



## MEDFIELD POLICE DEPARTMENT

**POLICY NO. 4.06**

# AUTHORIZED WEAPONS

MASSACHUSETTS POLICE ACCREDITATION  
STANDARDS

REFERENCED: **1.2.2, 1.3.9, 1.3.10, 1.3.11, 1.3.12,  
17.5.2, 46.2.3**

ISSUING AUTHORITY:

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Chief of Police

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### BACKGROUND:

Police officers in Massachusetts are authorized to carry and use a variety of weapons. M.G.L. c. 41 § 98, for example, permits officers to carry weapons authorized by the Chief of Police, and court decisions make it clear that the Chief may both authorize and regulate the carrying and use of weapons by his officers. Under federal law, active duty police officers and police officers who have retired in good standing may carry concealed firearms in any state or territory, pursuant to specific restrictions.<sup>1</sup> To ensure the safety of police officers and the public, and to protect the Department from civil liability, it is important that officers carry on duty only weapons and equipment issued or authorized by the Department, and that they be trained in their use.

### POLICY:

The Medfield Police Department requires that all officers carry only firearms, ammunition and other weapons that are authorized by the Department while on duty. All officers will be properly trained, and certified when appropriate, in the use of any authorized firearms or other weapons before being authorized to carry or use such weapons in an official capacity. **[1.3.9]**

<sup>1</sup> 18 USC 926B & 926C

Non-sworn and civilian employees are not authorized to carry or use personally owned firearms, Department owned firearms, or lethal or non-lethal weapons during their work hours.

## **PROCEDURES:**

The Medfield Police Department's issued weapons include firearms, batons, TASER, and oleoresin capsicum spray. No personnel of the Department shall carry any weapon until they have been trained on and demonstrated proficiency in the use of that weapon. **[1.3.10]** In addition, the Department authorizes the use and carry of various other weapons for use under the following procedures.

### **FIREARMS**

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, and under Federal law may carry a concealed firearm in any state or territory, pursuant to specific restrictions.<sup>2</sup><sup>3</sup> **[1.2.2]**

Officers shall carry an issued or authorized firearm and ammunition whenever:

1. Wearing a police uniform;
2. Driving a marked Department vehicle;
3. Appearing in public as a representative of the Department;
4. Appearing in any court proceeding as a result of their duties as a police officer.

### **Service Firearms**

The Department service weapons are listed in the **Use of Force policy**. The Department service round varies due to the availability of ammunition, therefore the Primary Firearms Instructor (PFI) shall maintain a list of current ammunitions that are authorized and that list shall be attached to this policy as an addendum. Patrol Officers may have a light attached to their weapon upon approval from the Chief of Police. They will be required to train and qualify with the new weapon configuration prior to carrying it on duty. **[1.3.9(a)(b)]**

The Chief of Police may issue a more concealable weapon to an officer who is acting in an undercover capacity. Officers issued an "undercover weapon" shall carry the weapon only when acting in an undercover capacity or when off-duty. The ammunition to be carried in the undercover weapon shall be listed with the PFI. **[1.3.9(a)(b)]**

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<sup>2</sup> M.G.L. c. 41, s. 98

<sup>3</sup>18 USC 926B & 926C

Officers shall carry an authorized weapon at all times while in uniform or on duty. Officers need not carry their firearms while assigned to light duty, or while within the secure areas of the Police Department. Officers need not carry their firearms while attending training outside the Commonwealth unless the training requires the use of a firearm.

NOTE: Recruits who are in training at the police academy are exempt from these requirements.

The Chief of Police or Deputy Chief may relieve an officer of the requirement to carry a firearm if the officer is performing a specific function where carrying of a firearm is impractical.

All Department owned firearms shall be inspected and approved by the PFI prior to being issued to an officer. An officer shall not alter or modify his issued firearm or ammunition in any way without the express permission of the Chief of Police. The PFI shall maintain a list of each weapon approved for official use and maintain an inventory of all authorized weapons assigned to agency personnel in IMC and the administrative offices. **[1.3.9(e)] [17.5.2]**

### **Personally Owned Department Authorized Firearms**

As an option to carrying a service weapon, officers may carry a personally owned Department authorized (PODA) firearm under the following circumstances:

1. Off-duty;
2. Court or uniformed administrative duty;
3. Plainclothes non-enforcement duty, and;
4. Plainclothes enforcement duty with the permission of their supervisor.

The Department will authorize a personally owned firearm under the following conditions:

1. The weapon and ammunition have been approved by the PFI, and;
2. The officer has qualified with the weapon under the supervision of a Department firearms instructor, and;
3. The weapon has been inspected and approved by the PFI.
4. The Department may, at its discretion, issue officers carrying a PODA high capacity magazines and or ammunition.

An officer carrying a PODA firearm off-duty within the Commonwealth will be considered by the Department to be doing so within the scope of his or her duty for the purposes of M.G.L. c. 140 § 131C and 131M.

## **Off-Duty Firearms**

All officers shall maintain a Class A License to Carry Firearms. Officers who carry firearms while off-duty are encouraged, but not required to, carry their service firearm or a PODA firearm.

