

<b>Billerica Police Department</b>  	<b>POLICY NUMBER</b> ADM-06	<b>PAGES</b> 10	<b>EFFECTIVE</b> 11/1/2025
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<b>Authorized Weapons</b>			

## I. General Considerations and Guidelines

Police officers in Massachusetts are authorized to carry and use a variety of weapons. **MGL 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 Billerica Police Department to require that all personnel authorized to carry or use firearms or other weapons in the performance of their duties shall:

1. Qualify for and maintain an active Massachusetts License to Carry Firearms.
2. Carry or use only weapons and ammunition authorized by the Billerica Police Department be used by personnel in the performance of their responsibilities; and
3. 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
4. Demonstrate proficiency in handling, operating, and using such weapon

## III. Definitions

- A. Primary Duty Firearm – the firearm primarily carried and used in the performance of department duties.
- B. Service Weapon – any weapons carried in the performance of normal duties.
- C. Special Weapon - Rifles, scoped rifles, shotguns, and firearms other than the primary duty firearm.
- D. 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 weapon.

## **IV. Procedures**

### **A. Authorized Weapons and Ammunition**

#### **1. Generally**

Personnel authorized to be armed with a firearm or other weapon on duty, shall carry only those weapons and ammunition issued by this agency or authorized by the Chief of Police. This includes firearms and ammunition authorized for tactical team members and other specialized personnel (detectives, animal control officer). Only department issued weapons may be carried by officers on duty.

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 Chief of Police.

#### **2. Authorized Weapons and Ammunition Rosters**

- A. Issued Firearms authorized for on duty use by members of this department are set forth in Appendix A of this policy. This roster also includes firearms authorized for tactical team members and other specialized personnel (detectives, animal control officer), if applicable.
- B. Issued Ammunition authorized for on duty use by members of this department are set forth in Appendix B of this policy. This roster also includes ammunition authorized for tactical team members and other specialized personnel (detectives, animal control officer) if applicable.
- C. Less Lethal and other weapons authorized for use by members of this department are set forth in Appendix C of this policy. This roster also includes less lethal and other weapons authorized for tactical team members and specialized personnel (detectives, animal control officer), if applicable.

#### **3. Approval of New Duty Weapons**

- A. All weapons considered for on-duty use by department employees must be approved by the Chief of Police.
- B. 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.
- C. 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.
- D. 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 Chief. Competent persons and organizations should be sought for guidance in conducting the review and the results reported in writing to the Chief.
- E. The commander of the organizational unit to be armed with the weapon will consider the applicability to that units operation and prepare an estimate of cost of procuring the weapon and accessories for the personnel to whom the weapon is to be issued.

- F. The Administrative Division Commander 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.
  - G. The reviewers shall forward their remarks and reports to the Chief of Police who will consider them and make a determination as to the approval of the weapon.
4. Inspection of Weapons Prior to Issue
- A. Prior to being issued or authorized for use, each weapon shall be inspected by a qualified department armorer or qualified weapons instructor familiar with the weapon being inspected.
  - B. 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.
5. Weapons Maintenance Inspections
- A. Each weapon used on duty shall be inspected annually by a qualified department armorer or qualified weapons instructor familiar with the weapon being inspected. Whenever possible, inspections will be done in conjunction with qualification on that weapon.
  - B. 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.
  - C. The inspector shall record his/her name and the date of inspection on a weapons record form. The record shall be stored in the Armory.
6. Accountability for Weapons:
- A. An inventory control roster of all weapons owned by this department shall be maintained on the agency intranet **Firearms** website by the department armorer or qualified weapons instructor. Weapons shall be categorized by manufacturer and model and 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. The records shall be stored in the database server and backed up by the Technical Services Officer.

## V. Training and Qualification

- A. Only agency personnel demonstrating proficiency in the use of agency authorized weapons shall be approved to carry such weapons on-duty. This applies to lethal, less lethal, and electronic control weapons.

Annual MPTC In-service training, as well as internal scenario-based training facilitated by members of the training unit shall be conducted annually for:

- A. Lethal weapons; and
- B. Electrical weapons.
- C. De-escalation procedures;
- D. In-service training and testing shall be conducted at least every two years for:
- E. All other less lethal weapons;
- F. Weaponless control techniques.

