

Harwich Police Department
Memorandum

TO: Board of Selectmen

James R. Merriam
Town Administrator

FROM: Bill Mason
Chief of Police

DATE: December 21, 2011

SUBJECT: Town Firing Range Report and Recommendations (Revised)

Background

Please Note: Due to the discussion with the Board of Selectmen during the regularly scheduled meeting on Monday, December 19, 2011, some minor revisions were made to the original report that had been submitted on December 14, 2011. This memorandum reflects those revisions.

The Town of Harwich Firearms Range (range) is located on Depot Street in South Harwich, Massachusetts on land owned and managed by the Town along with the land that surrounds it. This range has been in existence and consistently utilized for over 70 years and has been open to the public in addition to serving as the firearms training location for the Harwich Police Department. There are no buildings or other permanent structures at this location except the concrete bullet catchment berm that was installed in 2011 by the Town funded through an Annual Town Meeting Article for \$25,000 for this specific purpose. All range targets, equipment, vehicles, debris, trash, etc. are removed from the site at the conclusion of each training session.

Currently the Harwich Police Department conducts its mandated and additional firearms (pistol and rifle) training at this location including: the State qualification courses, low or no light, tactical, marksmanship, officer survival, decisional (shoot/don't shoot), remedial, and new hire necessary for the continued professional delivery of public safety services, officer safety, and appropriate utilization of firearms in the most cost efficient manner. In addition, the United States Coast Guard, Cape Cod Regional Law Enforcement Council Tactical Response Team, Dennis Police Department, and Chatham Police Department have utilized this facility for many of their training sessions.

Continuing a longstanding history with our community, this range has provide a place for citizens, that have completed an approved firearms safety course and register with the Police Department, a location for firearms shooting practice that reduces firearms discharge by citizens in other less desirable or illegal areas of the Town. The range is open to the public on the weekends during non-law enforcement scheduled training periods. In the past, the range has also been utilized by the Boy Scouts and other civic groups for approved shooting events.

Over the past few years, some citizens that have purchased homes in the adjacent areas have expressed their concerns regarding the noise from range operations. Lieutenant Barry Mitchell and I have met with these individuals to discuss their issues and develop strategies for their mitigation. This report will provide background information on these complaints and what steps have been taken by the Harwich Police Department to mitigate the issues.

Complaints

1. Frequency of Utilization: Much of the concerns expressed to date by citizens relate to how often the range is utilized and the perception that it has increased. For over ten years, the Chatham, Brewster, and Dennis Police Departments as well as the United States Coast Guard have also utilized the range on occasion. Recently, the Cape Cod Regional Law Enforcement Council (Harwich is a member of this organization) Tactical Response Team (SWAT) has also used the range. With concerns regarding homeland security, increase in violent incidents involving weapons on the Cape, and civil liability issues, training in the use of firearms have increased. This resulted in the range being continuously used for several consecutive weeks.

Remediation: Effective immediately, other town law enforcement agencies will not be allowed to utilize this range for their weapons training. Use by the Cape Cod Regional Law Enforcement Council Tactical Unit and the United States Coast Guard will be restricted (anticipated to be a total of no more than five days in any given year). This will greatly reduce the number of days the range is utilized especially during the week, as the Harwich Police Department will be the only town law enforcement agency utilizing the range.

2. Noise Intensity: Several citizens stated that the noise level has increased and there appears to be full automatic fire on the range. The automatic fire was the result of training that was being conducted by the United

States Coast Guard and the Tactical Response Team. General intensity seemed to be higher due to the number of individuals firing at the same time. Other concerns expressed included the perception that different or more powerful weapons were being deployed that increased the noise levels.

Remediation: The United States Coast Guard and the Tactical Response Team utilize higher caliber and fully automatic weapons in their training. Since these agencies will be restricted in use of the range for their weapons training and the Harwich Police Department does not deploy fully automatic weapons, this source of noise has been greatly reduced. The Harwich Police Department has been utilizing the same caliber of weapons (both rifle and pistol) since the mid 1990's and most often utilizes small group training; therefore, noise is less intense during these training sessions.

3. Noise Mitigation: Some citizens requested that the Harwich Police Department utilize silencers on their firearms to eliminate the noise. Although this may appear to be a viable option, there are several factors that preclude implementation foremost that it is a violation of United States Federal Firearms Laws. Silencers are three to six inches long, attach to the muzzle of a firearm, act as a muffler, and have to be removed before the firearm can be placed back in a holster. This is functionally impractical, costly, and again illegal except under specifically approved tactical applications.

