Yes	Lectures+ discus- sions
NYC Board of Water Supply Police	6	Yes	Yes	.38	.38	Dept. iss.	Yes	3 hrs Lecture + Firing PPC	Semi-Annual	PPC 100 rds per sess.	Yes		During firearms qual.



THE MUNICIPAL POLICE TRAINING COUNCIL

The Municipal Police Training Council is vested with statutory authority to advise the Governor on matters relating to municipal police agencies and their police officers.

Recommendations of the council which are approved by the Governor are then set forth in the Official Compilation of Codes, Rules and Regulations of the State of New York.

The Bureau for Municipal Police, formerly the Office of Local Police in the Office of Local Government, and now in the Division of Criminal Justice Services, is responsible for implementing the above approvals.

It should be noted that the Bureau for Municipal Police is not a regulatory or enforcement agency, but is presently purely a liaison and coordinator of police training activities within the state.

An additional note on the role of other State Agencies is that the Municipal Services Division of the New York State Department of Civil Service is responsible for the verification of records pertaining to police officer training and certification.

STATUTORY AUTHORITY OF THE MUNICIPAL POLICE TRAINING COUNCIL
(Executive Law, Section 839)

1. There is hereby created within the Division of Criminal Justice Services, a municipal police training council composed of eight members, who shall be selected as follows:
 - (a) three shall be appointed by the Governor;
 - (b) two shall be appointed by the Governor from a list of at least six nominees submitted by the New York State Sheriffs' Association, who shall be incumbent sheriffs in the state having at least two years of service on the law enforcement training committee of such association or having other specialized experience in connection with police training which, in the opinion of the chairman of such law enforcement training committee, provides the sheriff with at least an equivalent background in the field of police training; and
 - (c) two shall be appointed by the Governor from a list of at least six nominees submitted by the New York State Association of Chiefs of Police, who shall be incumbent Chiefs of Police or Commissioners of Police of a municipality in

the state having at least two years of service on the police training committee of such association or having other specialized experience in connection with police training which, in the opinion of the chairman of such training committee, provides the Chief of Police or Commissioner of Police with at least an equivalent background in the field of police training; and

- (d) one shall be the Commissioner of Police of the City of New York or a member of his department, designated by such Commissioner and approved by the Governor.
2. The Governor shall designate from among the members of the council a chairman who shall serve during the pleasure of the Governor.
 3. All members of the council appointed by the Governor shall be appointed for terms of two years, such terms to commence on April first, and expire on March thirty-first. Any member chosen to fill a vacancy created otherwise than by expiration of term shall be appointed for the unexpired term of the member whom he is to succeed. Vacancies caused by expiration of a term or otherwise shall be filled in the same manner as original appointments. Any member may be reappointed for additional terms.
 4. Any member of the council appointed pursuant to paragraphs (b) or (c) of subdivision one of this section as an incumbent sheriff, Chief of Police or Commissioner of Police, as the case may be, shall immediately upon the termination of his holding of said office or employment, cease to be a member of the council.
 5. The council shall meet at least four times in each year. Special meetings may be called by the chairman and shall be called by him at the request of the Governor or upon the written request of five members of the council. The council may establish its own requirements as to quorum and its own procedures with respect to the conduct of its meetings and other affairs; provided, however, that all recommendations made by the council to the Governor pursuant to subdivision one of section eight hundred twenty-eight of this chapter¹ shall require the affirmative vote of five members of the council.
 6. Membership on the council shall not constitute the holding of an office, and members of the council shall not be required to take and file oaths of office before serving on the council. The council shall not have the right to exercise any portion of the sovereign power of the state.

7. The members of the council shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder.
8. No member of the council shall be disqualified from holding any public office or employment, nor shall he forfeit any such office or employment, by reason of his appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance or city charter.

¹ Now, § 840

PERSONS DESIGNATED PEACE OFFICERS UNDER
SUBDIVISION 33 OF SECTION 1.20 OF THE
CRIMINAL PROCEDURE LAW

- (1) A police officer;
- (2) An attendant, uniformed court officer or an official of the Supreme Court in the first and second departments;
- (3) An attendant, uniformed court officer or other official attached to the county courts of Nassau and Suffolk counties;
- (4) A marshal, clerk or attendant of a district court;
- (5) A clerk, uniformed court officer or other official of the criminal court of the City of New York;
- (6) A uniformed court officer or an official of the civil court of the City of New York;
- (7) An attendant, clerk or uniformed court officer of the family court;
- (8) An attendant, or an official, or guard of any state prison or of any penal correctional institution;
- (9) A parole officer or warrant officer in the Department of Correctional Services;
- (10) A harbor master appointed by a county, city, town or village;
- (11) An investigator of the Office of the State Commission of Investigation;
- (12) Onondaga County park rangers;
- (13) An officer or agent of a duly incorporated society for the prevention of cruelty to animals or children;
- (14) An inspector or investigator of the Department of Agriculture and Markets;
- (15) An employee of the Department of Taxation and Finance assigned to enforcement of the tax on cigarettes imposed by article twenty of the Tax Law by the Commissioner of Taxation and Finance;