An officer carrying a firearm shall carry on his person his identification card and should carry his shield.

NOTE: Although not required, best practices dictate that an officer carries a shield when carrying a weapon so that the officer is more easily identified as a police officer.

Officers will be given the opportunity to qualify with PODA, and other off-duty weapons, and to have those weapons inspected during annual departmental firearms training and qualification. A record of all PODA and backup firearms will be maintained by the Primary Firearms Instructor. **[1.3.10] [1.3.9(c)(d)]**

Under federal law, active duty police officers, whether on or off-duty, and police officers who have separated from service in good standing, may carry concealed firearms in any state or territory pursuant to specific restrictions.<sup>4</sup> However, federal law allows private persons or entities to prohibit or restrict the possession of concealed firearms on their property, and allows government agencies to restrict the carrying of firearms on government property, installations, buildings, bases and parks.

Officers are reminded that while federal law permits them to carry their firearms anywhere in the United States, it does not confer police authority or powers of arrest upon them when they are outside Massachusetts.

## **Protection of Firearms**

Members of the Department shall take all reasonable precautions to ensure that all firearms under their control, whether issued to them by the Department or personally owned by them, are protected from loss, misuse, or theft. Under Massachusetts law, unattended firearms must be secured at all times with a suitable locking device, or in a locked container.<sup>5</sup> Employees of the Medfield Police Department shall ensure that all firearms issued to them by the Department or owned by them are secured when not under their control, both at work and outside of work. **[1.3.9(f)]**

## **Condition of Firearms**

Officers are responsible for keeping their issued weapons, and any PODA weapons, clean and in good working order. A Department issued weapon that malfunctions shall be returned to a Department armorer forthwith.

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<sup>4</sup>18 USC 926B & 926C

<sup>5</sup> M.G.L. c. 140 s. 131L

## **Firearms Training and Qualification [1.3.11][1.3.12]**

Police officers will be held accountable for proficiency as well as compliance with Department policy in the use of firearms. All sworn members of the Department are responsible for maintaining sufficient proficiency in the use and handling of all issued and approved firearms.

Officers shall carry on duty only those firearms or ammunition issued by the Department or authorized by the Chief of Police (this includes ammunition used by specialized or tactical teams). Officers must qualify with their issued or authorized firearm(s) on a course of instruction approved by the Municipal Police Training Committee, and receive in-service training on the Department's **Use of Force** policy, at least once each year. Other training in addition to MPTC may be required by the Department. When members of the Department are issued or authorized to carry a new firearm they shall qualify in the use of that firearm prior to carrying it on duty. This shall not apply to the emergency use of a comparable spare firearm issued on a temporary basis. **[1.3.10][1.3.11]**

Qualifications shall be under the direction of a certified firearms instructor. Following a reasonable period of practice and training, all officers must qualify with a score of 80% or higher in accordance with the standards established by the Municipal Police Training Committee in order to be authorized to carry such weapon. Qualification shall include an inspection by a qualified armorer of any issued firearm and of any PODA to ensure that it is in good working condition. Unsafe Department owned firearms will be removed from service and replaced by the PFI. **[1.3.9(c)(d)] [1.3.11(a)] [1.3.10]**

Officers who fail to qualify with their service weapon(s) will receive additional instruction and will be given a reasonable amount of time to qualify. **[1.3.11(c)]**

Any officer who after such remedial training has still failed to qualify will be subject to reevaluation as to their fitness to continue to perform the duties of a police officer.

No member of this Department will be authorized to carry a firearm until he has:

1.     Been issued a copy of the Department's **Use of Force** policy;
2.     Qualified at the range; and
3.     Had the weapon inspected and approved by the PFI.

Firearms training, to include inspection, proficiency results, and training in the Department's **Use of Force** policy shall be documented by the PFI and maintained in the training records system. Hard copies of the training records and the compliance log are also maintained in the administrative office. **[1.3.11(b)]**

## **Firearm Restrictions**

Officers shall not carry a Department issued firearm while serving a departmental suspension.

Officers shall not carry a firearm while under the influence of alcohol, or an intoxicating or hallucinatory drug or substance.

## **Special Weapons**

Only issued or approved equipment will be carried on duty and used when applying any level of force. Special weapons not authorized by the Chief of Police to be carried during the course of normal duties in the police vehicle (sniper rifles, etc., and ammunition for same) will be maintained in a secure area of the Department. Special weapons issued to an individual officer for an extended period of time may also be secured at their residence or in their personal vehicles.

All Sergeants and below shall qualify annually with the long gun as listed in the **Use of Force policy**. The list of the Department's duty rounds for the rifle shall be maintained by the PFI. When not carried in the patrol vehicle on routine patrol, special weapons will only be issued with the permission of the Shift Commander, to officers who have qualified with them. **[1.3.9(a)(b)]**

All officers authorized to use any of the Department's special weapons will qualify with the weapon(s) they are authorized to use in accordance with the standards established by the Municipal Police Training Committee, the manufacturer, and/or one of the Department's firearms instructors at least annually. A listing of all officers who have qualified with the rifle will be maintained by the PFI and the Administrative Assistant to the Chief of Police. **[1.3.11]**

Special weapons may be selectively issued by the Shift Commander if, in his 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. It is the responsibility of a police officer not to accept a special weapon unless he is qualified in its use.

