

This brings us to costs. Modern training aids and the possible use of salaried instructors, support staff, and record storing equipment will require the expenditure of additional funds for a mandatory program. Count also on increases in per diem and transportation expenses.

Administrative problems can be a real headache if the mandatory program is not well thought out. It would be wise to observe your State motor vehicle drivers' license system to foresee potential problem areas. The number one concern will be for a rapid and efficient record storage-retrieval system, probably in a central location to serve statewide needs. Hand processing 5,000-15,000 applications, certificates, and awards a year can be tricky. When you start handling 20,000 students and more a year, you should seriously consider going to automatic data processing.

What happens when a young hunter loses his wallet and certification the day before hunting season? Would a licenses seller in West Tennessee have some means of determining if this youngster has successfully passed the hunter safety course? These are just examples of what you can expect, and the public has the right to expect quick solutions with a very minimum of inconvenience to them. As I mentioned earlier, a sophisticated statewide certification storage-retrieval system is going to cost money.

In conclusion I'd like to stress that whether you have a voluntary or mandatory program, hunter-safety standards of high quality are essential. The risks of high pressure-high volume certifications under a mandatory program must be guarded against. Only through a quality program can objectives be met and productive results expected. To help you achieve these results, Federal Aid stands ready to assist in any way possible. Close coordination between your office and the Federal Aid Supervisor and Hunter Safety Coordinator is of the utmost importance.

## **FIREARMS TRAINING AND THE CONSERVATION ENFORCEMENT OFFICER**

*By*

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The Conservation Enforcement Officer is today faced with a challenge that all law enforcement officers face. This is the growing trend of disrespect and disregard for our laws, law officers and the rights of others. This is a trend that we have seen developing in this country, particularly over the past decade. We have seen several of our major cities torn by violence. Our college campuses have become a place for many of our young people to demonstrate and make demands, and when these demands are not met, these same young people go on burning, pillaging and looting sprees.

We have seen sniping, ambush and outright murder of enforcement officers and other officials. In Alabama approximately nine percent of our Conservation Officers have been shot. Several more officers have been shot at, but luckily were not hit. Our courts seemingly are giving all rights to the criminal and taking away the rights of his victim and the law officer. Public apathy towards the violator seems rampant, yet the public continually demands better law enforcement.

The Conservation Enforcement Officers in Alabama have been called on several times over the past few years to assist other enforcement agencies in quelling disturbances, patrolling strife-torn areas and enforcing curfews. In

most of these cases officers were not called on to use their sidearms, and very seldom do Conservation Officers find it necessary to use their weapons in the every day enforcement of Game and Fish laws. However, if an officer is forced to use his weapon to defend himself or his partner, the degree of training in the use of the weapon becomes a most important factor.

This brings me to the topic I wish to discuss with you today - Firearms Training and Proficiency for the Conservation Enforcement Officer. As Conservation Enforcement Officers we face a situation that is unique in law enforcement. When a State Trooper, Deputy Sheriff or City Patrolman approaches a subject to check for a misdemeanor, he does not face a loaded firearm except in rare instances. However, when we approach a hunter, whether he is a violator or a legal hunter, we almost always face a loaded firearm. While it would be foolish to say that the average hunter or fisherman is dangerous, the small percentage that is not law-abiding presents a challenge to the officer. This is where a well trained officer is a necessity. Some of our officers have the initiative to acquire firearms training on their own, many by participating in schools conducted by other enforcement agencies to train their own men. This is very good as far as it goes, but does not satisfy our overall need for firearms training.

Since we require our officers to carry a handgun in the performance of their duties, it is our moral, if not legal, duty to assume the responsibility for the training and retraining of these officers with their weapons. If we do not do this we may be faced with having to pay damages, not only for the negligent handling of firearms, but for the use of one at an improper time. I cite to you the case of *Peer vs. the City of Newark, New Jersey, 1961 New Jersey Supreme Court*. The incident in question happened in 1956 and involved an off-duty officer whose weapon was dropped and discharged, wounding and permanently injuring a young girl. A judgment was returned against the City of Newark and the officer for two hundred and twenty-five thousand dollars. I will not attempt to go into the details of the case since time does not permit, but the basis of the claim of wrong doing against the city was that its training program was inadequate in that it had not sufficiently trained or instructed the officer involved in the safe use and handling of his revolver. I could go into several other cases where a city or state was held liable in a damage suit for inadequately training its officers but time does not permit. It is not my intent to create the impression that all divisions of government are liable for injuries resulting from the negligent acts of its officers. I only bring this to your attention to emphasize the need for proper firearms training. We need, and must provide, this training.

Now, let's consider the type of training for our officers. To provide a well-balanced program of marksmanship that meets the varying needs of our officers presents a challenge to the executive personnel as well as to the training officer. The one factor that makes the task somewhat easier is that most individuals entering enforcement work have a natural desire to shoot a revolver or pistol well. Later the problem will be to attack the lethargy that develops in the mind of an officer due to the many instances of frictionless contact with the public. This is a common reaction and is similar to the cult of "Other Fellowship of the Motorist". It is always the other fellow who is going to be involved in an automobile accident or a shooting.

Next, if we are to have a good program of marksmanship, it clearly follows that we must have competent instructors. We should have several people in our law enforcement sections who are qualified and who are certified firearms instructors. Those selected should be chosen for their ability and desire to teach others, as well as for their competence with a firearm. Without the ability and desire to teach others, an instructor may be the best shot in the section and still not help your overall marksmanship program.