APPENDIX D

- (16) An employee of the New York City Finance Administration assigned to enforcement of the tax on cigarettes imposed by Section D46-2.0 of the Administrative Code of the City of New York by the finance administrator;
- (17) A constable or police constable of a city, county, town or village; or a bay constable of the town of Hempstead; or a bay constable of the town of Southampton; or a bay constable of the town of North Hempstead;
- (18) Suffolk County park rangers;
- (19) A probation officer;
- (20) The sheriff, under-sheriff and deputy sheriffs of New York City;
- (21) Persons appointed as railroad policemen pursuant to section eighty-eight of the Railroad Law;
- (22) A warrant and transfer officer of the Narcotic Addiction Control Commission;
- (23) A bay constable of the Town of Oyster Bay;
- (24) Bridge and tunnel officers, sergeants and lieutenants of the Triborough Bridge and Tunnel Authority;
- (25) Uniformed housing guards of the Buffalo municipal housing authority.

POLICE OFFICER

The following persons are police officers:

- (a) A sworn officer of the Division of State Police;
- (b) Sheriffs, under-sheriffs and deputy sheriffs of counties outside of New York City;
- (c) A sworn officer of an authorized county or county parkway police department;
- (d) A sworn officer of an authorized police department or force of a city, town, village or police district;
- (e) A sworn officer of an authorized police department of an authority or a sworn officer of the State Regional Park Police in the Office of Parks and Recreation;
- (f) A sworn officer of the capital police force of the Office of General Services;
- (g) An investigator employed in the Office of a District Attorney;
- (h) An investigator employed by a commission created by an interstate compact who is, to a substantial extent, engaged in the enforcement of the criminal laws of this state;
- (i) The chief and deputy fire marshals, the supervising fire marshals and the fire marshals of the Bureau of Fire Investigation of the New York City Fire Department;
- (j) A sworn officer of the Division of Law Enforcement in the Department of Environmental Conservation;
- (k) A sworn officer of a police force of a public authority created by an interstate compact;
- (l) Long Island Railroad Police;
- (m) An employee of the Department of Taxation and Finance assigned to enforcement of the tax on cigarettes imposed by article twenty of the tax law by the Commissioner of Taxation and Finance for the purpose of applying for and executing search warrants under article six hundred ninety of this chapter in connection with the enforcement of such tax on cigarettes.

STATUTES OTHER THAN CPL THAT DESIGNATE GROUPS AS PEACE OFFICERS

- (1) Agriculture and Markets Law, § 94 - Commissioner, Assistant Commissioner, employees of Department of Agriculture and Markets deemed peace officers with all peace officer powers for purposes of enforcing Agriculture and Markets Law.
- (2) Education Law, § 355(2)(m) - Security Officers and Peace Officers have the powers of police officers in the course of and actual performance of their official duty of preserving law and order on State University grounds.
- (3) Environmental Conservation Law, §§ 71-0705(1), 71-0907 - Designated officers of Department of Environmental Conservation have all powers of peace officers for enforcement of Environmental Conservation Law.
- (4) Executive Law, § 69 - Attorney General authorized to appoint special deputies to enforce Election Law. Special deputies have all the powers of a peace officer.*
- (5) General Municipal Law, § 209-c - Designated members of fire departments have powers of peace officers while on duty.
- (6) Mental Hygiene Law, § 9.15 - Commissioner and directors of Mental Hygiene Department hospitals, schools and institutes can designate employees to protect department property. Such persons possess peace officer powers while performing duties.
- (7) New York City Administrative Code, § 487a-15.0 - Members of fire department have peace officer powers in performance of duties.
- (8) New York City Administrative Code, § 434a-7.0(e) - Authorizes police commissioner to appoint persons to special duty who shall have powers of peace officers.
- (9) New York City Administrative Code, § 564-11.0 - Every officer and inspector in NYC Department of Health declared a peace officer.
- (10) Public Authorities Law, § 1299-e(13) - Niagara Frontier Transportation Authority empowered to designate persons to enforce rules and regulations and to enforce law on authority property. Such persons are peace officers "within the purview of subdivision 33 of section 1.20 of CPL".

* These powers transferred to the Board of Elections, per Ch. 604 of the laws of 1974, section 7.

APPENDIX F

- (11) Public Authorities Law, §361(2) - New York State Thruway Authority forces employed to enforce authority regulations shall be peace officers "as defined by section 1.20 of CPL."
- (12) Public Authorities Law, §538(1) - Authorizes New York State Bridge Authority to make rules and regulations. Authority used this power to designate peace officers with powers of "constable, marshall, police constable or policeman" (21 NYCRR §200.2).
- (13) Public Health Law, §455 - Designated attendants or other employees shall possess all the powers of peace officers on hospital grounds.
- (14) Public Health Law, § 3385(2) - Commissioner of Public Health can designate department employees who have peace officer powers in enforcement of Article on Controlled Substances.
- (15) Town Law, §158(1) - Town Boards can appoint special policemen with powers of constable (peace officer under CPL).
- (16) Unconsolidated Law, §9185 - Local legislative bodies of municipalities can confer peace officer powers on auxiliary police appointed during civil defense emergency.



END