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WHICH CARTRIDGE FOR POLICE

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During 1959, Police Science students at Los Angeles State College began collecting case studies of peace officers shot in the line of duty. To date over 110 cases have been collected which describe in detail the shooting of more than 150 officers. These cases are being evaluated in an attempt to develop training material on police tactics.

During the preliminary evaluation of these case studies an interesting and unexpected by-product became apparent. In repeated instances, both criminals and officers who were shot with the .38 S & W Special were able to continue the gun fight or flee. In a number of cases the shooting of the officer was accomplished by a criminal who had *been shot several times by the officer*. At this time the researchers have identified police use of the .38 S & W Special cartridge as one of a number of elements which contribute to the shooting of officers in the study. While statistical data is still pending on the pilot study, several cases are so outstanding that they will be of interest to police and civilian shooters alike. These cases have been edited to obscure the identity of the participants and include only information on the actual gun fight.

Case #5. Suspect "A" and suspect "B" entered a bar, exhibited a sawed-off shotgun and pistol, and ordered the occupants to line up facing the wall. One of the occupants was an officer in plain-clothes, and as he faced the wall he was able to draw his .38 S & W Special revolver unnoticed

by the suspects. The officer turned and emptied his revolver at the suspects. His shots struck suspect "A" in the chest and stomach causing him to fall to the floor. Suspect "B" was shot in the left side and the left wrist. The officer's other two shots missed the suspects. Suspect "A" regained his feet and began firing the shotgun. His shots killed the officer, who was trying to reload, and wounded several patrons. Both suspects then fled from the bar on foot. These suspects were arrested the next day while seeking medical aid for their wounds. Suspect "A" died within 3 days of wounds in the stomach and lung. Suspect "B" recovered and was sentenced to death for his part in the crime. Note that suspect "A", although shot in the stomach and lung, was able to get back up, shoot the officer and others, run from the bar, exist one day while seeking medical aid, and then live for two additional days under medical care.

Case #36. Officer "A" and "B" forced a stolen vehicle to the curb at 1:25 AM which contained three suspects. One suspect fled into an alley and was pursued by Officer "A". This suspect drew a .32 caliber automatic pistol, turned and began firing at Officer "A". Officer "A" drew his .38 S & W Special caliber service revolver and fired four shots at the suspect before being struck in the arm, which caused him to drop his weapon. In this exchange the suspect was shot in the left arm, in the right arm, through the right side, and through the flesh at the base of the rib cage.



The suspect then fled the scene leaving officer "A" incapacitated. An immediate search of the area was begun by additional officers. At 2:10 AM the fleeing suspect forced a motorist from his vehicle, robbed him, and unsuccessfully attempted to drive off in the car. At 2:30 AM a patrol car crew observed the suspect in a field two miles from the location of the shooting and chased him on foot until he was lost in the darkness. At 3:00 AM the suspect stole a car and was able to escape from the search area. A state patrolman observed the suspect in the stolen auto at 4:00 AM and began pursuit. This high speed chase lasted until 4:30 AM (thirty minutes) when the suspect skidded the stolen car into a ditch. The suspect fled into a field, and the state patrolman continued the pursuit on foot. Apparently exhausted and weak, the suspect turned and aimed his .32 automatic at the officer. The officer drew his .357 Magnum and shot the suspect through the head, killing him instantly. Autopsy showed that of the .38 S & W Special bullets fired by Officer "A", only one was a flesh wound, the other shots attained complete penetration. No bones were broken by these bullets, and there was little external bleeding. Note that the suspect was able to engage in *three hours and five minutes* of strenuous and exhausting activity after being shot four times with the .38 S & W Special.

Case #47. Officer "A" and Officer "B" approached two suspects in a parked car. The suspects were removed from the car for investigation. One suspect drew a 9 M.M. automatic from a hidden holster and commanded the officers to throw up their hands, which they did. Both officers attempted to reason with the suspect, and failing at this, they leaped at the suspect in an attempt to disarm him. The suspect fired once, fatally wounding officer "B" through the chest. Officer "A" grasped the suspect's pistol in one hand and held it down while drawing his own service revolver with his free hand. Officer "A" then fired five .38 S & W Special rounds at contact distance into the chest area of the struggling

suspect. The suspect fell to the ground still clutching the 9 M.M. pistol. Officer "A" turned to assist Officer "B". The suspect then attempted to regain his feet and point his pistol at Officer "A". Officer "A" dropped his empty service revolver (this department required officers to leave the chamber under the hammer empty) and lunged for the revolver on the belt of Officer "B". With this weapon he shot the suspect through the head, killing him instantly. Autopsy revealed that none of the five .38 S & W Special shots fired into the suspects body exited. Several ribs were broken, both lungs penetrated, and there was extensive internal bleeding. Note that although the wounds were serious, the *shocking effect* was not sufficient to prevent the suspect from regaining his feet and attempting to shoot the second officer.

Case #69. (not illustrated) Officer "A" and Officer "B" observed a vehicle being driven in a suspicious manner and approached the driver. The driver began firing at the officers while he was sitting in the car, and the officers returned his fire through the doors and windshield at a distance of approximately 15 yards. Both the officers and the suspect were using .38 S & W Special revolvers. Officer "A" fired 6 rounds through the windshield and reloaded behind another car. Officer "B" fired 2 shots through the rear window and several into the body of the car. The suspect then ran from the car, firing at Officer "B", who returned his fire. Officer "A" then fired 4 rounds into the suspects back and side. At this point the suspect fell to the ground, fatally wounded. Officer "A" then observed that Officer "B" was wounded, and went to his assistance. Officer "B" was struck in the forehead by a .38 S & W Special, which was *deflected by the uniform cap brim* to the extent that it resulted in only severe flesh laceration. A total of 15 separate bullet wounds were found in the suspects body, 11 of which were inflicted while he was concealed in the car. Note that if any one of these 11 rounds had been effective, Officer "B" would not have been later shot in the head.

