

AUTHORIZED WEAPONS

WILLIAMSTOWN POLICE DEPARTMENT POLICY & PROCEDURE NO. 4.06	EFFECTIVE DATE: 02/28/2022
	REVISION DATE: 03/30/2023
	REVIEW DATE: 03/30/2024

I. GENERAL CONSIDERATIONS AND GUIDELINES

Police officers in Massachusetts are authorized to carry and use a variety of weapons. G.L. c. 41, s. 98, for example, permits officers to carry firearms as authorized by the Chief of Police. While no statute addresses the possession and use of other weapons by officers, court decisions make it clear that the Chief may both authorize and regulate such activities.

II. POLICY

It is the policy of the department to require that all personnel authorized to carry or use firearms or other weapons in the performance of their duties shall:

- Carry or use only firearms, ammunition and other weapons that are issued or authorized by this department; and
- Be properly trained and/or certified in the use of any firearm or other weapon used in the performance of their duties prior to being authorized to carry or use such weapon, and
- Demonstrate proficiency in handling, operating, and using such weapon(s).

III. DEFINITIONS

PRIMARY DUTY FIREARM:

The firearm primarily carried and used in the performance of department duties.

SERVICE WEAPON:

Any weapons carried in the performance of normal duties.

SPECIAL WEAPON:

Rifles, scoped rifles, shotguns, and firearms other than the primary duty firearm.

LESS-LETHAL WEAPON:

Devices used to stop, control and restrain individuals while causing less harm than deadly force. Less lethal weapons are not designed or intended to be deadly force weapons.

OFF-DUTY WEAPON:

A firearm personally owned by the officer authorized for off duty use by the Chief of Police and qualified for use by the Department Firearm Instructors.

All forms referred to in this policy can be found on the shared drive under Department Forms.

A. Authorized Weapons and Ammunition

GENERALLY

Personnel authorized to be armed with a firearm or other weapon, on or off duty, shall carry only those weapons and ammunition issued by this agency or authorized by the LT/Chief of Police. This includes firearms and ammunition authorized for the Investigator and officers on paid details. Only department authorized weapons may be carried by officers on duty.

Department employees authorized to carry a firearm while on duty may carry a back-up firearm as well, provided that the firearm and ammunition are issued by the department or authorized by the LT/Chief. Backup firearms must be carried in a concealed location on the employee's person.

Sworn, off duty officers who activate themselves and act as a police officer may carry firearms for that purpose, only if the firearm and ammunition is issued by this agency or authorized by the LT/Chief of Police.

AUTHORIZED WEAPONS AND AMMUNITION ROSTERS

Firearms and ammunition authorized for both on, and off duty use by members of this department are set forth in Appendix A of **1.10 – Use of Force**.

Less Lethal and other weapons and ammunition authorized for use by members of this department are set forth in Appendix A of **1.10 – Use of Force**.

APPROVAL OF NEW DUTY WEAPONS

- All weapons considered for use by department employees must be approved by the LT/Chief of Police.
- Firearms must be submitted to a department armorer who shall review the weapon specifications and consider at a minimum, the quality of manufacture, reliability, and ballistic effectiveness.
- Less lethal weapons will be reviewed by an instructor trained or certified in the use of the general weapons type, who shall review the weapon specifications and consider at a minimum, the quality of manufacture, reliability, and effectiveness of the weapon.

- Where no employee is trained or certified in the use of a new weapon type, it may be researched by an individual or committee as determined by the LT/Chief. Competent persons and organizations should be sought for guidance in conducting the review and the results reported in writing to the LT/Chief.
- The department's Firearms Instructors will consider the applicability to that unit's operation and prepare an estimate of cost of procuring the weapon and accessories for the personnel to whom the weapon is to be issued.
- The department's Firearms Instructors shall review and determine training needs and costs of training employees with the weapon both initially and in retraining. Considerations must also be made for any new training needed for aftercare of suspects against whom the weapon is used. Municipal Police Training Committee guidelines where applicable, at the minimum, must be met. An estimate of training costs will be prepared.
- The reviewer(s) shall forward their remarks and reports to the LT/Chief of Police who will consider them and make a determination as to the approval of the weapon.

INSPECTION OF WEAPONS PRIOR TO ISSUE

Prior to being issued or authorized for use, each weapon shall be inspected by a department armorer or qualified weapons instructor familiar with the weapon being inspected.