There are several ways of training and certifying officers as firearms instructors. One of the best ways is through The National Rifle Association's Police

Training Program. I was fortunate enough to attend one of these schools in 1970 and found it to be very efficient and competent. The schools are conducted often and are for law enforcement officers and reserve components. Not only will the officers benefit from the school as firearms instructors, but they will be better trained for addressing civic clubs, instructing hunter safety courses, and other public services. Officers can usually attend these schools at a minimum expense to their department and with very little loss of time from their normal duties.

Now that we have discussed instructors, it follows that we must have some facilities where instruction can take place. It would be very impractical to attempt to construct ranges in various parts of the state, even though we are spread throughout the state. Most of us live within a reasonable distance of very good state, county or city ranges. Most of these ranges can be used just for the asking and assurance that reasonable care will be exercised. However, if a range is not available, we can make good use of abandoned gravel pits, strip mines and quarries. These make safe and efficient ranges, though they are not always as comfortable as the police range. Most landowners give permission when assured that the range will be used in a safe manner. Back boards and barricades can be constructed from old scrap lumber at very little expense or labor.

There is always the problem of cost of ammunition. This cost factor can be reduced substantially by using reloaded ammunition. This can be done by reloading your own or by purchasing reloaded ammunition from one of several companies available. Many of our city, county and state departments have their own reloading equipment and save substantial amounts of money by reloading all their ammunition. One method is for several men who are interested in doing this as a hobby or as part of their interest in competitive shooting to pool their resources and purchase equipment and components together. This can prove to be a very satisfactory arrangement and provide inexpensive ammunition for practice.

Now let us examine the objectives in a course of training to teach combat shooting. The combat shooting curriculum must be a blueprint for planned, orderly, sequential learning for enforcement officers. The course should be lifelike, reality-tested situations which require active response. Keying training to later performance of duty is an excellent method for sustaining interest. The learn-by-doing concept is of vital importance in developing any program for teaching a functional skill, such as shooting, but it does not exclude intellectual effort on the part of a student.

A curriculum in marksmanship must also recognize the basic need of exercise or frequency. Unless a newly-acquired skill is practiced often, the ability to perform diminishes. Thus we cannot simply teach our officers to shoot, to handle a firearm safely, and then just forget about it. Our program must be geared to handle retaining of these officers on a regular basis. We should have our program so devised that the officer will be required to fire an allotted number of rounds over a combat type course and attain a minimum score on a periodic basis.

The four objectives in a course of training should be:

1. To teach the individual officer to identify a target rapidly, to draw the weapon safely and with speed, and to deliver accurate fire from not one but a variety of combat positions. Here we must emphasize accuracy, for without accuracy it does not matter how fast the shot is fired. Only after accuracy is attained and by continued practice can the necessary speed be achieved. To teach the officer to take full advantage of any and all available cover and support is also of great importance.

2. To teach the officer his obligation for public safety when firearms are used, responsibility for positive identification of target, and justification for the use of a firearm.

3. To develop in all enforcement officers the desire to shoot their revolvers with accuracy and ability so that they will turn to shooting for enjoyment and personal satisfaction as well as normal enforcement practices.

4. To instill confidence in an officer. A good marksmanship program can and will instill confidence in an officer. I believe this is the key to efficient performance in any type enforcement work. Confidence in his ability to deal with a given situation where the odds are against him is an officer's best deterrent to fear.

I again emphasize that it is our moral duty to see that all officers in our department are trained and retrained in the use of their weapon. If one officer's life is lost due to lack of proficiency with his sidearm, someone has failed. LET NO OFFICER'S SOUL CRY OUT, "HAD I THE PROPER TRAINING . . ."

## **ASSETS AND LIABILITIES OF ORGANIZED LABOR AND THE 40-HOUR WORK WEEK IN THE CONSER- VATION ENFORCEMENT AGENCY**

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Historically, the Michigan conservation officer has worked as the situation dictated—a concept of total job responsibility—i.e., he worked 7 days a week if necessary, or as many hours daily as required, to fulfill the sundry functions of responsibility in his assigned work zone. I can recall when I started with the Department in 1941 that officers were required to work seven days a week. There was a job to do and we worked as the job demanded.

In 1946, the work week was modified to five days, but with no hour limitation per day, and days worked in excess of five entitled the officer to compensatory days off. Many of the officers, nonetheless, continued to work extra days as necessary to do the job.

On July 1, 1966, twenty years later, due mainly to union but also employee association pressure, a Civil Service overtime directive mandated compensation to the officers at time and one-half for hours worked in excess of 80 hours per bi-weekly pay period. The officer had the option of electing whether to be paid for the overtime or liquidate it as compensable time.

This was an entirely new concept for conservation officers and it is putting it mildly to say that we had difficulty in adjusting to the new policy. We did not believe then and still do not believe that our conservation officers can do the job on an hourly basis.

Several times in 1966, we presented alternative plans to Civil Service asking consideration for the total job responsibility concept. Civil Service either rejected or tabled our proposals. During the 1966 fall hunting seasons, we authorized a maximum of 160 hours of overtime hoping to receive a supplemental appropriation for this amount from the Legislature. When the appropriation was received, it was less than the amount requested, and we were able to get by only because a considerable amount of the overtime worked was liquidated by the officers in lieu of receiving pay.

The following fiscal year (1967-68), the legislative appropriation for law enforcement, as well as all state services, involved drastic cuts and did not provide money for payment of overtime. Although faced with a fall period more critical than in previous years due to an early woodcock and teal season, spawning steelhead and salmon, and an increased pre-season deer hunting buildup, we had