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

1. No member of this Department will be authorized to be armed, on-duty, with any weapon until [s]he has received instruction on the department's **Use of Force** policy and has been issued a copy of same. Use of force refresher training/review shall be conducted at least annually.
2. Training and qualifications shall be monitored under the direction of a certified instructor for the weapon being qualified with.
3. 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.
4. 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.
5. Weapons training, proficiency results, issuance of **Use of Force** policy, and accompanying examination results shall be documented by the instructor and an electronic copy will be submitted to PowerDMS or DHQ. For further information, see the department policy regarding **Training and Career Development**.
6. New personnel must qualify with any weapons they are to be armed with prior to being authorized to use that weapon on duty.

## B. Firearms

1. Training and Qualification:
  - A. No member of this Department will be authorized to be armed with a firearm, on-duty, until [s]he has been issued a copy of the department's **Use of Force** policy and received instruction on same. The Department's **Use of Force** policy will be reviewed annually during firearms qualification.
  - B. Firearms qualification shall take place annually at an approved range under the direction of a Certified Firearms Instructor(s). Each Officer will be expected to achieve a skill level currently required by the Municipal Police Training Committee. This will be accomplished by officers completing yearly daylight qualifications that require multiple "courses" to be run through with all weapons issued (Sig-Sauer, Patrol Rifle). During the courses both Iron-Sights and Department Issued weapon Optics will be utilized to obtain proficiency in both.

- C. 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.
  - D. New personnel must qualify with any firearms they are to be armed with prior to being authorized to use that firearm on-duty.
  - E. Qualification shall include an inspection, conducted by a department armorer or 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.
  - F. At a minimum, personnel must annually:
    - 1. Attend a firearms qualification course approved by the Massachusetts Police Training Committee and obtain a passing score.
    - 2. Attend a firearms skills training course.
  - G. The Firearms Instructor/Armorer shall document and submit all scores, attendance records, & inspection reports to the Chief of Police upon completion of qualifications. A record of the scores, attendance records, and inspection reports will be stored in the Armory in the Officer's training folder.
2. Failure to Qualify
- A. 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.
  - B. The firearms instructor for whom the employee failed to qualify shall notify the Chief of Police, who shall take administrative action to include remedial training and possible re-assignment.
  - C. If the employee fails to qualify with their primary duty firearm, the employee may be temporarily re-assigned to administrative duty and or leave.
  - D. 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.
  - E. Any employee who fails to qualify with a firearm after remedial training will be subject to being reevaluated as to their fitness to continue to perform their duties.
  - F. 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.
3. Care and conditions of firearms
- A. Officers are responsible for keeping their issued weapons clean and in good working order. A weapon which malfunctions shall be returned to the department Armorer forthwith.

- B. Should any issue with any department firearm or optic be identified, it should be immediately taken out of service. A Billerica Police Department Certified Firearms Instructor / Armorer should be immediately notified.
  - C. This firearm or optic will immediately be inspected, disassembled cleaned, repaired, test fired if needed and returned to the assigned officer.
  - D. In Instances where the optic or firearm cannot be immediately repaired, a spare firearm will be issued from the armory to the individual officer. If needed these firearms that are equipped with optics will be properly zeroed before being issued to carry on duty.
  - E. Any firearm or optic that cannot be repaired in house will be returned to the manufacturer for repair, or replacement.
  - F. No employee shall alter or modify his/her firearm or ammunition in any way without the express permission of the Chief of Police.
4. Firearms security
- A. 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.
  - B. Firearms assigned to vehicles must be removed and properly stored prior to the vehicle being sent out for maintenance.
5. Firearms Storage
- A. All Officers who are issued department issued firearms shall properly store their firearms in accordance with **MGL C. 140 §131L**.
  - B. Firearms not under an officer's direct control must be secured in a locked container or equipped with an approved trigger lock.
  - C. 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.
  - D. Firearms that are not issued to an individual employee, when stored at the police department, must be stored in a secure location (arms locker, weapon rack, locked personal locker). The firearm must be unloaded with the magazine, if any, removed.
  - E. Firearms assigned to vehicles shall be stored in a locked, rack or locked, secure container approved for use by the department Armorer.
  - F. Firearms issued to an individual employee that are taken to their personal residence must be stored in a locked gun safe or locked container, and be secured to prevent unauthorized possession or use by family members or children inside the home. Officers unable to safely secure their firearms within their personal residence should utilize department storage options in section B.

## 6. Handling firearms

- A. 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.
- B. 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.
- C. Officers shall not point firearms at persons in circumstances which are clearly unjustifiable.