The inspector shall not approve the weapon for duty use unless the inspector determines that it is in good working order. Failed weapons shall be removed from service and repaired or replaced.

WEAPONS MAINTENANCE INSPECTIONS

Each weapon used on or off duty, whether department owned or authorized, shall be inspected annually by a qualified weapons instructor familiar with the weapon being inspected. Whenever possible, inspections will be done in conjunction with qualification on that weapon.

The inspector shall not approve the weapon for use unless the inspector determines that it is in good working order. Failed weapons shall be removed from service and may be repaired or replaced. Repaired weapons must be inspected prior to use.

The weapons inspector shall complete a Weapons Inspection Maintenance check for each weapon. Weapons inspections, maintenance and modifications shall be noted, including the date and name of the inspector.

ACCOUNTABILITY FOR WEAPONS

An inventory control roster of all weapons owned by this department or authorized for use on or off duty shall be maintained. Weapons should be listed by serial number, if so marked, and will indicate whether the weapon is being stored, assigned to a vehicle, or to whom the weapon is issued.

A physical inventory of all agencies owned weapons shall be conducted at least annually by the department's firearms officer and recorded.

A roster of all privately owned, authorized weapons shall be maintained separate from department owned records, by the firearms officer. The record must identify the make, model, caliber (if applicable) and owner.

B. Off Duty Weapons

AUTHORIZATION:

Generally, under Massachusetts General Laws, a police officer is authorized to carry an issued or authorized firearm at all times when on duty and may carry such firearm while off duty within the Commonwealth of Massachusetts.¹

An officer may have to activate him/herself during off-duty situations where there is a need to draw a personal firearm and the possibility exists to use such a weapon. Upon self-activation, the officer's actions are guided by all Departmental rules and regulations, hence there is a need to show familiarization with any personal firearm which is carried while off-duty.

Only employees qualified in the use of department authorized off-duty weapons may carry such weapons.

Members of the Department who are licensed to carry firearms pursuant to M.G.L. c. 140, § 131 and who may act in the capacity as a law enforcement officer while off duty, armed with a personal firearm must be qualified with that firearm on at least an annual basis. Qualification may be fired during regular qualification times and employees shall provide their own ammunition.

Any officer who desires to carry an off-duty weapon must first submit a written request to the LT/Chief of Police detailing a complete description of the firearm. If the weapon is approved by the LT/Chief, the officer must qualify in the use of the weapon.

Employees wishing to qualify with personal firearms while on duty will notify their supervisor of their intent to do so and shall be authorized to possess those firearm(s) for the sole purpose of qualifying. This authorization shall be temporary and will only allow the employee to carry the personal firearm to and from the range. The personal firearm(s) shall be secured prior and subsequent to completion of the familiarization course.

Prior to carrying such a weapon, it must be inspected and approved by a qualified weapons instructor or armorer, satisfactory to the Chief of Police. Weapons found by such instructor or armorer to be unsafe may not be used. A record of all approvals shall be maintained by the firearms officer in the Armory.

All ammunition carried in an approved off-duty weapon must be of a type approved by the department.

Any employee who has not qualified with his/her approved off-duty weapon shall not be indemnified by the department for any use of such weapon until such time as the

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M.G.L. c. 41, §98

employee has qualified. A sworn officer may, however, carry his/her service firearm while off duty (if [s]he has qualified with it). This does not apply to sporting firearms.

APPROVAL OF PERSONAL AND/OR OFF DUTY WEAPONS:

All personal weapons considered for use by department employees must be approved by the LT/Chief of Police.

Firearms must be submitted to the department firearms officer along with MPI Form 103, Request for Approval of Privately Owned Weapon/Ammunition. The firearms officer shall review the weapon specifications and consider, at a minimum, the quality of manufacture, reliability, and ballistic effectiveness.

Less lethal weapons will be reviewed by an instructor trained or certified in the use of the general weapons type, along with MPI Form 103, Request for Approval of Privately Owned Weapon/Ammunition. The reviewing official shall review the weapon specifications and consider at a minimum, the quality of manufacture, reliability, and effectiveness of the weapon.

The reviewing official shall forward MPI Form 103 to the LT/Chief of Police advising of recommendations for acceptance or denial of the weapon.

The LT/Chief of Police shall make the final determination.

If accepted, the weapons instructor shall update the roster of approved weapons to include the newly included weapon and/or ammunition.

C. *Less Lethal Weapons*

TRAINING AND QUALIFICATION:

In-service training and testing shall be conducted at least every year for all less lethal weapons and for weaponless control techniques.

