



Commonwealth of Massachusetts Municipal Police Training Committee

"Training for Today, Planning for the Future"



Minimum Standards for Handgun Requalification and Continual Training

The minimum standards included herein are required of all sworn municipal, University of Massachusetts, and environmental police officers in the Commonwealth, whether full-time, reserve, or intermittent. These standards are divided into two sections: *qualification* and *training*. Qualification under these standards is intended to document existing marksmanship proficiency and safe firearms handling skills. Training is intended to improve the officer's marksmanship, reaction and decision making skills under stress in a variety of potential shooting situations as well as to enhance officer safety and safety of the public. The standards listed are minimum standards only. Nothing herein should be construed as recommending adherence only to the minimum standards or restricts agencies in any way from exceeding them.

Qualification

1. Annually complete the MPTC Basic Qualification Course at least once with a minimum score of 80%.
 - a. While duty ammunition is not required, the caliber used for qualification shall be identical to that used for duty ammunition.
 - b. The target used for qualification shall be the standard MPTC-approved target.

Training

1. Annually receive instruction and review in legal issues and Department policy on deadly force, and the safe handling and storage of firearms. This may be done at the time of qualification, range training, or on a separate date.
2. In *addition* to the annual Qualification standard and the annual review requirements outlined above, each officer shall complete, within each twelve month period, two training sessions in the use of the handgun. These two training sessions should be sufficiently spaced apart in such a manner as to maintain proficiency throughout the calendar year.
 - a. At a minimum, each officer shall discharge a total of 50 live-fire rounds for training purposes other than the MPTC Basic Qualification Course. The intent is for these rounds to be expended in multiple firearms training sessions.
 - b. Each training session shall be realistic in nature; training should include the following: judgmental shooting, reduced-light and multiple target drills or scenarios, shooting at moving targets, and shooting while moving.
 - c. Training should enhance skill diversity by varying the live-fire drills from session to session.
 - d. Training should be scenario based wherever practical and incorporate the use of cover, shooting from a variety of positions, and the use of both sighted and point-shooting techniques.
 - e. Any target may be used for training purposes; however, the use of steel or reactive targets is encouraged where practical.
 - f. Skill building drills may include firearms simulators (such as Range 3000), Simunition Weapons, Air-Soft, plastic rounds, and Red/Blue guns.
 - g. Departments are encouraged to use MPTC-certified instructors in their firearms training programs.

General Principles of Firearms Training

1. Notwithstanding the potential for "failure to train" lawsuits under 42 U.S.C. 1983, or suits for "employee negligence" under the Massachusetts Tort Claims Act (M.G.L. c. 258), the design and implementation of firearms training programs should not be motivated by the sole purpose of avoiding legal liability.
2. Firearms training should be designed to prepare officers to protect themselves and their communities from dangerous individuals, when necessary. To attain that objective, the program should logically take into consideration the nature and conditions of the job and should be tailored accordingly.
3. The primary liability issues involving firearms training involve failure to train (which includes the nature of the training), failure to supervise training (which includes documentation), proficiency testing, and policies.

Selected Negligent Training Cases

City of Canton, Ohio v. Harris, 109 S.Ct. 1197 U.S. Ohio, 1989 (deliberate indifference standard established)

Zuchel v. City and County of Denver 997 F. 2d 730 10th Circuit Court (inadequate training program)

Popow v. City of Margate 476 F. Supp. 1237 D.N.J. 1979 (inadequate training in absence of moving targets and low-light training)

Vickowski v. Hukowicz, 201 F.Supp.2d 195 D. Mass., 2002 (outlines legal test/questions for establishing a failure-to-train tort)

Armstrong v. Lamy, 938 F.Supp. 1018 D. Mass., 1996 (Pattern of behavior in violation of constitutional standard need not be shown if need for more or different training is so obvious and inadequacy so likely to result in violation of constitutional rights that policymakers of municipality can reasonably be said to have been deliberately indifferent to need.)

These cases only provide a very cursory overview of litigation involving firearms training. For a more extensive list of relevant cases, please contact the MPTC or your legal advisor.