## C. Special Weapons

### 1. Special Weapons Generally

- A. All special weapons and ammunition authorized for use by department employees shall be listed in Appendix A and B of this policy.
- B. 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 Chief.
- C. When not assigned to a vehicle, special weapons will only be issued, with the knowledge and permission of the OIC of the police station, to employees who have qualified with them.
- D. A listing of all officers who have qualified with each special weapon will be maintained in the Department Armory or the firearm section on the Billerica Police Department Intranet.
- E. Special weapons may be selectively issued by the OIC of the police station 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.
- F. Prior to issuing any special weapon, the OIC of the police station 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.

### 2. Oleo-Resin Capsicum Spray

- A. Department issued OC spray is authorized for use by employees trained in its use and shall be carried and used by those employees.
- B. It is the responsibility of the user to inspect the dispenser to ensure that it is not expired, appears to be in good working order and is nonflammable. The spray should be replaced prior to its expiration date.

- C. 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.
  - D. Department Policy **Oleo-Resin Capsicum Spray (OPS-26)** provides tactics and best practices for utilizing O.C. Spray. Employees must receive and complete refresher training and demonstrate proficiency in the use of chemical weapons at least biennially. Refresher training will be conducted through a Municipal Police Training Committee In-Service or by a certified department defensive tactics instructor.
3. Impact weapons
- A. The Straight **Baton** and **Collapsible Baton** are authorized for use by employees trained in its use and shall be carried and used by those employees.
  - B. Flashlights are not designed as an impact weapon but may be used as a weapon only in the event that a threat rises to the level that would allow for any available means to counter that threat.
  - C. Employees must receive and complete refresher training and demonstrate proficiency in use of impact weapons at least biennially. Refresher training will be conducted through a Municipal Police Training Committee In-service or by a certified department defensive tactics instructor.
  - D. Department Policy **Baton (OPS-25)** provides tactics and best practices for utilizing impact weapons.
4. Electrical weapons: See the department policy regarding **Taser**.

#### D. Authorization of Employees to be Armed

1. Police Officers: Police Officers may be armed with and use weapons in the performance of their duties under the authority granted in **MGL 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 Appendices A, B, and C of this directive.

The following represents general arming categories for department employees. Nothing in this directive shall prohibit the Chief of Police from authorizing or restricting the arming of an employee in a manner other than as specified in these general categories.

Full Time Permanent Police Officers: All FTPPO are authorized to be armed with:

- A. Duty side arm;
- B. Patrol Rifle;
- C. Electrical weapons;
- D. Chemical spray (nonflammable);
- E. Baton

2. Detectives and Administrative Officers: Such employees may additionally be armed with:
  - A. Compact duty sidearm as approved in appendix A.
  
3. Tactical Team Personnel: Tactical team personnel assigned to the Northeastern Massachusetts Law Enforcement Council (NEMLEC) will be armed with Agency-Approved weapons from Appendix A/B/C (listed below).
  - A. Precision rifle;
  - B. Tactical team side arm;
  
4. Animal Control Officer:
  - A. The Animal Control Officer (ACO) may be armed with and use firearms for the purpose of euthanizing animals only, as authorized by the Chief of Police. The ACO must be properly licensed (**MGL c. 140 sec. 131**), to possess and carry the firearm that he/she is armed with.
  
  - B. Animal Control Officers that are assigned a Department-Issued firearm are subject to all provisions described within this policy.
  
5. Special Police Officer requirements can be located in Department Policy ADM-16 – **Special Police Officers**

## Appendix A

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### Agency Approved Firearms

Make	Model	Type	Action	Caliber
Sig Sauer	516	Rifle	Semiautomatic	5.56mm
Sig Sauer	MCX-Spear LT SBR	Rifle	Semiautomatic	5.56mm
Sig Sauer	P320 x Carry	Pistol	Semiautomatic	9mm
Sig Sauer	P365	Pistol	Semiautomatic	9mm

## Appendix B

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### Agency Approved Ammunition

Caliber	Grain	Type
5.56 mm	75	Hornady Tap Round
9mm	124	Gold Dot CCI/Speer
9mm	147	Gold Dot Luger GDHP

## Appendix C

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### Agency Approved Less Than Lethal Weapons

<b>Make</b>	<b>Model</b>	<b>Type</b>	<b>Ammunition</b>
Axon	Taser 7	Electronic	Close Quarter Cartridge Standoff Cartridge 25 Ft Probe
ASP	Friction Lock 21"-26"	Baton	N/A
Monadnock	Autolock 21"-26"	Baton	N/A
Monadnock	Straight 21"-26"	Baton	N/A
Monadnock	Friction Lock 21-26"	Baton	N/A
Sabre	Stream 10.0%	Chemical (OC)	N/A