Qualification requirements shall meet or exceed the minimum standards established by the Massachusetts Municipal Police Training Committee.

No member of this Department will be authorized to be armed with any weapon until [s]he has been issued a copy of the department's *Use of Force* policy and received instruction on it. Use of force refresher training shall be conducted at least annually.

Training and qualifications shall be monitored under the direction of a certified instructor for the weapon being qualified with.

Employees who fail to qualify with a weapon shall not be authorized to be armed with that weapon. The employee will receive additional instruction and will be given a reasonable opportunity to qualify. An employee may be assigned to administrative duty, if available, or placed on an unpaid leave of absence during the time that they are not qualified to be armed.

New personnel must qualify with any weapons they are to be armed with prior to being authorized to use that weapon in the field.

D. Firearms**TRAINING AND QUALIFICATION:**

No member of this Department will be authorized to be armed with a firearm until [s]he has been issued a copy of the department's *Use of Force* policy and received instruction on it.

When new employees receive initial training on a weapon, or when veteran employees receive training on a new weapon, they shall be provided with and receive training on the department *Use of Force* policy as well as policies relating to the carrying and use of that weapon.

Weapons training, proficiency results and the issuance of the *Use of Force* policy shall be documented by the instructor. For further information, see the department policy regarding *Training and Career Development*.

All personnel authorized to use or carry firearms in the performance of their duties are responsible for maintaining a degree of proficiency in the use and handling of the firearms that they are authorized to use.

New personnel must qualify with any firearms they are to be armed with prior to being authorized to use that firearm in the field.

Qualification shall include an inspection, conducted by the department firearms instructor, of the firearm to be qualified with to ensure that it is in good working condition. Unsafe or defective firearms will be removed from service.

At a minimum, personnel must qualify on a qualification course approved by the Massachusetts Police Training Committee at least once each year and obtain a passing score.

FAILURE TO QUALIFY:

In the event an employee fails to qualify with a firearm, the employee will lose the authority to be armed with that firearm for other than training purposes. The employee may continue to be armed with firearms with which they remain qualified.

The firearms instructor for whom the employee failed to qualify shall notify the Chief of Police, who will suspend the employee's authority to be armed with that firearm.

If the employee fails to qualify with their primary duty firearm, the employee may be temporarily re-assigned to another position within the agency where being armed with that firearm is not required or placed on administrative leave.

The employee will receive remedial training in the use of the firearm. When the employee passes qualification, the employee may be authorized to be armed with the firearm.

Any sworn officer who, after remedial training has still failed to qualify with their primary duty firearm will be subject to reevaluation as to their fitness to continue to perform the duties of a police officer.

CARRYING FIREARMS OUTSIDE OF MASSACHUSETTS:

Many states have statutory exemptions from laws prohibiting the carrying or possession of firearms for law enforcement officers in the performance of their official duties.

Officers may obtain non-resident concealed weapons permits from other states.

While the Commonwealth of Massachusetts does not recognize as valid permits from any other state, some states will honor Massachusetts License to Carry Firearms.

Alaska, Arizona, Idaho, Indiana, Kentucky, Michigan, Missouri, Montana, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Vermont. ²

The National Concealed Carry for Cops legislation, better known as HR 218 which was signed into law in 2004 allows active and retired police officers to carry firearms provided they meet the criteria below. Officers may carry concealed firearms generally but are still subject to other state restrictions and local ordinances. Officers who carry concealed firearms under this statute:

- Must have a current department ID;
- Must be authorized to carry a firearm by their agency in the performance of their duties;
- Must not be subject to any disciplinary action by the department;
- Must have met department firearms qualification standards;
- Must not under the influence of drugs or alcohol; and
- Must not prohibit by general law.

CARE AND CONDITIONS OF FIREARMS:

Officers are responsible for keeping their issued weapons clean and in good working order. Only authorized cleaner, solvents, oils, and protectants are to be used on department issued weapons. A weapon which malfunctions shall be returned to the department Firearms Instructor forthwith.

Authorized cleaner, solvents, oils, and protectants. If not listed see armor for details.

- Hoppe's
- Break Free
- Birchwood Casey
- Rem Oil
- Clean Bore
- Smith and Wesson
- Shooters Choice
- Armor Accessories

²

National Rifle Association Right-to-Carry Reciprocity and Recognition Guide, 2007
<http://www.nraila.org/recmap/usrecmap.aspx>

No employee shall alter or modify his/her firearm or ammunition in any way without the express permission of the LT/Chief of Police and Firearms Officer.