Remediation: The Harwich Police Department is investigating various sound reduction alternatives including earth berms, acoustic panels (similar to those utilized on highways), additional trees/vegetation, etc. Of particular interest is the west end of the range as it is open and faces a gradual slope towards Depot Street where many of the concerned residents are located. Once the data has been collected, options will be presented to the Town Administrator and Board of Selectmen for their consideration and funding.

4. Weekend Use of the Range: Some citizens expressed concern that the range seemed to be utilized every weekend and that this was excessive. As previously stated, this range has provided for citizens, that have completed an approved firearms safety course and register with the Police Department, a location for firearms shooting practice that reduces weapons discharge in other less desirable or illegal areas of the

Town. In the past, this was allowed at anytime the range was not scheduled for law enforcement training. For approximately the last five years, this was reduced to the weekend days only such that greater control could be maintained. Qualified citizens must respond to the Police Department, sign in and obtain the range key and flag. While at the range, the flag must be attached and raised on the flagpole indicating the range is in use. When done, the citizen has to respond to the Police Department and return the flag/key, and sign out. Any other unauthorized use of the range is considered trespassing and is addressed appropriately. **It is important to note that the Police Department has received several complaints of weekend usage that upon investigation found that the Town range was not being used and that shooting was being conducted at other locations (including the sandpit on the Harwich/Chatham border).** As long as the citizen has permission of the property owner and it is not otherwise restricted, this is not a violation of law.

Remediation: The Police Department will monitor utilization by citizens and not allow firearm discharge after sunset by the public. If this does not prove to be effective, the Board of Selectmen may want to consider limiting the weekend hours available for Harwich citizens (i.e. 10:00 A.M. to 3:00 P.M. on Saturdays and Sundays) to utilize the range. Caution should be utilized in eliminating the use of the range by citizens, as this will cause firearms discharges in other less desirable, uncontrolled, or illegal areas of the Town.

5. Use of Other Ranges: Some citizens suggested that the Harwich Police Department utilize existing private ranges and/or facilities at the Massachusetts Military Reservation in Bourne. Both of these options would increase expenses in facility fees, overtime, vehicle utilization, and fuel estimated to be in the area of \$25,000 annually. In addition, Massachusetts Military Reservation will not allow their ranges to be utilized for law enforcement training.

Remediation: The Harwich Police Department has proposed the construction of a regional in-door firing range on three occasions. The cost of constructing a facility of this type has been estimated at \$1.6 million excluding land. This type of facility could feasibly support 10 Cape law enforcement agencies; therefore, each town, if divided evenly, would be responsible for an initial cost of \$160,000 in construction and an estimated \$6,000 annually for facility maintenance. To date no town has provided actual commitment/support for this concept.

6. Notification of Range Use: One citizen requested that notification be posted of the dates/time the Harwich Police Department is conducting firearms training at the range. Currently the Harwich Police Department utilizes the range for two rifle qualifications, two pistol qualifications, and two night shoots annually for all sworn personnel. Night shoots are essential as national statistics indicate that over 70% of all law enforcement firearms incidents occur in reduced/low light conditions; therefore, officers must be trained to respond in these circumstances.

Remediation: The Harwich Police Department will post its regularly scheduled training dates and approximate times on the Department's web site. It will also post the limited dates the United States Coast Guard and the Regional Tactical Unit schedule training at the range. On occasions it is necessary to provide remedial or new hire training outside the scheduled events; therefore, there may be limited occasions where some training is not posted. Current scheduling provides that night shoots will be conducted during the fall and early spring when sunset occurs earlier in the evening and should be concluded at a reasonable time.

National studies have indicated that police officers properly and consistently trained with firearms are less likely to deploy them when unnecessary. All of the citizens that have expressed concerns also realize the importance and support of proper firearms training of Harwich Police personnel in the most professional and cost efficient manner. The steps that have been outlined above have greatly reduced the utilization of the range and its related noise while maintaining this training standard and public safety mandate. Although the noise of the range cannot be eliminated, the Harwich Police Department will work to be good neighbors with the residents in the area regarding the use and administration of range activities. If you have any questions or need further clarification, please feel free to contact me at your earliest convenience.