Case #29. The suspect was surprised by a



patrolman while committing robbery in a liquor store. He shot the policeman five times and fled the store. The suspect ran through an alley and in emerging, was cornered by two other officers. In effecting the arrest, the patrolmen shot the suspect through the right leg. The suspect was placed in an ambulance and, while enroute to the hospital, disarmed and shot one transportation officer and fled from the vehicle. In this struggle the suspect was shot 3 times by another officer with a .38 S & W Special in the right hip, in the right leg, and in the neck. The suspect then entered a taxicab which was soon surrounded by officers. In the gun fight which followed the suspect was shot in the left leg, the chest, and in the right arm. The suspect, then unable to fire his weapon, was subdued after a struggle with the officers. The hospital report showed 7 separate .38 S & W Special bullet wounds. The suspect lived, and was sentenced to life imprisonment for homicide of a police officer.

Case #X3. (Note that this case is from another collection in which the officer was not shot, but assaulted with a knife.) Officer "A" and Officer "B" were attempting to subdue a crazed suspect armed with a knife. Officer "A" finally decided that it was necessary to shoot the suspect as he advanced. The officer began firing at the suspect with his .38 S & W Special at a distance of approximately 20 feet. The first round struck the suspect in the right chest, passing through the lung and lodging next to a rib near the spine. The suspect continued to advance and Officer "A" shot him in the left chest. This shot punctured the lung, and exited through the back. As the suspect continued to advance, Officer "A" shot him in the stomach; the bullet also penetrated the upper right pelvis. The suspect now was directly in front of the officer, continuing to advance, with the knife held high over his head. The officer fired at point blank range, and this round went through the abdomen, lodged in the tail bone, knocking the suspect to the ground. Had this fourth round not had effect, the officer

would most certainly have been assaulted. The suspect revived later and struggled with officers enroute to the hospital, but died shortly thereafter.

These cases were admittedly selected from among many others because of their spectacular nature. However, if these cases of ineffective fire-power occur with a frequency sufficient to make them significant in a study *limited to situations where an officer was shot*, what is the probability of their occurrence in the far more frequent gun fights where an officer is not injured?

The .38 S & W Special cartridge was developed from the .38 Long Colt, which was an official United States service cartridge for some time (1894-1911).¹ Their ballistics are somewhat similar, as indicated in table 1.

TABLE 1

Cartridge	Bullet gr.	Muzzle Velocity	Muzzle Energy ft. lbs.	$\frac{3}{8}$ " Pine Boards Penetration
.38 Long Colt	150	785	205	6
.38 S & W Special	158	870	266	7

The U. S. Service cartridge (.38 Long Colt) became very unpopular during the Philippine operation (1899-1900) because of its inability to stop Moro warriors. An Ordnance Board undertook extensive testing in an attempt to select a more effective cartridge. These tests were conducted by Major Louis A. La Garde on soft wood, clay, animal carcasses, and human cadavers. The results of these tests, and others, discredited the .38 U. S. Service Cartridge, and established the requirement that any service cartridge submitted for adoption by the government be of .45 caliber.²

The .38 S & W Special, however, became quite popular with civilian and police groups because of its accuracy and mild recoil. It continues to be popular although many authorities have come to feel that it is obsolete in some respects.³

The results of the pilot study, or for that matter, the previously described cases, indicate that police administrators may well wish to re-evaluate the standardized service cartridge. If they choose to do so, what alternatives are available?

The firearms industry has developed two re-

¹ Walter H. B. Smith, *Pistols and Revolvers, Volume I, The N.R.A. Book of Small Arms*, (Harrisburg: Military Service Publishing Co., 1948), pp. 347-49.

² Donald B. Body, *Colt Automatic Pistols* (Beverly Hills: Fadco Publishing Co., 1956), p. 33.

³ N.R.A. Staff, "Loads for the .38 S & W Special" *The American Rifleman*, 109:27, March, 1961.



volver cartridges designed specifically for man-stopping qualities and vehicle penetration; the .357 and .44 Magnum. The .357 Magnum has been available to law enforcement agencies since the mid 1930's, yet only a few agencies have adopted it or permit its use by officers. Police administrators fear the extensive range and penetration of Magnum cartridges with respect to civil liability.

Another alternative is the adoption of a larger caliber revolver, which would be a more effective man-stopper, but which has a short range and limited penetration. Several common commercial calibers are available which meet these requirements, the most obvious of which is the .45 ACP or Auto-Rim. It is also possible that our firearms manufacturers could develop a new cartridge, designed solely to fit police needs.

Both of the above alternatives involve a change in sidearms, and for this reason would be un-

popular with individual officers and city treasurers. A third alternative might be to develop a man-stopping cartridge from the .38 S & W Special caliber.

Police thinking in this country seems to cling to the Geneva Convention limitations on military weapons. Actually, as far as can be determined locally, no restrictions exist with respect to civilian police use of bullets which are: (1) hollow-point, (2) soft nose, or (3) explosive. This alternative would seem to be the most economical, but probably the least acceptable to the public.

This article was intended to stimulate thinking on the subject. Is there actually a problem? Is the .38 S & W Special an ineffective police cartridge? Should police agencies change the caliber of their sidearms? Which caliber should be selected? And these questions, of course, must be answered only after extensive research, conducted by an independent, unbiased institution.