FIREARMS SECURITY:

Members of the department shall take all reasonable precautions to ensure that weapons issued to them by the department are protected from loss, misuse, or theft.

Firearms assigned to vehicles must be removed and properly stored prior to the vehicle being sent out for maintenance to any non-municipal contractor.

FIREARMS STORAGE:

Firearms not under an officer's direct control must be secured in a locked container or equipped with an approved trigger lock.³

Firearms issued to an individual employee, when stored at the police department must be stored in a locked, designated arms locker, locked employee locker, locked desk, or locked file cabinet.

Firearms that are not issued to an individual employee, when stored at the police department, must be stored in the Armory. The firearm must be unloaded with the magazine, if any, removed.

Firearms assigned to vehicles shall be stored in a locked, rack or locked, secure container approved for use by the LT/Chief of Police.

HANDLING FIREARMS:

Drawing or displaying: An officer shall avoid the unnecessary display of firearms and not draw a firearm except when there is justification for its use to accomplish a proper police purpose.

In responding to any potentially dangerous situation (e.g., searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress etc.) the officer may carry a firearm in a position that will facilitate its speedy, effective, and safe use.

Officers shall not point firearms at persons in circumstances which are clearly unjustifiable.

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M.G.L. c. 140, §131L

E. Special Weapons

SPECIAL WEAPONS GENERALLY:

All special weapons and ammunition authorized for use by department employees shall be listed in Appendix A of **1.10 – Use of Force**.

If the Chief of Police authorizes special weapons, such as shotguns, to be carried in the police vehicle on routine patrol, all members of the department should be qualified in the use of the authorized special weapon. Failure to qualify with a special weapon does not necessarily exclude an employee performing duties without that weapon. The determination may be made by the LT/Chief.

When not assigned to a vehicle, special weapons will only be issued, with the knowledge and permission of the shift supervisor, to employees who have qualified with them.

A listing of all officers who have qualified with each special weapon will be maintained in the Armory.

Special weapons may be selectively issued by the shift supervisor if, in his/her opinion, they are necessary to ensure the safety and effectiveness of police operations. Officers armed with special weapons in such circumstances shall use those weapons in accordance with the provisions of applicable departmental policies and procedures as well as any additional guidelines issued at the time.

Prior to issuing any special weapon, the shift supervisor may inquire of any officer to whom [s]he intends to issue the weapon whether or not that officer is currently qualified in its use. It is the responsibility of a police officer not to accept a special weapon unless [s]he is qualified in its use.

CHEMICAL WEAPONS:

Chemical spray is authorized for use by employees trained in its use and shall be carried and used by those employees.

Employees must receive and complete refresher training and demonstrate proficiency in use of this weapon at least biennially

It is the responsibility of the user to inspect the dispenser to ensure that it is not expired and appears to be in good working order. The spray should be replaced prior to its expiration date.

The dispenser should be shaken at least once per week and prior to use (when feasible) to ensure that the propellant and active ingredients are mixed and will deploy when needed.

IMPACT WEAPONS:

Expandable batons are authorized for use by employees trained in their use and shall be carried and used by those employees.

Flashlights are not designed as an impact weapon and shall not be used unless used as a weapon of opportunity.

Employees must receive and complete refresher training and demonstrate proficiency in use of impact weapons at least biennially.

ELECTRONIC CONTROL WEAPONS:

Electronic control weapons (ECWs), often referred to by a common brand name-TASER-are electro-muscular disruptors that override the central nervous system. Such weapons provide officers with another control option.

The Williamstown Police Department (WPD) has decided to make ECWs available as a less-lethal use of force option to certain authorized officers who obtain the training specified by the Commonwealth of Massachusetts, consistent with the policies and recommendations of respected law enforcement agencies, such as the International Association of Chiefs of Police.

ECWs may be used by authorized and trained personnel in accordance with 501 CMR 8.00, and consistent with additional guidelines established herein.

F. Authorization of Employees to be Armed**POLICE OFFICERS:**

Police officers may be armed with and use weapons in the performance of their duties under the authority granted in M.G.L. c. 41, §98. They may carry such weapons as authorized by the Chief of Police, provided that they are qualified in the use of such weapon. Authorized weapons and ammunition are specified in Appendix A of **1.10 – Use of Force**.