## **Tactical Team Weapons**

Officers assigned to the Metro-LEC SWAT Team will be assigned an M-4 rifle for the duration of their assignment. The same duty ammunition and training requirements outlined in the section on **Special Weapons** will apply in addition to any training mandated by the unit.

Officer(s) assigned to the RECCI Team (reconnaissance/sniper) within the Metro-LEC SWAT Team will be issued a Remington 700 rifle with 168 grain Federal Match Grade BTHP, .308 caliber duty ammunition. Qualification will be overseen by the RECCI Team commander. **[46.2.3]**

## **Other Weapons**

In addition to firearms, the Department issues batons, TASERS, and oleoresin capsicum (OC) spray to officers and may authorize other weapons. Members of the Department shall take all reasonable precautions to ensure that any weapons issued to them by the Department, or personally owned by them, are protected from loss, misuse, or theft. All officers shall receive any applicable policies, be properly trained, and certified when appropriate, in the use of any weapons before being authorized to carry them.

Training will include an inspection of the weapon and the dissemination of and training in the Department's **Use of Force** policy which governs the use of all weapons. Any defective or

unsafe weapons will be removed from service and replaced by the Department. Less than lethal weapons inspections and training will be recorded by the Department's Training Supervisor in the training records system. **[1.3.9(c)(d)]**

In addition, every full time officer is required to attend an approved annual In-Service training program which provides training in less than lethal weapons and weaponless control techniques by a MPTC certified instructor. Attendance at the annual In-Service training and equivalent special officer's training is documented by the Training Supervisor. **[1.3.10][1.3.12]**

The Department's authorized batons are listed in the **Use of Force policy**. The Chief of Police may authorize the use of any other baton on a case-by-case basis. Plainclothes and off duty officers may also carry an authorized baton.

The Department's issued OC spray is listed in the **Use of Force policy**. Uniformed officers shall carry OC on their duty belt. Plainclothes and off duty officers may also carry OC spray.

The Department authorizes the use of improvised weapons or tools of immediate means in an emergency. Any item that was not issued or authorized as a weapon may be used in compliance with the **Use of Force** policy when an issued or authorized weapon is not available or the situation dictates an immediate response restricting the use of an authorized weapon.

## **Holsters**

The Department duty holster for uniformed patrol is listed in the **Use of Force policy**. Officers are authorized use their discretion when choosing a holster for plain clothes or PODA carry. **[17.5.2]** When choosing a holster officers should take into consideration the following factors:

1. How the officer will be carrying the weapon, concealed or not concealed;
2. The security and retention that the holster provides;
3. The duty that the officer shall be assigned to; and
4. The officer's familiarity and training with the operation of the holster.

## **Weapons Cleaning Room**

Maintaining a clean, operational firearm is crucial for officer safety as well as the safety of the public. It is the duty of the officer to always have their service firearm in a clean and operational condition. The officer is required to clean his or her firearm after use or exposure to the elements (i.e. rain, dirt, mud, etc.).

When cleaning the officer's service weapon, it is imperative that the weapon be made clear and safe prior to breaking it down for cleaning. There will only be one officer in the room at a time when clearing a firearm. The following is the procedure for making the service weapon safe for cleaning:

1. Administratively (while weapon is still holstered) remove magazine from weapon.

2. Draw weapon from holster and point muzzle directly in to the opening of the department supplied clearing chamber located the weapons cleaning room.

3. "Rack the slide" 3 times to clear the weapon, while continuing to point the muzzle directly into the clearing chamber opening. Be sure to manually and visually check that you have cleared the weapon of any ammunition.

Medfield Police Department

FR-1

Firearms Training Unit

**FIREARM RECORD**

Officer \_\_\_\_\_ Date \_\_\_\_\_

Type of record: DUTY \_\_\_\_\_ PODA \_\_\_\_\_ OTHER \_\_\_\_\_

Weapon Make \_\_\_\_\_ Type \_\_\_\_\_ Caliber \_\_\_\_\_

Serial Number \_\_\_\_\_ Ammo Brand \_\_\_\_\_ Type \_\_\_\_\_

Function Check \_\_\_\_\_ Performed by \_\_\_\_\_

Safety Check \_\_\_\_\_ Performed by \_\_\_\_\_

Qualification Type    Backup \_\_\_\_\_ PODA \_\_\_\_\_ Duty \_\_\_\_\_ Other \_\_\_\_\_

Pass/Fail \_\_\_\_\_ Score \_\_\_\_\_ Qualifying Fl \_\_\_\_\_

Notes: \_\_\_\_\_

Instructor \_\_\_\_\_ Location \_\_\_\_\_ Date \_\_\_\_\_

Approved by \_\_\_\_\_ Date \_\_\_\_\_

